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**WOMEN'S CHARTER
(CHAPTER 353)**

**WOMEN'S CHARTER
(MATRIMONIAL PROCEEDINGS)
(AMENDMENT) RULES 2011**

In exercise of the powers conferred on us by sections 79(1A) and 139(1) and (2) of the Women's Charter, we, the committee constituted under section 139(1) of the Women's Charter, hereby make the following Rules:

Citation and commencement

1. These Rules may be cited as the Women's Charter (Matrimonial Proceedings) (Amendment) Rules 2011 and shall come into operation on 1st June 2011.

Amendment of rule 1

2. Rule 1(2) of the Women's Charter (Matrimonial Proceedings) Rules (R 4) (referred to in these Rules as the principal Rules) is amended by inserting, immediately after the words "These Rules shall", the words ", unless otherwise specified,".

Amendment of rule 2

3. Rule 2(1) of the principal Rules is amended by inserting, immediately after the definition of "judgment of judicial separation", the following definition:

““maintenance proceedings” means any proceedings under section 69, 71 or 72 of the Act;”.

New rules 2A to 2M

4. The principal Rules are amended by inserting, immediately after rule 2, the following rules:

“Discovery in maintenance proceedings

2A.—(1) Subject to paragraph (4), the court may at any time order any party in maintenance proceedings to give discovery in

such form as the court may direct by filing and by serving on the other party, an affidavit exhibiting a list of documents as specified by the Registrar.

(2) The court may, at any time, on the application of any party in maintenance proceedings, make an order requiring any other party to make an affidavit or give sworn statements stating whether —

- (a) any document specified or described in the application and that is not the subject of any order made under paragraph (1); or
- (b) any class of documents so specified or described in the application,

is or has at any time been in his possession, custody or power, and if not then in his possession, custody or power, when he parted with it and what has become of it.

(3) Upon the making of an order under paragraph (1) or (2), the court may, if a party states in his affidavit or sworn statement that a document or class of documents is in his possession, custody or power, direct the party to produce and exhibit a copy or copies of the document or class of documents stated in the affidavit or sworn statement in such manner as the court may direct.

(4) An application for an order under this rule must be in such form as the Registrar may direct and be supported by an affidavit or a sworn statement stating the belief of the applicant that the party from whom discovery is sought under this rule had or has in his possession, custody or power, the document or class of documents specified in the application.

(5) The application under paragraph (2) must set out, in respect of each such document or class of documents, the reasons for requesting discovery.

(6) The application under paragraph (2) shall be heard in Chambers before the Registrar.

(7) Order 55B of the Rules of Court (Cap. 322, R 5) shall be applicable to an appeal brought against any order or refusal of any order by the Registrar under this rule.

Duty to give discovery to continue throughout maintenance proceedings

2B. After the making of any order under rule 2A, the party required to give discovery under the order shall remain under a continuing duty to give discovery of all documents falling within the ambit of the order until the proceedings in which the order was made are concluded.

Inspection of documents in maintenance proceedings

2C.—(1) Any party in maintenance proceedings (referred to in this rule as the first-mentioned party) shall be entitled at any time to apply to the court, in such form and manner as the Registrar may direct, requiring the other party to —

- (a) produce a document which was referred to in the affidavits or sworn statements of that other party or the bundle of documents filed into court for the inspection of the first-mentioned party; and
- (b) permit the first-mentioned party to take copies of such document or documents.

(2) The other party shall offer inspection of the documents at a reasonable time and place unless he objects to such inspection.

(3) The application under paragraph (1) shall be heard in Chambers before the Registrar.

(4) Order 55B of the Rules of Court (Cap. 322, R 5) shall be applicable to an appeal brought against any order or refusal of any order by the Registrar under this rule.

Order for production of documents for inspection in maintenance proceedings

2D.—(1) If a party who is responding to an application under rule 2C —

- (a) objects to the production of any document for inspection; or
- (b) offers inspection at any time or place which, in the opinion of the court, is unreasonable,

the court may, subject to rule 2H and on the application of the party entitled to inspection, make an order for the production of the documents in question for inspection at such time and place, in such manner, and on such conditions, as it thinks fit.

(2) Without prejudice to paragraph (1), but subject to rule 2H, the court may, on the application of any party in maintenance proceedings, order any other party to permit the party who makes the application to inspect any documents in the possession, custody or power of that other party in respect of which discovery has been given under rule 2A or pursuant to any order made under this rule.

(3) In particular, on the making of an order under rule 2A(2), the court may, in lieu of making an order under rule 2A(3), make such orders for the production of the relevant documents for inspection at such time and place, and in such manner, as it thinks fit.

(4) The application under paragraph (1) or (2) shall be heard in Chambers before the Registrar.

(5) Order 55B of the Rules of Court (Cap. 322, R 5) shall be applicable to an appeal brought against any order or refusal of any order by the Registrar under this rule.

Production of business books in maintenance proceedings

2E.—(1) Where the production of any business books for inspection is applied for under rule 2C, the court may, instead of ordering the production of the original business books for inspection, order a copy of any entries therein to be supplied and verified by an affidavit of a person who has examined the copy together with the original books.

(2) Such affidavit shall state whether or not there are any erasures, interlineations or alterations in the original books, and if so, what erasures, interlineations or alterations there are.

(3) Notwithstanding that a copy of any entries in any business book has been supplied under this rule, the court may order the production of the book from which the copy was made.

Restriction on use of privileged document, inspection of which has been inadvertently allowed in maintenance proceedings

2F. Where a party inadvertently allows a privileged document to be inspected, the party who inspected it may use it or its contents only if the leave of the court to do so is first obtained.

Order for determination of issue, etc., before discovery and inspection in maintenance proceedings

2G. Where on an application for an order for discovery or inspection, it appears to the court that any issue or question in the maintenance proceedings should be determined before any discovery of documents or inspection, the court may order that the issue or question be determined first.

Discovery and inspection to be ordered in maintenance proceedings only if necessary

2H. On the hearing of any application for an order under rule 2A, 2C, 2D or 2E, the court —

- (a) may, if satisfied that discovery or inspection is not necessary, dismiss the application; and
- (b) shall in any case refuse to make such an order if and so far as it is of the opinion that discovery or inspection is not necessary either for disposing fairly of the cause or matter or for saving costs.

Order for production of documents to court in maintenance proceedings

2I.—(1) At any stage of any maintenance proceedings, the court may, subject to rule 2J, order any party to produce to the court any document in his possession, custody or power that falls within one of the following descriptions:

- (a) documents on which a party applying for discovery or inspection relies or will rely;
- (b) documents which could —
 - (i) adversely affect a party's case; or
 - (ii) support a party's case; and
- (c) documents which may lead to a train of inquiry resulting in the obtaining of information which may —
 - (i) adversely affect a party's case; or
 - (ii) support a party's case.

(2) The court may deal with the document when produced pursuant to an order made under paragraph (1) in such manner as it thinks fit.

Failure to comply with order relating to discovery or inspection in maintenance proceedings

2J.—(1) If any party fails to comply with any provision in rule 2A, 2B, 2C, 2D, 2E, 2F or 2I or with any order made under those rules, or both, the court may make such order as it thinks fit.

(2) Without prejudice to the generality of paragraph (1), the further orders that may be made by a court under that paragraph may include one or both of the following orders:

- (a) an order that proceedings shall be stayed until the parties have complied with the relevant provision in one or more rules referred to in paragraph (1), or with any order made under those rules, or both;
- (b) such order as to costs as the court thinks appropriate against the party who fails to comply with the relevant provision in one or more rules referred to in paragraph (1) or with any order made under those rules, or both.

(3) Without prejudice to paragraphs (1) and (2), a party who fails to comply with any provision in rule 2A, 2B, 2C, 2D, 2E, 2F or 2I or with any order made under those rules or both, as the case may be —

- (a) may not rely on those documents save with the leave of the court; and
- (b) may have an adverse inference drawn against him pursuant to section 116(g) of the Evidence Act (Cap. 97).

Revocation and variation of orders for discovery or inspection in maintenance proceedings

2K. Any order made under rule 2A, 2C, 2D, 2E or 2I (including an order made on appeal) may, on sufficient cause being shown, be revoked or varied by a subsequent order or direction of the court made or given at or before the hearing of the maintenance proceedings.

Document disclosure of which would be injurious to public interest: Saving

2L. Rules 2A, 2B, 2C, 2D, 2E, 2F and 2I shall be without prejudice to any rule of law which authorises or requires the withholding of any document or information on the ground that

the disclosure of it would be injurious to the public interest, or against the interests of justice.

Practice directions in relation to maintenance proceedings

2M. Practice directions may make additional provisions in relation to the requirements for any application for discovery or inspection in maintenance proceedings.”.

New rules 4A and 4B

5. The principal Rules are amended by inserting, immediately after rule 4, the following rules:

“Application for leave to file application for financial relief under Chapter 4A of Part X of Act

4A.—(1) An application under section 121D of the Act for leave to file an application for financial relief under section 121B of that Act shall be made by originating summons.

(2) There shall be filed in support of the originating summons an affidavit by the applicant stating the following:

- (a) the particulars of the parties to the proceedings;
 - (b) the particulars relating to the dissolution or annulment of the applicant’s marriage or the parties’ legal separation in the foreign country and evidence that the divorce or annulment or legal separation is recognised as valid under Singapore law;
 - (c) the particulars of any orders for financial relief made in a foreign country;
 - (d) the ground on which the applicant is relying to give the court jurisdiction to hear the application;
 - (e) whether there has been any previous application for leave; and
 - (f) the financial relief sought in the application made under section 121B of the Act.
- (3) The application under paragraph (1) must exhibit —
- (a) a draft copy of the application to be filed under section 121B of the Act;
 - (b) a copy of the foreign decree of divorce or annulment of marriage or judicial separation;

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- (c) any relevant decision or order on financial relief including an order made by the foreign court requiring any party to the marriage to make payment to the other party or transfer any matrimonial asset to either one of the parties or to a child of the marriage; and
- (d) any relevant agreement made between the parties relating to financial relief.

(4) The originating summons shall be returnable for a fixed date before a Judge in Chambers.

(5) Unless otherwise directed, the originating summons, together with the affidavit in support of the originating summons, shall be served on the defendant at least 5 clear days before the return date.

(6) No appearance needs to be entered to the originating summons, and the defendant may be heard without an appearance.

Practice directions under Chapter 4A of Part X of Act

4B. Practice directions may make additional provisions in relation to the requirements for any application under Chapter 4A of Part X of the Act.”.

Made this 19th day of April 2011.

CHAN SEK KEONG
Chief Justice.

JUDITH PRAKASH
Judge.

TAN SIONG THYE
Chief District Judge.

YAP TEONG LIANG
Advocate and Solicitor.

FOO SIEW FONG
Advocate and Solicitor.

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(To be presented to Parliament under section 139(3) of the Women’s Charter).