

No. S 8

**SUPREME COURT ACT
(CHAPTER 5)**

**BRUNEI RULES OF THE HIGH COURT
(AMENDMENT) (NO. 2) RULES, 1999**

In exercise of the powers conferred by section 12 of the Supreme Court Act, the Judges of the Supreme Court, have made the following Rules, with the approval of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam.

1. (1) These Rules may be cited as the Brunei Rules of the High Court (Amendment) (No. 2) Rules, 1999.

Citation,
commencement
and application.

(2) These Rules shall come into force on 1st June, 1999.

(3) These Rules shall apply to every action in the Court instituted on or after the date of commencement of these Rules.

2. Rule 1 of the Brunei Rules of the High Court 1990, in these Rules referred to as the principal Rules, is amended by deleting "Brunei Rules of the High Court 1990" and substituting "Rules of the Supreme Court" therefor.

Amendment of
Order 1, rule 1.

3. Order 1 rule 4 of the principal Rules is amended in paragraph (1) –

Amendment of
Order 1,
rule 4(1).

(a) by the addition of the following immediately after the definition of "Act" –

""bailiff" includes the Registrar and any clerk or other officer charged with the duties of a bailiff and appointed as such by the Registrar ;"

(b) by the amendment of the definition of "Registrar" by the insertion of the words "Senior Registrar" immediately after "Deputy Chief Registrar" ; and

(c) by the addition of the following immediately after the definition of "scheduled territories" –

""Sheriff" includes a bailiff and any clerk or other officer charged with the duties of a Sheriff and appointed as such by the Registrar ;"

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| Insertion of
Order 1,
rule 4{3}. | 4. Order 1 rule 4 of the principal rules is amended by the addition of the following rule 4 paragraph 3 –

“(3) The Registrar may appoint any person to be, and carry out the duties of, a Sheriff or a bailiff”. |
| Amendment of
Order 11. | 5. Order 11 rule 1 of the principal rules is amended, in paragraph (j), by the insertion of “or out of” immediately after “within” in the second line. |
| Amendment of
Order 22. | 6. Order 22 rule 11 of the principal rules is amended by deleting “\$10,000” and substituting “\$50,000”. |
| Addition of new
Order 22A. | 7. The principal rules are amended by the insertion of the following Order 22A – |

“ORDER 22A

OFFER TO SETTLE

- | | |
|-------------------------------------|--|
| Offer to settle.
(O. 22A, r. 1). | 1. A party to any proceedings may serve on any other party an offer to settle any one or more of the claims in the proceedings on the terms specified in the offer to settle. |
| Timing.
(O. 22A, r. 2). | 2. An offer to settle may be made at any time before the Court disposes of the matter in respect of which it is made. |
| Acceptance.
(O. 22A, r. 3). | 3. (1) An offer to settle shall be open for acceptance for a period of not less than 14 days after it is served. If an offer to settle is made less than 14 days before the hearing of the matter, it shall remain open for a period of not less than 14 days unless in the meanwhile the matter is disposed of.

(2) Subject to paragraph (1), an offer to settle which is expressed to be limited as to the time within which it is open for acceptance shall not be withdrawn within that time without the leave of the Court. An offer to settle which does not specify a time for acceptance may be withdrawn at any time after the expiry of 14 days from the date of service of the offer on the other party provided that at least one day's prior notice of the intention to withdraw the offer is given.

(3) Where an offer to settle specifies a time within which it may be accepted and it is not accepted or withdrawn within that time, it shall be deemed to have been withdrawn when the time expires. |

{4} Where an offer to settle does not specify a time for acceptance, it may be accepted at any time before the Court disposes of the matter in respect of which it is made.

Without
prejudice.
(O. 22A, r. 4).

4. An offer to settle shall be deemed to be an offer of compromise made without prejudice save as to costs.

Non-disclosure.
(O. 22A, r. 5).

5. (1) An offer to settle shall not be filed and no statement of the fact that such an offer has been made shall be contained in any pleading or affidavit.

(2) Where an offer to settle is not accepted, no communication respecting the offer shall be made to the Court at the hearing of the proceeding until all questions of liability and the relief to be granted, other than costs, have been determined.

Acceptance.
(O. 22A, r. 6).

6. (1) An offer to settle shall be accepted by serving an acceptance of offer on the party who made the offer.

(2) Where a party to whom an offer to settle is made rejects the offer or responds with a counter-offer that is not accepted, the party may thereafter accept the original offer to settle, unless it has been withdrawn or the Court has disposed of the matter in respect of which it was made.

(3) Where an offer is accepted, the Court may incorporate any of its terms into a judgment.

Disability.
(O. 22A, r. 7).

7. A party under disability may make, withdraw and accept an offer to settle, but no acceptance of an offer made by him and no acceptance by him of an offer made by another party is binding on him until the settlement has been approved.

Compliance.
(O. 22A, r. 8).

8. (1) Where a party to an accepted offer to settle fails to comply with any of the terms of the accepted offer, the other party may –

- (a) make an application to a Judge for judgment in the terms of the accepted offer, and the Judge may grant judgment accordingly ; or
- (b) continue the proceeding as if there had been no accepted offer to settle.

(2) Where the offer to settle involves the payment of money by instalments, the accepted offer to settle shall unless the parties otherwise provide be deemed to include

a term that all instalments outstanding shall be immediately payable upon the failure to comply with the payment of any instalment.

Costs.
(O. 22A, r. 9).

9. (1) Where an offer to settle made by a plaintiff –

- (a) is not withdrawn and has not expired before the disposal of the claim in respect of which the offer to settle is made ; and
- (b) is not accepted by the defendant, and the plaintiff obtains a judgment not less favourable than the terms of the offer to settle,

the plaintiff is entitled to costs on the standard basis to the date an offer to settle was served and costs on the indemnity basis from that date, unless the Court orders otherwise.

(2) Where an accepted offer to settle does not provide for costs, the plaintiff is entitled –

- (a) where the offer was made by him, to his costs assessed to the date that the notice of acceptance was served ; or
- (b) where the offer was made by the defendant, to his costs assessed to the date the plaintiff was served with the offer.

(3) Where an offer to settle made by a defendant –

- (a) is not withdrawn and has not expired before the disposal of the claim in respect of which the offer to settle is made ; and
- (b) is not accepted by the plaintiff, and the plaintiff obtains judgment not more favourable than the terms of the offer to settle,

the plaintiff is entitled to costs on the standard basis to the date the offer was served and the defendant is entitled to costs on the indemnity basis from that date, unless the Court orders otherwise.

(4) (a) Any interest awarded in respect of the period before service of the offer to settle is

to be considered by the Court in determining whether the plaintiff's judgment is more favourable than the terms of the offer to settle.

- (b) Any interest awarded in respect of the period after service of the offer to settle is not to be considered by the Court in determining whether the plaintiff's judgment is more favourable than the terms of the offer to settle.

Joint and
several liability.
(O. 22A, r. 10).

10. Where there are 2 or more defendants, the plaintiff may offer to settle with any defendant and any defendant may offer to settle with the plaintiff, but where the defendants are alleged to be jointly or jointly and severally liable to the plaintiff in respect of a claim and rights of contribution or indemnity may exist between the defendants, the cost consequences prescribed by rule 9 do not apply to an offer to settle unless –

- (a) in the case of an offer made by the plaintiff, the offer is made to all the defendants, and is an offer to settle the claim against all the defendants ; or
- (b) in the case of an offer made to the plaintiff –
 - (i) the offer is an offer to settle the plaintiff's claim against all the defendants and to pay the costs of any defendant who does not join in making the offer ; or
 - (ii) the offer is made by all the defendants and is an offer to settle the claim against all the defendants, and, by the terms of the offer, they are made jointly and severally liable to the plaintiff for the whole of the offer.

Offer to
contribute.
(O. 22A, r. 11).

11. (1) Where 2 or more defendants are alleged to be jointly or jointly and severally liable to the plaintiff in respect of a claim, any defendant may make to any other defendant an offer to contribute towards a settlement of the claim.

(2) The Court may take into account an offer to contribute in determining whether another defendant should be ordered –

- (a) to pay the costs of the defendant who made the offer ; or
- (b) to indemnify the defendant who made the offer for any costs he is liable to pay to the plaintiff,

or to do both.

(3) Rules 2 to 12 shall apply to an offer to contribute as if it were an offer to settle.

Discretion of Court.
(O. 22A, r. 12).

12. Without prejudice to rules 9 and 10, the Court, in exercising its discretion with respect to costs, may take into account any offer to settle, the date the offer was made, the terms of the offer and the extent to which the plaintiff's judgment is more favourable than the terms of the offer to settle.

Counterclaims and third party claims.
(O. 22A, r. 13).

13. Rules 1 to 12 shall apply, with the necessary modifications, to counterclaims and third party claims."

Amendment of Order 32.

8. Order 32 of the principal rules is amended by the deletion of rule 7.

Addition of new Order of the 34A.

9. The principal rules are amended by the addition following Order 34A –

"ORDER 34A

PRE-TRIAL CONFERENCES

Power to make orders.
(O. 34, r. 1).

1. (1) Notwithstanding anything in these rules, the Court may, at any time after the commencement of any proceedings, of its own motion direct any party or parties to those proceedings to appear before it, in order that the Court may make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of the cause or matter.

(2) Where any party fails to comply with any order made or direction given by the Court under paragraph (1), the Court may dismiss the action, strike out the defence or counterclaim or make such other order as it thinks fit.

(3) The Court may, in exercising its powers under paragraph (1), make such order as to costs as it thinks fit.

(4) Any judgment, order or direction given or made against any party who does not appear before the Court when directed to do so under paragraph (1) may be set aside or varied by the Court on such terms as it thinks just.

Directions as to
pre-trial
conferences.
(O. 34A, r. 2).

2. (1) Without prejudice to rule 1, at any time before any action or proceedings are tried, the Court may direct parties to attend a pre-trial conference relating to the matters arising in the action or proceedings.

(2) At the pre-trial conference, the Court may consider any matter including the possibility of settlement of any or all of the issues in the action or proceedings and require the parties to furnish the Court with any such information as it thinks fit, and may also give all such directions as appear to be necessary or desirable for securing the just, expeditious and economical disposal of the action or proceedings.

(3) The Court, having made directions under rule 2(2) or rule 3 may either on its own motion or upon the application of any party, if any party defaults in complying with any such directions, dismiss such action or proceedings or strike out the defence or counterclaim or enter judgment or make such order as it thinks fit.

(4) Any judgment or order made under rule 2(3) may be set aside by the Court, on the application of the party, on such terms, if any, as it thinks just.

(5) At any time during the pre-trial conference where the parties are agreeable to a settlement of some or all of the matters in dispute in the action or proceedings, the Court may enter judgment in the action or proceedings or make such order to give effect to the settlement.

Notification.
(O. 34A, r. 3).

3. All parties shall be informed of the date and time appointed for the holding of the pre-trial conference and each party shall comply with any such directions.

Attendance.
(O. 34A, r. 4).

4. Parties to the action or proceedings may be represented at the pre-trial conference by their solicitor, if any, but may, if they so desire, with the leave of the Court, attend the pre-trial conference personally, at the time originally appointed or as adjourned, in addition to their solicitor.

Adjournments. (O. 34A, r. 5).	5. A pre-trial conference may be adjourned from time to time, either generally or to a particular date, as may be appropriate.
Failure to appear. (O. 34A, r. 6).	6. (1) If, at the time appointed for the pre-trial conference, one or more of the parties fails to attend, the Court may dismiss the action or proceedings or strike out the defence or counterclaim or enter judgment or make such other order as the Court thinks fit. (2) An order made by the Court in the absence of a party concerned or affected by the order may be set aside by the Court, on the application of that party, on such terms as it thinks just. (3) Without prejudice to the preceding paragraphs of this rule, where one or more of the parties to the action or proceedings fails to attend the pre-trial conference, the Court may, if it thinks fit, adjourn the conference.
Non-disclosure. (O. 34A, r. 7).	7. No communication of facts disclosed or of any matter considered in the course of a pre-trial conference in any action or proceedings shall be made to the Court conducting the trial of the action or proceeding."
Amendment of Order 37.	10. Order 37 of the principal rules is amended by the addition of the following rules –
"Application of Rules 7 to 10 (O. 37, r. 7).	7. (1) This rule and rules 8 to 10 shall apply to actions for damages for personal injuries. (2) In the following rules of this Order, "award of provisional damages" means an award of damages for personal injuries under which – (a) damages are assessed on the assumption that a contingency will not happen ; and (b) the injured person is entitled to apply for further damages at a future date if the contingency happens.
Provisional damages. (O. 37 r. 8).	8. (1) The Court may, on such terms as it thinks just and subject to the provisions of this rule, make an award of provisional damages if the plaintiff has pleaded a claim for provisional damages.

{2} An order for an award of provisional damages shall specify the contingency in respect of which an application may be made at a future date, and shall also, unless the Court otherwise determines, specify the period within such application may be made.

{3} The Court may, on the application of the plaintiff made within the period, if any, specified in paragraph {2}, by order extend that period if it thinks it just to do so, and the plaintiff may make more than one such application.

{4} An order for an award of provisional damages may be made in respect of more than one contingency and may in respect of each contingency specify a different period within which an application may be made at a future date.

{5} Orders 13 and 19 shall not apply in relation to an action in which the plaintiff claims provisional damages.

Offer to submit.
(O. 37, r. 9).

9. {1} Where an application is made for an award of provisional damages, any defendant may at any time (whether or not he makes a payment into Court or makes an offer to settle) make a written offer to the plaintiff –

(a) to tender a sum of money (which may include an amount to be specified, in respect of interest) in satisfaction of the plaintiff's claim for damages assessed on the assumption that the injured person will not develop the contingency and identifying the contingency in question ; and

(b) to agree to the making of an award of provisional damages.

{2} Any offer made under paragraph {1} shall not be brought to the attention of the Court until after the Court has determined the claim for an award of provisional damages.

{3} Where an offer is made under paragraph {1}, the plaintiff may, within 21 days after receipt of the offer, give written notice to the defendant of his acceptance of the offer and shall on such acceptance make an application to the Court for an order in accordance with the provisions of rule 8{2}.

Application for further damages. (O. 37, r. 10). 10. (1) This rule shall apply where the plaintiff, pursuant to an award of provisional damages, claims further damages.

(2) No application for further damages may be made after the expiration of the period, if any, specified under rule 8(2), or of such period as extended under rule 8(3).

(3) The plaintiff shall give not less than 3 months' written notice to the defendant of his intention to apply for further damages and, if the defendant is to the plaintiff's knowledge insured in respect of the plaintiff's claim, to the insurers."

Amendment of Order 42. 11. Order 42 of the principal rules is amended –

(a) by deleting rule 1 paragraph (2) and substituting the following –

"(2) Notwithstanding paragraph (1), a Judge who has tried any proceedings may give judgment, and his reasons therefor, in writing at a later date, by sending a copy thereof to all parties to the proceeding."

(b) by deleting the word "Every" at the beginning of rule 12 and substituting the following –

"Except when it has been otherwise agreed between the parties, every".

Amendment of Order 45. 12. Order 45 of the principal rules is amended in rule 3(2) by deleting "83" and substituting "79".

Amendment of Order 52. 13. Order 52 of the principal rules is amended by the addition of the following rule 10 –

"10. Any reference in this Order to the High Court shall include a reference to the Court of Appeal."

Amendment of Order 56. 14. Order 56 of the principal rules is amended by deleting rule 2 paragraph 2.

Amendment of Order 59. 15. Order 59 of the principal rules is amended –

(a) by the addition of the following rule 1(3) –

"(3) The item mentioned in the first column of the table below, when used in an order for costs, shall have the effect indicated in the second column of that table.

TABLE

Term	Effect
"Costs"	Where this order is made in interlocutory proceedings, the party in whose favour it is made shall be entitled to his costs in respect of those proceedings whatever the outcome of the cause or matter in which the proceedings arise ;
"Costs reserved"	The party in whose favour an order for costs is made at the conclusion of the cause or matter in which the proceedings arise shall be entitled to his costs of the proceedings in respect of which this order is made unless the Court orders otherwise ;
"Costs in any event"	This order has the same effect as an order for "costs" except that the costs shall be taxed only after the conclusion of the cause or matter in which the proceedings arise ;
"Costs here and below"	The party in whose favour this order is made shall be entitled not only to his costs in respect of the proceedings in which it is made but also to his costs of the same proceedings in any lower court, tribunal or other body constituted under any written law or in arbitration proceedings ;

TABLE

	Term	Effect
	"Costs in the cause" or "costs in application"	The party in whose favour an order for costs is made at the conclusion of the cause or matter in which the proceedings arise shall be entitled to his costs of the proceedings in respect of which such an order is made";
	(b) by the addition of the following rule 7A –	
"Costs of taxations. (O. 59, r. 7A).	7A. (1) Subject to this Order and any written law, the party whose bill is being taxed is entitled to his costs of taxation proceedings.	
	(2) The party liable to pay such costs may make a written offer to pay a sum in satisfaction of those costs within 7 days of delivery to him of a copy of the bill of costs.	
	(3) The Registrar may take such an offer into account."	
	(c) by the addition of the following rule 18A –	
"Litigants in person. (O. 59, r. 18A).	18A. On a taxation of the costs of a litigant in person, there may be allowed such costs as would reasonably compensate the litigant for the time expended by him, and all expenses reasonably incurred."	
	(d) in rule 27(6) by deleting "ten" and substituting "twenty".	
Amendment of amounts prescribed by Appendices.	16. The various amounts specified as fees or costs in any of the following Appendices shall in every case be doubled and these Appendices shall be deemed to have been amended accordingly –	
	(a) Appendix 1 to Order 59 of the principal rules (Parts I to IX inclusive) ;	
	(b) Appendix 2 to Order 59 of the principal rules (Parts I to IV inclusive) ;	
	(c) Appendix B to the principal rules (Items 1 to 113 inclusive).	

17. The principal rules are amended by the addition of the following Order 63A. Insertion of
Order 63A.

"ORDER 63A

ELECTRONIC FILING AND SERVICE

Definitions.
(O. 63A, r. 1).

1. In this Order –

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

"electronic filing service" means the electronic filing service established under rule 2 ;

"identification name" means the identification name assigned to a registered user by the Registrar under rule 6(1) ;

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

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

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

"specified documents" means documents which are –

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

Electronic filing
service.
(O. 63A, r. 2).

2. The Registrar may, with the approval of the Chief Justice, establish an electronic filing service and make provision for specified documents to be filed, served,

delivered or otherwise conveyed by electronic transmission through a network service provider.

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

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

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

Application.
(O. 63A, r. 4).

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

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

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

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

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

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

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

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

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

(3) The registered user or his authorised agent shall inform the Registrar in writing of any change in particulars.

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

Security.
(O. 63A, r. 7).

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

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

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

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

Signing.
(O. 63A, r. 9).

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

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

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

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

(2) Where a writ is filed or conveyed by electronic transmission and subsequently accepted by the Registrar, it shall notwithstanding Order 6, rule 3(2), be deemed to be issued on the date the first part of the transmission is received by the network service provider.

(3) The registered user may prove –

- (a) filing or issuance of the writ ;
- (b) filing, service, delivery or conveyance of any other document, by producing a record of the transmission issued by the network service provider together with a copy of the acknowledgment of acceptance of the document by the Registrar.

Time for
service.
{O. 63A, r. 11}.

11. Where a document is filed with, served on, delivered or otherwise conveyed to the Registrar by electronic transmission, the time for service of the document shall only commence upon the Registrar transmitting an acknowledgment of his acceptance of the document.

Service of
documents.
{O. 63A, r. 12}.

12. (1) If a specified document, other than a document which is required by these rules to be served personally, is required under any other provision of these rules to be served, delivered or otherwise conveyed by a registered user (referred to in this rule as the first registered user) on any other person and that person is a registered user or is represented by a solicitor who is a registered user (referred to in this rule as the second registered user), such service, delivery or conveyance may be effected by electronic transmission in accordance with the operation manual.

(2) The document shall be deemed to be served, delivered or otherwise conveyed on the date it is received in the computer account of the second registered user.

(3) The first registered user may prove service by producing a record of the transmission issued by the network service provider together with the electronic identification name of the second registered user.

Notification by
Registrar.
{O. 63A, r. 13}.

13. Where the Registrar is required by any other provision of these rules to notify or to deliver or furnish any document to a person who is registered user, the Registrar may do so by electronic transmission in accordance with the operation manual.

Fees.
(O. 63A, r. 14).

14. (1) The fees prescribed in these rules shall apply equally to the filing, service, delivery or conveyance of any document by electronic transmission.

(2) Order 85 rule 2 shall apply to fees payable with respect to specified documents that are transmitted by electronic transmission to the Registrar.

Presumptions.
(O. 63A, r. 15).

15. (1) Where a document is transmitted to the computer account of the Registrar using the authentication code assigned to a registered user –

- (a) with or without the authority of the registered user ; and
- (b) before the notification to the Registrar in the manner specified in any practice direction for the time being issued by the Registrar of cancellation of the authentication code,

that document shall, for the purposes of these rules, be presumed –

- (i) to have been transmitted accurately ; and
- (ii) to have been made and transmitted by the registered user,

unless the registered user adduces evidence to the contrary ; and where the registered user alleges that he has transmitted no such document, the burden is also on him to adduce evidence of that fact.

(2) A certificate under the hand of the Registrar giving the authentication code, identification name and other particulars of the registered user and a description of the document transmitted shall be sufficient evidence of the matters referred to in paragraph (1) (a) and (b).

Discrepancy.
(O. 63A, r. 16).

16. Where there is any inconsistency between –

- (a) the information entered into the electronic template of the document to be transmitted in the manner required by the operation manual ; and

- (b) the information subsequently produced from that template,

the information first entered into the electronic template shall prevail and shall be presumed to be accurately transmitted.

Application of Order. 17. This Order shall come into force on such date as the Registrar may specify."'.
(O. 63A, r. 17).

Amendment of Order 67. 18. Order 67 of the principal rules is amended by deleting, in rule 1, the words "Reciprocal Enforcement of Judgments Act" and substituting –
"Emergency (Reciprocal Enforcement of Foreign Judgments) Order, 1996.".

Amendment of Order 69. 19. Order 69 of the principal rules is amended –

- (a) by the addition of the following rule 4A –

"Appeals. 4A. (1) A notice of originating motion by way of appeal must state –
(O. 69, r. 4A).

- (a) the award from which the appeal is brought ;
(b) whether the appeal is from the whole or part only of the award and if so, what part of the award ;
(c) the question of law arising out of the award ;
(d) concisely the grounds of the appeal ; and
(e) whether the appeal is brought with the consent of the parties to the arbitration agreement.

(2) A copy of every affidavit intended to be used in the appeal, and of every consent given in writing (where applicable), must be served with the notice.";

- (b) by the addition of the following rules –

"Enforcement. 7. (1) An application for leave to enforce an award on an arbitration agreement in the same manner as a judgment or order may be made *ex parte* but the Court hearing the application may direct a summons to be issued.
(O. 69, r. 7).

(2) If the Court directs a summons to be issued, the summons must be by originating summons.

(3) An application for leave must be supported by affidavit –

- (a) exhibiting the arbitration agreement and the original award or, in either case, a copy thereof ;
- (b) stating the name and the usual or last known place of abode or business of the applicant (referred to in this rule as the creditor) and the person against whom it is sought to enforce the award (referred to in this Rule as the debtor) respectively ; and
- (c) as the case may require, stating either that the award has not been complied with or the extent to which it has not been complied with at the date of the application.

(4) An order giving leave must be drawn up by or on behalf of the creditor and must be served on the debtor by delivering a copy to him personally or by sending a copy to him at his usual or last known place of abode or business or in such other manner as the Court may direct.

(5) Service of the order out of the jurisdiction is permissible without leave, and Order 11, rules 3, 4 and 6, shall apply in relation to such an order as they apply in relation to a writ.

(6) Within 14 days after service of the order or, if the order is to be served out of the jurisdiction, within such other period as the Court may fix, the debtor may apply to set aside the order and the award shall not be enforced until after the expiration of that period or, if the debtor applies within that period to set aside the order, until after the application is finally disposed of.

(7) The copy of that order served on the debtor must state the effect of paragraph (6).

(8) In relation to a body corporate this rule shall have effect as if for any reference to the place of abode or business of the creditor or the debtor there were substituted a reference to the registered or principal address of the body

corporate ; so, however, that nothing in this rule shall affect any enactment which provides for the manner in which a document may be served on a body corporate."

Amendment of Order 85. 20. Order 85 of the principal rules is amended by the addition immediately before "the High Court" in rule 1 of –

"the Court of Appeal or in".

Dated this 2nd day of March, 1999.

BY COMMAND

DATO SERI PADUKA SIR DENYS ROBERTS
CHIEF JUSTICE
BRUNEI DARUSSALAM