

Rules of Court (Amendment No. 3) Rules 1997

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No. S 483

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 3) RULES 1997

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. These Rules may be cited as the Rules of Court (Amendment No. 3) Rules 1997 and shall come into operation on 1st December 1997.

Amendment of Order 70

2. Order 70, Rule 4 of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended by deleting paragraphs (2) and (3) and substituting the

following paragraphs:

“(2) Before a warrant to arrest any property is issued, a party applying for it must —

- (a) file a praecipe in Form 157 requesting issue of the warrant; and
- (b) procure a search to be made in the caveat book for the purpose of ascertaining whether there is a caveat against arrest in force with respect to that property.

(3) A warrant of arrest shall not be issued until the party applying for the warrant has filed an affidavit made by him or his agent containing the particulars required by paragraphs (6) and (7); however, the Court may, if it thinks fit, allow the warrant to issue notwithstanding that the affidavit does not contain all those particulars.”.

New Order 89D

3. The principal Rules are amended by inserting, immediately after Order 89C, the following Order:

“ORDER 89D

OATHS ACT

Application and interpretation (O. 89D, r. 1)

1.—(1) This Order is made pursuant to section 6 of the Oaths Act (Chapter 211), and shall apply in every instance when an oath or affirmation is taken or made, and administered, notwithstanding anything in Order 1, Rule 2(4).

(2) In Rules 2, 3 and 4 of this Order, “officer” means any person duly authorised to administer oaths and affirmations respectively.

Forms and formalities of oaths under the Oaths Act (O. 89D, r. 2)

2.—(1) Subject to Rule 4, any oath under the Oaths Act shall be taken and administered in the form and manner prescribed in this Rule.

(2) The person taking the oath may place his left hand on the Bible or hold it in any manner as he may desire not repugnant to justice or decency and not

purporting to affect any third person (unless before taking the oath he objects to do so), and shall raise his right hand and say or repeat after the officer administering the oath the words set out, where applicable, in Form 197 or in any other form as may be prescribed by law.

(3) The officer shall (unless the person about to take the oath is permitted under the Oaths Act to do otherwise, or is physically incapable of so taking the oath) administer the oath in the form and manner set out in paragraph (2).

Forms and formalities of affirmations under the Oaths Act (O. 89D, r. 3)

3.—(1) Subject to Rule 4, any affirmation under the Oaths Act shall be made and administered in the form and manner prescribed in this Rule.

(2) The person making the affirmation shall raise his right hand and say or repeat after the officer administering the affirmation the words set out, where applicable, in Form 198 or in any other form as may be prescribed by law.

(3) The officer shall (unless the person about to make the affirmation is permitted under the Oaths Act to do otherwise, or is physically incapable of so making the affirmation) administer the affirmation in the form and manner set out in paragraph (2).

Persons physically incapable of taking oath or making affirmation in manner prescribed (O. 89D, r. 4)

4. The officer may, in the case of a person who is physically incapable of taking the oath or making the affirmation in the form and manner prescribed in Rule 2(2) or 3(2), as the case may be, administer the oath or affirmation in such form and manner as is appropriate or expedient in the circumstances.

Form of jurat, etc., in affidavit (O. 89D, r. 5)

5. The form of jurat, and the marking of an exhibit, in any affidavit shall state whether the deponent has taken an oath or made an affirmation, as the case may be.”.

New Forms 197 and 198

4. The principal Rules are amended by inserting, immediately after Form 196, the following Forms: