

Rules of Court (Amendment) Rules 1997

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No. S 86

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT) 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) Rules 1997 and shall come into operation on 8th March 1997.

New Order 63A

2. The Rules of Court (G.N. No. S 71/96) are amended by inserting, immediately after Order 63, the following Order:

“ORDER 63A

ELECTRONIC FILING AND SERVICE

Definitions (O. 63A, r. 1)

1. In this Order —

“authentication code” means any identification or identifying code, password or any other authentication method or procedure which has been assigned to a registered user of the electronic filing service for the purpose of identifying and authenticating the access to and use of the electronic filing service by the registered user;

“electronic filing service” means the electronic filing service established under Rule 2;

“identification name” means the identification name assigned to a registered user by the Registrar under Rule 6(1);

“network service provider” means a network service provider appointed by the Registrar, with the approval of the Chief Justice, under Rule 3(1);

“operation manual” means an operation manual issued by the network service provider, with the approval of the Registrar, under Rule 3(2);

“registered user” means a person who has been registered with the Registrar to gain access to and use the electronic filing service under Rule 5;

“specified documents” means documents which are —

- (a) required by these Rules to be filed, served, delivered or otherwise conveyed; and
- (b) specified in practice directions for the time being issued by the Registrar.

Establishment of electronic filing service (O. 63A, r. 2)

2. The Registrar may, with the approval of the Chief Justice, establish an electronic filing service and make provision for specified documents to be filed, served, delivered or otherwise conveyed by electronic transmission through a network service provider.

Network service provider (O. 63A, r. 3)

3.—(1) The electronic filing service shall be operated by a network service provider appointed by the Registrar with the approval of the Chief Justice.

(2) The network service provider, with the approval of the Registrar, shall issue an operation manual for the electronic filing service.

Application (O. 63A, r. 4)

4.—(1) This Order shall apply to any person who has been registered by the Registrar as a registered user for the purposes of filing, serving, delivery or conveyance of documents by electronic transmission.

(2) A registered user may, notwithstanding any other provision of these Rules, file, serve, deliver or otherwise convey specified documents on other registered users by electronic transmission in accordance with this Order.

Registered user (O. 63A, r. 5)

5.—(1) Any person may apply to the Registrar to be a registered user.

(2) Upon approval of the application by the Registrar, the registered user shall —

- (a) enter into an agreement with the network service provider for the provision of the network service, and the necessary computer and communication equipment and software specified in the operation manual;
- (b) study the operation manual for the electronic filing service; and
- (c) make arrangements with the Registrar for the mode of payment of the applicable fees prescribed in these Rules.

Authentication code (O. 63A, r. 6)

6.—(1) Before using the electronic filing service, the registered user shall apply to the Registrar for one or more identification names and authentication codes to be assigned to him or his authorised agent.

(2) The registered user or his authorised agent shall register his particulars with the Registrar and acknowledge in writing safe receipt of the identification name and authentication code assigned to him by the Registrar.

(3) The registered user or his authorised agent shall inform the Registrar in

writing of any change in particulars.

(4) When the authority of an authorised agent is revoked or terminated, the registered user shall immediately request the Registrar in writing to cancel the identification name and authentication code of that authorised agent in the manner specified in practice directions for the time being issued by the Registrar.

Security of authentication code (O. 63A, r. 7)

7. The registered user or his authorised agent shall ensure the confidentiality and security of his authentication code and shall not —

- (a) divulge his authentication code to any other person; or
- (b) permit any other person to use his authentication code.

Electronic filing (O. 63A, r. 8)

8. Where a specified document is required to be filed with, served on, delivered or otherwise conveyed to the Registrar under any other provision of these Rules, it may be carried out by the registered user by electronic transmission in accordance with the operation manual.

Signing of electronic document (O. 63A, r. 9)

9. Where a document is filed, served, delivered or otherwise conveyed by electronic transmission, any requirement under any other provision of these Rules relating to signing by or the signature of —

- (a) the registered user, shall be deemed to be complied with if the authentication code of the registered user has been applied to the document in accordance with the operation manual;
- (b) the Registrar, shall be deemed to be complied with if a facsimile of the Registrar's signature is reproduced in the document.

Date of filing (O. 63A, r. 10)

10.—(1) Where a document is filed with, served on, delivered or otherwise conveyed to the Registrar by electronic transmission and subsequently accepted by the Registrar, it shall be deemed to be filed, served, delivered or conveyed on the date the first part of the transmission is received in the computer account of the network service provider.