

SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322, SECTION 80)
RULES OF COURT

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- Chapter 17 (Order 98) Income Tax Act
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- Chapter 19 (Order 100) Collective sale applications
Title will be changed to:
Land Titles (Strata) Act – Collective sale applications
- Chapter 20 (Order 96) Limited Liability Partnerships Act
- Chapter 21 (Order 79) Moneylenders' actions
- Chapter 22 (Order 83) Mortgage actions
- Chapter 23 (Order 89B) Mutual Assistance in Criminal Matters Act
- Chapter 24 (Order 89D) Oaths and Declarations Act
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- Chapter 29 (Order 85A) Proceedings arising out of hire-purchase agreements
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PREAMBLE

Purpose

1. This preamble provides an overview of an action commenced under these Rules from the date of commencement to the date of conclusion, including appeals. It serves only as a guide to assist in understanding these Rules. It does not mean that an action has to proceed in precisely the same way as set out in this preamble. This preamble does not affect the interpretation of these Rules.

Role of Court and parties

2. When an action is commenced under these Rules, the Court will conduct proceedings in a manner that will bring the action to a conclusion that is in keeping with the Ideals set out in Chapter 1, Rule 3. All parties are to assist the Court and conduct their cases in a manner that will bring about such a resolution of their actions.

Commencement and service of action

3. A claimant may commence an action under these Rules by filing an Originating Claim or an Originating Application. The claimant has to take reasonable steps to serve the Originating Claim with a statement of claim, or the Originating Application supported by affidavit, on a defendant expeditiously.

Notice of intention to contest or not contest claim

4. A defendant who is served an Originating Claim with a statement of claim has to file and serve a notice of intention to contest or not contest the claim. If the defendant fails to file and serve such a notice or states in the notice that he does not intend to contest the claim, the claimant may apply for judgment in default upon proving that the Originating Claim has been served on the defendant.

Defence or affidavit and challenge to jurisdiction

5. A defendant who wishes to contest an Originating Claim or an Originating Application has to file and serve his defence to an

Originating Claim, or his affidavit if he wishes to introduce evidence in the Originating Application.

6. If the defendant is challenging the jurisdiction of the Court on the ground that the parties have agreed to refer their dispute to arbitration or on any other ground, he need not file and serve his defence or affidavit on the merits but must file and serve a defence or affidavit stating the ground on which he is challenging the jurisdiction of the Court. The challenge to jurisdiction may be for the reasons that the Court —

- (a) has no jurisdiction to hear the action; or
- (b) should not exercise jurisdiction to hear the action.

A defendant who is challenging the jurisdiction of the Court has to state so in his defence or affidavit, and the filing and service of such a defence or affidavit on the merits will not be treated as submission to the jurisdiction of the Court.

Case Conference

7. A Case Conference will be fixed after an Originating Claim or an Originating Application is issued.

8. If no party attends the conference or if the claimant is absent, the Court may dismiss the action. If the claimant attends the conference but has not served his Originating Claim or Originating Application on the defendant, the Court —

- (a) may dismiss the action if it is not satisfied that the claimant has taken reasonable steps to effect service expeditiously; or
- (b) may order him to serve the action or to apply for substituted service and will fix another Case Conference.

If the claimant attends the conference but the defendant is absent, the Court may give judgment for the claimant if the claimant proves that the Originating Claim or Originating Application has been served on the defendant. If both the claimant and defendant attend the conference but the defendant has not filed and served his defence or his affidavit, the Court may give judgment for the claimant or give

further directions for the filing and service of the defence or the defendant's affidavit.

9. The Court will consider whether there is scope for the parties to resolve their dispute other than by litigation.

10. If the defendant is challenging the jurisdiction of the Court, the Court will —

- (a) direct the defendant to file and serve the necessary application with supporting affidavit;
- (b) direct the claimant to file and serve any affidavit in reply, with no further affidavits to be filed without the Court's approval; and
- (c) fix the application for hearing after all affidavits have been filed and served.

Directions for defence or affidavit on merits

11. If the defendant challenges the jurisdiction of the Court and fails, the Court will give directions to the defendant to file his defence or affidavit on the merits after the defendant fails in his challenge.

12. Where there is no challenge to the jurisdiction of the Court, the Court will consider all matters necessary to bring the proceedings to a conclusion in accordance with the Ideals.

Affidavits of evidence-in-chief

13. The Court may order the parties to file and exchange affidavits of evidence-in-chief of all or some witnesses after pleadings have been filed and served but before any exchange of documents and before the Court considers the need for any application.

Applications in pending proceedings

14. Where the Court does not make any order under paragraph 13 or where the Court has ordered as stated in paragraph 13, after affidavits of evidence-in-chief of the witnesses have been filed and exchanged, the Court will give the necessary directions in respect of the following applications, including —

-
- (a) addition or removal of parties;
 - (b) consolidation of actions;
 - (c) division of issues at trial to be heard separately;
 - (d) security for costs;
 - (e) further and better particulars of pleadings;
 - (f) amendment of pleadings;
 - (g) filing of further pleadings;
 - (h) striking out of the whole or part of an action or of the defence;
 - (i) summary judgment;
 - (j) determination of questions of law or construction of documents;
 - (k) production of documents;
 - (l) interim relief;
 - (m) expert evidence and assessors;
 - (n) independent witness and interested non-parties;
 - (o) independent counsel; and
 - (p) transfer of proceedings under the State Courts Act (Cap. 321).

15. If further pleadings need to be filed, the Court will order such pleadings to be filed and served. Pleadings after the reply to the defence or the reply to the defence to counterclaim cannot be filed without the Court's approval. Further affidavits cannot be filed for an Originating Application without the Court's approval after the defendant files his affidavit on the merits.

16. As far as possible, the Court will order each party to file a single application for all the matters stated in paragraph 14. The Court will direct the party applying to file and serve an affidavit in support of the application and the other party to file and serve an affidavit in reply. The application will be heard after all affidavits have been filed and served.

17. No application may be taken out by any party at any time except as directed at the Case Conference or with the Court's approval, unless it is an application for:

- (a) an injunction or a search order which may include an application for any other matter if it is incidental to the injunction or search order;
- (b) substituted service;
- (c) service out of Singapore;
- (d) setting aside service of an originating process;
- (e) judgment in default of a notice of intention to contest or not contest an Originating Claim;
- (f) judgment in default of defence; or
- (g) leave to appeal.

The Court's approval to file further applications other than those directed at a Case Conference has to be sought by letter setting out the essence of the intended application and the reasons why it is necessary at that stage of the proceedings.

18. Except in a special case and with the trial Judge's approval, no application may be taken out 14 days before the commencement of the trial until the Court has made its decision. The trial Judge's approval has to be sought by letter setting out the gist of the intended application and explaining why there is a special case.

19. All applications to the Court, including those by letters, have to be served on all other parties in the action.

Appeals in applications

20. Appeals may be filed only if the law allows. If any party appeals against the Court's decision made in applications, the matter will proceed on appeal before the appropriate appellate court. The appellant has to file and serve a notice of appeal on all parties who have an interest in the appeal.

21. Where leave to appeal is required, the appellant has to apply to the lower court for such leave and serve the application on all parties

who have an interest in the appeal. If the lower court does not grant leave to appeal, the party may apply to the appropriate appellate court for such leave and serve the application on all parties who have an interest in the appeal. If leave to appeal is granted, the appellant has to file and serve a notice of appeal on all parties who have an interest in the appeal.

22. The appeal will proceed before the appropriate appellate court by way of rehearing on the documents filed or used by the parties before the lower court. The parties have to file and serve on all parties who have an interest in the appeal written submissions on whether the lower court's decision should be set aside, affirmed or varied.

23. No document other than the parties' written submissions may be filed in the appeal without the approval of the appellate court. No further evidence may be admitted without the approval of the appellate court.

Directions for trial or hearing

24. The Court will give directions for the trial or hearing, after it has determined all applications.

25. An action commenced by Originating Claim will generally be decided at a trial involving oral evidence and cross examination.

26. An action commenced by Originating Application will generally be decided at a hearing based on affidavits.

Appeals after trial or hearing

27. Appeals may be filed only if the law allows. If any party appeals against the Court's decision after trial or after an Originating Application is heard, the case will proceed on appeal before the appropriate appellate court. The appellant has to file and serve a notice of appeal on all parties who have an interest in the appeal.

28. Where leave to appeal is required, the party who intends to appeal has to apply to the lower court for such leave and serve the application on all parties who have an interest in the appeal. If the lower court does not grant leave to appeal, that party may apply to the appropriate appellate court for such leave if allowed by law. That

party has to serve the application on all parties who have an interest in the appeal. If leave to appeal is granted, that party has to file and serve a notice of appeal on all parties who have an interest in the appeal the notice of appeal.

29. The appellant has to provide security for the costs of the appeal of each respondent (unless the respondents are represented by the same firm of solicitors).

30. The appellant and the respondent have to file and serve the relevant appeal documents, including written submissions, on all parties who have an interest in the appeal. No further evidence may be admitted without the approval of the appellate court.

Costs

31. Scale costs shall apply as between party and party unless the parties otherwise agree or the Court otherwise orders in a special case.

32. Scale costs shall apply as between solicitor and client unless the solicitor and client otherwise agree.

33. If scale costs do not apply:

- (a) a successful party will be entitled to all costs which are reasonable in principle and in amount as between party and party; and
- (b) the solicitor will be entitled to be paid by his client all costs which are reasonable in principle and in amount as between the solicitor and the client.

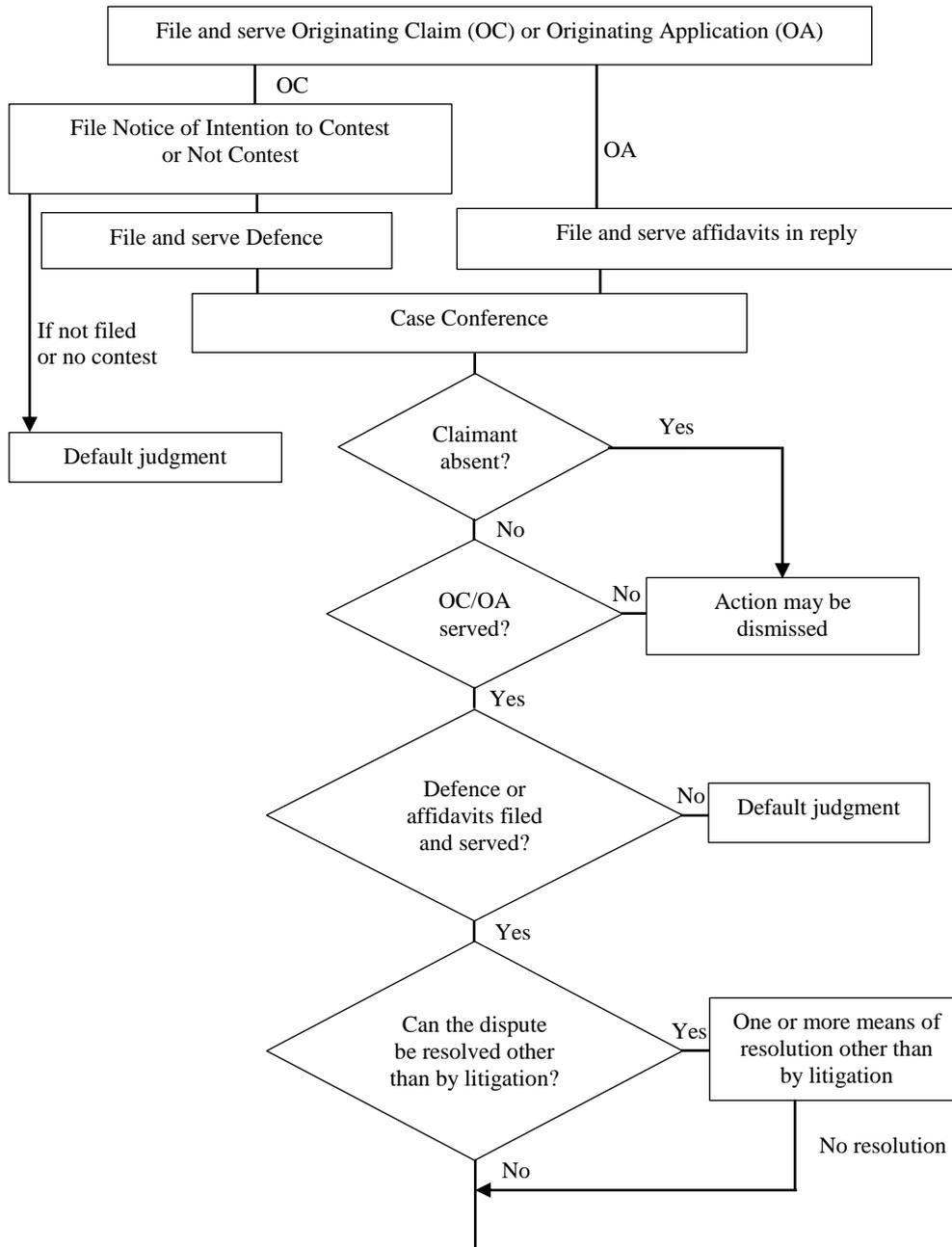
34. Where scale costs do not apply, the Court will fix or assess the amount of costs payable.

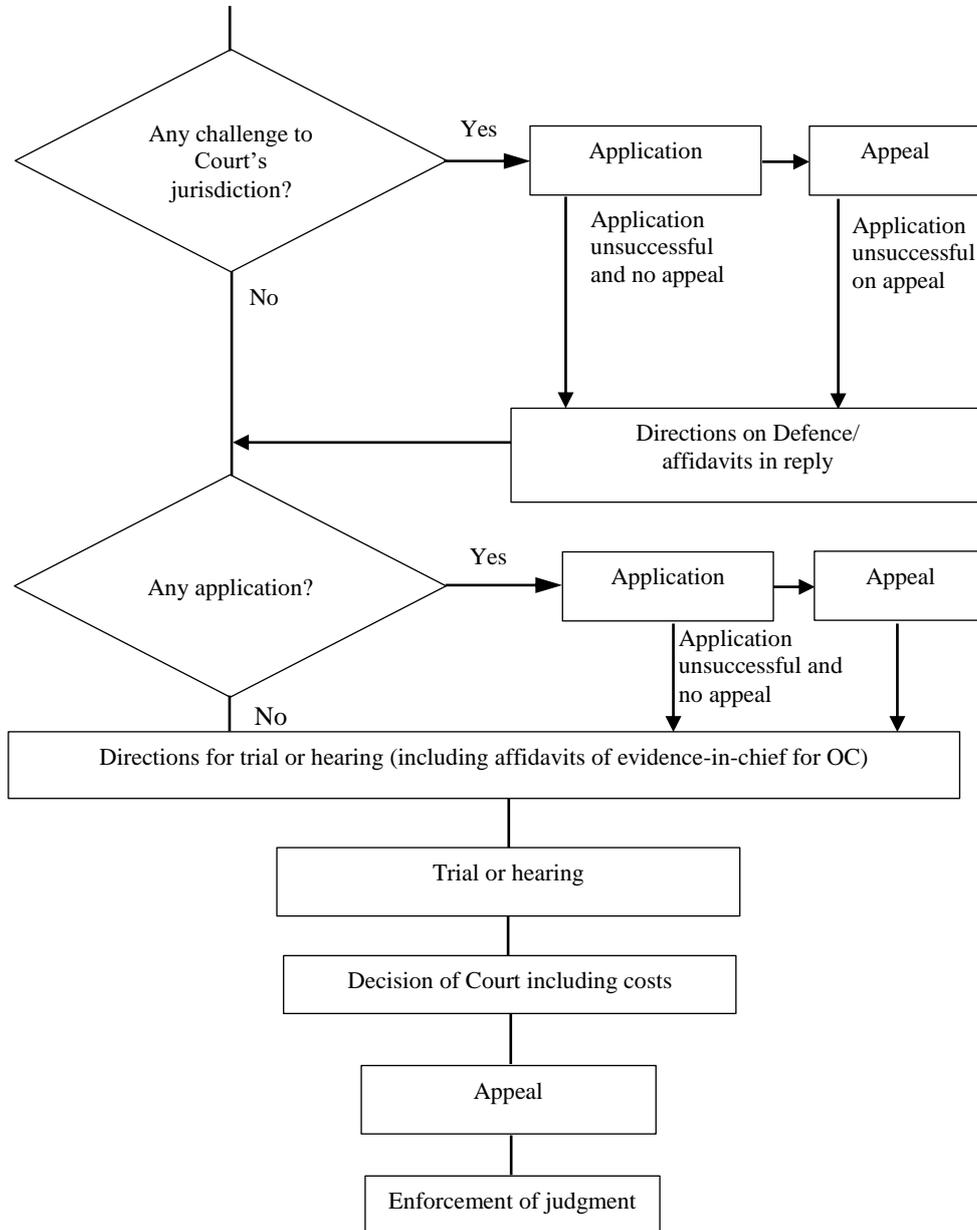
Enforcement

35. To enforce a judgment, a party takes out a single application for one or more methods of enforcement.

Flowchart

36. The following flowchart seeks to give a quick overview of the progress of an action where the Court does not made any order under paragraph 13.





CHAPTER 1

GENERAL MATTERS

Introduction

1. These Rules shall be called the Rules of Court.

Applicability of Rules

2.—(1) These Rules shall apply to all civil proceedings, including appeals, in the Supreme Court and the State Courts which are commenced on or after the operative date of these Rules.

(2) These Rules shall apply with necessary modifications to any pending proceedings commenced before the operative date of these Rules, if the Chief Justice or the Court so orders in any particular case or class of cases.

(3) These Rules shall not apply to proceedings under the Criminal Procedure Code (Cap. 68).

(4) Subject to any written law, these Rules shall not apply to the following proceedings:

- (a) bankruptcy;
- (b) winding up of companies;
- (c) winding up of limited liability partnerships;
- (d) Part IV of the Parliamentary Elections Act (Cap. 218); and
- (e) Family Court proceedings.

(5) Subject to any written law, these Rules shall apply to any appeal arising from proceedings in paragraph 4.

(6) The Chief Justice may direct from time to time that specific rules apply or do not apply to certain categories of cases, with or without modifications.

(7) Any directions by the Chief Justice in paragraph 6 shall be published at Annex 1 of these Rules.

Ideals

3.—(1) These Rules are to be given a purposive interpretation.

(2) These Rules seek to achieve the following Ideals in civil procedure:

- (a) Fair access to justice;
- (b) Expeditious proceedings;
- (c) Cost-effective work proportionate to—
 - (i) the nature and importance of the action;
 - (ii) the complexity of the claim as well as the difficulty or novelty of the issues and questions it raises; and
 - (iii) the amount or value of the claim;
- (d) Efficient use of court resources; and
- (e) Fair and practical results suited to the needs of the parties.

(3) The Court shall seek to achieve the Ideals in all its orders or directions.

(4) All parties have the duty to assist the Court and to conduct their cases in a manner which will help to achieve the Ideals.

Definitions

4. In these Rules, unless the context otherwise requires, these expressions shall be defined as follows:

- “action” means proceedings commenced by an Originating Claim or an Originating Application;
- “attend” includes the appearance by any person using electronic, mechanical or any other means permitted by the Court;
- “bailiff” includes the Registrar, any clerk or other officer of the Court charged with the duties of a bailiff;
- “Civil Procedure Convention” means the conventions set out in Annex 3 to these Rules and includes any convention, treaty or agreement of any description or any provision thereof between different States relating to civil procedure in the court;

- “claimant” includes a party in the position of a claimant in a counterclaim;
- “counterclaim” has the same meaning as “statement of claim”;
- “Court” means the High Court or a District Court, or a judge of the High Court or District Judge, whether sitting in open Court or in Chambers, and includes a Judge of Appeal or the Court of Appeal or the Court of 3 Judges where appropriate, and in cases where he is empowered to act, a Magistrate or the Registrar; but this provision shall not affect any Rules, which define or regulate the jurisdiction of the Registrar;
- “Defence” includes a Defence to Counterclaim;
- “defendant” includes a party in the position of a defendant in a counterclaim;
- “entity” means any body of persons, whether incorporated or unincorporated;
- “Form” means a form set out in Annex 2 to these Rules;
- “Ideals” means the ideals set out in Chapter 1 Rule 3;
- “Judge” means a judge of the High Court or a District Judge and includes, in cases where he is empowered to act, a Magistrate or the Registrar, as the case may require;
- “medical report” means a report substantiating all the personal injuries alleged in the statement of claim which the claimant proposes to adduce in evidence as part of his case at the trial;
- “non-court day” means a Saturday, Sunday or a public holiday;
- “non-party” means any person who is not a party in the action and includes a person who participates in it because of a statutory duty or because he may be affected by the Court’s decision in the action.
- “officer” means an officer of the Supreme Court or the State Courts;
- “Originating Application” means an action commenced in Court as described in Chapter 4;

- “Originating Claim” means an action commenced in Court as described in Chapter 4;
- “originating process” means an Originating Claim or an Originating Application;
- “pleading” includes the statement of claim, defence, defence and counterclaim, reply and reply to a defence and counterclaim;
- “practice directions” means directions issued from time to time by the Registrar of the Supreme Court with the approval of the Chief Justice or by the Registrar of the State Courts with the approval of the Presiding Judge of the State Courts;
- “Registrar” means the Registrar of the Supreme Court or the Registrar of the State Courts, as the case may be, and references to the Registry shall be construed accordingly;
- “Rules” means these Rules of Court;
- “Sheriff” includes a bailiff;
- “sign” and “seal” by a Judge, Registrar or other officer of the Supreme Court or the State Courts include signing and sealing by electronic or other means;
- “solicitor” has the same meaning as in the Legal Profession Act (Cap. 161) and includes the firm that the solicitor is in and also includes the Attorney-General, a Deputy Attorney-General and a Solicitor-General, where he is a party to or appears in any proceedings;
- “statement of claim” means a statement setting out the material facts which constitute the cause of action;
- “statement of the special damages claimed” means a statement giving full particulars of the special damages claimed for expenses and losses already incurred and an estimate of any future expenses and losses (including loss of earnings, loss of Central Provident Fund contributions and loss of pension rights);
- “summons” means an application to Court in an action or appeal which has to be served on other parties or non-parties;

“summons without notice” means an application to Court in an action or appeal which does not need to be served on anyone;

“third party” means a party brought into the action by the claimant or the defendant because an indemnity or contribution is sought against the third party and “fourth party” and further parties shall have similar meanings.

“working day” means any day other than a non-court day.

General powers of Court

5.—(1) Unless the context otherwise requires, all requirements in these Rules are subject to the Court’s discretion to order otherwise in the interests of justice, even if they are expressed using imperative words such as “must” or “shall”.

(2) Where there is no express provision in these Rules on any matter, the Court may do whatever it considers necessary on the facts of the case before it to ensure that justice is done or to prevent an abuse of the process of the Court, so long as it is not prohibited by law and is consistent with the Ideals.

(3) In exercising any power, the Court may impose any condition or give such directions that are appropriate.

(4) Where there is non-compliance with any written law, the Court’s orders or directions or any practice directions, the Court may exercise all or any of these powers —

- (a) waive the non-compliance;
- (b) accept part of a document and reject the part that is in non-compliance;
- (c) disallow or reject the filing or use of any document;
- (d) refuse to hear any matter or dismiss it without a hearing;
- (e) dismiss, stay or set aside any proceedings and give the appropriate judgment or order even though the non-compliance could be compensated by costs if the non-compliance is inconsistent with any of the Ideals in a material way;

- (f) impose a late filing fee of \$50 or such amount as the Chief Justice may specify from time to time for each day of non-compliance, excluding non-court days;
 - (g) make costs orders or any other orders that are appropriate.
- (5) Where the non-compliance is in respect of any written law other than these Rules, the Court may waive the non-compliance only if the written law allows such waiver.
- (6) The powers of the Court under this Rule are without prejudice to any other powers of the Court under any written law.
- (7) The Court may give directions by letter or by electronic or other means.
- (8) The Court may, on its own accord or upon application, revoke any judgment or order obtained or set aside anything which was done:
- (a) without notice to or in the absence of the party affected;
 - (b) without complying with these Rules or any order of Court;
 - (c) contrary to any written law; or
 - (d) by fraud or misrepresentation,
- if it is in the interests of justice.
- (9) An application under paragraph 8 may be made by or on behalf of the party affected.
- (10) An application under paragraph 8 must be taken out within 14 days from the time the applicant knows or should know that any of the grounds in paragraph 8 exists.

Calculation of time

- 6.—**(1) In these Rules, the Interpretation Act (Cap. 1) does not apply to the calculation of time.
- (2) The word “month” means a calendar month unless the context otherwise requires.
- (3) Where an act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.

(4) Where an act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

(5) Where an act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

(6) If the period in question is 7 days or more, a non-court day shall be included in the calculation of time.

(7) Where the time prescribed by these Rules, or by any judgment, order or direction, for doing any act expires on a non-court day, the act shall be in time if done on the next day, not being a non-court day.

Extension or shortening, of time

7.—(1) The Court may extend or shorten the period within which a person is required by these Rules or by any judgment, order or direction, to do any act in any proceedings.

(2) Unless these Rules otherwise provide, the Court may extend the period referred to in paragraph 1 whether the application for extension is made before or after the expiration of that period.

(3) The period within which a person is required by these Rules, or by any order, to serve, file or amend any pleading or other document may be extended once by consent in writing for a maximum period of 7 days without an order of the Court being made for that purpose.

Applications to Court in an action

8.—(1) Subject to these Rules, all applications to the Court in an action must be made by summons in Form 1 or Form 2, whichever is appropriate, and supported by affidavit.

(2) Form 1 is to be used when the summons has to be served.

(3) Form 2 is to be used when the summons need not be served on anyone and only where these Rules allow.

(4) The applicant must serve the summons and the affidavit at least 14 days before the hearing of the summons.

(5) If any party wishes to contest the application, he must file and serve his affidavit within 14 days after being served with the application and affidavit.

(6) Except in a special case, the Court shall not allow further affidavits to be filed after the other party files his affidavit under paragraph 4.

(7) An affidavit must contain all necessary evidence in support of or in opposition (as the case may be) to the application, may contain statements of information or belief with their sources and grounds clearly stated.

(8) The Court may allow any application to be made orally or by letter.

(9) Where an application is made by any party's solicitor orally or by letter, that solicitor must know, believe or have confirmed with the party that the facts stated orally or in the letter are true.

(10) All applications must be served on all other parties except where the other party cannot or should not be served.

Forms

9.—(1) The Forms in Annex 2 to these Rules shall be used with such variations as the circumstances require.

(2) The Forms may be varied by practice directions issued with the approval of the Chief Justice.

(3) Where a Form states "Seal of the Court", a document in that Form must bear the seal of the Court.

Language of documents

10.—(1) All documents filed or used in Court must be in the English language.

(2) A document which is not in the English language must have a translation in the English language certified by a court interpreter or verified by an affidavit of a person qualified to translate it.

(3) Notwithstanding anything in these Rules, a document or a translation thereof that has been drawn up or certified, and duly

sealed, by a court or other competent authority of a foreign country, being a country with which there subsists a Civil Procedure Convention providing for the dispensation of the authentication of such documents, may be filed or used in the Court.

Methods of hearing

11. Subject to any written law, the Court may conduct a Case Conference or any other hearing by using electronic, mechanical or any other means.

CHAPTER 2

PARTIES TO PROCEEDINGS AND CAUSES OF ACTION

Parties to proceedings in own name

1. The following may be parties to proceedings in their own name, whether as claimant, defendant, third party or in any other capacity:

- (a) a person who is aged from 18 years to below 21 years and section 36 of the Civil Law Act (Cap. 43) applies;
- (b) a person who is aged 21 years or above; or
- (c) any entity with the capacity to sue or be sued under any law in Singapore or elsewhere.

Representation by litigation representative

2.—(1) The following persons shall be represented by a litigation representative in proceedings:

- (a) a person who is aged below 21 years and who does not come under Rule 1(a); and
- (b) a person lacking the capacity to conduct legal proceedings in his own name within the meaning of the Mental Capacity Act (Cap. 177A).

(2) A litigation representative shall be a person who can be a party to proceedings in his own name.

(3) A litigation representative shall not have any interest adverse to that of the person he is representing.

Representation by solicitor

3.—(1) The following shall be represented by a solicitor in proceedings:

- (a) a person who is represented by a litigation representative ~~under Rule 2(b)~~; or

(b) any entity with the capacity to sue or be sued under any law in Singapore or elsewhere.

(2) On an application by an entity stated in paragraph 3(1)(b), the Court may allow an officer of that entity to represent the entity, if the Court is satisfied that—

(a) the officer has been duly authorised by the entity to act on its behalf; and

(b) the officer has sufficient executive or administrative capacity or is a proper person to represent the entity.

Representation of estates

4.—(1) Where any defendant has died but a cause of action against him survives and no grant of probate or letters of administration has been made, the action may be brought against the estate of the deceased which shall be described as “personal representatives of (defendant’s name) deceased”.

(2) Such an action shall be served on the Public Trustee whose duty shall be limited to accepting service of the action unless the Public Trustee consents to take further steps in the proceedings on behalf of the estate of the defendant.

(3) Where paragraph 2 has been complied with and no grant of probate or letters of administration has been made, any judgment or order given or made in the action shall bind the estate as if the estate had been a party to the action.

Representation of parties who die or become bankrupt

5.—(1) Where a party to an action dies or becomes bankrupt after the action has been commenced but the cause of action survives, the action shall not terminate by reason of the death or bankruptcy.

(2) At the Case Conference, the Court shall give directions for the further conduct of the action.

Representative proceedings

6.—(1) Where numerous persons have a common interest in any proceedings, such persons may sue or be sued as a group with one or more of them representing the group.

(2) Where a group is suing under this Rule, all members in the group must give their consent in writing to the representative(s) to represent all of them in the action and they shall be included in a list of claimants attached to the Originating Claim or the Originating Application.

(3) Where a group is being sued under this Rule, the Court may appoint one or more of them as representative(s) to represent those in the group who have given their consent in writing to the representative(s) in the action and they shall be included in a list of defendants attached to the order of Court.

(4) Where there is a class of persons and all or any member of the class cannot be ascertained or cannot be found, the Court may appoint one or more persons to represent the entire class or part of the class and all the known members and the class shall be included in a list attached to the Order of Court.

(5) A judgment or order given in such an action shall be binding on all the persons and the class named in the respective lists stated in paragraphs 3 and 4.

Claim for declaration without other relief

7. The Court may make a declaratory judgment or order whether or not any other relief is sought.

Appointment, change and discharge of solicitor

8.—(1) Where a party who was not represented by a solicitor decides to appoint a solicitor, he must give notice by letter to all the parties.

(2) A solicitor who is appointed by a party at any stage of an action:

(a) shall be deemed to be acting for the party; and

(b) his business address shall be deemed to be the address for service of all documents,

in the action until the final conclusion of the action, whether in the Court or in the Court of Appeal, unless notice is given according to this Rule.

(3) Where a solicitor sends a letter or files a document in Court on behalf of a party in an action, he shall be deemed to be appointed as in paragraph 1.

(4) A party who intends to change his solicitor or who intends to act in person without legal representation must give notice by letter to all the parties.

(5) Where a solicitor has ceased to be the solicitor acting for the party who appointed him and that party fails to give notice by letter under paragraph 4, the solicitor must give notice by letter to all the parties.

(6) Where a solicitor has passed away, has ceased practice for any reason or cannot be contacted, and the party who appointed him fails to give notice by letter under paragraph 4, any other party may write to the Court to order that that solicitor has ceased to be the solicitor appointed for the first mentioned party and to give such directions as are appropriate.

(7) Notice given under this Rule takes effect from the time of receipt of the notice and does not affect the rights of the solicitor and the party who appointed him as between themselves.

(8) Where a party has no solicitor acting for him on record, he must give notice by letter to all the parties stating an address in Singapore for service of all documents.

(9) Where a party fails to comply with paragraph 8, his address for service of all documents shall be deemed to be his last known address in Singapore or, in the case of an entity, the registered or principal office in Singapore.

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(10) Where a party has no address in Singapore, he may give notice by letter to all the parties stating an email address for service of all documents and by doing so, he shall be deemed to agree that ordinary service and personal service of all documents may be effected using that email address.

CHAPTER 3

AMICABLE RESOLUTION OF CASES

Duty to consider amicable resolution of disputes

1.—(1) A party to any proceedings has the duty to consider amicable resolution of his dispute before the commencement and during the course of any action or appeal and to make an offer of amicable resolution before commencing action unless he has reasonable grounds not to do so.

(2) An offer of amicable resolution in this Rule means making an offer to settle the action or appeal or making an offer to resolve the dispute other than by litigation, whether in whole or in part.

(3) A party to any proceedings shall not reject an offer of amicable resolution unless he has reasonable grounds to do so.

Terms of amicable resolution

2.—(1) An offer of amicable resolution shall be in writing and be reasonable in its terms.

(2) An offer of amicable resolution shall be open for acceptance within a reasonable period of time and in any case, for not less than 7 days, unless the parties otherwise agree.

(3) The fact that such an offer has been made and not accepted shall not be relied upon or made known to the Court until after the Court has determined the merits of the action or appeal and is dealing with the issue of costs, unless the parties otherwise agree.

(4) Such an offer which does not state an expiry date expires once the Court has determined the merits of the action or appeal to which it relates unless the offeror has stated otherwise.

Powers of Court

3.—(1) If the Court is not satisfied that the duty in Rule 1 has been discharged properly, the Court may order the parties to attempt to

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resolve the dispute other than by litigation or to reconsider any offer of amicable resolution.

(2) The Court may also suggest to the parties possible terms of settlement of the dispute for their consideration.

CHAPTER 4

COMMENCEMENT OF PROCEEDINGS

Mode of commencing proceedings

1.—(1) Unless these Rules or any written law otherwise provide, a claimant may commence proceedings by an Originating Claim or an Originating Application.

(2) A claimant must commence proceedings by an Originating Claim where the material facts are in dispute.

(3) A claimant must commence proceedings by an Originating Application where—

- (a) These Rules or any written law require it;
- (b) The proceedings concern an application made to the Court under any written law; or
- (c) The proceedings concern solely or primarily the construction of any written law, instrument or document or some question of law and the material facts are not in dispute.

Issue of Originating Claim or Originating Application

2. An Originating Claim or an Originating Application is issued when the Registrar numbers, signs, seals and dates it.

Duration and renewal of Originating Claim or Originating Application

3.—(1) An Originating Claim or an Originating Application is valid for service for 3 months from its date of issue.

(2) An application may be made to extend the validity of the Originating Claim or Originating Application if it has not been served on all or any of the defendants before or after it expires.

(3) The Court may order the validity of the Originating Claim or Originating Application to be extended by a period beginning from the day the Originating Claim or Originating Application expires.

(4) Except in a special case, the Court may extend the validity of the Originating Claim or Originating Application only twice and by not more than 3 months each time.

(5) The Originating Claim or Originating Application whose validity has been extended must be endorsed with the words, “Renewed for service for ___ months from ___ by order of Court dated ___” before it is served.

Personal service of Originating Claim or Originating Application

4. An Originating Claim or an Originating Application must be served personally on each defendant.

ORIGINATING CLAIM

Form and service of Originating Claim

5.—(1) An Originating Claim must be in Form 3.

(2) If the claim is for personal injuries, the claimant must annex a medical report and a statement of the special damages claimed to the Originating Claim.

(3) An Originating Claim may be endorsed generally with a concise description of the claim or with a statement of claim in Form 4.

(4) Except in a special case, an Originating Claim may be endorsed generally only if the limitation period for the cause of action will expire within 14 days after the Originating Claim is issued.

(5) Where the Originating Claim is endorsed generally, a statement of claim must be served within 7 days after the Originating Claim has been served.

(6) If the Originating Claim is to be served in Singapore, reasonable steps to serve on the defendant must be made as soon as possible and, in any event, within 14 days after the Originating Claim is issued.

(7) If the Originating Claim is to be served out of Singapore, reasonable steps to serve on the defendant must be made as soon as

possible and, in any event, within 28 days after the Originating Claim is issued.

Form and service of notice of intention to contest or not to contest

6.—(1) A defendant who is served in Singapore must file and serve a notice of intention to contest or not to contest within 7 days after the statement of claim is served on the defendant.

(2) A defendant who is served out of Singapore must file and serve such a notice within 21 days after the statement of claim is served on the defendant.

(3) The notice of intention to contest or not to contest the Originating Claim must be in Form 5.

(4) The filing and service of such a notice shall not be treated as a submission to jurisdiction or a waiver of any improper service of the Originating Claim.

(5) If the defendant fails to file and serve such a notice within the prescribed time or states in the notice that he does not intend to contest all or some of the claims, the claimant may apply for judgment to be given against the defendant in Form 6.

Form and service of defence

7.—(1) A defendant who is served in Singapore must file and serve a defence to the Originating Claim within 21 days after the statement of claim is served on the defendant.

(2) A defendant who is served out of Singapore must file and serve a defence to the Originating Claim within 5 weeks after the statement of claim is served on the defendant.

(3) The defence must be in Form 7.

(4) If the defendant is challenging the jurisdiction of the Court on the ground that the parties have agreed to refer their dispute to arbitration or on any other ground, he need not file and serve a defence on the merits but must file and serve a defence stating the ground on which he is challenging the jurisdiction of the Court.

(5) The challenge to jurisdiction may be for the reason that —

(a) the Court has no jurisdiction to hear the action; or

(b) the Court should not exercise jurisdiction to hear the action.

(6) A defence filed under paragraph 4 shall not be treated as a submission to jurisdiction.

(7) If the defendant fails to file and serve a defence within the prescribed time, the claimant may apply for judgment in default of defence in Form 8.

Form and service of counterclaim

8.—(1) If the defendant intends to counterclaim against the claimant, he must file and serve the counterclaim with the defence.

(2) The counterclaim must be in Form 7.

(3) If the counterclaim is for personal injuries, the defendant must annex a medical report and a statement of the special damages claimed with the counterclaim.

Form and service of defence to counterclaim

9.—(1) The claimant need not file a reply to the defence if he merely wishes to deny assertions without adding anything material but must file and serve a defence to the counterclaim within 14 days after the defence and counterclaim is served on the claimant.

(2) The claimant's defence to the counterclaim must be in Form 7 (with the appropriate modifications).

(3) If the claimant fails to file and serve a defence to the counterclaim within the prescribed time, the defendant may apply for judgment in default of defence in respect of the counterclaim to be given against the claimant in Form 8.

Further pleadings

10. No further pleadings shall be filed unless the Court otherwise orders at the Case Conference.

*ORIGINATING APPLICATION***Forms of Originating Application**

11.—(1) Subject to any written law, an Originating Application must be in Form 9 or Form 10, whichever is appropriate and the Originating Application must be supported by affidavit.

(2) Form 9 is to be used when the Originating Application has to be served.

(3) Form 10 is to be used when the Originating Application need not be served on anyone and only where any written law allows.

(4) If the Originating Application is to be served in Singapore, reasonable steps to serve the Originating Application and the supporting affidavit on the defendant must be made as soon as possible and, in any event, within 14 days after the Originating Application is issued.

(5) If the Originating Application is to be served out of Singapore, reasonable steps to serve the Originating Application and the supporting affidavit on the defendant must be made as soon as possible and, in any event, within 28 days after the Originating Application is issued.

Form and service of Defendant's affidavit

12.—(1) A defendant who is served in Singapore must file and serve his affidavit within 21 days after being served with the claimant's Originating Application and affidavit, if he wishes to introduce evidence in respect of the Originating Application filed against him.

(2) A defendant who is served out of Singapore must file and serve his affidavit within 5 weeks after being served with the claimant's Originating Application and affidavit, if he wishes to introduce evidence in respect of the Originating Application filed against him.

(3) If the defendant is challenging the jurisdiction of the Court on the ground that the parties have agreed to refer their dispute to arbitration or on any other ground, he need not file and serve his

affidavit on the merits but must file and serve his affidavit stating the ground on which he is challenging the jurisdiction of the Court.

(4) The challenge to jurisdiction may be for the reason that —

(a) the Court has no jurisdiction to hear the action; or

(b) the Court should not exercise jurisdiction because it is not the appropriate Court to hear the action.

(5) An affidavit filed under paragraph 3 shall not be treated as a submission to jurisdiction.

(6) Except in a special case, no further affidavits shall be filed after the defendant files his affidavit on the merits.

Contents of affidavit

13. An affidavit filed in an Originating Application must contain all the evidence that is necessary or material to the claim or to the defence.

Counterclaim

14. If a defendant intends to make a counterclaim in the Originating Application against the claimant, he must include it in his affidavit together with all the evidence that is necessary for the counterclaim.

CHAPTER 5

SERVICE IN SINGAPORE

Methods of service generally

1.—(1) Any document that is required to be served under these Rules may be served by way of—

- (a) personal service, where expressly required by these Rules or any written law, or where the Court orders such service, or where the serving party decides to do so voluntarily; or
- (b) ordinary service.

(2) The Court may, in an appropriate case, dispense with personal service or with ordinary service or with service altogether.

Personal service

2.—(1) Personal service of a document is effected:

- (a) on a person by leaving a copy of the document with that person, or his agent if that person is an overseas principal under Rule 4;
- (b) on any entity by leaving a copy of the document with the chairman or president of the entity, or the secretary, treasurer or other officer;
- (c) on any person or entity according to the requirements of any written law; or
- (d) in any manner agreed with the person or the entity to be served.

(2) The following persons may effect personal service:

- (a) a process server of the Court;
- (b) a solicitor;
- (c) a solicitor's employee;
- (d) a litigant who is not legally represented or his employee; or

(e) any other person that the Registrar may allow in a particular case or generally.

(3) If the process server of the Court effects service, the Registrar shall notify the requesting person of the fact and manner of such service.

Ordinary service

3. Ordinary service of a document may be effected by—

- (a) leaving the document at or posting it to:
 - (i) in the case of a person, his usual or last known address or his solicitor's business address;
 - (ii) in the case of an entity, its registered or principal office or, if none exists, its last known place of business or its solicitor's address;
- (b) by email at the email address provided by the party to be served;
- (c) fax, provided that:
 - (i) both the serving party and the party to be served act by solicitors; and
 - (ii) the solicitor acting for the party to be served indicates to the solicitor acting for the serving party that he is willing to accept service at a specified fax number and the document is faxed to that number;
- (d) in any manner agreed between the parties;
- (e) in any manner which the Court may direct, including the use of electronic means; or
- (f) in any manner provided under any written law.

Service on agent of overseas principal

4.—(1) The Court may, on a summons without notice, direct service to be effected on an agent or manager of a principal, if it is satisfied that:

- (a) an action, including the administration of an estate, is against a principal, who does not reside within or is absent from Singapore;
- (b) the agent or manager has personal control or management within Singapore over the principal's affairs that specifically relate to the action at the time of service; and
- (c) either the authority of the agent or manager has not been terminated, or he has an ongoing business relationship with the principal at the time of the application.

(2) An agent of a ship shall be deemed to be the agent of the owner or of the charterer of the ship under this Rule.

(3) The claimant must send a copy of the order of Court authorising service under this Rule and of the relevant document(s) to be served to the principal's overseas address by prepaid registered post, if the claimant knows that address, within 7 days of service on the agent or manager.

Service in certain actions for possession of immovable property

5. Where there is a claim for possession of immovable property, the Court may, on a summons without notice, authorise service to be effected by placing the document on some conspicuous part of the immovable property or order that such service that has already been effected stand as good service, if the Court is satisfied that:

- (a) no person appears to be in possession of the immovable property; and
- (b) service cannot otherwise be effected on any party to be served.

Substituted service

6.—(1) If a document is required to be served personally and it is impractical to serve it personally, a party may apply to serve it by substituted service.

(2) The Court may order any method of substituted service that is effective in bringing the document to the notice of the person to be served, including the use of electronic means.

(3) Substituted service is to be effected within 14 days from the order of the Court.

Time for service

7.—(1) Subject to any written law as well as these Rules and practice directions regulating the electronic filing service, when service is effected before 5pm on any particular day, service is deemed to have been effected on that day.

(2) When service is effected after 5pm on any particular day, service is deemed to have been effected on the following day.

CHAPTER 6

SERVICE OUT OF SINGAPORE

Service out of Singapore with Court's approval

1.—(1) An originating process or other court documents may be served out of Singapore with the Court's approval if it can be shown that the Court has the jurisdiction or is the appropriate court to hear the action.

(2) To obtain the Court's approval, the Claimant shall apply by summons without notice and supported by affidavit which shall state:

- (a) why the Singapore court has the jurisdiction or is the appropriate court to hear the action;
- (b) in which country or place the defendant is, or probably may be found; and
- (c) whether the validity of the originating process needs to be extended.

(3) The Court's approval is not required if service out of Singapore is allowed under a contract between the parties.

(4) The Court's approval is not required for service of court documents other than the originating process if the Court's approval has been granted for service of the originating process out of Singapore.

Methods of service out of Singapore

2.—(1) Where the Court's approval has been obtained under Rule 1, service of the originating process or other court documents may be effected out of Singapore in the following manner:

- (a) according to the manner contractually agreed between the parties;
- (b) where there is a Civil Procedure Convention governing service in the foreign country, according to the manner provided in that convention;

- (c) through the government of the foreign country if that government is willing to effect service;
- (d) through the judicial authority of the foreign country if that authority is willing to effect service;
- (e) through a Singapore consular authority in that foreign country; or
- (f) according to the manner provided by the law of that foreign country.

(2) Unless any Civil Procedure Convention, treaty, government or judicial authority of a foreign country requires that the originating process or other court documents be sent from the Government or judicial authority of Singapore, they may be sent to the entities in paragraphs 1(c) to 1(e) by the serving party who must engage a solicitor for this purpose.

(3) Where the originating process or other court documents have to be sent from the Government of Singapore, the solicitor for the serving party shall send them to the Registrar with a letter requesting the Registrar to forward them to the Ministry of Foreign Affairs stating the method of service in the foreign country.

(4) Every originating process or court document which is to be served outside Singapore must be accompanied by a translation in the official language of the foreign country, and if there are more than one official language, in any of those languages which is appropriate for the party to be served, except where the official language or one of the official languages is English.

(5) The translation must be certified by a person qualified to do so and the certificate must contain the translator's full name, his address and his qualifications.

(6) Nothing shall be done under this Rule that is contrary to the laws of the foreign country.

Service of originating process on High Contracting Party to Warsaw Convention

3.—(1) Upon obtaining the Court’s approval under Rule 1, a person who wishes to serve an originating process on a High Contracting Party to the Warsaw Convention to enforce a claim in respect of carriage undertaken by that Party, must file in the Registry—

- (a) a request for the Ministry of Foreign Affairs to arrange service;
- (b) a sealed copy of the originating process; and
- (c) translation in the official language of the High Contracting Party, and if there are more than one official language, in any of those languages which is appropriate for the High Contracting Party to be served, except where the official language or one of the official languages is English.

(2) Every translation filed under paragraph 1(c) must be certified by a person qualified to do so and the certificate must contain the translator’s full name, his address and his qualifications.

(3) The serving party must engage a solicitor for the purposes of filing the necessary documents under paragraph 1.

(4) The Registrar shall send the documents filed under paragraph 1 to the Ministry of Foreign Affairs for the originating process to be served on the High Contracting Party or the government in question.

Service of process on foreign State

4.—(1) Upon obtaining the Court’s approval under Rule 1, a person who wishes to serve an originating process on a State, as defined in section 16 of the State Immunity Act (Cap. 313), must file in the Registry —

- (a) a request for the Ministry of Foreign Affairs to arrange service;
- (b) a sealed copy of the originating process; and

(c) a translation of the originating process in the official language of the State, and if there are more than one official language, in any of those languages which is appropriate for the State to be served, except where the official language or one of the official languages is English.

(2) Every translation filed under paragraph 1(c) must be certified by a person qualified to do so and the certificate must contain the translator's full name, his address and his qualifications.

(3) The serving party must engage a solicitor for the purposes of filing the necessary documents under paragraph 1.

(4) The Registrar shall send the documents filed under paragraph 1 to the Ministry of Foreign Affairs for the originating process to be served on the State or the government in question.

(5) Where section 14(6) of the State Immunity Act applies and the State has agreed to a method of service other than that provided by this Rule, the originating process may be served either by the method agreed or provided by this Rule.

Undertaking to pay expenses of service

5.—(1) The solicitor for the serving party must give an undertaking in writing to the Ministry of Foreign Affairs, the Registrar and the serving authority or person in the foreign country to pay all expenses incurred in effecting the service requested.

(2) Upon request to pay the expenses whether before or after the service, the solicitor for the serving party must do so within 14 days.

Certificate of service

6.—(1) An official certificate or letter by the agency or person who effected service in the foreign country stating that service has been effected on the party to be served in accordance with the law of the foreign country and the date of the service shall be evidence of those facts.

CHAPTER 7

CASE CONFERENCE

General matters

1.—(1) A Case Conference will be held 8 weeks after an Originating Claim or an Originating Application is issued if the Defendant is to be served in Singapore, or 12 weeks if the Originating Claim or Originating Application is to be served out of Singapore.

(2) The Court may hold a Case Conference earlier or later than the time stated in paragraph 1 at the request of any party or on its own accord.

(3) The Court may hold as many Case Conferences as it thinks appropriate and at any stage of the proceedings, including appeals.

(4) As a general rule, a Registrar shall conduct the Case Conference but the Registrar may refer any matter at any time to the assigned Judge in that action, or if there is none, to any Judge.

(5) The powers in this Chapter may be exercised by the Court at any stage of the proceedings, including appeals.

Purpose

2. At a Case Conference, the Court will take control of and set the timelines and give directions for the proceedings.

Absence of parties

3.—(1) If no party attends the conference or if the claimant is absent, the Court may dismiss the action.

(2) If the claimant attends the conference but the defendant is absent, the Court may give judgment for the claimant upon proof of service of the Originating Claim or Originating Application on the defendant.

(3) The Court may set aside or vary the dismissal or default judgment on proof that there were valid reasons for the absence of the defaulting party.

Failure to serve originating process

4.—(1) If the claimant attends the conference but has not served his Originating Claim or Originating Application on the defendant, the Court —

- (a) may dismiss the action if it is not satisfied that the claimant has taken reasonable steps to effect service expeditiously; or
- (b) may order him to serve the originating process within 14 days from the date of the conference or to apply for substituted service within that time, extend the validity of the originating process if necessary and shall fix a second Case Conference.

(2) If the claimant fails to serve the originating process by the second Case Conference, the Court may dismiss the action.

Failure to file and serve defence in Originating Claim

5.—(1) If both the claimant and the defendant attend the conference and no defence is served by the first Case Conference when the time for filing and serving a defence has expired, the Court may enter judgment against the defendant in default of a defence.

(2) The Court may set aside or vary such a default judgment.

(3) The Court may, in a special case, extend time for the defendant to serve the defence after the first Case Conference, failing which the defendant is deemed not to have served a defence and the claimant is entitled to judgment under paragraph 1.

(4) This Rule applies to a claimant's default to serve a defence to the defendant's counterclaim.

Challenges to jurisdiction of Court

6.—(1) If both the claimant and defendant attend the conference and a defence has been filed and served in the case of an Originating Claim, the Court shall first deal with any objection to its jurisdiction.

(2) If the defendant is challenging the jurisdiction of the Court, the Court shall —

- (a) direct the defendant to file and serve the necessary application with supporting affidavit within 14 days of the date of the conference;
- (b) direct the claimant to file and serve any affidavit in reply within 14 days thereafter, with no further affidavits to be filed without the Court's approval; and
- (c) fix the application for hearing within 14 days after all affidavits have been filed and served.

Affidavits of evidence-in-chief

7.—(1) If the application to challenge the jurisdiction of the Court has been dealt with or where there is no challenge to the jurisdiction of the Court, after pleadings have been filed and served but before any exchange of documents, the Court may, in any particular case or class of cases, order the parties to file and serve their list of witnesses and the affidavits of evidence-in-chief of all or some of the witnesses.

(2) Where the Court does not exercise its power under paragraph 1, it will proceed to consider the matters in Rule 8.

Single application pending trial

8.—(1) After the parties notify the Court that they have complied with the Court's order under Rule 7(1) or the Court does not exercise its power under Rule 7(1), the Court shall consider all matters necessary to bring the proceedings to a conclusion in accordance with the Ideals.

(2) As far as possible, the Court shall order a single application pending trial to be made by each of the parties.

(3) The single application shall deal with all matters that are necessary for the case to proceed expeditiously.

(4) The matters mentioned in paragraph 3 include:

- (a) addition or removal of parties;
- (b) consolidation of actions;
- (c) division of issues at trial to be heard separately;

- (d) security for costs;
- (e) further and better particulars of pleadings;
- (f) amendment of pleadings;
- (g) filing of further pleadings;
- (h) striking out of the whole or part of an action or of the defence;
- (i) summary judgment;
- (j) determination of questions of law or construction of documents;
- (k) production of documents;
- (l) interim relief;
- (m) expert evidence and assessors;
- (n) independent witness and interested non-parties;
- (o) independent counsel; and
- (p) transfer of proceedings under the State Courts Act (Cap. 321).

(5) The Court shall order the applying party to file and serve his application and supporting affidavit within 21 days of the date of the conference and the other party to file and serve an affidavit in reply within 21 days thereafter.

(6) The Court may order written submissions to be filed with a bundle of authorities if appropriate.

(7) No application may be taken out by any party at any time other than as directed at the Case Conference or with the Court's approval, except an application for:

- (a) an injunction or a search order which may include an application for any other matter if it is incidental to the injunction or search order;
- (b) substituted service;
- (c) service out of Singapore;
- (d) setting aside service of an originating process;

- (e) judgment in default of a notice of intention to contest or not to contest an Originating Claim;
- (f) judgment in default of defence; or
- (g) leave to appeal.

(8) The Court's approval to file further applications other than those directed at a Case Conference shall be sought by letter setting out the essence of the intended application and the reasons why it is necessary at that stage of the proceedings.

(9) The Court may deal with the request by letter summarily or fix a Case Conference to deal with the matter.

(10) No application shall be taken out within 14 days before the commencement of the trial and until the Court has determined the merits of the action, except in a special case and with the trial Judge's approval.

(11) The trial Judge's approval in paragraph 10 shall be sought by letter setting out the essence of the intended application and explaining why there is a special case.

Adding and removing of parties

9. —(1) The Court may add or remove one or more claimants, defendants, third parties or any other parties, or give directions for the originating process to be served on any person who may have an interest in the action.

(2) Any person seeking to be added as a party may attend a case conference if he is aware of it or may seek a case conference by letter addressed to the Court and copied to all the parties.

(3) Where a person is added as a defendant, the action shall be deemed to be commenced against him on the date on which the amendment to the action is made.

Consolidation, etc., of causes or matters

10. The Court may order 2 or more actions to be consolidated, or order them to be tried together or one immediately after another, or

order any of them to be stayed pending the determination of the other action(s), if it is of the opinion that —

- (a) there is some common question of law in the actions;
- (b) the reliefs claimed in the actions concern or arise out of the same factual situation; or
- (c) it is appropriate to do so.

Security for costs

11.—(1) The defendant may apply for security for his costs of the action if the claimant —

- (a) is ordinarily resident out of the jurisdiction;
- (b) is a nominal claimant who is suing for some other person's benefit (but not suing in a representative capacity) or is being funded by a non-party and that there is reason to believe that he will be unable to pay the defendant's costs if ordered to do so; or
- (c) has not stated or has incorrectly stated his address in the Originating Claim or Originating Application, or has changed his address during the course of the proceedings, so as to evade the consequences of the litigation,

(2) If the claimant is a company, section 388 of the Companies Act (Cap. 50) shall also apply.

(3) The defendant may apply for security for his costs of the action to be provided by a non-party, if that non-party has —

- (a) assigned his right in the action to the claimant in return for a share of any money or property which the claimant may recover in the action;
- (b) contributed or agreed to contribute to the claimant's costs in return for a share of any money or property which the claimant may recover in the action, or
- (c) contributed or agreed to contribute to the claimant's costs and actively instigates or encourages the claimant to maintain his action.

(4) Nothing in this Rule shall be deemed to limit or affect the power of the Court to require security to be given for the costs of any proceedings under any written law.

Further and better particulars

12. The Court may order a party to serve on any other party particulars of any matter stated in his pleading if the Court is of the opinion that the particulars are necessary on the facts of the case.

Amendment of pleadings

13.—(1) The Court may allow the parties to amend their pleadings.

(2) In a special case, the Court may consider events that occurred after the Originating Claim is filed to be pleaded notwithstanding that they do not relate back to the date of the filing of the Originating Claim.

(3) The Court shall not allow any pleading to be amended within 14 days before the commencement of the trial except in a special case.

(4) Where an application for leave to amend is made after the relevant limitation period has expired, the Court may allow the amendment in the following circumstances:

- (a) an amendment to correct the name of a party even if its alleged effect will be to substitute a new party, if it was a genuine mistake and was not misleading as to the identity of the party in question;
- (b) an amendment to alter the capacity in which a party sues if he might have sued in that capacity at the time the Originating Claim was issued or the counterclaim was made; and
- (c) an amendment to add or substitute a new cause of action, if the new cause of action arises out of the same or substantially the same facts or substantially the same facts as an existing cause of action for which relief has already been claimed in the same action.

(5) If material facts in the pleadings are amended, the Court may draw the appropriate inferences.

(6) This Rule shall apply to an Originating Application with the necessary modifications.

Directions for pleadings beyond defence or defence to counterclaim

14.—(1) The Court shall decide whether it is necessary to file a pleading beyond the defence or defence to counterclaim.

(2) The Court shall not order further pleadings to be filed if they merely deny or repeat assertions in earlier pleadings without adding anything material.

Striking out pleadings and other documents

15.—(1) The Court may order any or part of any pleading to be struck out or amended, on the ground that —

- (a) it discloses no reasonable cause of action or defence;
- (b) it is an abuse of process of the Court; or
- (c) it is in the interests of justice to do so,

and may order the action to be stayed or dismissed or judgment to be entered accordingly.

(2) No evidence shall be admissible on an application under paragraph 1(a).

(3) This Rule shall apply to an Originating Application as if it were a pleading.

(4) The Court may order any affidavit or other document filed in Court to be struck out or redacted on the ground that —

- (a) the party had no right to file the affidavit or document;
- (b) it is an abuse of process of the Court; or
- (c) it is in the interests of justice to do so.

Summary judgment

16. The claimant may apply for summary judgment against any defendant after the defence has been filed and served in an Originating Claim on the ground that that defendant has no defence to:

- (a) a claim; or
- (b) a particular part of a claim, or
- (c) a claim or part of a claim, except as to the amount of any damages claimed.

(2) The claimant's affidavit must contain all the evidence that is necessary or material to the claim.

(3) If the defendant disputes the application in any way, he must file and serve his affidavit on the claimant within 14 days after service of the claimant's application and affidavit.

(4) The defendant's affidavit must contain all the evidence that is necessary or material to the defence.

(5) If the claimant disputes anything in the defendant's affidavit, he must file and serve his affidavit on the defendant within 14 days after service of the defendant's affidavit.

(6) No further affidavits shall be filed without the Court's approval.

(7) The Court may—

- (a) dismiss the application;
- (b) grant leave to defend to the defendant without any conditions;
- (c) grant judgment to the claimant; or
- (d) grant leave to defend to the defendant with conditions if the defence or any issue raised therein is of a dubious nature.

(8) Where the claimant obtains summary judgment on a claim or part of a claim against any defendant, he may proceed with any other claim or the remainder of the claim or against any other defendant.

(9) The Court may order a stay of execution of any summary judgment granted against any defendant until after the trial of the defendant's counterclaim.

(10) The Court may set aside or vary any summary judgment granted against a defendant who was absent at the hearing.

Agreement on facts and law

17.—(1) The Court shall direct the parties to agree on as many material facts as possible and to set them out in an agreed statement of facts at as early a stage as possible.

(2) Where admissions of fact are made by a party in his pleadings or other documents, the Court may, on application made orally or in writing, give judgment on those admissions.

(3) The parties may also agree on material questions of law and to waive or limit their right of appeal.

Decision on questions of law or construction of documents

18.—(1) Upon a party's application or on the Court's own accord, the Court may decide any question of law or the construction of any document arising in any action without a trial or hearing on the facts, whether or not such decision will fully determine the action.

(2) Where the Court's decision in paragraph 1 fully determines (subject only to any appeal) the entire matter or any claim or issue therein, the Court may give judgment or dismiss the action or make any order that is appropriate.

Production of documents

19. The Court may order the production of documents in accordance with Chapter 8 of these Rules.

Expert evidence and assessors

20.—(1) The parties are to inform the Court during the Case Conference if they intend to rely on expert evidence.

(2) If one or more parties intend to rely on expert evidence, the Court shall consider the matters set out in Chapter 9 of these Rules.

(3) The Court may appoint one or more Assessors upon application by any party or on its own accord and give directions on the role and the remuneration of the Assessors.

Independent witnesses and interested non-parties

21.—(1) The Court may order, on its own accord, a person not named as a witness for any party to give evidence orally or by way of affidavit as an independent witness.

(2) The Court may give directions for the cross-examination of an independent witness.

(3) The Court may invite any person or entity who has an interest or is able to assist in the issues in the case to give his/its views in writing on specific issues.

(4) The interested person or entity shall not be subject to cross-examination and need not attend the hearing.

(5) The Court may order one or more of the parties to pay for the reasonable expenses incurred by an independent witnesses or an interested person or entity.

Independent counsel

22.—(1) The Court may, on its own accord, appoint one or more independent counsel (previously referred to as “*amicus curiae*”) to assist the Court in any matter on specific issues of law.

(2) An independent counsel may be:

(a) a solicitor;

(b) an academic involved in the teaching of law at present or in the past;

(c) a person who has special knowledge or experience in any area of law.

(3) The Court shall give directions to the independent counsel on:

(a) the specific issues of law to be addressed by the independent counsel;

- (b) the filing and service of written submissions by the independent counsel and the parties; and
- (c) the independent counsel's attendance in Court to make oral submissions.

Pre-trial examination

23.—(1) Where it is necessary in the interests of justice to record the evidence of any witness in or out of Singapore before a trial, a party may apply to the Court to make an order for pre-trial examination.

(2) The party who applies for an order for pre-trial examination must file an affidavit showing that:

- (a) the witness' evidence is necessary for his case;
- (b) the other parties do not agree that the evidence of that witness be given in an affidavit without cross-examination;
- (c) the witness will not be able or willing to attend the trial or to give evidence by video-conference; or
- (d) the witness' age or health makes it likely that he will pass away before or become incapable of testifying at the trial.

(3) If the pre-trial examination is to be conducted outside Singapore, the affidavit must also state:

- (a) the place where the pre-trial examination is to be conducted;
- (b) that the law of that place allows the pre-trial examination to be conducted in that place;
- (c) the particulars and remuneration of the examiner who will be conducting the pre-trial examination;
- (d) the rules that will apply to the pre-trial examination.

(4) A pre-trial examination in Singapore must be before a Judge or Registrar and shall be conducted according to the rules governing trials.

(5) A pre-trial examination outside Singapore shall be conducted by the examiner appointed by the Court and in the manner directed

by the Court and must not do anything that is contrary to the law of that place.

Directions for trial or hearing

24.—(1) Subject to these Rules, at the appropriate stage, the Court shall give directions for the case to proceed to trial or hearing.

(2) The Court may order a bifurcated hearing in that the issues concerning liability are to be heard by a Judge before the issues concerning the amount of damages or the taking of accounts are heard by a Judge or the Registrar.

(3) The Court may order any issue of fact to be heard and decided separately.

(4) In an Originating Claim, the Court shall give directions to the parties to file and serve:

- (a) their affidavits of evidence-in-chief or other affidavits (if such directions have not been given earlier);
- (b) the bundles of documents; and
- (c) their opening statements (with a page limit of 20 pages) without the need for bundles of authorities.

(5) The bundle of documents in paragraph 4 shall contain:

- (a) the last pleading (which incorporates all the previous pleadings);
- (b) the orders of Court given at the Case Conferences which are relevant for the trial; and
- (c) the documents which the parties are relying on at the trial, separating them into sections for documents whose authenticity is not in dispute and documents whose authenticity is in dispute.

(6) The bundle of documents in paragraph 4 shall be arranged chronologically or in some other meaningful order and shall not contain repeat documents or documents which have not been exchanged or produced under Chapter 8 of these Rules.

(7) Where issues concerning liability are agreed or have been determined in a bifurcated hearing under paragraph 2, the Court shall give the appropriate directions for the assessment of damages or the taking of accounts as set out in paragraph 4.

(8) In an Originating Application where the defendant has included a counterclaim in his affidavit, the Court shall consider whether to order:

(a) the claim and the counterclaim to be heard together or separately; or

(b) the defendant to file a separate action for his counterclaim.

(9) In an Originating Application, the Court may order the parties to file and serve their written submissions (with a page limit of 30 pages except in a special case) together with the bundle of authorities.

(10) The Court shall estimate the length of time needed for the trial or hearing, including oral or written submissions, and assign the trial or hearing dates accordingly.

CHAPTER 8

PRODUCTION OF DOCUMENTS

Court's power how exercised

1. In exercising its power in this Chapter, the Court shall bear in mind, in addition to the Ideals, the following principles:

- (a) that a claimant is to sue and proceed on the strength of his case and not on the weakness of the defendant's case; and
- (b) that a party who sues or is sued in court does not thereby give up his right to privacy and confidentiality in his documents and communications.

Modified Rule 1 after discussion with MinLaw:

Scope of Chapter and Court's power

1.—(1) This Chapter sets out the basic requirements of the parties' obligations to produce and exchange documents and does not affect:

- (a) any agreement that the parties or any set of parties may make to broaden the scope of such obligations; or
- (b) the Court's power to allow a broader scope of discovery where it is in the interests of justice to do so.

(2) In exercising its power in this Chapter, the Court shall bear in mind, in addition to the Ideals, the following principles:

- (a) that a claimant is to sue and proceed on the strength of his case and not on the weakness of the defendant's case; and
- (b) that a party who sues or is sued in court does not thereby give up his right to privacy and confidentiality in his documents and communications.

(3) The Court may allow a broader scope of discovery where the Court determines that it is in the interests of justice to do so.

(4) It will be in the interests of justice to allow such broader scope of discovery where it could aid in disposing fairly of the proceedings.

(5) Where there is an application for a broader scope of discovery, paragraph 2 shall not apply and the Court shall have regard only to the Ideals and to paragraph 4.

Production of documents relied upon by parties

2.—(1) At the Case Conference, the Court shall order the parties in an Originating Claim to exchange a list of and a copy of all documents which they will be relying on within 14 days after the date of the Case Conference.

Modified Rule 2(1) after discussion with MinLaw:

Production of documents relied upon by parties

2.—(1) At the Case Conference, the Court shall order the parties in an Originating Claim to exchange a list of and a copy of:

- (a) all documents which they will be relying on; and
- (b) all documents which fall within the broader scope of discovery as agreed between the parties or any set of parties or as ordered by the Court,

within 14 days after the date of the Case Conference.

(2) A copy of any document may be in paper form or in an electronic format in a common format that the other party can use.

(3) The parties do not need to exchange documents common to them that are in their possession or control to avoid duplication and to save costs.

(4) The parties shall not rely on any document that was not exchanged or produced in this Chapter.

Production of requested documents

3.—(1) The Court may order any party to produce the original or a copy of a specific document or class of documents (referred to as “Requested Documents”) in his possession or control, if the requesting party:

- (a) properly identifies the Requested Documents; and

(b) shows that the Requested Documents are material to the issues in the case.

(2) If the Requested Document is not in the party's possession or control, the Court may order that party to file an affidavit stating this, as well as whether he had such possession or control previously and if so, when he parted with and what has become of that Requested Document.

(3) Where paragraph 2 applies, the party has a continuing duty to produce the Requested Document if it subsequently comes into his possession or control at any time in the course of the proceedings, within 14 days after he has obtained such possession or control.

(4) Except in a special case, if the Court orders the parties to file and serve affidavits-of-evidence in chief of witnesses after pleadings have been filed and served but before any exchange of documents, the Court shall not exercise its power under this Rule before the parties comply with the Court's order.

Court's power to order production of documents

4. Subject to these Rules, the Court may, on its own accord and at any time, order any party or non-party to produce a copy of any document that is in his possession or control.

No order for production of certain documents

5.—(1) Except in a special case, the Court shall not order production of any document that—

(a) merely leads a party on a train of inquiry to other documents;
or

(b) is part of a party's private or internal correspondence, whether in paper form or in an electronic format (including electronic mail, Short Message Service or any Instant Messaging Service), wherever such correspondence may be stored.

(2) Subject to any written law, the Court shall not order the production of any document which is subject to any privilege or duty

of confidentiality or where its production would be contrary to the public interest.

Non-compliance of production order

6.—(1) If any party fails to comply with any order made by the Court in this Chapter, the Court may—

- (a) order that the action be dismissed or that the defence be struck out and judgment be entered accordingly;
- (b) draw an adverse inference or make any such order as it deems fit;
- (c) punish that party for contempt of Court if the order has been served on him or his solicitor but it shall be open to him to show that he was not notified or did not know about the order;
or
- (d) order that that party shall not rely on any document that is within the scope of the order unless the Court approves.

Privileged documents

7.—(1) A document which was at any time subject to any privilege or duty of confidentiality must not be relied on unless the party entitled to the privilege or confidentiality consents or the Court approves.

(2) Such a document does not lose its privilege or confidentiality even if it was disclosed or taken inadvertently or unlawfully by anyone.

Use of documents in other proceedings

8.—(1) Any documents produced in this Chapter or by compulsion of law in proceedings must not be relied on in other proceedings by the other parties or non-parties unless the party who produced the documents consents or the Court otherwise approves.

(2) The party who used or produced any document in a case may apply to the Court to prohibit the use of such documents for any purpose other than for that case.

Production before action or against non-parties

9.—(1) The Court may order the production of documents and information before the commencement of proceedings or against a non-party to identify possible parties to any proceedings, to enable a party to trace his property or for any other lawful purpose, in the interests of justice.

(2) The Court must not order a document to be produced if its production cannot be compelled in law.

(3) A non-party is entitled to all reasonable costs arising out of such an application.

Inspection of original of document produced

10.—(1) If a party requests to inspect the original of any document produced, the party who produced the document shall arrange a mutually convenient time and place for the inspection to take place.

(2) Such inspection shall take place within 14 days of the request unless the parties otherwise agree.

(3) If the party who produced the document fails to comply with paragraphs 1 and 2, the requesting party may apply to the Court to compel that party to do so.

CHAPTER 9

EXPERT EVIDENCE

Expert

1.—(1) An expert is a person with scientific, technical or other specialised knowledge based on training, study or experience.

(2) An expert has the duty to assist the Court in the matters within his expertise and on the issues referred to him.

(3) The expert's duty to the Court overrides any obligation to the person from whom he receives instructions or by whom he is paid.

Court to approve use of expert evidence

2.—(1) No expert evidence shall be used in Court unless the Court approves.

(2) The parties shall consider whether expert evidence will contribute materially to the determination of any issue that relates to scientific, technical or other specialised knowledge and whether such issue can be resolved by an agreed statement of facts or by submissions based on mutually agreed materials.

(3) The Court shall approve the use of expert evidence only if it will contribute materially to the determination of any issue in the case and the issue cannot be resolved as stated in paragraph 2.

(4) The Court may disallow the use of or reject any expert evidence if it is of the opinion that the expert lacks the requisite specialised knowledge in the issues referred to him or that he lacks impartiality.

Common expert, court expert and number of experts

3.—(1) Except in a special case and with the Court's approval, the parties shall agree on one common expert.

(2) Except in a special case and with the Court's approval, a party shall not rely on expert evidence from more than one expert on all or any of the issues.

(3) In a special case, the Court may appoint a court expert in addition to or in place of the parties' common expert or all the experts.

(4) The Court shall give all appropriate directions relating to the appointment of the common expert and the Court expert, including the method of questioning in Court and the remuneration to be paid to them.

Issues and common set of facts

4.—(1) The parties shall agree on the list of issues to be referred for expert evidence and the common set of agreed or assumed facts that the experts are to rely on.

(2) The list of issues and the common set of agreed or assumed facts shall be approved by the Court and the expert evidence shall be confined to the approved issues and shall rely on the common set of agreed or assumed facts only.

(3) If there is no agreement as stated in paragraph 1, the Court shall decide the list of issues and the common set of agreed or assumed facts.

(4) As far as possible, the issues shall be expressed in the form of questions which can be answered with "yes" or "no".

Expert's report

5.—(1) Expert evidence shall be given in a report signed by the expert and exhibited in an affidavit made by the expert.

(2) The expert's report shall include the following:

- (a) the expert's qualifications showing that he has the requisite specialised knowledge in the issues referred to him;
- (b) the expert's statement that he understands his duty is to assist the Court in the matters within his expertise and on the issues referred to him and that such duty to the Court overrides any obligation to the person from whom he receives instructions or by whom he is paid;
- (c) the issues referred to him and the common set of agreed or assumed facts that he relied on;

- (d) a list of the materials that he relied on and including only extracts of the materials which are necessary to understand the report;
- (e) where the materials include tests, experiments or the collection or analysis of data, the name and qualifications of the persons who did the tests, experiments or the collection or analysis of data and whether they did so under the expert's supervision or guidance; and
- (f) the conclusions reached on the issues referred to him and the reasons to support the conclusions.

Meeting, clarification on report and cross-examination

6.—(1) The Court may order the parties, their solicitors and the experts to meet before, during or after the making of the expert reports to try to narrow any dispute and so that the parties can agree in writing on all or some of the conclusions on the issues referred to the experts.

(2) Other than the contents of any agreement in writing, the contents of discussions at such meetings shall not be used in Court unless the parties otherwise agree.

(3) With the Court's approval, the parties may request in writing that the expert clarify his report in any aspect.

(4) The expert shall give his clarification in writing within the time specified by the Court and such clarification shall be deemed to be part of his report.

(5) The parties shall consider whether the experts need to be cross-examined in Court.

Panel of experts

7.—(1) The Court may order that all or some of the experts testify as a panel.

(2) The panel of experts may testify before or after all or some of the non-expert witnesses have testified.

(3) If the defendant's expert testifies as a panel before the defendant or any of the defendant's non-expert witnesses has testified, the defendant shall not be deemed to have waived his right to submit that there is no case for him to answer at that stage of the hearing.

(4) Where the experts testify as a panel, the Court may order that they give their views on the issues referred to them and comment on one another's views.

(5) The Court may order cross-examination and re-examination of all or some of the experts in the panel in any sequence as the Court thinks appropriate, whether before or after the experts have testified as a panel.

(6) The Court may give any other directions as are appropriate for the particular case.

CHAPTER 10

INJUNCTIONS, SEARCH ORDERS AND OTHER RELIEF

Application for injunction or search order

1.—(1) A party may apply for an injunction or a search order, whether or not a claim for such relief was included in that party's originating process or counterclaim.

(2) In an urgent case, the claimant may apply for an injunction or search order before the originating process is issued.

(3) The application may be by summons without notice supported by an affidavit stating the urgency, why the defendant should not be informed about the application and the merits of the application.

(4) The Court may order the claimant not to serve the injunction or the search order on anyone until after the originating process is issued.

(5) A party applying for an injunction or search order has the duty to disclose to the Court all material facts that he knows or reasonably ought to know, including any matter that may affect the merits of his case adversely.

(6) A local injunction prohibiting the disposal of assets in Singapore must be in Form 11.

(7) A worldwide injunction prohibiting the disposal of assets worldwide must be in Form 12.

(8) A search order must be in Form 13.

Detention, preservation, etc., of subject-matter of action

2.—(1) The Court may order the detention, custody or preservation of any property which is the subject-matter of or may give rise to issues in an action.

(2) The Court may order the inspection of any such property in the possession or control of a party.

(3) The Court may authorise any person to enter upon any immovable property in the possession or control of any party to effect any order made under paragraphs 1 and 2.

(4) Where there is a dispute as to the right of any party to a specific fund, the Court may order the fund to be paid into Court or otherwise secured.

Power to order taking of samples, etc.

3.—(1) If any property is the subject-matter of or may give rise to issues in an action, the Court may order—

- (a) any sample of it to be taken;
- (b) any experiment or examination to be conducted.

(2) The Court may authorise any person to enter upon any immovable property in the possession or control of any party to the action to effect any order in paragraph 1.

Sale of perishable property, etc.

4.—(1) The Court may order the sale of any movable property which is the subject-matter of or may give rise to any issue in an action if—

- (a) that property is perishable;
- (b) that property is likely to diminish in value; or
- (c) it is desirable to sell that property for any other reason.

Transfer or handing over of property held as security

5. Where the claim is for the recovery of any property held as security, the Court may order the property to be handed over or transferred to the claimant before trial if—

- (a) the claimant's title to the property is not in dispute, and
- (b) the claimant pays into Court or provides security for the value of the property or the value of the claim for which the property is held as security, whichever is the lower.

Use of property for income before trial or hearing

6. Where the claim involves any property which is capable of generating income, the Court may order that the property be used for that purpose before the trial or hearing and the income be kept in an account or be distributed or used for any appropriate purpose.

Sale and dealings with immovable property before trial or hearing

7.—(1) Where any immovable property is in issue in any proceedings, the Court may order it to be sold or dealt with in any manner that is appropriate before trial or hearing.

(2) The Court may give directions on the—

- (a) valuation of the immovable property;
- (b) minimum price and terms of sale;
- (c) method of sale;
- (d) appointment and remuneration of a sales agent;
- (e) appointment and remuneration of an advocate and solicitor to effect the sale and transfer of title or to deal with the property in any other manner.

Interim payments

8.—(1) In this rule, “interim payment” means any payment before trial or hearing on account of any amount that a defendant may be held liable to pay to the claimant, excluding costs of the action.

(2) A defendant may make interim payment to the claimant on his own accord.

(3) A claimant may apply for interim payment to be made by one or more of the defendants and his affidavit shall state—

- (a) the amount of his claim;
- (b) whether the defendant has admitted liability or has been found liable for any part of the claim, and if not, why he believes he has a strong case against the defendant; and

(c) why he requires an interim payment to be made at this stage of the proceedings.

(4) The Court may order interim payment of any amount to be made after taking into consideration all the above factors, any contributory negligence, set-off or counterclaim that the defendant has relied on and his ability to make the interim payment.

(5) The Court may order interim payment to be made in instalments or at periodic intervals.

(6) The Court may allow a second or subsequent application for interim payment to be made if there is a material change in circumstances.

(7) The fact that interim payments have been made on the defendant's own accord or by order shall not be disclosed to the trial Judge until after all issues on liability and on the amount of claim have been decided, unless the defendant consents.

(8) If the Court dismisses the claim, the Court must order the claimant to repay the defendant the amount paid in interim payments, with or without interest.

(9) If the Court gives judgment for an amount less than the amount paid in interim payments, the Court must order the claimant to repay the defendant the excess paid, with or without interest on the excess paid.

(10) If the Court gives judgment for an amount which is more than the amount paid in interim payments, the Court must take into account the interim payments paid.

(11) If a defendant who makes interim payments does not admit that the amount paid is due to the claimant, the claim shall not be deemed to have been reduced by that amount for the purpose of considering whether any other Court has the jurisdiction to hear the case.

Receivers

9.—(1) The Court may appoint receiver(s) at any time where appropriate.

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- (2) The Court may give directions on—
- (a) the duties and the powers of the receiver(s);
 - (b) the form and the amount of any security to be given by the receiver(s) for the proper discharge of the duties;
 - (c) when and how often the accounts should be submitted to the Court and to the relevant parties;
 - (d) the remuneration of the receiver(s).
- (3) If the receiver fails to discharge the duties properly, the Court may—
- (a) terminate the appointment of the receiver;
 - (b) disallow any part of the remuneration;
 - (c) order that all or part of any security given be forfeited;
 - (d) appoint new receiver(s);
 - (e) make orders relating to any property in the possession or control of the former receiver.

Release from liability of person in possession or control of property

- 10.**—(1) A person who is in possession or control of any property may apply to the Court at any time to be released from any liability relating to the property if he files an affidavit stating that he—
- (a) does not make any claim to the property other than for expenses and fees relating to such possession or control;
 - (b) faces or expects to face conflicting claims to the property;
 - (c) does not know or does not wish to decide which of the conflicting claims is the valid one; and
 - (d) is willing to abide by any direction given by the Court relating to the property.
- (2) The application and the affidavit must be served on all claimants or known potential claimants to that property.

(3) Any person served with the application and the affidavit who wants to make a claim on the property must file his affidavit within 14 days of such service.

(4) The Court must fix a Case Conference for the application.

(5) At the Case Conference, the Court may decide on the conflicting claims summarily or give directions regarding the hearing of the conflicting claims.

(6) Any person who makes a claim on any property in the Sheriff's possession or control must give written notice of his claim to the Sheriff as soon as possible and include any evidence supporting the claim.

(7) The Sheriff may apply under this Rule.

Order for early trial

11. The Court may order an early trial or hearing of the action instead of making an order on any application under Rules 1 to 10.

CHAPTER 11

COURT HEARINGS AND EVIDENCE

Hearings in open Court and in chambers

1.—(1) Subject to any written law or practice directions, all Originating Applications, summonses, assessment of damages, taking of accounts and appeals shall be heard in chambers.

(2) All trials in Originating Claims shall be heard in open Court.

(3) Applications and appeals to the Court of Appeal shall be heard in open Court unless the Court of Appeal otherwise orders.

(4) The Court may order any matter which is to be heard in chambers to be heard in open Court and order any matter which is to be heard in open Court to be heard in chambers at any time.

(5) As a general rule, attendance in hearings in chambers is restricted to the parties (if they are not legally represented) or to their solicitors (if they are legally represented).

(6) The Court may allow any person to attend any hearing in chambers subject to space, security and the interests of justice.

(7) Subject to any written law, the Court may hear any matter in open Court in private with attendance restricted to the parties, their legal representatives and any other person which the Court allows in the interests of justice.

(8) All persons in Court or in chambers shall comply with the practice directions and the Court's directions on attire, conduct, use of electronic or other devices or any other matter.

Jurisdiction and powers of the Registrar

2.—(1) Subject to any written law or practice directions, the Registrar shall have the jurisdiction and powers of a Judge in chambers and shall hear all matters in chambers only.

(2) The Registrar may refer any matter to a Judge.

(3) The Judge may hear the matter referred to him or send it back to the Registrar with directions.

Attendance of parties

3.—(1) All parties shall attend the hearing of any matter in person (if they are not legally represented) or by a solicitor (if they are legally represented).

(2) If a party fails to attend the hearing, the Court may dismiss his application, action or appeal or make any other appropriate order against him.

(3) The Court may dispense with the attendance of the parties or their solicitors and decide a matter after reading the documents filed without the need for oral submissions:

- (a) in Originating Applications without notice and summonses without notice;
- (b) in matters where all the parties involved consent to the dispensation of attendance; or
- (c) in matters where evidence has been adduced by affidavit, orally or by agreement and only submissions on facts and/or law are required.

Attendance of witnesses

4.—(1) The parties may request the Registrar by letter to issue an Order to Attend Court in Form 14 to any witness, stating whether the witness is to give oral evidence or to produce documents or both.

(2) The Order to Attend Court shall state the requesting party and whether the witness is to give oral evidence or to produce documents or both.

(3) An Order to Attend Court must be served by the requesting party on the witness by personal service in Singapore at least 28 days before the hearing.

(4) An Order to Attend Court continues to have effect until the conclusion of the hearing.

(5) A witness served with an Order to Attend Court to produce documents only need not attend Court personally if he ensures that all the documents required are produced in accordance with the Order to Attend Court.

(6) A witness who complies with An Order to Attend Court shall be entitled to claim reasonable compensation for his time and expenses in complying with the Order to Attend Court from the requesting party upon request.

(7) If the witness is a person confined in a prison, the requesting party shall include in his letter the name of the prison the witness is confined in, the reasons for requiring the witness to attend Court and an undertaking to pay upon request the costs to be incurred by the prison in complying with the Order to Attend Court.

(8) An Order to Attend Court addressed to a person confined in prison shall include the following words:

“This Order to Attend Court shall be sufficient authority as an order under section 38 of the Prisons Act (Cap. 247) for the Superintendent to produce the named person in Court at the time and place stated.

The requesting party undertakes to pay upon request the costs to be incurred by the prison in complying with the Order to Attend Court.”

(9) The Order to Attend Court in paragraph 8 may be served on the Superintendent of the prison by ordinary service and shall be served at least 14 days before the hearing.

(10) A witness, who is not a party, who has not given his evidence shall remain outside the Courtroom until he is called into Court.

(11) A witness who has given his evidence may remain in or leave the Courtroom.

(12) Where a document filed in Court or the Court’s records are required for the hearing, the requesting party may request the Registrar by letter to produce the document or the Court’s records.

(13) It shall be sufficient for the Registrar to produce a copy of the document or the records requested.

Attendance by other persons

5.—(1) Any person may attend a hearing in open Court.

(2) The Court may disallow any person to attend any hearing if:

- (a) that person is improperly attired;
- (b) that person is disruptive; or
- (c) it is in the interests of justice.

Hearing of Originating Applications and summonses

6.—(1) Subject to any written law, Originating Applications shall be heard by one Judge.

(2) The Judge may hear the whole or part of the matter with the assistance of one or two assessors who shall take such part in the hearing and be remunerated in the manner and the amount that the Court orders.

(3) If none of the parties attends Court when the hearing begins, the Court may dismiss the matter.

(4) If one of the parties does not attend Court when the hearing begins, the Court may proceed with the hearing or give judgment against or dismiss the claim of the absent party or make any other appropriate order.

(5) As a general rule, Originating Applications and summonses shall be decided on the basis of the evidence adduced by affidavits and on oral or written submissions, without oral evidence or cross-examination.

(6) Where the Court is of the view that there are disputes of facts in the affidavits, the Court may order the following:

- (a) the parties to file and serve further affidavits;
- (b) the makers of the affidavits to be cross-examined;

(c) the Originating Application to be converted into an Originating Claim and give the necessary directions; or

(d) any other appropriate order.

(7) The Court may give its decision immediately after the hearing or at a later date.

Hearing of Originating Claims, Assessment of damages or value and taking of accounts

7.—(1) Subject to any written law, the trial in Originating Claims, Assessment of damages or value and taking of accounts shall be heard by one Judge.

(2) The Judge may hear the trial or part of the trial with the assistance of one or two assessors who shall take such part in the trial and be remunerated in the manner and the amount that the Court orders.

(3) If none of the parties attends Court when the trial begins, the Court may dismiss the claim and any counterclaim.

(4) If one of the parties does not attend Court when the trial begins, the Court may proceed with the trial or give judgment against or dismiss the claim of the absent party or make any other appropriate order.

(5) The Court shall have control over the order of proceedings and may give the appropriate directions before or during the trial and subject to such directions, the following order of proceedings shall apply.

(6) The opening statements and affidavits of evidence-in-chief need not be read out in Court.

(7) The claimant shall begin and testify before his witnesses.

(8) The defendant and any other parties may cross-examine the claimant and his witnesses.

(9) When the claimant and his witnesses have completed giving their evidence, subject to paragraph 11, the defendant shall begin and testify before his witnesses.

(10) The claimant and any other parties may cross-examine the defendant and his witnesses.

(11) At the conclusion of the claimant's case, the defendant may make a submission of "No case to answer" in that the evidence in the claimant's case has not made out a case requiring him to make his defence if the following conditions are fulfilled:

- (a) the defendant will not be giving evidence by himself or through his witnesses even if the Court rules against him;
- (b) the defendant does not have a counterclaim arising out of substantially the same facts as the claimant's case or, if he has such a counterclaim, he withdraws it;
- (c) if there are more than one defendant and not all the defendants make the submission of "No case to answer" and the Court decides not to rule immediately on the submission of "No case to answer", the defendant who makes the submission cannot rely on or make any submissions on the evidence given by any other party and cannot cross-examine any party or witness who gives evidence after the submission was made;
- (d) the defendant who makes the submission of "No case to answer" may rely on the evidence of his expert and any other expert if those experts have already given evidence as a panel of experts during the claimant's case.
- (e) the defendant who makes the submission of "No case to answer" and is unsuccessful may make submissions on the costs of the action.

(12) At the conclusion of the evidence for all the parties, the Court shall hear the submissions of all the parties in the order that it considers appropriate.

(13) The Court may give its decision immediately after the hearing or at a later date.

Oaths and affirmations

8. A person shall take an oath or make an affirmation according to the practice of the Court before he gives evidence in Court.

Questions and inspection by the Court

9.—(1) The Court may ask a witness any questions that the Court considers necessary at any time but shall allow the parties to ask the witness further questions arising out of the Court's questions.

(2) The Court may inspect any object in the Courtroom or elsewhere and visit any place that is relevant to the action.

Exhibits and record of hearings

10.—(1) The Court shall maintain a record of any physical exhibit tendered in evidence and kept with the Court.

(2) The Court may direct that any physical exhibit which is bulky, perishable or requires special security or treatment be kept in the custody of the party who tendered it or his solicitors and may direct that a photograph of that exhibit be tendered in Court.

(3) Exhibits kept with the Court may be returned to the relevant parties after the time for appealing has expired or after any appeal has been decided.

(4) Where the Court has given the relevant parties at least 14 days' notice to take back their exhibits and they fail to do so, the Court may dispose of the exhibits and any costs incurred in such disposal shall be paid by the relevant parties.

(5) The Court shall maintain a record of every hearing.

(6) Where an audio recording system approved by the Registrar is used, the audio recording shall be the official record of the hearing.

(7) Where an audio recording system is not used, the Court's notes or records in handwritten or electronic format shall be the official record of the hearing.

(8) A party may apply for a certified transcript of the official record of the hearing upon payment of the relevant fees.

(9) The official record of the hearing shall be kept for 5 years beginning from the last day of the hearing.

Court's decision and consequential orders

11.—(1) The Court may give its decision in any matter whether heard in open Court or in chambers:

- (a) orally at the conclusion of the hearing or on a subsequent date with the parties present;
- (b) in writing at the conclusion of the hearing or on a subsequent date with or without the parties present.

(2) The parties shall be entitled to a copy of the decision given in writing upon payment of the relevant charges.

(3) Where the parties in any matter inform the Registrar in writing that they have resolved the matter and state the agreed terms of any judgment or order or withdrawal, the Court may dispense with the attendance of the parties and record the judgment or order or withdrawal in the agreed terms and the Registrar shall inform the parties accordingly.

(4) The Court may give such further orders or directions incidental or consequential to any judgment or order or withdrawal that it considers appropriate.

Death of party

12.—(1) The Court may give its decision in any matter which has been heard but not decided yet although a party passes away.

(2) The Court may also substitute any person who has taken over the interest or the liability of the deceased party as a party in the matter and order that he be bound by the decision given.

Death of Judge or Registrar

13.—(1) Where a Judge or a Registrar who has heard a matter has not given his decision or who has heard part of a matter passes away or becomes incapable of giving his decision or continuing with the hearing for any reason, another Judge or Registrar may take over and

give his decision based on the earlier hearing or continue with the hearing, if all the parties consent.

(2) The Judge or Registrar who takes over the matter may recall any witness to give evidence and also order the parties to make further submissions.

(3) If the parties do not consent under paragraph 1, the matter shall be heard anew by another Judge or Registrar.

Assessment of damages or value and taking of accounts

14.—(1) In these Rules, “damages” includes damages for personal injuries or value of movable and immovable property and amounts due on taking of accounts.

(2) The Court shall give judgment on liability and on the amount of damages if the hearing was not ordered to be bifurcated.

(3) If the hearing was ordered to be bifurcated, when the Court gives judgment on liability, it may give directions on the assessment of damages and proceed subsequently to assess damages or order the Registrar to assess damages.

(4) Where damages are in respect of any continuing cause of action, they shall be assessed until the date of decision in the assessment.

(5) Where the damages are for personal injuries, the Court may make an award for provisional damages assessed on the assumption that a contingency will not happen and which entitles the claimant to apply for further damages at a future date if the contingency happens.

(6) A claim for provisional damages must be pleaded.

(7) An award for provisional damages shall specify the contingency and the period for applying for future damages.

(8) If there are more than one contingency, the Court may specify a different period for applying for future damages for each contingency.

(9) The Court may extend the period in paragraphs 7 and 8 if the claimant applies for an extension within the period stated.

(10) The claimant may make only one application for further damages in respect of each contingency.

(11) The claimant's application for further damages must be served on the defendant and his insurers if the claimant knows that the defendant is insured in respect of the claimant's claim.

(12) The Court hearing the claimant's application for further damages shall give the appropriate directions for the assessment of the further damages.

(13) The Court may order damages for personal injuries to be paid in periodic instalments instead of one amount.

(14) The Court assessing damages for personal injuries may be guided by actuarial tables and other guidelines issued from time to time in practice directions.

(15) Where the damages are for amounts due on taking of accounts, the Court shall give the appropriate directions for the taking of accounts.

Evidence in Originating Claims, Assessment of damages or value and taking of accounts

15.—(1) As a general rule, the trial in Originating Claims, Assessment of damages or value and taking of accounts shall be decided on the basis of the witnesses' affidavits of evidence-in-chief, cross-examination, re-examination and on oral or written submissions.

(2) In a special case, the Court may allow a witness' evidence-in-chief to be given orally instead of by affidavit of evidence-in-chief.

(3) An affidavit of evidence-in-chief shall not be used if the maker does not attend Court for cross-examination unless the parties otherwise agree.

(4) An affidavit of evidence-in-chief must contain all material facts which shall not be departed from or supplemented by new facts in

oral evidence unless the new facts occurred after the date of making the affidavit of evidence-in-chief.

(5) An affidavit of evidence-in-chief must contain only evidence that is admissible in law.

(6) If a party intends to object to the contents of affidavits of evidence-in-chief on the ground of admissibility or other reasons, he must give notice by letter to the party who is relying on those affidavits of evidence-in-chief at least 28 days before the first date of the hearing.

(7) If a party intends to rely on statements in affidavits of evidence-in-chief pursuant to section 32 of the Evidence Act (Cap. 97), he must give notice by letter to all other parties of his intention at the time he serves on the parties the affidavits of evidence-in-chief in question.

(8) The notice in paragraph 7 must state the grounds in section 32 of the Evidence Act that the party relies on.

(9) If the statements to be admitted pursuant to section 32 of the Evidence Act are contained in a document, the notice in paragraph 7 must contain the following:

- (a) the time and place at which the statements were made;
- (b) the name of the maker and his address, if known;
- (c) if the maker has passed away, the date of death, if known;
- (d) if the maker of the document is different from the maker of the statements, the name of the maker of the document and his address, if known;
- (e) if the maker of the document has passed away, the date of death, if known; and
- (f) a copy of the document or the relevant part of that document.

(10) If the statements to be admitted pursuant to section 32 of the Evidence Act are not contained in a document, the notice in paragraph 7 must contain the following:

- (a) the time and place at which the statements were made;

- (b) the name of the maker and his address, if known;
- (c) if the maker has passed away, the date of death, if known;
- (d) whether the statements were made orally or otherwise;
- (e) the name and address of the person who heard or perceived the statement being made; and
- (f) the substance of the statements or, if the statements were made orally and the exact words used are material, the actual words used.

(11) The Court may accept as fact anything that the parties have agreed upon.

Affidavits

16. In these Rules:

“Commissioner for Oaths” includes any person authorised to administer oaths and affirmations in or outside Singapore;

“affirm” includes “swear”.

Affidavit evidence

17. An affidavit is a statement of evidence in the English language, signed and affirmed before a Commissioner for Oaths.

Formalities of affidavit

18.—(1) An affidavit must be in Form 15, with the text set out in consecutively numbered paragraphs.

(2) In the case of affidavits filed as evidence-in-chief in Originating Claims, the maker of the affidavit must include at the top left hand portion of the first page of the affidavit a colour photograph of the maker in the space indicated in Form 15, which:

- (a) measures 35mm wide and 45mm high;
- (b) is taken in the last 12 months; and

- (c) shows the full face facing forward, with eyes open and with no head wear except what is worn in accordance with religious or racial customs.

Competence to make affidavit

19. A person who makes an affidavit must be legally competent to give evidence in court.

Joint affidavit

20. Two or more persons may make a joint affidavit if all the facts that they are affirming are the same.

Affirming affidavit

21. An affidavit may be affirmed before a solicitor who is a Commissioner for Oaths so long as he is not the solicitor or one of the solicitors acting for the party who is or whose witness is making the affidavit although all the solicitors are from the same firm of solicitors.

[N.B. We propose the deletion of Rule 9 of the Commissioner for Oaths Rules which provides that: “No advocate and solicitor so appointed shall act as a commissioner for oaths in any matter or business in which he or any member of his firm is acting as advocate and solicitor.”]

Affirming affidavit outside Singapore

22. An affidavit may be affirmed outside Singapore.

Safeguards for persons who do not understand English, are illiterate or blind

23. Where the maker of the affidavit is not able to understand English, is illiterate or blind, the Commissioner for Oaths must certify on the affidavit that:

- (a) the affidavit was read in his presence to the maker in a language or dialect that the maker understands;
- (b) the person who did the translation was competent to do so;

- (c) the maker indicated that he understood the affidavit and confirmed its contents; and
- (d) the maker signed or placed his finger print willingly in his presence to affirm the affidavit.

Contents of affidavit

- 24.**—(1) An affidavit must contain only relevant facts.
- (2) An affidavit must not contain:
- (a) vulgar or insulting words unless those words are in issue in the action; or
 - (b) anything that is intended to offend or to belittle any person or entity.

Alteration of affidavit

- 25.**—(1) An affidavit may be altered after it has been affirmed but not filed in Court if the affidavit is re-affirmed before a Commissioner for Oaths.
- (2) A maker of an affidavit which has been filed in Court may correct any mistakes in that affidavit by making another affidavit.

Documents referred to in affidavit

- 26.**—(1) Where an affidavit refers to a document, a copy of that document must be annexed to the affidavit.
- (2) If it is necessary to refer to the whole document, a copy of the document must be annexed.
- (3) If it is necessary to refer to only certain portions of the document, a copy of only those portions need to be annexed.
- (4) Where an affidavit refers to a person or object and it is necessary to identify that person or object, the identification may be done by annexing a picture of that person or object to the affidavit.
- (5) All annexures to an affidavit must be identified by a certificate of the Commissioner for Oaths.

Affidavits admitted without proof

27. The seal or signature of a Commissioner for Oaths in an affidavit affirmed in or outside Singapore shall be accepted as valid unless the contrary is shown.

CHAPTER 12

JUDGMENTS AND ORDERS

Definition

1. In this Chapter, “order” means an order of the Court and includes judgment given at any stage of the action, whether after trial or hearing or otherwise.

Effective date of orders

2.—(1) An order takes effect from the day that it is given unless the Court orders a stay of enforcement of the order.

(2) Where an order requires a person to pay money, to do or to stop doing an act or to perform a duty, the Court shall give that person a reasonable time within which to comply unless the Court intends that the money must be paid, the act must be done or stopped or the duty must be performed on the day that the order is given.

(3) If no time for compliance is specified under paragraph 2, the order shall be deemed to require immediate compliance.

Drawing up and form of orders

3.—(1) All orders must be drawn up and filed in Court except:

(a) orders granting an extension of time or leave to amend any document; and

(b) orders made by the Court upon oral application.

(2) All orders shall be in Form 16.

(3) The party who takes out an application shall draw up the order whether or not the outcome of the application is in his favour.

(4) Where a party takes out more than one application and the applications are heard together, he shall draw up only one order for all the applications.

(5) The party who drew up an order shall send a draft of the order to all other parties within 7 days of the order.

(6) The other parties shall respond to the draft with their consent or their amended draft within 2 days, failing which they shall be deemed to consent to the draft.

(7) Where there is a dispute on the terms of the draft, the party who drew up the order may write to the Court to resolve the dispute and the letter shall set out the areas of dispute.

(8) The Court may give its decision on the dispute on the terms of the draft without the attendance of the parties or fix an appointment to hear the parties on the dispute.

Redaction and prohibition of inspection or copying of orders

4.—(1) The Court may redact any order in the interests of justice or where the order was made in hearings which were conducted in private under any written law.

(2) The Court may prohibit any person, other than the parties, from inspecting or taking copies of any order in the interests of justice or where the order was made in hearings which were conducted in private under any written law.

Interest on money payable under orders

5.—(1) Where money is payable under an order, it shall carry:

(a) Interest as agreed between the parties; or

(b) if there is no agreement on interest, simple interest at 5.33% per year or such other rate as the Chief Justice may direct.

(2) Interest shall be calculated from the date the order is made until the date of payment.

(3) Where instalment payments are allowed by the Court, interest shall be calculated from the date that each instalment is due until the date of payment.

(4) Where part payments are made on money payable under an order, they shall be used to reduce the principal amount due before interest.

CHAPTER 13

APPEALS FROM APPLICATIONS IN AN ACTION

General matters

1.—(1) This Chapter is subject to any written law on the right to appeal and any requirement to apply for leave to appeal.

(2) Part 1 concerns appeals from the Registrar to the District Judge in proceedings in the State Courts.

(3) Part 2 concerns appeals from the District Judge and Magistrate to the High Court.

(4) Part 3 concerns appeals from the Registrar to the Judge in proceedings in the High Court.

(5) Part 4 concerns appeals from the High Court to the Court of Appeal.

Scope of this Chapter

2.—(1) This Chapter covers appeals from applications in an action.

(2) Subject to this Rule, in this Chapter, applications in an action include any application:

(a) taken out after the action is commenced;

(b) made for any consequential or incidental matter after judgment is given in the trial of an Originating Claim or the hearing on the merits in an Originating Application; and

(c) for the enforcement of the judgment or order.

(3) Applications in an action exclude:

(a) any application taken out or heard during the trial of an Originating Claim or the hearing on the merits in an Originating Application; and

(b) any matter under appeal which is within the scope of Chapter 14.

When time for appeal starts to run

3. The time for the filing of an appeal does not start to run until the Court has heard and determined all matters in an application, including costs if costs were asked for in the application, unless the Court otherwise orders.

One appeal for each application

4.—(1) Each party is allowed to file only one appeal for each application unless the Court otherwise orders.

(2) Where several applications are heard together, each party may file one appeal in respect of all the applications heard together.

Leave to intervene

5.—(1) A person who is not a party in the appeal may apply to intervene in the appeal with the leave of the appellate Court.

(2) The application for leave to intervene and the supporting affidavit shall be filed and served on all parties who have an interest in the appeal.

(3) The supporting affidavit must set out the applicant's interest in the appeal.

(4) The appellate Court may impose conditions when it grants leave to intervene, including ordering the intervening party to provide security for costs to any or all of the parties in the appeal.

Appeal stays enforcement of lower Court's decision

6. The filing and service of a notice of appeal stays the enforcement of the lower Court's decision unless the lower Court or the appellate Court otherwise orders.

[N.B. This Rule creates an auto-stay upon appeal. It is subject to amendments to s 41 SCJA + s 49 SCA]

Summary dismissal of appeal

7. The appellate Court may dismiss summarily any appeal if:
- (a) no appeal may be brought under any written law; or
 - (b) leave to appeal is required under any written law but has not been obtained.

Appeal to be heard in chambers

8. Subject to any written law or practice directions, appeals shall be heard in chambers.

Absence of parties

9.—(1) If the appellant or his solicitor fails to attend at the appeal, the appeal may be dismissed.

(2) If the appellant or his solicitor attends and any respondent or his solicitor fails to attend, the appeal may proceed in the absence of such respondent.

(3) The Court may restore the appeal for hearing upon the application of the absent party who must apply to the Court within 14 days of the hearing of the appeal and must show good reason for his absence.

Deciding appeal without oral hearing

10. With the consent of all the parties, the appellate Court may decide an appeal without oral hearing after reading the parties' written submissions, any summary of the decision or any written judgment or grounds of decision of the Court below and the documents filed in the Court below.

Appellate intervention only if substantial injustice

11. In procedural matters, the appellate Court shall allow the lower Court maximum autonomy and intervene only if substantial injustice will be caused otherwise.

Expedited appeal

12.—(1) If the appeal is urgent or there is a special reason, the lower Court or the appellate Court may order an expedited appeal upon any party's application or request in writing or on its own accord.

(2) In an expedited appeal, the lower Court or the appellate Court may dispense with compliance with any of these Rules or practice directions or modify them for the purposes of the appeal.

PART 1
APPEAL FROM REGISTRAR TO DISTRICT JUDGE IN
PROCEEDINGS IN STATE COURTS

Bringing of appeal

13. A party who intends to appeal to a District Judge against the decision of the Registrar of the State Courts must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 17 within 7 days from the date of the Registrar's decision.

Documents to be filed

14.—(1) The Registrar may give a summary of the points he has decided without the need for a written judgment or grounds of decision.

(2) The Registrar shall certify within 3 days of being notified of an appeal whether he intends to issue a written judgment or grounds of decision or whether the notes of proceedings set out his decision sufficiently and if he does not do so, it shall be presumed that there will not be a written judgment or grounds of decision.

(3) If the Registrar certifies that he will issue a written judgment or grounds of decision, he shall do so within 14 days after certification.

(4) The appeal shall proceed before the District Judge by way of a rehearing on the documents filed by the parties before the Registrar.

(5) No further evidence shall be admitted unless the appellate Court otherwise orders.

[N.B. conditional upon s 37 SCJA being amended to reflect this position which by virtue of s 32 SCA applies to DJ in Chambers]

(6) The parties to the appeal shall file and serve on all parties who have an interest in the appeal written submissions on why the Registrar's decision is to be upheld, set aside or varied within 14 days after the Registrar certifies that he is not issuing a written judgment or grounds of decision or after the Registry notifies that a copy of the written judgment or grounds of decision is ready for collection.

(7) The written submissions for the appeal shall be limited to 20 pages for each party or set of parties represented by the same firm of solicitors.

(8) The appellate Court may allow the limit in paragraph 7 to be exceeded:

(a) in special circumstances; and

(b) upon the payment of the following fees:

(i) \$5 per page for the first 10 pages exceeding the limit,
and

(ii) an additional \$5 per page cumulatively for every
subsequent 10 pages exceeding the limit, subject to a
maximum of \$30 per page.

(9) There shall be only 1 set of submissions for each party or set of parties represented by the same firm of solicitors.

PART 2
APPEAL FROM DISTRICT JUDGE AND MAGISTRATE TO HIGH
COURT

Bringing of appeal

15. A party who intends to appeal to the High Court against the decision of a District Judge or Magistrate hearing any application at first instance or against the decision of a District Judge hearing any appeal must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 17 within 7 days from the date of the District Judge's or Magistrate's decision.

Leave to appeal

16.—(1) Where leave to appeal is required, a party shall apply to the District Judge or Magistrate for such leave and serve the application on all parties who have an interest in the appeal within 7 days from the date of the District Judge's or Magistrate's decision.

(2) Where the District Judge or Magistrate does not grant leave to appeal, the party may apply to the High Court for such leave and shall serve the application on all parties who have an interest in the appeal within 7 days from the date of the District Judge's or Magistrate's decision not to grant leave.

(3) Where leave to appeal is granted, the applicant shall file and serve on all parties who have an interest in the appeal the notice of appeal in Form 17 within 7 days from the date of the Court's decision granting leave.

(4) The High Court may extend the time for filing and serving an application for leave to appeal made at any time and the lower Court may extend the time for filing and serving an application for leave to appeal if the application for such extension is made before the time expires.

Documents to be filed

17.—(1) The District Judge or Magistrate may give a summary of the points he has decided without the need for a written judgment or grounds of decision.

(2) The District Judge or Magistrate shall certify within 3 days of being notified of an appeal whether he intends to issue a written judgment or grounds of decision or whether the notes of proceedings set out his decision sufficiently and if he does not do so, it shall be presumed that there will not be a written judgment or grounds of decision.

(3) If the District Judge or Magistrate certifies that he will issue a written judgment or grounds of decision, he shall do so within 14 days after certification.

(4) The appeal shall proceed before the High Court by way of a rehearing on the documents filed by the parties before the District Judge or Magistrate.

(5) No further evidence shall be admitted unless the appellate Court otherwise orders.

[N.B. Conditional upon s 37 SCJA being amended to reflect this position which by virtue of s 22 SCJA applies to High Court.]

(6) The parties to the appeal shall file and serve on all parties who have an interest in the appeal written submissions on why the District Judge's or Magistrate's decision is to be upheld, set aside or varied within 14 days after the Court certifies that it is not issuing a written judgment or grounds of decision or after the Registry notifies that a copy of the written judgment or grounds of decision is ready for collection.

(7) The written submissions for the appeal shall be limited to 30 pages for each party or set of parties represented by the same firm of solicitors.

(8) The appellate Court may allow the limit in paragraph 7 to be exceeded:

(a) in special circumstances; and

(b) upon the payment of the following fees:

(i) \$10 per page for the first 10 pages exceeding the limit,
and

(ii) an additional \$10 per page cumulatively for every
subsequent 10 pages exceeding the limit, subject to a
maximum of \$100 per page.

(9) There shall be only 1 set of submissions for each party or set of parties represented by the same firm of solicitors.

Further arguments

18.—(1) An application to the High Court for further arguments from the parties after it has heard the appeal and reserved its decision or after it has given its decision on the appeal, shall be made by letter to the Registrar of the Supreme Court and served on all parties who have an interest in the appeal.

(2) If the application in paragraph 1 is made after the High Court has given its decision on the appeal, it shall be made within the time provided in Section 28B(1) of the Supreme Court of Judicature Act.

(3) The application shall set out the proposed arguments briefly and include a copy of any authority cited.

(4) The Registrar shall inform the applicant within 14 days of receiving the application whether the High Court requires further arguments.

(5) If the Registrar does not inform the applicant as stated in paragraph 4, it shall be deemed that the High Court does not require further arguments.

PART 3**APPEAL FROM REGISTRAR TO THE JUDGE IN PROCEEDINGS
IN SUPREME COURT****Bringing of appeal**

19. A party who intends to appeal to the High Court against the decision of the Registrar of the Supreme Court must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 17 within 7 days from the date of the Registrar's decision.

Documents to be filed

20.—(1) The Registrar may give a summary of the points he has decided without the need for a written judgment or grounds of decision.

(2) The Registrar shall certify within 3 days of being notified of an appeal whether he intends to issue a written judgment or grounds of decision, or whether the notes of proceedings set out his decision sufficiently and if he does not do so, it shall be presumed that there will not be a written judgment or grounds of decision.

(3) If the Registrar certifies that he will issue a written judgment or grounds of decision, he shall do so within 14 days after certification.

(4) The appeal shall proceed before the High Court by way of a rehearing on the documents filed by the parties before the Registrar.

(5) No further evidence shall be admitted unless the appellate Court otherwise orders.

[N.B. Conditional upon s 37 SCJA being amended to reflect this position which by virtue of s 22 SCJA applies to High Court.]

(6) The parties to the appeal shall file and serve on all parties who have an interest in the appeal written submissions on why the Registrar's decision is to be upheld, set aside or varied within 14 days after the Registrar certifies that he is not issuing a written judgment or grounds of decision or after the Registry notifies that a copy of the written judgment or grounds of decision is ready for collection.

(7) The written submissions for the appeal shall be limited to 30 pages for each party or set of parties represented by the same firm of solicitors.

(8) The Court may allow the limit in paragraph 7 to be exceeded:

(a) in special circumstances; and

(b) upon the payment of the following fees:

(i) \$10 per page for the first 10 pages exceeding the limit,
and

(ii) an additional \$10 per page cumulatively for every
subsequent 10 pages exceeding the limit, subject to a
maximum of \$100 per page.

(9) There shall be only 1 set of submissions for each party or set of parties represented by the same firm of solicitors.

Further arguments

21.—(1) An application to the High Court for further arguments from the parties after it has heard the appeal and reserved its decision, or after it has given its decision on the appeal, shall be made by letter to the Registrar of the Supreme Court and served on all parties who have an interest in the appeal.

(2) If the application in paragraph 1 is made after the High Court has given its decision on the appeal, it shall be made within the time provided in Section 28B(1) of the Supreme Court of Judicature Act.

(3) The application shall set out the proposed arguments briefly and include a copy of any authority cited.

(4) The Registrar shall inform the applicant within 14 days of receiving the application whether the High Court requires further arguments.

(5) If the Registrar does not inform the applicant as stated in paragraph 4, it shall be deemed that the High Court does not require further arguments.

PART 4**APPEAL FROM HIGH COURT TO COURT OF APPEAL****Bringing of appeal**

22. A party who intends to appeal to the Court of Appeal against the decision of the High Court hearing any application or any appeal must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 17 within 14 days of the High Court's decision.

Leave to appeal

23.—(1) Where leave to appeal is required, a party shall apply to the High Court for such leave and serve the application on all parties who have an interest in the appeal within 7 days from the date of the High Court's decision.

(2) Where the High Court does not grant leave to appeal, the party may apply to the Court of Appeal for such leave and shall serve the application on all parties who have an interest in the appeal within 7 days from the date of the High Court's decision not to grant leave.

(3) An application for leave to appeal may be decided by the Court of Appeal without hearing oral arguments.

(4) Where the Court of Appeal has decided an application without hearing oral arguments, the Registrar shall inform the parties of the following by letter:

- (a) the Judges of Appeal who constitute the Court of Appeal;
- (b) the decision of the Court of Appeal; and
- (c) the date of the decision.

(5) Where leave to appeal is granted, the applicant shall file and serve on all parties who have an interest in the appeal the notice of appeal in Form 17 within 7 days from the date of the Court's decision granting leave.

Documents to be filed

24.—(1) The High Court may give a summary of the points it has decided without the need for a written judgment or grounds of decision.

(2) The High Court shall certify within 3 days of being notified of an appeal whether it intends to issue a written judgment or grounds of decision or whether the notes of proceedings set out its decision sufficiently and if he does not do so, it shall be presumed that there will not be a written judgment or grounds of decision.

(3) If the High Court certifies that it will issue a written judgment or grounds of decision, he shall do so within 28 days after certification.

(4) The appeal shall proceed before the Court of Appeal by way of a rehearing on the documents filed by the parties before the Registrar.

(5) No further evidence shall be admitted unless the Court of Appeal otherwise orders.

[N.B. Conditional upon s 37 SCJA being amended to reflect this position]

(6) The parties to the appeal shall file and serve on all parties who have an interest in the appeal written submissions on why the High Court's decision is to be upheld, set aside or varied within 14 days after the High Court certifies that it is not issuing a written judgment or grounds of decision or after the Registry notifies that a copy of the written judgment or grounds of decision is ready for collection.

(7) The written submissions for the appeal shall be limited to 30 pages for each party or set of parties represented by the same firm of solicitors.

(8) The Court of Appeal may allow the limit in paragraph 7 to be exceeded:

(a) in special circumstances; and

(b) upon the payment of the following fees:

(i) \$20 per page for the first 10 pages exceeding the limit,
and

(ii) An additional \$20 per page cumulatively for every subsequent 10 pages exceeding the limit, subject to a maximum of \$200 per page.

(9) There shall be only 1 set of submissions for each party or set of parties represented by the same firm of solicitors.

Withdrawal of appeal

25.—(1) An appellant may withdraw his appeal in relation to all or any of the respondents at any time before the Court of Appeal begins to hear the appeal, by filing and serving a notice of withdrawal of appeal in Form 18 on all the parties to the appeal and the Registrar.

(2) Upon the filing of Form 18, the appeal shall be deemed withdrawn in relation to the relevant respondents if there are no outstanding issues relating to costs or other matters.

(3) If there are any such outstanding issues, the Court of Appeal shall proceed to hear the appeal on those issues.

Further arguments

26. Unless the Court of Appeal otherwise directs, there shall be no further arguments from the parties after the Court of Appeal has heard the appeal and reserved its decision or after the Court of Appeal has given its decision in the appeal.

CHAPTER 14

APPEALS FROM JUDGMENTS AND ORDERS AFTER TRIAL

General matters

1.—(1) This Chapter is subject to any written law on the right to appeal and any requirement to apply for leave to appeal.

(2) Part 1 concerns appeals from the District Court and Magistrate’s Court to the High Court.

(3) Part 2 concerns appeals from the High Court to the Court of Appeal.

Definitions

2. In this Chapter:

“bundle of authorities” means a compilation of case authorities for the appeal;

“core bundle of documents” means the judgment or grounds of decision of the Court below, the extracted order, a compilation of the whole or part of the documents that are essential to the appeal and an index cross-referencing each document to the record of appeal;

“record of appeal” means the order granting leave to appeal, the notice of appeal, the certificate on security for costs, the record of proceedings, the affidavits of evidence-in-chief, and all documents filed in the Court below;

“record of proceedings” means a certified copy of the judgment or grounds of decision, the extracted order of the Court below, and the certified transcript of proceedings in the Court below;

“second core bundle” means a compilation of the whole or part of the documents not included in the appellant’s or respondent’s core bundle of documents which are essential to the appeal and an index cross-referencing each document to the record of appeal; and

“trial” means the hearing on the merits of an Originating Claim or an Originating Application and includes all applications taken out or heard during the trial.

When time for appeal starts to run

3. The time for the filing of an appeal does not start to run until the Court has heard and determined all matters in the trial including costs unless the Court otherwise orders.

Leave to intervene

4.—(1) A person who is not a party in the appeal may apply to intervene in the appeal with the leave of the appellate Court.

(2) The application for leave to intervene and the supporting affidavit shall be filed and served on all parties who have an interest in the appeal.

(3) The supporting affidavit must set out the applicant’s interest in the appeal.

(4) The appellate Court may impose conditions when it grants leave to intervene, including ordering the intervening party to provide security for costs to any or all of the parties in the appeal.

Appeal stays enforcement of lower Court’s decision

5. The filing and service of a notice of appeal stays the enforcement of the lower Court’s decision unless the appellate Court otherwise orders.

[N.B. This is subject to amendments being made to the SCA and the SCJA to reverse the rule relating to stay of execution of judgments]

Summary dismissal of appeal

6. The appellate Court may dismiss summarily any appeal if:

(a) no appeal may be brought under any written law; or

(b) leave to appeal is required under any written law but has not been obtained.

Expedited appeal

7.—(1) If the appeal is urgent or there is a special reason, the lower Court or the appellate Court may order an expedited appeal upon any party's application or request in writing or on its own accord.

(2) In an expedited appeal, the lower Court or the appellate Court may dispense with compliance with any of these Rules or practice directions or modify them for the purposes of the appeal.

PART 1
APPEAL FROM DISTRICT COURT AND MAGISTRATE'S
COURT TO HIGH COURT

Scope of this Part

8. This Part applies to appeals to the High Court against any judgment of the District Court or Magistrate's Court given:

- (a) in a trial and includes cases where judgment is given or the action is dismissed at trial because one or more parties are absent;
- (b) after damages are assessed or accounts are taken; or
- (c) in an application for contempt of Court.

Bringing of appeal

9. A party who intends to appeal to the High Court against the judgment of a District Court or Magistrate's Court shall file and serve on all parties who have an interest in the appeal a notice of appeal in Form 17 within 14 days from the date of the judgment.

Leave to appeal

10.—(1) Where leave to appeal is required, a party shall apply for such leave from the District Court or Magistrate's Court and serve the application on all parties who have an interest in the appeal within 7 days from the date of the judgment.

(2) Where the District Court or Magistrate's Court does not grant leave to appeal, the party may apply to the High Court for such leave and shall serve the application on all parties who have an interest in the appeal within 7 days from the date of the District Court's or Magistrate's Court's decision not to grant leave.

(3) Where leave to appeal is granted, the applicant shall file and serve on all parties who have an interest in the appeal the notice of appeal in Form 17 within 14 days from the date of the decision granting leave.

(4) The High Court may extend the time for filing and serving an application for leave to appeal made at any time and the lower Court

may extend the time for filing and serving an application for leave to appeal if the application for such extension is made before the time expires.

Security for costs

11.—(1) The appellant must provide security for the respondent's costs of the appeal at the time he files the notice of appeal.

(2) Where there are more than one appellant in the same appeal, all the appellants need to provide only one security for the appeal.

(3) Where there are more than one respondent, the appellant shall provide security for the appeal for each respondent unless the respondents are represented by the same firm of solicitors.

(4) The security shall be:

(a) in the form of a solicitor's undertaking in Form 19 which shall be filed and served on the respondent;

(b) by payment into Court and obtaining a certificate in Form 20; or

(c) in any other form acceptable to the parties.

(5) The appellant shall provide security in the following amounts:

(a) \$3,000 for Magistrate's Court actions; and

(b) \$5,000 for District Court actions.

(6) The Chief Justice may vary the amounts in paragraph 5 from time to time.

(7) The parties may apply to vary or waive the amount of security for costs to be provided.

(8) The appellate Court may order further security for costs to be given.

Documents to be filed

12.—(1) The Court which decided the case at first instance shall issue its judgment or grounds of decision after the notice of appeal has been filed if it has not already done so.

(2) The Registry shall notify the parties when the record of proceedings is ready for collection.

(3) If no judgment or grounds of decision are issued within 12 weeks from the date of filing of the notice of appeal, the appellant shall apply in writing to the Registrar for a copy of the record or proceedings without the judgment or grounds of decision.

(4) The appellant shall file and serve:

- (a) the record of appeal;
- (b) the appellant's Case;
- (c) the appellant's core bundle of documents, with the judgment or grounds of decision of the Court below in a separate volume; and
- (d) the appellant's bundle of authorities,

within 28 days from the date when the Registry informs the parties that the record of proceedings is available.

(5) Where the appellant fails to file and serve the record of appeal or the Appellant's Case within the specified time, the appeal shall be deemed withdrawn unless the Court otherwise orders.

(6) The respondent shall file and serve:

- (a) the respondent's Case;
- (b) the respondent's core bundle of documents (if necessary);
and
- (c) the respondent's bundle of authorities,

within 28 days after the appellant serves the documents in paragraph 4 on him.

(7) Where the respondent fails to file and serve the respondent's Case within the specified time, he shall not be allowed to make submissions at the hearing of the appeal unless the Court otherwise orders.

(8) The appellant shall file:

- (a) the appellant's Reply (if any);

(b) the second core bundle (if necessary); and

(c) the appellant's second bundle of authorities (if any),

within 14 days after the respondent's Case is served on him.

(9) If there are more than one respondent in an appeal, all the respondents may join in one respondent's Case.

(10) The appellant and the respondent may seek directions from the High Court to file a joint Case where there are special circumstances.

(11) All parties to two or more appeals to be heard together shall try to agree on filing a single Case for each party and on the sequence of such filing.

(12) Where the parties are unable to agree as stated in paragraph 11, they shall request in writing a case conference before the High Court or seek directions from the High Court.

(13) Where the parties have agreed as stated in paragraph 11, they shall inform the Registrar in writing.

(14) Where there are two or more appeals arising from the same judgment, the appellants shall file a joint record of appeal.

(15) No documents other than what have been set out in this Rule shall be filed unless the Court otherwise orders.

(16) No written submissions or skeletal arguments shall be filed before or at the appeal unless the Court otherwise orders.

(17) The parties shall submit such number of printed copies of the documents in this Rule and within such time as provided in the practice directions.

(18) The documents shall comply with such format as provided in the practice directions.

Appellant's Case, respondent's Case and appellant's Reply

13.—(1) The appellant's Case shall contain the following:

(a) a succinct summary of the facts, the decision of the lower court, contentions to be made at the appeal and the orders sought from the High Court;

- (b) the detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the Court below;
 - (c) the references in the right-hand margin to the relevant pages in the record of appeal and the appellant's core bundle of documents;
 - (d) submissions on the appropriate costs orders to be made on appeal;
 - (e) a statement on whether scale costs in Chapter 16 apply and if they do, submissions on whether the Court should nevertheless depart from scale costs;
 - (f) if scale costs do not apply or the Court is asked to depart from scale costs, submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal; and
 - (g) name and signature of the appellant's solicitors.
- (2) The respondent's Case shall contain the following:
- (a) a succinct summary of the contentions to be made at the appeal and the orders sought from the High Court;
 - (b) the detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the Court below;
 - (c) the references in the right-hand margin to the relevant pages in the record of appeal and the respondent's core bundle of documents (if any);
 - (d) If the respondent intends to submit that:
 - (i) the Court's decision should be varied should the appeal be being wholly or partially allowed where he has not appealed against the decision of the court below; or
 - (ii) the Court's decision should be affirmed on grounds other than those relied upon by that Court,

he shall state so in the respondent's Case and set out the reasons for his submissions.

- (e) submissions on the appropriate costs orders to be made on appeal;
- (f) a statement on whether scale costs in Chapter 16 apply and if they do, submissions on whether the Court should nevertheless depart from scale costs;
- (g) if scale costs do not apply or the Court is asked to depart from scale costs, submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal; and
- (h) name and signature of the respondent's solicitors.

(3) Where the respondent fails to comply with the requirements in paragraph 13(2)(d), he shall not be allowed to make the submissions as stated in paragraph 13(2)(d) unless the Court otherwise orders.

(4) The appellant's Reply (if any) shall contain the following:

- (a) the appellant's detailed submissions in reply to the respondent's submissions;
- (b) the references in the right-hand margin to the relevant pages in the record of appeal, the appellant's core bundle of documents, the respondent's core bundle of documents (if any), and the second core bundle (if any); and
- (c) name and signature of the appellant's solicitors.

(5) The appellant's Case, the respondent's Case and the appellant's Reply must contain everything that the parties intend to put forward at the appeal and must be prepared on the basis that there will be no need to supplement or to elaborate on any points made.

Page limits

14.—(1) The appellant's Case and the respondent's Case shall be limited to 30 pages each and the appellant's Reply shall be limited to 15 pages unless the High Court otherwise orders.

(2) The appellant's core bundle of documents (excluding the judgment or grounds of decision of the Court below and the extracted order) shall be limited to 50 pages, the respondent's core bundle of documents shall be limited to 30 pages and the second core bundle shall be limited to 20 pages, unless the High Court otherwise orders.

(3) The High Court may allow the limit in paragraphs 1 and 2 to be exceeded:

(a) in special circumstances; and

(b) upon the payment of the following fees:

(i) \$10 per page for the first 10 pages exceeding the limit, and

(ii) an additional \$10 per page cumulatively for every subsequent 10 pages exceeding the limit, subject to a maximum of \$100 per page.

Powers of High Court

15.—(1) The High Court may extend the time for filing and serving the notice of appeal on the appellant's application made at any time and the lower Court may extend the time for filing and serving the notice of appeal if the appellant applies for such extension before the time expires.

(2) The High Court may order any party to serve any document on a non-party to the appeal and give directions for the non-party to state its case by affidavit, written submissions or any other means.

(3) The High Court may allow or invite any non-party to the appeal to give his views on any matter in the appeal and may make costs orders in relation to the non-party.

(4) The High Court may proceed with an appeal although one or more of the parties are absent at the appeal.

(5) At the hearing of the appeal, the parties shall be allowed to make only such oral submissions as the High Court orders.

(6) The High Court may make any order relating to any part of the decision of the lower Court and for any reason although that part is

not the subject of any appeal and that reason is not stated by anyone in the appeal.

(7) The High Court's powers to decide the merits of the appeal shall not be restricted by reason only that there was no appeal against any previous order.

(8) The High Court may order a new trial only if substantial injustice will be caused otherwise.

(9) The High Court may receive further evidence as to matters which have occurred after the trial or hearing before the lower Court or other further evidence if special grounds are shown.

(10) Such further evidence shall be adduced in the manner directed by the High Court.

Judgment

16.—(1) The High Court may give its decision in any matter whether heard in open Court or in chambers in the following manner:

- (a) orally at the conclusion of the hearing or matter or at a subsequent date; or
- (b) in writing at the conclusion of the hearing or matter or at a subsequent date.

(2) Every party shall be entitled to a copy of any decision given in writing upon payment of the relevant charges.

Payment out of security deposit and release of undertaking

17.—(1) The following rules apply without the need for an order from the Court.

(2) Where an appeal is dismissed and the appellant is ordered to pay costs, if a deposit has been paid into Court as security for costs, it shall be paid to the respondent towards the costs ordered.

(3) Where an appeal is deemed withdrawn, if a deposit has been paid into Court as security for costs, it shall be paid to the respondent towards the costs ordered unless the parties otherwise agree.

(4) Where an appeal is allowed and the appellant is awarded costs, the appellant's solicitor shall be released from any undertaking as to

the costs for the appeal and if a deposit has been paid into Court as security for costs, it shall be paid to the appellant.

Further arguments

18. There shall be no further arguments from the parties after the High Court has heard the appeal and reserved its decision or after it has given its decision on the appeal unless the High Court otherwise orders.

Registrar of State Courts to be notified of High Court judgment or order

19. The appellant shall file a certified copy of the High Court's judgment or order with the Registrar of the State Courts.

PART 2
APPEALS FROM HIGH COURT TO COURT OF APPEAL

Scope of this Part

20. This Part applies to appeals to the Court of Appeal against any judgment of the High Court given:

- (a) in a trial and includes cases where judgment is given or the action is dismissed at trial because one or more parties are absent;
- (b) after damages are assessed or accounts are taken;
- (c) in an application for contempt of Court; or
- (d) in an application for prerogative orders.

Bringing of appeal

21. A party who intends to appeal to the Court of Appeal against the decision of the High Court shall file and serve on all parties who have an interest in the appeal a notice of appeal in Form 17 within 28 days from the date of the High Court's decision.

Leave to appeal

22.—(1) Where leave to appeal is required, a party shall apply for such leave from the High Court and serve the application on all parties who have an interest in the appeal within 7 days from the date of the High Court's decision.

(2) Where the High Court does not grant leave to appeal, the party may apply to the Court of Appeal for such leave and shall serve the application on all parties who have an interest in the appeal within 7 days from the date of the High Court's decision not to grant leave.

(3) An application for leave to appeal may be decided by the Court of Appeal without hearing oral arguments.

(4) Where the Court of Appeal has decided an application without hearing oral arguments, the Registrar shall inform the parties of the following by letter:

- (a) the Judges of Appeal who constitute the Court of Appeal;

(b) the decision of the Court of Appeal; and

(c) the date of the decision.

(5) Where leave to appeal is granted, the applicant shall file and serve on all parties who have an interest in the appeal the notice of appeal in Form 17 within 14 days from the date of the decision granting leave.

(6) The Court of Appeal may extend the time for filing and serving an application for leave to appeal made at any time and the lower Court may extend the time for filing and serving an application for leave to appeal if the application for such extension is made before the time expires.

Security for costs

23.—(1) The appellant must provide security for the respondent's costs of the appeal at the time he files the notice of appeal.

(2) Where there are more than one appellant in the same appeal, all the appellants need to provide only one security for the appeal.

(3) Where there are more than one respondent, the appellant shall provide security for the appeal for each respondent unless the respondents are represented by the same firm of solicitors.

(4) The security shall be:

(a) in the form of a solicitor's undertaking in Form 19 which shall be filed and served on the respondent;

(b) by payment into Court and obtaining a certificate in Form 20; or

(c) in any other form acceptable to the parties.

(5) The appellant shall provide security in the amount of \$20,000.

(6) The Chief Justice may vary the amounts in paragraph 5 from time to time.

(7) The parties may apply to vary or waive the amount of security for costs to be provided.

(8) The Court may order further security for costs to be given.

Documents to be filed

24.—(1) The High Court shall issue its judgment or grounds of decision after the notice of appeal has been filed if it has not already done so.

(2) The Registry shall notify the parties when the record of proceedings is ready for collection.

(3) If no judgment or grounds of decision are issued within 12 weeks from the date of filing of the notice of appeal, the appellant shall apply in writing to the Registrar for a copy of the record of proceedings without the judgment or grounds of decision.

(4) The appellant shall file and serve:

(a) the record of appeal;

(b) the appellant's Case;

(c) the appellant's core bundle of documents, with the judgment or grounds of decision of the Court below in a separate volume; and

(d) the appellant's bundle of authorities,

within 8 weeks from the date when the Registry informs the parties that the record of proceedings is available.

(5) Where the appellant fails to file and serve the record of appeal or the Appellant's Case within the specified time, the appeal shall be deemed withdrawn unless the Court otherwise orders.

(6) The respondent shall file and serve:

(a) the respondent's Case;

(b) the respondent's core bundle of documents (if necessary);
and

(c) the respondent's bundle of authorities,

within 28 days after the appellant serves the documents in paragraph 4 on him.

(7) Where the respondent fails to file and serve the respondent's Case within the specified time, he shall not be allowed to make

submissions at the hearing of the appeal unless the Court otherwise orders.

(8) The appellant shall file:

- (a) the appellant's Reply (if any);
- (b) the second core bundle (if necessary); and
- (c) the appellant's second bundle of authorities (if any),

within 14 days after the respondent's Case is served on him.

(9) If there are more than one respondent in an appeal, all the respondents may join in one respondent's Case.

(10) The appellant and the respondent may seek directions from the Court of Appeal to file a joint Case in special circumstances.

(11) All parties to two or more related appeals shall try to agree on filing a single Case for each party and on the sequence of such filing.

(12) Where the parties are unable to agree as stated in paragraph 11, they shall request in writing a case conference before the Court of Appeal or seek directions from the Court of Appeal.

(13) Where the parties have agreed as stated in paragraph 11, they shall inform the Registrar in writing.

(14) Where there are two or more appeals arising from the same judgment, the appellants shall file a joint record of appeal.

(15) No documents other than what has been set out in this Rule shall be filed unless the Court otherwise orders.

(16) No written submissions or skeletal arguments shall be filed before or at the appeal unless the Court otherwise orders.

(17) The parties shall submit such number of printed copies of the documents in this Rule and within such time as provided in the practice directions.

(18) The documents shall comply with such format as provided in the practice directions.

Appellant's Case, respondent's Case and appellant's Reply

25.—(1) The appellant's Case shall contain the following:

- (a) a succinct summary of the facts, the decision of the lower court, contentions to be made at the appeal and the orders sought from the Court of Appeal;
- (b) the detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the Court below;
- (c) the references in the right-hand margin to the relevant pages in the record of appeal and the appellant's core bundle of documents;
- (d) submissions on the appropriate costs orders to be made on appeal;
- (e) a statement on whether scale costs in Chapter 16 apply and if they do, submissions on whether the Court should nevertheless depart from scale costs;
- (f) if scale costs do not apply or the Court is asked to depart from scale costs, submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal; and
- (g) name and signature of the appellant's solicitors.

(2) The respondent's Case shall contain the following:

- (a) a succinct summary of the contentions to be made at the appeal and the orders sought from the Court of Appeal;
- (b) the detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the Court below;
- (c) the references in the right-hand margin to the relevant pages in the record of appeal and the respondent's core bundle of documents (if any);
- (d) If the respondent intends to submit that:

(i) the Court's decision should be varied should the appeal be wholly or partially allowed where he has not appealed against the decision of the court below; or

(ii) the Court's decision should be affirmed on grounds other than those relied upon by that Court,

he shall state so in the respondent's Case and set out the reasons for his submissions.

(e) submissions on the appropriate costs orders to be made on appeal;

(f) a statement on whether scale costs in Chapter 16 apply and if they do, submissions on whether the Court should nevertheless depart from scale costs;

(g) if scale costs do not apply or the Court is asked to depart from scale costs, submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal; and

(h) name and signature of the respondent's solicitors.

(3) Where the respondent fails to comply with the requirements in paragraph 25(2)(d), he shall not be allowed to make submissions as stated in paragraph 25(2)(d) unless the Court otherwise orders.

(4) The appellant's Reply (if any) shall contain the following:

(a) the appellant's detailed submissions in reply to the respondent's submissions;

(b) the references in the right-hand margin to the relevant pages in the record of appeal, the appellant's core bundle of documents, the respondent's core bundle of documents (if any), and the second core bundle (if any); and

(c) name and signature of the appellant's solicitors.

(5) The appellant's Case, the respondent's Case and the appellant's Reply must contain everything that the parties intend to put forward at the appeal and must be prepared on the basis that there will be no need to supplement or to elaborate on any points made.

Page limits

26.—(1) The appellant’s Case and the respondent’s Case shall be limited to 50 pages each and the appellant’s Reply shall be limited to 20 pages unless the Court of Appeal otherwise orders.

(2) The appellant’s core bundle of documents (excluding the judgment or grounds of decision of the Court below and the extracted order) shall be limited to 50 pages, the respondent’s core bundle of documents shall be limited to 30 pages and the second core bundle shall be limited to 20 pages, unless the Court of Appeal otherwise orders.

(3) The Court of Appeal may allow the limit in paragraphs 1 and 2 to be exceeded:

(a) in special circumstances; and

(b) upon the payment of the following fees:

(i) \$20 per page for the first 10 pages exceeding the limit, and

(ii) an additional \$20 per page cumulatively for every subsequent 10 pages exceeding the limit, subject to a maximum of \$200 per page.

Powers of Court of Appeal

27.—(1) The Court of Appeal may extend the time for filing and serving the notice of appeal on the appellant’s application made at any time and the lower Court may extend the time for filing and serving the notice of appeal if the appellant applies for such extension before the time expires.

(2) The Court of Appeal may order any party to serve any document on a non-party to the appeal and give directions for the non-party to state its case by affidavit, written submissions or any other means.

(3) The Court of Appeal may allow or invite any non-party to the appeal to give his views on any matter in the appeal and may make costs orders in relation to the non-party.

(4) The Court of Appeal may proceed with an appeal although one or more of the parties are absent at the appeal.

(5) At the hearing of the appeal, the parties shall be allowed to make only such oral submissions as the Court of Appeal orders.

(6) The Court of Appeal may make any order relating to any part of the decision of the lower Court and for any reason although that part is not the subject of any appeal and that reason is not stated by anyone in the appeal.

(7) The Court of Appeal's powers to decide the merits of the appeal shall not be restricted by reason only that there was no appeal against any previous order.

(8) The Court of Appeal may order a new trial only if substantial injustice will be caused otherwise.

(9) The Court of Appeal may receive further evidence as to matters which have occurred after the trial or hearing before the lower Court or other further evidence if special grounds are shown.

(10) Such further evidence shall be adduced in the manner directed by the Court of Appeal.

Withdrawal of appeal or application

28.—(1) An appellant may withdraw his appeal or application in relation to any or all of the respondents at any time before the Court of Appeal begins to hear the appeal or application, by filing and serving a notice in Form 18 on all the parties to the appeal or application and the Registrar.

(2) Upon the filing of Form 18, the appeal or application shall be deemed withdrawn in relation to the relevant parties if there are no outstanding issues relating to costs or other matters.

(3) If there are any such outstanding issues, the Court of Appeal shall proceed to hear the appeal or application on those issues.

Judgment

29.—(1) The Court of Appeal may give its decision in any appeal in the following manner:

- (a) orally at the conclusion of the appeal or at a subsequent date;
or
- (b) in writing at the conclusion of the appeal or at a subsequent date.

(2) Every party shall be entitled to a copy of any decision given in writing upon payment of the relevant charges.

(3) A judgment of the Court of Appeal may be delivered by any Judge of Appeal notwithstanding the absence of one or more of the other Judges of Appeal who heard the appeal or application in the Court of Appeal.

Payment out of security deposit and release of undertaking

30.—(1) The following rules apply without the need for an order from the Court.

(2) Where an appeal is dismissed and the appellant is ordered to pay costs, if a deposit has been paid into Court as security for costs, it shall be paid to the respondent towards the costs ordered.

(3) Where an appeal is deemed withdrawn, if a deposit has been paid into Court as security for costs, it shall be paid to the respondent towards the costs ordered unless the parties otherwise agree.

(4) Where an appeal is allowed and the appellant is awarded costs, the appellant's solicitor shall be released from any undertaking as to the costs for the appeal and if a deposit has been paid into Court as security for costs, it shall be paid to the appellant.

Further arguments

31. There shall be no further arguments from the parties after the Court of Appeal has heard the appeal and reserved its decision or after the Court of Appeal has given its decision on the appeal unless the Court of Appeal otherwise orders.

Applications to the Court of Appeal

32.—(1) Every application to the Court of Appeal shall be made either by Originating Application or, in an appeal which is pending before the Court of Appeal, by summons.

(2) No Case need to be filed for applications to the Court of Appeal.

(3) The party who files an Originating Application to the Court of Appeal or the respondent in a pending appeal who files a summons must provide security for the opposing party's costs of the application at the time he files the application.

(4) Where there are more than one applicant in an application, all the applicants need to provide only one security for the application.

(5) Where there are more than one opposing party, the applicant shall provide security for the costs of each opposing party unless the opposing parties are represented by the same firm of solicitors.

(6) The security shall be:

(a) in the form of a solicitor's undertaking in Form 19 which shall be filed and served on the respondent;

(b) by payment into Court and obtaining a certificate in Form 20; or

(c) in any other form acceptable to the parties.

(7) The applicant shall provide security in the amount of \$10,000.

(8) The Chief Justice may vary the amount in paragraph 7 from time to time.

(9) The parties may apply to vary or waive the amount of security for costs to be provided.

(10) The Court may order further security for costs to be given.

Written submissions for Originating Application to Court of Appeal

33.—(1) The claimant shall file and serve on the defendant written submissions within 14 days after the defendant files and serves his affidavit in reply or after the time limited for the affidavit in reply, whichever is earlier, unless the Court otherwise orders.

(2) The written submissions for the appeal shall be limited to 30 pages for each party or set of parties.

(3) The Court may allow the limit in paragraph 2 to be exceeded:

(a) in special circumstances; and

(b) upon the payment of the following fees:

(i) \$20 per page for the first 10 pages exceeding the limit,
and

(ii) an additional \$20 per page cumulatively for every
subsequent 10 pages exceeding the limit, subject to a
maximum of \$200 per page.

(4) There shall be only 1 set of submissions for each party or set of parties unless the Court of Appeal otherwise orders.

Court of 3 Judges

34. Subject to any written law, Rules 27, 28, 29, 31 and 33 apply to proceedings before the Court of 3 Judges under any written law.

CHAPTER 15

APPEALS FROM TRIBUNALS AND CASE STATED

Scope of this Chapter

1. Subject to any written law, this Chapter applies to appeals against the decision of a tribunal and to applications for a Case to be stated or applications by way of Case stated to the High Court, where such appeals or applications are provided by the written law.

Definitions

2. These expressions shall be defined as follows:

“tribunal” includes any authority, person or body of persons authorised to make decisions under any written law but not the Courts; and

“record of proceedings” means any written grounds of decision, the record of evidence or notes of arguments taken, the affidavits or statutory declarations filed, as well as the submissions and any other documents tendered in respect of the proceedings before the tribunal.

Bringing of appeal or application

3.—(1) An appeal against the decision of a tribunal or an application for a Case to be stated or an application by way of Case stated shall be by way of an Originating Application supported by an affidavit.

(2) The Originating Application and supporting affidavit shall be filed and served on all parties who have an interest in the matter within 14 days of the tribunal’s decision.

(3) The affidavit shall state all the facts that are necessary for the appeal or the application, the questions of fact and/or law to be determined and the orders that are sought before the Court.

(4) The affidavit shall include the record of proceedings if that is available and is necessary for the appeal or the application.

(5) The parties who have been served in paragraph 2 shall file and serve an affidavit in reply, if necessary, within 21 days after service.

Case conference

4.—(1) The parties shall attend a case conference within 6 weeks after the Originating Application and the supporting affidavit are filed.

(2) At the case conference, the Court shall give the directions that are necessary for the appeal or the application.

Written submissions

5.—(1) Subject to Rule 4, the parties shall file and serve written submissions at least 14 days before the hearing of the appeal or the application.

(2) The written submissions shall be limited to 30 pages for each party or set of parties.

(3) The Court may allow the limit in paragraph 2 to be exceeded:

(a) in special circumstances; and

(b) upon the payment of the following fees:

(i) \$10 per page for the first 10 pages exceeding the limit, and

(ii) an additional \$10 per page cumulatively for every subsequent 10 pages exceeding the limit, subject to a maximum of \$100 per page.

Appeal or application stays enforcement of lower Court's decision

6. An appeal or application stays the enforcement of the tribunal's decision unless any written law otherwise provides or the Court otherwise orders.

Powers of Court

7.—(1) The Court hearing the appeal or the application shall have all the powers that it has when hearing an appeal after trial.

*Rules of Court
Appeals from Tribunals
and Case Stated*

CAP. 322, R 5]

[2018 Ed. p. 131

(2) If an appeal to the Court of Appeal is permitted in the written law, the Court of Appeal shall have all the powers that it has when hearing an appeal after trial.

CHAPTER 16

COSTS

Interpretation and general matters

1.—(1) This Chapter shall apply to the costs of or incidental to proceedings in contentious business and to any other proceedings if any written law provides or if the parties to any proceedings consent.

(2) In this Chapter —

“contentious business” has the same meaning as in the Legal Profession Act (Cap. 161);

“costs” includes charges, disbursements, expenses, fees and remuneration;

“party-and-party costs” means costs payable by one or more parties to one or more other parties;

“scale costs” means the costs as provided in Rule 10(7) and Rule 10(8);

“solicitor-and-client costs” means costs payable by a client to his solicitor;

“where scale costs do not apply” includes situations where scale costs do not apply because:

- (a) the claim is not a liquidated or quantifiable one;
- (b) the Court otherwise orders in a special case; or
- (c) the parties otherwise agree.

(3) Party-and-party costs in any matter are payable from the date of the Court’s order unless the parties otherwise agree.

(4) Solicitor-and-client costs in any matter are payable according to the terms of the agreement between a solicitor and his client.

(5) All agreements between the parties relating to costs shall be in writing unless the parties otherwise agree.

(6) All agreements between a solicitor and his client relating to costs shall be in writing and if there is no agreement in writing, it shall be presumed that there was no agreement.

(7) If the solicitor and the client otherwise agree under Rule 10(2), the solicitor must explain to the client that the effect of such an agreement may be that the client will not be fully compensated in costs by the other party if the client succeeds in the action.

Powers of the Court

2.—(1) Subject to any written law, costs are in the discretion of the Court and the Court shall have the power to determine all issues relating to the costs of or incidental to all proceedings in the Supreme Court or the State Courts at any stage of the proceedings or after the conclusion of the proceedings.

(2) In exercising its power under paragraph 1, the Court shall have regard to all relevant circumstances, including the:

- (a) efforts made by the parties at amicable resolution;
- (b) complexity of the case and the difficulty or novelty of the questions involved;
- (c) skill, specialised knowledge and responsibility required of, and the time and labour expended by, the solicitor;
- (d) urgency and importance of the action to the parties;
- (e) number of solicitors involved in the case for each party;
- (f) conduct of the parties;
- (g) principle of proportionality; and
- (h) stage at which the proceedings were concluded.

(3) Where scale costs do not apply, costs shall be fixed or assessed by the Court which heard the matter.

(4) The Court shall fix the amount of costs to be paid or assess the costs after an oral hearing or by way of written submissions from the parties, limited to 10 pages for each party.

(5) The Court may order two or more parties' costs to be set off against one another so that only the balance has to be paid.

(6) The Court may stay or dismiss any application, action or appeal or make any other order as it deems fit if a party refuses or neglects to pay any costs ordered within the specified time, whether the costs were ordered in the present proceedings or in some related proceedings.

(7) In the case of any proceedings transferred to the High Court from any other court, the High Court may decide the costs of the whole proceedings, both before and after the transfer, or may direct that other court to decide the costs of the proceedings before the transfer.

Entitlement to costs and assessment of costs

3.—(1) These Rules aim to achieve the objective that solicitor-and-client costs are the same as party-and-party costs in all cases so that a party who conducts the proceedings reasonably is fully reimbursed all costs that he has incurred in the proceedings.

(2) The Court in exercising any discretion in these Rules shall aim to achieve the objective stated in paragraph 1.

(3) Subject to any written law, in particular Rule 10 of these Rules and subject to any agreement between the parties, a successful party shall be entitled to party-and-party costs which are reasonable in principle and in amount.

(4) Subject to any written law, in particular Rule 10 of these Rules and subject to any agreement between a solicitor and his client, the solicitor shall be entitled to solicitor-and-client costs which are reasonable in principle and in amount.

(5) A solicitor and his client may agree to have the Registrar assess the solicitor-and-client costs by the solicitor writing to the Registrar, with copy to the client, to confirm the agreement and enclosing the solicitor-and-client bill of costs.

(6) A solicitor or his client may apply to the Court to have the Registrar assess the solicitor-and-client costs.

(7) A solicitor-and-client bill of costs shall be in Form 21 and the Registrar shall give the necessary directions for the assessment of the solicitor-and-client costs.

(8) Where solicitor-and-client costs are assessed by the Registrar, the solicitor must extract the order of Court after assessment and pay a Court fee of 2% of the total amount allowed by the Registrar in addition to the Court fee that applies to orders of Court.

(9) The Court fee of 2% shall be paid by the client to the solicitor unless the Registrar otherwise orders.

(10) Where scale costs do not apply, unless the solicitor makes an express reservation that he may ask for a higher amount of solicitor-and-client costs if such costs have to be assessed by the Registrar, the solicitor may not present a bill to his client for a higher amount for assessment.

(11) A successful party is not entitled to receive party-and-party costs which are more than the solicitor-and-client costs which are agreed between the solicitor and the successful party or which are assessed by the Court.

After discussion with MinLaw, it was decided that Rule 3(12) will be put on hold and will be reviewed by MinLaw separately under the auspices of the SAL subcommittee:

(12) If a solicitor is acting for a client who cannot afford to pay scale costs and the solicitor agrees not to charge the client anything or agrees to charge an amount that is lower than scale costs if the client fails in an action, then if the client succeeds in the action —

(a) the solicitor shall be entitled to scale costs to be paid by the client and;

(b) the client shall be entitled to scale costs to be paid by the other party,

provided that the solicitor has made an express statement in the terms of this paragraph in the solicitor-and-client agreement.

(13) The party who discontinues or withdraws any application, action or appeal wholly or partly shall pay any other party the costs

of the matter discontinued or withdrawn, unless the parties otherwise agree.

No costs for applications in an action

4.—(1) An application in an action under this Rule includes an application for leave to appeal and an appeal from the application in an action.

(2) The Court shall not order costs for any application in an action where scale costs apply unless there is unreasonable conduct on the part of any of the parties.

(3) Costs ordered for any application in an action where scale costs apply shall be in addition to scale costs.

(4) Where the Court orders costs under paragraph 2 for a party, the solicitor for that party shall be entitled to solicitor-and-client costs in the same amount as the party-and-party costs ordered, unless the solicitor and the client otherwise agree.

(5) Where the Court orders costs under paragraph 2 against a party, the solicitor for that party shall be entitled to solicitor-and-client costs in the same amount as the party-and-party costs ordered, unless the solicitor and the client otherwise agree or unless the unreasonable conduct was attributed to the solicitor.

(6) Where scale costs do not apply, costs ordered for applications in an action shall be taken into account when the Court decides the costs of the entire action.

Adverse costs orders against successful party

5. The Court may disallow or reduce a successful party's costs or order that party to pay costs, whether scale costs or otherwise, if —

- (a) he has failed to establish any claim or issue which he has raised in any proceedings, thereby unnecessarily increasing the amount of time taken, the costs or the complexity of the proceedings;
- (b) he has done or omitted to do anything unreasonably;

- (c) he has not discharged his duty to attempt amicable resolution of the dispute in accordance with Chapter 3; or
- (d) he has failed to comply with any order of court, any relevant pre-action protocol or any practice direction.

Adverse costs orders against non-party

6.—(1) Where it is just to do so, the Court may order party-and-party costs against a non-party if he has —

- (a) assigned his right in the action to a party in return for a share of any money or property which that party may recover in the action;
- (b) contributed or agreed to contribute to a party's costs in return for a share of any money or property which that party may recover in the action; or
- (c) contributed or agreed to contribute to a party's costs and actively instigates or encourages that party to continue with the action.

(2) Before the Court makes an order under paragraph 1, the Court shall give such non-party a reasonable opportunity to be heard, either by way of an oral hearing or by written submissions.

Adverse costs orders against solicitor

7.—(1) The Court may —

- (a) disallow solicitor-and-client costs in whole or in part; and
- (b) order the solicitor to pay the party-and party-costs that his client has been ordered to pay in the proceedings,

if the solicitor is responsible, either personally or through an employee or agent, for incurring costs unreasonably in the proceedings.

(2) Before the Court makes an order under paragraph 1, the Court shall give the solicitor a reasonable opportunity to be heard, either by way of an oral hearing or by written submissions.

(3) The Court may direct that notice be given to the solicitor's client concerning any proceedings or order against the solicitor under this Rule.

Costs for litigant-in-person

8.—(1) Scale costs shall not apply to the party-and-party costs of a successful party who is a litigant-in-person.

(2) The Court may award costs to a successful party who is a litigant-in-person that would compensate him reasonably for the time and work required for the proceedings and for all expenses incurred reasonably.

(3) Where scale costs do not apply to the party-and-party costs of a successful party who is a litigant-in-person, scale costs shall apply to the solicitor-and-client costs of the unsuccessful party unless the solicitor and the unsuccessful party otherwise agree.

Solicitor representing party who lacks capacity

9. Where a solicitor represents a minor or a person who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) or a widow under the Civil Law Act (Cap. 43), the party-and-party costs and the solicitor-and-client costs shall be fixed or approved by the Court or shall be assessed by the Registrar.

Scale costs

10.—(1) Subject to these Rules, scale costs shall apply to party-and-party costs unless:

- (a) the claim is not a liquidated or quantifiable one;
- (b) the Court otherwise orders in a special case; or
- (c) the parties otherwise agree.

(2) Solicitor-and-client costs shall be in the same amount as party-and-party costs unless the solicitor and the client otherwise agree.

(3) In Originating Applications without notice, where there are no party-and-party costs because the only party is the claimant, or in an

action where the Court makes no award of party-and-party costs, scale costs shall apply to solicitor-and-client costs unless the solicitor and the client otherwise agree.

(4) Where a claim at first instance specifies an amount and the claimant fails in his claim, party-and-party costs shall be allowed to the successful party and solicitor-and-client costs to the solicitors for the parties according to scale costs in paragraph 7 based on the amount of the claim.

(5) Where judgment is given to the claimant (in the claim or the counterclaim) for a specified amount:

(a) party-and-party costs shall be allowed to the claimant and solicitor-and-client costs to the solicitor for the claimant according to scale costs in paragraph 7 based on the judgment amount; and

(b) solicitor-and-client costs shall be allowed to the solicitor for the unsuccessful party according to scale costs in paragraph 7 based on the amount of the claim.

(6) There shall be only one set of party-and-party costs as between each set of parties, irrespective of the number of solicitors for each set of parties and irrespective of the number of claimants, defendants or other parties in each set if each set of parties is represented by the same firm of solicitors.

(7) The following scale costs, together with any modifications made by the Court in this Chapter, applies to proceedings in the Supreme Court and in the State Courts from commencement of an action to judgment or determination of all claims at first instance whether by trial, discontinuance or otherwise, which include and subsume:

(a) assessment of damages;

(b) taking of accounts;

(c) applications in an action under Rule 4 for which no order for costs was made; and

(d) all consequential or incidental matters after such judgment or determination, including applications to set aside default

judgments and orders, and applications to the court of first instance for leave to appeal but not applications for enforcement of judgments and orders made after such judgment or determination.

**SCALE COSTS – FIRST INSTANCE
(ORIGINATING CLAIMS)**

Column 1 is the amount of the claim or judgment.

Column 2 is the percentage of the amount of claim or judgment for each tier in Column 1.

Column 3 is the maximum amount of costs (excluding disbursements) allowed for each tier in Column 1.

Column 4 is the cumulative total of the maximum amounts of costs allowed at each tier in Column 1.

Amount of claim or judgment (\$)	Percentage of the amount of claim or judgment	Maximum amount of costs (excluding disbursements) allowed for each tier (\$)	Cumulative total of the maximum amounts of costs allowed at each tier (\$)
First 60,000	10%	6,000	(at 60,000) 6,000
Next 190,000	5%	9,500	(at 250,000) 15,500
Next 750,000	3%	22,500	(at 1 million) 38,000
Next 4 million	1.5%	60,000	(at 5 million) 98,000
Next 5 million	1%	50,000	(at 10 million) 148,000
Next 20 million	0.75%	150,000	(at 30 million) 298,000
Next 20 million	0.5%	100,000	(at 50 million)

			398,000
Next 50 million	0.25%	125,000	(at 100 million) 523,000
For any amount more than 50 million	0.2%	-	(at 200 million) 723,000

**SCALE COSTS – FIRST INSTANCE
(ORIGINATING APPLICATIONS)**

Column 1 is the amount of the claim or judgment.

Column 2 is the percentage of the amount of claim or judgment for each tier in Column 1.

Column 3 is the maximum amount of costs (excluding disbursements) allowed for each tier in Column 1.

Column 4 is the cumulative total of the maximum amounts of costs allowed at each tier in Column 1.

Amount of claim or judgment (\$)	Percentage of the amount of claim or judgment	Maximum amount of costs (excluding disbursements) allowed for each tier (\$)	Cumulative total of the maximum amounts of costs allowed at each tier (\$)
First 60,000	8%	4,800	(at 60,000) 4,800
Next 190,000	4%	7,600	(at 250,000) 12,400
Next 750,000	2%	15,000	(at 1 million) 27,400
Next 4 million	0.5%	20,000	(at 5 million) 47,400
Next 5 million	0.4%	20,000	(at 10 million) 67,400

Next 20 million	0.3%	60,000	(at 30 million) 127,400
Next 20 million	0.2%	40,000	(at 50 million) 167,400
Next 50 million	0.1%	50,000	(at 100 million) 217,400
For any amount more than 50 million	0.025%	-	(at 200 million) 242,400

(8) The following scale costs, together with any modifications made by the Court in this Chapter, applies to appeals (which include and subsume applications in pending appeals) to the High Court and the Court of Appeal from decisions in proceedings in paragraph 7 after judgment or determination of all claims at first instance whether by trial, discontinuance or otherwise but not to appeals or applications for leave to appeal from applications in an action under Rule 4:

SCALE COSTS – APPEALS

Column 1 is the amount of the claim or judgment.

Column 2 is the percentage of the amount of claim or judgment for each tier in Column 1.

Column 3 is the maximum amount of costs (excluding disbursements) allowed for each tier in Column 1.

Column 4 is the cumulative total of the maximum amounts of costs allowed at each tier in Column 1.

Amount of claim or judgment (\$)	Percentage of the amount of claim or judgment	Maximum amount of costs (excluding disbursements) allowed for each tier (\$)	Cumulative total of the maximum amounts of costs allowed at each tier (\$)
First 60,000	8%	4,800	(at 60,000) 4,800

Next 190,000	4%	7,600	(at 250,000) 12,400
Next 750,000	2%	15,000	(at 1 million) 27,400
Next 4 million	1%	40,000	(at 5 million) 67,400
Next 5 million	0.5%	25,000	(at 10 million) 92,400
Next 20 million	0.3%	60,000	(at 30 million) 152,400
Next 20 million	0.1%	20,000	(at 50 million) 172,400
Next 50 million	0.05%	25,000	(at 100 million) 197,400
For any amount more than 50 million	0.025%	-	(at 200 million) 222,400

(9) The percentages and the ranges of scale costs in paragraphs 7 and 8 may be varied from time to time by the Chief Justice in respect of all actions or certain classes of actions.

(10) Instead of ordering that scale costs shall not apply in a special case, the Court may award an amount or a percentage in addition to or in reduction of scale costs to take into account the special circumstances in the case.

(11) In deciding whether to order that scale costs shall not apply, the Court shall bear in mind that:

- (a) the party who seeks an order that scale costs shall not apply has the duty to show a special case; and
- (b) scale costs are intended to apply in the full amounts stated in paragraphs 7 and 8 whether the action is determined early or late in the proceedings.

Party-and-party costs where scale costs do not apply

11.—(1) Where scale costs do not apply, the Court shall fix or assess costs after taking into consideration all relevant circumstances, including:

- (a) the Ideals;
- (b) Rule 2(2);
- (c) the objective stated in Rule 3(1);
- (d) Rule 4(6); and
- (e) the amount of scale costs that could have applied.

(2) Where scale costs do not apply or where the parties intend to submit that scale costs should not apply, the parties must include an estimate of the total amount of costs that they intend to claim if they succeed (without the need for itemisation) —

- (a) in the case of a trial or an assessment of damages, in their written closing submissions or, where there are no written closing submissions, during the parties' oral closing submissions; and
- (b) in the case of an appeal to the High Court or the Court of Appeal, in their written submissions.

Party-and-party costs for enforcement of judgments and orders

12. Where an application for enforcement of a judgment or an order is made, the following costs shall be allowed to the applicant in addition to the scale costs or the costs fixed or assessed by the Court in this Chapter:

- (a) costs (excluding (b) and (c) below):
 - (i) Magistrate's Court action - \$1,000;
 - (ii) District Court action - \$3,000; and
 - (iii) High Court action - \$5,000.

- (b) charges, commission, expenses and fees paid to the Sheriff;
and
- (c) reasonable disbursements incurred by the applicant.

Party-and-party costs in applications for prerogative orders

13. For actions in respect of prerogative orders, the following party-and-party costs shall apply:

- (a) applications to the High Court - \$5,000 plus reasonable disbursements;
- (b) appeals to the Court of Appeal - \$10,000 plus reasonable disbursements.

Applications for leave to appeal

14. The following party-and-party costs shall apply for:

- (a) applications to the High Court for leave to appeal against a decision of the State Courts - \$5,000 plus reasonable disbursements;
- (b) applications to the Court of Appeal for leave to appeal against a decision of the High Court - \$10,000 plus reasonable disbursements.

Power of appellate court to decide costs

15. In the case of an appeal, the Court hearing the appeal may decide the costs of the appeal and of the proceedings from which the appeal arose, as well as the costs of any proceedings connected with them if all relevant parties have been given a reasonable opportunity to be heard.

Interest on costs

16. The costs mentioned in the first column below shall carry interest at 5.33% per year or such other rate as the Chief Justice may direct from the date mentioned below until payment:

<i>Type of Costs</i>	<i>Commencement Date</i>
(a) Assessed costs	Date of assessment
(b) Scale costs or costs fixed by the Court	Date of order
(c) Costs agreed between the parties	Date of agreement
(d) Costs on judgment with or without trial	Date of judgment

CHAPTER 17

ENFORCEMENT OF JUDGMENTS AND ORDERS

Definitions

1. In this Chapter:

“amount due to the enforcement applicant” includes interest and costs;

“Court order” includes any judgment or order for the payment of money (including costs), delivery of movable property, title to or possession of immovable property, the doing of or the restraint or cessation of any act or declaring any rights;

“enforcement applicant” means a party or non-party who applies for or has obtained an enforcement order because he is entitled to enforce any Court order;

“enforcement costs” means the charges, commissions, expenses and fees incurred by or payable to the Sheriff in carrying out an enforcement order and the costs allowed under these Rules payable to, and all expenses incurred by, the enforcement applicant in applying for and carrying out an enforcement order;

“enforcement order” means an order specified in rule 2 which is a writ of execution within the meaning of any written law;

“enforcement respondent” means a party or non-party against whom an enforcement order is sought or made; and

“movable property” includes cash, deposits, bonds, shares and other securities, digital or cryptocurrency and membership in clubs and societies.

“property” or “properties” means movable or immovable property of whatever description.

Enforcement order

2.—(1) An enforcement applicant may apply for an enforcement order to enforce one or more Court orders, without prejudice to any other methods of enforcement that are available to him under any written law.

(2) Subject to any written law, an enforcement order authorises the Sheriff to do one or more of the following:

- (a) to seize and sell all properties belonging to the enforcement respondent;
- (b) to seize and deliver or give possession of properties in the possession or control of the enforcement respondent;
- (c) to seize deposits in any financial institution, whether or not the deposits have matured and notwithstanding any restriction as to the mode of withdrawal, belonging to the enforcement respondent;
- (d) to seize money which is due to the enforcement respondent from any non-party, whether immediately or at some future date or at certain intervals in the future;
- (e) to do anything specified in the Court order.

(3) An enforcement applicant may apply to the Court by summons without notice for an enforcement order in Form 22 3 days after the Court order was served on the enforcement respondent.

(4) The affidavit supporting the application for an enforcement order must state:

- (a) the terms of the Court order;
- (b) the enforcement respondent’s name and address;
- (c) the date that the Court order was served on the enforcement respondent;

- (d) the terms of the Court order which have not been complied with by the enforcement respondent and which are to be enforced;
- (e) where more than 6 years have passed since the date of the Court order, the reasons for the delay in the application;
- (f) where any change has occurred in the identity of the enforcement applicant or the enforcement respondent since the date of the Court order, the change that has occurred;
- (g) if the Court order requires the enforcement respondent to pay money, the amount due to the enforcement applicant, the amount recovered from any security held by the enforcement applicant, the amount that has been paid by the enforcement respondent and the amount that remains owing;
- (h) if interest is payable and continues to accumulate, the amount of interest owing to the enforcement applicant daily from the time of making the affidavit;
- (i) if a specific property is to be seized, other than property already specified in the Court order, the description of the property and the evidence that the whole or a specified part of the property belongs to or is in the possession or control of the enforcement respondent;
- (j) if the specific property is not in the possession or control of the enforcement respondent, the evidence that all persons in actual possession or control of the specific property have been notified about the application for an enforcement order;
- (k) if a deposit or money due to the enforcement respondent from any non-party is to be seized, the description of the deposit or money and the evidence that the deposit belongs to or that the money is due to the enforcement respondent, whether immediately or at some future date or at certain intervals in the future;
- (l) whether the Sheriff is to enforce the various parts of the enforcement order in any particular sequence or whether all or some parts may be enforced simultaneously;

(m) that the solicitors for the enforcement applicant (if he is represented by solicitors) or the enforcement applicant (if he is not represented by solicitors) undertake to:

- (i) indemnify the Sheriff against all claims, costs and expenses arising from complying with the enforcement order;
- (ii) pay upon request all charges, commissions, expenses and fees incurred by or payable to the Sheriff in complying with the enforcement order; and
- (iii) deposit the amount of money requested by the Sheriff before he complies with the enforcement order and from time to time,

and exhibit a written undertaking stating the above 3 matters.

(5) The enforcement applicant must serve the enforcement order on the Sheriff's office.

(6) An enforcement order is valid for multiple seizures, attachments and sales until all enforcement costs and the amount due to the enforcement applicant are fully satisfied and all the terms in the Court order which are to be complied with have been enforced.

(7) An enforcement order ceases to be valid after the enforcement applicant gives written notice to the Sheriff not to take further action on the enforcement order because the enforcement respondent has complied with all the terms of the Court order or for any other reason.

How enforcement order is carried out

3.—(1) The Sheriff shall carry out the terms of the enforcement order in the sequence indicated (if any) in the enforcement order and at the time, place and in the manner determined by him and may exercise any powers under any written law relating to forced entry into premises.

(2) If no sequence of enforcement is indicated in the enforcement order, the Sheriff may carry out its terms in any order and sequentially or concurrently, in his discretion.

(3) Upon the Sheriff's request, the enforcement applicant or his solicitor or other authorised representative must accompany the Sheriff when he carries out the enforcement order.

(4) Seizure under an enforcement order is effected by the Sheriff:

- (a) taking physical possession of the movable property or affixing his seal on the movable property, in respect of movable property;
- (b) serving a Notice of Seizure on the person or entity having possession or control, in respect of movable property;
- (c) serving a Notice of Seizure on the persons who are present and in actual possession or control of the immovable property and by entering and taking possession in respect of possession of immovable property;
- (d) serving a Notice of Seizure on the Singapore Land Authority in respect of title to immovable property and the enforcement applicant registering the enforcement order under any written law relating to the immovable property;
- (e) serving a Notice of Seizure on the financial institution in respect of deposits in such institution;
- (f) serving a Notice of Seizure on the person or entity which registers ownership or membership, in respect of bonds, shares and other securities and membership in clubs and societies; or
- (g) serving a Notice of Seizure on the person or entity from which money which is due to the enforcement respondent from any non-party, whether immediately or at some future date or at certain intervals in the future.

(5) The Notice of Seizure shall be in Form 23 and shall be prepared by the Sheriff.

(6) When a seizure has been effected under paragraph 4, a copy of the Notice of Seizure must be served on the enforcement respondent as soon as is practicable, unless he has no address for service.

(7) A non-party, excluding the enforcement respondent's employee, who is served with a Notice of Seizure is entitled to claim costs of \$100 from the Sheriff provided the claim is made within 7 days of service.

Sale and valuation of seized property

4.—(1) The Sheriff shall take steps to sell seized movable property 7 days after a copy of the Notice of Seizure has been served on the enforcement respondent under Rule 3, unless the movable property is perishable.

(2) The Sheriff shall take steps to sell seized immovable property 30 days after the Notice of Seizure has been served on the enforcement respondent under Rule 3.

(3) The Sheriff shall decide the conditions of sale.

(4) Where the value of the seized property is estimated by the Sheriff to be \$20,000 or less, the sale may be conducted by the Sheriff and may be by private treaty or by public auction.

(5) Where the value of the seized property is estimated by the Sheriff to be more than \$20,000, the sale shall be conducted by an auctioneer and by public auction.

(6) The Chief Justice may vary the amount stated in paragraph 4 and paragraph 5 from time to time.

(7) Notice of sale stating day, time and place of sale shall be given on the Sheriff's website at least 7 days before the date of sale.

(8) All sales of immovable property shall be conducted by an auctioneer and by public auction.

(9) Notice of sale of immovable property stating day, time and place of sale shall be advertised by the auctioneer at least once in a printed local newspaper and at least 14 days before the date of auction.

(10) The Sheriff may engage the services of Auxiliary Police Officers, security agencies, providers of transport and of warehousing, valuers, estate agents, brokers, solicitors and other

appropriate persons to assist him in all matters relating to the enforcement order.

(11) Where documents have to be signed by the enforcement respondent in order to give legal effect to any sale, the Sheriff may sign such documents in place of the enforcement respondent and the documents shall have the same legal effect as if they had been signed by the enforcement respondent.

Delivery and giving of possession

5.—(1) Where the enforcement order directs the Sheriff to seize and deliver or give possession of properties to the enforcement applicant, the Sheriff shall deliver and give possession as soon as is practicable after seizure.

(2) The enforcement applicant or his representative must sign such acknowledgement of delivery or possession as the Sheriff requires.

Sheriff's statement of accounts and commission

6.—(1) The Sheriff shall keep proper records of all the seized properties and of all amounts of money received or expended by him in carrying out an enforcement order.

(2) The Sheriff shall be entitled to a commission of 2% of the gross proceeds of sale of the seized properties, subject to a minimum amount of \$100 and a maximum amount of \$50,000.

(3) If property is seized but not sold for any reason, the Sheriff shall be entitled to a commission of 2% of the estimated value of the seized property, subject to a minimum amount of \$100 and a maximum amount of \$50,000.

(4) Subject to any written law, the Sheriff shall prepare a statement of accounts showing:

- (a) the gross proceeds of sale of the seized properties;
- (b) the enforcement costs;

- (c) the amount of money claimed by a landlord, not exceeding 6 months' rent, under section 20 of the Distress Act (Cap. 84);
- (d) the amount of money available to pay the enforcement applicant;
- (e) where there are more than one enforcement order against the same enforcement respondent, the amount of money claimed in each enforcement order, in the order of the priority according to the dates of issue of the enforcement orders;
- (f) after using the proceeds of sale in (a) to pay for the items in (b) to (e) above, the amount of money available to return to the enforcement respondent.

(5) The priority of payments shall be in the order set out in paragraph 4 above.

(6) If the proceeds of sale are not sufficient to pay the enforcement costs, the enforcement applicant must pay the amount of the shortfall to the Sheriff.

(7) The enforcement applicant who pays the amount of the shortfall in paragraph 6 shall be entitled to add that amount to the amount due to the enforcement applicant as part of the enforcement costs.

Claims and objections to seizure

7.—(1) Where the enforcement respondent or any non-party objects (referred to collectively as “the objector” in this Rule) to any seizure of property by the Sheriff, he shall give notice of his objection in writing to the Sheriff and the enforcement applicant within 7 days of service of the Notice of Seizure.

(2) The notice of objection must identify the objector, specify the property in dispute, state the grounds of objection and include any evidence supporting the grounds of objection.

(3) If the enforcement applicant accepts the grounds of objection, he shall give notice in writing to the Sheriff and the objector within 7 days of the objection that he consents to the release from seizure of

the specified property and the Sheriff shall release the specified property accordingly.

(4) If the enforcement applicant fails to consent to the release within 7 days or gives notice of objection, the Sheriff may determine the dispute summarily or direct the objector to apply to the Court for an order to release the specified property.

(5) Where the Sheriff directs the objector to apply to the Court under paragraph 4, the objector shall apply by summons in the action within 14 days of the direction, failing which the objection shall be deemed to have been withdrawn.

(6) The Sheriff may provide to the enforcement applicant, the enforcement respondent or any non-party upon request such information relating to the seizure as is appropriate.

(7) The Sheriff must not sell any property that is in dispute.

(8) The Sheriff may seek the Court's directions by letter at any time.

Examination of enforcement respondent

8.—(1) The enforcement applicant may apply for the enforcement respondent to be examined orally in Court or to make an affidavit or both on the properties which are owned by him beneficially whether in whole or in part or which he will be entitled to in the future.

(2) The Court may also order the enforcement respondent to produce such documents as are appropriate.

(3) Where the enforcement respondent is an entity, the order shall state the appointment of the officer or officers of the entity who are to be examined.

(4) An application under this Rule is deemed to be enforcement of a Court order and is within the terms of any written law or any order staying enforcement of that Court order.

Instalment payments

9. Where a Court order made under section 43 of the State Courts Act (Cap. 321) or under any other written law provides for payment

by instalments, the enforcement applicant may apply for an enforcement order in respect of an instalment that is due and unpaid or, if there are several instalments due and unpaid, in respect of those instalments.

Application for stay of enforcement

10.—(1) The party who is liable under any Court order may apply for stay of enforcement or stay of any enforcement order or any part of the order on the following grounds:

- (a) he intends to appeal or has filed an appeal against the Court order; or

[N.B. Depends on whether the provisions in the SCJA or SCA on stay of execution pending appeal are reversed as recommended by CJC]

- (b) there is a special case making it inappropriate to enforce the Court order immediately.

(2) The Court may order a stay of enforcement or stay of an enforcement order pending appeal, for a specified period or until the occurrence of a specified event.

(3) Where the Sheriff has seized properties under the enforcement order before the Court orders a stay, the order may give directions to the Sheriff to withdraw the seizure or to maintain the seizure without taking further action on the enforcement order.

CHAPTER 18

CONTEMPT OF COURT

Definitions

1. In this Chapter, unless the context otherwise requires —

“Act” means the Administration of Justice (Protection) Act 2016 (Act 19 of 2016);

“committal applicant” means the person who is applying for or has obtained a committal order against the committal respondent;

“committal respondent” means the person against whom a committal order is sought or made;

“contempt of court” means contempt of court under the Act and includes, subject to section 10, contempt of court under the common law;

“non-publication direction” means a direction under section 15;

“section” means a section of the Act.

Committal order for contempt of Court

2. The power of the Court to punish for contempt of court may be exercised by a committal order.

Application for approval of Court

3.—(1) A committal applicant must first apply to the Court for approval to make an application for a committal order.

(2) An application for approval must be made by Originating Application without notice or by summons without notice in an action, as the case may be, to a Judge.

(3) The application must be supported by an affidavit setting out:

- (a) the committal applicant's name, description and address;
- (b) the committal respondent's name, description and address;
and
- (c) the grounds on which the committal order is sought.

Application for committal order after approval of Court granted

4.—(1) After approval is granted under Rule 3, the committal applicant must apply for the committal order within 14 days by summons in the Originating Application without notice or by summons in the action and serve the following on the committal respondent by personal service:

- (a) the Originating Application without notice or summons without notice for approval under Rule 3(2);
- (b) the supporting affidavit under Rule 3(3);
- (c) the order granting approval under Rule 3(1);
- (d) the summons for the committal order under paragraph 1.

(2) There must be at least 21 days between the service under paragraph 1 and the hearing date.

Power to commit without application

5.—(1) Where by virtue of any written law the High Court has power to punish or take steps for the punishment of any person charged with having done anything in relation to a court, tribunal or person which would, if it had been done in relation to the High Court, have been a contempt of that Court, a committal order may be made by the High Court.

(2) Nothing in the above Rules shall be taken as affecting the power of the High Court or the Court of Appeal to make a committal order on its own accord against a person guilty of contempt of court.

Transfer to High Court

6.—(1) An application under section 10(4) to transfer a case in a State Court to the High Court must be made to a Judge of the High Court by Originating Application.

(2) In hearing such an application, the High Court may order the case sought to be transferred and any related proceedings to be stayed until after the final determination of the application.

(3) Where the High Court orders a case in a State Court to be transferred to the High Court under section 10(4) —

(a) the High Court may —

(i) set aside or affirm any order made by the State Court;

(ii) modify Rules 3 and 4 in their application to the case;
and

(iii) make any other order relating to the transfer;

(b) the Registrar of the State Courts must send to the Registrar of the Supreme Court the file of the proceedings, all documents, exhibits and a certified copy of the notes of evidence (if any) of the proceedings; and

(c) the Registrar of the Supreme Court must give notice of the transfer to every party to the case.

Provisions as to hearing

7.—(1) The Court shall hear in open court an application for a committal order or an application under section 10(4) to transfer a case to the High Court but may hear the application in private in the following cases:

(a) where the application arises out of proceedings relating to the wardship or adoption of an infant or wholly or mainly to the guardianship, custody, maintenance or upbringing of an infant, or rights of access to an infant;

(b) where the application arises out of proceedings relating to a person who lacks capacity within the meaning of the Mental

Capacity Act (Cap. 177A) in relation to matters concerning his property and affairs;

- (c) where the application is made in the High Court and arises out of proceedings in a Small Claims Tribunal constituted under section 4 of the State Courts Act (Cap. 321);
- (d) where the application arises out of proceedings in which a secret process, discovery or invention was in issue; and
- (e) where it appears to the Court that, in the interests of the administration of justice or for reasons of national security, the application should be heard in private.

(2) If the Court hears the application in paragraph 1 in private and decides to make a committal order against the committal respondent, it shall state in open Court —

- (a) the name of the committal respondent;
- (b) in general terms the nature of the contempt of court in respect of which the committal order is being made; and
- (c) if he is being committed for a fixed period, the length of that period.

(3) The committal applicant shall rely on only the grounds set out in the affidavit under Rule 3(3).

(4) At the hearing of the application for a committal order, the committal respondent shall rely on only the matters stated in his affidavit, if any.

Power to suspend execution of committal order

8.—(1) The Court may order the execution of the committal order to be suspended for such period or on such terms or conditions as it may specify.

(2) Where the Court makes an order under paragraph (1), the committal applicant must serve a notice on the committal respondent informing him of the terms of that order.

(3) The committal applicant may apply for the suspension to be lifted on the ground that any of the terms of the suspension has been breached.

(4) An application under paragraph 3 must be made by summons supported by an affidavit and must be served on the committal respondent.

Discharge of committal respondent

9.—(1) Where a committal respondent has been committed for contempt of Court, the Court may discharge him upon his application.

(2) Where a committal respondent has been committed for contempt of court under section 4 in relation to his failure to deliver any thing to some other person or to deposit it in Court or elsewhere, then, if the thing is in the possession or control of the committal respondent, the Sheriff may take possession of it as if it were the property of the committal respondent and, without prejudice to the generality of paragraph 1, the Court may discharge the committal respondent and give directions for dealing with the thing.

Saving for other powers

10. Nothing in Rules 1 to 9 shall be taken as affecting the power of the Court to make an order requiring a person punishable by virtue of any written law in like manner as if he had been guilty of contempt of court, to pay a fine or to give security for his good behaviour, and those Rules, so far as applicable and with the necessary modifications, shall apply in relation to an application for such an order as they apply in relation to an application for a committal order.

Form of committal order

11.—(1) A committal order must be in Form 24.

(2) The committal applicant must serve on the Sheriff's office:

(a) the committal order; and

(b) a written undertaking by the solicitors for the committal applicant (if he is represented by solicitors) or by the committal applicant (if he is not represented by solicitors) to:

- (i) pay upon request all charges, expenses and fees incurred by or payable to the Sheriff and the Singapore Police Force in complying with the committal order; and
 - (ii) indemnify the Sheriff and the Singapore Police Force against all claims, costs and expenses arising from complying with the committal order.
- (3) The committal applicant must also deposit the amount of money requested by the Sheriff before he complies with the committal order and from time to time.

Committal proceedings before Employment Claims Tribunals

12.—(1) In this Rule —

“tribunal” means a State Court called an Employment Claims Tribunal constituted under section 4 of the State Courts Act (Cap. 321);

“tribunal magistrate” has the same meaning as in section 2(1) of the Employment Claims Act 2016 (Act 21 of 2016).

(2) Rules 1 to 11 (except Rule 7(1) and (2)) apply to committal proceedings before a tribunal.

(3) For the purposes of applying this Chapter to committal proceedings before a tribunal, unless the context otherwise requires —

(a) any reference to a Court is a reference to a tribunal or a tribunal magistrate; and

(b) any reference to a Judge is a reference to a tribunal magistrate.

(4) The court fees that apply to proceedings under this Chapter in a District Court apply to proceedings under this Chapter in a tribunal.

(5) The hearing fees prescribed in the Employment Claims Rules 2017 (G.N. No. S 104/2017) apply to the hearing of any proceedings under this Chapter in a tribunal.

Committal proceedings before Small Claims Tribunals

13.—(1) In this Rule —

“Referee” means a Referee appointed under section 4(1) of the Small Claims Tribunals Act (Cap. 308);

“tribunal” means a Small Claims Tribunal constituted under section 4 of the State Courts Act (Cap. 321).

(2) Rules 1 to 11 (except Rule 7(1) and (2)) apply to committal proceedings before a tribunal.

(3) For the purposes of applying this Chapter to committal proceedings before a tribunal, unless the context otherwise requires —

(a) any reference to a Court is a reference to a tribunal or a Referee; and

(b) any reference to a Judge is a reference to a Referee.

(4) The court fees that apply to proceedings under this Chapter in a Magistrate’s Court apply to proceedings under this Chapter in a tribunal.

(5) The hearing fees that apply to proceedings under this Chapter in a Magistrate’s Court apply to proceedings under this Chapter in a tribunal.

Committal proceedings before Community Dispute Resolution Tribunals

14.—(1) In this Rule —

“tribunal” means a State Court designated as a Community Disputes Resolution Tribunal under section 14(1)(a) of the Community Disputes Resolution Act 2015 (Act 7 of 2015);

“tribunal judge” means a District Judge designated as a tribunal judge under section 14(1)(b) of the Community Disputes Resolution Act 2015.

(2) Rules 1 to 11 (except Rule 7(1) and (2)) apply to a tribunal.

(3) For the purposes of applying this Chapter to committal proceedings before a tribunal, unless the context otherwise requires —

(a) any reference to a Court is a reference to a tribunal or a tribunal judge; and

(b) any reference to a Judge is a reference to a tribunal judge.

Application by Attorney-General for approval to give non-publication direction

15.—(1) An application by the Attorney-General for approval to give a non-publication direction must be made by an Originating Application without notice supported by an affidavit.

(2) The supporting affidavit may be made by a person authorised by the Attorney-General.

(3) The supporting affidavit must —

(a) have annexed to it a copy of the proposed non-publication direction;

(b) state the grounds for believing that there is a prima facie case that —

(i) the person to whom the proposed non-publication direction will apply has published the matter that is the subject of the proposed non-publication direction; and

(ii) the publication of the matter that is the subject of the non-publication direction would satisfy section 13(7)(b)(i), (ii) or (iii);

(c) state the reasons for any exception or condition in the proposed non-publication direction; and

(d) state that the Attorney-General is satisfied that it is in the public interest to give the proposed non-publication direction.

(4) The Court's approval to give a non-publication direction lapses if the direction is not served in accordance with the Act within 14 days after the day on which approval is granted.

(5) After a non-publication direction is served, a person authorised by the Attorney-General must file an affidavit stating that the direction has been served in accordance with the Act and giving particulars of the service.

Application to set aside or vary non-publication direction

16.—(1) This Rule applies to an application under section 13(9) to vary or set aside a non-publication direction.

(2) The application must be made within 14 days after the direction is served on the person to whom the non-publication direction applies.

(3) To avoid doubt, paragraph 2 applies even if the application is made by the author of the matter specified in the direction.

(4) An application must be made by summons in the Originating Application in which approval to give the non-publication direction was granted and must be supported by an affidavit.

(5) The applicant must serve the summons and the supporting affidavit on the Attorney-General, any person (other than the applicant) to whom the non-publication direction applies, and any other person whom the Court orders to be served.

(6) If the applicant is the author of the matter that is the subject of the non-publication direction, the supporting affidavit must state and give evidence of that fact.

(7) If the Court sets aside or varies a non-publication direction, the applicant must serve the order of the Court within 14 days after the date of the order of the Court —

(a) on the person to whom the direction applies (unless the person is the applicant); and

(b) any other person whom the Court orders to be served.

(8) If an order of Court is required to be served in accordance with paragraph 7, the applicant must, after the order has been served, file an affidavit stating that the order has been served and giving particulars of the service.

(9) An order of Court to set aside a non-publication direction takes effect from the date of the order or such other date as the Court may specify in the order.

(10) An order of Court to vary a non-publication direction takes effect —

(a) insofar as the direction and the variation apply to the applicant — from the date of the order or such other date as the Court may specify in the order; and

(b) insofar as the direction and the variation apply to a person other than the applicant — from the date on which the order is served on the person or such later date as the Court may specify in the order.

Power of Court to arrest absent committal respondent

17.—(1) The Court may order the Sheriff or any police officer to arrest and, as soon as is practicable, bring before the Court a committal respondent who fails to attend a hearing without good reason.

(2) A letter from the Registrar stating the Court's order made under paragraph 1 shall be sufficient authority for the Sheriff or any police officer to effect the arrest.

Sheriff may engage Auxiliary Police or other security agency

18.—(1) The Sheriff may engage any Auxiliary Police Officer appointed under the Police Force Act (Cap. 235) or other security agency to assist him in the discharge of his duties under this Chapter.

(2) Any amount of money incurred by the Sheriff under paragraph 1 shall be considered as part of the charges, expenses and fees incurred in complying with a committal order.

CHAPTER 19

PREROGATIVE ORDERS

Scope of chapter

1. This Chapter applies to the Supreme Court only.

Definition and general matters

- 2.—(1) The following are prerogative orders:

- (a) an Order for Review of Detention;
- (b) a Mandatory Order;
- (c) a Prohibiting Order; and
- (d) a Quashing Order.

(2) Prerogative orders may be made only against the Government, statutory boards, public officers carrying out their duties as such or other authorities established under any written law.

(3) An application for a prerogative order must not be made before the applicant has exhausted any right of appeal or other remedy provided under any written law.

Application for Order for Review of Detention

3.—(1) An application for an Order for Review of Detention must be made by Originating Application.

(2) The person detained (referred to as “the subject” in this Chapter) must make an affidavit supporting the application stating when and how he was detained, where he is being detained, the reasons given for his detention, if any, and why he should be released.

(3) If the subject is unable to make the affidavit or if the application is urgent, some other person may make the affidavit stating his relationship to the subject, why the subject is unable to make the affidavit or why the application is urgent and the matters in paragraph 2.

(4) The application and the affidavit must be served on the defendant and on the Attorney-General as a non-party.

(5) Where the identity of the defendant is unknown or uncertain, the applicant may name the Attorney-General as the defendant and the application and the affidavit must be served on the Attorney-General's Chambers.

(6) The Attorney-General may apply to the Court to order that some other defendant be added or substituted as a party and that he cease to be a defendant.

(7) The defendant and the Attorney-General may make their affidavits jointly or separately.

(8) If the defendant and the Attorney-General intend that the Court decide only the preliminary objections or other legal issues against the application which do not require any decision on disputes of fact at the first hearing, their affidavits need not state the disputes of fact, if any.

(9) If the defendant and the Attorney-General intend to file further affidavits on disputes of fact if the preliminary objections or legal issues are decided against them, their first affidavit should state this clearly.

Hearing of application

4.—(1) The application shall be heard by a Judge.

(2) The subject need not be brought before the Court hearing the application.

(3) At the hearing, the Court may order that:

(a) the application be dismissed on the basis of the preliminary legal issues;

(b) the application be served on some other persons;

(c) further affidavits on the preliminary objections or legal issues and/or the disputes of fact be filed and served by the parties;

or

(d) an Order for Review of Detention be made in Form 25 and the defendant is to release the subject immediately or by a certain time and, if necessary, that the subject be conveyed to a certain location for his release.

(4) Where the Court makes an order under paragraph 3(d), the solicitor appearing for the defendant must inform the defendant or the appropriate person or entity as soon as is practicable and the defendant or that person or entity must comply with the Order for Review of Detention although the Order has not been served.

(5) Where the Court makes an order under paragraph 3(d) in the presence of the defendant or the appropriate person or entity, the defendant or that person or entity must comply with the Order for Review of Detention although the Order has not been served.

Application for Mandatory Order, Prohibiting Order and Quashing Order

5.—(1) An application for a Mandatory Order, Prohibiting Order or Quashing Order must be made by Originating Application and may include an application for a declaration which is ancillary to or consequential upon the said Orders.

(2) Subject to any written law, an application for a Mandatory Order, Prohibiting Order or Quashing Order must be made within 3 months after the date of the omission or the proceedings which gave rise to the application.

(3) The applicant must make an affidavit supporting the application and show that:

- (a) he has the legal standing to make the application;
- (b) the evidence discloses an arguable case of reasonable suspicion in favour of the Court making the orders sought;
and
- (c) the defendant and the matters in issue are susceptible to the orders sought.

(4) If the applicant is unable to make the affidavit or if the application is urgent, some other person may make the affidavit

stating his relationship to the applicant, why the applicant is unable to make the affidavit or why the application is urgent and the matters in paragraph 3.

(5) The application and the affidavit must be served on the defendant and on the Attorney-General as a non-party.

(6) Where the identity of the defendant is unknown or uncertain, the applicant may name the Attorney-General as the defendant and the application and the affidavit must be served on the Attorney-General's Chambers.

(7) The Attorney-General may apply to the Court to order that some other defendant be added or substituted as a party and that he cease to be a defendant.

(8) The defendant and the Attorney-General may make their affidavits jointly or separately.

(9) If the defendant and the Attorney-General intend that the Court decide only the preliminary objections or other legal issues against the application which do not require any decision on disputes of fact at the first hearing, their affidavits need not state the disputes of fact, if any.

(10) If the defendant and the Attorney-General intend to file further affidavits on disputes of fact if the preliminary objections or legal issues are decided against them, their first affidavit should state this clearly.

Hearing of application

6.—(1) The application shall be heard by a Judge.

(2) At the hearing, the Court may order that:

- (a) the application be dismissed on the basis of the preliminary legal issues;
 - (b) the application be served on some other persons;
 - (c) further affidavits on the preliminary objections or legal issues and/or the disputes of fact be filed and served by the parties;
- or

(d) a Mandatory Order, Prohibiting Order or Quashing Order be made to take effect or to be complied with immediately or by a certain time with such consequential orders as are appropriate.

(3) Where the Court makes an order under paragraph 2(d), the solicitor appearing for the defendant must inform the defendant or the appropriate person or entity as soon as is practicable and the defendant or that person or entity must comply with the relevant Order although the Order has not been served.

(4) Where the Court makes an order under paragraph 2(d) in the presence of the defendant or the appropriate person or entity, the defendant or that person or entity must comply with the relevant Order although the Order has not been served.

(5) Subject to the Government Proceedings Act (Cap. 121), where the Court makes an order under paragraph 2(d), it may also:

- (a) make a declaration which is ancillary to or consequential upon the said Orders whether or not that is also applied for;
- (b) order that the applicant be awarded a liquidated amount, damages to be assessed or equitable relief if it is satisfied that the applicant would have been entitled to such remedies in a separate action against the defendant.

Immunity from legal proceedings for compliance with prerogative orders

7. Any person or entity who does any act or does not do any act in compliance with a prerogative order shall be immune from legal proceedings in respect of that act or omission.

CHAPTER 20

COURT FEES

Court fees

1.—(1) “Court fees” includes all charges, commissions and fees payable under these Rules or in practice directions.

(2) Court fees shall be paid in the circumstances and the manner set out in practice directions.

Registrar’s powers relating to court fees

2.—(1) The Registrar may:

- (a) waive or defer the payment of the whole or any part of Court fees;
- (b) refund the whole or any part of Court fees paid; or
- (c) order, at any time, that the whole or any part of Court fees be paid by any party or be apportioned among all or any of the parties.

(2) The Registrar may also exercise the powers in paragraph 1 in accordance with the provisions in any Civil Procedure Convention.

(3) An application for refund of Court fees must be made in writing within one month from the date on which the reason for the refund arose.

(4) In the case of hearing fees, the Registrar shall refund the whole of the hearing fees paid if he is notified in writing not later than 14 days before the first date fixed for hearing that the cause or matter has been settled or discontinued.

(5) Any party who is dissatisfied with any decision of the Registrar made under this Rule may apply by letter to a Judge to review the decision within 14 days of the decision.

CHAPTER 21

THE REGISTRY, ADMINISTRATION AND FINANCE

Registry of the Supreme Court and of the State Courts

1.—(1) There shall be a Registry with such departments and functions as the Chief Justice or the Presiding Judge of the State Courts, as the case may be, may direct.

(2) The Registry shall be under the control and supervision of the Registrar who shall report to and be responsible to the Chief Justice or the Presiding Judge of the State Courts, as the case may be, for its proper administration and functions.

(3) The Chief Justice or the Presiding Judge of the State Courts, as the case may be, may appoint a Chief Executive and one or more Assistant Chief Executives to manage such functions of the Registry as he may direct and they shall report to and be responsible to the Chief Justice or the Presiding Judge of the State Courts, as the case may be, for the proper discharge of those functions.

Practice directions

2. The Registrar may issue practice directions from time to time with the approval of the Chief Justice or the Presiding Judge of the State Courts, as the case may be.

Registry records

3.—(1) The Registry shall maintain such Court records and other documents that are required by any written law or which the Registrar considers appropriate.

(2) The Registry may collect, use or disclose such data which the Registrar considers appropriate.

(3) The method of collection, the storage and the period of storage of Court records, documents and data shall be in the discretion of the Registrar.

(4) The Registrar may allow any person to search for, inspect and take a copy of any document filed in Court in any action if that person:

- (a) shows a valid interest in the document in question; and
- (b) pays the prescribed fee.

(5) The Registrar may redact any document in the interests of justice before a person searches for, inspects or takes a copy of the document.

(6) Documents filed in Court in any action and the Registry's records shall not be taken out of the Registry without the Registrar's approval.

(7) Documents filed in Court shall be typewritten and printed and shall comply with practice directions relating to quality and dimensions of paper, font size, print quality, margins, copies and any other requirements.

Financial matters and payment into and out of Court

4.—(1) The Registry shall regulate all financial matters according to any written law or instruction manuals issued by the Government.

(2) Subject to any written law, payment into and out of Court of any amount of money under any written law or under an order of Court shall be by way of a letter of request containing sufficient particulars on:

- (a) the written law or the order of Court under which the payment is made;
- (b) the identity of the payor or payee;
- (c) the purpose of the payment; and
- (d) any other matter and attaching any document that the Registry requires.

(3) The Registry may require in any particular case or class of cases that payment into and out of Court be authorised by an order of Court.

(4) Payment into and out of Court shall be by cheque or other methods that the Registry allows, including electronic payment or transfers.

Electronic litigation system

5. The Registrar may establish an electronic litigation system and issue practice directions to make provisions for documents to be filed, stored, served, transmitted and used in Court using that system, for the payment of fees and for the general operation and use of the system.

Filing of powers of attorney

6.—(1) A document or a certified copy of a document creating a power of attorney may be deposited in the Registry of the Supreme Court under section 48 of the Conveyancing and Law of Property Act (Cap. 61) if:

(a) the execution of the document is verified by:

(i) an affidavit or a statutory declaration made by a witness to the execution or by an impartial person who knows the signature of the donor of the power of attorney;

(ii) the signature of a Commissioner for Oaths as a witness to the execution; or

(iii) such other evidence which is satisfactory to the Registrar;

(b) the document is accompanied by the affidavit, statutory declaration, certificate or other evidence by which the execution was verified; and

(c) in the case of a certified copy of the document, the signature of the person who verified the copy is sufficiently verified.

(2) The Registry of the Supreme Court shall maintain an index of all documents or certified copies of documents creating a power of attorney and of the names of the donors.

Registry hours

7.—(1) The Registry shall be open on every day of the year except non-court days.

(2) The Registry's opening hours shall be as directed by the Chief Justice or the Presiding Judge of the State Courts, as the case may be.

Court vacations

8. There shall be a Judge available during the Court vacations to hear such matters as the Registrar considers urgent.

CHAPTER 22

REFERRALS ON ISSUES OF LAW

Interpretation

1. In this Chapter, unless the context otherwise requires —
 - “Court” means the High Court or the Court of Appeal;
 - “foreign country” means a country or territory outside Singapore;
 - “specified court” means a court that is specified in Rule 7;
 - “specified foreign country” means a foreign country that is specified in Rule 6.

Order for reference of questions of foreign law to foreign courts on application of parties

2.—(1) Where in any proceedings before the Court there arises any question relating to the law of any specified foreign country or to the application of such law, the Court may, on the application of one or more of the parties, order that proceedings be commenced in a specified court in that specified foreign country seeking a determination of such question.

(2) An application for an order under paragraph 1 must be made by summons and supported by an affidavit stating the grounds for the application.

(3) The Court may give such directions as it thinks fit for the preparation of a statement of the issue from which the question arises for inclusion with the question of law to be determined by the specified court in the specified foreign country.

Referral of questions of foreign law on Court’s own motion

3. Nothing in this Chapter shall prevent the Court from ordering, on its own motion, that proceedings be commenced in any court of competent jurisdiction in any foreign country (not being a specified

foreign country) seeking a determination of any question relating to the law of that foreign country or to the application of such law.

Order for referral of questions of foreign law

4. An order made by the Court under Rule 2 or 3 must —
- (a) state the question that is to be determined in relation to the law of the foreign country;
 - (b) state the facts or assumptions upon which the question is to be determined;
 - (c) contain a statement to the effect that the court in the foreign country may vary the facts or assumptions and the question to be determined; and
 - (d) state whether and to what extent the parties may depart from the facts or assumptions in the determination of the question by the court of the foreign country.

Determination of issues arising in foreign court proceedings

5.—(1) Proceedings for the determination of any issue relating to Singapore law which is relevant to an issue in any proceedings before a specified court in a specified foreign country may be commenced by Originating Application and supported by affidavit.

- (2) The Originating Application or supporting affidavit must —
- (a) state the question that is to be determined in relation to Singapore law;
 - (b) state the facts or assumptions upon which the question is to be determined;
 - (c) contain a statement to the effect that the Court in Singapore may vary the facts or assumptions and the question to be determined; and
 - (d) state whether and to what extent the parties may depart from the facts or assumptions in the determination of the question by the Court in Singapore.

Specified foreign countries

6. For the purposes of this Chapter, each of the following is a specified foreign country:

- (a) New South Wales, Australia;
- (b) Dubai, United Arab Emirates;
- (c) Bermuda.

Specified courts

7. For the purposes of this Chapter —

- (a) where the specified foreign country is New South Wales, Australia, every court of competent jurisdiction in New South Wales, Australia is a specified court;
- (b) where the specified foreign country is Dubai, United Arab Emirates, every court of competent jurisdiction which forms part of the Dubai International Financial Centre Courts is a specified court; and
- (c) where the specified foreign country is Bermuda, the Supreme Court of Bermuda is a specified court.

Rules of Court
Annex 1: Chief Justice's
Orders

CAP. 322, R 5]

[2018 Ed. p. 180

Annex 1

Chief Justice's Orders under Chapter 1 Rule 2(6) and Rule 2(7)

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Annex 2

Forms

1.

Chap 1, Rule 8(2)

SUMMONS

IN THE HIGH COURT/STATE COURTS OF
THE REPUBLIC OF SINGAPORE

Originating Claim/ Originating Application No. of 20 .

Summons No. of 20 .

Issued on: [date]

Claimant:

[Name]

[Address]

[NRIC/ Passport No]

Defendant:

[Name]

[Address]

[NRIC/ Passport No]

To: The Claimant/Defendant [name]

1. The claimant/defendant [name] is applying to the Court for the following orders:
[set out all the orders sought in numbered paragraphs]
2. The evidence in support of this application is stated in the accompanying affidavit of [state the name of the person making the affidavit and the filing date].

3. If you wish to contest the application, you must:
- (a) file an affidavit in reply if you also wish to introduce evidence in this application within 14 days of being served this application and supporting affidavit(s); and
 - (b) attend at the High Court/ State Courts on the date and time shown below. If you do not attend personally or by lawyer, the Court may make appropriate orders.

Hearing Date:

Time:

Court/Chamber No:

Solicitor for the [state the party]

[Name, address, email address and telephone number of solicitor]

(Seal of the Court and signature of the Registrar)

2.

Chap 1, Rule 8(3)

SUMMONS WITHOUT NOTICE

(Title as in action)

1. The claimant/defendant [name] is applying to the Court for the following orders:
[set out all the orders sought in numbered paragraphs]
2. The evidence in support of this application is stated in the accompanying affidavit of [state the name of the person making the affidavit and the filing date].

Hearing Date:

Time:

Court/Chamber No:

- *3. The Court does not require your attendance. [Name of Judge/Registrar] makes the following orders:

Solicitor for the [state the party]

[Name, address, email address and telephone number of solicitor]

*Use as appropriate

(Seal of the Court and signature of the Registrar)

3.

Chap 4, Rule 5(1)

ORIGINATING CLAIM

IN THE HIGH COURT/STATE COURTS OF
THE REPUBLIC OF SINGAPORE

Originating Claim No. _____ of 20 ____ .

Issued on: [date]

[Renewed for service for ____ months from [date] by an order of Court dated
(date)]Claimant:

[Name]

[Address]

[NRIC/ Passport No]

Defendant:

[Name]

[Address]

[NRIC/ Passport No]

To: The Defendant [name]

1. The claimant [name] has commenced an action against you in the [High Court/ State Courts] of Singapore.
2. The claim(s) by the claimant is set out in the Statement of Claim attached (or briefly in this document).
3. You may do the following:
 - (a) offer to settle or negotiate with the claimant; and
 - (b) in any event, if you believe you have a defence, you must:
 - (i) consult a lawyer unless you want to act in person;
 - (ii) file a notice of intention to contest or not contest the Originating Claim that is attached to this document within [seven (7) days / twenty one (21) days] of being served this document;
 - (iii) file a defence within [twenty one (21) days/ five (5) weeks] of being served this document.

4. If you do not file your notice within the time stated in paragraph 3, the Court may give judgment to the claimant.
5. If your defence is not filed within the time stated in paragraph 3, the Court may give judgment to the claimant.
6. Parties are to attend a Case Conference to take directions from the Court.
Hearing Date:
Time:
Court/Chamber No:

Solicitor for the Claimant

[Name, address, email address and telephone number of solicitor]

Notes:

1. This Originating Claim must be served within 3 months after the date of issue, unless renewed by order of the Court. A Notice of Intention to Contest or Not Contest an Originating Claim in Form 5 is to be attached to this Originating Claim.
2. Where the claimant sues or a defendant is sued in a representative capacity, the Originating Claim must be endorsed with a statement of the capacity in which the claimant sues or a defendant is sued, as the case may be.
3. If a statement of claim is not attached, to set out a concise statement of the nature of the claim made or the relief or remedy required.

(Seal of the Court and signature of the Registrar)

4.

Chap 4, Rule 5(3)

STATEMENT OF CLAIM

Statement of Claim

1. [Provide a succinct and precise account of the facts justifying the claim in numbered paragraphs]
2. [The following matters must be pleaded –
 - (a) material facts;
 - (b) particulars of any misrepresentation, fraud, breach of trust, wilful deceit or undue influence
 - (c) particulars of facts where there is allegation as to the condition of the mind of any person, whether any disorder or disability of mind, or any malice, fraudulent intention or other condition of mind except knowledge]
3. [The following should not be pleaded –
 - (a) Evidence by which material facts are to be proved;
 - (b) Points of law; and
 - (c) Legal arguments and submissions]
4. Claims: [State the relief or remedy, including interest and costs, which the claimant seeks in numbered paragraphs]
5. [State whether the interest claimed is contractual, the rate of interest and the period claimed]
6. [State whether the costs claimed are contractual or are scale costs as provided in Chapter 16 Rule 10 and the amount]
7. [If action for personal injuries, enclose medical report and a statement of the special damages claimed. A claim for provisional damages must be pleaded]

Certification by Claimant and Solicitor

I, [name of claimant], certify that all the statements made above are true to the best of my knowledge and belief.

I, [name of solicitor] certify that I have informed the claimant of his obligation above.

*Signature of Claimant**Signature of solicitor*

5.

Chap 4, Rule 6(3) NOTICE OF INTENTION TO CONTEST
OR NOT CONTEST

(Title as in action)

Date:

To: The Claimant [Name]

The defendant [name] intends:

*(a) To contest your Originating Claim;

*(b) Not to contest your Originating Claim;

(If contest or non-contest is not in respect of all the claims, state the contested claims and those not contested)

Solicitor for the defendant

[Name, address, email address and telephone number of solicitor]

*Use as appropriate

Note:

This Notice must be filed and served within (a) 7 days after the statement of claim is served in Singapore on the defendant; or (b) 21 days after the statement of claim is served out of Singapore on the defendant.

6.

Chap 4, Rule 6(5) APPLICATION FOR JUDGMENT FOR
 FAILING TO FILE NOTICE OF
 INTENTION TO CONTEST/
 WHEN NOTICE OF INTENTION NOT
 TO CONTEST ALL OR SOME CLAIMS
 IS FILED

(Title as in action)

Date:

To: The Registrar

1. The Originating Claim was served on the Defendant —

(a) On: [Day, date and time of service]

(b) At: [Place of service]

(c) Method of service: [State how service effected].

2. The Defendant [did not file a notice of intention to contest/ filed and served a notice of intention not to contest all or the following claims in the statement of claim] within [7 days/ 21 days] from the date of service or such date as the Court has directed.

3. We therefore apply under Chapter 4, Rule 6(5) for judgment [for failing to file the notice of intention to contest the Originating Claim/ because the defendant has filed a notice of intention not to contest all or the following claims].

Solicitor for the Claimant

[Name, address, email address and telephone number of solicitor]

7.

Chap 4, Rule 7(3);
Rule 8(2); Rule 9(2)DEFENCE/
DEFENCE TO COUNTERCLAIM

(Title as in action)

Defence/ Defence to Counterclaim

1. [Defence/ Defence to Counterclaim is to be a paragraph by paragraph response to the whole statement of claim and the defence and counterclaim in this format:
 - (1): (set out claimant's claim)
 - (1): (set out defendant's defence)
 - (2): (set out claimant's claim)
 - (2): (set out defendant's defence)Note: The last pleading must incorporate all previous pleadings]
2. [State whether defendant is contending that the Court has no jurisdiction over the case]
3. [State whether defendant is contending that the Court should not exercise jurisdiction over the case]
4. [State whether the proceedings should be stayed or struck out or that the Court should grant some other relief]
5. [State whether defendant is admitting the claim and will immediately pay the amount of the claim and/or comply with the non-monetary remedies sought in the statement of claim]
6. [State whether defendant is admitting the claim but offering an alternative remedy to that requested in statement of claim]
7. [Defendant must succinctly and precisely explain his denial(s) and/or non-admission(s) as well as the essential facts upon which he relies]
8. [Defendant must state specifically any matter, for example, performance, release, any relevant statute of limitation, fraud or any fact showing illegality –
 - (a) Which he alleges makes any aspect of the statement of claim unmaintainable;
 - (b) Which, if not specifically stated, might take the claimant by surprise; or
 - (c) Which raises issues of fact not arising out of the statement of claim]

9. [The following matters must be pleaded –
 - (a) material facts;
 - (b) particulars of any misrepresentation, fraud, breach of trust, wilful deceit or undue influence
 - (c) particulars of facts where there is allegation as to the condition of the mind of any person, whether any disorder or disability of mind, or any malice, fraudulent intention or other condition of mind except knowledge]
10. [The following should not be pleaded –
 - (a) Evidence by which material facts are to be proved;
 - (b) Points of law; and
 - (c) Legal arguments and submissions]

Counterclaim

1. [State the jurisdictional basis upon which the counterclaim is founded, and if the basis is statutory, to make reference to the relevant source legislation or its provision(s)]
2. [Provide a succinct and precise account of the essential facts justifying the counterclaim]
3. [State the relief or remedy which the defendant seeks]
4. [State whether or not the defendant seeks an award of interest]
5. [If action for personal injuries, enclose medical report and a statement of the special damages claimed]
6. [If the defendant intends to bring a claim against a third party, the facts of the third party claim must also be pleaded.]

Certification by Defendant and Solicitor

I, [name of defendant], certify that all the statements made above are true to the best of my knowledge and belief.

I, [name of solicitor] certify that I have informed the defendant of his obligation above.

Signature of Defendant

Signature of solicitor

8.

Chap 4,
Rule 7(7);
Rule 9(3)

APPLICATION FOR JUDGMENT
IN DEFAULT OF DEFENCE/ DEFENCE
TO COUNTERCLAIM

(Title as in action)

Date:

To: The Registrar

1. The Originating Claim was served on the Defendant —

- (a) On: [Day, date and time of service]
- (b) At: [Place of service]
- (c) Method of service: [State how service effected].

2. The Defendant filed and served a notice of intention to contest within 7 days from the date of service or such date as the Court has directed.

3. The Defendant did not file and serve his defence [within 21 days/ 5 weeks] from the date of service or such date as the Court has directed.

4. We therefore apply for judgment in default of defence under Chapter 4, Rule 7(7).

Solicitor for the claimant

[Name, address, email address and telephone number of solicitor]

9.

Chap 4, Rule 11(2)

ORIGINATING APPLICATION

IN THE HIGH COURT/STATE COURTS OF
THE REPUBLIC OF SINGAPORE

Originating Application No. _____ of 20 ____ .

Issued on: [date]

[Renewed for service for ____ months from [date] by an order of Court dated
(date)]Claimant:

[Name]

[Address]

[NRIC/ Passport No]

Defendant:

[Name]

[Address]

[NRIC/ Passport No]

To: The Defendant [name]

1. The claimant [name] has commenced an action against you in the [High Court/ State Courts] of Singapore.
2. The claimant is applying to the Court for the following orders:
[set out all the orders sought in numbered paragraphs]
3. The evidence supporting this Originating Application is stated in the accompanying affidavit of [state the name of the person making the affidavit and the filing date].

4. You may do the following:
 - (a) offer to settle or negotiate with the claimant; and
 - (b) in any event, if you wish to contest the Originating Application, you must:
 - (i) consult a lawyer unless you want to act in person; and
 - (ii) file an affidavit in reply if you wish to introduce evidence in the Originating Application against you within 21 days of being served the claimant's supporting affidavit(s).
5. Parties are to attend a Case Conference to take directions from the Court.
Hearing Date:
Time:
Court/Chamber No:
6. If you do not attend personally or by lawyer, the Court may make appropriate orders.

Solicitor for the Claimant

[Name, address, email address and telephone number of solicitor]

Notes:

1. This Originating Application must be served within 3 months after the date of issue, unless renewed by order of the Court.
2. Where the claimant sues or a defendant is sued in a representative capacity, this Originating Application must be endorsed with a statement of the capacity in which the claimant sues or a defendant is sued, as the case may be.

(Seal of the Court and the signature of the Registrar)

10.

Chap 4, Rule 11(3)

ORIGINATING APPLICATION
(WITHOUT NOTICE)

IN THE HIGH COURT/STATE COURTS OF
THE REPUBLIC OF SINGAPORE

Originating Application No. of 20 .

Issued on: [date]

Claimant:

[Name]

[Address]

[NRIC/ Passport No]

1. The claimant is applying to the Court for the following orders:
[set out all the orders sought in numbered paragraphs]
2. The evidence in support of this application is stated in the accompanying affidavit of [state the name of the person making the affidavit and the filing date].

Hearing Date:

Time:

Court/Chamber No:

- *3. The Court does not require your attendance. [Name of Judge/Registrar] makes the following orders:

Solicitor for the claimant

[Name, address, email address and telephone number of solicitor]

(Seal of the Court and signature of the Registrar)

11.

Chap 10, ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES

Rule 1(6)

(Title as in action)

Date:

Judge:

ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES

To: The Defendant

1. This order orders you to allow the persons mentioned below to enter the premises described in the order and to search for, examine and remove or copy the articles specified in the order. This part of the order is subject to restrictions. The order also requires you to hand over any of the articles which are under your control and to provide information to the claimant's solicitors. You are also prohibited from doing certain acts. You should read all the terms of the order very carefully. You are advised to consult a solicitor as soon as possible.

2. Before you the defendant or the person appearing to be in control of the premises allow anybody onto the premises to carry out this order, you are entitled to have the solicitor who serves you with this order explain to you what it means in everyday language.

3. You are entitled to insist that there is nobody [or nobody except (name)] present who could gain commercially from anything he might read or see on your premises.

4. You are entitled to refuse to permit entry before 9.00 a.m. or after 5.00 p.m. or at all on Saturdays, Sundays and public holidays.

5. You are entitled to seek legal advice, and to ask the Court to vary or discharge this order, provided you do so at once, and provided that meanwhile you permit [the supervising solicitor (who is a solicitor of the Court acting independently of the claimant) and]α the claimant's solicitor to enter, but not start to search. See paragraph 3 below.

6. If you, [] (the defendant), disobey this order, you will be guilty of contempt of Court and may be sent to prison or fined.¹

¹ This Notice is not a substitute for the endorsement of a penal notice.

THE ORDER

Application No:

Application Date:

Counsel for the Claimant:

Judge:

Justice [name of Judge] ordered that:

1 (a) The defendant must allow the following persons:

[Mr/Mrs/Miss (“the supervising solicitor”)
[name] a solicitor of the Supreme Court from the firm of the claimant’s
solicitors; and
up to [] other accompanying persons being [state capacity]

to enter the premises mentioned or described in Schedule 1 to this order and any vehicles on the premises. This is so that they can search for, inspect, photograph or photocopy, and deliver into the safekeeping of the claimant’s solicitors all the documents and articles which are listed or described in Schedule 2 to this order (“the listed items”) or which [name] believes to be listed items. The defendant must allow those persons to remain on the premises until the search is complete, and if necessary to re-enter the premises on the same or the following day in order to complete the search.

- (b) This order must be complied with either by the defendant himself or by a responsible employee of the defendant or by the person appearing to be in control of the premises.
- (c) This order requires the defendant or his employee or the person appearing to be in control of the premises to permit entry to the premises immediately when the order is served upon him, except as stated in paragraph 3 below.

Restrictions on the service and carrying out of paragraph 1 of this order

2. Paragraph 1 of this order is subject to the following restrictions:

- (a) This order may only be served between 9.00 a.m. and 5.00 p.m. on a weekday which is not a public holiday.
- (b) This order may not be carried out at the same time as any search warrant.
- (c) [This order must be served by the supervising solicitor, and paragraph 1 of the order must be carried out in his presence and under his supervision.]² [At least 1 of the persons accompanying him as provided by paragraph 1 of this order shall be a woman.]³ [At least 1 of the persons carrying out the order shall be a woman.]⁴
- (d) This order does not require the person served with the order to allow anyone [or anyone except (name)] who could gain commercially from anything he might read or see on the premises if the person served with the order objects.
- (e) No item may be removed from the premises until a list of the items to be removed has been prepared, and a copy of the list has been supplied to the person served with the order, and he has been given a reasonable opportunity to check the list.
- (f) The premises must not be searched, and items must not be removed from them, except in the presence of the defendant or a person appearing to be a responsible employee of the defendant.
- [(g) If the supervising solicitor is satisfied that full compliance with subparagraphs (e) or (f) above is impracticable, he may permit the search to proceed and items to be removed without compliance with the impracticable requirements.]⁵

Obtaining legal advice and applying to the Court

3. Before permitting entry to the premises by any person other than [the supervising solicitor and]α the claimant's solicitors, the defendant or other

² Where a supervising solicitor is ordered.

³ These words are to be included in a case where the premises are likely to be occupied by an unaccompanied woman and the supervising solicitor is a man.

⁴ These words are to be included in a case where the premises are likely to be occupied by an unaccompanied woman.

⁵ Where a supervising solicitor is ordered.

person appearing to be in control of the premises may seek legal advice, and apply to the Court to vary or discharge this order, provided he does so at once. While this is being done, he may refuse entry to the premises by any other person, and may refuse to permit the search to begin, for a short time [not to exceed 2 hours, unless (the supervising solicitor or)⁶ the claimant's solicitor agrees to a longer period].

Delivery of listed items and computer print-outs

4. (a) The defendant must immediately hand over to the claimant's solicitors any of the listed items which are in his possession or under his control.
- (b) If any of the listed items exists only in computer readable form, the defendant must immediately give the claimant's solicitors effective access to the computers, with all necessary passwords, to enable them to be searched, and cause the listed items to be printed out. A print-out of the items must be given to the claimant's solicitors or displayed on the computer screen so that they can be read and copied. All reasonable steps shall be taken by the claimant to ensure that no damage is done to any computer or data. The claimant and his representatives may not themselves search the defendant's computers unless they have sufficient expertise to do so without damaging the defendant's system.

Disclosure of information by the defendant

- 5 (a) The defendant must immediately inform the claimant's solicitors:
- (i) where all the listed items are; and
 - (ii) so far as he is aware:
 - (A) the name and address of everyone who has supplied him, or offered to supply him, with listed items;
 - (B) the name and address of everyone to whom he has supplied, or offered to supply, listed items; and
 - (C) Nothing in this order shall abrogate the defendant's right the full details of the dates and quantities of every such supply and offer.
- (b) Within [] days after being served with this order, the

⁶ Where a supervising solicitor is ordered

defendant must prepare and swear an affidavit confirming the above information.

- (c) Nothing in this order shall abrogate the defendant's right against self-incrimination.

Prohibited acts

- 6 (a) Except for the purpose of obtaining legal advice [or advising his banker], the defendant must not directly or indirectly inform anyone of these proceedings or of the contents of this order, or warn anyone that proceedings have been or may be brought against him by the claimant until [].
- (b) [Insert any negative injunctions.]

EFFECT OF THIS ORDER

- 7 (a) A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (b) A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

UNDERTAKINGS

- 8 The claimant, [the supervising solicitor and]⁷ the claimant's solicitors give to the Court the undertakings contained in Schedules 3, 4 and 5 respectively to this order.

DURATION OF THIS ORDER

9. Paragraph 6(b) of this order shall remain in force until the trial or further order.

VARIATION OR DISCHARGE OF THIS ORDER

10. The defendant (or anyone notified of this order) may apply to the Court

^{7 7} Where a supervising solicitor is ordered.

at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the claimant's solicitors.

NAME AND ADDRESS OF CLAIMANT'S SOLICITORS:

11. The claimant's solicitors are:

[Name of lawyer(s) having conduct of action or charge of matter.]

[Name of law firm.]

[Address of law firm.]

Tel : [Telephone number.]

Fax : [Facsimile number.]

Ref : [File reference of law firm.]

INTERPRETATION OF THIS ORDER

- 12 (a) In this order references to "he", "him", or "his" include "she" or "her" and "it" or "its".
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
- (i) References to "the defendants" mean both or all of them;
 - (ii) An order requiring "the defendants" to do or not to do anything requires each defendant to do or not to do the specified thing;
 - (iii) A requirement relating to service of this order, or of any legal proceedings, on "the defendants" means service on each of them; and
 - (iv) Any other requirement that something shall be done to or in the presence of "the defendants" means to or in the presence of one of them.]

Registrar.

SCHEDULE 1*The premises***SCHEDULE 2***The listed items***SCHEDULE 3***Undertakings given by the Claimant*

1. If the Court later finds that this order or the carrying out of it has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the claimant shall comply with any order the Court may make.
- [2. As soon as practicable to issue a Claim [in the form of the draft writ produced to the Court] [claiming appropriate relief].]
3. To [swear and file an affidavit] [cause an affidavit to be sworn and filed] [substantially in the terms of the draft produced to the Court] [confirming the substance of what was said to the Court by the claimant's solicitors.]
4. To serve on the defendant at the same time as this order is served on him, the Claim and copies of the affidavits and copiable exhibits containing the evidence relied on by the claimant. [Copies of the confidential exhibits (specify) need not be served, but they must be made available for inspection by or on behalf of the defendant in the presence of the claimant's solicitors while the order is carried out. Afterwards they must be provided to a solicitor representing the defendant who gives a written undertaking not to permit the defendant to see them or make copies of them except in his presence and not to permit the defendant to make or take away any note or record of the exhibits.]
- [5. To serve on the defendant a copy of the supervising solicitor's report on the carrying out of this order as soon as it is received and to produce a copy of the report to the Court.]⁸

⁸ Where a supervising solicitor is ordered.

6. Not, without the leave of the Court, to inform anyone else of this order or the carrying out of this order or to use any information or documents obtained as a result of carrying out this order except for the purposes of these proceedings or to inform anyone else of these proceedings until the trial or further order.
7. To insure the items removed from these premises.⁹

SCHEDULE 4

Undertakings given by the Claimant's solicitors

1. To answer at once to the best of their ability any question as to whether a particular item is a listed item.
2. To return the originals of all documents obtained as a result of this order (except original documents which belong to the claimant) as soon as possible and in any event within 2 working days of their removal.
3. While ownership of any item obtained as a result of this order is in dispute, to deliver the article into the keeping of solicitors acting for the defendant within 2 working days from receiving a written undertaking by them to retain the article in safekeeping and to produce it to the Court when required.
4. To retain in their own safekeeping all other items obtained as a result of this order until the Court directs otherwise.
5. To execute this order calmly and orderly and in a manner respectful of the defendant's business.
6. Not, without the leave of the Court, to inform anyone else of this order or the carrying out of this order or to use any information or documents obtained as a result of the carrying out of this order except for the purposes of these proceedings or to inform anyone else of these proceedings until the trial or further order.

⁹ In appropriate cases.

SCHEDULE 5

Undertakings given by the supervising solicitor

1. To offer to explain to the person served with the order its meaning and effect fairly and in everyday language, and to inform him of his right to seek legal advice and apply to vary or discharge the order as mentioned in paragraph 3 of the order.
 2. To make and provide the claimant's solicitor a written report on the carrying out of the order.¹⁰
-

¹⁰ Where a supervising solicitor is ordered.

12.

Chap 10, Rule 1(7) **INJUNCTION PROHIBITING DISPOSAL OF ASSETS
WORLDWIDE**

(Title as in action)

Date:

Judge:

INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE

To: The Defendant

1. This order prohibits you from dealing with your assets up to the amount stated. The order is subject to the exceptions stated at the end of the order. You should read all the terms of the order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this order.

2. If you disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.¹¹

¹¹ This Notice is not a substitute for the endorsement of a penal notice.

THE ORDER

Application No:

Application Date:

Counsel for the Claimant:

Judge:

Justice [name of Judge] ordered that:

Disposal of assets

1. (a) The defendant must not:
 - (i) remove from Singapore any of his assets which are in Singapore whether in his own name or not and whether solely or jointly owned up to the value of [\$]; or
 - (ii) in any way dispose of or deal with or diminish the value of any of his assets whether they are in or outside Singapore whether in his own name or not and whether solely or jointly owned up to the same value.
- (b) This prohibition includes the following assets, in particular:
 - (i) the property known as [] or the net sale money after payment of any mortgages if it has been sold;
 - (ii) the property and assets of the defendant's business known as [] (or carried on at []) or the sale money if any of them have been sold; and
 - (iii) any money in the accounts numbered [] at [].
- (c) If the total unencumbered value of the defendant's assets in Singapore exceeds [\$], the defendant may remove any of those assets from Singapore or may dispose of or deal with them so long as the total unencumbered value of his assets still in Singapore remains not less than [\$]. If the total unencumbered value of the defendant's assets in Singapore does not exceed [\$], the defendant must not remove any of those assets from Singapore and must not dispose of or deal with any of them, but if he has other assets outside Singapore, the defendant may dispose of or deal with those assets so long as the total unencumbered value of

all his assets whether in or outside Singapore remains not less than
[\$].

Disclosure of information

2. The defendant must inform the claimant in writing at once of all his assets whether in or outside Singapore and whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. The information must be confirmed in an affidavit which must be served on the claimant's solicitors within [] days after this order has been served on the defendant.

EXCEPTIONS TO THIS ORDER

3. This order does not prohibit the defendant from spending [\$] a week towards his ordinary living expenses and also [\$] a week [or a reasonable sum] on legal advice and representation. But before spending any money, the defendant must tell the claimant's solicitors where the money is to come from.
4. This order does not prohibit the defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business. The defendant shall account to the claimant [state interval] for the amount of money spent in this regard.
5. The defendant may agree with the claimant's solicitors that the above spending limits should be increased or that this order should be varied in any other respect but any such agreement must be in writing.

EFFECT OF THIS ORDER

6. A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
7. A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

THIRD PARTIES

Effect of this order

8. It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of the order. Any person doing so may be

sent to prison or fined.

Effect of this order outside Singapore

9. The terms of this order do not affect or concern anyone outside the jurisdiction of this Court until it is declared enforceable or is enforced by a Court in the relevant country and then they are to affect him only to the extent they have been declared enforceable or have been enforced UNLESS such person is:
- (a) a person to whom this order is addressed or an officer or an agent appointed by power of attorney of such a person; or
 - (b) a person who is subject to the jurisdiction of this Court; and
 - (i) has been given written notice of this order at his residence or place of business within the jurisdiction of this Court; and
 - (ii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this order.

Assets located outside Singapore

10. Nothing in this order shall, in respect of assets located outside Singapore, prevent any third party from complying with:
- (a) what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any contract between itself and the defendant; and
 - (b) any orders of the Courts of that country or state, provided that reasonable notice of any application for such an order is given to the claimant's solicitors.

Set-off by banks

11. This injunction does not prevent any bank from exercising any right of set-off it may have in respect of any facility which it gave to the defendant before it was notified of the order.

Withdrawals by the defendant

12. No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this order.

[SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE

13. (a) The claimant may serve the writ of summons on the defendant at [] by [mode of service].
- (b) If the defendant wishes to defend the action, he must enter an appearance within [] days of being served with the writ of summons.]

UNDERTAKINGS

14. The claimant gives to the Court the undertakings set out in Schedule 1 to this order.

DURATION OF THIS ORDER

15. This order will remain in force until the trial or further order.

VARIATION OR DISCHARGE OF THIS ORDER

16. The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the claimant's solicitors.

NAME AND ADDRESS OF CLAIMANT'S SOLICITORS

17. The claimant's solicitors are:
[Name of lawyer(s) having conduct of action or charge of matter.]
[Name of law firm.]
[Address of law firm.]
Tel: [Telephone number.]
Fax: [Facsimile number.]
Ref: [File reference of law firm.]

INTERPRETATION OF THIS ORDER

18. (a) In this order references to “he”, “him” or “his” include “she” or “her” and “it” or “its”.
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
- (i) References to “the defendants” mean both or all of them;
 - (ii) An order requiring “the defendants” to do or not to do anything requires each defendant to do or not to do the specified thing; and
 - (iii) A requirement relating to service of this order, or of any legal proceedings, on “the defendants” means service on each of them.]

Registrar.

SCHEDULE 1*Undertakings given to the Court by the claimant*

1. If the Court later finds that this order has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the claimant shall comply with any order the Court may make.
2. The claimant, in respect of any order the Court may make pursuant to para (1) above, will:
 - (a) on or before [date] provide to the defendant security in the sum of [\$] by causing [payment to be made into Court / a bond to be issued by an insurance company with a place of business within Singapore / a written guarantee to be issued from a bank with a place of business within Singapore / payment to the claimant's solicitor to be held by the solicitor as an officer of the Court pending further order]*; and
(*Delete where appropriate)
 - (b) cause evidence of the provision of security to be extended to the defendant immediately after the security has been put up.]
3. As soon as practicable the claimant shall [issue and] serve on the defendant [a] [the] Claim [in the form of the draft writ produced to the Court] [claiming appropriate relief] together with this order.
4. The claimant shall cause an affidavit to be sworn and filed [substantially in the terms of the draft affidavit produced to the Court] [confirming the substance of what was said to the Court by the claimant's solicitors].
5. As soon as practicable the claimant shall serve on the defendant a copy of the affidavits and exhibits containing the evidence relied on by the claimant.
6. Anyone notified of this order will be given a copy of it by the claimant's solicitors.
7. The claimant shall pay the reasonable costs of anyone other than the defendant which have been incurred as a result of this order including the costs of ascertaining whether that person holds any of the defendant's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the claimant will comply with any order the Court may make.
8. If this order ceases to have effect, the claimant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice

of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.

- [9. The claimant shall not without the leave of the Court begin proceedings against the defendant in any other jurisdiction or use information obtained as a result of an order of the Court in this jurisdiction for the purpose of civil or criminal proceedings in any other jurisdiction.

 10. The claimant shall not without the leave of the Court seek to enforce this order in any country outside Singapore [or seek an order of a similar nature including orders conferring a charge or other security against the defendant or the defendant's assets].]
-

13.

Chap 10, Rule 1(8) **INJUNCTION PROHIBITING DISPOSAL OF ASSETS IN SINGAPORE**

(Title as in action)

Date:

Judge:

INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE

To: The Defendant

1. This order prohibits you from dealing with your assets up to the amount stated. The order is subject to the exceptions stated at the end of the order. You should read all the terms of the order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this order.

2. If you disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.¹²

¹² This Notice is not a substitute for the endorsement of a penal notice.

THE ORDER

Application No:

Application Date:

Counsel for the Claimant:

Judge:

Justice [name of Judge] ordered that:

Disposal of assets

1. (a) The defendant must not remove from Singapore in any way dispose of or deal with or diminish the value of any of his assets which are in Singapore whether in his own name or not and whether solely or jointly owned up to the value [\$].
- (b) This prohibition includes the following assets, in particular:
 - (i) the property known as [] or the net sale money after payment of any mortgages if it has been sold;
 - (ii) the property and assets of the defendant's business known as [] (or carried on at []) or the sale money if any of them have been sold; and
 - (iii) any money in the accounts numbered [] at [].
- (c) If the total unencumbered value of the defendant's assets in Singapore exceeds [\$], the defendant may remove any of those assets from Singapore or may dispose of or deal with them so long as the total unencumbered value of his assets still in Singapore remains not less than [\$].

Disclosure of information

2. The defendant must inform the claimant in writing at once of all his assets in Singapore whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. The information must be confirmed in an affidavit which must be served on the claimant's solicitors within [] days after this order has been served on the defendant.

EXCEPTIONS TO THIS ORDER

3. This order does not prohibit the defendant from spending [\$] a week towards his ordinary living expenses and also [\$] a week [or a reasonable sum] on legal advice and representation. But before spending any money, the defendant must tell the claimant's solicitors where the money is to come from.
4. This order does not prohibit the defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business. The defendant shall account to the claimant [state interval] for the amount of money spent in this regard.
5. The defendant may agree with the claimant's solicitors that the above spending limits should be increased or that this order should be varied in any other respect but any such agreement must be in writing.

EFFECT OF THIS ORDER

6. A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
7. A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

THIRD PARTIESEffect of this order

8. It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of the order. Any person doing so may be sent to prison or fined.

Set-off by banks

9. This injunction does not prevent any bank from exercising any right of set-off it may have in respect of any facility which it gave to the defendant before it was notified of the order.

Withdrawals by the defendant

10. No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be

permitted by this order.

[SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE

11. (a) The claimant may serve the writ of summons on the defendant at [] by [mode of service].
- (b) If the defendant wishes to defend the action he must enter an appearance within [] days of being served with the writ of summons.]

UNDERTAKINGS

12. The claimant gives to the Court the undertakings set out in Schedule 1 to this order.

DURATION OF THIS ORDER

13. This order will remain in force until the trial or further order.

VARIATION OR DISCHARGE OF THIS ORDER

14. The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the claimant's solicitors.

NAME AND ADDRESS OF CLAIMANT'S SOLICITORS

15. The claimant's solicitors are:
[Name of lawyer(s) having conduct of action or charge of matter.]
[Name of law firm.]
[Address of law firm.]
Tel : [Telephone number.]
Fax : [Facsimile number.]
Ref : [File reference of law firm.]

[INTERPRETATION OF THIS ORDER

16. (a) In this order references to "he", "him" or "his" include "she" or "her" and "it" or "its".
- (b) Where there are 2 or more defendants then (unless the context indicates differently):

- (i) References to “the defendants” mean both or all of them;
- (ii) An order requiring “the defendants” to do or not to do anything requires each defendant to do or not to do the specified thing; and
- (iii) A requirement relating to service of this order or of any legal proceedings on “the defendants” means service on each of them.]

SCHEDULE 1*Undertakings given to the Court by the claimant*

1. If the Court later finds that this order has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the claimant shall comply with any order the Court may make.
- [2. The claimant, in respect of any order the Court may make pursuant to para (1) above, will:
 - (a) on or before [date] provide to the defendant security in the sum of [\$] by causing [payment to be made into Court / a bond to be issued by an insurance company with a place of business within Singapore / a written guarantee to be issued from a bank with a place of business within Singapore / payment to the claimant's solicitor to be held by the solicitor as an officer of the Court pending further order]*; and
(*Delete where appropriate)
 - (b) cause evidence of the provision of security to be extended to the defendant immediately after the security has been put up.]
3. As soon as practicable the claimant shall [issue and] serve on the defendant [a] [the] Claim [in the form of the draft writ produced to the Court] [claiming appropriate relief] together with this order.
4. The claimant shall cause an affidavit to be sworn and filed [substantially in the terms of the draft affidavit produced to the Court] [confirming the substance of what was said to the Court by the claimant's solicitors].
5. As soon as practicable the claimant shall serve on the defendant a copy of the affidavits and exhibits containing the evidence relied on by the claimant.
6. Anyone notified of this order shall be given a copy of it by the claimant's solicitors.
7. The claimant shall pay the reasonable costs of anyone other than the defendant which have been incurred as a result of this order including the costs of ascertaining whether that person holds any of the defendant's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the claimant will comply with any order the Court may make.

8. If this order ceases to have effect, the claimant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
-

14.

Chap 11,
Rule 4(1)

ORDER TO ATTEND COURT

(Title as in action)

Date:

To: [Name of person]

1. You are required to:

* (a) give evidence on behalf of the [requesting party] in these proceedings.

* (b) produce the documents specified below on behalf of the [requesting party] in these proceedings:

[Specify the documents to be produced]

* (c) give evidence and produce the documents specified below on behalf of the [requesting party] in these proceedings:

[Specify the documents to be produced]

2. You are required to attend Court personally until the end of these proceedings:

Hearing date / time:

Venue: [Supreme Court / State Courts] [Court / Chamber number]

Before: [Judge / Registrar]

However, if you are only required to produce documents and you ensure that all the documents required are produced in accordance with this Order, you need not attend Court personally.

*3. This Order shall be sufficient authority as an order under section 38 of the Prisons Act (Cap. 247) for the Superintendent to produce the named person in Court at the time and place stated. The requesting party undertakes to pay upon request the costs to be incurred by the prison in complying with the Order to Attend Court.

*Use as appropriate

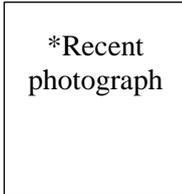
(Seal of the Court and signature of the Registrar)

15.

Chap 11, Rule 18(1)

AFFIDAVIT

(Title as in action)



AFFIDAVIT

Name of maker:

Residential address:

[Alternatively office address if affirming in official, professional or occupational capacity]

Occupation:

Description: Claimant/Defendant/Third Party/Witness/Others:

Notes:

1. State the purpose of making the affidavit
2. State whether the maker knows the facts affirmed are true and if he only believes that they are true, state the grounds for his belief
3. Each paragraph is to be numbered consecutively
4. Dates, sums and other numbers must be expressed in figures and not in words
5. Facts should be set out clearly and chronologically or in some other logical sequence

(Affirmed or sworn) on [date] at [location]

(through the interpretation of _____)

*Before me
Commissioner for Oaths.*

*A colour photograph is required under Chapter 11 Rule 18(2) if the affidavit is filed as evidence-in-chief in Originating Claims.

16.

Chap 12,
Rule 3(2)

JUDGMENT/ORDER OF COURT

(Title as in action)

Case No:

*Application No:

Before: [Judge / Registrar]

Venue: [Supreme Court / State Courts] [Court / Chamber number]

Hearing date / time:

The Court made the following orders in the above action/*application:

[State the orders made]

- 1.
- 2.
- 3.

Date of order:

Notes:

1. The person or entity served with this judgment/order and who/ which has been ordered to pay money, to do or not to do any act must comply immediately or within the time specified in the judgment/order, if any.
2. Failure to comply may result in enforcement of judgment/order proceedings, including contempt of Court proceedings, against the said person or entity.

*Use as appropriate

(Seal of the Court and signature of the Registrar)

17.

Chap 13,
Rules 13;
15; 16(3);
19; 22; 23(5)

NOTICE OF APPEAL

Chap 14,
Rules 9;
10(3); 21;
22(5)

(Title as in action)

NOTICE OF APPEAL

To: The Registrar and to [name of respondent and other parties]

1. The [state the party] appeals to the [*District Judge in chambers/ High Court/ Court of Appeal].

*2. The appeal is against the whole of the decision of [name of *Registrar of the State Courts/ District Judge/ Registrar of the Supreme Court/ High Court Judge] given on [date].

*[2. The appeal is against the following parts of the decision of [name of *Registrar of the State Courts/ District Judge/ Registrar of the Supreme Court/ High Court Judge] given on [date]:

(a) ...

(b) ...]

Solicitor for the appellant

[Name, address, email address and telephone number of solicitor]

* Delete whichever is inapplicable

(Seal of the Court and signature of the Registrar)

18.

Chap 13,
Rule 25;
Chap 14,
Rule 28

WITHDRAWAL OF APPEAL OR
APPLICATION

(Title as in action)

Date:

WITHDRAWAL OF APPEAL OR APPLICATION

To: The Registrar and to [the other parties]

1. The *appellant/applicant withdraws his *appeal/application in relation to all the parties (or the following parties).

*2. There are no outstanding issues relating to costs or other matters.

*[2. The following are the outstanding issues:

(a) ...

(b) ...]

Solicitor for the appellant/applicant

[Name, address, email address and telephone number of solicitor]

We confirm the above.

Solicitor for [the other parties]

[Name, address, email address and telephone number of solicitor]

* Delete whichever is inapplicable

19.

Chap 14, UNDERTAKING FOR SECURITY FOR COSTS
Rules
11(4)(a);
23(4)(a);
32(6)(a)

(Title as in action)

Date:

To: The respondent

We, the solicitors for the appellant, undertake to hold the sum of \$ by way of security for your costs of the appeal/application* and, if costs are payable to the respondent under any order made by the Court of Appeal, to release to you the said amount without set-off unless the High Court/ Court of Appeal* otherwise orders.

Solicitors for the appellant(s)

[Name, address, email address and telephone number of solicitor]

*Delete whichever is inapplicable.

20.

Chap 14, **CERTIFICATE FOR SECURITY FOR COSTS**
Rules
11(4)(b);
23(4)(b);
32(6)(b)

(Title as in action)

Date:

This is to certify that the appellant has deposited the sum of
\$ by way of security for the respondent's costs of the
appeal/application* in the Registry (or with the Accountant-General).

*Delete whichever is inapplicable.

(Seal of the Court and signature of the Registrar)

21.

Chap 16,
Rule 3(7)SOLICITOR-AND-CLIENT
BILL OF COSTS

(Title as in action)

Solicitor: [State name of solicitor, the law firm and address]

Client: [State name and address]

To: The Registrar [State which Court]

The solicitor submits this bill of costs for the Registrar's assessment of solicitor-and-client costs between the solicitor and the client (who was the claimant/defendant in the above action) pursuant to an agreement between them (or pursuant to the order of Court made on _____)

Section 1: Work done by the solicitor (including assessment)

Item	Description (Particulars are to be furnished only for exceptional instances and must be concise)
(a) Nature of matter	[Set out concisely the nature of the claim, the salient factual and legal issues, the amount of the claim, the judgment sum, and the features that affect the complexity of the matter]
(b) Solicitors	[List all the lawyers acting for each party and their seniority] [State total time that each lawyer acting for the applicant spent]
(c) Pleadings	[State the total number of pleadings and pages filed]
(d) Client meetings	[State the total number of meetings and total time spent]
(e) Applications	[State the total number of applications]
(f) Case conferences	[State the total number of case conferences and total time spent]

(g) Trial or hearing	[State number of trial or hearing days fixed and actual number of days used]
(h) Trial documents	[State the total number of trial documents and pages filed]
(i) Any other information	[Set out concisely any other relevant information that will assist the Court to determine the amount of costs to be awarded]

Total amount claimed:

GST for work done:

Section 2: Disbursements claims

Notes:

Itemise all expenses incurred, grouping them under distinct categories if there are more than 5 items of the same expense.

For transport expenses, it is sufficient to state the number of trips and the total amount claimed.

For photocopying charges, it is sufficient to state the amount charged for each page and the total amount claimed.

Total amount claimed:

GST for work done:

Section 3: Total amount of solicitor-and-client costs claimed

(1) Section 1: \$

(2) Section 2: \$

(3) GST payable: \$

(4) Total of (1), (2) and (3): \$

I am ready to produce the available receipts for the disbursements claimed in Section 2 for inspection by the client upon request.

I will bring the said receipts for inspection by the Court during the assessment of the solicitor-and-client costs.

Signature of the solicitor

Date

22.

Chap 17,
Rule 2(3)

ENFORCEMENT ORDER

(Title as in action)

Case No:

Application No:

Enforcement applicant: [Name]

Enforcement respondent: [Name]

Before: [Judge / Registrar]

Venue: [Supreme Court / State Courts] [Court / Chamber number]

Hearing date / time:

This enforcement order authorises the Sheriff to do the following:

*1. to seize and sell the following movable and immovable properties belonging to the enforcement respondent;

*2. to seize and deliver or give possession of the following movable and immovable properties in the possession or control of the enforcement respondent;

*3. to seize deposits in any financial institution, whether or not the deposits have matured and notwithstanding any restriction as to the mode of withdrawal, belonging to the enforcement respondent;

*4. to seize money which is due to the enforcement respondent from any non-party, whether immediately or at some future date or at certain intervals in the future;

*5. to seize money or property with a value of up to a maximum of \$, comprising the following:

(i) amount due to the enforcement applicant (including interest and costs):\$

(ii) amount of enforcement costs estimated at:

\$ (due to the Sheriff)

\$ (due to the enforcement applicant)

*6. to do the following as specified in the Court order:

- (i)
- (ii)

Date of enforcement order:

Notes:

1. The movable and immovable properties, the financial institution and the deposits or money to be seized must be described with sufficient details.
2. Where the property to be seized is immovable property, its address and registration number and details in the Singapore Land Authority must be stated.

*Use as appropriate

(Seal of the Court and signature of the Registrar)

23.

Chap 17,
Rule 3(5)

NOTICE OF SEIZURE

(Title as in action)

Case No:

Application No:

Enforcement applicant: [Name]

Enforcement respondent: [Name]

Before: [Judge / Registrar]

Venue: [Supreme Court / State Courts] [Court / Chamber number]

Hearing date / time:

Date of enforcement order:

To:

*1. Pursuant to the above enforcement order, the Sheriff now seizes:

* (a) (the movable and immovable properties, the financial institution and the deposits or money to be seized must be described with sufficient details).

(b) ...

2. Once this Notice of Seizure is served on you, you are not to deal with or dispose of the properties described in paragraph 1, unless the Court otherwise orders.

3. If the enforcement order is for seizure of deposits or money, you must hand over or pay the money due to the enforcement respondent to the Sheriff within 7 days of service of this Notice of Seizure.

4. You can deduct or withhold only the amount that you are entitled to under an existing contract with the enforcement respondent or that you are required to by law.

5. When you hand over or pay the money to the Sheriff, you must declare in an accompanying letter signed by you or your solicitor stating:
- (a) the amount that is due to the enforcement respondent;
 - (b) the amount that you have deducted/ withheld; and
 - (c) the reason for the deduction/ withholding of the amount.
6. If the enforcement order is for the sale of seized movable property, the Sheriff will take steps to sell the seized movable property 7 days after a copy of the Notice of Seizure has been served on the enforcement respondent, unless the movable property is perishable or unless the Court otherwise orders.
7. If the enforcement order is for the sale of seized immovable property, the Sheriff will take steps to sell the seized immovable property 30 days after a copy of the Notice of Seizure has been served on the enforcement respondent, unless the Court otherwise orders.

Notes:

1 A non-party (who is anyone who is not the enforcement respondent or his employee) who is served with a Notice of Seizure is entitled to claim costs of \$100 from the Sheriff provided the claim is made within 7 days of service of this Notice of Seizure.

2 Where the enforcement respondent or any non-party objects to any seizure of property by the Sheriff, he must give notice of his objection in writing to the Sheriff and the enforcement applicant within 7 days of service of this Notice of Seizure.

3 The notice of objection must identify the objector, specify the property in dispute, state the grounds of objection and include any evidence supporting the grounds of objection.

4 Contact details of the Sheriff:

[state address, telephone number, email address, name of officer(s) in charge]

5 Contact details of the enforcement applicant or his solicitors:

[state address, telephone number, email address, name of officers or lawyers in charge]

6 Contact details of the enforcement respondent or his solicitors:

[state address, telephone number, email address, name of officers or lawyers in charge]

*Use as appropriate

(Seal of the Court and signature of the Sheriff)

24.

Chap 18,
Rule 11(1)

COMMITTAL ORDER

(Title as in action)

Case No:

*Application No:

Committal applicant:

Committal respondent:

Before: [Judge / Judicial Officer]

Venue: [Supreme Court / State Courts] [Court / Chamber number]

Hearing date / time:

The Court made the following orders in the above action/*application:

[State the committal order made and/or the fine]

- 1.
- 2.

*If the order is to arrest or commit the committal respondent, add:

The Sheriff and any Police Officer is hereby directed to arrest (state name, identity number and last known place of residence of the committal respondent) and to bring him safely to Court [state which Court] or, if the Court's working hours are over, to prison to be kept in custody until the Court's working hours/ to prison to be imprisoned for (state the length of time ordered by the Court)(or until further order)

Date of order:

*Use as appropriate

(Seal of the Court and signature of the Registrar)

25.

Chap 19,
Rule 4(3)(d)

ORDER FOR REVIEW OF DETENTION

(Title as in action)

Originating Application No:

Before: [Judge]

Venue: [Supreme Court] [Court / Chamber number]

Hearing date / time:

The Court made the following orders:

1. An Order for Review of Detention which requires the defendant (state name of defendant or appropriate person or entity) to release the applicant (state name of applicant) immediately (or by a certain time)
2. The said defendant is also to convey the said applicant to (state the location) for his release.

Date of order:

The person or entity served with this order must comply immediately or within the time specified in the order, if any.

Failure to comply may result in contempt of Court proceedings against the said person or entity.

(Seal of the Court and signature of the Registrar)

Annex 3

Civil Procedure Conventions

	<i>Civil Procedure Convention</i>	<i>Gazette No.</i>
1.	Convention between the United Kingdom and Austria regarding legal proceedings in civil and commercial matters	T 2/1999
2.	Convention between the United Kingdom and Italy regarding legal proceedings in civil and commercial matters	T 3/1999
3.	Convention between the United Kingdom and Germany regarding legal proceedings in civil and commercial matters	T 4/1999
4.	Treaty on Judicial Assistance in civil and commercial matters between the Republic of Singapore and the People's Republic of China	T 2/2001