

(Legislative Supplement No. 72)

LEGAL NOTICE NO. 138

THE SUPREME COURT ACT

(Cap. 9B)

IN EXERCISE of the powers conferred by Article 163(8) of the Constitution and section 31 of the Supreme Court Act, the Supreme Court makes the following Rules—

THE SUPREME COURT (AMENDMENT) RULES,  
2025

1. These Rules may be cited as the Supreme Court (Amendment) Rules, 2025.

Citation.

2. Rule 2 of the Supreme Court Rules (hereafter, referred to as the “principal Rules” is amended by inserting the following new definitions in proper alphabetical sequence—

Sub. Leg.

“advocate” means a person who has the right of audience before the Court under rule 17B;

“intervener” means a person who is not a party to a reference but is admitted by the Court, on the Court’s own motion or on the proposal of a party, to participate in the proceedings of the Court on the ground that the person has a demonstrable personal interest in the subject matter of the reference and whose rights or interests may be affected by the outcome of the reference.

3. Rule 12 of the principal Rules is amended by inserting the following new sub-rule immediately after sub-rule (3)—

(3A) Pleadings and other documents shall be filed by submitting—

- (a) an electronic copy thereof through such medium as may be prescribed by the Court;
- (b) a print copy in the registry within forty-eight hours from the time the electronic copy under paragraph (a) has been submitted.

4. The principal Rules are amended by inserting the following new rules immediately after rule 17—

Amendment of pleadings.

17A. (1) A party may, without unreasonable delay and before a matter is listed for hearing, seek leave from the Court to amend the party’s pleadings.

(2) The Court may allow an application under sub-rule (1) if—

- (a) the amendment is required for the effective and proper adjudication of the matter;
- (b) the amendment does not result in an injustice to the other party; and
- (c) the party seeking to amend pleadings does not, through the intended amendment, withdraw any clear admission which the party has made which thereby confers or conferred a right on the other party.

(3) An application under sub-rule (1) shall be dated with the date of the amendment or order allowing the amendment, with deletions struck through in red ink, additions underlined in red, and subsequent amendments in different colours.

Right of audience.

17B. (1) Each advocate who is, for the time being, entitled to practice before the High Court shall have the right of audience before the Court.

(2) An advocate who has been struck off the Roll of Advocates or who has been suspended from practice and the suspension has not been lifted shall not have a right of audience before the Court.

5. Rule 22 of the principal Rules is amended by inserting the following new sub-rule immediately after sub-rule (2)—

(2A) The Registrar shall give pre-trial directions in accordance with these Rules and the Practice Directions of the Court and confirm that the parties have complied with the pre-trial directions before the appeal is listed for hearing:

Provided that an appeal may be listed for hearing notwithstanding that a party has not complied with the pre-trial directions of the Registrar.

6. Rule 25 of the Rules is amended—

- (a) in sub-rule (2), by inserting the words “or virtually” immediately after the word “chambers”;
- (b) by deleting sub-rule (3).

7. Rule 26 of the principal Rules is amended—

- (a) in sub-rule (1), by inserting the words “where the Court considers it necessary and appropriate in the circumstances” immediately after the word “proceedings”;
- (b) by inserting the following new sub-rule immediately after sub-rule (2)—

(2A) Where the Court admits additional evidence, it shall consider whether the additional evidence—

- (a) is directly relevant to the matter before the Court;

- (b) is capable of influencing or impacting the decision of the Court;
- (c) could not have been obtained with reasonable diligence for use at the trial;
- (d) was not within the knowledge of the party seeking to have the additional evidence admitted;
- (e) removes any vagueness or doubt over the matter before the Court;
- (f) is credible and has merit;
- (g) would not make it difficult or impossible for the other party to respond effectively; or
- (h) discloses a case of wilful deception to the Court.

8. Rule 28 of the principal Rules is amended by deleting sub-rule (4) and substituting therefor the following new sub-rule—

(4) The decisions of the Court shall be in writing and may be delivered in open court, or through electronic or physical service to the parties.

9. Rule 30 of the principal Rules is amended by adding the following new sub-rule immediately after sub-rule (2)—

(3) Where a decision of the Court is in respect of a matter relating to the violation of a right or fundamental freedom and Court's decision requires the supervision of the Court to redress the violation, the following provisions shall apply—

- (a) the Registrar shall list the matter for special mention in accordance with a schedule to be determined by the Court;
- (b) the parties shall, in accordance with the directions of the Court, file and serve compliance reports or affidavits before each scheduled special mention of the matter;
- (c) the Court may summon or permit the appearance of any person necessary to facilitate effective monitoring of the implementation of the decision of the Court; and
- (d) the Court may issue further orders or directions at any special mention to secure implementation of its decision.

10. Rule 33 of the principal Rules is amended—

- (a) in sub-rule (1), by deleting the words “the court where the appeal originates” and substituting therefor the words “the Court of Appeal”;
- (b) by inserting the following new sub-rules immediately after sub-rule (2)—

(2A) Pursuant to Article 163(5) of the Constitution, the Court may, on its own motion or on application by a party, review a certification by the Court of Appeal that a matter is

of general public importance where Court deems it necessary to safeguard the interests of justice and may, in this regard—

- (a) affirm, vary or overturn the certification by the Court of Appeal; and
- (b) frame the issues of general importance.

(2B) Where the Court acts on its own motion under sub-rule (2A), it shall issue a notice to show cause to the affected parties.

11. Rule 34 of the principal Rules is amended by adding the following new sub-rule immediately after sub-rule (4)—

(5) The provisions of this rule shall apply, with necessary modifications, to the hearing of any matter before the Court.

12. Rule 36 of the principal Rules is amended—

- (a) in sub-rule (1), by adding the following proviso—

Provided that in an appeal under Article 168(8) of the Constitution, the appeal shall be filed within ten days after the recommendation of the tribunal.

- (b) in sub-rule (2)(a), by inserting deleting the word “court” appearing immediately after the words “Registrar of the court” and substituting therefor the words “of the Court of Appeal”;
- (c) by deleting sub-rule (3).

13. Rule 40 of the principal Rules is amended in sub-rule (1)(a), by deleting the word “certificate” and substituting therefor the words “ruling or order”.

14. The principal Rules are amended by inserting the following new rule immediately after rule 42—

Summary proceedings  
in appeals.

42A. (1) The Court may, on its own motion, summarily dismiss a petition of appeal if, in the opinion of the court—

- (a) the Court lacks jurisdiction to entertain the appeal; or
- (b) it is apparent on the face of the petition that the petition is wholly defective and incompetent.

(2) The provisions of sub-rule (1) shall apply, with necessary modifications, to the hearing of any matter before the Court.

15. The principal Rules are amended by deleting rule 46.
16. Rule 47 of the principal Rules is amended—
  - (a) in sub-rule (2), by deleting paragraph (b) and substituting therefor the following new paragraph—
    - (b) lodge eight copies of the memorandum of appeal in the registry within thirty days of service of the memorandum of appeal and record of appeal upon the respondent;
  - (b) by inserting the following new sub-rule immediately after sub-rule (2)—
    - (2A) The cross-appeal shall follow the process of compliance together with the main appeal pursuant to rule 22.
  - (c) by deleting sub-rule (4) and substituting therefor the following new sub-rule—
    - (4) A cross-appellant in an appeal certified as concerning matters of general public importance shall—
      - (a) limit the cross-appeal to the issues identified as raising matters of general public importance; and
      - (b) shall not apply for certification.
      - (d) by adding the following new sub-rule immediately after sub-rule (4)—
        - (5) The respondent may exercise the option of relying on the record of appeal filed by the petitioner, in which case the cross-appeal shall not be deemed incomplete by the mere failure by the respondent to file a record of appeal.
17. Rule 51 of the principal Rules is amended—
  - (a) in sub-rule (1), by inserting the words “as an intervener” immediately after the words “participate in the reference”;
  - (b) in sub-rule (3), by deleting the words “a participant” and substituting therefor the words “an intervener”;
  - (c) in sub-rule (4), by deleting the word “participant” and substituting therefor the word “intervener”.
18. Rule 60 of the principal Rules is amended—
  - (a) in sub-rule (1), by inserting the words “and advocate-client costs” immediately after the words “between the parties”;
  - (b) in sub-rule (2), by inserting the words “and advocate-client” immediately after the words “party-to-party”.
19. The principal Rules are amended by deleting rule 66.
20. The Third Schedule to the principal Rules is amended in paragraph 1—

- (a) by deleting the words “one hundred words” appearing in subparagraph (1) and substituting therefor the words “one page”;
- (b) by deleting subparagraph (2).

Made on the 31st July, 2025.

MARTHA K. KOOME,  
*Chef Justice and  
President of the Supreme Court.*