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**No. S 279**

**SUPREME COURT OF JUDICATURE ACT  
(CHAPTER 322)**

**SUPREME COURT (PRESIDENTIAL ELECTIONS)  
(APPLICATION FOR AVOIDANCE OF ELECTION)  
(AMENDMENT) RULES 2017**

In exercise of the powers conferred on us by section 80 of the Supreme Court of Judicature Act, Article 93A(3) of the Constitution of the Republic of Singapore 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 (Presidential Elections) (Application for Avoidance of Election) (Amendment) Rules 2017 and come into operation on 1 June 2017.

**Amendment of rule 2**

**2.** Rule 2 of the Supreme Court (Presidential Elections) (Application for Avoidance of Election) Rules (R 7) (called in these Rules the principal Rules) is amended —

(a) by deleting the definition of “defendant” and substituting the following definition:

“ “defendant” means the person in respect of whose election an application under section 71 has been made;”; and

(b) by deleting the definition of “plaintiff” and substituting the following definition:

“ “plaintiff” means a person making an application under section 71, and includes the Presidential Elections Committee making such an application;”.

**Amendment of rule 5**

**3.** Rule 5 of the principal Rules is amended by deleting the words “a defendant’s” and substituting the words “the defendant’s”.

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**Amendment of rule 6**

4. Rule 6 of the principal Rules is amended by inserting, immediately after the word “concerned”, the words “, unless the Judge otherwise directs”.

**Amendment of rule 7**

5. Rule 7(1) of the principal Rules is amended by deleting the words “every plaintiff and defendant” and substituting the words “every plaintiff and the defendant”.

**Amendment of rule 8**

6. Rule 8(3) of the principal Rules is amended by deleting the words “a defendant” and substituting the words “the defendant”.

**Amendment of rule 12**

7. Rule 12 of the principal Rules is amended by inserting, immediately after paragraph (6), the following paragraph:

“(7) This rule and rules 13 and 14 do not apply to the Presidential Elections Committee in any proceedings under these Rules.”.

**Amendment of rule 18**

8. Rule 18 of the principal Rules is amended —

- (a) by deleting the words “any defendant” in paragraph (2) and substituting the words “the defendant”;
- (b) by deleting the words “every plaintiff and defendant” in paragraph (4) and substituting the words “every plaintiff and the defendant”; and
- (c) by deleting the words “every defendant” in paragraph (4)(a) and substituting the words “the defendant”.

**Amendment of rule 22**

9. Rule 22 of the principal Rules is amended by deleting paragraph (3) and substituting the following paragraphs:

“(3) An application to withdraw an application under section 71(a), (b), (c), (d) or (e) can only be made with the consent of all the plaintiffs who made applications under those provisions.

(4) An application to withdraw an application under section 71(f) can only be made by the Presidential Elections Committee.”.

#### **Amendment of rule 23**

**10.** Rule 23 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) An application to withdraw an application under section 71 must be supported —

- (a) if the latter application is made under section 71(a), (b), (c), (d) or (e) of the Act — by affidavits filed by all the parties to the latter application, by their solicitors, and by the election agents of the parties who were candidates at the election; or
- (b) if the latter application is made under section 71(f) of the Act — by affidavits filed by the Chairman or any member of the Presidential Elections Committee on behalf of the Committee, and by the defendant.”.

#### **Amendment of rule 24**

**11.** Rule 24 of the principal Rules is amended —

- (a) by deleting paragraph (a) and substituting the following paragraph:

“(a) serve on the defendant and every other plaintiff a copy of the application for withdrawal and the affidavits supporting the application; and”;

- (b) by deleting the word “his” in paragraph (b) and substituting the words “the applicant’s”.

#### **Amendment of rule 25**

**12.** The principal Rules are amended by renumbering rule 25 as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

“(2) To avoid doubt, paragraph (1) does not apply to an application for withdrawal made by the Presidential Elections Committee.”.

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**Amendment of rule 27**

**13.** Rule 27 of the principal Rules is amended by inserting, immediately after paragraph (5), the following paragraph:

“(6) This rule does not apply to an application for withdrawal made by the Presidential Elections Committee.”.

**New rule 27A**

**14.** The principal Rules are amended by inserting, immediately after rule 27, the following rule:

**“Withdrawal of section 71(f) application not to affect other section 71 applications, and vice versa**

**27A.—**(1) An application under section 71(a), (b), (c), (d) or (e) is not affected by the withdrawal of any application under section 71(f).

(2) An application under section 71(f) is not affected by the withdrawal of any application under section 71(a), (b), (c), (d) or (e).”.

**Amendment of rule 28**

**15.** Rule 28 of the principal Rules is amended by deleting the words “the person whose election to such office is the subject of the application under section 71” and substituting the words “the defendant”.

**Amendment of rule 29**

**16.** Rule 29 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) To avoid doubt, this rule and rule 30 do not apply to an application under section 71(f).”.

**Amendment of rule 30**

**17.** Rule 30(1) of the principal Rules is amended by deleting the words “any defendant” and substituting the words “the defendant”.

**Amendment of rule 31**

**18.** Rule 31 of the principal Rules is amended —

(a) by deleting the words “a defendant” in paragraph (1) and substituting the words “the defendant”; and