

Supreme Court (Presidential Elections Petition) Rules

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THE SCHEDULE

Legislative History

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322, SECTION 80 AND ARTICLE 93A(3) OF THE CONSTITUTION OF THE REPUBLIC OF SINGAPORE)

SUPREME COURT (PRESIDENTIAL ELECTIONS PETITION) RULES

R 7

REVISED EDITION 1997

(26th September 1997)

[16th April 1993]

Citation

1. These Rules may be cited as the Supreme Court (Presidential Elections Petition) Rules.

Definitions

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

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

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

“Election Court” means the Judge presiding at the hearing of an election petition;

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

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

Manner of presentation of petition

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

(2) There shall also be left with the petition 2 copies thereof.

Contents and form of election petition

4.—(1) Every election petition shall be in Form 2 in the Schedule, or a form to the like effect, and shall state —

- (a) in which of the capacities mentioned in section 73 of the Act the petitioner or each of the petitioners presents the petition;
- (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 to sustain the prayer.

(2) The petition 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 petition shall be signed by all the petitioners and shall conclude with a prayer 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.

Evidence not to be stated in petition

5. Evidence need not be stated in the election petition, but the Judge may, upon a respondent’s application by summons, order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial upon such terms as to costs and otherwise as may be ordered.

Where more than one petition is presented in relation to same election

6. Where more election petitions than one are presented relating to the same election, all the petitions shall be dealt with as one petition, so far as the inquiry into the election is concerned.

List of votes objected to where seat claimed by unsuccessful candidate

7.—(1) Where the petition claims the office of President for an unsuccessful candidate on the ground that he had a majority of lawful votes, every petitioner and respondent shall, not less than 7 days before the day appointed for trial, file with the Registrar, and also at the addresses for service (if any) of the petitioners and respondents, 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.

(2) The Registrar shall allow inspection of office copies of the lists to all parties concerned.

(3) No evidence shall be given against the admission or rejection of any vote or as to any head of objection not specified in the list referred to in paragraph (1), except by leave of the Judge, upon such terms as to amendments of the list, postponement of the inquiry, and payments of costs, as may be ordered.

List of objections in recriminatory case

8.—(1) Where an election petition complaining of an undue election and claiming the office of President for some other person is presented and the respondent intends to lead evidence to prove that the election of that person was undue, the respondent shall, not less than 7 days before the day appointed for trial, file with the Registrar, and also at the addresses for service (if any) of the petitioner, a list of his objections to the election of that person upon which he intends to rely.

(2) The Registrar shall allow inspection of office copies of the lists to all parties concerned.

(3) No evidence shall be given by a respondent of any objection to a person's election which is not specified in the list referred to in paragraph (1), except by leave of the Judge, upon such terms as to amendments of the list, postponement of the inquiry, and payments of costs, as may be ordered.

Appointment of solicitor

9.—(1) The petitioner or petitioners shall, together with the election petition, leave at the office of the Registrar a written notice, signed by him or them, giving the name of an advocate and solicitor whom he or they authorise to act as his or their solicitor or stating that he or they act for himself or themselves, as the case may be, and in either case giving an address within Singapore at which other notices may be left (referred to in these Rules as the address for service).

(2) If no such written notice is left or address for service given, then all notices may be given by leaving them at the office of the Registrar.