

## **Rules of Court (Amendment No. 2) Rules 2007**

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**No. S 648**

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

#### **RULES OF COURT (AMENDMENT NO. 2) RULES 2007**

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.—**(1) These Rules may be cited as the Rules of Court (Amendment No. 2) Rules 2007 and shall come into operation on 1st January 2008.

(2) These Rules shall apply only to applications to the Court of Appeal filed on or after 1st January 2008.

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

**2.** Order 57, Rule 16 of the Rules of Court (R 5) is amended by inserting, immediately after paragraph (4), the following paragraphs:

“(5) Where a party files an application to be heard by the Court of Appeal, and

Rule 3(3) does not apply, the party must at the time of filing the application provide security for the opposing party's costs of the application in the sum of \$5,000 or such other sum as may be fixed from time to time by the Chief Justice by —

- (a) depositing the sum in the Registry or with the Accountant-General and obtaining a certificate in Form 115; or
- (b) procuring an undertaking in Form 116 from his solicitor and filing a certificate in Form 117.

(6) Paragraph (5) shall not apply to any application filed in a pending appeal before the Court of Appeal, where security for the respondent's costs of the appeal has been previously provided under Rule 3(3).

(7) An applicant may at any time before his application is called on for hearing, file and serve on the parties to the application a notice to the effect that he does not intend further to prosecute the application.

(8) If all parties to the application consent to the intended withdrawal of the application, the applicant must file the document signifying such consent signed by the parties or by their solicitor, and the application shall thereupon be deemed to have been withdrawn and shall be struck out of the list of appeals by the Registrar; in such event any sum lodged in Court as security for the costs of the application shall be paid out to the applicant or any solicitor's undertaking shall be discharged.

(9) If any party does not consent to the intended withdrawal of the application, the application shall remain on the list, and shall come on for the hearing of any issue as to costs or otherwise remaining outstanding between the parties, and for the making of an order as to the disposal of any sum lodged in Court or sum held pursuant to any solicitor's undertaking as security for the costs of the application.”.

## **Amendment of Appendix A**

**3.** Appendix A of the Rules of Court is amended by deleting Forms 115, 116 and 117 and substituting the following Forms: