

RULES OF THE HIGH COURT (AMENDMENT) RULES 2008

(Made by the Rules Committee of the High Court
under section 54 of the High Court
Ordinance (Cap. 4))

**PART 25
MISCELLANEOUS**

262. Application

Order 1, rule 2(3) is amended by adding "Order 115A," after "Order 115,".

263. Definitions

Order 1, rule 4(1) is amended, in the definition of "written law", by repealing ""imperial enactment" and".

264. Automatic directions in personal injury actions

Order 25, rule 8(1)(b) and (c) and (2) is repealed.

265. Assessment of damages by a master

Order 37, rule 1(1A) is amended –

(a) by adding –

"(ab) each party shall serve on the other parties, within 6 weeks, written statements under Order 38, rule 2A of the oral evidence which the party intends to lead on any issues of fact to be decided at the trial;"

(b) by repealing sub-paragraphs (b), (c) and (d).

266. Offer to submit to an award

Order 37, rule 9(3) is amended by repealing "21 days after receipt of the offer" and substituting "28 days after the offer was made".

267. Exchange of witness statements

Order 38, rule 2A(9) is amended by repealing "Where such a notice is served, a counter-notice shall be deemed to have been served under rule 26(1).".

268. Restrictions on adducing expert evidence

Order 38, rule 36(1) is amended –

(a) in sub-paragraph (a), by repealing ", or" and substituting a full stop;

(b) by repealing sub-paragraphs (b) and (c).

269. Consent judgment and orders

Order 42, rule 5A(2)(b)(vi) is amended by adding "or the Lands Tribunal" after "District Court".

270. Application for registration

Order 71, rule 41 is amended by repealing "section 9 of the Merchant Shipping (Liner Conferences) Act 1982 (1982 c. 37 U.K.)(in this Order referred to as "the Act of 1982")" and substituting "section 10 of the Merchant Shipping (Liner Conferences) Ordinance (Cap. 482) (in this Order referred to as "the Liner Conferences Ordinance")".

271. Evidence in support of application

Order 71, rule 42 is amended –

- (a) in paragraphs (1) and (2), by repealing "section 9 of the Act of 1982" and substituting "section 10 of the Liner Conferences Ordinance";
- (b) in paragraph (1)(e), by repealing "section 9(2) of the Act of 1982" and substituting "section 10(2) of the Liner Conferences Ordinance".

272. Order for registration

Order 71, rule 43 is amended by repealing "section 9 of the Act of 1982" and substituting "section 10 of the Liner Conferences Ordinance".

273. Register of recommendations etc.

Order 71, rule 44 is amended by repealing "section 9 of the Act of 1982" and substituting "section 10 of the Liner Conferences Ordinance".

274. Service of writ out of jurisdiction

Order 75, rule 4(2) is amended –

- (a) by repealing "rule 3 and";
- (b) by repealing "they apply" and substituting "it applies";
- (c) by repealing "or 2".

275. Warrant of arrest

Order 75, rule 5(10)(e) is amended by repealing "section 51 of the Civil Aviation Act 1949 as it applies to Hong Kong" and substituting "section 9 of the Civil Aviation Ordinance (Cap. 448)".

276. Application and interpretation

Order 78, rule 1 is amended –

- (a) in paragraph (1), by repealing "a district court" and substituting "the District Court";

- (b) in paragraph (3), by repealing "district court" and substituting "District Court".

277. Duties of officer

Order 78, rule 2 is amended –

- (a) by repealing "referred to in section 44 of the District Court Ordinance (Cap. 336)" and substituting "relating to the transfer or removal";
- (b) in sub-paragraph (c) –
 - (i) by repealing "district court" and substituting "District Court";
 - (ii) by adding "in writing" after "service of the notice".

278. Acknowledgment of service

Order 78, rule 3 is amended –

- (a) in paragraph (1), by repealing everything after "acknowledge service" and substituting "in writing of the notice of transfer or removal";
- (b) by adding –
 - "(2) Where the defendant has not, before the proceedings are transferred or removed to the Court, acknowledged service of the writ or the originating summons by which the proceedings were begun in the District Court, he shall file an acknowledgement of service in accordance with Order 12, rules 1, 3, 5 and 9 within 14 days after receipt of the notice referred to in rule 2."

279. Judgment on failure to give notice of intention to defend

Order 78, rule 4 is amended –

- (a) in paragraph (1), by repealing "rule 3" and substituting "rule 3(2)";
- (b) in paragraph (2), by repealing "district court" and substituting "District Court".

280. Case management summons or summary judgment

Order 78, rule 5(1) is amended by repealing "Where a defendant gives notice of intention to defend in the action the plaintiff must, within 7 days after such notice is given" and substituting "Unless the plaintiff has entered judgment against a defendant under rule 4(1) or has entered judgment (final or interlocutory) or applied for judgment against a defendant under Order 19, the plaintiff must, within 7 days after a notice under rule 2 is given".
