

Rules of the District Court (Amendment) Rules 2008

The Rules of the District Court (Cap. 336H)

Order 26 – INTERROGATORIES

Remarks

1. Discovery by interrogatories (O. 26, r. 1)

- (1) A party to any cause or matter may apply to the Court for an order –
- (a) giving him leave to serve on any other party interrogatories relating to any matter in question between the applicant and that other party in the cause or matter; and
 - (b) requiring that other party to answer the interrogatories on affidavit within such period as may be specified in the order.

(2) An application under this rule shall be made by summons or by notice under ~~Order 23A, rule 8(2)~~ **Order 25, rule 10** and a copy of the proposed interrogatories shall be served with the summons or notice.

Rule 82
Rec 52-60, 62

(2A) On the hearing of an application under this rule, the Court shall give leave as to such only of the interrogatories as it considers necessary either for disposing fairly of the cause or matter or for savings costs; and in deciding whether to give leave the Court shall take into account any offer made by the party to be interrogated ~~or to give~~ **to give** particulars, make admissions or produce documents relating to any matter in question.

Rule 168

(3) A proposed interrogatory which does not relate to such a matter as is mentioned in paragraph (1) shall be disallowed notwithstanding that it might be admissible in oral cross-examination of a witness.

2. Interrogatories where party is a body of persons (O. 26, r. 2)

Where a party to a cause or matter is a body of persons, whether corporate or unincorporate, being a body which is empowered by law to sue or be sued whether in its own name or in the name of an officer or other person, the Court may, on the application of any other party, make an order allowing him to serve interrogatories on such officer or member of the body as may be specified in the order.

3A. Statement as to party, etc., required to answer (O. 26, r. 3A)

Where interrogatories are to be served on 2 or more parties or are required to be answered by an agent or servant of a party, a note at the end of the interrogatories shall state which of the interrogatories each party or, as the

case may be, an agent or servant is required to answer, and which agent or servant.

5. Objections and insufficient answers (O. 26, r. 5)

- (1) Where a person objects to answering any interrogatory on the ground of privilege he may take the objection in his answer.
- (2) Where any person on whom ordered interrogatories have been served answers any of them insufficiently, the Court may make an order requiring him to make a further answer, either by affidavit or on oral examination as the Court may direct.

6. Failure to comply with order (O. 26, r. 6)

- (1) If a party against whom an order is made under rule 1 or 5(2) fails to comply with it, the Court may make such order as it thinks just including, in particular, an order that the action be dismissed or, as the case may be, an order that the defence be struck out and judgment be entered accordingly.
- (2) If a party against whom an order is made under rule 1 or 5(2) fails to comply with it, then, without prejudice to paragraph (1), he shall be liable to committal.
- (3) Service on a party's solicitor of an order to answer interrogatories made against the party shall be sufficient service to found an application for committal of the party disobeying the order, but the party may show in answer to the application that he had no notice or knowledge of the order.
- (4) A solicitor on whom an order to answer interrogatories made against his client is served and who fails without reasonable excuse to give notice thereof to his client shall be liable to committal.

7. Use of answers to interrogatories at trial (O. 26, r. 7)

A party may put in evidence at the trial of a cause or matter, or of any issue therein, some only of the answers to interrogatories, or part only of such an answer, without putting in evidence the other answers or, as the case may be, the whole of that answer, but the Court may look at the whole of the answers and if of opinion that any other answer or other part of an answer is so connected with an answer or part thereof used in evidence that the one ought not to be so used without the other, the Court may direct that that other answer or part shall be put in evidence.

8. Revocation and variation of orders (O. 26, r. 8)

Any order made under this Order (including an order made on appeal) may, on sufficient cause being shown, be revoked or varied by a subsequent order or direction of the Court made or given at or before the trial of the cause or matter in connection with which the original order was made.