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No. S 593

SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)

RULES OF COURT
(AMENDMENT NO. 4)
RULES 2012

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, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Rules of Court (Amendment No. 4) Rules 2012 and shall come into operation on 31st December 2012.

New Order 104

2. The Rules of Court (R 5) are amended by inserting, immediately after Order 103, the following Order:

“ORDER 104

VOLUNTARY STERILIZATION ACT

Interpretation (O. 104, r. 1)

1.—(1) In this Order, unless the context otherwise requires —

“Act” means the Voluntary Sterilization Act (Cap. 347), and any reference to a section shall be construed as a reference to a section in that Act;

“relevant person” means a person who lacks capacity, within the meaning of section 4 of the Mental Capacity Act (Cap. 177A), to consent to undergoing any treatment for sexual sterilization.

(2) Expressions used in this Order which are used in the Act have the same meanings in this Order as in the Act.

Commencement of proceedings (O. 104, r. 2)

2. Unless otherwise provided in these Rules, every application to the Court under section 3(2)(*d*) or (*e*) must be made by ex parte originating summons in Form 5.

Title of proceedings (O. 104, r. 3)

3. Every originating summons to which this Order relates, and all affidavits, notices and other documents in those proceedings, must be entitled in the matter of the Act and in the matter of the relevant person.

Supporting affidavits (O. 104, r. 4)

4.—(1) An application under section 3(2)(*d*) or (*e*) must be supported by an affidavit affirmed or sworn by the applicant.

(2) The affidavit shall contain the following:

- (a) if the application is made under section 3(2)(*d*), an authenticated copy of the marriage certificate or the entry in the register of marriages in respect of the applicant and the relevant person;
- (b) if the application is made under section 3(2)(*e*) and the applicant is a parent of the relevant person, an authenticated copy of the birth certificate of the relevant person;
- (c) if the application is made under section 3(2)(*e*) and the applicant is a guardian of the relevant person, such evidence to show that the applicant has been entrusted with the care and custody of the relevant person;
- (d) a statement by the applicant that he has received, from the registered medical practitioner who will be carrying out the treatment for sexual sterilization, a full and reasonable explanation as to the meaning and consequences of that treatment, and that the applicant

clearly understands the meaning and consequences of that treatment; and

- (e) a report from the registered medical practitioner who will be carrying out the treatment for sexual sterilization stating that —
 - (i) the relevant person who is to undergo such treatment lacks capacity within the meaning of section 4 of the Mental Capacity Act (Cap. 177A) to consent to that treatment;
 - (ii) he has given the applicant a full and reasonable explanation as to the meaning and consequences of that treatment; and
 - (iii) such treatment is in his professional opinion necessary in the best interests of the relevant person.

Court may require attendance of relevant person (O. 104, r. 5)

5. The Court may require the relevant person to attend at any hearing of an application under section 3(2)(d) or (e).

Court may require assessment or examination of relevant person (O. 104, r. 6)

6.—(1) Notwithstanding the report from the registered medical practitioner referred to in rule 4(2)(e), the Court may require the relevant person —

- (a) to be assessed by another registered medical practitioner as to whether the relevant person lacks capacity within the meaning of section 4 of the Mental Capacity Act (Cap. 177A); or
- (b) to undergo a medical, psychiatric or psychological examination by another registered medical practitioner.

(2) Where the relevant person is assessed or examined by another registered medical practitioner, such registered medical