

Rules of the District Court (Amendment) Rules 2008

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

Order 36 – TRIALS BEFORE AND INQUIRIES BY MASTER WITH CONSENT OF PARTIES

Remarks

1. Trial before and inquiry by Master (O. 36, r. 1)

In any cause or matter other than a criminal proceeding by the Government, the Court may, with the consent of the parties, order that the cause or matter, or any question or issue of fact arising therein, be tried before a master or that the master do inquire and report thereon and, in the case of inquiry and report, giving consequential directions.

4. Powers of Master (O. 36, r. 4)

- (1) Subject to any directions contained in the order made pursuant to rule 1 –
 - (a) the master shall for the purposes of the trial or inquiry (including any interlocutory application therein) have the same jurisdiction, powers and duties (including the power of committal and discretion as to costs) as a judge, exercisable or, as the case may be, to be performed as nearly as circumstances admit, in the like cases, in the like manner and subject to the like limitations; and
 - (b) every trial and all other proceedings before a master shall, as nearly as circumstances admit, be conducted in the like manner as the like proceedings before a judge.

(2) Without prejudice to the generality of paragraph (1) but subject to any such directions as are mentioned therein the master before whom any cause or matter is tried shall have the like powers as the Court with respect to claims relating to or connected with the original subject-matter of the cause or matter by any party thereto against any other person and Order 15, rule 5(2) and Order 16 shall with any necessary modifications apply in relation to any such claim accordingly.

9. Report on reference (O. 36, r. 9)

(1) The report made by a master in pursuance of a reference under rule 1 shall be made to the Court and notice thereof served on the parties to the reference.

(2) The master may in his report submit any question arising therein for the decision of the Court or make a special statement of facts from which the Court may draw such inferences as it thinks fit.

Remarks

- (3) On receipt of the master's report the Court may –
- (a) adopt the report in whole or in part;
 - (b) vary the report;
 - (c) require an explanation from him;
 - (d) remit the whole or any part of the question or issue originally referred to him for further consideration by him **or any other master**; or
 - (e) decide the question originally referred to him on the evidence taken before him either with or without additional evidence.

Rule 172
Alignment with
RHC

(4) When the report of the master has been made, an application to vary the report or remit the whole or any part of the question or issue originally referred may be made on the hearing by the Court of further consideration of the cause or matter, after giving not less than 4 days' notice thereof, and any other application with respect to the report may be made on that hearing without notice.