

No. S 34

SUPREME COURT ACT  
(CHAPTER 5)

RULES OF THE SUPREME COURT (AMENDMENT) RULES, 2008

ARRANGEMENT OF RULES

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**SUPREME COURT ACT  
(CHAPTER 5)**

**RULES OF THE SUPREME COURT (AMENDMENT) RULES, 2008**

In exercise of the power conferred by section 12(1) of the Supreme Court Act, the Judges of the Supreme Court, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby make the following Rules —

**Citation.**

1. These Rules may be cited as the Rules of the Supreme Court (Amendment) Rules, 2008.

**Amendment of Order 1 of R1 of Chapter 5.**

2. Order 1 of the Rules of the Supreme Court, in these Rules referred to as the principal Rules, is amended, in rule 4 —

(a) in paragraph (1) —

- (i) by deleting the definition of "scheduled territories";
- (ii) in the definition of "sheriff", by deleting "[S 35/92]" and by substituting "[S 8/99]" therefor;
- (iii) by deleting the definition of "sign" and by substituting the following new definition therefor —

" "sign", in relation to the signing of documents by the Registrar, includes the affixing of a facsimile signature;"

(b) in paragraph (4), by deleting "there" from the last line and by substituting "these" therefor.

**Amendment of Order 11.**

3. Order 11 of the principal Rules is amended —

(a) in rule 5(6), by inserting "and Trade" immediately after "Affairs" in the first line;

(b) in rule 7 —

- (i) in paragraph (1)(a), by inserting "and Trade" immediately after "Affairs";
- (ii) in paragraph (3), by inserting "and Trade" immediately after "Affairs" in the second line;

(c) in rule 8, by inserting "and Trade" immediately after "Affairs" in the third line.

**Amendment of Order 18.**

4. Order 18 of the principal Rules is amended, in rule 22 —

(a) in the sub-heading, by deleting "Act" and by substituting "Order, 2002" therefor;

(b) by deleting "Act (Chapter 145)" from the third line and by substituting "Order, 2002 (S 27/02)" therefor.

**Amendment of Order 20.**

5. Order 20 of the principal Rules is amended, in the sub-heading to rule 11, by deleting "Amended" and by substituting "Amendment" therefor.

**Amendment of Order 22.**

6. Order 22 of the principal Rules is amended by repealing rule 9.

**Amendment of Order 24.**

7. Order 24 of the principal Rules is amended —

(a) in rule 7A(2), by deleting "Emergency (Fatal Accidents and Personal Injuries) Order, 1991" from the third and fourth lines and by substituting "Fatal Accidents and Personal Injuries Act (Chapter 160)" therefor;

(b) in rule 7B(1), by deleting "Emergency (Fatal Accidents and Personal Injuries) Order, 1991" from the last 2 lines and by substituting "Fatal Accidents and Personal Injuries Act (Chapter 160)" therefor.

**Amendment of Order 29.**

8. Order 29 of the principal Rules is amended —

(a) in rule 6, by deleting ", but subject to the provisions of the Exchange Control Act" from the last line;

(b) in rule 11(3)(c), by deleting "Emergency (Fatal Accidents and Personal Injuries) Order, 1991" from the first 2 lines and by substituting "Fatal Accidents and Personal Injuries Act (Chapter 160)" therefor.

**Amendment of Order 32.**

9. Order 32 of the principal Rules is amended, in rule 17(2), by inserting "not" immediately after "shall" where it appears for the second time in the first line.

**Amendment of Order 36.**

10. Order 36 of the principal Rules is amended, in the sub-heading to rule 2, by adding "or other Court".

**Amendment of Order 38.**

11. Order 38 of the principal Rules is amended, in the heading to PART I, by deleting "GENERAL EVIDENCE" and by substituting "GENERAL RULES" therefor.

**Amendment of Order 39.**

12. Order 39 of the principal Rules is amended, in rule 3(6), by inserting "of Foreign Affairs and Trade" immediately after "Minister" in the fourth line.

**Amendment of Order 42.**

13. Order 42 of the principal Rules is amended, in rule 13(3), by deleting "Emergency (Fatal Accident and Personal Injuries) Order, 1991" from the second and third lines and by substituting "Fatal Accidents and Personal Injuries Act (Chapter 160)" therefor.

**Amendment of Order 45.**

14. Order 45 of the principal Rules is amended by repealing rule 2.

**Amendment of Order 46.**

15. Order 46 of the principal Rules is amended —

(a) by deleting rule 4(4)(a)(iii);

(b) by repealing rule 5.

**Amendment of Order 49.**

16. Order 49 of the principal Rules is amended —

(a) in rule 4(1), by deleting ", subject to rule 7," from the third line;

(b) by repealing rule 7.

**Amendment of Order 51.**

17. Order 51 of the principal Rules is amended by repealing rule 1(2).

**Amendment of Order 59.**

18. Order 59 of the principal Rules is amended —

(a) in rule 29(6)(b), by deleting "Act (Chapter 145)" from the third line and by substituting "Order, 2002 (S 27/02)" therefor;

(b) in the scale of costs in Appendix 1 —

(i) in item 6(c), by deleting "Part VI of the Merchant Shipping Act" from the third and fourth lines and by substituting "Part IX of the Merchant Shipping Order, 2002 (S 27/02)" therefor;

(ii) in item 32(a)(i), by inserting "per day" immediately below "100 00".

**Amendment of Order 62.**

19. Order 62 of the principal Rules is amended, in the sub-heading to rule 7, by deleting "or against".

**Amendment of Order 67.**

20. Order 67 of the principal Rules is amended, in rule 1, by deleting "Emergency (Reciprocal Enforcement of Foreign Judgments) Order, 1996" from the first 2 lines and by substituting "Reciprocal Enforcement of Foreign Judgments Act (Chapter 177)" therefor.

**Amendment of Order 69.**

21. Order 69 of the principal Rules is amended, in rule 6, by deleting "Judgments Act (Chapter 10)" from the second and third lines and by substituting "Foreign Judgments Act (Chapter 177)" therefor.

**Amendment of Order 70.**

22. Order 70 of the principal Rules is amended —

(a) in rule 1(2), in the definition of "limitation action", by deleting "Act (Chapter 145)" from the second line and by substituting "Order, 2002 (S 27/02)" therefor;

(b) in rule 31(3), by deleting "Act (Chapter 145)" from the last line and by substituting "Order, 2002 (S 27/02)" therefor;

(c) in rule 37(5), by deleting "Act (Chapter 145)" from the last line and by substituting "Order, 2002 (S 27/02)" therefor.

**Amendment of Order 73.**

23. Order 73 of the principal Rules is amended, in rule 12(5), by deleting "Act (Chapter 145)" from the third line and by substituting "Order, 2002 (S 27/02)" therefor.

**Amendment of Form No. 2 in Appendix A.**

24. Appendix A of the principal Rules is amended, in Form No. 2, by deleting ", but if it appears from the indorsement on the writ that the plaintiff is resident outside the scheduled territories, as defined by the Exchange Control Act (Chapter 141), or is acting by order or on behalf of a person so resident, proceedings will only be stayed if the amount claimed and costs is paid into court within the said time and notice of such payment in is given to the plaintiff or his solicitor".

**Deletion of Form No. 4 from Appendix A.**

25. Appendix A of the principal Rules is further amended by deleting Form No. 4.

**Amendment of Form No. 76 in Appendix A.**

26. Appendix A of the principal Rules is further amended, in Form No. 76, by deleting "Minister for Foreign Affairs" from the last fourth line and by substituting "Minister of Foreign Affairs and Trade" therefor.

**Amendment of Form No. 77 in Appendix A.**

27. Appendix A of the principal Rules is further amended, in Form No. 77, by deleting "Minister for Foreign Affairs" from the first 2 lines and by substituting "Minister of Foreign Affairs and Trade" therefor.

**Amendment of Form No. 100 in Appendix A.**

28. Appendix A of the principal Rules is further amended —

(a) in part (a) of Form No. 100, by deleting "(or into Court if the judgment creditor is resident outside the scheduled territories as defined by the Exchange Control Act, or would receive payment of the said sum on behalf of a person so resident, unless the Controller's permission under the said Act has been given unconditionally or upon conditions which have been complied with)";

(b) in part (b) of Form No. 100, by deleting "(or into Court if the Judgment creditor is resident outside the scheduled territories as defined by the Exchange Control Act (Chapter 141), or would receive payment of the said sum on behalf of a person so resident, unless the Controller's permission under the said Act has been given unconditionally or upon conditions which have been complied with)".

**Amendment of Form No. 116 in Appendix A.**

29. Appendix A of the principal Rules is further amended, in Form No. 116, by deleting "\$100" and by substituting "\$1,000" therefor.

**Amendment of Form No. 146 in Appendix A.**

30. Appendix A of the principal Rules is further amended, in the second line of the heading of Form No. 146, by deleting "JUDGMENT" and by substituting "FOREIGN JUDGMENTS" therefor.

**Amendment of Form No. 147 in Appendix A.**

31. Appendix A of the principal Rules is further amended, in the second line of the heading of Form No. 147, by inserting "FOREIGN" immediately after "OF".

Made this 27th. day of Safar, 1429 Hijriah corresponding to the 5th. day of March, 2008.

DATO SERI PADUKA MOHAMMED SAIED  
Chief Justice,  
Brunei Darussalam.