
First published in the Government *Gazette*, Electronic Edition, on 29 January 2018 at 5 pm.

No. S 51

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT) RULES 2018

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 Rules of Court (Amendment) Rules 2018 and come into operation on 1 February 2018.

Amendment of Order 70

2. Order 70 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended —

- (a) by deleting the words “him or” in Rule 5(1);
- (b) by inserting, immediately after paragraph (7) of Rule 20, the following paragraph:

“(7AA) A copy each of the summons and the affidavit verifying the facts on which the action is based must be served, by or on behalf of the applicant, at least 2 clear days before the hearing of the summons, on each of the persons mentioned in Rule 11(2).”;
- (c) by inserting, immediately after paragraph (2) of Rule 33, the following paragraph:

“(3) Paragraph (2) does not apply to a summons mentioned in Rule 20(7).”; and
- (d) by inserting, immediately after Rule 36, the following Rule:

“Limitation action: Constitution of limitation fund (O. 70, r. 36A)

36A.—(1) The Court may allow a person seeking relief in a limitation action to constitute a limitation fund —

(a) by making payment into Court under an order of the Court; or

(b) by producing a letter of undertaking from a Protection and Indemnity Club acceptable to the Court.

(2) A limitation fund may be established before or after the commencement of a limitation action.

(3) If a limitation action is not commenced within 75 days after the date on which a limitation fund is established —

(a) the limitation fund will lapse; and

(b) all money paid into Court (including interest) will be repaid to the person who made the payment into Court.

(4) Any money paid into Court under paragraph (1) cannot be paid out except under an order of the Court.”.

Amendment of Order 101

3. Order 101 of the principal Rules is amended —

(a) by deleting the full-stop at the end of paragraph (b) of Rule 6 and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:

“(c) Bermuda.”;

(b) by deleting the word “and” at the end of Rule 7(a); and

(c) by deleting the full-stop at the end of paragraph (b) of Rule 7 and substituting the word “; and”, and by inserting immediately thereafter the following paragraph: