

Rules of Court (Amendment) Rules 1998

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No. S 425

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT) RULES 1998

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 other 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) Rules 1998 and shall come into operation on 1st September 1998.

(2) Rules 2 and 3 shall apply to any proceedings commenced on or after 1st September 1998.

(3) Rule 4(b) shall apply to any application referred to in Order 29, Rule 1(3) of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) made on or after 1st September 1998.

(4) Rule 6 shall apply to appeals to the Court of Appeal in respect of which the notice referred to in Order 57, Rule 5(2) of the principal Rules was served on or after 1st September 1998.

Amendment of Order 10

2. Order 10, Rule 1 of the principal Rules is amended by deleting the words “3 days” in the third line of paragraph (4) and substituting the words “8 days”.

Amendment of Order 11

3. Order 11, Rule 1 of the principal Rules is amended —

(a) by inserting, immediately after the word “Singapore” in paragraph (d)(i), the words “, or was made as a result of an essential step being taken in Singapore”;

(b) by deleting sub-paragraph (i) of paragraph (f) and substituting the following sub-paragraph:

“(i) the claim is founded on a tort, wherever committed, which is constituted, at least in part, by an act or omission occurring in Singapore; or”;
and

(c) by deleting paragraph (o) and substituting the following paragraph:

“(o) the claim is a restitutionary one (including a claim for quantum meruit or quantum valebat) or for an account or other relief against the defendant as trustee or fiduciary, and the defendant’s alleged liability arises out of any act done, whether by him or otherwise, in Singapore;”.

Amendment of Order 29

4. Order 29, Rule 1 of the principal Rules is amended —

(a) by inserting, immediately after the word “summons,” in the fourth line of

paragraph (1), the words “or other originating process, or”; and

(b) by deleting paragraph (3) and substituting the following paragraph:

“(3) The plaintiff may not make such an application before the issue of the writ, originating summons, or other originating process by which the cause or matter is to be begun except where the case is one of urgency, and in that case —

(a) the injunction applied for may be granted on such terms, if any, as the Court thinks fit; and

(b) if the writ, originating summons, or other originating process is not issued within 2 days of the granting of the injunction, or such other period as the Court thinks fit, the Court shall on application by a defendant discharge the injunction.”.

Amendment of Order 56

5. Order 56, Rule 2 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) An application to a Judge for further argument in Court pursuant to section 34(1)(c) of the Supreme Court of Judicature Act (Chapter 322) shall, subject to the provisions of that section, be made in accordance with practice directions for the time being issued by the Registrar.”; and

(b) by deleting the words “(Chapter 322)” in the last line of paragraph (3).

Amendment of Order 57

6. Order 57, Rule 9 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) Within 2 months after service of the notice referred to in Rule 5(2), the appellant must file —

(a) one copy of the record of appeal;

(b) subject to Rule 9A, 4 copies of the Appellant’s Case referred to in that Rule; and

(c) 4 copies of a core bundle of documents (referred to in this Order as the core bundle),

and serve a copy each thereof on every respondent to the appeal or his solicitor except that if the appeal is to be heard by a Court of Appeal consisting of 2 Judges of Appeal, only 3 copies of the core bundle and the Appellant's Case shall be filed, and these documents, and the record of appeal, shall be filed and served within one month after service of the notice referred to in Rule 5(2).”.

Amendment of Order 71

7. Order 71 of the principal Rules is amended —

(by inserting, immediately after paragraph (1) of Rule 5, the following paragraph:

- a)* “(1A) Every applicant for a grant or his solicitors shall —
- (a)* conduct a search on the caveat book kept by the Registrar immediately prior to the filing of the petition; and
 - (b)* file a certificate in Form 168A together with the petition stating whether there are any caveats in respect of the estate of the deceased person.”; and

(by inserting, immediately after paragraph (6) of Rule 37, the following paragraph:

- b)* “(6A) Prior to filing a praecipe to extract a grant, the applicant or his solicitors must conduct a search on the caveat book to ascertain if there are any caveats in respect of the estate of the deceased, and the praecipe requesting extraction of the grant must contain a certificate in the following terms:

“It is certified that the caveat book was searched not more than one day before the date of this praecipe and that at the time of the search there were no caveats in respect of the estate of the deceased herein.”“.

Amendment of Order 73

8. Order 73, Rule 5 of the principal Rules is amended by deleting the words “Order 14, Rule 1 or 12,” in paragraph (1)(*b*) and substituting the words “Order 14, Rule 5 or 12,”.

Amendment of Order 74

9. Order 74, Rule 11A of the principal Rules is amended by deleting the words “Form 179” and substituting the words “Form 179A”.

Amendment of Appendix A