

Rules of the District Court (Amendment) Rules 2008

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

Order 5 – MODE OF BEGINNING CIVIL PROCEEDINGS IN THE COURT

Remarks

1. Mode of beginning civil proceedings (O. 5, r. 1)

Subject to the provisions of any written law and of these Rules, civil proceedings in the Court may be begun by writ or originating summons.

~~2. Proceedings which must be begun by writ (O. 5, r. 2)~~

Rule 14
Rec 11-16

~~Subject to any provision of any written law, or of these Rules, by virtue of which any proceedings are expressly required to be begun otherwise than by writ, the following proceedings must, notwithstanding anything in rule 4, be begun by writ, that is to say, proceedings—~~

- ~~(a) in which a claim is made by the plaintiff for any relief or remedy for any tort, other than trespass to land;~~
- ~~(b) in which a claim made by the plaintiff is based on an allegation of fraud; or~~
- ~~(c) in which a claim is made by the plaintiff for damages for breach of duty (whether the duty exists by virtue of a contract or of a provision made by or under any written law, or independently of any contract or of any such provision), where the damages claimed consist of or include damages in respect of the death of any person or in respect of personal injuries to any person or in respect of damage to any property.~~

~~3. Proceedings which must be begun by originating summons (O. 5, r. 3)~~

~~Proceedings by which an application is to be made to the Court or a judge thereof under any written law must be begun by originating summons except where by these Rules or by or under any written law the application in question is expressly required or authorized to be made by some other means. This rule does not apply to an application made in pending proceedings.~~

4. Proceedings which may be begun by writ or originating summons (O. 5, r. 4)

~~(1) Except in the case of proceedings which by these Rules or by or under any written law are required to be begun by writ or by originating summons, proceedings may be begun either by writ or by originating summons as the~~

Rule 15
Rec 11-16

~~plaintiff considers appropriate.~~

(1) Except in the case of proceedings which under any written law are required or authorized to be begun by a specific form of originating process, proceedings may be begun either by writ or by originating summons as the plaintiff considers appropriate.

(2) Proceedings –

(a) in which the sole or principal question at issue is, or is likely to be, one of the construction of any written law or of any instrument made under any written law or of any deed, will, contract or other document, or some other question of law; or

(b) in which there is unlikely to be any substantial dispute of fact, are appropriate to be begun by originating summons unless the plaintiff intends in those proceedings to apply for judgment under Order 14 or Order 86 or for any other reason considers the proceedings more appropriate to be begun by writ.

5. Proceedings to be begun by motion or petition (O. 5, r. 5)

Rule 16
Rec 11-16

Proceedings may be begun by originating motion or petition if, but only if, under any written law the proceedings in question are required or authorized to be so begun.