

Rules of the High Court (Amendment) Rules 2007

The Rules of the High Court (Cap 4A)

Order 32A - VEXATIOUS LITIGANTS

Remarks

1. Application under section 27(1) of the Ordinance (O. 32A, r. 1)

Rule 99,
Rec 69

(1) An application under section 27(1) of the Ordinance for an order specified in section 27(2) of the Ordinance must be made by originating summons supported by affidavit and served on the person against whom the order is sought.

(2) The application must be heard in open court by single judge.

2. Application for leave for institution or continuance of proceedings, etc. (O. 32A, r. 2)

(1) An application for leave to institute or continue any legal proceedings by a person against whom an order under section 27(2) of the Ordinance is in force shall be made by a notice in Form 110 in Appendix A containing a statement of –

- (a) the title and reference number of the proceedings in which that order was made;
- (b) the name and address of the applicant;
- (c) the order the applicant is seeking; and
- (d) briefly, why the applicant is seeking the order.

(2) The notice of application shall be filed together with any affidavit evidence on which the applicant relies in support of the application.

(3) Any previous applications for leave which the applicant has made under section 27 of the Ordinance, and the results of those applications, must be listed in the notice of application or in affidavit evidence filed in support of the application.

3. Hearing and determination of application for leave (O. 32A, r. 3)

(1) An application under rule 2 may be determined by a single judge

without the attendance of the applicant unless the judge give directions for the hearing of the application.

(2) Where the judge gives directions for the hearing of the application, the hearing may be held in chambers.

(3) Directions for hearing of the application given under paragraph (2) may include an order that the notice of application be served on the Secretary for Justice and on any person against whom the applicant desires to institute or continue the proceedings for which leave is being sought.

(4) The judge may give directions for further affidavit evidence to be supplied by the applicant before an order is made on the application.

(5) If the leave sought, or the grounds advanced, substantially repeat those submitted in support of a previous application which has been refused, the judge may make an order dismissing the application.

(6) Where the applicant institutes the new proceedings or continues the proceedings for which leave has been granted, the applicant shall –

- (a) file the order granting the leave together with the instrument by which the proceedings are instituted or continued; and
- (b) serve the order granting the leave on every other person who is a party to the proceedings, together with the instrument by which the proceedings are instituted or continued.

4. Service of order (O. 32A, r. 4)

An order giving or refusing the leave sought or an order made under rule 3(3) shall be served on the applicant at the address given in the notice of application.

5. Setting aside grant of leave (O. 32A, r. 5)

(1) A person may apply to set aside the grant of leave if –

- (a) the leave allows the applicant to institute or continue proceedings against that person; and
- (b) the leave was granted other than at a hearing of which that person was given notice pursuant to a direction given under rule 3.

(2) An application under paragraph (1) shall be made by an inter partes summons.

6. Leave required for inspection of documents relating to application under section 27 of the Ordinance (O. 32A, r. 6)

(1) A person may not without the leave of the Court inspect any document filed in the Registry relating to the application for leave under section 27 of the Ordinance.

(2) Leave shall not be granted under paragraph (1) unless the Court is satisfied that there is reasonable ground for the inspection.

(3) Leave granted under paragraph (1) may be granted on such terms and conditions as the Court thinks just.

7. Transitional (O. 32A, r. 7)

Where, immediately before the commencement of this Order, an application for an order or for leave under section 27 of the Ordinance as in force immediately before the commencement is pending, then the application is to be determined as if this Order had not been made.