

**Supreme Court (Presidential Elections) (Application for Avoidance of Election)  
Rules 2005**

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## **THE SCHEDULE**

**No. S 808**

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

#### **SUPREME COURT (PRESIDENTIAL ELECTIONS) (APPLICATION FOR AVOIDANCE OF ELECTION) RULES 2005**

In exercise of the powers conferred on us by section 80 of the Supreme Court of Judicature Act and Article 93A(3) of the Constitution of the Republic of Singapore, we, the Rules Committee, hereby make the following Rules:

#### **Citation and commencement**

**1.** These Rules may be cited as the Supreme Court (Presidential Elections) (Application for Avoidance of Election) Rules 2005 and shall come into operation on 1st

January 2006.

## **Definitions**

2. In these Rules, unless the context otherwise requires —

“Act” means the Presidential Elections Act (Cap. 240A);

“application for withdrawal” means an application made to a Judge under rule 22 for leave to withdraw an application under section 71, and “applicant for withdrawal” shall be construed accordingly;

“application under section 71” means an application made to a Judge under section 71 of the Act for the election of a candidate as a President to be declared to be void on any of the grounds specified in that section;

“defendant” means a person in respect of whose election an application under section 71 has been made;

“election” means an election for the purposes of electing the President;

“Election Court” means the Judge presiding at the hearing of an application under section 71;

“Judge” means the Election Judge as defined in section 2 of the Act;

“plaintiff” means a person making an application under section 71;

“Returning Officer” means the Returning Officer appointed under section 3 of the Act.

## **Manner of making application under section 71**

3.—(1) An application under section 71 shall be made by originating summons supported by an affidavit.

(2) In such an application —

(a) the applicant shall be referred to as the plaintiff; and

(b) the person in respect of whose election the application is made shall be referred to as the defendant.

(3) The application shall be made by filing it at the office of the Registrar, and the Registrar or the officer of his department with whom the application is filed shall, if required, give a receipt in Form 1 in the Schedule.

## **Contents and form of supporting affidavit for application under section 71**

4.—(1) The affidavit supporting an application under section 71 shall be deposed to by the plaintiff or, where there is more than one plaintiff, by each such plaintiff, and shall state —

- (a) in which of the capacities mentioned in section 73 of the Act the applicant or each of the applicants make the application;
- (b) the date and result of the election; and
- (c) the grounds on which relief is sought, setting out with sufficient particularity the facts relied on by the plaintiff or plaintiffs.

(2) The affidavit shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively.

(3) The affidavit shall conclude with a statement setting out particulars of the relief claimed, as, for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, as the case may be.

(4) An affidavit in Form 2 in the Schedule, or one to the like effect, shall be sufficient.

### **Evidence not to be stated in originating summons**

5. Evidence need not be stated in the originating summons by which the application under section 71 is made, but the Judge may, upon a defendant's application by summons, order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual hearing upon such terms as to costs and otherwise as may be ordered.

### **Where more than one application is made in relation to same election**

6. Where more applications than one are made under section 71 relating to the same election, all the applications shall be dealt with as one application, so far as the inquiry into the election is concerned.

### **List of votes objected to where seat claimed by unsuccessful candidate**

7.—(1) Where a plaintiff claims the office of President for an unsuccessful candidate on the ground that he had a majority of lawful votes, every plaintiff and defendant shall, not less than 7 days before the day appointed for the hearing, file with the Registrar, and also at the addresses for service (if any) of the plaintiff and defendant, as the case may be, a list of the votes intended to be objected to, and of the heads of objection to each such vote.