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## **No. S 175**

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

#### **RULES OF COURT (AMENDMENT) RULES 2015**

In exercise of the powers conferred on us 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.—(1) These Rules may be cited as the Rules of Court (Amendment) Rules 2015 and, with the exception of rule 4, come into operation on 1 April 2015.

(2) Rule 4 comes into operation on 1 May 2015.

#### **Amendment of Order 57**

2. Order 57, Rule 2A of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended —

(a) by deleting the words “be made by summons and” in paragraph (3); and

(b) by deleting the word “summons” in paragraphs (4) and (5) and substituting in each case the word “application”.

#### **Amendment of Order 63A**

3. Order 63A, Rule 6(2) of the principal Rules is amended by inserting, immediately after the words “the Attorney-General,” in sub-paragraph (a), the words “a Deputy Attorney-General,”.

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**Amendment of Order 90A****4. Order 90A of the principal Rules is amended —**

- (a) by inserting, immediately after the word “FEES” in the Order heading, the words “AND COURT ADR FEES”;
- (b) by deleting the words “This Order shall” in Rule 3 and substituting the words “Rules 1 and 2 do”;
- (c) by deleting the words “This Order shall” in Rule 4 and substituting the words “Rules 1 and 2”;
- (d) by deleting the words “this Order” in Rule 5(2) and substituting the words “Rules 1 to 4”; and
- (e) by inserting, immediately after Rule 5, the following Rule:

**“Court ADR fees in District Court (O. 90A, r. 5A)**

**5A.—**(1) Subject to this Rule, a fee of \$250 is payable by each party in a case in a District Court (regardless of whether the case is commenced before, on or after 1 May 2015) for all Court ADR services that are provided in the case.

(2) The Court ADR fee is payable when the first Court ADR service to be provided in the case, pursuant to either of the following, is fixed:

- (a) a request made on or after 1 May 2015 for the Court ADR service by any party in the case;
- (b) a referral on or after 1 May 2015 by the Court or the Registrar.

(3) No Court ADR fee is payable in any of the following actions:

- (a) any non-injury motor accident action (as defined in Order 59, Appendix 2 Part V);
- (b) any action for damages for death or personal injuries;
- (c) any action under the Protection from Harassment Act 2014 (Act 17 of 2014).

(4) The Registrar may, in any case, waive or defer the payment of the whole or any part of the Court ADR fee on such terms and conditions as the Registrar deems fit.

(5) The Registrar may, if the Registrar deems fit, refund the whole or any part of the Court ADR fee paid.

(6) Any party requesting a refund of the whole or any part of the Court ADR fee, pursuant to paragraph (5), must make a written request to the Registrar within one month after the earlier of the following dates:

(a) the date of a written withdrawal of consent by any party to proceed with any Court ADR service;

(b) the date of settlement or discontinuance of the case.

(7) Order 3, Rule 4 does not apply to paragraph (6).

(8) In this Order —

“Court ADR fee” means the fee payable under paragraph (1) for Court ADR services;

“Court ADR service” means a service provided by the State Courts for resolving a dispute by an alternative dispute resolution process (such as mediation or neutral evaluation).”.

### **Amendment of Order 101**

**5.** Order 101 of the principal Rules is amended —

(a) by inserting, immediately after the definition of “foreign country” in Rule 1, the following definition:

““specified court” means a court that is specified in Rule 7;”;

(b) by deleting the words “court of competent jurisdiction” in Rules 2(1) and 5(1) and substituting in each case the words “specified court”;