

Supreme Court of Judicature (Protection from Online Falsehoods and Manipulation) Rules 2019

Table of Contents

Enacting Formula

1 Citation and commencement

2 Definitions

3 Purpose

4 Application of Rules of Court

5 Bringing of appeal

6 Service of originating summons

7 Affidavit in reply

8 Subsequent affidavits

9 Hearing date

10 Amendment of grounds of appeal

11 Conduct of hearing

12 Court fees

13 Hearing fees

14 Deferment, waiver or refund of court fees and hearing fees

15 Costs

16 Leave required for appeal to Court of Appeal in certain cases

FIRST SCHEDULE

SECOND SCHEDULE

No. S 665

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

SUPREME COURT OF JUDICATURE (PROTECTION FROM ONLINE FALSEHOODS AND MANIPULATION) RULES 2019

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Supreme Court of Judicature (Protection from Online Falsehoods and Manipulation) Rules 2019 and come into operation on 2 October 2019.

Definitions

2.—(1) In these Rules —

“appellant” means —

- (a) in the case of an appeal under section 17 — an individual or body corporate to whom a Part 3 Direction has been issued;
- (b) in the case of an appeal under section 29 —
 - (i) an internet intermediary to whom a Targeted Correction Direction or a Disabling Direction has been issued or who communicated in Singapore the subject material; or
 - (ii) a prescribed person to whom a General Correction Direction

has been issued;

(c) in the case of an appeal under section 35 —

- (i) an individual or body corporate who is the owner or operator of the online location which is the subject of the appeal; or
- (ii) an individual or body corporate body who has editorial control over the online location which is the subject of the appeal; and

(d) in the case of an appeal under section 44 —

- (i) an internet intermediary to whom an Account Restriction Direction has been issued; or
- (ii) an individual or body corporate who is the holder of the specific online account or who has control over an online account which is the subject of an Account Restriction Direction;

“Court” means the General Division of the High Court;

[S 1035/2020 wef 02/01/2021]

“Duty Registrar” means the Assistant Registrar designated to perform the duties of the Duty Registrar mentioned in any practice directions issued by the Registrar;

“individual” means a single natural person;

“Registry” means the Registry of the Supreme Court.

(2) Any reference to a Minister includes, where appropriate, the alternate authority appointed by that Minister under Part 8 of the Protection from Online Falsehoods and Manipulation Act 2019 (Act 18 of 2019).

(3) Any reference to a section, unless otherwise expressly provided, is a reference to a section in the Protection from Online Falsehoods and Manipulation Act 2019.

Purpose

3. The purpose of these Rules is to provide for the procedure for an appeal under section 17, 29, 35 or 44, and for matters connected with such appeal.

Application of Rules of Court

4.—(1) Subject to the provisions of these Rules, the Rules of Court (R 5) apply to any appeal mentioned in rule 3.

(2) Order 28, Rules 2A, 3, 7 and 8, Order 55, Rules 3, 4, 5 and 6(1), (5), (6) and (7), Order 90A, Rules 1(3), (4)(b) and (5) and 5, and Order 91, Rule 5 of the Rules of Court do not apply to, or in respect of, an appeal mentioned in rule 3.

Bringing of appeal

5.—(1) An appeal under section 17, 29, 35 or 44 shall be by way of rehearing and must be brought by originating summons in Form 1 of the First Schedule.

(2) The originating summons must be filed in the Registry —

- (a) in the case of an appeal under section 17, not later than 14 days after the appellant's application under section 19 to vary or cancel the Part 3 Direction against which the appeal is brought was refused (whether in whole or in part) by the Minister mentioned in section 19;
- (b) in the case of an appeal under section 29, not later than 14 days after the appellant's application under section 31 to vary or cancel the Part 4 Direction against which the appeal is brought was refused (whether in whole or in part) by the Minister mentioned in section 31;
- (c) in the case of an appeal under section 35, not later than 14 days after the appellant's application under section 32(9) to vary or cancel the Declaration against which the appeal is brought was refused (whether in whole or in part) by the Minister mentioned in section 32; and
- (d) in the case of an appeal under section 44, not later than 14 days after the appellant's application under section 46 to vary or cancel the Account Restriction Direction against which the appeal is brought was refused (whether in whole or in part) by the Minister mentioned in section 46.

(3) A supporting affidavit in Form 2 of the First Schedule must be filed at the same time as the originating summons.

(4) If the appellant is also applying for the Direction against which the appeal is brought to be stayed pending the determination of the appeal, the appellant must —

- (a) make the application for the stay in the originating summons in Form 1 of the First Schedule; and
- (b) set out the grounds for the application for the stay in the supporting affidavit in Form 2 of the First Schedule.

(5) Apart from the power of the Court under sections 17(7), 29(8) and 44(8) to direct that the Direction appealed against be stayed pending the determination of the appeal, an

appeal does not operate as a stay of the Direction or Declaration against which the appeal is brought.

Service of originating summons

6.—(1) The appellant’s originating summons and supporting affidavit must be served —

- (a) on the Attorney-General not later than 12 noon on the working day immediately after the day on which the originating summons and supporting affidavit are accepted by the Registrar; and
- (b) by —
 - (i) sending an electronic communication of the originating summons and supporting affidavit by email to the Attorney-General at AGC_POFMA@agc.gov.sg;
 - (ii) using the electronic filing service established under Order 63A of the Rules of Court; or
 - (iii) leaving a copy of the originating summons and supporting affidavit, contained in an envelope marked “POFMA APPEAL”, at the reception counter of the Attorney-General’s Chambers at 1 Upper Pickering Street, Singapore 058288.

(2) The appellant must within 2 working days after the date on which the appellant’s originating summons and supporting affidavit are served on the Attorney-General, file in the Registry —

- (a) an affidavit of service; or
- (b) the Registrar’s certificate of service issued through an electronic filing service provider or a service bureau in lieu of an affidavit of service, mentioned in Order 63A, Rule 12(4).

(3) The Court may proceed with an appeal despite the appellant refusing or failing to comply with paragraph (2).

Affidavit in reply

7.—(1) The Minister against whose Direction or Declaration the appeal is brought may file an affidavit in reply in Form 3 of the First Schedule.

(2) The affidavit in reply may be deposed by a person authorised by the Minister mentioned in paragraph (1).