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**No. S 600**

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

**RULES OF COURT  
(AMENDMENT NO. 5)  
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 make the following Rules:

**Citation, commencement and application**

**1.**—(1) These Rules may be cited as the Rules of Court (Amendment No. 5) Rules 2012 and shall come into operation on 1st January 2013.

(2) These Rules shall apply to all proceedings in the Supreme Court with effect from 1st January 2013.

(3) These Rules shall apply to proceedings in the Subordinate Courts only with effect from such later date as the Chief Justice may, upon being satisfied as to the readiness of the new electronic filing service in the Subordinate Courts, appoint by notification in the *Gazette*, and until that later date, the Rules of Court (R 5) (referred to in these Rules as the principal Rules) shall continue to apply to proceedings in the Subordinate Courts as if not amended by these Rules.

**Amendment of Order 1**

**2.** Order 1 of the principal Rules is amended —

(a) by deleting paragraph (2) of Rule 2 and substituting the following paragraph:

“(2) These Rules shall not apply to proceedings of the kind specified in the first column of the following Table (being proceedings in respect of which rules may be

made under the written law specified in the second column of that Table), except for the provisions specified in the third column of that Table:

<i>Proceedings</i>	<i>Written Law</i>	<i>Applicable Provisions</i>
1. Bankruptcy proceedings.	Bankruptcy Act (Chapter 20), s.166.	Order 63A and items 54 to 59 and 63 of Appendix B.
2. Proceedings relating to the winding up of companies.	Companies Act (Chapter 50), s.410.	(a) Order 63A and items 54 to 59 and 63 of Appendix B; and (b) Order 88, Rule 2(5).
3. Proceedings under Part IV of the Parliamentary Elections Act (Chapter 218).	Parliamentary Elections Act, s.100.	Order 63A and items 54 to 59 and 63 of Appendix B.
4. Proceedings under Part X of the Women's Charter (Chapter 353) (except appeals to the Court of Appeal).	Women's Charter, s.139.	Order 63A and items 54 to 59 and 63 of Appendix B.
5. Criminal proceedings.	Criminal Procedure Code (Chapter 68).	

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<i>Proceedings</i>	<i>Written Law</i>	<i>Applicable Provisions</i>
6. Proceedings relating to the winding up of limited liability partnerships.	Limited Liability Partnerships Act (Chapter 163A), s.57.	(a) Order 63A and items 54 to 59 and 63 of Appendix B; and (b) Order 96, Rule 3(2).”;

(b) by inserting, immediately after the definition of “Civil Procedure Convention” in Rule 4(1), the following definition:

““Family Court proceedings” means proceedings which are heard by a District Judge or the Registrar sitting in the Family and Juvenile Justice Division of the Subordinate Courts including any appeals therefrom to the High Court or the Court of Appeal and any transfer of such proceedings to the High Court;”;

(c) by deleting the definitions of “sign” and “solicitor” in Rule 4(1) and substituting the following definitions:

““sign”, in relation to the signing of documents by a Judge, Registrar or other officer of the Supreme Court or Subordinate Courts, includes the affixing of a facsimile signature of the Judge, Registrar or other officer, as the case may be;

“solicitor” has the same meaning as in the Legal Profession Act (Chapter 161) and includes the Attorney-General where he is a party to or appears on behalf of the Government in any proceedings;”; and

(d) by deleting the word “The” in Rule 7 and substituting the words “Subject to Order 63A, Rule 8(4), the”.

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**Amendment of Order 6**

3. Order 6 of the principal Rules is amended by deleting Rule 3 and substituting the following Rule:

**“Issue of writ (O. 6, r. 3)**

3. The Registrar shall assign a serial number to the writ and shall sign, seal and date the writ whereupon the writ shall be deemed to be issued.”.

**Amendment of Order 10**

4. Order 10, Rule 1(4) of the principal Rules is amended —

- (a) by deleting the words “and date” and substituting the words “, date and time”; and
- (b) by inserting, immediately after the words “where it was served,”, the words “how it was served,”.

**Amendment of Order 13**

5. Order 13 of the principal Rules is amended by deleting Rule 7 and substituting the following Rule:

**“Entry of judgment (O. 13, r. 7)**

7.—(1) Judgment shall not be entered against a defendant under this Order unless a request to enter judgment in Form 79A is filed with the judgment in Form 79.

(2) Where, in an action begun by writ, a request to enter judgment is filed or an application is made to the Court for an order affecting a party who has failed to enter an appearance, the Court may require to be satisfied in such manner as it thinks fit that the party is in default of appearance.”.

**Amendment of Order 15**

6. Order 15 of the principal Rules is amended —

- (a) by deleting the words “Form 13” in Rule 3(5)(b) and substituting the words “Form 10”;

- (b) by deleting the words “Form 14” in Rule 8(3) and (4) and substituting in each case the words “Form 10”;
- (c) by deleting the words “the copy to be served shall be a sealed copy accompanied by” in Rule 13A(3) and substituting the words “shall be served personally with”; and
- (d) by deleting paragraph (7) of Rule 13A.

### **Amendment of Order 16**

7. Order 16, Rule 4(1) of the principal Rules is amended by deleting the words “Form 19” and substituting the words “Form 10”.

### **Amendment of Order 17**

8. Order 17 of the principal Rules is amended —

- (a) by deleting the words “Form 25 or 26 whichever is appropriate” in Rule 3(1) and substituting the words “one of the forms in Form 27”;
- (b) by deleting the words “must be supported by evidence” in Rule 3(3) and substituting the words “filed by the Sheriff or a person under liability must be supported by a statement in Form 25 or an affidavit in Form 26, as the case may be, stating”;
- (c) by deleting the words “provide such evidence as is referred to in paragraph (3) unless directed by the Court to do so” in Rule 3(4) and substituting the words “be required to file a statement in Form 25 unless the Court so directs”;
- (d) by deleting the word “ordered” in Rule 4(1) and substituting the word “filed”; and
- (e) by deleting paragraph (2) of Rule 4.

### **Amendment of Order 19**

9. Order 19 of the principal Rules is amended by inserting, immediately after Rule 8, the following Rule: