

L.N. 176 of 2015

Rules of the District Court (Amendment) Rules 2015

(Made by the District Court Rules Committee under section 72 of the District Court Ordinance (Cap. 336))

1. Commencement

These Rules come into operation on the day on which the Legal Practitioners (Amendment) Ordinance 2012 (22 of 2012) comes into operation.

2. Rules of the District Court amended

The Rules of the District Court (Cap. 336 sub. leg. H) are amended as set out in rule 3.

3. Order 81, rule 5 amended (enforcing judgment or order against firm)

(1) Order 81, rule 5(2)—

Repeal

“paragraph (3)”

Substitute

“paragraphs (3) and (6)”.

(2) Order 81, rule 5(4)—

Repeal

“Where”

Substitute

“Subject to paragraph (6), where”.

(3) Order 81, after rule 5(5)—

Add

“(6) Execution to enforce a judgment or order given or made against a firm that is a limited liability partnership may not issue against a member of the firm unless—

- (a) the member admitted in the pleading in the proceedings that the member is a partner not protected under Part IIAAA of the Legal Practitioners Ordinance (Cap. 159) from liability for the partnership obligation in respect of which the proceedings are brought; or
- (b) the member is adjudged to be such a partner—
 - (i) in the proceedings; or
 - (ii) on an application for leave to enforce the judgment or order.

(7) In paragraph (6)—

limited liability partnership (有限法律責任合夥) has the meaning given by section 7AA(1) of the Legal Practitioners Ordinance (Cap. 159);

partnership obligation (合夥義務) has the meaning given by section 7AA(1) of the Legal Practitioners Ordinance (Cap. 159).”.

Made this 14th day of July 2015.

The Hon. Mr. Justice CHEUNG
Chief Judge of the High Court

H.H. Judge POON

H.H. Judge LEUNG

H.H. Judge KO

Elaine LIU

Denis BROCK

Simon LUI

Explanatory Note

These Rules amend rule 5 of Order 81 of the Rules of the District Court (Cap. 336 sub. leg. H), mainly by adding a new paragraph (6). The new paragraph (6), as read with the definitions in the new paragraph (7), provides to the effect that where a judgment or order is given or made against a firm that is a limited liability partnership, execution to enforce it may not issue separately against a member of the firm who is protected under Part IIAAA of the Legal Practitioners Ordinance (Cap. 159) from liability for the partnership obligation.