

No. S 31

**SUPREME COURT ACT
(CHAPTER 5)**

**RULES OF THE SUPREME COURT (AMENDMENT)
RULES, 2000**

In exercise of the power conferred by section 12 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 of Court —

Citation.

1. These Rules may be cited as the Rules of the Supreme Court (Amendment) Rules, 2000.

Application.

2. These Rules shall apply to every action in the Court on or after the date of commencement of these Rules, whether or not such action was instituted before that date.

Amendment of Order 13 of principal Rules.

3. Order 13 of the Rules of the Supreme Court (S 5/90), in these Rules referred to as the principal Rules, is amended, in rule 4(1), by deleting "83" and by substituting "79" therefor.

Amendment of Order 14.

4. Order 14 of the principal Rules is amended, in rule 1(3), by deleting "81" and by substituting "77" therefor.

Amendment of Order 19.

5. Order 19 of the principal Rules is amended, in rule 5(1), by deleting "83" and by substituting "79" therefor.

Amendment of Order 22.

6. Order 22 of the principal Rules is amended, in rule 3(6), by deleting "76" and by substituting "73" therefor.

Amendment of Order 25.

7. Order 25 of the principal Rules is amended, and rule 1(2)(a), by deleting "81" and by substituting "77" therefor.

Amendment of Order 30.

8. Order 30 of the principal Rules is amended, in rule 2(3), by deleting "\$10,000" and by substituting "\$20,000" therefor.

Amendment of Order 33.

9. Order 33 of the principal Rules is amended, and rule 4A(1), by deleting "4(2)" and by substituting "3(2)" therefor.

Amendment of Order 36.

10. Order 36 of the principal Rules is amended —

(a) in the heading, by adding "OR OTHER COURT" immediately after "REGISTRAR";

(b) in rule 1 —

(i) in the second line, by inserting "or of its own motion" immediately after "party";

(ii) in the last line, by inserting "any other Court or" immediately after "before"; and

(iii) in the marginal note, by adding "or other Court" immediately after "Registrar"; and

(c) in rule 2 —

(i) in the last line, by inserting "any other Court or" immediately after "before"; and

(ii) in the marginal note, by adding "or other Court" immediately after "Registrar".

Amendment of Order 38.

11. Order 38 of the principal Rules is amended, in rule 2(1) —

(a) by deleting "may" from the fourth line and by substituting "shall" therefor; and

(b) by deleting "If the Court so directs, then, unless" from the fourth and fifth lines and by substituting "Unless" therefor.

Amendment of Order 46.

12. Order 46 of the principal Rules is amended, in rule 24 —

(a) in sub-rule (1), by deleting "two" from the second line and by substituting "five" therefor; and

(b) in the marginal note, by deleting "\$2,000" and by substituting "\$5,000" therefor.

Amendment of Order 47.

13. Order 47 of the principal Rules is amended by inserting the following new rule immediately after rule 5 —

"Exemption from execution. 5A. The following property shall be exempt from execution —
(O. 47, r. 5A).

- (a) the necessary wearing apparel, cooking utensils, beds and bedding of the judgment debtor and his wife and children;
- (b) the tools used by the judgment debtor in his trade or business;
- (c) if the judgment debtor is a farmer, his implements of husbandry, and such cattle, buffaloes and seed grain as may, in the opinion of the Court, be necessary to enable him to earn a living as a farmer;
- (d) if the judgment debtor is a fisherman, his fishing gear, nets, traps and bait and such boats as may, in the opinion of the Court, be necessary to enable him to earn a living as a fisherman."

Amendment of Order 51.

14. Order 51 of the principal Rules is amended by deleting "Court" wherever it appears and by substituting "Chief Justice" therefor.

Amendment of Order 57.

15. Order 57 of the principal Rules is amended, in rule 3(3), by deleting "five hundred" and by substituting "one thousand" therefor.

Amendment of Order 59.

16. Order 59 of the principal Rules is amended —

- (a) in rule 3(9)(b), by deleting "88" and by substituting "83" therefor; and
- (b) in rule 5 —
 - (i) by deleting the fullstop from the end of paragraph (b) and by substituting a semi-colon therefor; and
 - (ii) by adding the following new paragraph —

"(c) the fact that the action ought to have been brought in another Court."

Amendment of Order 62.

17. Order 62 of the principal Rules is amended, in rule 7 —

- (a) by deleting "Order 73, rule 3," and by substituting "these rules" therefor; and
- (b) by deleting "or against" wherever they appear.

Amendment of Order 80.

18. Order 80 of the principal Rules, in rule 1 —

- (a) by deleting "the Guardianship of Infants Act" and by substituting "any law in force with respect to the guardianship of infants" therefor; and
- (b) in the marginal note, by deleting "Guardianship of Infants" and by substituting "guardianship legislation" therefor.

Amendment of Order 84.

19. Order 84 of the principal Rules is amended —

- (a) in rule 6(1)(b), by deleting "one" and by substituting "five" therefor; and
- (b) in rule 8(3), by deleting "\$5,000" and by substituting "\$10,000" therefor.

Amendment of Form 116 in Appendix A.

20. Appendix A to the principal Rules is amended, in Form 116, by deleting "five hundred" and by substituting "one thousand" therefor.

Made this 22nd. day of Muharam, 1421 Hijriah corresponding to the 27th. day of April, 2000.

DATO SERI PADUKA SIR DENYS ROBERTS
CHIEF JUSTICE
BRUNEI DARUSSALAM.