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

**RULES OF COURT
(AMENDMENT NO. 4)
RULES 2011**

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 and commencement

1. These Rules may be cited as the Rules of Court (Amendment No. 4) Rules 2011 and shall come into operation on 30th September 2011.

Amendment of Order 62

2. Order 62 of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended —

(a) by inserting, immediately after paragraph (3) of Rule 5, the following paragraph:

“(4) For the purposes of paragraph (3), the steps which the Court may direct to be taken for substituted service of a document to be effected include the use of such electronic means (including electronic mail or Internet transmission) as the Court may specify.”; and

(b) by inserting, immediately after paragraph (3) of Rule 6, the following paragraph:

“(4) For the purposes of paragraph (1)(e), the manner in which the Court may direct service of any document to be effected includes the use of such electronic means (including electronic mail or Internet transmission) as the Court may specify.”.

Amendment of Order 93**3. Order 93 of the principal Rules is amended —**

(a) by deleting the definitions of “claimant” and “contravening person” in Rule 1(1) and substituting the following definitions:

“ “claimant” —

- (a) in relation to a proceeding under section 234, 235 or 236, has the same meaning as in section 234(1);
- (b) in relation to a proceeding under section 236D, has the same meaning as in section 236D(1);
- (c) in relation to a proceeding under section 236G, has the same meaning as in section 236G(1);
- (d) in relation to a proceeding under section 236I, has the same meaning as in section 236I(1); and
- (e) in relation to a proceeding under section 236K, has the same meaning as in section 236K(3);

“contravening person” —

- (a) in relation to a proceeding under section 234, 235 or 236, has the same meaning as in section 234(1);
- (b) in relation to a proceeding under section 236D, has the same meaning as in section 236B(1) or 236C(1), as the case may be;
- (c) in relation to a proceeding under section 236G, has the same meaning as in section 236E(1) or 236F(1), as the case may be;
- (d) in relation to a proceeding under section 236I, has the same meaning as in section 236H(1);
- (e) in relation to a proceeding under section 236J, has the same meaning as in section 236B(1), 236C(1), 236E(1), 236F(1) or 236H(1), as the case may be; and
- (f) in relation to a proceeding under section 236K, has the same meaning as in section 236B(1), 236C(1), 236E(1), 236F(1) or 236H(1), as the case may be;

“defendant corporation” has the same meaning as in section 236A;

“defendant individual” means an individual liable to an order for a civil penalty under section 236H in respect of a contravention of any provision of Part XII of the Act committed by a corporation, partnership, limited liability partnership or unincorporated association;

“defendant partnership” has the same meaning as in section 236A.”;

- (b) by deleting the words “and 236” in Rule 1(2) and substituting the words “, 236, 236D, 236G, 236I, 236J and 236K”;
- (c) by inserting, immediately after the words “section 234” in Rule 2(1), the words “, 236D, 236G or 236I”;
- (d) by deleting paragraph (2) of Rule 2 and substituting the following paragraph:

“(2) Every application for leave of the Court under section 235(1) or 236J(1) or (3) to commence an action under section 234, 236D, 236G or 236I, as the case may be, shall be made by originating summons, naming as the defendant therein the contravening person, the defendant corporation, the defendant partnership or the defendant individual, as the case may be.”;
- (e) by deleting the words “contravening person,” in Rule 2(5) and substituting the words “contravening person, the defendant corporation, the defendant partnership or the defendant individual, as the case may be,”;
- (f) by inserting, immediately after the words “section 234” in Rule 2(7), the words “, 236D, 236G or 236I”;
- (g) by inserting, immediately after the words “section 235(2)” in Rule 2(7), the words “or 236J(1) or (3), as the case may be,”;
- (h) by inserting, immediately after the words “section 234,” in the heading of Rule 2, the words “236D, 236G or 236I,”;
- (i) by deleting paragraph (1) of Rule 3 and substituting the following paragraph:

“(1) A claimant seeking compensation from a contravening person referred to in section 234(1),

defendant corporation, defendant partnership or defendant individual —

- (a) convicted for a contravention of any provision of Part XII of the Act; or
- (b) against whom an order for a civil penalty is made under section 232, 236B, 236C, 236E, 236F or 236H (other than by way of a default judgment or a consent order),

as the case may be, may apply to the Court for directions on claims for compensation in respect of that contravention, and the Court may, subject to section 236(2) or to section 236K(2) read with section 236(2), as the case may be, fix a return date for hearing the application.”;

- (j) by inserting, immediately after the words “section 236(4) or (5)” in Rule 3(2), the words “or with section 236K(2) read with section 236(4) or (5), as the case may be”;
- (k) by inserting, immediately after the words “contravening person” in Rule 3(6), the words “, the defendant corporation, the defendant partnership or the defendant individual, as the case may be”;
- (l) by inserting, immediately after the words “section 236” in the heading of Rule 3, the words “or 236K”;
- (m) by deleting paragraph (1) of Rule 4 and substituting the following paragraph:

“(1) At least 7 clear days before the return date of the application under Rule 3(1), each claimant desiring to claim compensation against the contravening person referred to in section 234(1), the defendant corporation, the defendant partnership or the defendant individual, as the case may be, under section 236 or 236K in respect of the same contravention for which the contravening person, the defendant corporation, the defendant partnership or the defendant individual, had been convicted or had a civil penalty order under section 232, 236B, 236C, 236E, 236F or 236H, as the case may be, made against him, must state his claim by filing an affidavit in accordance with paragraph (2).”;

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- (n) by inserting, immediately after the words “contravening person” in Rule 4(4), the words “, the defendant corporation, the defendant partnership or the defendant individual, as the case may be,”;
 - (o) by inserting, immediately after the words “section 236” in the heading of Rule 4, the words “or 236K”; and
 - (p) by inserting, immediately after the words “contravening person” wherever they appear in Rule 5(2) and (3), the words “, defendant corporation, defendant partnership or defendant individual, as the case may be”.

Amendment of Order 94

4. Order 94 of the principal Rules is amended —

- (a) by deleting the definition of “civil penalty action” in Rule 1(1) and substituting the following definitions:

“ “civil penalty action” means any proceeding commenced by the Authority under section 137ZD, 232, 236B(3), 236C, 236E(3), 236F or 236H;

“contravening person” —

- (a) in relation to a proceeding under section 236B(3), has the same meaning as in section 236B(1);
 - (b) in relation to a proceeding under section 236C, has the same meaning as in section 236C(1);
 - (c) in relation to a proceeding under section 236E(3), has the same meaning as in section 236E(1);
 - (d) in relation to a proceeding under section 236F, has the same meaning as in section 236F(1); or
 - (e) in relation to a proceeding under section 236H, has the same meaning as in section 236H(1).”;
- (b) by deleting paragraph (2) of Rule 1 and substituting the following paragraph:

“(2) These Rules apply to a proceeding commenced under section 137ZD, 232, 236B(3), 236C, 236E(3), 236F or 236H subject to the following Rules of this Order.”;