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## No. S 720

### FAMILY JUSTICE ACT 2014

### FAMILY JUSTICE (GENERAL) RULES 2024

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In exercise of the powers conferred by section 46 of the Family Justice Act 2014 and all other powers enabling us under any written law, we, the Family Justice Rules Committee, make the following Rules:

PART 1

GENERAL

**Citation and commencement (P. 1, r. 1)**

1. These Rules are the Family Justice (General) Rules 2024 and come into operation on 15 October 2024.

**Revocation, transitional provisions and application (P. 1, r. 2)**

2.—(1) Subject to the following provisions of this Rule, revoke the Family Justice Rules 2014 (G.N. No. S 813/2014) (called the revoked Rules).

(2) Subject to this Rule, these Rules apply to and in relation to all civil proceedings and all quasi-criminal proceedings in the Family Division, the Family Courts and the Youth Courts which are commenced on or after 15 October 2024, including appeals arising from those proceedings.

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(3) Despite paragraph (1) and subject to paragraph (4) and any other provision in these Rules, the revoked Rules as in force immediately before 15 October 2024 continue to apply to and in relation to —

- (a) any proceedings commenced in the Family Division, a Family Court or a Youth Court before 15 October 2024;
- (b) any application for an order for financial relief under section 121B of the Women’s Charter 1961 made on or after 15 October 2024, where the leave of the court under section 121D of that Act to make the application was granted before that date;
- (c) any proceedings to which the revoked Rules apply under the Family Justice (Probate and Other Matters) Rules 2024 (G.N. No. S 723/2024); and
- (d) any appeal heard by the Family Division arising from any proceedings in a Family Court or Youth Court mentioned in sub-paragraph (a), (b) or (c).

(4) These Rules apply to and in relation to —

- (a) any application to vary, rescind or set aside any judgment or order made in any civil proceedings under Part 10 of the Women’s Charter 1961 disposing of all claims in those proceedings, where —
  - (i) the proceedings in which the judgment or order was made commenced before 15 October 2024; and
  - (ii) the application to vary, rescind or set aside the judgment or order is made on or after 15 October 2024; and
- (b) any appeal heard by the Family Division against a decision of a Family Court which was made in relation to an application mentioned in sub-paragraph (a).

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(5) Unless otherwise provided in these Rules, the following provisions of the Rules of Court 2021 (G.N. No. S 914/2021) apply, with the necessary modifications, to and in relation to all proceedings mentioned in paragraph (2):

Order 29

Order 29A

Order 31

Order 54

Order 69

Order 70.

(6) Despite any provision in these Rules providing that the revoked Rules are to apply to certain proceedings, the Court may direct that the provisions of Part 1, Rule 12, Part 7, Rule 11 and Part 25, Rule 3(2) are to apply with suitable modifications to those proceedings.

(7) These Rules (except Part 26) do not apply to —

(a) any criminal proceedings in a Youth Court;

(b) any proceedings under —

(i) the Inheritance (Family Provision) Act 1966;

(ii) the Intestate Succession Act 1967;

(iii) the Legitimacy Act 1934;

(iv) the Probate and Administration Act 1934; or

(v) the Wills Act 1838;

(c) any appeal arising from proceedings in sub-paragraph (a) or (b); and

(d) any appeal against a decision of the Family Division which is heard in the Court of Appeal or Appellate Division.

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**General definitions (P. 1, r. 3)**

3.—(1) Unless otherwise provided in these Rules —

“action” means proceedings commenced by an originating application or in accordance with Part 3;

“appellate Court” means the Court to which an appeal is brought or is being brought;

“Appellate Division” means the Appellate Division of the High Court;

“applicant” means a person who commences an action, and includes a party in the position of an applicant in a cross-application;

“attend” includes the appearance by any person using electronic, mechanical or any other means permitted by the Court;

“bailiff” includes the Registrar, any clerk or other officer of the Court charged with the duties of a bailiff;

“child” means an individual who is below 21 years of age;

“Civil Procedure Convention” means any of the conventions set out in the First Schedule and includes any convention, treaty or agreement of any description or any provision of such convention, treaty or agreement between different States relating to civil procedure in the Court;

“cross-application” has the same meaning as “originating application”;

“entity” means any body of persons, whether incorporated or unincorporated;

“Family Division” means the Family Division of the High Court;

“Judge” means a judge of the Family Division, a judge of a Family Court or a judge of a Youth Court and includes, in cases where he or she is empowered to act, a Registrar, as the case may require;

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- “lower Court” means the Court against which judgment or order an appeal is brought or being brought;
- “non-court day” means a Saturday, Sunday or public holiday;
- “non-party” means any person who is not a party in the action and includes a person who participates in the action because of a statutory duty or because he or she may be affected by the Court’s decision in the action;
- “Objectives” means the Objectives set out in Part 1, Rule 4(2);
- “officer” means an officer of the Family Justice Courts;
- “originating application” means an originating process by which an action is commenced in Court as described in Part 5, Rule 1(1);
- “originating application without notice” means an originating process by which an action is commenced in Court as described in Part 5, Rule 2(1) which does not need to be served on anyone;
- “practice directions” means practice directions issued from time to time under Part 26, Rule 2 by the Registrar;
- “Registry” means the Registry of the Family Justice Courts;
- “respondent” means a person who responds to an action, and includes a party in the position of a respondent in a cross-application;
- “Rules” means the Family Justice (General) Rules 2024;
- “sign” and “seal” by a Judge, the Registrar or other officer of the Family Justice Courts include signing and sealing by electronic or other means;
- “solicitor” has the meaning given by section 2(1) of the Legal Profession Act 1966 and includes the firm that the solicitor is in, and also includes the Attorney-General, a Deputy Attorney-General and a Solicitor-General, where he or she is a party to or appears in any proceedings;

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“summons” —

- (a) means an application to Court in an action (other than an action commenced in accordance with Part 3) or an appeal which has to be served on other parties or non-parties or both; and
- (b) includes an application filed in relation to any proceedings to which Part 3 applies pursuant to Part 3, Rule 12;

“summons without notice” means an application to Court in an action (other than an action commenced in accordance with Part 3) or an appeal which does not need to be served on anyone;

“working day” means any day other than a non-court day.

(2) In these Rules, “Court” means —

- (a) the Family Division or a judge of the Family Division, whether sitting in court or in chambers;
- (b) a Family Court or a judge of a Family Court, whether sitting in court or in chambers;
- (c) a Youth Court or a judge of a Youth Court, whether sitting in court or in chambers; or
- (d) in cases where he or she is empowered to act — the Registrar.

(3) Paragraph (2) does not affect any provision of these Rules which defines and regulates the authority and jurisdiction of the Registrar.

(4) The Forms to be used for the purposes of these Rules are those set out in the practice directions, and any reference in these Rules to a numbered form (where such number may include alphanumeric characters) is to be construed as a reference to the current version of the form bearing the corresponding number which is set out in the practice directions.



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**Objectives (P. 1, r. 4)**

- 4.—(1) These Rules are to be given a purposive interpretation.
- (2) These Rules seek to enable the Court to achieve the following Objectives:
- (a) fair access to justice;
  - (b) expeditious proceedings;
  - (c) cost-effective resolution of cases in a manner proportionate to —
    - (i) the nature, complexity and importance of the issues;  
and
    - (ii) if applicable, the value of the claims,  
in the case before the Court;
  - (d) where a child is a party to or a subject of the proceedings, placing the child’s welfare as the paramount consideration;
  - (e) fair and practical results for parties;
  - (f) efficient use of court resources.
- (3) The Court must seek to give effect to the Objectives in interpreting these Rules, exercising any power under these Rules and in all its orders or directions.
- (4) All parties have the duty to assist the Court and to conduct their cases in a manner which will help to achieve the Objectives.

**General powers of Court (P. 1, r. 5)**

- 5.—(1) Subject to any other written law, all requirements in these Rules are subject to the Court’s discretion to order otherwise in the interests of justice, even if they are expressed using imperative words such as “must”, “is to” or “shall”.
- (2) Where there is no express provision in these Rules or any other written law on any matter, the Court may do whatever it considers necessary on the facts of the case before it to ensure that justice is done or to prevent an abuse of the process of the Court, so long as it is not prohibited by law and is consistent with the Objectives.

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(3) In exercising any power, the Court may impose any condition or give such directions that are appropriate.

(4) Unless otherwise provided in these Rules, the Court may exercise the powers under these Rules either on its own initiative or upon application.

(5) Subject to these Rules, the Court's power to make an order under these Rules includes the power to vary the order.

(6) Where there is non-compliance with these Rules, any other written law, the Court's orders or directions or any practice directions, the Court may exercise all or any of the following powers:

- (a) subject to paragraph (7), waive the non-compliance;
- (b) disallow or reject the filing or use of any document;
- (c) refuse to hear any matter or dismiss it without a hearing;
- (d) dismiss, stay or set aside the whole or any part of any proceedings and give the appropriate judgment or order, or amend any document in any proceedings, even though the non-compliance could be compensated by costs, if the non-compliance is inconsistent with any of the Objectives in a material way;
- (e) impose a late filing fee of \$50 for each day that a document remains unfiled after the expiry of the period within which the document is required to be filed, excluding non-court days;
- (f) make costs orders or any other orders that are appropriate.

(7) Where the non-compliance is in respect of any written law other than these Rules, the Court may waive the non-compliance only if the written law allows such waiver.

(8) The powers of the Court under this Rule do not affect any other powers of the Court under any written law.

(9) The Court may give directions by letter or by electronic or other means.

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(10) The Court may, on its own accord or upon application, if it is in the interests of justice, revoke any judgment or order obtained or set aside anything which was done —

- (a) without notice to, or in the absence of, the party affected;
- (b) without complying with these Rules or any order of Court;
- (c) contrary to any written law; or
- (d) by fraud or misrepresentation.

(11) An application under paragraph (10) must be taken out —

- (a) where the party affected is a person under disability as defined in Part 6, Rule 7 and there is no litigation representative acting for that person at the material time — within 14 days after the date the litigation representative is appointed; or
- (b) in any other case — within 14 days after the time the party affected knows or should have known that any of the grounds in paragraph (10) exists.

### **Calculation of time (P. 1, r. 6)**

6.—(1) The Interpretation Act 1965 does not apply to the calculation of time in these Rules.

(2) The word “month” means a calendar month unless the context otherwise requires.

(3) Where an act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.

(4) Where an act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

(5) Where an act is required to be done within a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

(6) If the period in question is 6 days or less, any day that is a non-court day is to be excluded in the calculation of time.

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(7) Where the time prescribed by these Rules, or by any judgment, order or direction, for doing any act expires on a non-court day, the act is in time if done on the next working day.

### **Extension or shortening of time (P. 1, r. 7)**

7.—(1) The Court may extend or shorten the period within which a person is required by these Rules or by any judgment, order or direction, to do any act in any proceedings.

(2) Unless these Rules otherwise provide, the Court may extend the period mentioned in paragraph (1) whether the application for extension is made before or after the expiration of that period.

(3) Unless these Rules otherwise provide, the period within which a person is required by these Rules, or by any order, to serve, file or amend any document may be extended once by consent in writing for a maximum period of 7 days without an order of the Court being made for that purpose.

### **Inspection of court documents (P. 1, r. 8)**

8. Unless otherwise provided in these Rules, where proceedings are heard in private pursuant to any written law —

- (a) any document filed in the proceedings is not available for public inspection; and
- (b) a person who is not a party to the proceedings may not take copies of any document filed in the proceedings.

### **Judgment in proceedings heard in private (P. 1, r. 9)**

9.—(1) Where proceedings are heard in private pursuant to any written law, any judgment pronounced or delivered in the proceedings is not available for public inspection.

(2) Despite paragraph (1), the Court may, on such terms that it thinks fit, do either or both of the following:

- (a) allow a person who is not a party to the proceedings to inspect or to be provided with a copy of the judgment;
- (b) allow reports of the judgment (after the removal from the judgment of all information which may disclose or lead to

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the disclosure of the identity of any party to the proceedings) to be published.

(3) The Court may redact any judgment in the interests of justice before a person inspects or takes a copy of the judgment under paragraph (2)(a).

### **Forms (P. 1, r. 10)**

**10.**—(1) The Forms as set out in the practice directions must be used with such variations as the circumstances require.

(2) The Forms may be varied by practice directions issued with the approval of the Presiding Judge of the Family Justice Courts.

(3) Where a Form states “Seal of the Court”, a document in that Form must bear the seal of the Court.

### **Language of documents (P. 1, r. 11)**

**11.**—(1) All documents filed or used in Court must be in the English language.

(2) Except as specified in the practice directions or as the Registrar may otherwise allow, a document which is not in the English language must be accompanied by a translation in the English language certified by a court interpreter or verified by an affidavit of a person qualified to translate the document.

### **Use of foreign documents under Apostille Convention or Civil Procedure Convention (P. 1, r. 12)**

**12.**—(1) Despite anything in these Rules, the following documents may be received, filed or used in Court:

(a) a foreign public document with an apostille placed on or attached to it;

(b) a document or a translation of the document that has been drawn up or certified, and duly sealed, by a court or other competent authority of a foreign country, being a country with which there subsists a Civil Procedure Convention providing for the dispensation of the authentication of such documents.

(2) In this Rule —

“apostille” means a Convention certificate as defined by section 10 of the Apostille Act 2020;

“foreign public document” has the meaning given by section 6 of the Apostille Act 2020.

### **Methods of hearing (P. 1, r. 13)**

**13.** Subject to any written law, the Court may conduct a case conference or any other hearing by using electronic, mechanical or any other means.

## PART 2

### PROCEEDINGS UNDER PART 10 OF WOMEN’S CHARTER 1961

### **Definitions of this Part (P. 2, r. 1)**

**1.** In this Part —

“Act” means the Women’s Charter 1961;

“claim for ancillary relief” means any of the following:

- (a) an application for an order under Chapter 4 or 5 of Part 10 of the Act;
- (b) an application under section 121B of the Act for an order for financial relief under Chapter 4A of Part 10 of the Act;
- (c) an application for the disposition or division of property on divorce pursuant to section 17A(2)(c) of the Supreme Court of Judicature Act 1969;

“Court” means a Family Court;

“cross-application”, in relation to a matrimonial application, means an originating application for divorce, judicial separation or nullity of marriage filed by the respondent to the matrimonial application as described in Rule 5(2);

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“excluded party” and “prescribed party” have the meanings given by section 94A(14) of the Act;

“matrimonial application” of an applicant means an originating application for divorce, judicial separation or nullity of marriage filed by the applicant as described in Rule 2(1).

### **Matrimonial applications (P. 2, r. 2)**

2.—(1) A matrimonial application must be commenced as an originating application in Form 2, and must be accompanied by all documents specified in that Form.

(2) The matrimonial application must set out all of the following:

(a) in the case of an application for divorce or judicial separation —

(i) the fact or facts that the applicant relies upon; and

(ii) brief particulars (but not any evidence) by which the fact or facts are to be proved;

(b) in the case of an application for nullity of marriage —

(i) the ground or grounds on which the marriage is alleged to be void or voidable; and

(ii) brief particulars (but not any evidence) in support of the ground or grounds;

(c) any documents or information specified in any practice directions relating to the matrimonial application.

(3) A matrimonial application for divorce must additionally be accompanied by one of the following documents:

(a) where the applicant is a prescribed party — a certificate issued by a person appointed under section 94A(9)(b) of the Act to conduct a parenting programme that the applicant has completed the parenting programme;

(b) where the applicant is an excluded party — a note issued under rule 5(1)(b) of the Women’s Charter (Parenting Programme) Rules 2016 (G.N. No. S 565/2016) stating that the applicant is an excluded party;

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- (c) a summons without notice filed pursuant to section 94A(4) of the Act;
  - (d) the Court's approval under section 94A(4) of the Act.

**Co-respondent and person named in matrimonial application  
(P. 2, r. 3)**

3.—(1) Subject to paragraph (2), if an applicant alleges in a matrimonial application that the respondent has committed adultery, the person with whom the adultery is alleged to have been committed (*P*) must be made a co-respondent unless —

- (a) the applicant states in the matrimonial application that he or she does not know *P*'s identity; or
- (b) the Court otherwise orders.

(2) Despite paragraph (1), where the matrimonial application alleges that the respondent has been guilty of rape of a person named, that person must not be made a co-respondent unless the Court so directs.

(3) Unless the Court otherwise directs, the applicant must serve the matrimonial application on —

- (a) *P*, if *P*'s identity is known to the applicant and *P* is not made a co-respondent; and
- (b) any person named with whom the applicant alleges in the matrimonial application that the respondent has been guilty of an improper association (other than adultery).

(4) A person who has been served with the matrimonial application under paragraph (3) and who wishes to be heard in the proceedings must file a notice to contest.

(5) Where a person mentioned in paragraph (4) files a notice to contest —

- (a) the person is made a co-respondent to the proceedings with effect from the date the notice to contest is filed; and
- (b) Part 6, Rule 6(2) does not apply to the person.



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(6) The applicant may apply for an order to be made under paragraph (1)(b) —

- (a) if the application is made before the matrimonial application is served on the respondent — by filing a summons without notice; or
- (b) in any other case — by filing a summons.

(7) The following Rules apply to a co-respondent or a person named mentioned in paragraph (3)(b) in the same way as a respondent:

- (a) Rule 4, except paragraph (1)(b) to (e);
- (b) Rule 5(1) and (4);
- (c) Rule 7.

(8) Costs arising from an interim judgment or a final judgment must not be awarded against a co-respondent who has not filed a reply unless the Court has first given the co-respondent the opportunity to make submissions on the matter.

(9) Paragraphs (1) and (3) do not apply if *P* or the person named mentioned in paragraph (3)(b) had died before the filing of the matrimonial application.

#### **Notice to contest (P. 2, r. 4)**

**4.—**(1) Despite Part 5, Rule 12 and subject to paragraph (2), a respondent who wishes to do one or more of the following must file and serve a notice to contest in Form 4 within 14 days after being served with the matrimonial application:

- (a) object to the matrimonial application or the facts or grounds the applicant relies upon or cites for the matrimonial application;
- (b) object to the applicant's claim for ancillary relief in the matrimonial application;
- (c) make a claim for ancillary relief against the applicant;
- (d) file a cross-application under Rule 5;
- (e) challenge the jurisdiction of the Court.

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(2) Paragraph (1) does not apply to a respondent who objects only to the applicant's claim for costs.

(3) The respondent must, in the notice to contest —

- (a) state whether the respondent consents or objects to the matrimonial application or the facts or grounds that the applicant relies upon or cites for the matrimonial application, as the case may be;
- (b) specify any matter relating to any claim for ancillary relief or costs on which the respondent wishes to be heard; and
- (c) provide a valid Singapore address or email address for the purpose of service of documents in relation to the matrimonial application on the respondent.

(4) Part 15, Rule 35 does not apply to a consent in a notice to contest.

(5) If the respondent does not file the notice to contest within the time specified in paragraph (1), the time specified in Rule 5(1) or (2) (as the case may be) is deemed to have expired even though the period specified under that Rule has not elapsed.

### **Reply and cross-application for divorce, judicial separation or nullity of marriage (P. 2, r. 5)**

5.—(1) Subject to paragraph (3), a respondent who wishes to contest any allegation made in a matrimonial application must file and serve on the applicant and any co-respondent or person named mentioned in Rule 3(3)(b) a reply within 28 days after being served with the matrimonial application.

(2) Subject to paragraph (3), a respondent who, in addition to contesting any allegation made in a matrimonial application, wishes to apply for divorce, judicial separation or nullity of marriage must file and serve on the applicant a cross-application within 28 days after being served with the matrimonial application.

(3) Paragraphs (1) and (2) do not apply to a respondent who objects only to any claim for ancillary relief in the matrimonial application or the applicant's claim for costs.

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(4) The respondent's reply must state brief particulars in support of the respondent's objections to the matrimonial application, but must exclude any evidence that the respondent intends to rely on.

(5) All Rules that apply to a matrimonial application apply to a cross-application except Rule 4.

(6) Personal service of the cross-application on the applicant is not required.

### **Medical examination (P. 2, r. 6)**

**6.—**(1) This Rule applies in relation to a matrimonial application for nullity of marriage on the grounds set out in section 106(a) or (b) of the Act.

(2) Subject to paragraph (3), where the Court considers it appropriate or necessary, the Court may —

(a) order either party or both parties to be examined by one or 2 medical inspectors; and

(b) give any direction or order in relation to the medical examination mentioned in sub-paragraph (a) that may be necessary.

(3) The Court may make an order under paragraph (2)(a), and give any direction or order under paragraph (2)(b), only after either of the following has occurred:

(a) the reply to the matrimonial application has been filed;

(b) the time specified in these Rules for filing a notice to contest or reply to the matrimonial application has passed, and a notice to contest or reply has not been filed.

(4) A medical inspector appointed under paragraph (2)(a) must report the result of the examination conducted by the medical inspector to the Court.

(5) Every report made by a medical inspector appointed under paragraph (2)(a) must be filed, and either party may obtain a copy of the report upon paying the prescribed fee.

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**Request for trial or hearing dates (P. 2, r. 7)**

- 7.—(1) An applicant must file a request for a trial or hearing date —
- (a) unless sub-paragraph (b) or (c) applies, within 14 days after the expiry of —
    - (i) the time for filing a notice to contest, if a notice to contest has not been filed within that time; or
    - (ii) the time for filing a reply, if a reply has not been filed within that time;
  - (b) in any simplified proceedings for divorce and judicial separation — at the time when the applicant files the matrimonial application for those proceedings; or
  - (c) at any other time that the Court may direct.
- (2) If the applicant fails to file the request for a trial or hearing date within the time specified in paragraph (1), any respondent may file the request in Form 6 and serve the request on all other parties.
- (3) Unless paragraph (4) applies, a request for a trial or hearing date must be in Form 6.
- (4) Where a request for a trial or hearing date relates to any simplified proceedings for divorce and judicial separation, the request must be in Form 2.
- (5) In this Rule and subject to paragraph (6), “applicant” does not include a respondent who files a cross-application.
- (6) Where an action proceeds only in respect of a cross-application, a reference to the applicant in paragraphs (1) and (2) is to be read as a reference to the respondent who filed the cross-application.

**Simplified proceedings for divorce and judicial separation (P. 2, r. 8)**

8.—(1) Despite any other provision of this Part, the applicant of a matrimonial application for divorce or judicial separation may apply for the proceedings for divorce or judicial separation (as the case may be) to be placed on a simplified hearing track in accordance with this Rule if the applicant and respondent agree, before the matrimonial

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application is filed, that the proceedings are to proceed on an uncontested basis.

(2) The applicant must file the matrimonial application for divorce or judicial separation (as the case may be) in accordance with Rule 2.

(3) The matrimonial application must be accompanied by the following:

- (a) the applicant's affidavit of evidence-in-chief verifying the contents of the matrimonial application;
- (b) the respondent's consent in Form 2 to the following:
  - (i) the matrimonial application;
  - (ii) the applicant's claims for ancillary relief, if the applicant and respondent have agreed on all the claims;
  - (iii) the manner in which the matrimonial application will be served on the respondent;
- (c) if a co-respondent is named in the matrimonial application — the co-respondent's consent to the following:
  - (i) the matrimonial application;
  - (ii) the manner in which the matrimonial application will be served on the co-respondent;
- (d) if the applicant is a prescribed party — one of the following documents:
  - (i) a certificate issued by a person appointed under section 94A(9)(b) of the Act to conduct a parenting programme that the applicant has completed a parenting programme;
  - (ii) a note issued under rule 5(1)(b) of the Women's Charter (Parenting Programme) Rules 2016 stating that the applicant is an excluded party;
  - (iii) a summons without notice filed pursuant to section 94A(4) of the Act;

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- (iv) the Court's approval under section 94A(4) of the Act;
  - (e) if the respondent is a prescribed party — one of the following documents:
    - (i) a certificate issued by a person appointed under section 94A(9)(b) of the Act to conduct a parenting programme that the respondent has completed a parenting programme;
    - (ii) a note issued under rule 5(1)(b) of the Women's Charter (Parenting Programme) Rules 2016 stating that the respondent is an excluded party;
    - (iii) the Court's approval under section 94A(4) of the Act.
- (4) If the applicant and respondent have agreed on some but not all of the applicant's claims for ancillary relief, the applicant must, within 3 days after the date the applicant files the matrimonial application in accordance with paragraph (2), additionally file a draft ancillary reliefs order stating the following:
- (a) the claims agreed on by the applicant and respondent;
  - (b) the terms of the agreement in respect of each claim mentioned in sub-paragraph (a).
- (5) Where the respondent intends to file a cross-application —
- (a) subject to paragraph (6), the respondent must file the cross-application in accordance with Rule 2 within 3 days after the date the applicant files the matrimonial application in accordance with paragraph (2); and
  - (b) the cross-application must be accompanied by the following documents:
    - (i) the applicant's consent to the cross-application;
    - (ii) the respondent's affidavit of evidence-in-chief verifying the contents of the cross-application.
- (6) Where a matrimonial application for divorce is accompanied by a summons without notice filed pursuant to section 94A(4) of the Act, the respondent must not file the cross-application until the Court has determined the application made under that provision.

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- (7) Rule 4 does not apply to the respondent where —
- (a) the applicant and respondent have not agreed on all claims for ancillary relief in the matrimonial application or cross-application, as the case may be; or
  - (b) the respondent wishes to file a cross-application.
- (8) The Court may place the matter on the simplified hearing track where —
- (a) the Court is satisfied that the documents mentioned in paragraphs (2) and (3) (and paragraph (4), if applicable) have been filed and are in order;
  - (b) subject to paragraph (9), the applicant’s affidavit of service in respect of the matrimonial application is filed within 14 days after the filing of the matrimonial application; and
  - (c) where the respondent has filed a cross-application —
    - (i) the Court is satisfied that the documents mentioned in paragraph (5) have been filed and are in order; and
    - (ii) subject to paragraph (10), the respondent’s affidavit of service in respect of the cross-application is filed within 14 days after the filing of the cross-application.
- (9) Where —
- (a) the applicant’s matrimonial application for divorce is accompanied by a summons without notice filed pursuant to section 94A(4) of the Act; and
  - (b) the Court, upon hearing that summons without notice, allows the applicant to file the matrimonial application for divorce,

the applicant’s affidavit of service in respect of the matrimonial application for divorce must be filed within 14 days after the date of the Court’s decision mentioned in sub-paragraph (b).

(10) Where —

- (a) the respondent's cross-application for divorce is accompanied by a summons without notice filed pursuant to section 94A(4) of the Act; and
- (b) the Court, upon hearing that summons without notice, allows the respondent to file the cross-application for divorce,

the respondent's affidavit of service in respect of the cross-application must be filed within 14 days after the date of the Court's decision mentioned in sub-paragraph (b).

(11) Where the Court places the matter on the simplified hearing track, the Court is to hear the matter —

- (a) not earlier than 5 days after the date of filing of the applicant's affidavit of service in respect of the matrimonial application, unless sub-paragraph (b) applies; or
- (b) where the respondent has filed a cross-application — not earlier than 5 days after the later of the following:
  - (i) the date of filing of the applicant's affidavit of service in respect of the matrimonial application;
  - (ii) the date of filing of the respondent's affidavit of service in respect of the cross-application.

### **Objection to interim judgment being made final (P. 2, r. 9)**

9.—(1) If any person (*P*) (including the Attorney-General) wishes to object to an interim judgment being made final, *P* must file a summons in Form 67 supported by an affidavit stating the grounds for *P*'s objections and the facts upon which *P* relies.

(2) Unless the Court otherwise directs, the summons and supporting affidavit mentioned in paragraph (1) must be served on the party in whose favour the interim judgment has been granted.

(3) Where the summons and supporting affidavit mentioned in paragraph (1) alleges an applicant's adultery with any person named, *P* must, unless the Court otherwise directs, additionally serve on the



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person named a copy of those documents containing only the allegations against the person named.

(4) The party in whose favour the interim judgment has been granted mentioned in paragraph (2), or the person named mentioned in paragraph (3) —

- (a) may file a reply affidavit within 14 days after being served with the summons and supporting affidavit; and
- (b) must serve the reply affidavit on *P*.

**Final judgment (P. 2, r. 10)**

**10.**—(1) The Court may issue final judgment at the application of —

- (a) the party in whose favour the interim judgment has been granted, if all of the conditions in paragraph (2) are satisfied; or
  - (b) the party against whom the interim judgment has been granted, in accordance with section 99(3)(a) of the Act.
- (2) The conditions mentioned in paragraph (1)(a) are the following:
- (a) at least 3 months (or any shorter period that the Court may fix under section 99(1) of the Act) have lapsed since the date of the interim judgment;
  - (b) the time for appealing against the interim judgment has lapsed;
  - (c) there is no pending appeal against the interim judgment;
  - (d) the hearing of all claims for ancillary relief have concluded at first instance;
  - (e) the application is made within the later of the following periods:
    - (i) 3 months after the date of the last hearing of any claim for ancillary relief;
    - (ii) one year after the date of the interim judgment;

(f) no application has been made under Rule 9 by any person who wishes to object to the interim judgment being made final.

(3) The Court may, on application by either party, make an order under section 99(1) of the Act.

(4) Despite paragraph (1), the Court may, on application by any party, issue final judgment even though —

- (a) the period of time specified in paragraph (2)(a) has not lapsed at the time of the application;
- (b) the hearing of all claims for ancillary relief has not concluded at first instance at the time of the application; or
- (c) the application is not made within the period of time specified in paragraph (2)(e).

**Failure to conduct claims for ancillary relief in timely manner  
(P. 2, r. 11)**

11.—(1) This Rule applies where —

- (a) an interim judgment or a judgment of judicial separation has been granted in a matrimonial application or cross-application; and
- (b) a party (*X*) fails to conduct *X*'s claims for ancillary relief in a timely manner.

(2) The Court may —

- (a) strike out any claim for ancillary relief by *X*; or
- (b) proceed to deal with any claim for ancillary relief by *X* in the absence of *X*.

**Applications under Chapter 4 or 5 of Part 10 of Act (P. 2, r. 12)**

12. Despite any other provision of these Rules, a claim for ancillary relief under Chapter 4 or 5 of Part 10 of the Act must be made in the matrimonial application.

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**Applications under section 121D of Act (P. 2, r. 13)**

13. Despite any other provision of these Rules, a person who seeks the permission of the Court under section 121D of the Act to make an application for an order for financial relief under Chapter 4A of Part 10 of the Act must file an originating application without notice in Form 13 supported by an affidavit setting out the evidence that is necessary or material to that application.

**Applications under section 121B of Act (P. 2, r. 14)**

14.—(1) Despite any other provision of these Rules, a person who makes an application under section 121B of the Act must file an originating application in Form 14 supported by all documents specified in that Form or any practice directions relating to that application.

(2) The applicant must serve on the respondent all of the following documents:

- (a) the originating application mentioned in paragraph (1);
- (b) in relation to the applicant's application under section 121D of the Act for the permission of the Court —
  - (i) the originating application without notice and supporting affidavit mentioned in Rule 13; and
  - (ii) the order of the Court granting permission.

(3) Where the respondent wishes to make a counterclaim to the applicant's claim for ancillary relief, the respondent is not required to file a cross-application.

**Applications under section 17A(2)(c) of Supreme Court of Judicature Act 1969 (P. 2, r. 15)**

15.—(1) Despite any other provision of these Rules, a person who makes an application for the disposition or division of property on divorce pursuant to section 17A(2)(c) of the Supreme Court of Judicature Act 1969 must file an originating application in Form 14 supported by all documents specified in that Form or any practice directions relating to such applications.

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(2) Where the respondent wishes to make a counterclaim to the applicant's claim for ancillary relief, the respondent is not required to file a cross-application.

### **Affidavits for claims for ancillary relief (P. 2, r. 16)**

**16.—**(1) The applicant and the respondent must file and exchange the First Ancillary Affidavit as follows:

- (a) in relation to a claim for ancillary relief made under Chapter 4 or 5 of Part 10 of the Act — within 28 days after the grant of an interim judgment or a judgment of judicial separation;
- (b) in relation to an application made under section 121B of the Act or section 17A(2)(c) of the Supreme Court of Judicature Act 1969 — within 28 days after the service of the originating application on the respondent.

(2) The First Ancillary Affidavit of a party must —

- (a) set out —
  - (i) in the case of the applicant, the applicant's claim for ancillary relief and the particulars of that claim; or
  - (ii) in the case of the respondent, the respondent's claim for ancillary relief and the particulars of that claim;
- (b) include all relevant evidence in support of the matters mentioned in sub-paragraph (a); and
- (c) include all documents specified in Form 15 that are relevant to the matters mentioned in sub-paragraph (a).

(3) After the parties have exchanged their First Ancillary Affidavits, the parties may file and exchange a Second Ancillary Affidavit as follows:

- (a) where the parties' First Ancillary Affidavits were exchanged on the same day — within 28 days after the date on which the First Ancillary Affidavits were exchanged, unless any party has filed an application for disclosure against any other party after that date;

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- (b) in any other case — within any time that the Court may direct.
- (4) The Second Ancillary Affidavit of a party —
- (a) must contain only the following:
- (i) the party’s response to the matters set out in the First Ancillary Affidavit filed by the other party;
  - (ii) the particulars of any relevant circumstances that occurred or came to the party’s knowledge after that party filed his or her First Ancillary Affidavit;
  - (iii) all relevant evidence in support of the matters in sub-paragraphs (i) and (ii); and
- (b) where the Court, pursuant to Rule 17(3), dispenses with the requirement for the party to file an affidavit mentioned in Part 9, Rule 11 — must be accompanied by the party’s list of disclosure.
- (5) Where a party’s Second Ancillary Affidavit refers to any document or information disclosed by the other party which is not included in the other party’s First or Second Ancillary Affidavit, the other party must file and serve on the firstmentioned party a Third Ancillary Affidavit that includes that document or information.
- (6) No further affidavit is to be received in evidence without the Court’s approval.
- (7) The Court may grant an application by a party for approval under paragraph (6) if the party —
- (a) seeks to introduce particulars of any relevant circumstances that occurred or came to the party’s knowledge only after the party filed his or her Second Ancillary Affidavit;
  - (b) seeks to introduce any relevant evidence which became available to the party only after the party filed his or her Second Ancillary Affidavit;

- (c) seeks to introduce any evidence to rebut any assertion or allegation made by the other party for the first time in that party's Second Ancillary Affidavit; or
- (d) satisfies the Court that there are any other special circumstances.

(8) Unless the Court otherwise allows, the parties in a claim for ancillary relief are to rely only on the affidavits allowed under this Rule.

### **Disclosure in claims for ancillary relief (P. 2, r. 17)**

**17.**—(1) Subject to this Rule, Part 9 of these Rules applies in relation to any claim for ancillary relief.

(2) An order for disclosure relating to a claim for ancillary relief must not be made against any party before the First Ancillary Affidavits of the applicant and the respondent have been filed unless, in the Court's opinion —

- (a) the order is necessary to prevent the disposal of a party's assets;
- (b) the order is made in conjunction with an order preventing the disposal of a party's assets; or
- (c) there are any other exceptional circumstances necessitating the making of the order.

(3) The Court may, in an application by a party for an order for disclosure under Part 9, dispense with the requirement for the person against whom the order for disclosure is made to file an affidavit mentioned in Part 9, Rule 11 and instead order that person to provide a copy of any document or information sought by the party and that person's list of disclosure by letter.

### **Binding summaries (P. 2, r. 18)**

**18.**—(1) The applicant and the respondent must, after all affidavits mentioned in Rule 16 have been filed and within any time that the Court may direct, sign and file a binding summary in Form 17 setting out a summary of the parties' respective positions in any proceedings arising from or relating to any matrimonial application or any

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originating application filed in relation to an application made under section 121B of the Act or section 17A(2)(c) of the Supreme Court of Judicature Act 1969, as the case may be.

(2) The summary of a party's position (called in this Rule the party's summary) in the binding summary —

- (a) must not be inconsistent with the party's position in that party's written submissions;
- (b) must not make or contain any submissions that may take the other party by surprise;
- (c) must not set out any evidence, or refer to any evidence which is not set out in any affidavit allowed under Rule 16; and
- (d) where the party's summary refers to any evidence set out in any affidavit allowed under Rule 16 in support of the party's position on any issue, must include accurate references to the affidavit or part of the affidavit in which that evidence is set out.

(3) A party is bound by his or her position as set out in the party's summary unless the Court otherwise allows.

(4) The Court may treat the evidence in respect of which a party has included references in the party's summary in accordance with paragraph (2)(d) as conclusive as to the evidence that party relies upon in support of his or her position on any issue.

(5) Where the binding summary discloses any material fact or question of law as agreed by the applicant and the respondent, the Court may make any orders on that fact or question of law that it thinks fit.

(6) A party must not amend the binding summary except with the Court's approval.

(7) The Court may, if it thinks fit in an appropriate case, dispense with the filing of the binding summary.

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**Variation of orders (P. 2, r. 19)**

19.—(1) A party seeking to vary an order made in any proceedings under this Part after the conclusion of the proceedings must file a summons supported by affidavit.

(2) Where a party files a summons mentioned in paragraph (1) more than one year after the date of the last order made in the proceedings, the summons must be served personally on the other party in those proceedings and any other person who may be affected by the variation of the order.

(3) A party who wishes to bring a new claim for ancillary relief after the conclusion of any proceedings under this Part must obtain the Court's approval by filing a summons without notice.

**Non-parties (P. 2, r. 20)**

20.—(1) This Rule applies to —

- (a) any claim for ancillary relief; and
- (b) any claim for avoidance of disposition of matrimonial assets.

(2) Where a claim mentioned in paragraph (1) discloses any person who is not a party (called in this Rule a non-party) to whom any matrimonial asset is transferred, settled or otherwise entitled in any manner, the party making the claim (*X*) must serve the non-party with the following documents:

- (a) *X*'s First Ancillary Affidavit;
- (b) the originating application for ancillary relief filed by *X*, where *X*'s claim is made in relation to an application under section 121B of the Act or section 17A(2)(c) of the Supreme Court of Judicature Act 1969;
- (c) the summons filed by *X*, where *X*'s claim is made in relation to his or her claim for avoidance of disposition of matrimonial assets.

(3) A non-party who wishes to object to the claim made by *X* must file and serve a reply affidavit within 28 days after the date of service of the documents mentioned in paragraph (2) on the non-party.



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PART 3  
QUASI-CRIMINAL PROCEEDINGS

*Division 1 — General*

**Application of this Part (P. 3, r. 1)**

1. This Part applies to the following proceedings:
  - (a) an application under Part 7 of the Women’s Charter 1961;
  - (b) an application under Part 8 or 9 of the Women’s Charter 1961;
  - (c) an application to enforce, under section 10 of the Maintenance of Parents Act 1995, a maintenance order made under that Act;
  - (d) an application to enforce, under section 53(1) of the Administration of Muslim Law Act 1966, an order of the Syariah Court;
  - (e) an application —
    - (i) for an order under section 3 of the Maintenance Orders (Reciprocal Enforcement) Act 1975 to send a maintenance order made by a court in Singapore to a reciprocating country (within the meaning of that Act) for enforcement;
    - (ii) for a provisional maintenance order under section 4(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1975;
    - (iii) to vary or revoke, under section 5 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, a maintenance order to which that section applies;
    - (iv) to enforce, under section 8 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, a maintenance order registered or confirmed under that Act by a court in Singapore; or
    - (v) to vary or revoke, under section 9 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, a

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maintenance order registered in a court in Singapore under that Act;

- (f) any proceeding to confirm, under section 7 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, a provisional maintenance order made by a court in a reciprocating country within the meaning of that Act;
- (g) an application —
  - (i) under section 7(3), 10(4) or 11(2) of the Vulnerable Adults Act 2018;
  - (ii) under section 12 of the Vulnerable Adults Act 2018 for one or more orders under section 14 or 15 of that Act;
  - (iii) under section 17 of the Vulnerable Adults Act 2018 to vary, suspend or revoke an order made under section 14(1) or 15 of that Act; or
  - (iv) for an order under section 22(4) of the Vulnerable Adults Act 2018;
- (h) an application for an order under section 54, 55, 56, 57 (read with section 56), 58 or 59 of the Children and Young Persons Act 1993.

## **Definitions of this Part (P. 3, r. 2)**

### **2. In this Part —**

“Category 1 proceedings” —

- (a) means any of the following proceedings:
  - (i) an application for an order under Part 7, 8 or 9 of the Women’s Charter 1961;
  - (ii) an application under section 53(1) or 53(6) (read with section 53(1)) of the Administration of Muslim Law Act 1966;
  - (iii) an application under section 10 of the Maintenance of Parents Act 1995; and

(b) includes any maintenance proceedings or personal protection order proceedings;

“Category 2 proceedings” means an application under section 3, 5, 8 or 9 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, a complaint under section 4(1) of that Act or any proceedings under section 7 of that Act;

“Category 3 proceedings” means any Category 3A proceedings or Category 3B proceedings;

“Category 3A proceedings” means an application under —

(a) section 7(3), 10(4) or 11(2) of the Vulnerable Adults Act 2018;

(b) section 12 of the Vulnerable Adults Act 2018 for an order under section 14(1)(a), (b), (c), (d) or (j) of that Act;

(c) section 12 of the Vulnerable Adults Act 2018 for an order under section 14(1)(i) of that Act, where —

(i) the application for that order is made together with an application for an order mentioned in paragraph (b); or

(ii) the application relates to that order only;

(d) section 17 of the Vulnerable Adults Act 2018 to vary, suspend or revoke any order mentioned in paragraph (b) or (c); or

(e) section 22(4) of the Vulnerable Adults Act 2018;

“Category 3B proceedings” means an application under —

(a) section 12 of the Vulnerable Adults Act 2018 for —

(i) an order under section 14(1)(e), (f), (g) or (h) or 15 of that Act; or

(ii) an order under section 14(1)(i) of that Act, where the application for that order is made together with an application for any order mentioned in sub-paragraph (i); or

(b) section 17 of the Vulnerable Adults Act 2018 to vary, suspend or revoke any order mentioned in paragraph (a);

“Category 4 proceedings” means an application for an order under section 54, 55, 56, 57 (read with section 56), 58 or 59 of the Children and Young Persons Act 1993;

“Code” means the Criminal Procedure Code 2010;

“maintenance enforcement proceedings” means —

(a) any proceedings under section 71 of the Women’s Charter 1961;

(b) any proceedings in relation to an order for maintenance made by the Syariah Court under the Administration of Muslim Law Act 1966;

(c) any proceedings in relation to an order for maintenance made under the Maintenance of Parents Act 1995; or

(d) any proceedings in relation to a maintenance order, as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, which is registered or confirmed by the court under that Act;

“maintenance proceedings” means either of the following proceedings:

(a) any proceedings under Part 8 (excluding section 71) of the Women’s Charter 1961;

(b) any maintenance enforcement proceedings;

“personal protection order proceedings” means any proceedings under Part 7 of the Women’s Charter 1961.

### **Application of Rules (P. 3, r. 3)**

**3.—**(1) The following provisions of these Rules apply to and in relation to Category 1 proceedings, subject to the modifications in paragraph (8):

Parts 1, 19, 21, 24, 25 and 26

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Part 5, Rules 15 and 16(2)

Part 6, Rules 1, 7, 9, 10, 11, 13 and 14

Part 7, Rule 17

Part 8, Rules 1, 2, 3, 4 (except paragraphs (2) and (3)), 5, 7, 10, 12(4), 13, 14 and 17

Part 10, Rule 2

Part 18, Rules 1 and 2

Part 22, excluding Rules 10, 11, 12, 24 and 27

Part 28, Divisions 1 and 3.

(2) The following provisions of these Rules apply to all maintenance proceedings, in addition to the provisions set out in paragraph (1):

Parts 4 and 9

Part 15, excluding Rules 5, 7, 11, 20, 35, 37 and 38.

(3) The following provisions of these Rules apply to all personal protection order proceedings, in addition to the provisions set out in paragraph (1):

Part 15, excluding Rules 5, 7, 11, 20, 35, 37 and 38.

(4) The following provisions of these Rules apply to and in relation to Category 2 proceedings, subject to the modifications in paragraph (8):

Parts 1, 19, 21, 24, 25 and 26

Part 6, Rules 1, 7, 9, 10, 11, 13 and 14

Part 7, Rule 17

Part 8, Rules 1, 2, 3, 4 (except paragraphs (2) and (3)), 5, 7, 10, 12(4), 13, 14 and 17

Part 10, Rule 2

Part 15, excluding Rules 5, 7, 11, 20, 35, 37 and 38

Part 18, Rules 1 and 2

Part 22, excluding Rules 10, 11, 12, 24 and 27

Part 28, Divisions 1 and 3.

(5) The following provisions of these Rules apply to and in relation to Category 3A proceedings, subject to the modifications in paragraph (8):

Parts 1, 19, 21, 24, 25 and 26

Part 5, Rules 15 and 16(2)

Part 6, Rules 1, 7, 9, 10, 11, 13 and 14

Part 7, Rule 17

Part 8, Rules 1, 2, 3, 4, 5, 7, 10, 12(4), 13, 14 and 17

Part 10, Rule 2

Part 15, excluding Rules 5, 7, 11, 20, 35, 37 and 38

Part 18, Rules 1 and 2

Part 22, excluding Rules 10, 11, 12, 24 and 27

Part 28, Divisions 1 and 3.

(6) The following provisions of these Rules apply to and in relation to Category 3B proceedings, subject to the modifications in paragraph (8):

Parts 1, 19, 21, 24, 25 and 26

Part 5, Rules 15 and 16(2)

Part 6, Rules 1, 7, 9, 10, 11, 13 and 14

Part 7, Rule 17

Part 8, Rules 1, 2, 3, 4 (except paragraphs (2) and (3)), 5, 7, 10, 12(4), 13, 14 and 17

Part 10, Rule 2

Part 15, excluding Rules 5, 7, 11, 20, 35, 37 and 38

Part 18, Rules 1 and 2

Part 22, excluding Rules 10, 11, 12, 24 and 27

Part 28, Divisions 1 and 3.

(7) The following provisions of these Rules apply to and in relation to Category 4 proceedings:

Parts 1, 24, 25 and 26

Part 8, Rules 1, 2, 3, 4, 5(1), 7, 10, 12(4), 13, 14 and 17

Part 10, Rule 2

Part 15, excluding Rules 3, 5, 7, 11, 20, 35, 37 and 38

Part 18, Rules 1 and 2

Part 22, excluding Rules 10, 11, 12, 24 and 27

Part 28, Divisions 1 and 4.

(8) The modifications mentioned in paragraphs (1), (4), (5) and (6) are the following:

(a) any reference to an originating application in Part 6, Rule 11 is to be read as a reference to an application to commence any Category 1 proceedings, Category 2 proceedings, Category 3A proceedings or Category 3B proceedings (as the case may be) that is made in accordance with Rule 6;

(b) any reference to a case conference in any provision of these Rules specified in those paragraphs is to be read as a reference to a court session fixed for the parties or respondent (as the case may be) to appear before the court.

#### **Application of Code (P. 3, r. 4)**

4.—(1) For the purposes of section 79(4)(b)(ii) of the Women's Charter 1961, an application in any Category 1 proceedings is to be dealt with in accordance with only the provisions of the Code set out in the Second Schedule.

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(2) An application in any Category 2 proceedings is to be dealt with in accordance with only the provisions of the Code set out in the Second Schedule.

(3) For the purposes of section 13(1)(b)(ii) of the Vulnerable Adults Act 2018 —

- (a) an application in any Category 3A proceedings is to be dealt with in accordance with only sections 3, 151 and 152 of the Code; and
- (b) an application in any Category 3B proceedings is to be dealt with in accordance with only the provisions of the Code set out in the Second Schedule.

(4) For the purposes of section 53(1)(b)(ii) of the Children and Young Persons Act 1993, an application in any Category 4 proceedings is to be dealt with in accordance with the provisions of the Code set out in the Second Schedule, other than the following provisions of the Code:

Sections 153, 238(2) and (4), 283 and 429(1), (3), (14), (17) and (21).

(5) Sections 406, 407, 408, 408A(1)(b), (2), (3) and (4), 408B and 409 of the Code apply in relation to an application in any Category 4 proceedings (called in this paragraph the relevant application) as it applies to a criminal motion, subject to the following modifications:

- (a) any reference to a relevant court in any of those sections is to be read as a reference to the Family Division;
- (b) any reference to a criminal motion in any of those sections is to be read as a reference to the relevant application;
- (c) the reference to a prescribed form in section 407(1) of the Code is to be read as a reference to Form 72 as set out in the Schedule to the Criminal Procedure Rules 2018 (G.N. No. S 727/2018), with any modifications that the relevant application may require;



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(d) the reference to an officer of the Registry of the Supreme Court is to be read as a reference to an officer of the Registry of the Family Justice Courts.

(6) The following provisions of Division 1 of Part 20 of the Code apply in relation to an appeal from a decision of the Youth Court to the Family Division in respect of any Category 4 proceedings as it applies in relation to an appeal mentioned in those provisions, subject to the modifications in paragraph (7):

(a) section 377(1), (2), (3), (5), (6) and (6A);

(b) sections 378, 379 (except for the reference to the Public Prosecutor), 380, 381, 383, 384, 385, 387, 388, 390(1)(d), 392, 393 and 394.

(7) The modifications mentioned in paragraph (6) are the following:

(a) any reference to a trial court is to be read as a reference to the Youth Court;

(b) any reference to a criminal case or matter is to be read as a reference to an application in the Category 4 proceedings concerned;

(c) any reference to an appellate court is to be read as a reference to the Family Division;

(d) any reference to a Registrar of the Supreme Court is to be read as a reference to the Registrar of the Family Justice Courts;

(e) any reference to a judgment or sentence of a trial court is to be omitted.

### **Application of Evidence Act 1893 (P. 3, r. 5)**

5. Section 62A of the Evidence Act 1893 applies in relation to an application in any proceedings to which this Part applies, if the application involves the giving of evidence through a live video link or live television link.

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**Mode of commencement of proceedings (P. 3, r. 6)**

6. Unless otherwise provided in this Part, an application to commence any proceedings to which this Part applies must be made in the same manner as an application for a summons is made under the Code.

**Examination of written complaint (P. 3, r. 7)**

7.—(1) This Rule applies despite anything in section 151(2) of the Code.

(2) An applicant may make an application in any proceedings to which this Part applies by filing a written complaint in Form 23 or Form 35.

(3) Paragraphs (4) and (5) apply in relation to a written complaint mentioned in paragraph (2) that relates to —

(a) an application under Part 7 or 8 of the Women’s Charter 1961; or

(b) an application in any Category 3B proceedings.

(4) Where the written complaint is made by the applicant, the written complaint must contain a declaration by the applicant that —

(a) the matters stated in the written complaint are true and correct; and

(b) the applicant understands that the applicant commits an offence under section 199 of the Penal Code 1871 if the applicant makes, in the written complaint, any statement which is false, and which the applicant knows or believes to be false or does not believe to be true, touching any point material to the object for which the written complaint is made or used.

(5) Where the written complaint is made on behalf of the applicant, the written complaint must contain a declaration by an authorised agent of an authorised user that —

(a) the authorised agent has verified the identity of the applicant; and

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- (b) the authorised agent has read the matters stated in the written complaint over to the applicant in a language that the applicant understands, and the applicant has confirmed that those matters are true and correct.

(6) Where an application under Part 8 of the Women’s Charter 1961 is made by an applicant who is represented by an advocate and solicitor, the Magistrate to whom the complaint is made may, instead of complying with section 151(2)(a) of the Code, allow the applicant to submit a written complaint which satisfies all of the following requirements:

- (a) the written complaint has been sworn or affirmed by the applicant before a commissioner for oaths or any other person duly authorised to administer oaths and affirmations;
- (b) the written complaint contains a declaration by the applicant that —
- (i) the matters stated in the written complaint are true and correct; and
  - (ii) the applicant understands that the applicant commits an offence under section 199 of the Penal Code 1871 if the applicant makes, in the written complaint, any statement which is false, and which the applicant knows or believes to be false or does not believe to be true, touching any point material to the object for which the written complaint is made or used.

(7) The Court may, after examining the written complaint under paragraphs (4), (5) and (6) —

- (a) postpone consideration of the matter until after the Court has examined the applicant in person on oath or affirmation;
- (b) exercise any of the powers under section 151(2)(b) of the Code; or
- (c) dismiss the written complaint if the Court decides that there is insufficient reason to proceed.

(8) In paragraph (5) —

“authorised agent” means a person who is designated by an authorised user of the iFAMS under Part 28, Rule 20;

“authorised user” means an individual or entity who is designated as an authorised user of the iFAMS under Part 28, Rule 20;

“iFAMS” has the meaning given by Part 28, Rule 2.

### **Issuance of summons or Notice of Application (P. 3, r. 8)**

**8.—**(1) If the Court, after examining a written complaint relating to any Category 1 proceedings, Category 2 proceedings or Category 3B proceedings, decides that there is sufficient reason to proceed with those proceedings, the Court must issue a summons for the attendance of the respondent in accordance with the Code with any modifications that may be necessary.

(2) If the Court, after examining a written complaint relating to any Category 3A proceedings, decides that there is sufficient reason to proceed with the proceedings, the Court must issue a Notice of Application.

### **Service of summons or Notice of Application (P. 3, r. 9)**

**9.—**(1) This Rule applies to and in relation to the following:

(a) a summons relating to any Category 1 proceedings, Category 2 proceedings or Category 3B proceedings;

(b) a Notice of Application relating to any Category 3A proceedings.

(2) Despite anything in the Code, a summons or Notice of Application mentioned in paragraph (1) may be served on a person —

(a) by delivering a copy of the summons or Notice of Application to that person personally;

(b) by sending a copy of the summons or Notice of Application by prepaid registered post to the last known address of the place of residence or business of that person;

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- (c) by leaving a copy of the summons or Notice of Application at the last known address of the place of residence or business of that person in an envelope addressed to that person;
  - (d) by affixing a copy of the summons or Notice of Application in a conspicuous place at the person's last known residential address or business address;
  - (e) by transmitting a copy of the summons or Notice of Application to that person's electronic mail address in accordance with paragraph (3);
  - (f) by transmitting a copy of the summons or Notice of Application to an electronic address, represented by a mobile telephone number, in a messaging system specified by that person in accordance with paragraph (4); or
  - (g) where the last known address of the place of residence, and the last known address of the place of business, of that person cannot be ascertained with reasonable diligence, by publishing a copy of the summons or Notice of Application in the *Gazette*.

(3) A summons or Notice of Application mentioned in paragraph (1) may be served on a person in accordance with paragraph (2)(e) only if both of the following conditions are satisfied:

- (a) the person gives prior written consent for the summons or Notice of Application to be served in the manner specified in paragraph (2)(e);
- (b) the person specifies, in that written consent, the electronic mail address to which the summons or Notice of Application is to be transmitted.

(4) A summons or Notice of Application mentioned in paragraph (1) may be served on a person in accordance with paragraph (2)(f) only if both of the following conditions are satisfied:

- (a) the person gives prior written consent for the summons or Notice of Application to be served in the manner specified in paragraph (2)(f);

- (b) the person specifies, in that written consent, the electronic address, represented by a mobile telephone number, in a messaging system to which the summons or Notice of Application is to be transmitted.

(5) In this Rule, “messaging system” means an information system that enables the transmission, through the Internet or a mobile telephone network, of messages (in whatever form).

**Applicant’s reasons for or grounds of application to commence proceedings (P. 3, r. 10)**

**10.—**(1) This Rule applies in any of the following circumstances:

- (a) in any Category 3A proceedings —
- (i) a Notice of Application is issued against the respondent, and the respondent does not consent to the application; or
  - (ii) a Notice of Application is served on a person in accordance with Rule 47, and that person objects to the application to which the Notice of Application relates;
- (b) in any other proceedings — a summons or Notice of Application (as the case may be) is issued against the respondent, and the respondent does not consent to the application.

(2) A copy of the following must be provided to the applicant and respondent, unless either party informs the Court that he or she does not require such a copy:

- (a) the applicant’s reasons for or grounds of the application;
- (b) the facts the applicant relies on in support of the application.

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**Proof of service (P. 3, r. 11)**

**11.**—(1) Unless paragraph (2) applies, where a summons or Notice of Application is served under Rule 9, the person who served the summons or Notice of Application must file an affidavit in Form 25 of such service.

(2) Where a summons relating to any Category 1 proceedings, Category 2 proceedings or Category 3B proceedings is served under Rule 9 by a process server of the Court on behalf of an applicant, the process server must file a declaration in Form 26 of the service.

(3) Despite section 119 of the Code, the following are admissible in evidence:

- (a) an affidavit of service that is filed in accordance with paragraph (1);
- (b) a declaration of service that is filed in accordance with paragraph (2).

**Interlocutory applications (P. 3, r. 12)**

**12.**—(1) Despite anything in this Part, this Rule applies to any of the following applications made after the commencement of any proceedings to which this Part applies:

- (a) an application in relation to any interlocutory matter, arising in the course of any Category 1 proceedings or Category 3 proceedings, that is specified in any practice directions;
- (b) an application to stay any order made in the course of any Category 1 proceedings or Category 3 proceedings;
- (c) an application for an order under section 11A(2)(c), (d) or (e) or (3)(a), (b), (c), (d) or (e) of the Family Justice Act 2014 to be made in relation to any order made in any Category 1 proceedings, Category 2 proceedings or Category 3 proceedings;
- (d) an application for an order under section 11A(5)(c), (d) or (e) or (6)(a), (b), (c), (d) or (e) of the Family Justice Act 2014 to be made in relation to any Category 1

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proceedings, Category 2 proceedings or Category 3 proceedings that are pending;

- (e) an application for the permission of the Court —
  - (i) to do anything otherwise prohibited under an order made under section 11A(2)(c) or (d), (3)(c) or (d), (5)(c) or (d) or (6)(c) or (d) of the Family Justice Act 2014; or
  - (ii) under section 11A(2)(e), (3)(e), (5)(e) or (6)(e) of the Family Justice Act 2014 (as the case may be) to file any application to amend, vary or discharge any other order specified in sub-paragraph (c) or (d);
- (f) an application to stay proceedings under section 53(6) read with section 53(1) of the Administration of Muslim Law Act 1966;
- (g) an application to extend the time to appeal against any order made in the course of any Category 1 proceedings, Category 2 proceedings or Category 3 proceedings;
- (h) an application to revoke or set aside any order made against a person pursuant to an application mentioned in sub-paragraph (a), (b), (c), (d), (e), (f) or (g) in the absence of that person;
- (i) an application to revoke or set aside an order made against a person pursuant to section 22(4) of the Vulnerable Adults Act 2018 in the absence of that person.

(2) The following provisions of these Rules apply to and in relation to any application mentioned in paragraph (1) with the necessary modifications:

Part 5, Rules 15 and 16(2)

Part 7, Rule 4

Part 8, Rules 9 and 12

Part 15, Rule 1(1)

Part 16, Rules 2 and 4.



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**Persons under disability (P. 3, r. 13)**

**13.—**(1) This Rule applies despite anything in Part 6, Rule 9(3).

(2) The litigation representative of a person under disability must act by a solicitor, unless the Court otherwise allows.

(3) In paragraph (2), “person under disability” has the meaning given by Part 6, Rule 7.

**Dispensation of attendance of party (P. 3, r. 14)**

**14.** The Court may dispense with the personal attendance of any party and allow that party to appear by the party’s solicitor.

**Absence of respondent — Category 1 proceedings, Category 2 proceedings and Category 3B proceedings (P. 3, r. 15)**

**15.—**(1) This Rule applies to and in relation to any Category 1 proceedings, Category 2 proceedings or Category 3B proceedings.

(2) Subject to paragraph (3), the Court may proceed, in the absence of the respondent to any proceedings mentioned in paragraph (1), to hear and determine the application if —

(a) the respondent —

(i) does not appear at the time and place mentioned in the summons relating to the application that is issued under Rule 8; or

(ii) without reasonable excuse, does not appear at the time and place to which the application is adjourned;

(b) the Court is satisfied that the summons was duly served on the respondent a reasonable time before the time mentioned for appearing; and

(c) no sufficient ground is shown for an adjournment.

(3) Where the Court in any maintenance enforcement proceedings intends to impose a sentence of imprisonment on the respondent under section 71(1)(b) of the Women’s Charter 1961, the Court must, before imposing the sentence of imprisonment —

(a) require the respondent to attend in person; and

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(b) give the respondent the opportunity —

- (i) to prove to the satisfaction of the Court that the respondent has made the payment or payments required to be made under a maintenance order; or
- (ii) to show cause for the respondent's failure to make the payment or payments.

(4) An order made under paragraph (2) must indicate that the order was made in the absence of the respondent.

(5) An order made under paragraph (2) must be served in the same manner as the summons issued under Rule 8.

**Absence of respondent — Category 3A proceedings and Category 4 proceedings (P. 3, r. 16)**

**16.—**(1) This Rule applies to and in relation to any Category 3A proceedings or Category 4 proceedings.

(2) Where the respondent to an application in any proceedings mentioned in paragraph (1) fails to attend any hearing for the application, and the Court is satisfied that the respondent has been notified of the hearing, the Court may make any order that the Court thinks fit.

**Issuance of orders and documents (P. 3, r. 17)**

**17.—**(1) Where an order or a document, other than one which is required by these Rules to be served personally, is required to be transmitted, delivered or otherwise conveyed by the Court to any person, the Court may do so using electronic means.

(2) Paragraph (1) does not apply to any order or document that is required to be transmitted, delivered or otherwise conveyed by the Court to any person in relation to any Category 4 proceedings.

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*Division 2 — Category 1 proceedings*

**Service of expedited order (P. 3, r. 18)**

**18.**—(1) This Rule applies to an expedited order made under section 66(1) of the Women’s Charter 1961.

(2) An expedited order must be served on the respondent against whom it is made by delivering a copy to the respondent personally.

(3) Where the respondent cannot be found with reasonable diligence, an expedited order may be served on the respondent in accordance with Rule 9(2)(b), (c), (d), (e) or (f).

**Affidavit evidence (P. 3, r. 19)**

**19.**—(1) In any maintenance proceedings, the applicant and the respondent —

(a) must, within the time directed by the Court, file one affidavit each; and

(b) may, with the Court’s approval and within the time directed by the Court, file one reply affidavit each.

(2) In any personal protection order proceedings, the applicant and the respondent must, within the time directed by the Court, file one affidavit each.

(3) In any maintenance proceedings or personal protection order proceedings, a witness must, within the time directed by the Court, file one affidavit.

(4) No further affidavit is to be received in evidence without the Court’s approval.

**Maintenance record officer (P. 3, r. 20)**

**20.**—(1) The Court may, for the purposes of any proceedings under section 69, 71 or 72 of the Women’s Charter 1961 (called in this Rule the applicable proceedings), appoint a public officer (called in this Rule a maintenance record officer) to do the following:

(a) obtain from the parties documents and information relating to —

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- (i) the financial circumstances of each party;
  - (ii) the amount of any maintenance that has not been paid and the reasons (if any) why the maintenance was not paid; and
  - (iii) whether the party liable to pay the maintenance is able to pay that amount or any part of that amount;
- (b) prepare for the Court a written report setting out the opinion of the maintenance record officer on the matters mentioned in sub-paragraph (a).

(2) The Court may, on its own motion or at the request of a maintenance record officer, order a party to the applicable proceedings to produce to a maintenance record officer any document in that party's possession or control that the Court considers relates to any matter mentioned in paragraph (1)(a).

(3) An order made under paragraph (2) has the same force and effect as an order for disclosure made under Part 9 of these Rules.

(4) Where —

- (a) an order under paragraph (2) is made against a party to the applicable proceedings; and
- (b) that party fails to comply with the order,

Part 9, Rule 16 applies to that party as if the order were an order for disclosure made under Part 9 of these Rules.

(5) Where the maintenance record officer prepares a written report under paragraph (1)(b), the following apply:

- (a) the Court must make the report available to the parties to the applicable proceedings;
- (b) the Court may admit the report as evidence of the matters stated in the report in the applicable proceedings;
- (c) the maintenance record officer need not attend the applicable proceedings unless the Court or any party wishes to examine the maintenance record officer.

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(6) A party who wishes to examine a maintenance record officer during a hearing of the applicable proceedings must submit to the Court, at least 5 days before the date of that hearing, a written request to examine the maintenance record officer during that hearing.

(7) A maintenance record officer is an officer of the Family Justice Courts, but need not be employed by those Courts.

**Disclosure in maintenance proceedings (P. 3, r. 21)**

**21.**—(1) Subject to this Rule, Part 9, Rules 1, 2, 3, 4, 7, 8, 11, 12, 13, 14, 15, 16 and 17 of these Rules apply in relation to the disclosure of documents in maintenance proceedings.

(2) A party in any maintenance proceedings may seek disclosure of any document in the possession or control of any other party.

(3) A party (called in this Rule the requesting party) may request for disclosure in accordance with paragraph (2) by filing a request for disclosure of documents in Form 31 at the time the requesting party files an affidavit under Rule 19.

(4) The requesting party must, in the request for disclosure of documents, properly identify the document or documents sought from the other party.

(5) The other party who receives the request for disclosure of documents (called in this Rule the disclosing party) may provide the document or documents identified in that request in the disclosing party's reply affidavit filed under Rule 19.

(6) Where the requesting party is dissatisfied with the disclosing party's response to the requesting party's request for disclosure of documents, the requesting party may apply to the Registrar for an order for disclosure against the disclosing party.

(7) An application by the requesting party under paragraph (6) —

(a) must be in Form 32; and

(b) must rely only on any evidence in —

(i) the request for disclosure of documents filed by the requesting party under paragraph (3);

- (ii) any affidavit filed in accordance with Rule 19; and
- (iii) any further affidavit filed by the requesting party in support of the application as the Court may allow.

(8) No affidavit may be filed by the disclosing party in response to an application by the requesting party under paragraph (6) except with the Court’s approval.

(9) The Registrar may, in determining the costs to be awarded to the requesting party in relation to an application under paragraph (6), have regard to —

- (a) whether the disclosing party, prior to the hearing of the application, provided any document or documents identified in the requesting party’s request for disclosure of documents under paragraph (3); and
- (b) the disclosing party’s reasons for not providing any document identified in that request.

### **Court’s power to order production of documents (P. 3, r. 22)**

**22.** The Court may, of its own accord and at any time, order any party in any maintenance proceedings to produce a copy of any document that is in the party’s possession or control.

#### *Division 3 — Enforcement orders for attachment of debt under Part 8 of Women’s Charter 1961*

### **Definitions and application of this Division (P. 3, r. 23)**

**23.—**(1) In this Division —

“enforcement applicant” means a party who applies for or has obtained an enforcement order because the party is entitled to enforce a maintenance order;

“enforcement order” means an enforcement order for attachment of a debt under section 71(1)(c) of the Women’s Charter 1961;

“enforcement respondent” means a party against whom an enforcement order is sought or made;

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“maintenance order” has the meaning given by section 80 of the Women’s Charter 1961;

“non-party” means a person against whom an enforcement order is issued to attach a debt due from that person to the enforcement respondent, and includes a bank or other financial institution.

(2) Part 23 does not apply to or in relation to an application for an enforcement order.

**Application for enforcement order for attachment of debt  
(P. 3, r. 24)**

**24.** An application for an enforcement order must be made in Form 23.

**Enforcement orders for attachment of debt (P. 3, r. 25)**

**25.—**(1) Subject to any written law, an enforcement order authorises the enforcement applicant to attach a debt which is due to the enforcement respondent from any non-party, whether immediately or at some future date or at certain intervals in the future, including where the debt which is due to the enforcement respondent is represented by a deposit of money by the enforcement respondent in a non-party that is a financial institution, whether or not the deposit has matured and despite any restriction as to the mode of withdrawal.

(2) An enforcement order is valid beginning with the date of issue, and ceases to be valid after the earliest of the following:

- (a) the enforcement applicant informs the Court that the enforcement respondent has satisfied the maintenance order;
- (b) the enforcement applicant requests that the Court withdraws the attachment of the debt;
- (c) the non-party hands or pays over to the enforcement applicant the debt due to the enforcement respondent;
- (d) the enforcement applicant consents to the release of the debt under Rule 29(3);

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- (e) the Court orders the release of the debt pursuant to an application under Rule 29(4);
  - (f) the Court orders the withdrawal of the attachment of the debt under Rule 31.

### **Discharge of non-party (P. 3, r. 26)**

**26.** Any payment made by a non-party in compliance with an enforcement order under Rule 25(1), and any execution of an enforcement order against that person pursuant to the order, is a valid discharge of that person's liability to the enforcement respondent to the extent of the amount paid or realised even if the proceedings for the enforcement order are subsequently set aside or the maintenance order from which they arose is reversed or varied.

### **Money in Court (P. 3, r. 27)**

**27.—(1)** Where money is standing to the credit of the enforcement respondent in Court, the enforcement applicant is not entitled to an enforcement order in respect of that money but may apply to the Court by originating application or summons for an order that the money or so much of the money as is sufficient to satisfy the maintenance order sought to be enforced and the costs of the application be paid to the enforcement applicant.

(2) Despite Rule 3(3) and subject to paragraphs (3) to (6), the provisions of these Rules apply to an originating application or summons issued under this Rule.

(3) On issuing an originating application or a summons under this Rule, the enforcement applicant must produce the originating application or summons (as the case may be) at the office of the Accountant-General and leave a copy at that office, and the money to which the application relates must not be paid out of Court until after the determination of the application.

(4) If the application is dismissed, the enforcement applicant must give notice of that fact to the Accountant-General.

(5) Unless the Court otherwise directs, the originating application or summons must be served on the enforcement respondent at least



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7 days before the day named in the originating application or summons (as the case may be) for the hearing of the application.

(6) The Court hearing an application under this Rule may make any order with respect to the money that the Court thinks fit.

**How enforcement order for attachment of debt is carried out  
(P. 3, r. 28)**

**28.—**(1) An enforcement order is carried out by the enforcement applicant —

- (a) in respect of an enforcement order for attachment of a debt due to the enforcement respondent from a non-party that is a financial institution as represented by a deposit of money, whether or not the deposit has matured and despite any restriction as to the mode of withdrawal — by serving a notice of attachment on the financial institution in respect of the deposit in the institution; or
- (b) in respect of an enforcement order for attachment of a debt due to the enforcement respondent from any other non-party — by serving a notice of attachment on the non-party from which money is due to the enforcement respondent, whether the money is due immediately or at some future date or at certain intervals in the future.

(2) The notice of attachment must be in Form 34.

(3) Unless the Court otherwise directs, the enforcement applicant must serve the notice of attachment on the non-party by registered post.

(4) When an attachment has been effected under paragraph (1), a copy of the notice of attachment must be served on the enforcement respondent in accordance with Rule 9(2) within 7 days after effecting the attachment, unless the Court otherwise directs in the enforcement order for attachment of a debt.

(5) A non-party who is served with a notice of attachment is entitled to claim costs of \$100 from the enforcement applicant but only if the claim is made within 14 days after service, and the non-party may deduct that amount from the debt owing from the non-party to the

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enforcement respondent which is attached under the notice of attachment prior to handing or paying over the sums mentioned in paragraph (7).

- (6) A non-party who is served with a notice of attachment —
- (a) must, within 14 days after service of the notice of attachment, inform the Court and the enforcement applicant of the amount owing by the non-party to the enforcement respondent that is available to be attached; and
  - (b) must not deal with the attached amount —
    - (i) if a notice of objection is filed under Rule 29 — until after the notice of objection has been determined in the manner set out in that Rule; or
    - (ii) in any other case — until after 21 days have passed after the date of service of the notice of attachment.

(7) If no notice of objection is filed under Rule 29, the non-party must hand or pay over to the enforcement applicant the money due to the enforcement applicant.

### **Claims and objections to attachment (P. 3, r. 29)**

**29.—**(1) Where the enforcement respondent or any other person objects (each called in this Rule the objector) to any attachment of debt by the enforcement applicant, the objector must within 14 days after the service of the notice of attachment —

- (a) give notice of the objection to the Court by filing a notice of objection; and
  - (b) serve a copy of the notice of objection on the enforcement applicant, the enforcement respondent (if not the objector) and any non-party served with the notice of attachment (if not the objector) in accordance with Rule 9(2).
- (2) The notice of objection must identify the objector, specify the debt in dispute, state the grounds of objection and include any evidence supporting the grounds of objection.

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(3) If the enforcement applicant accepts the grounds of objection, the enforcement applicant must give notice in writing to the Court, the objector and any non-party served with the notice of attachment (if not the objector) within 14 days after the service of the notice of objection that the enforcement applicant consents to the release from attachment of the specified debt, and the non-party must release the debt accordingly.

(4) If the enforcement applicant, within 14 days after the service of the notice of objection, fails to consent to the release or gives notice of dispute, the objector must —

- (a) file an application in accordance with Rule 12(1)(a), supported by affidavit, for an order to release the specified debt within 21 days after the service of the notice of objection, failing which the objection is deemed to have been withdrawn; and
- (b) serve the application and supporting affidavit on the enforcement applicant, the enforcement respondent (if not the objector) and any non-party served with the notice of objection (if not the objector), within 7 days after making the application.

**Examination of enforcement respondent (P. 3, r. 30)**

**30.**—(1) The Court may, on application by the enforcement applicant or on its own initiative, order the enforcement respondent to be examined orally in court or to make an affidavit or both on —

- (a) the name and address of any person from whom any debt is due or accruing due to the enforcement respondent; and
- (b) the particulars of the nature and amount of the debt due or accruing due.

(2) The Court may also order the enforcement respondent to produce such documents as are appropriate.

(3) An application under this Rule is deemed to be enforcement of a Court order and is within the terms of any written law or any order staying enforcement of that Court order.

(4) An order under this Rule must be in Form 124 and must be served personally on the enforcement respondent.

(5) The Court may dispense with the drawing up and service of an order under this Rule if the order is made in the presence of the enforcement respondent.

### **Application for stay of enforcement (P. 3, r. 31)**

**31.**—(1) The party who is liable under any maintenance order may apply for stay of enforcement or stay of any enforcement order or any part of the order if there is a special case making it inappropriate to enforce the maintenance order or enforcement order (as the case may be) immediately.

(2) The Court may order a stay of enforcement or stay of an enforcement order, for a specified period or until the occurrence of a specified event.

(3) Where the enforcement applicant has attached a debt under an enforcement order before the Court orders a stay, the Court may, in the order mentioned in paragraph (2), order that the enforcement applicant withdraw the attachment or maintain the attachment without taking further action on the enforcement order.

### *Division 4 — Category 2 proceedings*

### **Definitions of this Division (P. 3, r. 32)**

**32.**—(1) In this Division —

“Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1975, and any reference to a section is to be construed as a reference to a section in that Act;

“Register” means the register kept by the Registrar under Rule 34 for the purposes of the Act.

(2) Expressions used in this Division which are used in the Act have the same meanings in this Division as in the Act.

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**Prescribed officer (P. 3, r. 33)**

**33.** For the purposes of this Division and the Act, the prescribed officer is —

- (a) a District Judge or a Magistrate who is designated under section 13(1) of the Family Justice Act 2014 as a judge of the Family Court; or
- (b) a Registrar.

**Register (P. 3, r. 34)**

**34.** The Registrar must —

- (a) keep, in any form that the Registrar thinks fit, a register for the purposes of the Act; and
- (b) cause any particulars that the Registrar considers necessary to be entered in the register.

**Authentication of documents setting out or summarising evidence (P. 3, r. 35)**

**35.** A document setting out or summarising any evidence required by section 4(4)(b), 5(4) or 9(5) to be authenticated must be authenticated by a certificate, signed by the court before which the evidence was given, stating that —

- (a) the document is the original document setting out or summarising that evidence; or
- (b) the document is a true copy of that original document.

**Method of transmission of documents to reciprocating country (P. 3, r. 36)**

**36.** Any document required by section 5(4) or 9(5) to be sent to a court in a reciprocating country must be sent to that court by post.

**Consideration for revocation of maintenance orders (P. 3, r. 37)**

**37.—(1)** For the purposes of section 5(9), the court in Singapore which made a maintenance order that is to be confirmed by a competent court in a reciprocating country must serve on the

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applicant on whose application the maintenance order was made a notice —

- (a) setting out the evidence received or taken (as the case may be) for the purpose of proceedings relating to the confirmation of the maintenance order;
- (b) informing the applicant that it appears to the court in Singapore that the maintenance order ought not to have been made; and
- (c) informing the applicant that if the applicant wishes to make representations with respect to the evidence set out in the notice, the applicant must send a written notice to the Registrar of the person's intention to do so within 14 days after the date of the notice served under this paragraph, accompanied by any further evidence that the applicant wishes to adduce.

(2) To avoid doubt, the evidence mentioned in paragraph (1)(a) includes a statement contained in a document mentioned in section 13(1)(a), (b) or (c).

(3) Where the Registrar receives a written notice under paragraph (1)(c) from the applicant, the Registrar must fix a date for the hearing of further evidence.

### **Registration of orders other than provisional orders (P. 3, r. 38)**

**38.**—(1) Where a certified copy of a maintenance order (not being a provisional order) is received under section 6(3), the order must be registered by means of an entry in the Register.

(2) Where the court makes or confirms an order which is required under section 7(5) or 9(10) to be registered, the order must be registered by means of an entry in the Register.

(3) Every order registered under paragraph (1) or (2) must specify the section of the Act under which the order is registered.

### **Transmission of order (P. 3, r. 39)**

**39.**—(1) Where a court in Singapore makes an order (not being a provisional order) varying a maintenance order to which section 5

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applies, the Registrar must send a written notice of the making of the order to both of the following:

- (a) the Minister;
- (b) where the order is made in the circumstances in section 5(3)(a) or (b) — the court in the reciprocating country which would, if the order had been a provisional order, have had power to confirm the order.

(2) Where a court in Singapore revokes a maintenance order to which section 5 applies, the Registrar must send a written notice of the revocation to both of the following:

- (a) the Minister;
- (b) the court in the reciprocating country which confirmed or has power to confirm that maintenance order, or in which the order is registered for enforcement, as the case may be.

(3) Where a court in Singapore confirms an order under section 7(2), the Registrar must send a written notice of the confirmation to the court in the reciprocating country which made the order.

(4) Where a court in Singapore makes an order under section 9 (not being a provisional order) varying or revoking a registered order, the Registrar must send a written notice of the making of the order to the court in the reciprocating country which made the registered order.

**Notice to be given to Minister where order is registered  
(P. 3, r. 40)**

**40.** After an order is registered under section 6(3) or 7(5), the Registrar must send a written notice of the registration to the Minister.

**Notice to be given to payer where order is registered or  
cancelled (P. 3, r. 41)**

**41.—**(1) After an order is registered under section 6(3), 7(5) or 9(10), the Registrar must send a written notice to the payer under the order —

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- (a) stating that the order has been registered; and
  - (b) stating the person to or through whom the Maintenance Orders (Reciprocal Enforcement) Regulations 2016 (G.N. No. S 611/2016) require the sums due under the registered order to be paid.

(2) Where the registration of an order is cancelled under section 10(1), the Registrar must send a written notice of the cancellation to the payer under the order.

**Procedure for taking evidence in Singapore at request of court in reciprocating country (P. 3, r. 42)**

**42.**—(1) This Rule applies where a request under section 14 is made by or on behalf of a court in a reciprocating country for the taking in Singapore of the evidence of a person residing in Singapore.

(2) The evidence of the person is to be taken in the same manner as if that person were a witness in a trial.

(3) The court that takes the evidence of the person must certify the authenticity of the official record of the person's evidence.

(4) Where the official record of the person's evidence is in writing, the person who gave the evidence must sign the official record.

(5) Where the request under paragraph (1) includes a request that the evidence be taken in a particular manner, the Court by which the evidence is taken must, so far as circumstances permit, comply with that request.

(6) The official record of the person's evidence must be sent to the court in the reciprocating country by or on behalf of which the request was made.

(7) In this Rule, "official record", in relation to the evidence of a person, means —

- (a) where an audio recording system approved by the Registrar is used to record the person's evidence — the audio recording; or



- (b) when an audio recording system is not used — the Court’s notes of proceedings, recorded in any manner that the Court may determine.

**Payment of sums due under registered order (P. 3, r. 43)**

43. Where the court is informed under regulation 4(3) of the Maintenance Orders (Reciprocal Enforcement) Regulations 2016 of the manner in which the sums due under a registered order are to be paid to the person to whom those sums are due, the court may make any order relating to the payment of those sums to that person, or the manner in which those sums are to be paid, that the court thinks fit.

*Division 5 — Category 3 proceedings*

**Definition of this Division (P. 3, r. 44)**

44. In this Division, “Act” means the Vulnerable Adults Act 2018, and any reference to a section is to be construed as a reference to a section in that Act.

**Application under section 12(1) or 17(1) (P. 3, r. 45)**

45.—(1) This Rule applies in relation to —

- (a) an application made under section 12(1) for one or more orders under section 14 or 15 in relation to a vulnerable adult (*V*); and
- (b) an application made under section 17(1) to vary, suspend or revoke an order made under section 14(1) or 15 in relation to *V*.

(2) Unless the Court otherwise directs, an application mentioned in paragraph (1) —

- (a) where *V* is assessed by a mental capacity assessor to lack the mental capacity to consent to the application — must be supported by a mental capacity assessment report in Form 36A given by that mental capacity assessor in respect of *V*; or

(b) in any other case — must be supported by a medical report in Form 36B given by a registered medical practitioner in respect of *V*.

(3) Subject to paragraph (4), the mental capacity assessment report mentioned in paragraph (2)(a) must relate to an assessment of *V* by the mental capacity assessor carried out no earlier than the period of 6 months ending on the date of the application.

(4) Paragraph (3) does not apply where the mental capacity assessment report states that *V* is assessed to lack mental capacity permanently.

(5) Subject to paragraph (6), the medical report mentioned in paragraph (2)(b) must relate to an assessment of *V* by the registered medical practitioner carried out no earlier than the period of 6 months ending on the date of the application.

(6) Paragraph (5) does not apply where the medical report states that *V* is assessed to suffer from a physical infirmity, disability or incapacity that is permanent.

(7) Where an application mentioned in paragraph (1) is not supported by a mental capacity assessment report or medical report (as the case may be), the Court may —

(a) strike out the application; or

(b) make any other order that it thinks fit.

### **Application requiring consent of vulnerable adult or owner of residence (P. 3, r. 46)**

**46.—**(1) Where an application under the Act requires the consent of a vulnerable adult —

(a) the application must be supported by the consent of the vulnerable adult in Form 37; and

(b) the consent of the vulnerable adult must be filed at the time the application is made.

(2) Where an application under the Act requires the consent of every owner of the residence to which the application relates —

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- (a) the application must be supported by the consent of every such owner in Form 38; and
  - (b) the consent of every such owner may be filed at any time during the proceedings relating to the application.
- (3) The Court may, if it is satisfied that it is impracticable to obtain the written consent of the vulnerable adult or any owner of the residence to which the application relates, substitute the requirement in paragraph (1) or (2) with a requirement that the applicant file a declaration in Form 39.
- (4) The Court may dispense with the requirement in paragraph (1) or (2) if the vulnerable adult or every owner of the residence (as the case may be) appears at the hearing of the application to inform the Court that the vulnerable adult or owner consents to the application.

### **Service of Notice of Application (P. 3, r. 47)**

**47.**—(1) Where an application is made under section 12 for an order under section 14(1)(a), (b) or (d), or under section 17 for the variation, suspension or revocation of such an order, the applicant must, unless the Court otherwise directs, serve the Notice of Application in respect of the application on the following persons:

- (a) in the case of an application concerning a vulnerable adult who does not lack mental capacity — that vulnerable adult;
- (b) in the case of an application concerning a vulnerable adult who lacks mental capacity — every relevant person.

(2) Where an application is made under section 12 for an order under section 14(1)(c), or under section 17 for the variation, suspension or revocation of such an order, the applicant must, unless the Court otherwise directs, serve the Notice of Application in respect of the application on the following persons:

- (a) in the case of an application concerning a vulnerable adult who does not lack mental capacity — that vulnerable adult;
- (b) in the case of an application concerning a vulnerable adult who lacks mental capacity — every relevant person;

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- (c) in the case of an application made under section 12 for an order under section 14(1)(c) — the person against whom the application is made, unless the person is a relevant person mentioned in sub-paragraph (b);
  - (d) in the case of an application made under section 17 to vary, suspend or revoke an order made under section 14(1)(c) — the person against whom that order is made, unless the person is a relevant person mentioned in sub-paragraph (b).
- (3) Paragraph (4) applies where —
- (a) an application is made under section 12 for an order under section 14(1)(i) together with an application under section 12 for an order under section 14(1)(a), (b), (c), (d) or (j);
  - (b) an application is made under section 12 for an order under section 14(1)(i) only; or
  - (c) an application is made under section 17 to vary, suspend or revoke an order under section 14(1)(i) that was made in an application mentioned in sub-paragraph (a) or (b).
- (4) The applicant must, unless the Court otherwise directs, serve the Notice of Application in respect of the application on the following persons:
- (a) in the case of an application concerning a vulnerable adult who does not lack mental capacity — that vulnerable adult;
  - (b) in the case of an application concerning a vulnerable adult who lacks mental capacity — every relevant person;
  - (c) in the case of an application mentioned in paragraph (3)(a) or (b) — every person (other than the vulnerable adult) against whom the application is made, unless the person is a relevant person mentioned in sub-paragraph (b);
  - (d) in the case of an application mentioned in paragraph (3)(c) — every person (other than the vulnerable adult) against whom that order is made, unless the person is a relevant person mentioned in sub-paragraph (b).

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(5) Where an application is made under section 12 for an order under section 14(1)(j), or under section 17 for the variation, suspension or revocation of such an order, the applicant must, unless the Court otherwise directs, serve the Notice of Application in respect of the application on the following persons:

- (a) in the case of an application concerning a vulnerable adult who does not lack mental capacity —
  - (i) that vulnerable adult; and
  - (ii) every owner of the residence to which the application relates;
- (b) in the case of an application concerning a vulnerable adult who lacks mental capacity —
  - (i) every relevant person; and
  - (ii) every owner of the residence to which the application relates.

(6) Where an application is made under section 7(3) or 10(4), the applicant must, unless the Court otherwise directs, serve the Notice of Application in respect of the application on the vulnerable adult.

(7) Where an application is made under section 22(4), the applicant must, unless the Court otherwise directs, serve the Notice of Application in respect of the application on the respondent.

(8) A Notice of Application must, unless the Court otherwise directs, be served —

- (a) in the case of an application made under section 22(4) — within 5 days before the date of hearing of the application; or
- (b) in any other case — within 5 days after the filing of the application.

(9) In this Rule and Rule 48, “relevant person”, in relation to a vulnerable adult, means any of the following persons:

- (a) a donee or deputy of the vulnerable adult;

- (b) the spouse, each parent and each child of or above 21 years of age, of the vulnerable adult;
- (c) the main caregiver of or above 21 years of age of the vulnerable adult.

### **Notice of Objection (P. 3, r. 48)**

**48.**—(1) Where a person served with a Notice of Application under Rule 47 objects to the application to which the Notice of Application relates, the person may file and serve on the applicant a Notice of Objection in Form 41 within 7 days after the date of service of the Notice of Application.

(2) Paragraph (1) does not apply if the person served with the Notice of Application is a vulnerable adult to whom the application relates and who does not lack mental capacity.

(3) Where —

- (a) it is alleged in an application mentioned in Rule 47(1), (2), (3) or (5) that the vulnerable adult to whom the application relates does not lack mental capacity;
- (b) the Notice of Application relating to that application is served on that vulnerable adult; and
- (c) any relevant person of that vulnerable adult disputes the allegation that the vulnerable adult does not lack mental capacity,

the relevant person may file and serve on the applicant a Notice to Dispute Mental Capacity in Form 42 within 7 days after the date of service of the Notice of Application on the vulnerable adult.

(4) A Notice of Objection mentioned in paragraph (1) or a Notice to Dispute Mental Capacity mentioned in paragraph (3) must be served on the applicant in accordance with Rule 9(2).

(5) Where a Notice to Dispute Mental Capacity mentioned in paragraph (3) is filed —

- (a) the Court must hear and determine as a preliminary issue the question whether that vulnerable adult lacks mental capacity; and

- (b) if the Court finds that the vulnerable adult lacks mental capacity, direct that the Notice of Application be served on every relevant person within 5 days after the date of the Court's finding.

**Advertisements for application under section 14(1)(j)  
(P. 3, r. 49)**

**49.**—(1) A notice by advertisement under section 14(2)(b)(ii) of a proposed order under section 14(1)(j) must be in Form 43.

(2) An application by the Director-General or protector for the directions of the Court pursuant to section 14(2)(b)(ii) must be supported by an affidavit —

- (a) setting out the attempts made to locate the owners of the residence to which the proposed order relates;
  - (b) exhibiting a copy of the notice by advertisement in English;
  - (c) if the notice by advertisement is to be published in accordance with section 14(2)(b)(ii)(A) —
    - (i) identifying the newspaper (of a language other than English) that the notice by advertisement is to be published in; and
    - (ii) explaining why publishing the notice in that newspaper would be effective in bringing the application for the order to the attention of the owners of the residence to which the proposed order relates; and
  - (d) if the notice by advertisement is to be published in accordance with section 14(2)(b)(ii)(B) — explaining why publishing the notice in the other form mentioned in that provision would be effective in bringing the application for the order to the attention of the owners.
- (3) For the purposes of section 14(2)(b)(ii), the prescribed period is 14 days.

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(4) After the expiry of the prescribed period in paragraph (3), the Director-General or protector must file an affidavit stating that the notice by advertisement has been published in accordance with the directions of the Court and —

- (a) that none of the owners of the residence to which the proposed order relates has notified the Director-General or protector that that owner objects to the proposed order; or
- (b) if any of those owners has notified the Director-General or protector of that owner's objection to the proposed order, identifying each owner who objects to the proposed order.

(5) The Court may direct the Director-General or protector, and every owner mentioned in paragraph (4)(b), to attend a case conference.

### **Hearing of applications in Category 3A proceedings (P. 3, r. 50)**

**50.**—(1) The Court hearing an application in any Category 3A proceedings is to convene a case conference to give directions on the conduct of the proceedings.

(2) An application in any Category 3A proceedings is to be heard and determined in chambers.

(3) Unless the Court otherwise directs, an application in any Category 3A proceedings is to be decided on evidence given by affidavit.

(4) Despite paragraphs (2) and (3), the Court hearing an application in any Category 3A proceedings may direct any party or person to appear before the Court, and may issue a summons to compel that party or person to appear before the Court, for either or both of the following purposes:

- (a) to give evidence;
- (b) to be cross-examined.



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**Requirements and interim orders under section 14(4)  
(P. 3, r. 51)**

**51.**—(1) Where the Court imposes a requirement on a person under section 14(4)(a), (b) or (c) or makes an interim order under section 14(4)(e), the applicant must, unless the Court otherwise directs, serve a copy of the requirement or interim order —

- (a) by delivering it to the person personally;
- (b) by sending it by prepaid registered post to the last known address of the person’s place of residence or business; or
- (c) by affixing it to a conspicuous part of the last known address of the person’s place of residence or business.

(2) A requirement under section 14(4)(a), (b) or (c), or an interim order under section 14(4)(e), takes effect on the date it is served (whether by the applicant or any other person) on the person to whom the requirement or interim order applies.

**Order to specify date (P. 3, r. 52)**

**52.** An order made under section 7(3), 10(4) or 11(3) must specify the date by which the order must be carried out.

**Setting aside order under section 22(4) (P. 3, r. 53)**

**53.** Despite Part 1, Rule 5(11), an application to set aside an order made under section 22(4) which was made in the absence of a respondent must be made within 7 days after the date of service of that order.

**Applications in Category 3B proceedings (P. 3, r. 54)**

**54.**—(1) This Rule applies to an application in any Category 3B proceedings (called in this Rule the relevant application).

(2) A relevant application must be served on the respondent against whom it is made by delivering a copy to the respondent personally.

(3) Where the respondent cannot be found with reasonable diligence, a relevant application may be served on the respondent in accordance with Rule 9(2)(b), (c), (d), (e) or (f).

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- (4) The applicant and the respondent —
- (a) must, within the time directed by the Court, file one affidavit each; and
  - (b) may, with the Court’s approval and within the time directed by the Court, file one reply affidavit each.
- (5) A witness must, within the time directed by the Court, file one affidavit.
- (6) No further affidavit is to be received in evidence without the Court’s approval.

**Service of expedited order under section 15 (P. 3, r. 55)**

**55.**—(1) An expedited order made under section 15 must be served on the respondent against whom it is made by delivering a copy to the respondent personally.

(2) Where the respondent cannot be found with reasonable diligence, an expedited order made under section 15 may be served on the respondent in accordance with Rule 9(2)(b), (c), (d), (e) or (f).

**Report to be forwarded to Family Division (P. 3, r. 56)**

**56.** Where an appeal is brought to the Family Division against any judgment, order or decision of the Court on an application under section 12, a copy of each of the following documents (if any) must be included as part of the record of proceedings to be sent to the Family Division:

- (a) a written report submitted under section 14(4)(d);
- (b) the part of that report that has been redacted.

*Division 6 — Category 4 proceedings*

**Definition of this Division (P. 3, r. 57)**

**57.** In this Division, any reference to a section is to be construed as a reference to a section in the Children and Young Persons Act 1993.

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**Service of Notice of Application (P. 3, r. 58)**

**58.**—(1) Where the Director-General, a protector or an approved welfare officer (as the case may be) makes an application under section 54(7) or (17), 55(2), (3) or (4), 56(10), 58(2) or 59(10) or (15), the Director-General, protector or approved welfare officer (as the case may be) must serve the Notice of Application for the application in accordance with Rule 60 on the parent or guardian of the child or young person.

(2) Where the parent or guardian of a child or young person makes an application under section 54(5), 55(5), 56(10) or (11), 58(3) or 59(15), the parent or guardian must serve the Notice of Application for the application on the Director-General or protector.

(3) A Notice of Application mentioned in paragraph (1) or (2) must be served within 7 days after the application is made.

**Time for application under section 54(5), 55(5) or 58(3)  
(P. 3, r. 59)**

**59.** An application by the parent or guardian of a child or young person under section 54(5), 55(5) or 58(3) must be made within 14 days after the parent or guardian is notified of the determination or variation by the Director-General or a protector.

**Service of summons (P. 3, r. 60)**

**60.**—(1) For the purposes of section 53(3), a summons issued by the Youth Court in connection with any Category 4 proceedings may be served on the person concerned —

- (a) by delivering the summons to the person personally;
- (b) by delivering the summons to any adult who is a member of the person's family residing at the person's last known place of residence; or
- (c) by sending the summons by registered post in a cover addressed to the person to the person's last known place of residence or business or at any address provided by the person.

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(2) A summons sent by registered post to a person in accordance with paragraph (1)(c) is deemed to be duly served on the person to whom the summons is addressed at the time when the summons would in the ordinary course of post be delivered.

(3) In proving service by registered post, it is sufficient to prove that the cover containing the summons was properly addressed, stamped and posted by registered post.

(4) The person who effects service of the summons in accordance with paragraph (1) must file an affidavit in Form 25 as evidence of such service.

### **Hearing of applications (P. 3, r. 61)**

**61.** An application in any Category 4 proceedings is to be heard and determined in chambers.

### **Withholding of information (P. 3, r. 62)**

**62.—**(1) The Youth Court may order that any information obtained by it under section 54(13), 56(9), 57(2) (read with section 56(9)) or 59(2), (7), (13) or (14) must not be disclosed to any person specified in the order, if it is satisfied that the disclosure would be or would be likely to be detrimental to the physical or mental health or emotional wellbeing of any child, young person or other person to whom the information relates.

(2) The Youth Court may make an order mentioned in paragraph (1) either on its own motion or on a party's application.

(3) Despite this Rule, where an appeal is brought to the General Division of the High Court against an order of a Court made under section 54, 55, 56, 57 (read with section 56), 58, 59 or 60, a copy of the information and a copy of the part of the information which has been redacted (if any) under paragraph (1) must be forwarded to the General Division of the High Court as part of the record of the proceedings to be sent to the General Division of the High Court for the appeal.

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PART 4

AMICABLE RESOLUTION OF CASES

**Duty to consider amicable resolution of disputes (P. 4, r. 1)**

1.—(1) A party to any proceedings has the duty to consider amicable resolution of the party's dispute before the commencement and during the course of any action or appeal.

(2) A party to any proceedings is to make an offer of amicable resolution before commencing the action unless the party has reasonable grounds not to do so.

(3) A party must not reject an offer of amicable resolution unless the party has reasonable grounds to do so.

(4) Where a party to any proceedings is a person under disability, an offer of amicable resolution is to be made, accepted or rejected by the litigation representative appointed for that party.

(5) In this Part, an offer of amicable resolution —

(a) means making an offer to settle an action or appeal or making an offer to resolve the dispute other than by litigation, whether in whole or in part; but

(b) excludes making any offer mentioned in sub-paragraph (a) where the offer is conveyed in without prejudice communications before or in the course of mediation conducted by the Court.

**Terms of amicable resolution (P. 4, r. 2)**

2.—(1) An offer of amicable resolution must be made in writing in Form 50.

(2) A rejection of an offer of amicable resolution must be made in writing.

(3) An offer of amicable resolution must be open for acceptance within a reasonable period of time and in any case, for at least 14 days unless the parties otherwise agree.

(4) The terms of an offer of amicable resolution that has been made and not accepted must not be relied upon or made known to the Court

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until after the Court has determined the merits of the action or appeal and is dealing with the issue of costs.

(5) An offer of amicable resolution which does not state an expiry date expires once the Court has determined the merits of the action or appeal to which it relates unless the offeror has stated otherwise.

### **Powers of Court (P. 4, r. 3)**

3.—(1) The Court may order the parties to attempt to resolve the dispute by amicable resolution.

(2) In deciding whether to exercise its power under paragraph (1), the Court is to have regard to the Objectives and all other relevant circumstances, including —

- (a) whether any of the parties has refused to attempt to resolve the dispute by amicable resolution;
- (b) any prejudice that any party may suffer as a result of any delay that may arise from the Court's exercise of its power under paragraph (1);
- (c) the likelihood that the parties will resolve their dispute by amicable resolution; and
- (d) the stage of the proceedings.

(3) The Court may suggest solutions for the amicable resolution of the dispute to the parties at any time as the Court thinks fit.

### **Costs (P. 4, r. 4)**

4.—(1) This Rule applies in addition to Part 22.

(2) Where a party makes an offer of amicable resolution which is accepted, the party is entitled to costs on an indemnity basis from the date on which the offer of amicable resolution is made until the date on which that offer is accepted.

(3) Where a party —

- (a) makes an offer of amicable resolution which is not accepted; and

- (b) obtains judgment not less favourable than the terms of the offer of amicable resolution,

the party is entitled to costs on an indemnity basis from the date on which the offer of amicable resolution is made until the expiry date of the offer.

(4) Despite paragraphs (2) and (3), the Court has full power to determine by whom and to what extent any costs are to be paid.

## PART 5

### COMMENCEMENT OF PROCEEDINGS

#### *Division 1 — Mode of commencement of proceedings*

#### **Mode of commencement of proceedings (P. 5, r. 1)**

1.—(1) Subject to these Rules and any written law, an applicant must commence proceedings by originating application.

(2) The originating application must be in Form 53.

(3) Unless otherwise provided in these Rules, an originating application must be filed together with a supporting affidavit that satisfies the applicable requirements in these Rules and the practice directions.

#### **Proceedings to be commenced by originating application without notice (P. 5, r. 2)**

2.—(1) Unless these Rules or any written law otherwise provide, an applicant must commence the following proceedings by originating application without notice in Form 53:

- (a) an application made by a person mentioned in section 10(2)(d) of the Status of Children (Assisted Reproduction Technology) Act 2013 for the permission of the court to make an application to determine the parenthood of a child under that Act;
- (b) an application made by the spouse of a married person who lacks capacity within the meaning of section 4 of the

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Mental Capacity Act 2008 under section 3(2)(*d*) of the Voluntary Sterilisation Act 1974;

- (*c*) an application made by a parent or guardian of an unmarried person who lacks capacity within the meaning of section 4 of the Mental Capacity Act 2008 under section 3(2)(*e*) of the Voluntary Sterilisation Act 1974;
- (*d*) where the applicant is a prescribed party within the meaning given by section 94A(14) of the Women's Charter 1961 — an application for the Court's approval pursuant to section 94A(4) of that Act.

(2) Rules 1, 8 and 15 apply in relation to an originating application without notice.

### **Applications to vary, rescind or set aside final orders (P. 5, r. 3)**

**3.**—(1) Unless these Rules or any written law otherwise provides, an applicant must commence any application to vary, rescind or set aside an order disposing of an originating application on the merits by originating application.

(2) Paragraph (1) applies to any application made on or after 15 October 2024 to vary, rescind or set aside an order disposing of any proceedings commenced by a writ of summons, an originating summons or an application form under the Family Justice Rules 2014 before 15 October 2024.

### **Applications relating to orders under section 11A of Family Justice Act 2014 (P. 5, r. 4)**

**4.**—(1) An application for an order under section 11A(2)(*c*), (*d*) or (*e*), (3)(*a*), (*b*), (*c*), (*d*) or (*e*), (5)(*c*), (*d*) or (*e*) or (6)(*a*), (*b*), (*c*), (*d*) or (*e*) of the Family Justice Act 2014 must be made by a summons supported by affidavit.

(2) An application for the permission of the Court —

- (*a*) to do anything otherwise prohibited under an order made under section 11A(2)(*c*) or (*d*), (3)(*c*) or (*d*), (5)(*c*) or (*d*) or (6)(*c*) or (*d*) of the Family Justice Act 2014; or



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- (b) under section 11A(2)(e), (3)(e), (5)(e) or (6)(e) of the Family Justice Act 2014 (as the case may be) to file any application to amend, vary or discharge any other order specified in paragraph (1),

must be made by a summons supported by affidavit.

(3) The party (called in this Rule the applying party) that files the summons must serve on any other party the summons and supporting affidavit at least 7 days before the first hearing or any shorter period that the Court may allow.

(4) Where the applying party files a summons mentioned in paragraph (2) more than one year after the date of the last order made in the proceedings, the summons must be served personally on the other party in those proceedings.

(5) A party (called in this Rule the responding party) that intends to oppose the applying party's summons must file and serve on the applying party the responding party's affidavit within 14 days after being served with the applying party's summons and supporting affidavit.

(6) Except in a special case, no further affidavit is to be received in evidence without the Court's approval.

### **Proceedings under Adoption of Children Act 2022 (P. 5, r. 5)**

**5.—(1)** An applicant of an adoption application under the Adoption of Children Act 2022 in respect of a child must file the following documents:

- (a) an originating application in Form 57;
- (b) where obtained, the consent of every relevant person of the child if the consent has not been dispensed with.

(2) The applicant must, in the supporting affidavit for the adoption application —

- (a) confirm the truth of the contents of the originating application; and
- (b) include all information and exhibit all documents specified in the practice directions.

(3) An application by the Guardian-in-Adoption for an order under section 34(1)(a) or (b) or 35(1) of the Adoption of Children Act 2022 must be made by a summons supported by affidavit.

(4) An application for an order under section 49(1) or 52(1) of the Adoption of Children Act 2022 must be made by an originating application supported by affidavit.

(5) In this Rule, “adoption application” and “relevant person” have the meanings given by section 2(1) of the Adoption of Children Act 2022.

**Proceedings requiring permission of Syariah Court under Administration of Muslim Law Act 1966 (P. 5, r. 6)**

6.—(1) Where an applicant intends to commence any proceedings in a Family Court for which the permission of the Syariah Court under section 35A(1) of the Administration of Muslim Law Act 1966 to commence those proceedings is required, the applicant must file, together with the originating application for the proceedings in the Family Court —

(a) the Notice of Syariah Court proceedings in Form 58; and

(b) either —

(i) the commencement certificate issued to the applicant by the Syariah Court under section 35A(4) of that Act; or

(ii) both of the following documents:

(A) the parties’ written consent to the commencement of the proceedings in the Family Court;

(B) the Syariah Court certificate of attendance.

(2) Where an applicant has commenced any proceedings in a Family Court for which the permission of the Syariah Court under section 35A(2) of the Administration of Muslim Law Act 1966 to continue those proceedings is required, the applicant must file —

(a) the Notice of Syariah Court proceedings in Form 58; and

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(b) either —

(i) the continuation certificate issued to the applicant by the Syariah Court under section 35A(4) of that Act; or

(ii) both of the following documents:

(A) the parties' written consent to the continuation of the proceedings in the Family Court;

(B) the Syariah Court certificate of attendance.

(3) The Notice of Syariah Court proceedings mentioned in paragraph (2)(a) must be filed within 7 days after the applicant has been notified of the commencement of proceedings for divorce in the Syariah Court or the making of a decree or an order for divorce by the Syariah Court, as the case may be.

(4) The continuation certificate mentioned in paragraph (2)(b)(i) must be filed within 7 days after the applicant receives the certificate issued by the Syariah Court.

(5) The documents mentioned in paragraph (2)(b)(ii) must be filed within 7 days after the applicant receives the Syariah Court certificate of attendance.

(6) In this Rule, "Syariah Court certificate of attendance" means a certificate of attendance issued by the Syariah Court under section 35A(7) of the Administration of Muslim Law Act 1966.

### **Proceedings under Mental Capacity Act 2008 (P. 5, r. 7)**

7.—(1) Subject to paragraph (2) and section 38(1) of the Mental Capacity Act 2008, an applicant must apply for permission of the Court to commence proceedings under that Act in the originating application for those proceedings.

(2) The permission of the Court is not required where an application to the Court under the Mental Capacity Act 2008 —

(a) is made by a person related by blood or marriage to another person who lacks or (so far as consistent with the context) is alleged to lack capacity (within the meaning of that Act) and to whom the proceedings under that Act relate;

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- (b) is made for an order under section 36 of that Act;
  - (c) is made to object to the registration of a lasting power of attorney, by a person named in that lasting power of attorney under paragraph 2(1)(c)(i) of the First Schedule to that Act as in force immediately before 1 September 2014;  
or
  - (d) is made under Rule 8.

### **Simplified applications for certain matters under Mental Capacity Act 2008 (P. 5, r. 8)**

**8.—**(1) This Rule applies to every uncontested application to the Court under the Mental Capacity Act 2008 in respect of any matter that is specified in the practice directions made for the purposes of this Rule (called in this Rule a specified matter).

(2) An applicant may make an application mentioned in paragraph (1) by filing a simplified application in Form 64.

(3) The application may be made if —

- (a) the person (*P*) who lacks or is alleged to lack capacity (within the meaning of the Mental Capacity Act 2008) and to whom the proceedings under that Act relate is at least 18 years of age at the time the application is made;
- (b) every relevant person consents to the application unless sub-paragraph (c) applies; and
- (c) in relation to any relevant person who has not consented (*R*), the conditions in paragraph (4) are satisfied.

(4) The conditions mentioned in paragraph (3)(c) are the following:

- (a) the applicant, before making the application, has taken reasonable steps to obtain *R*'s consent to the application;
- (b) the applicant has served a copy of the application on *R*;
- (c) *R* does not file a Letter of Objection in Form 66 within 14 days after the date that the copy of the application was served on him or her.

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(5) The applicant must be —

- (a) *P*'s grandparent or parent; or
- (b) one of the following persons who is at least 21 years of age:
  - (i) *P*'s spouse;
  - (ii) *P*'s child;
  - (iii) *P*'s sibling;
  - (iv) a sibling of one of *P*'s parents;
  - (v) a child of one of *P*'s siblings;
  - (vi) *P*'s grandchild;
  - (vii) a child of a sibling of one of *P*'s parents.

(6) Despite paragraph (5), an uncontested application to the Court under the Mental Capacity Act 2008 to appoint an individual as a deputy for *P* may be made by that individual in accordance with this Rule if that individual is a professional deputy and is not related to *P* by blood or marriage.

(7) The application —

- (a) must be supported by any documents that are specified in the simplified application; and
- (b) must contain a declaration by the applicant that —
  - (i) the matters stated in the simplified application and supporting documents are true and correct; and
  - (ii) the applicant understands that the applicant commits an offence under section 199 of the Penal Code 1871 if the applicant makes, in the simplified application or supporting documents, any statement that is false, and that the applicant knows or believes to be false or does not believe to be true, touching any point material to the object for which the application or supporting document is made or used.

(8) However, a supporting affidavit is not required to be filed with the application.

(9) For the purposes of the application, the provisions of these Rules that apply to and in relation to affidavits apply to the simplified application as if the simplified application were an affidavit filed in support of the application.

(10) Without affecting any other provision of these Rules, the Court may reject, strike out, make no order on or stay an application if —

- (a) the application is not made in accordance with this Rule, or does not comply with any practice directions made for the purposes of this Rule; or
- (b) a Letter of Objection mentioned in paragraph (4)(c) is filed by any relevant person.

(11) To avoid doubt, this Rule does not prevent an uncontested application in respect of a specified matter from being made in accordance with Rule 7.

### *Division 2 — General provisions*

#### **Issue of originating application (P. 5, r. 9)**

9. An originating application is deemed issued when the Registrar numbers, signs, seals and dates it.

#### **Duration and renewal of originating application (P. 5, r. 10)**

10.—(1) Subject to this Rule, an originating application is valid for service for 6 months beginning with the date of its issue.

(2) An application by summons without notice may be made to extend the validity of the originating application if it has not been served on all or any of the respondents before it expires.

(3) The application to extend the validity of the originating application must be made before the day on which the originating application would otherwise expire.

(4) Except in a special case, the Court may order the validity of the originating application to be extended only once for a period not exceeding 6 months, beginning with the day next following the day on which the originating application would otherwise expire.

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(5) The originating application in respect of which validity has been extended must be endorsed with the words “Renewed for service for \_\_\_\_ months from \_\_\_\_ by order of Court dated \_\_\_\_” before it is served.

### **Service of originating application (P. 5, r. 11)**

**11.**—(1) Subject to these Rules and any written law, an originating application must be served personally on each respondent.

(2) If the originating application is to be served in Singapore, reasonable steps to serve the originating application and the supporting affidavit on the respondent must be made within 14 days after the originating application is issued.

(3) If the originating application is to be served out of Singapore, reasonable steps to serve the originating application and the supporting affidavit on the respondent must be made within 28 days after the originating application is issued.

(4) The Court may direct that an originating application be served on any other person as the Court considers necessary.

(5) The Court may direct that an originating application without notice be served on any person as the Court considers necessary.

### **Respondent’s affidavit (P. 5, r. 12)**

**12.**—(1) A respondent who is served in Singapore must file and serve the respondent’s affidavit within 14 days after being served with the applicant’s originating application and supporting affidavit, if the respondent wishes to introduce evidence in respect of the originating application filed against the respondent.

(2) A respondent who is served out of Singapore must file and serve the respondent’s affidavit within 28 days after being served with the applicant’s originating application and supporting affidavit, if the respondent wishes to introduce evidence in respect of the originating application filed against the respondent.

(3) Except in a special case or as otherwise provided in these Rules, no further affidavits may be filed after the respondent files the respondent’s affidavit on the merits.

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**Challenge to jurisdiction, etc. (P. 5, r. 13)**

**13.**—(1) Paragraph (2) applies where a respondent is challenging the jurisdiction of the Court on the ground that Singapore is not the proper forum for the dispute or on any other ground.

(2) The respondent must file a summons supported by an affidavit setting out the grounds on which the respondent challenges the jurisdiction of the Court, and serve the summons and supporting affidavit on the applicant —

- (a) where the respondent is served with the applicant’s originating application and supporting affidavit in Singapore — within 14 days after the respondent is served with those documents; or
- (b) where the respondent is served with the applicant’s originating application and supporting affidavit out of Singapore — within 28 days after the respondent is served with those documents.

(3) An affidavit filed under paragraph (2) is not treated as a submission to jurisdiction.

(4) Rule 12 does not apply to a respondent mentioned in paragraph (1) pending the Court’s decision on the respondent’s challenge to the jurisdiction of the Court.

**Cross-applications (P. 5, r. 14)**

**14.**—(1) A respondent who intends to make a counterclaim against an applicant must file an originating application (called in this Rule a cross-application) together with the respondent’s affidavit mentioned in Rule 12.

(2) Where the respondent files a cross-application, the respondent —

- (a) must include in the respondent’s affidavit all evidence that is necessary for the cross-application; but
- (b) is not required to file a supporting affidavit with the cross-application.



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(3) The provisions of these Rules that apply to or in relation to an originating application apply to a cross-application, except Rule 11(1).

### **Summons in originating application (P. 5, r. 15)**

**15.—**(1) Subject to these Rules, all applications to the Court in a pending originating application must be made by summons in Form 67.

(2) An application to the Court may be made by summons without notice in Form 67 only where these Rules allow.

(3) The summons or summons without notice must be filed together with a supporting affidavit that satisfies the applicable requirements in the practice directions.

(4) The party (called in this Rule the applying party) that files the summons must serve on any other party the summons and supporting affidavit at least 7 days before the first hearing or any shorter period that the Court may allow.

(5) Where the applying party makes an application by summons without notice, and the Court directs that the summons without notice and supporting affidavit be served on any other party, the applying party must serve the summons without notice and the supporting affidavit in accordance with paragraph (4).

(6) A party (called in this Rule the responding party) that intends to oppose the applying party's summons must file and serve on the applying party the responding party's affidavit within 14 days after being served with the applying party's summons and supporting affidavit.

(7) Except in a special case, no further affidavit is to be received in evidence without the Court's approval.

### **Contents of affidavits (P. 5, r. 16)**

**16.—**(1) An affidavit filed in an originating application must contain all necessary or material evidence in support of or in opposition to (as the case may be) the originating application.

(2) An affidavit filed in a summons must include all necessary or material evidence in support of or in opposition to (as the case may be) the originating application or summons to which the affidavit relates, and may contain statements of information or belief with their sources and grounds clearly stated.

*Division 3 — Proceedings under Part 3 of  
International Child Abduction Act 2010*

**Service of originating application (P. 5, r. 17)**

17. In relation to an originating application for any proceedings under Part 3 of the International Child Abduction Act 2010 —

- (a) the applicant must take reasonable steps to serve the originating application and supporting affidavit on the respondent within 7 days after the originating application is issued; and
- (b) Rule 11(2) and (3) does not apply.

**Respondent's affidavit (P. 5, r. 18)**

18.—(1) Where a respondent is served with the applicant's originating application for any proceedings under Part 3 of the International Child Abduction Act 2010 and supporting affidavit —

- (a) the respondent must file and serve on the applicant an affidavit within 14 days after the respondent is served with those documents; and
- (b) Rule 12(1) and (2) does not apply.

(2) The respondent must, in the respondent's affidavit mentioned in paragraph (1)(a), state the particulars of any court proceedings (including proceedings outside Singapore and concluded proceedings, whether in or outside Singapore) relating to the child who is the subject of the proceedings, and of any orders made in any such proceedings (including interim orders).

(3) However, paragraph (2) does not apply to the extent that the applicant's supporting affidavit includes the particulars mentioned in that paragraph.

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(4) Where the respondent's affidavit contains the particulars mentioned in paragraph (2), the respondent must —

- (a) not later than 7 days after the respondent's affidavit is filed, forward a copy of that affidavit to —
  - (i) the Central Authority of Singapore; and
  - (ii) where the proceedings disclosed in those particulars are pending in a court in Singapore (other than the Court), that other court; and
- (b) not less than 2 days before the date of the hearing of the Originating Application, file an Affidavit of Service in Form 78 to show that the respondent has complied with sub-paragraph (a).

(5) In paragraph (4)(a)(ii), “court” includes —

- (a) a Syariah Court constituted under section 34 of the Administration of Muslim Law Act 1966; and
- (b) an Appeal Board constituted under section 55 of the Administration of Muslim Law Act 1966.

(6) Despite Rule 12(3), the applicant may, within 7 days after the respondent's affidavit is served on the applicant, file and serve on the respondent the applicant's reply affidavit without the Court's approval.

### **Summons in originating application (P. 5, r. 19)**

**19.—**(1) A party in any proceedings under Part 3 of the International Child Abduction Act 2010 who requires the Court to make an interim order or give an interim direction in those proceedings on an urgent basis may file a summons without notice.

(2) To avoid doubt, this Rule does not prevent a party from filing a summons for the Court to make an interim order or give an interim direction on an urgent basis in accordance with Rule 15.

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PART 6

PARTIES TO PROCEEDINGS

*Division 1 — Parties*

**Parties to proceedings in own name (P. 6, r. 1)**

1. The following may be parties to proceedings in their own name, whether as applicant, respondent, third party or in any other capacity:

- (a) a person who is 18 years of age or older but below 21 years of age and where section 36 of the Civil Law Act 1909 applies;
- (b) a person who is 21 years of age or older;
- (c) any entity with the capacity to sue or be sued under any law in Singapore or elsewhere.

**Parties to proceedings involving welfare or custody of child (P. 6, r. 2)**

2. Unless otherwise allowed under these Rules or with the Court's approval, a child is not to be named as a party to any proceedings involving the welfare or custody of that child.

**Parties to proceedings under International Child Abduction Act 2010 (P. 6, r. 3)**

3.—(1) Unless the Court otherwise orders, the respondent in any proceedings under Part 3 of the International Child Abduction Act 2010 must be one or more of the following:

- (a) a person alleged to have wrongfully removed to or retained in Singapore, within the meaning of the Convention, a child who is the subject of those proceedings (called in this Rule the relevant child);
- (b) a person with whom the relevant child is presumed to be;
- (c) any parent or guardian of the relevant child, being a parent or guardian who is present in Singapore;

- (d) a person in whose favour a decision relating to the custody of the relevant child has been made by any court, whether in or outside Singapore;
- (e) a person who appears to the Court to have sufficient interest in the welfare of the relevant child.

(2) Expressions used in paragraph (1) which are used in the International Child Abduction Act 2010 have the same meanings in that paragraph as in that Act.

**Parties to proceedings under Mental Capacity Act 2008**  
**(P. 6, r. 4)**

4.—(1) Unless the Court otherwise orders, a person (*P*) who lacks or is alleged to lack capacity (within the meaning given by the Mental Capacity Act 2008) and to whom any proceedings under that Act relate must not be named as a respondent to any such proceedings.

(2) If —

- (a) *P* is made a respondent to any proceedings under the Mental Capacity Act 2008; and
- (b) the Court is of the opinion that *P* does not lack capacity to conduct those proceedings himself or herself, regardless of whether *P* lacks capacity in relation to the matter or matters to which the proceedings relate,

the Court may allow *P* to conduct the proceedings without a litigation representative.

(3) Subject to paragraph (4), if there is a deputy appointed or deemed to be appointed by the Court under the Mental Capacity Act 2008, or a donee under a lasting power of attorney registered under that Act, with power in relation to *P* for the purposes of that Act, who is given power to conduct legal proceedings in *P*'s name or on *P*'s behalf, the deputy or donee (as the case may be) must be *P*'s litigation representative.

(4) Paragraph (3) does not apply in relation to any proceedings under the Mental Capacity Act 2008 in which the deputy or donee (as the case may be) is a party in his or her own capacity.

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(5) If there is no deputy or donee mentioned in paragraph (3) or if paragraph (4) applies, the Court may appoint as a litigation representative of *P* any of the following:

- (a) any person whom the Court is satisfied —
  - (i) is competent and willing to conduct proceedings on *P*'s behalf; and
  - (ii) has no interests adverse to those of *P*;
- (b) if there is no person mentioned in sub-paragraph (a) —
  - (i) in any case where the proceedings relate solely to *P*'s personal welfare — the Director-General of Social Welfare;
  - (ii) in any case where the proceedings relate solely to *P*'s property and affairs — the Public Trustee; or
  - (iii) in any case where the proceedings relate both to *P*'s personal welfare and *P*'s property and affairs — either the Director-General of Social Welfare acting alone, or both the Director-General of Social Welfare and the Public Trustee acting together, as the Court deems appropriate.

(6) A person may be appointed under paragraph (5) as a litigation representative for *P* for all or any proceedings under the Mental Capacity Act 2008.

(7) The Court may make an order for one or more of the following matters:

- (a) to terminate the appointment of a litigation representative appointed under paragraph (5);
- (b) to appoint a new litigation representative in place of an existing litigation representative appointed under paragraph (5);
- (c) that a person must not act as a litigation representative for *P* in any proceedings under the Mental Capacity Act 2008.

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**Parties to proceedings under Status of Children (Assisted Reproduction Technology) Act 2013 (P. 6, r. 5)**

**5.—(1)** Unless the Court otherwise orders, the following persons must be named as respondents in any proceedings under section 10 or 15 of the Status of Children (Assisted Reproduction Technology) Act 2013:

- (a) any person who, at the time the application under section 10 or 15 of that Act is made, is treated or claiming to be treated as the parent of a child who is the subject of those proceedings (called in this Rule the relevant child);
- (b) any person who, at the time the application under section 10 or 15 of that Act is made, is the de facto partner of the gestational mother of the relevant child;
- (c) the relevant child, where the relevant child is 21 years of age or older.

(2) Expressions used in paragraph (1) which are used in the Status of Children (Assisted Reproduction Technology) Act 2013 have the same meanings in that paragraph as in that Act.

**Adding or removing of parties (P. 6, r. 6)**

**6.—(1)** The Court may add or remove one or more applicants or respondents, or give directions for the originating application or summons (as the case may be) for the proceedings to be served on any person who may have an interest in the proceedings.

(2) A person seeking to be added as a party in any proceedings may, within 14 days after being served with the originating application or summons (as the case may be) for those proceedings, file a summons for the person to be added as a party.

(3) Where a person is added as a respondent in any proceedings, the proceedings are deemed to have commenced against that person on the date on which the amendment to the proceedings is made.

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*Division 2 — Persons under disability*

**Definitions of this Division (P. 6, r. 7)**

7. In this Division —

“person lacking capacity” means a person who lacks capacity within the meaning of the Mental Capacity Act 2008 in relation to matters concerning the person’s property and affairs;

“person under disability” means, subject to Rule 1 —

- (a) a person who is a minor; or
- (b) a person lacking capacity.

**Application of this Division (P. 6, r. 8)**

8. This Division does not apply to any proceedings under the Mental Capacity Act 2008.

**Person under disability must sue, etc., by litigation representative (P. 6, r. 9)**

9.—(1) A person under disability may only bring, make a claim in, defend, make a counterclaim in, or intervene in any proceedings, or appear in any proceedings under a judgment or an order notice of which has been served on him or her, by his or her litigation representative.

(2) Subject to these Rules, anything which in the ordinary conduct of any proceedings is required or authorised by a provision of these Rules to be done by a party to the proceedings must or may, if the party is a person under disability, be done by his or her litigation representative.

(3) A litigation representative of a person under disability must act by a solicitor.

(4) A litigation representative must be a person who can be a party to proceedings in the person’s own name.

(5) A litigation representative must not have any interest adverse to that of the person the litigation representative is representing.



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**Appointment of litigation representative (P. 6, r. 10)**

**10.**—(1) Except as provided by paragraph (3) or (4) or Rule 11, an order appointing a person litigation representative of a person under disability is not necessary.

(2) Where a person is authorised under the Mental Capacity Act 2008 to conduct legal proceedings in the name of a person lacking capacity (*P*) or on behalf of *P*, that person is entitled to be litigation representative of *P* in any proceedings to which that person's authority extends unless, in a case to which paragraph (3) or (4) or Rule 11 applies, the Court appoints some other person under that paragraph or Rule to be litigation representative of *P* in those proceedings.

(3) Where a person has been or is a litigation representative of a person under disability in any proceedings, no other person is entitled to act as the litigation representative of the person under disability in those proceedings unless the Court makes an order appointing that other person such litigation representative in substitution for the person previously acting in that capacity.

(4) Where, after any proceedings have been begun, a party to the proceedings becomes a person lacking capacity, an application must be made to the Court for the appointment of a person to be litigation representative of that party.

(5) Subject to paragraph (6), a person who proposes to be litigation representative of a person under disability must file the following documents before conducting legal proceedings in the name or on behalf of the person under disability:

- (a) a written consent in Form 73 to be litigation representative of the person under disability in the cause or matter in question given by the person proposing to be such litigation representative;
- (b) where —
  - (i) the person under disability (*P*) is a person lacking capacity; and

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- (ii) the person proposing to be litigation representative of *P* is authorised under the Mental Capacity Act 2008 to conduct the proceedings in the cause or matter in question in the name or on behalf of *P*, a copy, sealed with the seal of the Court, of the order or other authorisation made or given under the Mental Capacity Act 2008 by virtue of which the person proposing to be litigation representative is so authorised;
- (c) except where the person proposing to be litigation representative of the person under disability, being a person lacking capacity, is authorised as mentioned in sub-paragraph (b), a certificate in Form 74 made by the solicitor for the person under disability.
- (6) Paragraph (5) does not apply where the litigation representative of a person under disability is appointed by the Court.

**Appointment of litigation representative where person under disability does not appear (P. 6, r. 11)**

11.—(1) This Rule applies where —

- (a) an originating application is filed against a person under disability, and the person under disability does not appear by a litigation representative at the hearing of the originating application;
- (b) an originating application is served on a person under disability, and the person under disability does not appear by a litigation representative at the hearing of the originating application; or
- (c) notice of any proceedings is given to a person under disability, and the person under disability does not appear by a litigation representative at the hearing of the proceedings.
- (2) The Court may, at any stage in the proceedings —
- (a) appoint a litigation representative of the person under disability; or

(b) direct the party who filed the originating application against, served the originating application on or gave notice of the proceedings to the person under disability (as the case may be) to file a summons for the appointment of a litigation representative of the person under disability.

(3) A summons for the appointment of a litigation representative of a person under disability must be supported by evidence of all matters specified in the relevant practice directions in relation to the summons.

(4) If the Court so directs, a summons mentioned in paragraph (2)(b) need not be served on a person under disability.

### **Disclosure of documents (P. 6, r. 12)**

**12.** Part 9 of these Rules applies to a person under disability and to his or her litigation representative.

### **Compromise, etc., by person under disability (P. 6, r. 13)**

**13.—**(1) Where in any proceedings money is claimed by or on behalf of a person under disability, no settlement, compromise, payment or acceptance of money paid into Court, whenever entered into or made, is, so far as it relates to that person's claim, valid without the Court's approval.

(2) The claim to which paragraph (1) relates must be within the jurisdiction of the Court.

(3) The Court's approval mentioned in paragraph (1) may be obtained in the course of proceedings in the Court, or by filing an originating application if the settlement, compromise, payment or acceptance (as the case may be) is reached before the commencement of proceedings in the Court.

(4) The Court may, when granting approval under paragraph (3) —

(a) give any other order or direction that may be necessary to give effect to the approval or as may be necessary or expedient; or

(b) give directions as to the further prosecution of the person's claim mentioned in paragraph (1).

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(5) Where in any proceedings —

(a) money is due to a person under disability; or

(b) money paid into Court is accepted by or on behalf of the person under disability,

the money must be dealt with in accordance with any direction given by the Court.

(6) Directions given under paragraph (5) may provide that the money must, as to the whole or any part of the money, be paid into Court and invested or otherwise dealt with.

(7) Without affecting paragraph (5), the Court may give general or special directions as the Court thinks fit and, in particular, directions —

(a) as to how the money is to be applied or dealt with; and

(b) as to any payment to be made, either directly or out of the amount paid into Court, to the applicant, or to the litigation representative in respect of moneys paid or expenses incurred for or on behalf or for the benefit of the person under disability or for his or her maintenance or otherwise for his or her benefit or to the applicant's solicitor in respect of costs.

(8) Where pursuant to directions given under paragraph (5), money is paid into Court to be invested or otherwise dealt with, the money (including any interest on such money) must not be paid out, nor may any securities in which the money is invested, or the dividends on such securities, be sold, transferred or paid out of Court, except in accordance with an order of the Court.

### *Division 3 — Representation*

#### **Representation by solicitor, etc. (P. 6, r. 14)**

**14.—**(1) The following must be represented by a solicitor in any proceedings:

(a) a person who is represented by a litigation representative;

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- (b) subject to paragraphs (2) and (3), any entity with the capacity to sue or be sued under any law in Singapore or elsewhere.

(2) For the purposes of section 34(1)(*ea*) of the Legal Profession Act 1966, the Court may, on an application by a company, variable capital company or limited liability partnership, give permission for an officer of the company, variable capital company or limited liability partnership to act on behalf of the company, variable capital company or limited liability partnership in any relevant matter or proceeding to which the company, variable capital company or limited liability partnership is a party, if the Court is satisfied that —

- (a) the officer has been duly authorised by the company, variable capital company or limited liability partnership to act on its behalf in that matter or proceeding; and
- (b) the officer has sufficient executive or administrative capacity or is a proper person to represent the company, variable capital company or limited liability partnership in that matter or proceeding.

(3) For the purposes of section 34(1)(*eb*) of the Legal Profession Act 1966, the Court may, on an application by an unincorporated association (other than a partnership or a registered trade union), give permission for an officer of the unincorporated association to act on behalf of the unincorporated association in any relevant matter or proceeding to which the unincorporated association is a party, if the Court is satisfied that —

- (a) the officer has been duly authorised by the unincorporated association to act on behalf of the unincorporated association in that matter or proceeding; and
- (b) the officer has sufficient executive or administrative capacity or is a proper person to represent the unincorporated association in that matter or proceeding.

(4) For the purposes of this Rule and section 34(1)(*ea*) and (*eb*) and (3) of the Legal Profession Act 1966, “relevant matter or proceeding” means —

- (a) any matter or proceeding commenced in the Family Division and any appeal from that matter or proceeding; and
- (b) any matter or proceeding commenced in a Family Court and any appeal from that matter or proceeding.

(5) In this Rule —

“company” means a company incorporated under the Companies Act 1967;

“limited liability partnership” means a limited liability partnership registered under the Limited Liability Partnerships Act 2005;

“manager”, in relation to a limited liability partnership, has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“officer” —

(a) in relation to a company or variable capital company, means any director or secretary of the company or variable capital company, or a person employed in an executive capacity by the company or variable capital company;

(b) in relation to a limited liability partnership, means any partner in or manager of the limited liability partnership; or

(c) in relation to an unincorporated association (other than a partnership or registered trade union), means the president, the secretary or any member of the committee of the unincorporated association;

“partner”, in relation to a limited liability partnership, has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“registered trade union” has the meaning given by section 2 of the Trade Unions Act 1940;

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“variable capital company” has the meaning given by section 2(1) of the Variable Capital Companies Act 2018.

**Appointment, change and discharge of solicitor (P. 6, r. 15)**

**15.—(1)** A party to any cause or matter may, without an order of the Court —

- (a) change the party’s solicitor, where the party sues or defends by a solicitor;
- (b) appoint a solicitor to act in the cause or matter on the party’s behalf, after having sued or defended in person before appointing the solicitor; or
- (c) act in person after having sued or defended by a solicitor, where the party intends and is entitled to act in person,

by filing and serving on all other parties the notice in Form 75.

(2) Unless notice is given according to this Rule, a solicitor who is appointed by a party at any stage of an action is deemed to be acting for the party in the action until the final conclusion of the action in the Court, and his or her business address is deemed to be the address for service of all documents in the action until such conclusion.

(3) Where a party, after the final conclusion of an action, files or commences any proceedings to vary, rescind, revoke or set aside any order made in that action, a solicitor is not deemed to be acting for the party in those proceedings by reason only that the solicitor was deemed to be acting for the party in the action under paragraph (2).

(4) Where a solicitor has died, has ceased practice for any reason or cannot be contacted, and the party who appointed the solicitor fails to give the notice under paragraph (1), any other party may apply to the Court for an order that the solicitor has ceased to be the solicitor for the firstmentioned party in the cause or matter, and for the Court to give any directions as the Court considers appropriate.

(5) Notice given under this Rule takes effect from the time of service of the notice and does not affect the rights of the solicitor and the party who appointed the solicitor as between themselves.

(6) Where the party gives notice of that party's intention to act in person under paragraph (1)(c), the party must specify in the notice filed and served for that purpose an address in Singapore or an electronic mail address for the service of all documents.

(7) Where a party has no solicitor acting for the party on record, the party must give notice by letter to all the other parties stating an address in Singapore or an electronic mail address for service of all documents.

(8) Where a party fails to comply with paragraph (6) or (7), the party's last known address in Singapore or, in the case of an entity, the registered or principal office in Singapore is deemed to be the party's address for service of all documents.

(9) Where a party gives notice in accordance with paragraph (6) or (7) stating an electronic mail address for service of all documents, the party is deemed to agree that ordinary service and personal service of all documents may be effected using that electronic mail address.

**Withdrawal of solicitor who has ceased to act for party**  
**(P. 6, r. 16)**

**16.**—(1) Paragraphs (2) to (5) apply where a solicitor who has acted for a party in a cause or matter has ceased so to act for a reason in Rule 15(1)(a) or (c), and the party has not given notice in accordance with Rule 15(1)(a) or (c), as the case may be.

(2) The solicitor may file a summons in Form 76 for an order declaring that the solicitor has ceased to act for the party in the cause or matter, and the Court may make an order accordingly.

(3) The summons mentioned in paragraph (2) must, unless the Court otherwise directs, be served on the party.

(4) Until the solicitor serves on every party to the cause or matter a copy of the order of the Court made under paragraph (2) and files a notice in Form 75 of his or her having ceased to act as solicitor for the party, the solicitor is, subject to Rule 15, considered the solicitor of the party until the final conclusion of the cause or matter.



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(5) An order made under paragraph (2) does not affect the rights of the solicitor and the party for whom the solicitor acted as between themselves.

(6) Despite anything in paragraphs (1) to (4), where the Grant of Aid of an aided person within the meaning of the Legal Aid and Advice Act 1995 is cancelled or otherwise ceases to have effect —

- (a) the solicitor who acted for the aided person ceases to be the solicitor acting in the cause or matter; and
- (b) if the aided person whose Grant of Aid has been cancelled or otherwise ceased to have effect desires to proceed with the cause or matter without legal aid and appoints that solicitor or another solicitor to act on his or her behalf, Rule 15(1) applies as if that party had previously sued or defended in person.

(7) Notice that a solicitor has ceased to act for an aided person pursuant to paragraph (6) together with the last known address of the aided person for service must be served in the manner prescribed by the Legal Aid and Advice Act 1995.

### **Representation of parties who die and estates (P. 6, r. 17)**

17.—(1) Where a party to an action dies after the proceedings have commenced but the cause of action survives, the action does not terminate by reason of the death.

(2) Where a respondent has died but a cause of action against the respondent survives and no grant of probate or letters of administration has been made, the action may be brought against the estate of the deceased which is to be described as “personal representatives of (respondent’s name) deceased”.

- (3) In any action brought against the estate of a deceased person —
  - (a) the applicant must, within the time specified in paragraph (4), apply to the Court for —
    - (i) an order appointing a person to represent the deceased’s estate for the purpose of the proceedings; or

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(ii) if a grant of probate or administration has been made — an order that the personal representative of the deceased be made a party to the proceedings,

and in either case for an order that the proceedings be carried on against the person appointed or (as the case may be) against the personal representative, as if he or she had been substituted for the estate; and

(b) the Court may, at any stage of the proceedings and on any terms that the Court thinks just, make any order mentioned in sub-paragraph (a) and allow amendments (if any) to be made, and make any other order that the Court thinks necessary in order to ensure that all matters in dispute in the proceedings may be effectually and completely determined and adjudicated upon.

(4) For the purposes of paragraph (3)(a), the applicant must make the application mentioned in that provision within 3 months after the date of death of the deceased person or the date on which the originating application or summons is filed, whichever is later, or any longer period that the Court may allow.

(5) Subject to paragraph (6), if the applicant fails to apply to the Court in accordance with paragraph (3)(a), the Court may strike out the action against the deceased person.

(6) The Court must not make an order under paragraph (5) unless the Court is satisfied that notice of the proposed application to strike out the action against the deceased person has been given to the personal representatives (if any) of the deceased person, and any other person who, in the Court's opinion, may be affected by the striking out.

(7) Where the Public Trustee has been appointed by an order under paragraph (3) to represent the deceased's estate, the originating application or summons for the action must be served on the Public Trustee, whose appointment is limited to accepting service of the originating application or summons unless the Public Trustee consents to take further steps in the proceedings on behalf of the estate of the deceased person.

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(8) Where no grant of probate or administration has been made, any judgment or order given or made in the action binds the deceased's estate to the same extent as if a grant had been made and a personal representative of the deceased had been a party to the action.

(9) In relation to any proceedings filed or commenced subsequent to the conclusion of a cause or matter to enforce, vary, rescind, revoke or set aside any order made in that cause or matter, all references in this Rule to the applicant and respondent are to be read as references to the applying party and responding party respectively.

(10) Where a party in an action dies after proceedings have commenced and no cause of action survives, the solicitor for the deceased party or any surviving party must inform the Court of the party's death in the manner specified in any practice directions made for this purpose.

### **Representation of parties who become bankrupt (P. 6, r. 18)**

**18.** Where a party to an action becomes bankrupt after the proceedings have commenced but the cause of action survives, the action does not terminate by reason of the bankruptcy.

### **Representation of beneficiaries by trustees, etc. (P. 6, r. 19)**

**19.—(1)** Unless the Court otherwise orders, any proceedings may be brought by or against a trustee, an executor or an administrator in the capacity of trustee, executor or administrator (as the case may be) without joining any person having a beneficial interest in a trust or an estate, as the case may be.

(2) Any judgment or order given or made in the proceedings mentioned in paragraph (1) is binding on the persons having a beneficial interest in the trust or estate (as the case may be), unless the Court in the same or other proceedings otherwise orders on the ground that the trustee, executor or administrator (as the case may be) could not or did not in fact represent the interests of those persons in the firstmentioned proceedings.

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PART 7  
SERVICE OF DOCUMENTS

**Application of this Part (P. 7, r. 1)**

1. This Part does not apply to or in relation to any quasi-criminal proceedings.

*Division 1 — Service in Singapore*

**Methods of service generally (P. 7, r. 2)**

2.—(1) Any document that is required to be served under these Rules may be served by way of —

- (a) personal service, where expressly required by these Rules or any written law, or where the Court orders such service, or where the serving party decides to do so voluntarily; or
- (b) ordinary service.

(2) Where —

- (a) a document is required to be served on any person under these Rules but not by personal service; and
- (b) that person, at the time when service is to be effected, does not have an address for service or has not taken part in the proceedings,

the document need not be served on that person unless the Court otherwise orders or these Rules otherwise provide.

(3) The Court may, in an appropriate case, dispense with personal service or with ordinary service or with service altogether.

**Personal service (P. 7, r. 3)**

3.—(1) Personal service of a document is effected —

- (a) on a natural person by leaving a copy of the document with that person;
- (b) on any entity by leaving a copy of the document with the chairperson or president, or the secretary, treasurer or other officer, of the entity;

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- (c) on any person or entity according to the requirements of any written law; or
  - (d) in any manner agreed with the person or entity to be served.
- (2) The following persons may effect personal service:
- (a) a process server of the Court;
  - (b) a solicitor;
  - (c) a solicitor's employee;
  - (d) a litigant who is not legally represented or such a person's employee;
  - (e) any other person that the Registrar may allow in a particular case or generally.
- (3) If the process server of the Court effects service, the Registrar must notify the requesting person of the fact and manner of the service.
- (4) Personal service of an originating application is deemed to have been effected on a natural person (*N*) if —
- (a) the solicitor for *N* accepts service of the originating application on behalf of *N*;
  - (b) *N* files any of the following in the proceedings begun by the originating application, despite personal service of the originating application not being duly effected on *N* in accordance with paragraph (1):
    - (i) an Acknowledgment of Service;
    - (ii) a Notice to Contest;
    - (iii) a Reply or a reply affidavit; or
  - (c) both of the following requirements are satisfied:
    - (i) the applicant files an affidavit of service exhibiting any document purporting to indicate that *N* has received the originating application, despite personal service of the originating application not being duly effected on *N* in accordance with paragraph (1);

- (ii) the Court is satisfied that the document exhibited in the affidavit of service indicates that *N* has received the originating application.

(5) Where personal service of an originating application is deemed to have been effected under paragraph (4)(b) —

- (a) the date of service of the originating application is taken to be the date on which *N* filed the first of any document mentioned in paragraph (4)(b)(i), (ii) and (iii); and
- (b) the Court may require that *N*'s signature on the document mentioned in sub-paragraph (a) be proved at the trial or hearing.

(6) Where personal service of an originating application is deemed to have been effected under paragraph (4)(c), the date of service of the originating application is taken to be the date on which the applicant files the affidavit of service mentioned in paragraph (4)(c)(i).

#### **Ordinary service (P. 7, r. 4)**

**4.** Ordinary service of a document may be effected —

- (a) by leaving the document at or posting it to —
  - (i) in the case of a natural person, the person's usual or last known address or the business address of the person's solicitor; or
  - (ii) in the case of an entity, its registered or principal office or, if none exists, its last known place of business or its solicitor's address;
- (b) by electronic mail at the electronic mail address provided by the party to be served;
- (c) by fax, but only if —
  - (i) both the serving party and the party to be served act by solicitor; and
  - (ii) the solicitor acting for the party to be served indicates to the solicitor acting for the serving party that the firstmentioned solicitor is willing to

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accept service at a specified fax number and the document is transmitted to that number;

- (d) in any manner agreed between the parties;
- (e) in any manner which the Court may direct, including the use of electronic means; or
- (f) in any manner provided under any written law.

**Service in certain actions for possession of immovable property  
(P. 7, r. 5)**

5. Where there is a claim for possession of immovable property, the Court may, on a summons without notice, authorise service to be effected by placing the document on some conspicuous part of the immovable property or order that the service that has already been effected stand as good service, if the Court is satisfied that —

- (a) no person appears to be in possession of the immovable property; and
- (b) service cannot otherwise be effected on any party to be served.

**Substituted service (P. 7, r. 6)**

6.—(1) If a document is required to be served personally and it is impractical to serve it personally, a party may apply to serve it by substituted service.

(2) The party mentioned in paragraph (1) must file a summons without notice together with a supporting affidavit.

(3) The Court may order any method of substituted service that is effective in bringing the document to the notice of the person to be served, including the use of electronic means.

(4) Substituted service is to be effected within 14 days after the order of the Court.

**Time for service (P. 7, r. 7)**

7.—(1) Subject to these Rules (including Part 28 regulating the electronic filing service) and any written law, when service is effected

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at or before 5 p.m. on any particular day, service is deemed to have been effected on that day.

(2) When service is effected after 5 p.m. on any particular day, service is deemed to have been effected on the following day.

**Notice of service (P. 7, r. 8)**

**8.—**(1) This Rule applies in relation to an originating application or any other document that is required to be served under these Rules by personal service.

(2) A party who has effected service of any document mentioned in paragraph (1) must file an Affidavit of Service in Form 78 within 7 days after the date of service of that document.

(3) Except where service of an originating application is effected by a process server of the Court, the Court may refuse to hear the originating application if paragraph (2) has not been complied with.

**Service on Minister, etc., in proceedings which are not by or against Government (P. 7, r. 9)**

**9.—**(1) This Rule applies where, for the purpose of or in connection with any proceedings (not being civil proceedings by or against the Government within the meaning of Part 3 of the Government Proceedings Act 1956), any document is required by any written law or these Rules to be served on the Minister of a Government department which is an authorised department for the purposes of that Act, or on such a department or the Attorney-General.

(2) Section 20 of the Government Proceedings Act 1956 applies in relation to the service of a document mentioned in paragraph (1) as it applies in relation to the service of documents required to be served on the Government for the purpose of or in connection with any civil proceedings by or against the Government.

(3) Personal service of any document mentioned in paragraph (1) is not requisite.

(4) Service of any document mentioned in paragraph (1) must be effected —



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- (a) subject to paragraph (5), by leaving the document at the office of —
- (i) the person who is to be served in accordance with section 20 of the Government Proceedings Act 1956; or
  - (ii) any agent nominated by the person mentioned in sub-paragraph (i) for the purpose; or
- (b) by posting the document in a prepaid envelope addressed to the person mentioned in sub-paragraph (a)(i) or the agent mentioned in sub-paragraph (a)(ii).

(5) For the purposes of paragraph (4)(a), the document must be left with a member of the staff of the person mentioned in sub-paragraph (i) or the agent mentioned in sub-paragraph (ii) of that paragraph, as the case may be.

(6) Rule 4 does not apply, and Rule 7 applies, to service under this Rule.

*Division 2 — Service out of Singapore*

**Service out of Singapore (P. 7, r. 10)**

**10.**—(1) Except as otherwise provided in these Rules, an originating application or other court document may be served out of Singapore with the Court’s approval if it can be shown that the Court has the jurisdiction or is the appropriate court to hear the action.

(2) To obtain the Court’s approval, the applicant must apply to the Court by summons without notice and supported by affidavit which must state —

- (a) why the Court has the jurisdiction or is the appropriate court to hear the action;
- (b) in which country or place the respondent is, or probably may be found; and
- (c) whether the validity of the originating application needs to be extended.

(3) The summons without notice and supporting affidavit mentioned in paragraph (2) must be in Form 80.

(4) The Court's approval is not required if service out of Singapore is allowed under an agreement between the parties.

(5) The Court's approval is not required for service of court documents other than the originating application if the Court's approval has been granted for service of the originating application out of Singapore.

(6) The Court's approval is not required for service of an originating application or other court documents relating to any proceedings under Part 10 of the Women's Charter 1961 out of Singapore.

### **Methods of service out of Singapore (P. 7, r. 11)**

**11.**—(1) Where the Court's approval has been obtained under Rule 10(2), service of the originating application or other court documents may be effected out of Singapore in the following manner:

- (a) according to the manner agreed between the parties;
- (b) where there is a Civil Procedure Convention governing service in the foreign country —
  - (i) in the case of the Hague Service Convention as defined in Rule 14(7) —
    - (A) in accordance with Rule 14; or
    - (B) subject to any objection made by the receiving Contracting State, in accordance with sub-paragraph (a), (c), (d), (e) or (f);
  - (ii) in the case of any other Civil Procedure Convention — according to the manner provided in that convention; or
  - (iii) in the case where both the Hague Service Convention and another Civil Procedure Convention govern service in the foreign country — in accordance with either sub-paragraph (i) or (ii);

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- (c) through the government of the foreign country if that government is willing to effect service;
  - (d) through the judicial authority of the foreign country if that authority is willing to effect service;
  - (e) through a Singapore consular authority in the foreign country seeking the assistance of the relevant authority in that foreign country to effect service;
  - (f) according to the manner provided by the law of that foreign country.

(2) Unless any Civil Procedure Convention, treaty, government or judicial authority of a foreign country requires that the originating application or other court documents be sent from the Government or judicial authority of Singapore, they may be sent to the entities in paragraph (1)(c), (d) and (e) by the serving party who must engage a solicitor for this purpose.

(3) Where the originating application or other court documents have to be sent from the Government of Singapore, the solicitor for the serving party must send them to the Registrar with a letter requesting the Registrar to forward them to the Ministry of Foreign Affairs stating the method of service in the foreign country.

(4) Every originating application or court document which is to be served outside Singapore must be accompanied by a translation in the official language of the foreign country, and if there is more than one official language, in any of those languages which is appropriate for the party to be served, except where the official language or one of the official languages is English.

(5) The translation must be certified by a person qualified to do so and the certificate must contain the translator's full name, his or her address and his or her qualifications.

(6) Nothing is to be done under this Rule that is contrary to the laws of the foreign country.

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**Service of originating application on person in Malaysia or Brunei Darussalam (P. 7, r. 12)**

12. Where the respondent is in Malaysia or Brunei Darussalam, the originating application —

- (a) may be served in accordance with Rule 11; or
- (b) may be sent by post or otherwise by the Registrar to the Magistrate, Registrar or other appropriate officer of any court exercising civil jurisdiction in the area in which the person to be served is said to be or to be carrying on business for service on the respondent, and if it is returned with an endorsement of service and with an affidavit of such service, it is deemed to have been duly served.

**Service of originating application issued in Family Justice Courts on person in any jurisdiction other than Malaysia or Brunei Darussalam (P. 7, r. 13)**

13.—(1) An originating process issued in the Family Justice Courts which is to be served out of Singapore in any jurisdiction (other than Malaysia or Brunei Darussalam) —

- (a) must be sent by the Registrar of the Family Justice Courts to the Registrar of the Supreme Court; and
- (b) must be served in accordance with these Rules relating to the service out of Singapore of an originating process issued in the Supreme Court.

(2) Every certificate of service received by the Registrar of the Supreme Court in respect of such service must be transmitted by the Registrar of the Supreme Court to the Registrar of the Family Justice Courts.

**Service of originating process, etc., out of Singapore on person under Article 3 of Hague Service Convention (P. 7, r. 14)**

14.—(1) This Rule applies to the service out of Singapore, under Article 3 of the Hague Service Convention, of an originating process or other court document required in connection with civil

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proceedings in respect of a civil or commercial matter on a person, other than a State, in a Contracting State.

(2) If any provision in this Rule is inconsistent with any other provision in this Part, the provision in this Rule prevails to the extent of the inconsistency.

(3) The person mentioned in paragraph (1) must have a known address in the Contracting State in which the documents are to be served.

(4) A person who wishes to serve any document mentioned in paragraph (1) out of Singapore under this Rule must file in the Registry a request for service in the current version of Part 1 of the Model Form, accompanied by —

- (a) a sealed copy of the document to be served;
- (b) a summary of the document to be served, in accordance with Part 3 of the Model Form;
- (c) a translation of the documents mentioned in sub-paragraphs (a) and (b) in accordance with Rule 11(4) and (5); and
- (d) a copy each of the request and the documents mentioned in sub-paragraphs (a), (b) and (c), which may be in electronic form if agreed to by the central authority.

(5) The Registrar must send the documents filed under paragraph (4) to the Registrar of the Supreme Court who must forward the documents to the central authority of the Contracting State in which the documents are to be served.

(6) Rule 11(3) does not apply in relation to any service under this Rule.

(7) In this Rule —

“central authority”, in relation to a Contracting State, means an authority that is designated by that State under Article 2 of the Hague Service Convention for receiving requests for service coming from other State parties to the Hague Service Convention;

“Contracting State” means a State (other than Singapore) which is a party to the Hague Service Convention;

“Hague Service Convention” means the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague on 15 November 1965;

“Model Form” means the model form, in 3 parts, annexed to the Hague Service Convention and set out on the Internet website for that Convention at <https://www.hcch.net/en/instruments/conventions/specialised-sections/service>.

### **Undertaking to pay expenses of service (P. 7, r. 15)**

15.—(1) The solicitor for the serving party must give an undertaking in writing to the Ministry of Foreign Affairs, the Registrar and the serving authority or person in the foreign country to pay all expenses incurred in effecting the service requested.

(2) Upon request to pay the expenses whether before or after the service, the solicitor for the serving party must do so within 14 days.

### **Certificate of service (P. 7, r. 16)**

16. An official certificate or letter by the agency or person who effected service in the foreign country stating that service has been effected on the party to be served in accordance with the law of the foreign country and the date of the service is evidence of those facts.

#### *Division 3 — Further requirements*

### **Service of documents for persons under disability (P. 7, r. 17)**

17.—(1) Subject to paragraph (2), this Rule applies where in any proceedings any document is required to be served personally on a person, and the person to be served is a person under disability.

(2) This Rule does not apply to or in relation to any proceedings under the Mental Capacity Act 2008 under which any document is required to be served personally on a person lacking capacity.

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- (3) Subject to this Rule, the document must be served —
- (a) in the case of a minor who is not also a person lacking capacity —
    - (i) on his or her parent or guardian; or
    - (ii) if he or she has no living parent or guardian, on the person with whom he or she resides or in whose care he or she is; and
  - (b) in the case of a person lacking capacity —
    - (i) on the person authorised under the Mental Capacity Act 2008 to conduct in the name of the person lacking capacity or on his or her behalf the proceedings in connection with which the document is to be served; or
    - (ii) if there is no person authorised, on the person with whom he or she resides or in whose care he or she is,

and must be served in the manner required by these Rules with respect to the document in question.

(4) Despite anything in paragraph (3), the Court may order that a document which has been, or is to be, served on the person under disability or on a person other than a person mentioned in that paragraph is deemed to be duly served on the person under disability.

(5) Subject to paragraph (6), a judgment or an order requiring a person to do, or refrain from doing any act, a summons for the committal of any person, and an order to attend court issued to any person, must, if that person is a person under disability, be served personally on him or her unless the Court otherwise orders.

(6) Paragraph (5) does not apply to an order for disclosure or inspection of documents.

(7) In this Rule, “person lacking capacity” and “person under disability” have the meanings given by Part 6, Rule 7.

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**Service of documents for proceedings under Adoption of Children Act 2022 (P. 7, r. 18)**

**18.**—(1) For the purposes of section 25(1) of the Adoption of Children Act 2022, a copy of an adoption application in respect of a child and its supporting affidavit must be served personally on every relevant person of the child no later than the time required for service under Part 5, Rule 11(2) or (3), whichever is applicable.

(2) For the purposes of section 25(2)(a) and (b) of the Adoption of Children Act 2022, a copy of an adoption application in respect of a child and its supporting affidavit must be served on the Guardian-in-Adoption and the Director-General respectively, no later than 7 days after the filing of the adoption application.

(3) Every application under the Adoption of Children Act 2022 (except an adoption application and its supporting affidavit) must be served on the following persons no later than 7 days after the filing of the application:

(a) the Guardian-in-Adoption;

(b) where the child who is the subject of the application is a child in state care, the Director-General.

(4) In this Rule, “adoption application”, “child in state care”, “Director-General”, “Guardian-in-Adoption” and “relevant person” have the meanings given by section 2(1) of the Adoption of Children Act 2022.

**Documents for proceedings under International Child Abduction Act 2010 (P. 7, r. 19)**

**19.**—(1) Where an originating application is filed for any proceedings under Part 3 of the International Child Abduction Act 2010 (called in this Rule the applicable proceedings), the applicant must forward a copy of the originating application and the supporting affidavit for the originating application to the following persons within 7 days after the originating application is filed:

(a) the Central Authority of Singapore;

(b) where the supporting affidavit states the particulars of any pending court proceedings in a court in Singapore (other



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than the Court) relating to the child who is the subject of the applicable proceedings, that other court.

- (2) In paragraph (1)(b), “court” includes —
- (a) a Syariah Court constituted under section 34 of the Administration of Muslim Law Act 1966; and
  - (b) an Appeal Board constituted under section 55 of the Administration of Muslim Law Act 1966.
- (3) Expressions used in this Rule which are used in the International Child Abduction Act 2010 have the same meanings in this Rule as in that Act.

**Service of documents for proceedings under Mental Capacity Act 2008 (P. 7, r. 20)**

**20.**—(1) Except as specified in paragraph (3), where an originating application is filed for an application under the Mental Capacity Act 2008, the applicant must serve the originating application and the supporting documents for that originating application —

- (a) on each relevant person by ordinary service unless the Court otherwise directs; and
- (b) on each respondent (if any) by personal service.

(2) In paragraph (1), “relevant person” means a person (other than a respondent) who is specified in any practice directions to be a person who is to be served under paragraph (1), and different persons may be specified for different applications and different matters under the Mental Capacity Act 2008.

(3) Where an originating application is filed for an application under section 17 or 18 of the Mental Capacity Act 2008, the applicant must serve the originating application and the supporting documents for that originating application on the following persons:

- (a) the donor and every donee of the lasting power of attorney, unless sub-paragraph (b) or (c) applies;
- (b) if the applicant is the donor of the lasting power of attorney, every donee of the power of attorney;

(c) if the applicant is a donee of the lasting power of attorney, the donor and every other donee of the power of attorney.

(4) Where an originating application is filed for an application to vary or amend an order of the Court made under the Mental Capacity Act 2008, the applicant must additionally serve the originating application and the supporting documents for that originating application on the Public Guardian.

**Service out of Singapore of documents for proceedings under Mental Capacity Act 2008 (P. 7, r. 21)**

**21.**—(1) Despite Rule 10, an originating application for any application under the Mental Capacity Act 2008 may be served by electronic mail on a relevant person with the Court’s approval if —

- (a) the Court has the jurisdiction to hear the application; and
- (b) the Court is satisfied that —
  - (i) the relevant person resides in a country or territory outside Singapore; and
  - (ii) the electronic mail address to which the originating application will be sent is active and is used by the relevant person.

(2) For the purposes of paragraph (1)(b), the Court may have regard to any information in the originating application or any supporting document for the originating application that relates to the matters set out in that provision.

(3) In this Rule, “relevant person” has the meaning given by Rule 20(2).

**Notification of proceedings under Mental Capacity Act 2008 (P. 7, r. 22)**

**22.**—(1) This Rule applies in relation to a person (*P*) who lacks or (so far as consistent with the context) is alleged to lack capacity within the meaning of the Mental Capacity Act 2008 and to whom any proceedings under that Act relate.

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- (2) Subject to paragraph (5), *P* must be notified of the following:
- (a) where an application under the Mental Capacity Act 2008 has been filed or withdrawn — the filing or withdrawal of the application, as the case may be;
  - (b) where an appeal against an order made by the Court under that Act has been filed or withdrawn — the filing or withdrawal of the appeal, as the case may be;
  - (c) where a date has been fixed for the hearing of an application under that Act or an appeal against an order made by the Court under that Act — the date on which the application or appeal (as the case may be) will be heard;
  - (d) where an order which affects *P* has been made by the Court under that Act — the effect of the order;
  - (e) where the Court directs that *P* is to be notified — any matter as the Court may direct.
- (3) The applicant or appellant (as the case may be), or any other person as the Court may direct, must notify *P* of the occurrence of any event mentioned in paragraph (2) —
- (a) within 14 days after the occurrence of that event;
  - (b) in a manner appropriate to *P*'s circumstances and in accordance with any practice directions; and
  - (c) with sufficient information about and explanation of the event in accordance with any practice directions for the time being issued by the Registrar.
- (4) The person effecting the notification must, within 7 days after the date on which *P* was notified under this rule, file a Declaration of Notification in Form 81.
- (5) The Court may, on application by the applicant or appellant (as the case may be) or other person mentioned in paragraph (3) or on the Court's own motion, dispense with the requirement to notify *P*.

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PART 8

JUDGE-LED APPROACH IN RESOLVING FAMILY DISPUTES

**Judge-led approach to achieve Objectives (P. 8, r. 1)**

1.—(1) The Court, when dealing with any cause or matter under these Rules, is to adopt a judge-led approach —

- (a) to identify the relevant issues and parties in the cause or matter;
- (b) to ensure that the relevant evidence is adduced by the parties to the cause or matter; and
- (c) to take control of and set the timelines and give directions for the proceedings.

(2) The powers in this Part may be exercised by the Court at any stage of the proceedings, including appeals.

**Power to make orders and give directions (P. 8, r. 2)**

2.—(1) The Court may, at any time after the commencement or at the hearing of any proceedings —

- (a) direct any party or parties to the proceedings to appear before the Court; and
- (b) make any order or give any direction that the Court thinks fit.

(2) Without limiting paragraph (1)(b), the Court may make any order or give any direction on one or more of the following matters:

- (a) that any party or parties to the proceedings attend mediation or other alternative dispute resolution process or counselling or participate in any family support programme or activity that the Court thinks fit;
- (b) to dispense with any requirement under these Rules to file a summons for any application and allow the application to be made orally instead;
- (c) to impose any condition that the Court thinks fit which a party must satisfy before filing any originating application,

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summons or other document, whether in the same proceedings or other proceedings;

- (d) subject to any written law relating to the admissibility of evidence, that a party or witness adduce any evidence relevant to the proceedings;
- (e) the giving of evidence orally, by affidavit or in any other manner including an unsworn statement;
- (f) where a child is the subject of or a party to the proceedings — that the child be interviewed by a Judge separately and apart from the parties to the proceedings or any other person;
- (g) the appointment of any expert or assessor;
- (h) the appointment of an independent counsel;
- (i) whether any issue in the proceedings is to be heard jointly with or separately from any other issue, and the order in which the issues are to be heard;
- (j) despite any other provision in these Rules, to limit the evidence given by any party or witness, including the number of affidavits by the party or witness and the length of each affidavit;
- (k) that any party or witness or any child representative or child specialist appointed under Part 12 appear before the Court separately and apart from any other party, witness, child representative or child specialist;
- (l) the order in which any oral evidence by a party or witness should be given;
- (m) the time limited for giving oral evidence;
- (n) to restrict or dispense with the cross-examination of any party or witness;
- (o) the time limited for oral arguments;
- (p) that the parties file and serve their written submissions (with a page limit as set out in practice directions, except in a special case) together with the bundle of authorities;

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- (*q*) subject to section 281 of the Criminal Procedure Code 2010 and section 62A of the Evidence Act 1893, the giving of evidence through a live video link or live television link;
- (*r*) subject to any written law or rule of law restricting the disclosure, or relating to the confidentiality, of any document or information —
- (i) the disclosure of any document or information;
  - (ii) whether any document or information should be treated as confidential; and
  - (iii) whether any party to the proceedings may inspect any document.
- (3) The Court may allow the page limit mentioned in paragraph (2)(*p*) to be exceeded —
- (*a*) in special circumstances; and
  - (*b*) unless the Court otherwise orders under paragraph (4), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.
- (4) The Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (3)(*b*).
- (5) The Court may, in making orders or giving directions under paragraph (1)(*b*), take into account both of the following:
- (*a*) whether or not a party has complied with any relevant pre-action protocol or practice directions;
  - (*b*) a party's response (if any) to any offer of amicable resolution.
- (6) The Court may give any direction under paragraph (1)(*b*) by letter, and every party to the proceedings must comply with that direction as if the direction were made by the Court at a case conference or hearing of the proceedings.
- (7) Where any party fails to comply with any order made or direction given by the Court under paragraph (1)(*b*), the Court may —

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- (a) dismiss the originating application or summons, as the case may be;
  - (b) strike out any prayer for relief in the originating application or summons, as the case may be;
  - (c) strike out any reply or response filed by the party in response to the originating application or summons, as the case may be; or
  - (d) make any other order that the Court thinks fit.

(8) The Court may, in exercising its powers under paragraph (1) or (6), make any order as to costs that it thinks fit.

### **Consolidation, etc., of causes or matters (P. 8, r. 3)**

3. The Court may order 2 or more actions to be consolidated, or order them to be tried together or one immediately after another, or order any of them to be stayed pending the determination of the other action or actions, if the Court is of the opinion that —

- (a) there is some common question of law in the actions;
- (b) the reliefs claimed in the actions concern or arise out of the same factual situation; or
- (c) it is appropriate to do so.

### **Case conferences (P. 8, r. 4)**

4.—(1) The Court may, at any time before any proceedings are heard, direct parties to attend a case conference relating to the matters arising in the proceedings personally.

(2) Despite paragraph (1), a party to the proceedings may be represented at a case conference by the party's solicitor, if any.

(3) Despite paragraph (2), the Court may direct a party to attend the case conference personally, in addition to the party's solicitor.

(4) Where, at any time during a case conference, the parties agree to a resolution of all or any of the issues in dispute in the proceedings, the Court may enter judgment in the proceedings or make any order to give effect to that resolution.

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(5) Where —

- (a) an applicant attends a case conference; and
- (b) the originating application or summons filed by the applicant has not been served on the respondent or any other relevant party,

the Court may, without affecting any other provision of these Rules, order the originating application or summons to be served on the respondent or other relevant party.

(6) A case conference may be adjourned, either generally or to a particular date, as may be appropriate.

### **Conduct of case conference (P. 8, r. 5)**

**5.—(1)** At a case conference, the Court may do all or any of the following:

- (a) consider any matter including the possibility of settlement of all or any of the issues in the proceedings and require the parties to provide the Court with any relevant information that it thinks fit;
- (b) give any directions, including any directions under Rule 2(1);
- (c) dispense with any requirement under these Rules that the Court considers appropriate or necessary;
- (d) extend the time under these Rules or any direction of the Court for the filing of any document or affidavit;
- (e) grant permission to any party in relation to any matter under these Rules for which the Court's permission is required, despite that party not filing an application to obtain that permission.

(2) In addition, where the Court is satisfied that it is necessary to deal with any issue in the proceedings summarily at the case conference to ensure the welfare of any child to whom the proceedings relate, the Court may make any order that is appropriate or necessary in the circumstances —



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- (a) despite the party in favour of whom the order is made not filing an application for that order; and
  - (b) even though any party to the proceedings has yet to adduce evidence in the proceedings.

(3) The Court must, before making an order under paragraph (2), give any person who is likely to be affected by that order, and has yet to adduce evidence in the proceedings, an opportunity to make representations.

### **Review of access orders (P. 8, r. 6)**

**6.—**(1) This Rule applies in relation to any order made under any written law for custody or the care and control of a child under which a parent who does not have custody or care and control of the child has the right of access to the child (called in this Rule an access order).

(2) Without affecting any written law, the Court may, when making an access order in relation to a child, order that the access order be reviewed at a future date if the Court is of the opinion that the review is necessary.

(3) At a review under paragraph (2), the Court must not vary an access order unless —

- (a) the parties to the proceedings in which the access order was made agree to the variation; or
- (b) both of the following conditions are satisfied:
  - (i) the Court dispenses with the requirement for any party to the proceedings in which the access order was made to file a summons to vary the access order;
  - (ii) the parties to those proceedings have been given an opportunity to provide further evidence by affidavit in respect of all relevant events and circumstances which occurred or arose after the access order was made.

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**Non-disclosure of confidential or without prejudice communications (P. 8, r. 7)**

7. Subject to the law governing the admissibility of evidence at trial, any communication made in the course of a case conference in any proceedings must not be disclosed to the Court hearing those proceedings if the communication —

- (a) has been stated by any party to the proceedings to be “confidential” or “without prejudice”; or
- (b) has been marked by the Judge or Registrar (as the case may be) as being “confidential” or “without prejudice”.

**Security for costs (P. 8, r. 8)**

8.—(1) The respondent may apply for security for the respondent’s costs of the action if the applicant —

- (a) is ordinarily resident out of the jurisdiction;
- (b) is a nominal applicant who is suing for some other person’s benefit (but not suing in a representative capacity) and there is reason to believe that the applicant will be unable to pay the respondent’s costs if ordered to do so; or
- (c) has not stated or has incorrectly stated the applicant’s address in the originating application, or has changed the applicant’s address during the course of the proceedings, so as to evade the consequences of the litigation.

(2) Nothing in this Rule is deemed to limit or affect the power of the Court to require security to be given for the costs of any proceedings under any written law.

**Amendment of originating applications, summonses and replies (P. 8, r. 9)**

9.—(1) An originating application, a summons or a reply may be amended —

- (a) without the Court’s permission —
  - (i) before the originating application, summons or reply (as the case may be) is served on any party; or

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(ii) before the first hearing of the originating application or summons (as the case may be), with the written consent of all other parties; or

(b) otherwise with the Court's permission.

(2) Where a party amends an originating application, a summons or a reply without the Court's permission under paragraph (1)(a)(ii), the party must, within 14 days after the date on which the last of any other parties to the proceedings consents to the amendment —

(a) file the amended originating application, summons or reply, as the case may be; and

(b) unless the Court directs otherwise, serve the amended originating application, summons or reply (as the case may be) on every other party.

(3) If material facts in an originating application, a summons or a reply are amended, the Court may draw the appropriate inferences.

### **Amendment of other documents in proceedings (P. 8, r. 10)**

**10.**—(1) Unless otherwise provided in these Rules, a document in the proceedings (other than an originating application, a summons or a reply) may be amended only with the Court's permission.

(2) Where a party amends a document in the proceedings with the Court's permission under paragraph (1), the party must, within 14 days after the date of the Court's approval, file and serve the amended document on every other party.

(3) This Rule does not have effect in relation to a judgment or an order.

### **Amendment of judgments and orders (P. 8, r. 11)**

**11.** The Court may at any time, by summons without an appeal, correct —

(a) clerical mistakes in a judgment or an order; or

(b) errors arising in a judgment or an order from any accidental slip or omission.

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**Striking out (P. 8, r. 12)**

**12.**—(1) The Court may order any or any part of an originating application, a summons or a reply to be struck out or amended, on the ground that —

- (a) it discloses no reasonable cause of action or defence, as the case may be;
- (b) it is an abuse of process of the Court; or
- (c) it is in the interests of justice to do so.

(2) The Court may, in addition to an order made under paragraph (1), order the action to be stayed or dismissed or judgment to be entered accordingly, as the case may be.

(3) No evidence is admissible on an application under paragraph (1)(a).

(4) The Court may order any affidavit or other document filed in Court to be struck out or redacted on the ground that —

- (a) the party had no right to file the affidavit or document;
- (b) it is an abuse of process of the Court; or
- (c) it is in the interests of justice to do so.

**Agreement on facts and law (P. 8, r. 13)**

**13.**—(1) Where admissions of fact are made by a party in the party's originating application, summons or reply or other documents, the Court may, on application, give judgment or make any other order that the Court thinks just on those admissions.

(2) The parties may also agree on material questions of law and to waive or limit their right of appeal.

**Decision on questions of law or construction of documents (P. 8, r. 14)**

**14.**—(1) Upon a party's application or on the Court's own accord, the Court may decide any question of law or the construction of any document arising in any action without a trial or hearing on the facts, whether or not such decision will fully determine the action.

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(2) Where the Court’s decision in paragraph (1) fully determines (subject only to any appeal) the entire matter or any claim or issue therein, the Court may give judgment or dismiss the action or make any order that is appropriate.

**Claim for declaration without other relief (P. 8, r. 15)**

15. The Court may make a declaratory judgment or order whether or not any other relief is sought.

**Independent witnesses and interested non-parties (P. 8, r. 16)**

16.—(1) The Court may order, on its own accord, a person not named as a witness for any party to give evidence orally or by way of affidavit as an independent witness.

(2) The Court may give directions for the cross-examination of an independent witness.

(3) The Court may invite any natural person or entity who has an interest or is able to assist in the issues in the case to give the person’s or entity’s views in writing on specific issues.

(4) The interested person or entity is not subject to cross-examination and need not attend the hearing.

(5) The Court may order one or more of the parties to pay for the reasonable expenses incurred by an independent witness or an interested person or entity.

**Independent counsel (P. 8, r. 17)**

17.—(1) The Court may, on its own accord, appoint one or more independent counsel (previously called the “amicus curiae”) to assist the Court in any matter on specific issues of law.

(2) An independent counsel may be —

(a) a solicitor;

(b) an academic involved in the teaching of law at present or in the past; or

(c) a person who has special knowledge or experience in any area of law.

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- (3) The Court must give directions to the independent counsel on —
- (a) the specific issues of law to be addressed by the independent counsel;
  - (b) the filing and service of written submission by the independent counsel and the parties; and
  - (c) the independent counsel’s attendance in Court to make oral submissions.

## PART 9 DISCLOSURE

### **Definition of this Part (P. 9, r. 1)**

1. In this Part, “order for disclosure” means an order made under Rule 4(1).

### **Scope of this Part and Court’s power (P. 9, r. 2)**

2.—(1) This Part sets out the basic requirements of the parties’ obligations to disclose documents and information and does not affect —

- (a) any agreement that the parties or any set of parties may make to broaden the scope of such obligations; or
  - (b) the Court’s power to allow a broader scope of discovery where it is in the interests of justice to do so.
- (2) In exercising its power in this Part, the Court must bear in mind, in addition to the Objectives, the following principles:
- (a) that an applicant is to sue and proceed on the strength of the applicant’s case and not the weakness of the respondent’s case;
  - (b) that a party who sues or is sued in court does not thereby give up the party’s right to privacy and confidentiality in the party’s documents and communications.
- (3) The Court may allow a broader scope of disclosure where the Court determines that it is in the interests of justice to do so.

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(4) It will be in the interests of justice to allow a broader scope of disclosure where it could aid in disposing fairly of the proceedings.

(5) Where there is an application for a broader scope of disclosure, paragraph (2) does not apply and the Court must have regard only to the Objectives and to paragraph (4).

### **Mandatory disclosure of documents (P. 9, r. 3)**

**3.—**(1) Subject to paragraph (4), a party must disclose, in the party's affidavit filed in any proceedings, the following documents in the party's possession or control:

- (a) all documents which the party will be relying on to substantiate the matters alleged or set out in the affidavit or which are referred to in the affidavit;
- (b) all documents specified in the Form to be used, and any practice directions, for those proceedings.

(2) In addition to paragraph (1) and subject to paragraph (4), where the party has agreed to a broadened scope of disclosure under an agreement mentioned in Rule 2(1)(a), the party must disclose all documents in the party's possession or control which come within that broadened scope of disclosure.

(3) The party must disclose the documents mentioned in paragraphs (1) and (2) without any order for disclosure being made against the party.

(4) If the party is unable to or refuses to disclose any document mentioned in paragraph (1) or (2), the party must specify, in the party's affidavit, the reason or reasons for not disclosing the document.

### **Order for disclosure (P. 9, r. 4)**

**4.—**(1) The Court may order a party to disclose the original or a copy of a specific document or class of documents in the party's possession or control (called the requested documents), or specific information or a specific class of information in the party's knowledge (called the requested information), if the requesting party —

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- (a) properly identifies the requested documents or requested information, as the case may be; and
  - (b) shows that the requested documents or requested information, as the case may be —
    - (i) is material to the issues in the case; and
    - (ii) falls within one or more of the categories in paragraph (2).
- (2) The categories mentioned in paragraph (1)(b)(ii) are the following:
- (a) all documents which the requesting party will be relying on;
  - (b) all known adverse documents or information, including documents or information which a party ought reasonably to know is adverse to the party's case;
  - (c) where applicable, documents or information that falls within a broadened scope of disclosure —
    - (i) as may be agreed between the parties or any set of parties; or
    - (ii) as ordered by the Court.

### **Summons for disclosure (P. 9, r. 5)**

**5.—**(1) A party (called in this Rule the applying party) who seeks an order for disclosure against another party (called in this Rule the disclosing party) must file a summons (called the summons for disclosure) in Form 84 specifying the matter or matters in respect of which disclosure is sought.

- (2) Except in a special case, the applying party —
- (a) must not file a summons for disclosure before the disclosing party has filed and served on the applying party an affidavit in the proceedings in accordance with Rule 3; and



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(b) subject to paragraph (4), may file only one summons for disclosure in relation to each affidavit of the disclosing party that has been served on the applying party.

(3) Unless the Court otherwise allows, the applying party must file the summons for disclosure within 14 days after the date on which the affidavit of the disclosing party to which the summons for disclosure relates was served on the applying party.

(4) Despite paragraph (2)(b), the Court may allow the applying party to file a further summons for disclosure against the disclosing party if the Court —

(a) is satisfied that the disclosing party's response to a previous summons for disclosure filed by the applying party discloses any matter in respect of which the applying party would have been entitled to file a summons for disclosure under paragraph (1);

(b) is satisfied that the disclosing party did not make sufficient or complete disclosure in response to a previous summons for disclosure against that party; or

(c) otherwise determines that doing so may aid in disposing fairly of the proceedings.

(5) Despite any other provision in these Rules, the applying party may, instead of filing an affidavit in support of that party's summons for disclosure, rely on any matter in any affidavit filed in the same proceedings in which the summons for disclosure is filed.

(6) The disclosing party must, within 28 days after being served with the summons for disclosure —

(a) state, in relation to each matter in respect of which disclosure is sought by the applying party, whether the disclosing party agrees or objects to the disclosure of any document or information relating to the matter;

(b) where the disclosing party objects to the disclosure of any document or information relating to a matter in respect of which disclosure is sought — specify the reason or reasons for the objection; and

- (c) file and serve on the applying party an affidavit setting out the documents in the disclosing party's possession or control, or the information in the disclosing party's knowledge, that the disclosing party agrees to disclose.

(7) The Court, in determining the costs to be awarded to the applying party in relation to a summons for disclosure, may have regard to the nature and extent of the documents and information that the disclosing party agrees to disclose as set out in the disclosing party's affidavit under paragraph (6)(c).

**Court's power to order disclosure of documents and information (P. 9, r. 6)**

6. Subject to Rules 7, 8 and 9, the Court may, of its own accord and at any time, order any party or non-party to disclose —

- (a) a copy of any document that is in the person's possession or control; or
- (b) any information that is in the person's knowledge.

**No order for disclosure of certain documents and information (P. 9, r. 7)**

7.—(1) Except in a special case, the Court must not order the disclosure of any document or information that —

- (a) is in the possession or control of the party seeking disclosure of the document or in the knowledge of the party seeking disclosure of the information, as the case may be; or
- (b) merely leads a party on a train of inquiry to other documents or information.

(2) Subject to any written law, the Court must not order the disclosure of any document or information which is subject to any privilege or where its disclosure would be contrary to the public interest.

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**Privileged documents and information (P. 9, r. 8)**

**8.—(1)** A document or any information which was at any time subject to any privilege must not be relied on unless the party entitled to the privilege consents or the Court approves.

(2) Such a document or information does not lose its privilege or confidentiality even if it was disclosed or taken inadvertently or unlawfully by anyone.

**Confidential documents and information (P. 9, r. 9)**

**9.—(1)** A party who is required by any order made by the Court under this Part to disclose documents or information is not entitled to withhold or object to the disclosure of any document or information on the ground that the document or information is confidential.

(2) A confidential document or any confidential information does not lose its confidentiality even if it was disclosed or taken inadvertently or unlawfully by anyone.

**Disclosure of documents or information before commencement of proceedings or against non-party (P. 9, r. 10)**

**10.—(1)** The Court may order the disclosure of documents or information before the commencement of proceedings or against a non-party —

- (a) to identify possible parties to any proceedings;
- (b) to enable a party to trace the party's property; or
- (c) for any other lawful purpose,

in the interests of justice.

(2) Paragraph (1) applies only to documents in the possession or control, or information in the knowledge, of the person against whom the order is made.

(3) The Court must not order a document to be disclosed if its disclosure cannot be compelled in law.

(4) A party who seeks the Court's permission for an order for disclosure before the commencement of proceedings must file an originating application without notice.

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(5) If the Court gives permission under paragraph (4), the applying party must, within 14 days after the date on which the Court gave permission, file and serve by personal service all of the following on the person from whom disclosure is sought:

- (a) the summons for disclosure against that person;
- (b) the affidavit and documents filed in support of the summons for disclosure;
- (c) the Court's permission.

(6) A party who seeks the Court's permission for an order for disclosure after the commencement of proceedings against a non-party must file and serve on every other party in the proceedings a summons.

(7) If the Court gives permission under paragraph (6), the applying party must —

- (a) file and serve on every other party in the proceedings the summons for disclosure against the non-party within 14 days after the date on which the Court gave permission; and
- (b) serve all of the following on the non-party by personal service at least 7 days before the first hearing or any shorter period as the Court may allow:
  - (i) the summons for disclosure against the non-party;
  - (ii) the affidavit and documents filed in support of the summons for disclosure;
  - (iii) the Court's permission.

(8) At a hearing in relation to a summons for disclosure against a non-party, any party in the proceedings other than the applying party does not have the right to address the Court unless the Court otherwise orders.

(9) The Court may, when making an order under this Rule, order the applying party to provide security for the person against whom the order is made.

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(10) A person against whom an order is made under this Rule is entitled to costs on an indemnity basis.

**Compliance with order for disclosure (P. 9, r. 11)**

11.—(1) A person against whom an order for disclosure of documents is made by the Court under this Part must file and serve an affidavit that —

- (a) exhibits the documents in the possession or control of the person; and
- (b) if any document is not in the possession or control of the person, states —
  - (i) whether the person had possession or control of the document previously; and
  - (ii) if the person had possession or control of the document previously, when the person parted with possession or control and what has become of the document.

(2) A person against whom an order for disclosure of information is made by the Court under this Part must file and serve an affidavit setting out the information to which the order relates.

(3) Unless the Court otherwise orders, a copy of a document may be disclosed in paper form or, if in an electronic form, in a common electronic format that the other party can use.

**Continuing duty to disclose (P. 9, r. 12)**

12.—(1) A party remains under a duty to disclose any document mentioned in Rule 3(1) or (2) within 14 days after that document comes into the party's possession or control at any time in the course of the proceedings.

(2) A disclosing party remains under a duty to disclose any document set out in that party's affidavit under Rule 5(6)(c) within 14 days after that document comes into the party's possession or control at any time in the course of the proceedings.

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(3) A party against whom an order for disclosure is made by the Court under this Part remains under a duty to disclose any document that comes within the ambit of that order within 14 days after that document comes into the party's possession or control at any time in the course of the proceedings.

**No reliance on documents or information not disclosed under this Part (P. 9, r. 13)**

13. Unless the Court otherwise allows, the parties must not rely on any document or information that was not disclosed under this Part.

**Use of documents disclosed in other proceedings (P. 9, r. 14)**

14.—(1) Any documents disclosed under this Part or by compulsion of law in proceedings must not be relied on in other proceedings by the other parties or non-parties unless the party or non-party who disclosed the documents consents or the Court otherwise approves.

(2) The party who used or disclosed any document in a case may apply to the Court to prohibit the use of that document for any purpose other than for that case.

**Inspection of original of document disclosed (P. 9, r. 15)**

15.—(1) If a party requests to inspect the original of any document disclosed, the party who disclosed the document must arrange a mutually convenient time and place for the inspection to take place.

(2) The inspection mentioned in paragraph (1) must take place within 14 days after the request unless the parties otherwise agree.

(3) If the party who disclosed the document fails to comply with paragraph (1) or (2), the requesting party may apply to the Court to compel that party to do so.

**Failure to disclose (P. 9, r. 16)**

16.—(1) If a party fails to disclose any document or information in accordance with Rule 3 or comply with an order for disclosure, the Court may make any order that it thinks just, including one or more of the following orders:

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- (a) that the originating application or summons be struck out;
  - (b) where a claim for any relief is made in any affidavit filed in the proceedings, that the claim be struck out;
  - (c) that the reply to the originating application or summons be struck out;
  - (d) that the originating application or summons be fixed for hearing without further reference to the parties;
  - (e) that the party in default disclose the document or information by way of affidavit or oral examination as the Court may direct;
  - (f) that the other party obtain the document or information from any other person and for the party in default to do any thing that may be required for that purpose;
  - (g) that the party in default must not rely on any document or information that is within the scope of that party's obligations under Rule 3 or the order for disclosure (as the case may be) unless the Court approves;
  - (h) that an adverse inference be drawn against the party in default;
  - (i) where a claim for relief is struck out pursuant to sub-paragraph (b) or the reply to the originating application or summons is struck out pursuant to sub-paragraph (c), to make any order that the Court thinks just in respect of the originating application or summons.

(2) Where a party or person (*A*) fails to comply with an order for disclosure, the Court may punish *A* for contempt of court if the order for disclosure has been served on *A* or *A*'s solicitor, provided that it is open to *A* to show that *A* was not notified or did not know about the order.

(3) The Court must, when exercising the power under paragraph (1)(a), (b), (c), (h) or (i), have regard to any reason specified by the party under Rule 3(4) for not disclosing any document.

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**Revocation and variation of order for disclosure (P. 9, r. 17)**

17. The Court may, at or before the hearing of an application, revoke or vary any order for disclosure made under this Part if the Court is satisfied that sufficient cause has been shown.

**PART 10****EXPERT EVIDENCE****Application of Part (P. 10, r. 1)**

1.—(1) Except for Rule 2, this Part does not apply to or in relation to quasi-criminal proceedings.

(2) This Part does not apply to or in relation to —

- (a) a relevant professional within the meaning given by Part 12, Rule 1;
- (b) a parenting coordinator within the meaning given by Part 13, Rule 1; or
- (c) a person who makes a report to the Court under section 37 of the Mental Capacity Act 2008.

**Expert (P. 10, r. 2)**

2.—(1) An expert is a person with scientific, technical or other specialised knowledge based on training, study or experience.

(2) An expert has the duty to assist the Court in the matters within his or her expertise and on the issues referred to him or her.

(3) The expert's duty to the Court overrides any obligation to the person from whom the expert received instructions or by whom the expert is paid.

**Court to approve use of expert evidence (P. 10, r. 3)**

3.—(1) No expert evidence is to be used in Court unless the Court approves.

(2) The parties must consider whether expert evidence will contribute materially to the determination of any issue that relates to scientific, technical or other specialised knowledge and whether



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the issue can be resolved by an agreed statement of facts or by submissions based on mutually agreed materials.

(3) Except where paragraph (4) applies, the Court must not approve the use of expert evidence unless it will contribute materially to the determination of any issue in the case and the issue cannot be resolved in the manner stated in paragraph (2).

(4) In any proceedings under the Mental Capacity Act 2008, the Court must not approve the use of expert evidence unless it will contribute materially to the determination of any issue in the case.

(5) The Court may disallow the use of or reject any expert evidence if it is of the opinion that the expert —

(a) lacks the requisite specialised knowledge in the issues referred to the expert; or

(b) lacks impartiality.

#### **Court to approve examination of child (P. 10, r. 4)**

4.—(1) Where any proceedings relate to the welfare or custody of a child, a party must not cause the child to be examined or assessed by any expert for the purpose of preparing expert evidence for use in those proceedings unless the Court approves.

(2) In paragraph (1), “expert” includes a registered medical practitioner, psychologist, counsellor, social worker or mental health professional.

#### **Common expert, court expert and number of experts (P. 10, r. 5)**

5.—(1) The parties are to agree on one common expert as far as possible.

(2) If the parties are unable to agree on one common expert, the Court may appoint an expert.

(3) Except in a special case and with the Court’s approval, a party may not rely on expert evidence from more than one expert for any issue.

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- (4) In a special case, the Court may —
- (a) appoint a court expert in addition to or in place of the parties' common expert or all the experts; or
  - (b) appoint more than one court expert on any issue.
- (5) The Court must give all appropriate directions relating to the appointment of the common expert or court expert, including the terms of appointment of the expert, the method of questioning in Court and the remuneration to be paid to the expert.

### **Issues and common set of facts (P. 10, r. 6)**

6.—(1) The parties must agree on the list of issues to be referred for expert evidence and the common set of agreed or assumed facts that the experts are to rely on.

- (2) If there is no agreement as stated in paragraph (1), the Court —
- (a) must decide the list of issues; and
  - (b) may decide the common set of agreed or assumed facts if necessary.

(3) The expert evidence must be confined to the list of issues, and must rely on the common set of agreed or assumed facts (if any), as agreed or decided under this Rule.

### **Expert's report (P. 10, r. 7)**

7.—(1) Expert evidence must be given in a report signed by the expert and exhibited in an affidavit made by the expert.

- (2) The expert's report must include the following:
- (a) the expert's qualifications showing that he or she has the requisite specialised knowledge in the issues referred to him or her;
  - (b) the expert's statement that the expert understands his or her duty is to assist the Court in the matters within his or her expertise and on the issues referred to him or her and that the duty to the Court overrides any obligation to the person from whom the expert receives instructions or by whom he or she is paid;

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- (c) the issues referred to the expert and the common set of agreed or assumed facts that the expert relied on;
  - (d) a list of the materials that the expert relied on and including only extracts of the materials which are necessary to understand the report;
  - (e) where the materials include tests, experiments or the collection or analysis of data, the names and qualifications of the persons who did the tests or experiments or the collection or analysis of the data and whether they did so under the expert's supervision or guidance;
  - (f) where there is a range of opinion on the matters dealt with in the report —
    - (i) a summary of the range of opinion; and
    - (ii) the reasons for the expert's opinion;
  - (g) a statement of belief of correctness of the expert's opinion;
  - (h) the conclusions reached on the issues referred to the expert and the reasons to support the conclusions.

**Meeting, clarification on report and cross-examination  
(P. 10, r. 8)**

**8.**—(1) The Court may order the parties, their solicitors and the experts to meet before, during or after the making of the expert reports to try to narrow any dispute and so that the parties can agree in writing on all or some of the conclusions on the issues referred to the experts.

(2) Other than the contents of any agreement in writing, the contents of discussions at a meeting mentioned in paragraph (1) must not be used in Court unless the parties otherwise agree.

(3) With the Court's approval, the parties may request in writing that the expert clarify the expert's report in any aspect.

(4) Upon receipt of a request mentioned in paragraph (3), the expert must give the expert's clarification in writing within the time specified by the Court and the clarification is deemed to be part of the expert's report.

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(5) Subject to paragraph (6), the Court may, on application by a party, direct the expert to be cross-examined in Court on any aspect of the expert's report.

(6) Unless the Court otherwise approves, a party may apply to cross-examine the expert on any aspect of the expert's report under paragraph (5) only if all of the following conditions are satisfied:

- (a) the party has requested that the expert clarify the expert's report in that aspect in accordance with paragraph (3);
- (b) the expert —
  - (i) has given his or her clarification in response to the party's request in accordance with paragraph (4); or
  - (ii) has failed to give his or her clarification within the time specified by the Court under paragraph (4);
- (c) the party applies to cross-examine the expert within either of the following periods:
  - (i) where the expert has given his or her clarification in accordance with sub-paragraph (b)(i) — 2 weeks after the expert has done so;
  - (ii) where the expert has failed to give his or her clarification within the time specified by the Court under paragraph (4) — 2 weeks after that time lapses.

(7) Where the Court directs the expert to be cross-examined under paragraph (5), the Court may limit the scope of cross-examination.

### **Panel of experts (P. 10, r. 9)**

**9.—(1)** The Court may order that all or some of the experts testify as a panel.

(2) The panel of experts may testify before or after all or some of the non-expert witnesses have testified.

(3) If the respondent's expert testifies as a panel before the respondent or any of the respondent's non-expert witnesses has testified, the respondent is not deemed to have waived his or her right

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to submit that there is no case for him or her to answer at that stage of the hearing.

(4) Where the experts testify as a panel, the Court may order that they give their views on the issues referred to them and comment on one another's views.

(5) The Court may order cross-examination and re-examination of all or some of the experts in the panel in any sequence that the Court thinks appropriate, whether before or after the experts have testified as a panel.

(6) The Court may give any other directions as are appropriate for the particular case.

## PART 11

### REPORTS UNDER MENTAL CAPACITY ACT 2008

#### **Definitions and application of this Part (P. 11, r. 1)**

1.—(1) This Part applies where the Court requires a report to be made to it pursuant to section 37 of the Mental Capacity Act 2008 (called in this Part the applicable report).

(2) In this Part —

“maker”, in relation to an applicable report, means the person required by the Court to make that report;

“*P*” means a person who lacks or is alleged to lack capacity (within the meaning given by the Mental Capacity Act 2008) and to whom any proceedings under that Act relate.

#### **Contents of applicable report (P. 11, r. 2)**

2.—(1) Unless the Court otherwise directs, an applicable report must contain all of the following:

(a) information about *P*'s wishes and feelings, and the beliefs and values that would be likely to influence *P* if *P* had the capacity to make a decision in relation to the matter to which the proceedings relate;

(b) information about *P*'s circumstances;

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- (c) information relating to any matter as required in any practice directions or as the Court may direct;
  - (d) any other information that the maker considers relevant in relation to the proceedings.
- (2) The maker may obtain the information mentioned in paragraph (1) from any other person that he or she thinks appropriate or that the Court directs.
- (3) Subject to paragraph (4), the Court may allow the maker to examine or take copies of any document in the Court records.
- (4) The Court may direct that any document mentioned in paragraph (3) be provided on a redacted basis to the maker.
- (5) The Court may send a copy of the applicable report, or a redacted copy of the applicable report, to the parties and any other person that the Court thinks appropriate.

### **Questions put to maker (P. 11, r. 3)**

- 3.—(1) Where an applicable report is made, the Court may, on application of a party, allow the party to put any question relevant to the issues before the Court in writing to the maker in accordance with this Rule.
- (2) The party must submit all questions that the party intends to put to the maker to the Court in writing.
- (3) Upon receiving the party's written questions mentioned in paragraph (2), the Court may —
- (a) allow the party to put all or any such questions to the maker with any amendments that the Court thinks fit; or
  - (b) disallow the party from putting any such question to the maker if the question, in the Court's opinion, does not contribute materially to the determination of any issue before the Court.
- (4) The Court may, on its own accord, require the maker to clarify any matter in the applicable report or provide any additional information that the Court thinks fit.

- (5) The maker must submit to the Court in writing —
- (a) his or her replies to the questions put by the party under paragraph (3)(a); and
  - (b) any clarification or additional information required by the Court under paragraph (4),

and the maker’s written response is deemed to be part of the applicable report prepared by the maker.

(6) The Court may send the maker’s written response under paragraph (5), or a redacted copy of the maker’s response, to the parties and any other person that the Court thinks appropriate.

## PART 12

### RELEVANT PROFESSIONALS AND CHILD REPORTS

#### *Division 1 — General*

#### **Definitions of this Part (P. 12, r. 1)**

##### **1. In this Part —**

“child” —

- (a) in relation to an application under section 8 of the International Child Abduction Act 2010 — means a person who is below 16 years of age;
- (b) in relation to a matter under Chapter 5 of Part 10 of the Women’s Charter 1961 — has the meaning given by section 122 of that Act; or
- (c) in any other case — means a person who is below 21 years of age;

“child report” means a document containing the advice of a relevant professional relating to a child involved in any proceedings that is prepared in accordance with this Part;

“child representative” means a person appointed by the Court under Rule 2(2);

“child specialist” means a psychiatrist, psychologist or counsellor appointed by the Court under Rule 10(2);

“qualified professional” means a person appointed by the Court under Rule 2(5) or (6);

“relevant professional” means a child representative, child specialist or qualified professional.

### **Appointment of child representatives and qualified professionals (P. 12, r. 2)**

2.—(1) This Rule applies where a child is involved in —

- (a) any proceedings relating to the custody, or the care and control, of any child under the Women’s Charter 1961;
- (b) any proceedings relating to the custody of any child under the Guardianship of Infants Act 1934; or
- (c) an application under section 8 of the International Child Abduction Act 2010.

(2) The Court may appoint an individual who satisfies the requirements in paragraph (3) to be a child representative for the child if the Court considers the appointment necessary for the child.

(3) The requirements mentioned in paragraph (2) are that the individual —

- (a) must be an advocate and solicitor who has in force a practising certificate; and
- (b) must have undergone any training in child welfare that is acceptable to the Court.

(4) The Court may, when appointing a child representative under paragraph (2) —

- (a) make any order that it considers necessary to secure the independent representation of the child’s interest; or
- (b) make any order or give any direction that is incidental or consequential in nature.

(5) The Court may, in relation to a matter relating to the custody, or the care and control, of any child under the Women’s Charter 1961, or



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the custody of a child under the Guardianship of Infants Act 1934, appoint a person (whether or not a public officer) who is trained or experienced in child welfare to provide any advice that the Court is to have regard to under the Act concerned.

(6) The Court may, in relation to an application under section 8 of the International Child Abduction Act 2010, appoint a person (whether or not a public officer) who is trained or experienced in child welfare or any other matter relevant to the Court's determination of the application to provide any advice that the Court may receive under that Act.

### **Child reports (P. 12, r. 3)**

**3.—**(1) The Court may, on its own initiative where it considers it necessary for the welfare of a child, direct a relevant professional to prepare and submit a child report for its consideration.

(2) Where the Court makes an order under paragraph (1), the Court may further —

- (a) direct the relevant professional to report on any disputed issue, or any other issue specified by the Court, relating to the child;
- (b) direct any party to meet, or arrange for the child to meet, with the relevant professional at the time or times specified by the relevant professional;
- (c) adjourn the proceedings until the child report has been submitted to the Court; or
- (d) make any other order or give any direction that is incidental or consequential in nature.

(3) After the Court has considered the child report —

- (a) the Court may require the relevant professional to clarify any matter in the child report or provide additional information; and
- (b) the relevant professional must provide the clarification or additional information in a supplemental child report that is submitted to the Court.

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(4) The Court may, on its own initiative or at the request of the relevant professional, determine whether any document or information that comes to the attention of the relevant professional in the course of preparing the child report or supplemental child report should be —

- (a) disclosed in, or used by the relevant professional when preparing, the child report or supplemental child report, as the case may be; or
- (b) disclosed to any other person for any other purpose.

### **Duties of relevant professionals (P. 12, r. 4)**

4.—(1) A relevant professional has the duty to assist the Court impartially in the matters within the relevant professional's expertise and act in accordance with any code of professional etiquette or ethics or standard of professional conduct applicable to the relevant professional.

(2) The relevant professional must, in discharging the duty under paragraph (1), regard the welfare of the child to whom the proceedings relate as the paramount consideration.

(3) The relevant professional must —

- (a) form and present to the Court an independent view of all matters which are relevant to the welfare of the child;
- (b) consider all material facts (including the child's views as expressed by the child) within the relevant professional's knowledge, including any material fact that does not support or is inconsistent with the opinion of the relevant professional;
- (c) ensure that all material facts mentioned in sub-paragraph (b) are fully and accurately presented to the Court;
- (d) bring to the Court's attention, despite any objection from the child or any party to the proceedings, all matters and evidence —
  - (i) of which the relevant professional is aware; and

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- (ii) which are relevant to the welfare of the child, including information on the relationship between the child and any other person, whether or not that person is a party to the proceedings; and
    - (e) provide any information, support or assistance to the child as the welfare of the child may require or the Court may direct, and make recommendations to the Court on any information, support or assistance that the child may require.
  - (4) The relevant professional must, in relation to paragraph (3)(b) and (c) —
    - (a) allow the child to express and clarify the child’s views on the matters relevant to the child’s welfare or any other matter the Court may require, unless it is not appropriate for the child to do so due to the child’s age or lack of maturity or other special circumstances; and
    - (b) to the best of the relevant professional’s ability, ensure that the child can express the child’s views on the matters mentioned in sub-paragraph (a) free from the influence of any person.
  - (5) The relevant professional must inform the Court of the following:
    - (a) that a matter is not within the relevant professional’s expertise;
    - (b) that the relevant professional has reason to believe that the child report prepared by the relevant professional is based on inaccurate or incomplete information or is inaccurate or incomplete for any other reason;
    - (c) any objection mentioned in paragraph (3)(d);
    - (d) any conduct specified in paragraph (6).
  - (6) The conduct mentioned in paragraph (5)(d) is the following:
    - (a) the failure or refusal of the child or any party to cooperate with the relevant professional in relation to the discharge of the relevant professional’s duties under this Part;

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- (b) any act that affects or may affect the impartiality and objectivity of the relevant professional;
  - (c) any act that interferes or may interfere with the discharge of the relevant professional's duties under this Part, including any communication made to, or any attempt to communicate with, the relevant professional in a manner or at a time other than the manner and the times specified by the relevant professional or as approved by the Court;
  - (d) any act that influences or may influence the views of the child on any matter relating to the child's welfare, including instructing, coercing or inducing, or attempting to instruct, coerce or induce, the child —
    - (i) to communicate to the relevant professional a view on any matter other than the child's own views; or
    - (ii) to disclose the substance of any communication between the child and the relevant professional.

**Power to order interview, etc. (P. 12, r. 5)**

5. The Court may, for the purpose of enabling a relevant professional to discharge his or her duties under this Part in relation to a child, make all or any of the following orders:

- (a) that the relevant professional interview the parties to the proceedings, and any other person as may be necessary or appropriate, to obtain information about the child, and submit to the Court the information;
- (b) that the relevant professional observe the interaction between the child and the child's parents or any other person who is involved in the care of the child, and submit to the Court his or her observations;
- (c) that any party or other person provide to the relevant professional any documents that the relevant professional considers relevant to the preparation of the child report.

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**No order for disclosure of documents or information (P. 12, r. 6)**

6. The Court must not order the disclosure of any document or information available to or used by any relevant professional in or in relation to the preparation of a child report by the relevant professional.

**Relevant professional not to be witness or subject to cross-examination (P. 12, r. 7)**

7. The Court must not order a relevant professional who has prepared a child report for any proceedings —

- (a) to be a witness in those proceedings; or
- (b) to be cross-examined on or in relation to —
  - (i) the contents of the child report;
  - (ii) the manner and circumstances in which the relevant professional prepared the child report; or
  - (iii) any document or information available to or used by the relevant professional in or in relation to the preparation of the child report by the relevant professional, or which is mentioned in the child report.

**Remuneration of relevant professionals (P. 12, r. 8)**

8. Unless the Court otherwise orders, the parties to the proceedings must bear in equal shares the following, if any:

- (a) the charges of a relevant professional;
- (b) the disbursements reasonably incurred by the relevant professional.

**Disapplication of Part 10 (P. 12, r. 9)**

9. Part 10 of these Rules does not apply to or in relation to a relevant professional.

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*Division 2 — Child representatives and child specialists*

**Additional duties of child representative (P. 12, r. 10)**

10.—(1) A child representative must —

- (a) inform and advise the child of significant developments in the proceedings; and
- (b) to the best of the child representative’s ability, facilitate the resolution by the parties of any issue relating to the proceedings in a manner that advances the welfare of the child.

(2) The child representative may propose to the Court that a child specialist be appointed to provide a child report on that child.

(3) If the Court appoints a child specialist proposed under paragraph (2), the child representative must —

- (a) liaise with the child specialist; and
- (b) ensure that the child report prepared by the child specialist is submitted to the Court.

**Submission of child report (P. 12, r. 11)**

11.—(1) A child representative must file and serve on the parties to the proceedings the child report prepared by the child representative, in the form of a written submission to the Court, within 4 weeks after the date of appointment of the child representative or any other period that the Court may direct.

(2) A child specialist must file and serve on the parties to the proceedings the written child report prepared by the child specialist within 4 weeks after the date of appointment of the child specialist or any other period that the Court may direct.

(3) Where a party to the proceedings wishes to respond to the child report prepared by a child representative or child specialist, the party must file and serve written submissions in response to the child report concerned within the time directed by the Court.

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**No disclosure and use of child report for other purposes  
(P. 12, r. 12)**

**12.** Where a child report is prepared by a child representative or child specialist in relation to any proceedings mentioned in Rule 2(1), a party to those proceedings must not, unless otherwise allowed by the Court or under any written law —

- (a) use or rely on the child report or any part of the child report in any other proceedings; or
- (b) disclose the child report or any part of the child report to any person who is not a party to those proceedings.

**Charges (P. 12, r. 13)**

**13.** The charges of a child representative or child specialist (if any) are to be fixed by the Court.

**Cessation of appointment (P. 12, r. 14)**

**14.** Unless the Court otherwise orders —

- (a) the appointment of a child representative ceases when the Court makes a final order in the proceedings; and
- (b) the appointment of a child specialist ceases on —
  - (i) the date on which the child specialist submits to the Court the child report, unless sub-paragraph (ii) applies; or
  - (ii) where the Court requires the child specialist to clarify any matter in the child report prepared by the child specialist or provide additional information under Rule 3(3)(a) — the date on which the child specialist submits to the Court the supplementary child report under Rule 3(3)(b).

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*Division 3 — Qualified professionals*

**Submission of child report (P. 12, r. 15)**

**15.** A qualified professional who is not a child representative or child specialist must submit the child report prepared by the qualified professional to the Court within the time directed by the Court.

**Cessation of appointment (P. 12, r. 16)**

**16.** Unless the Court otherwise orders, the appointment of a qualified professional who is not a child representative or child specialist ceases on —

- (a) the date on which the qualified professional submits to the Court the child report, unless paragraph (b) applies; or
- (b) where the Court requires the qualified professional to clarify any matter in the child report prepared by the qualified professional or provide additional information under Rule 3(3)(a) — the date on which the qualified professional submits to the Court the supplementary child report under Rule 3(3)(b).

PART 13

PARENTING COORDINATION PROGRAMME

**Definitions of this Part (P. 13, r. 1)**

**1.** In this Part —

“parenting coordination programme” means a family support programme for the purpose of addressing or resolving any disagreement about any parenting matter between spouses or former spouses, arising from any relationship issue or relationship problem between the spouses or former spouses, or between a parent and a child;

“parenting coordinator” means a person appointed by the Court under Rule 3(1);

“parenting matter” means any matter relating to —

- (a) the custody, or care and control, of a child;



- (b) the right of access to a child; or
- (c) the welfare of a child;

“proceedings” means any proceedings mentioned in Rule 2.

### **Application of this Part (P. 13, r. 2)**

2. This Part applies in relation to the following proceedings:
  - (a) any proceedings in connection with an application under section 5 of the Guardianship of Infants Act 1934;
  - (b) any matrimonial proceedings for which an order is sought from the Court under section 124, 128 or 129 of the Women’s Charter 1961.

### **Participation in parenting coordination programme (P. 13, r. 3)**

3.—(1) For the purposes of section 26(9) of the Family Justice Act 2014 and paragraph 21 of the First Schedule to the Supreme Court of Judicature Act 1969, the Court may order the parties to any proceedings to participate in a parenting coordination programme to be carried out by a parenting coordinator appointed by the Court.

(2) In deciding whether to make an order under paragraph (1), the Court is to consider all of the following:

- (a) whether the participation by the parties in the parenting coordination programme is necessary for the welfare of the child involved in the proceedings;
- (b) whether the parties will benefit from the assistance of a parenting coordinator;
- (c) whether the fees of a parenting coordinator are within the financial means of either or both parties to the proceedings.

(3) The Court may, when making an order under paragraph (1), make any other order or give any direction that it considers necessary for or in relation to the carrying out of the parenting coordination programme, including orders or directions concerning the following:

- (a) the terms of reference of the parenting coordinator’s appointment;

- (b) the duration, and the frequency of the sessions, of the parenting coordination programme to be conducted;
- (c) the matters to be addressed or resolved under the parenting coordination programme;
- (d) the remuneration of the parenting coordinator;
- (e) the proportion of the remuneration of the parenting coordinator to be paid by each party.

(4) The Court may, at any time during the duration of the parenting coordination programme, vary any order made or direction given under paragraph (3).

(5) The Court must, before varying any order or direction under paragraph (4), give the parties and the parenting coordinator the opportunity to be heard in relation to the variation of the order or direction.

#### **Welfare of child paramount consideration (P. 13, r. 4)**

4. A parenting coordinator must, in conducting a parenting coordination programme, have the welfare of the child as the paramount consideration.

#### **Termination of parenting coordination programme (P. 13, r. 5)**

5.—(1) Unless the Court orders otherwise under paragraph (2), a parenting coordination programme ends after the period specified by the Court in any order or direction under this Part.

(2) The Court may, on application by any party or the parenting coordinator, order the termination of the parenting coordination programme if the Court considers that there is good cause to do so.

#### **Progress summary of parenting coordinator (P. 13, r. 6)**

6.—(1) The Court may, not later than 12 months after the termination of a parenting coordination programme, require the parenting coordinator to submit a progress summary in Form 96 relating to the parenting matters that were addressed or resolved during that programme.

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(2) The Court may have regard to the progress summary in considering any question relating to any parenting matter, in any proceedings involving the same parties who participated in the parenting coordination programme.

## PART 14

### INJUNCTIONS AND OTHER INTERIM RELIEF BEFORE HEARING

#### **Injunctions (P. 14, r. 1)**

1.—(1) A party may apply for an injunction, whether or not a claim for the injunction was included in that party’s originating application.

(2) In an urgent case, an applicant may apply for an injunction before the originating application is issued.

(3) An application for an injunction in an urgent case —

(a) may be made by originating application without notice or summons without notice; and

(b) must be supported by an affidavit stating the urgency and explaining why the respondent should not be informed about the application and the merits of the application.

(4) Despite paragraph (3)(a), the Court may direct the applicant to serve the application for an injunction on the respondent if the Court is of the opinion that the application is not urgent or the respondent should be informed of the application.

(5) If the Court grants an injunction in an urgent case, the Court may order the applicant —

(a) not to serve the injunction on anyone until after the originating application is issued; or

(b) to serve the injunction on the respondent and issue the originating application within 2 days (or any other period that the Court may allow) after the date on which the injunction is served.

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(6) Where the applicant fails to issue the originating application in accordance with paragraph (5)(b), the respondent may apply to set aside the injunction by filing a summons.

(7) A party applying for an injunction has the duty to disclose to the Court all material facts that the party knows or reasonably ought to know, including any matter that may affect the merits of the party's case adversely.

(8) A local injunction prohibiting the disposal of assets in Singapore must be in Form 98.

(9) A worldwide injunction prohibiting the disposal of assets worldwide must be in Form 99.

(10) Subject to paragraph (11), a party in whose favour an injunction is granted must serve the injunction on any person affected by the injunction personally.

(11) Where a respondent has been served with the originating application in relation to which the injunction was granted, the injunction need not be served on the respondent personally.

**Detention, preservation, etc., of subject matter of proceedings  
(P. 14, r. 2)**

2.—(1) The Court may order the detention, custody or preservation of any property which is the subject matter of or may give rise to issues in any proceedings.

(2) The Court may order the inspection of any such property in the possession or control of a party.

(3) The Court may authorise any person to enter upon any immovable property in the possession or control of any party to effect any order made under paragraph (1) or (2).

(4) Where there is a dispute as to the right of any party to a specific fund, the Court may order the fund to be paid into Court or otherwise secured.

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**Use of property for income before trial or hearing (P. 14, r. 3)**

3. Where the claim involves any property which is capable of generating income, the Court may order that —

- (a) the property be used for that purpose before the trial or hearing and the income be kept in an account or be distributed or used for any appropriate purpose; or
- (b) any part of any movable property be transferred or delivered to all or any of the parties who have an interest in the property.

**Sale and dealings with immovable property before trial or hearing (P. 14, r. 4)**

4.—(1) Where any immovable property is in issue in any proceedings, the Court may order the immovable property to be sold or dealt with in any manner that is appropriate before the trial or hearing.

(2) The Court may give directions, including directions on the following:

- (a) the valuation of the immovable property;
- (b) the minimum price and terms of sale;
- (c) the appointment of the party or person who is to have conduct of the sale;
- (d) the method of sale;
- (e) the manner in which the proceeds of sale, rent or profits (as the case may be) are to be held;
- (f) the appointment and remuneration of a sales agent;
- (g) the appointment and remuneration of an advocate and solicitor to effect the sale and transfer of title or to deal with the property in any other manner.

(3) The Court may order a party bound by an order made under paragraph (1) and in possession of the immovable property or part of the immovable property to deliver up possession to the purchaser or any other person as the Court may direct.

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(4) Part 23 applies to a sale of immovable property under this Rule with the necessary modifications.

### **Receivers (P. 14, r. 5)**

5.—(1) The Court may appoint one or more receivers at any time where appropriate.

(2) The Court may give directions on —

- (a) the duties and powers of a receiver;
- (b) the form and amount of any security to be given by the receiver for the proper discharge of the receiver's duties;
- (c) when and how often the accounts should be submitted to the Court and the relevant parties;
- (d) when the receiver is to make payment into Court of the amounts received by the receiver; and
- (e) the remuneration of the receiver.

(3) For the purposes of paragraph (2)(b), the security to be given by the receiver must be in the form of —

- (a) a guarantee; or
- (b) where the amount for which the security is to be given does not exceed \$10,000 — an undertaking in Form 100.

(4) Each account submitted to the Court in accordance with the Court's directions under paragraph (2)(c) must be accompanied by an affidavit.

(5) If a receiver fails to discharge the receiver's duties properly, the Court may —

- (a) terminate the appointment of the receiver;
- (b) disallow any part of the receiver's remuneration;
- (c) order that all or any part of any security given be forfeited;
- (d) appoint one or more new receivers; or
- (e) make orders relating to any property in the possession or control of the former receiver.

(6) Without affecting paragraph (5), if the receiver fails to pay into Court any sum shown by the receiver's accounts as due from the receiver, the Court may order the receiver to pay interest at the rate of 5.33% per year on that sum.

(7) The Court must, before making any order under paragraph (5) or (6), give the receiver the opportunity to be heard on why the order should not be made.

**Release from liability of person in possession or control of property (P. 14, r. 6)**

**6.—(1)** A person who is in possession or control of any property may apply to the Court at any time to be released from any liability relating to the property if the person files an affidavit stating that the person —

- (a) does not make any claim to the property other than for expenses and fees relating to such possession or control;
- (b) faces or expects to face conflicting claims to the property;
- (c) does not know or does not wish to decide which of the conflicting claims is the valid one; and
- (d) is willing to abide by any direction given by the Court relating to the property.

(2) The application and the affidavit must be served on all respondents or known persons who may be affected by the application.

(3) Any person served with the application and the affidavit who wants to make a claim on the property must file the person's affidavit within 14 days after such service.

(4) The Court must fix a case conference for the application.

(5) At the case conference, the Court may decide on the conflicting claims to the property summarily or give directions regarding the hearing of the conflicting claims.

(6) Any person who makes a claim on any property in the bailiff's possession or control must give written notice of the person's claim to

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the bailiff as soon as possible and include any evidence supporting the claim.

(7) The bailiff may apply under this Rule.

(8) Part 9 of these Rules applies, with the necessary modifications, in relation to an issue of conflicting claims to property under this Rule as it applies in relation to any other cause or matter.

### **Order for early trial or hearing (P. 14, r. 7)**

7. The Court may order an early trial or hearing of the action instead of making an order on any application under Rules 1 to 6, and may make any interim order for the period before the trial or hearing that the Court considers appropriate.

## PART 15

### COURT HEARINGS AND EVIDENCE

#### *Division 1 — Court hearings*

### **Hearings (P. 15, r. 1)**

1.—(1) Subject to paragraph (2) and any written law or practice directions, every originating application and summons must be decided on the basis of the evidence adduced in affidavits and on oral or written submissions, without oral evidence or cross-examination.

(2) Every originating application and summons in respect of the following matters must be decided on the basis of oral evidence and cross-examination and on oral or written submissions:

- (a) an application for divorce, judicial separation or nullity of marriage under Part 10 of the Women’s Charter 1961;
- (b) assessment of damages or value;
- (c) taking of accounts.

(3) Subject to paragraph (4) and any written law or practice directions, every application made in the same manner as an application for a summons under the Criminal Procedure Code 2010 in relation to any proceeding under Part 3 of these



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Rules must be decided on the basis of oral evidence and cross-examination and on oral or written submissions.

(4) Every application mentioned in paragraph (3) made in respect of any of the following matters is to be decided on the basis of the evidence adduced in affidavits and on oral or written submissions, without oral evidence or cross-examination:

- (a) an application for an order under section 54, 55, 56, 57, 58 or 59 of the Children and Young Persons Act 1993;
- (b) an application for an order under section 7(3), 10(4), 11(3), 14(1)(a), (b), (c), (d) or (j) or 22(4) of the Vulnerable Adults Act 2018.

(5) Where the Court is of the view that there are disputes of facts in the affidavits, the Court may order any of the following:

- (a) the parties to file and serve further affidavits;
- (b) the makers of the affidavits to be cross-examined;
- (c) any other appropriate order.

(6) Subject to any written law, the following must be heard by one Judge:

- (a) an originating application;
- (b) an application made in the same manner as an application for a summons under the Criminal Procedure Code 2010 in relation to any proceedings under Part 3 of these Rules.

### **Hearings in Court and in chambers (P. 15, r. 2)**

2.—(1) Subject to these Rules and any written law or practice directions —

- (a) the following matters must be heard in chambers:
  - (i) every matter that is to be decided on the basis of evidence adduced in affidavits;
  - (ii) assessment of damages or value;
  - (iii) taking of accounts;
  - (iv) every appeal; and

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- (b) every matter that is to be decided on the basis of oral evidence and cross-examination must be heard in Court.
- (2) The Court may at any time —
- (a) order any matter which is to be heard in chambers to be heard in Court, in open court or by way of an open and public hearing; and
- (b) order any matter which is to be heard in Court or in open court to be heard in chambers.
- (3) Despite paragraphs (1)(b) and (2), where an application for divorce, judicial separation or nullity of marriage under Part 10 of the Women’s Charter 1961 is to proceed on an uncontested basis, the Court may —
- (a) order the matter to be heard in chambers; and
- (b) dispense with the attendance of all parties and their solicitors.
- (4) As a general rule —
- (a) attendance in hearings in chambers is restricted to the parties (if they are not legally represented) or to their solicitors (if they are legally represented); and
- (b) attendance in hearings in Court is restricted to the parties and their solicitors.
- (5) The Court may allow any person to attend any hearing in chambers or in Court subject to space, security and the interests of justice.
- (6) Any person may attend a hearing in open court.
- (7) All persons in Court, in open court or in chambers must comply with the practice directions and the Court’s directions on attire, conduct, use of electronic or other devices or any other matter.
- (8) The Court may disallow any person to attend any hearing if —
- (a) that person is improperly attired;
- (b) that person is disruptive; or
- (c) it is in the interests of justice.

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**Jurisdiction and powers of Registrar (P. 15, r. 3)**

3.—(1) Subject to any written law and directions by the Presiding Judge of the Family Justice Courts issued with the concurrence of the Chief Justice, the Registrar has the jurisdiction and powers of a Judge in chambers and must hear all matters in chambers only.

(2) The Registrar may refer any matter to a Judge.

(3) The Judge may hear the matter referred to the Judge or send it back to the Registrar with directions.

**Attendance of parties (P. 15, r. 4)**

4.—(1) Unless the Court otherwise orders, all parties must —

(a) attend the hearing of an originating application or a summons, or an appeal relating to any such originating application or summons, in person (if they are not legally represented) or by a solicitor (if they are legally represented); and

(b) attend all hearings relating to the following in person (if they are not legally represented) or together with a solicitor (if they are legally represented):

(i) an application made in the same manner as an application for a summons under the Criminal Procedure Code 2010 in relation to any proceedings under Part 3 of these Rules;

(ii) any interlocutory application mentioned in Part 3, Rule 12;

(iii) an appeal relating to any application mentioned in sub-paragraph (i) or any interlocutory application mentioned in sub-paragraph (ii).

(2) If a party fails to attend any hearing, the Court may dismiss the party's originating application, summons, application mentioned in paragraph (1)(b)(i), interlocutory application or appeal (as the case may be) or make any other appropriate order against the party.

(3) In the case of an originating application without notice or a summons without notice, paragraphs (1) and (2) apply only to the

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applicant or the party who filed the summons without notice, as the case may be.

(4) The Court may dispense with the attendance of the parties or their solicitors and decide any matter after reading the documents filed without the need for oral arguments, except for the following matters:

- (a) where oral evidence is given at any part of the proceedings (including any part of a trial of an action), unless all the parties consent;
- (b) where the hearing of the matter is required under any written law or an order of court to be advertised or published in any newspaper or the *Gazette*.

(5) The Court may, in any matter that it may decide without hearing oral arguments, direct that the matter be heard in an asynchronous manner except where to do so would be inconsistent with the Court's duty to ensure that the proceedings are conducted fairly to all parties.

#### **Attendance of witnesses (P. 15, r. 5)**

5.—(1) The Registrar may, at a party's request, issue an order to attend court or an order to produce documents in Form 102 to any witness, stating whether the witness is to give oral evidence or produce documents or both.

(2) The order to attend court or order to produce documents must state the requesting party and whether the witness is to give oral evidence or produce documents or both.

(3) An order to attend court or an order to produce documents must be served by the requesting party on the witness by personal service in Singapore at least 14 days before the hearing.

(4) The Registrar may, in any case, revoke an order to attend court or an order to produce documents upon application by any person or on the Registrar's own motion.

(5) Any party who is dissatisfied with any decision of the Registrar made under this Rule may apply to a judge of the Family Division or a District Judge (as the case may be) for a review of that decision.

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(6) An application under paragraph (5) must be made by summons supported by an affidavit, within 14 days after that decision.

(7) An order to attend court or an order to produce documents continues to have effect until the conclusion of the hearing.

(8) A witness served with an order to produce documents only need not attend Court personally if the witness ensures that all the documents required are produced in accordance with the order to produce documents.

(9) A witness who complies with an order to attend court or an order to produce documents is entitled to claim reasonable compensation for the witness' time and expenses in complying with the order from the requesting party upon request.

(10) If the witness is a person confined in a prison, the requesting party must include in that party's request the name of the prison the witness is confined in, the reasons for requiring the witness to attend court and an undertaking to pay upon request the costs to be incurred by the prison in complying with the order to attend court.

(11) An order to attend court addressed to a person confined in a prison must include the following words:

“This order to attend court is sufficient authority as an order under section 38 of the Prisons Act 1933 for the Superintendent to produce the named person in Court at the time and place stated.

The requesting party undertakes to pay upon request the costs to be incurred by the prison in complying with the order to attend court.”.

(12) The order to attend court mentioned in paragraph (11) may be served on the Superintendent of the prison by ordinary service and must be served at least 14 days before the hearing.

(13) A witness, who is not a party, who has not given his or her evidence must remain outside the Courtroom until he or she is called into Court.

(14) A witness who has given his or her evidence may remain in or leave the Courtroom.

(15) Where a document filed in Court is or the Court's records are required for the hearing, the requesting party may request the Registrar by letter to produce the document or the Court's records by filing a request in the form specified in the practice directions.

(16) It is sufficient for the Registrar to produce a copy of the document or the Court's records requested.

### **Where person to give evidence is out of jurisdiction (P. 15, r. 6)**

**6.—(1)** Where —

- (a) an application is made for permission for any person outside Singapore to give evidence by live video link or live television link in any proceedings; and
- (b) the laws of the jurisdiction where the person is located require the issue of a letter of request to the relevant authorities of that jurisdiction for such evidence to be given,

an application may be made for an order in Form 103 for the issue of the letter of request.

(2) An application under this Rule may only be made in the Family Division even if the proceedings are commenced in the Family Courts or Youth Courts.

(3) An application under this Rule must be made —

- (a) where the proceedings are commenced in a Family Court or Youth Court — by originating application; or
- (b) in any other case — by summons,

and supported by an affidavit setting out the basis for the application and enclosing a copy of each document the applicant intends to file in the Registry pursuant to paragraph (4).

(4) Where an order is made under paragraph (1) for the issue of a letter of request to the relevant authorities of a jurisdiction to permit evidence to be given by live video link or live television link by any person in that jurisdiction, paragraphs (5) to (8) apply.

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(5) The party obtaining the order must prepare the letter of request and file it in the Registry, and the letter must be —

- (a) in a case where the jurisdiction in which the evidence is to be given is a jurisdiction to which the Hague Evidence Convention applies — in the current version of the applicable Recommended Model Form; or
- (b) in any other case — in Form 104,

with such variations as may be required by the jurisdiction in which the evidence is to be given or by the order.

(6) A letter of request filed under paragraph (5), or a document attached to the letter, must be accompanied by a translation of the letter or document in a language specified by the jurisdiction in which the evidence is to be given, unless that jurisdiction accepts the letter or document in English.

(7) Every translation filed under paragraph (6) must be certified by the person making it to be a correct translation; and the certificate must contain a statement of that person's full name, address and qualifications for making the translation.

(8) The party obtaining the order must, when the party files in the Registry the documents mentioned in paragraphs (5), (6) and (7), also file in the Registry an undertaking in Form 105 signed by the party or the party's solicitor to be responsible personally for all expenses incurred by an issuing authority or a transmitting authority in respect of the letter of request and, on receiving due notification of the amount of those expenses, to pay that amount to the issuing authority or transmitting authority and to produce a receipt for the payment to the proper officer of the Registry.

(9) In this Rule —

“Hague Evidence Convention” means the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters done at the Hague on 18 March 1970;

“issuing authority” means an authority responsible for issuing a letter of request under this Rule;

“Recommended Model Form” means a Recommended Model Form for a Letter of Request to be issued under the Hague Evidence Convention, as set out on the Internet website for that Convention at <https://www.hcch.net/en/instruments/conventions/specialisedsections/evidence>;

“transmitting authority” means an authority responsible for transmitting a letter of request issued under this Rule to the relevant authorities of the jurisdiction in which the evidence is to be taken.

### **Assessors (P. 15, r. 7)**

7.—(1) This Rule applies to or in relation to the appointment of one or more assessors under section 10A of the Supreme Court of Judicature Act 1969 and section 27 of the Family Justice Act 2014.

(2) The assessor must assist the Court in dealing with a matter in which the assessor has skill and experience.

(3) The Court must determine the matters in respect of which the assessor is to assist the Court and the role the assessor is to take in the proceedings.

(4) Where the Court intends to appoint an assessor, it must notify each party in writing of the name of the proposed assessor and the qualifications of the assessor not less than 14 days before appointing the assessor.

(5) Where a person has been proposed for appointment as an assessor, a party may object to the proposed appointment of the assessor, either personally or in respect of the assessor’s qualification.

(6) A party who objects to the proposed appointment of an assessor must file and serve an affidavit setting out that party’s objections within 14 days after being served with any other party’s application to appoint that assessor or receiving the Court’s notification under paragraph (4), as the case may be.

(7) The Court must take into account any objection made under paragraph (6) in deciding whether or not to make the appointment.



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(8) The Court is to determine the amount and manner of the remuneration of an assessor.

**Pre-trial examination (P. 15, r. 8)**

**8.**—(1) Where it is necessary in the interests of justice to record the evidence of any witness in or out of Singapore before any trial, a party may apply to the Court to make an order for pre-trial examination.

(2) The party who applies for an order for pre-trial examination must file an affidavit showing that —

- (a) the witness' evidence is necessary for the party's case;
- (b) the other parties do not agree that the evidence of the witness be given in an affidavit without cross-examination; and
- (c) the witness will not be able or willing to attend the trial or to give evidence by live video link or live television link, or the witness' age or health makes it likely that the witness will pass away before, or become incapable of, testifying at the trial.

(3) If the pre-trial examination is to be conducted outside Singapore, the party's affidavit must also state —

- (a) the place where the pre-trial examination is to be conducted;
- (b) that the law of that place allows the pre-trial examination to be conducted in that place;
- (c) the particulars and remuneration of the examiner who will be conducting the pre-trial examination; and
- (d) the rules that will apply to the pre-trial examination.

(4) If the law of the place for the pre-trial examination outside Singapore requires the issue of a letter of request to the relevant authorities for the evidence of the person in that jurisdiction to be taken, the party who applies for the order may include a request for the issue of a letter of request and the application can only be made in the Family Division even if the proceedings are commenced in a Family Court or Youth Court.

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(5) For the purposes of paragraph (4), the party obtaining the order must prepare and file in the Registry —

(a) the letter of request which must be —

(i) in a case where the jurisdiction in which the evidence is to be taken is a jurisdiction to which the Hague Evidence Convention applies — in the current version of the applicable Recommended Model Form; or

(ii) in any other case — in Form 104,

with any variations and in compliance with any requirements that may be required by the jurisdiction in which the evidence is to be taken or by the order; and

(b) an undertaking in Form 105 signed by the party or the party's solicitor to be responsible personally for all expenses incurred by an issuing authority or a transmitting authority in respect of the letter of request and, on receiving due notification of the amount of those expenses, to pay that amount to the issuing authority or transmitting authority and to produce a receipt for the payment to the proper officer of the Registry.

(6) A pre-trial examination in Singapore must be before a Judge or Registrar and is to be conducted according to the rules governing trials.

(7) Where an order for pre-trial examination in Singapore has been made, the attendance of the witness before the examiner in Singapore and the production by the witness of any document at the examination may be enforced by an order to attend court and an order to produce documents in like manner as the attendance of a witness and the production by a witness of a document at a trial may be enforced.

(8) A pre-trial examination outside Singapore must be conducted by the examiner appointed by the Court and in the manner directed by the Court and the examiner must not do anything that is contrary to the law of that place.

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(9) In this Rule, “Hague Evidence Convention”, “issuing authority”, “Recommended Model Form” and “transmitting authority” have the meanings given by Rule 6(9).

**Exhibits and record of hearings (P. 15, r. 9)**

**9.—(1)** The Court must maintain a record of any physical exhibit tendered in evidence and kept with the Court.

(2) The Court may direct that any physical exhibit which is bulky, perishable or requires special security or treatment be kept in the custody of the party who tendered it or the party’s solicitors, and may direct that a photograph of that exhibit be tendered in Court.

(3) Exhibits kept with the Court may be returned to the relevant parties after the time for appealing has expired or after any appeal has been decided.

(4) Where the Court has given the relevant parties at least 14 days’ notice to take back their exhibits and they fail to do so, the Court may dispose of the exhibits and any costs incurred in the disposal must be paid by the relevant parties.

(5) The Court must maintain a record of every hearing.

(6) In a hearing where an audio recording system approved by the Registrar is used, the audio recording is the official record of the hearing.

(7) In a hearing where an audio recording is not used, the Court’s notes of proceedings, recorded in any manner that the Court may determine, are the official record of the hearing.

(8) A party may apply for a certified transcript of the official record of the hearing upon payment of the relevant fees.

(9) The costs of producing a certified transcript of the official record of hearing may be claimed as an item of disbursement unless otherwise ordered by the Court.

(10) A transcript of the official record of hearing must be certified in any manner that the Registrar may determine.

(11) The official record of the hearing must be kept for 5 years beginning from the last day of the hearing.

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**Court's decision and consequential orders (P. 15, r. 10)**

**10.**—(1) The Court may give its decision in any matter whether heard in Court or in chambers —

- (a) orally at the conclusion of the hearing or on a subsequent date with the parties present; or
- (b) in writing at the conclusion of the hearing or on a subsequent date with or without the parties present.

(2) Where the Court gives its decision in writing, the parties are entitled to a copy of the decision without payment of any charges.

(3) Where the parties in any matter inform the Registrar in writing that they wish to record a consent judgment or order, the Court may dispense with the attendance of the parties and may record the judgment or order in the agreed terms, and the Registrar is to inform the parties accordingly.

(4) The Court may give any further orders or directions incidental or consequential to any judgment or order that the Court considers appropriate.

**Death of party (P. 15, r. 11)**

**11.**—(1) The Court may give its decision in any matter which has been heard but not decided yet although a party passes away.

(2) The Court may also substitute any person who has taken over the interest or the liability of the deceased party as a party in the matter and order that that person be bound by the decision given.

**Death of Judge or Registrar, etc. (P. 15, r. 12)**

**12.**—(1) Where a Judge or Registrar who has heard a matter but has not given his or her decision, or who has heard part of a matter, passes away or becomes incapable of giving his or her decision or continuing with the hearing for any reason, another Judge or Registrar may take over and give his or her decision based on the earlier hearing or continue with the hearing, if all the parties consent.

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(2) The Judge or Registrar who takes over the matter may recall any witness to give evidence and also order the parties to make further submissions.

(3) If the parties do not consent under paragraph (1), the matter must be heard anew by another Judge or Registrar.

**Trials involving oral evidence and cross-examination**  
**(P. 15, r. 13)**

**13.**—(1) This Rule applies to and in relation to a trial of any matter to be decided on the basis of oral evidence and cross-examination.

(2) The Court must have control over the order of proceedings and may give the appropriate directions before or during the trial and, subject to the directions, the following order of proceedings set out in paragraphs (3) to (10) is to apply.

(3) The opening statements and affidavits of evidence-in-chief need not be read out in Court.

(4) The applicant must begin and testify before the applicant's witnesses.

(5) The respondent and any other parties may cross-examine the applicant and the applicant's witnesses.

(6) When the applicant and the applicant's witnesses have completed giving their evidence, subject to paragraph (8), the respondent must begin and testify before the respondent's witnesses.

(7) The applicant and any other parties may cross-examine the respondent and the respondent's witnesses.

(8) At the conclusion of the applicant's case, the respondent may make a submission of "No case to answer", in that the evidence in the applicant's case has not made out a case requiring the respondent to make the respondent's defence, on the basis that the following apply in relation to the respondent's submission:

- (a) the respondent will not be giving evidence by himself or herself or through the respondent's witnesses even if the Court rules against the respondent;

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- (b) the respondent does not have an application arising out of substantially the same facts as the applicant's case or, if the respondent has such an application, the respondent withdraws it;
  - (c) if there is more than one respondent and not all the respondents make the submission of "No case to answer" and the Court decides not to rule immediately on the submission of "No case to answer", the respondent who makes the submission cannot rely on or make any submissions on the evidence given by any other party and cannot cross-examine any party or witness who gives evidence after the submission was made;
  - (d) the respondent who makes the submission of "No case to answer" may rely on the evidence of the respondent's expert and any other expert if those experts have already given evidence as a panel of experts during the applicant's case;
  - (e) the respondent who makes the submission of "No case to answer" and is unsuccessful may make submissions on the costs of the action.

(9) At the conclusion of the evidence for all the parties, the Court must hear the submissions of all the parties in the order that the Court considers appropriate.

(10) The Court may give its decision immediately after the hearing or at a later date.

### **Oaths and affirmations (P. 15, r. 14)**

**14.** A person must take an oath or make an affirmation according to the practice of the Court before he or she gives evidence in Court.

### **Questions and inspection by Court (P. 15, r. 15)**

**15.—(1)** The Court may ask a witness any questions that the Court considers necessary at any time but is to allow the parties to ask the witness further questions arising out of the Court's questions.

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(2) The Court may inspect any object in the Courtroom or elsewhere and visit any place that is relevant to the action.

### **Evidence in trials (P. 15, r. 16)**

**16.**—(1) Subject to these Rules and any written law, evidence in chief of a party or witness is to be given by affidavit of evidence-in-chief.

(2) In a special case, the Court may allow evidence in chief of a party or witness to be given orally or by an unsworn statement instead of by affidavit of evidence-in-chief.

(3) An affidavit of evidence-in-chief is not to be used if the maker does not attend Court for cross-examination unless the parties otherwise agree.

(4) An affidavit of evidence-in-chief must contain all material facts which may not be departed from or supplemented by new facts in oral evidence unless the new facts occurred after the date of making the affidavit of evidence-in-chief.

(5) An affidavit of evidence-in-chief must contain only evidence that is admissible in law.

(6) If a party intends to object to the contents of any affidavit of evidence-in-chief on the ground of admissibility or other reasons, that party must, by filing and serving Form 101, give notice to the party who is relying on that affidavit of evidence-in-chief within 14 days after the service of that affidavit of evidence-in-chief on the firstmentioned party.

(7) If a party intends to rely on a statement in any affidavit of evidence-in-chief pursuant to section 32 of the Evidence Act 1893, that party must give notice in Form 101 to all other parties of that party's intention at the time that party serves on the other parties that affidavit of evidence-in-chief.

(8) The notice mentioned in paragraph (7) must state the grounds in section 32 of the Evidence Act 1893 that the party relies on.

(9) If the statement to be admitted pursuant to section 32 of the Evidence Act 1893 is contained in a document, the notice mentioned in paragraph (7) must contain the following:

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- (a) the time and place at which the statement was made;
  - (b) the name of the maker and his or her address, if known;
  - (c) if the maker of the statement has passed away, the date of death, if known;
  - (d) if the maker of the document is different from the maker of the statement, the name of the maker of the document and his or her address, if known;
  - (e) if the maker of the document has passed away, the date of death, if known;
  - (f) a copy of the document or the relevant part of that document.

(10) If the statement to be admitted pursuant to section 32 of the Evidence Act 1893 is not contained in a document, the notice mentioned in paragraph (7) must contain the following:

- (a) the time and place at which the statement was made;
- (b) the name of the maker and his or her address, if known;
- (c) if the maker has passed away, the date of death, if known;
- (d) whether the statement was made orally or otherwise;
- (e) the name and address of the person who heard or perceived the statement being made;
- (f) the substance of the statement or, if the statement was made orally and the exact words used are material, the actual words used.

(11) If a party intends to rely on any evidence given in a pre-trial examination conducted under Rule 8, that party must give notice in Form 101 to all other parties of that party's intention within 14 days after the party first serves any affidavit of evidence-in-chief on the other parties.

(12) The Court may admit any evidence given in a pre-trial examination conducted under Rule 8 —

- (a) with the consent of all parties; or



(b) if the Court is satisfied that the witness who gave that evidence is unable to attend Court.

(13) The Court may accept as fact anything that the parties have agreed upon.

**Dispensation with or limitation of cross-examination  
(P. 15, r. 17)**

17. The Court may dispense with or limit the cross-examination of the maker of an affidavit of evidence-in-chief if all parties agree to dispense with or limit the cross-examination of that person.

**Restrictions on cross-examination (P. 15, r. 18)**

18.—(1) For the purposes of section 11C of the Family Justice Act 2014, this Rule applies where a party (called in this Rule the examining party) cross-examines or intends to cross-examine a witness and any of the following apply:

- (a) the examining party has been convicted of an applicable offence committed against the witness;
- (b) any court proceeding relating to an applicable offence allegedly committed by the examining party against the witness (including an appeal against any judgment, sentence or order of a court in any such proceeding) is pending;
- (c) an applicable order made against the examining party in respect of the witness is in force;
- (d) the witness —
  - (i) is below 21 years of age;
  - (ii) is an incapacitated person within the meaning given by section 64 of the Women’s Charter 1961; or
  - (iii) is a vulnerable adult within the meaning given by section 2(1) of the Vulnerable Adults Act 2018;
- (e) where the proceedings relate to an application under section 65 or 67(1) of the Women’s Charter 1961 — the witness is the person against whom family violence (within

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the meaning given by section 64 of the Women's Charter 1961) is alleged to have been committed;

- (f) where the proceedings relate to an application under section 12 of the Protection from Harassment Act 2014 — the witness is the victim of an alleged contravention of section 3, 4, 5 or 7 of that Act;
- (g) where the proceedings relate to an application under section 12 of the Vulnerable Adults Act 2018 for an order under section 14(1)(e), (f), (g) or (h) or 15 of that Act — the witness is or is alleged to be the vulnerable adult in relation to whom the application is made.

(2) Where the Court makes an order under section 11C(2)(b) of the Family Justice Act 2014, the Court may do one or more of the following:

- (a) require that any question to be posed to the witness by or on behalf of the examining party be reframed or rephrased before the question is asked;
- (b) ask any question to be posed to the witness, instead of the examining party in person or by counsel, in a manner that advances the Objectives;
- (c) allow the witness to be cross-examined only by the examining party's counsel;
- (d) require that the questions to be posed to the witness by or on behalf of the examining party, and the witness' answers to those questions, be set out in writing;
- (e) allow the witness to give evidence in any other manner that the Court thinks fit.

(3) In this Rule —

“applicable offence” means any of the following offences:

- (a) an offence under section 65(8) or (10) of the Women's Charter 1961;
- (b) an offence under section 14(10) or 15(8) of the Vulnerable Adults Act 2018;

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- (c) an offence under —
    - (i) section 3, 4, 5 or 7 of the Protection from Harassment Act 2014;
    - (ii) section 10(1)(a) of the Protection from Harassment Act 2014 for failing to comply with an order made under section 12(2) of that Act; or
    - (iii) section 10(1)(b) of the Protection from Harassment Act 2014 for failing to comply with an order made under section 13(1) of that Act;
  - (d) an offence under Chapter 16 or 22 of the Penal Code 1871;

“applicable order” means —

- (a) a protection order made under section 65, or an expedited order made under section 66(1), of the Women’s Charter 1961;
- (b) a protection order made under section 12(2), or an expedited protection order made under section 13(1), of the Protection from Harassment Act 2014; or
- (c) an order under section 14(1)(e), (f), (g) or (h) or 15 of the Vulnerable Adults Act 2018.

**Notice to refer to affidavit (P. 15, r. 19)**

**19.** A party who intends to use in any proceedings any affidavit filed in previous proceedings must give notice of the party’s intention to do so at least 14 days before the first date of the hearing or trial —

- (a) by filing and serving on every other party Form 101; and
- (b) subject to any practice directions or unless the Court otherwise directs, by filing and serving on every other party that affidavit.

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**Assessment of damages or value and taking of accounts****(P. 15, r. 20)**

**20.**—(1) This Rule applies to the assessment of damages and the taking of accounts, and in this Rule, “damages” includes damages for value of movable and immovable property and amounts due on taking of accounts.

(2) The Court must give judgment on liability and on the amount of damages if the hearing was not ordered to be bifurcated.

(3) If the hearing was ordered to be bifurcated, when the Court gives judgment on liability, it may give directions on the assessment of damages and proceed subsequently to assess damages or order the Registrar to assess damages.

(4) If the hearing was ordered to be bifurcated, and the Court gives judgment on liability and for damages to be assessed, and no provision is made by the judgment as to how the damages are to be assessed, the damages must, subject to the provisions of this Rule, be assessed by the Judge or Registrar, and the party entitled to the benefit of the judgment must, within one month after the date of the judgment, apply to the Court for directions.

(5) On the hearing of the application for directions mentioned in paragraph (4), the Court may give directions as to the time by which a notice of appointment for assessment of damages must be filed and the notice upon being filed must be served not later than 14 days after the date of filing on the party against whom the judgment is given.

(6) Where damages are in respect of any continuing cause of action, they must be assessed until the date of decision in the assessment.

(7) Where the damages are for amounts due on taking of accounts, the Court must give the appropriate directions for the taking of accounts.

**Page limits for written submissions (P. 15, r. 21)**

**21.**—(1) This Rule applies to —

(a) any originating application;

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- (b) any summons to vary or rescind a judgment or an order made after a hearing on the merits of any originating application; and
  - (c) any application made in the same manner as an application for a summons under the Criminal Procedure Code 2010.
- (2) The Court may order the parties to file and serve their written submissions (with a page limit specified in any practice directions for the time being issued by the Registrar) together with the bundle of authorities.
- (3) The Court may allow the page limit mentioned in paragraph (2) to be exceeded —
- (a) in special circumstances; and
  - (b) unless the Court otherwise allows under paragraph (4), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.
- (4) The Court may upon a written request waive, refund, defer or apportion the payment of the fees mentioned in paragraph (3)(b).

*Division 2 — Affidavits and other documents*

**Definitions of this Division (P. 15, r. 22)**

**22.** In this Division and Division 3 —

“affirm” includes “swear”;

“commissioner for oaths” includes any person authorised to administer oaths and affirmations in or outside Singapore.

**Affidavit evidence (P. 15, r. 23)**

**23.** An affidavit is a statement of evidence in the English language, signed and affirmed before a commissioner for oaths.

**Formalities of affidavit (P. 15, r. 24)**

**24.** An affidavit must be in Form 54, with the text set out in consecutively numbered paragraphs.

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**Attestation of affidavit (P. 15, r. 25)**

**25.**—(1) Except as provided in paragraph (2), an affidavit must contain the attestation in Form 106 completed and signed by the person before whom it is affirmed.

(2) An affidavit filed in any of the following proceedings may, instead of containing the attestation mentioned in paragraph (1), contain the declaration in Form 107:

- (a) any proceedings to which Part 3 applies;
- (b) an application mentioned in Part 5, Rule 8(1).

**Competence to make affidavit (P. 15, r. 26)**

**26.** A person who makes an affidavit must be legally competent to give evidence in court.

**Joint affidavit (P. 15, r. 27)**

**27.** 2 or more persons may make a joint affidavit if all the facts that they are affirming are the same.

**Affidavit may be affirmed before and attestation completed by commissioner for oaths through live video link or live television link (P. 15, r. 28)**

**28.**—(1) Subject to paragraphs (2) and (3), an affidavit may be affirmed and signed in Singapore before, and the attestation completed and signed by, a commissioner for oaths with the deponent appearing before the commissioner for oaths through a live video link or live television link that is created using a remote communication technology that complies with the requirements set out in any practice directions for the time being issued by the Registrar.

(2) For the purposes of this Rule, the deponent and the commissioner for oaths may sign the affidavit electronically in accordance with any requirements laid down in any practice directions for the time being issued by the Registrar.

(3) Where the affidavit is to be taken, and an oath for the taking of the affidavit is to be administered, in Singapore by a commissioner

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for oaths through a live video link or live television link, the commissioner for oaths must be able to —

- (a) maintain visual contact and communicate with the deponent and any interpreter present throughout the process;
- (b) confirm the identity of the deponent and any interpreter present;
- (c) verify by visual inspection, read, interpret and explain the document to be affirmed and signed by the deponent; and
- (d) confirm that the document which the commissioner for oaths later signs is the same document affirmed and signed by the deponent.

**Affirming affidavit outside Singapore (P. 15, r. 29)**

**29.** An affidavit may be affirmed outside Singapore.

**Safeguards for persons who do not understand English, are illiterate or blind (P. 15, r. 30)**

**30.** Where the maker of an affidavit is not able to understand English or is illiterate or blind, the commissioner for oaths must certify on the affidavit that —

- (a) the affidavit was read in the presence of the commissioner for oaths to the maker in a language or dialect that the maker understands;
- (b) the person who did the translation was competent to do so;
- (c) the maker indicated that he or she understood the affidavit and confirmed its contents; and
- (d) the maker signed or placed his or her fingerprint willingly in the presence of the commissioner for oaths to affirm the affidavit.

**Contents of affidavit (P. 15, r. 31)**

**31.—(1)** An affidavit must contain only relevant facts.

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- (2) An affidavit must not contain —
- (a) vulgar or insulting words unless those words are in issue in the proceedings; or
  - (b) anything that is intended to offend or belittle any person or entity.

### **Alteration of affidavit (P. 15, r. 32)**

**32.**—(1) An affidavit may be altered after it has been affirmed but not filed in Court if the affidavit is re-affirmed before a commissioner for oaths.

(2) A maker of an affidavit which has been filed in Court may correct any mistakes in that affidavit by making another affidavit.

### **Documents referred to in affidavit (P. 15, r. 33)**

**33.**—(1) Where an affidavit refers to a document, a copy of that document must be annexed to the affidavit.

(2) If it is necessary to refer to the whole document, a copy of the document must be annexed.

(3) If it is necessary to refer to only certain portions of the document, a copy of only those portions need to be annexed.

(4) Where an affidavit refers to a person or object and it is necessary to identify that person or object, the identification may be done by annexing a picture of that person or object to the affidavit.

(5) All annexures to an affidavit must be identified by a certificate of the commissioner for oaths.

### **Affidavits admitted without proof (P. 15, r. 34)**

**34.** The seal or signature of a commissioner for oaths in an affidavit affirmed in or outside Singapore is to be accepted as valid unless the contrary is shown.

### **Consents (P. 15, r. 35)**

**35.**—(1) Every consent required under any written law or order of court —



- (a) must be in Form 108; and
- (b) subject to paragraph (2), must be affirmed and signed before a commissioner for oaths.

(2) Paragraph (1)(b) does not apply where the consent is filed using any electronic filing service and is signed by an authorised agent, authorised user or registered user of that electronic filing service.

(3) Rules 26, 27, 28, 29, 30 and 34 apply to a consent mentioned in paragraph (1) in the same way as they apply to an affidavit.

(4) In this Rule, “authorised agent”, “authorised user”, “electronic filing service” and “registered user” have the meanings given by Part 28, Rule 2.

(5) This Rule does not apply to the consent of any relevant person for the adoption of a child mentioned in section 26 of the Adoption of Children Act 2022.

### **Forms and sworn statements (P. 15, r. 36)**

**36.**—(1) A Form mentioned in Part 13 of the practice directions is deemed to be an affidavit for the purposes of these Rules.

(2) Rules 25(2), 26, 27, 31, 32 and 33 (except paragraph (5)) apply to a sworn statement filed in any proceedings to which Part 3 applies in the same way as those Rules apply to an affidavit.

### *Division 3 — Particular proceedings*

#### **Affidavit by Guardian-in-Adoption (P. 15, r. 37)**

**37.**—(1) This Rule applies to the filing of the GIA’s affidavit for the purposes of section 27(1) of the Adoption of Children Act 2022.

- (2) The Guardian-in-Adoption must —
- (a) file the GIA’s affidavit in relation to an adoption application in court; or
  - (b) send the GIA’s affidavit to the applicant by sending it —
    - (i) to the business address of the solicitor who is acting for the applicant in the proceedings; or

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(ii) if the applicant is unrepresented, to the applicant at his or her usual or last known address.

(3) Upon filing the GIA's affidavit under paragraph (2)(a), the Guardian-in-Adoption must serve the affidavit on every party.

(4) Upon the applicant or the applicant's solicitor receiving the GIA's affidavit sent by the Guardian-in-Adoption under paragraph (2)(b), the applicant must file and serve on every other party that affidavit.

(5) Upon filing and service of the GIA's affidavit in accordance with paragraphs (2)(a) and (3) or paragraph (4) (as the case may be), the Court must appoint a day for the further hearing of the adoption application.

(6) In this Rule —

“adoption application”, “Guardian-in-Adoption” and “relevant person” have the meanings given by section 2(1) of the Adoption of Children Act 2022;

“GIA's affidavit” means the affidavit required to be made by the Guardian-in-Adoption under section 27(1) of the Adoption of Children Act 2022.

**Where previous application under Status of Children (Assisted Reproduction Technology) Act 2013 has been refused (P. 15, r. 38)**

**38.** If an applicant for the determination or declaration of parenthood of a child under the Status of Children (Assisted Reproduction Technology) Act 2013 has made a previous application under that Act in respect of the same child and that application has been refused, the Court must not make a determination or declaration of parenthood with respect to that child unless the Court is satisfied that there has been a material change in the circumstances of the case.

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PART 16

WITHDRAWAL AND DISCONTINUANCE

**Withdrawal of notice to contest (P. 16, r. 1)**

1. A party who has filed a notice to contest in an originating application may withdraw the notice at any time with the permission of the Court.

**Discontinuance of action, etc., without permission (P. 16, r. 2)**

2.—(1) Subject to paragraph (2), the applicant in any proceedings commenced by originating application may, without permission of the Court, discontinue the proceedings, or withdraw any particular claim made by the applicant, as against all or any of the respondents as follows:

- (a) where the respondent concerned has not, or all the respondents have not, been served with the originating application — by filing a notice in Form 111 on the respondent concerned or all the respondents (as the case may be) at any time;
- (b) where the respondent concerned has, or all the respondents have, been served with the originating application — by producing to the Registrar a written consent in Form 111 signed by the respondent concerned or all of the respondents (as the case may be) at any time before the Court disposes of the entire proceedings.

(2) Paragraph (1) does not apply where interim judgment has been granted in any proceedings in a matrimonial application and has not been rescinded or set aside.

(3) The respondent in a matrimonial application may, without permission of the Court, withdraw the Reply or any part of the Reply at any time by filing a written consent in Form 111 signed by the applicant.

(4) Paragraphs (1), (2) and (3) apply in relation to a cross-application as it applies in relation to an originating application.

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(5) Paragraph (1) applies in relation to a summons as it applies in relation to an originating application, with the substitution of references to the applicant and to the respondent with the applying party and to the responding party respectively.

(6) In this Rule, “matrimonial application” has the meaning given by Part 2, Rule 1 of these Rules.

### **Deemed discontinuance of action (P. 16, r. 3)**

3.—(1) Subject to paragraph (2), if no party to the proceedings has, for more than one year (or any extended period that the Court may allow under paragraph (3)), taken any step in the action, cause or matter that appears from records maintained by the Court, the action, cause or matter is deemed to have been discontinued.

(2) Paragraph (1) does not apply where the action, cause or matter has been stayed pursuant to an order of court.

(3) The Court may, on application by any party made before the one year mentioned in paragraph (1) has elapsed, extend the time to any extent that the Court thinks fit.

(4) Where an action, a cause or a matter has been discontinued under paragraph (1), the Court may, on application, reinstate the action, cause or matter, and allow it to proceed on any terms that the Court thinks fit.

### **Discontinuance of action, etc., with permission (P. 16, r. 4)**

4.—(1) Except as provided by Rule 2 or 3, a party must not discontinue any proceedings or summons, withdraw any particular claim made by him or her therein or withdraw any Reply, without the permission of the Court.

(2) The Court hearing an application for the grant of permission mentioned in paragraph (1) may order the proceedings or summons to be discontinued, any particular claim made in those proceedings or summons to be struck out or any reply to be struck out, as against all or any of the parties against whom the originating application is brought.

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(3) An order made under paragraph (2) may be made on any terms as to costs, the bringing of a subsequent action or otherwise that the Court thinks just.

(4) Where the Court makes an order under paragraph (2) against a party (*X*), and *X* is liable to pay the costs of any other party in the proceedings, *X* must not take out a new originating application for the same or substantially the same cause of action unless —

(a) *X* has, before taking out the new originating application, paid the costs for which *X* is liable; or

(b) with the permission of the Court.

(5) This Rule applies in relation to a summons as it applies in relation to an originating application, with the substitution of references to the applicant and to the respondent with the applying party and to the responding party respectively.

### **Effect of discontinuance (P. 16, r. 5)**

5. Subject to any terms imposed by the Court under Rule 4(3), the fact that a party has discontinued or is deemed to have discontinued an action or withdrawn a particular claim made by him or her therein is not a defence to a subsequent action for the same, or substantially the same, cause of action.

## PART 17

### PAYMENT INTO AND OUT OF COURT

#### **Payment into Court (P. 17, r. 1)**

1.—(1) In any action for a debt or damages, any respondent may at any time after the respondent has filed a notice to contest pay into Court a sum of money in satisfaction of the cause of action in respect of which the applicant claims or, where 2 or more causes of action are joined in the action, a sum or sums of money in satisfaction of all or any of those causes of action.

(2) On making any payment into Court under this Rule, or on increasing any such payment already made —

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- (a) the respondent must give notice of the payment or further payment in Form 112 to the applicant and every other respondent, if any; and
- (b) the applicant must, within 3 days after receiving the notice in sub-paragraph (a), send the respondent a written acknowledgment of its receipt.
- (3) Subject to paragraph (4) and without affecting paragraph (6), a notice of payment may not be withdrawn or amended without the permission of the Court which may be granted on any terms as may be just.
- (4) A respondent may, without permission of the Court, give notice of an increase in a payment made under this Rule.
- (5) Where 2 or more causes of action are joined in the action and money is paid into Court under this Rule in respect of all, or some only of, those causes of action, the notice of payment —
- (a) must state that the money is paid in respect of all those causes of action or (as the case may be) must specify the cause or causes of action in respect of which the payment is made; and
- (b) where the respondent makes separate payments in respect of each, or any 2 or more, of those causes of action, must specify the sum paid in respect of that cause of action or (as the case may be) those causes of action.
- (6) Where a single sum of money is paid into Court under this Rule in respect of 2 or more causes of action, then, if it appears to the Court that the applicant is embarrassed by the payment, the Court may order the respondent to amend the notice of payment so as to specify the sum paid in respect of each cause of action.
- (7) For the purposes of this Rule, the applicant's cause of action in respect of a debt or damages is to be construed as a cause of action in respect also of such interest as might be included in the judgment, if judgment were given at the date of the payment into Court.

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**Payment in by respondent who has counterclaimed (P. 17, r. 2)**

2. Where a respondent, who makes by counterclaim a claim against the applicant for a debt or damages, pays a sum of money into Court under Rule 1, the notice of payment must state, if it be the case, that in making the payment the respondent has taken into account and intends to satisfy —

- (a) the cause of action in respect of which the respondent claims; or
- (b) where 2 or more causes of action are joined in the counterclaim, all those causes of action or, if not all, which of them.

**Acceptance of money paid into Court (P. 17, r. 3)**

3.—(1) Where money is paid into Court under Rule 1, then subject to paragraph (2), within 14 days after receipt of the notice of payment or, where more than one payment has been made or the notice has been amended, within 14 days after receipt of the notice of the last payment or the amended notice but, in any case, before the trial or hearing of the action begins, the applicant may —

- (a) where the money was paid in respect of the cause of action or all the causes of action in respect of which the applicant claims, accept the money in satisfaction of that cause of action or those causes of action, as the case may be; or
- (b) where the money was paid in respect of some only of the causes of action in respect of which the applicant claims, accept in satisfaction of any such cause or causes of action the sum specified in respect of that cause or those causes of action in the notice of payment,

by giving notice in Form 113 to every respondent to the action.

- (2) Where after the trial or hearing of an action has begun —
  - (a) money is paid into Court under Rule 1; or

- (b) money in Court is increased by a further payment into Court under that Rule,

the applicant may accept the money in accordance with paragraph (1) within 2 days after receipt of the notice of payment or notice of the further payment (as the case may be) but, in any case, before the Judge begins to deliver judgment.

(3) Rule 1(7) does not apply in relation to money paid into Court in an action after the trial or hearing of the action has begun.

(4) On the applicant accepting any money paid into Court, all further proceedings in the action or in respect of the specified cause or causes of action (as the case may be) to which the acceptance relates, are to be stayed —

- (a) against the respondent making the payment; and  
(b) against any other respondent sued jointly with or in the alternative to the respondent mentioned in sub-paragraph (a).

(5) Where money is paid into Court by a respondent who made a counterclaim and the notice of payment stated, in relation to any sum so paid, that in making the payment the respondent had taken into account and satisfied the cause or causes of action, or the specified cause or causes of action in respect of which the respondent claimed, then, on the applicant accepting that sum, all further proceedings on the counterclaim or in respect of the specified cause or causes of action (as the case may be) against the applicant are to be stayed.

(6) An applicant who has accepted any sum paid into Court is, subject to Rules 4 and 10 and Part 6, Rule 13(5) to (8), entitled to receive payment of that sum in satisfaction of the cause or causes of action to which the acceptance relates.

#### **Order for payment out of money accepted required in certain cases (P. 17, r. 4)**

4.—(1) Where an applicant accepts any sum paid into Court and that sum was paid into Court —

- (a) by some but not all of the respondents sued jointly or in the alternative by the applicant; or



(b) with a defence of tender before action, the money in Court must not be paid out except under paragraph (3) or pursuant to an order of the Court.

(2) The order of the Court mentioned in paragraph (1) must deal with the whole costs of the action or of the cause of action to which the payment relates, as the case may be.

(3) Where an order of the Court is required under paragraph (1) by reason only of paragraph (1)(a), the sum paid into Court by some only of the respondents sued jointly or in the alternative by the applicant may be paid out without an order of the Court, if either before or after accepting the money paid into Court —

(a) the applicant discontinues the action against all other respondents; and

(b) those respondents who paid the sum into Court consent in writing to the payment of that sum.

(4) Despite paragraph (3), where —

(a) after the trial or hearing of an action has begun, an applicant accepts any money paid into Court; and

(b) all further proceedings in the action or in respect of the specified cause or causes of action (as the case may be) to which the acceptance relates are stayed by virtue of Rule 3(5),

the money must not be paid out except pursuant to an order of the Court.

(5) The order of the Court mentioned in paragraph (4) must deal with the whole costs of the action.

### **Money remaining in Court (P. 17, r. 5)**

5.—(1) If any money paid into Court in an action is not accepted in accordance with Rule 3, the money remaining in Court must not be paid out except pursuant to an order of the Court.

(2) The order of the Court mentioned in paragraph (1) may be made at any time before, at or after the trial or hearing of the action.

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(3) Where the order of the Court is made before the trial or hearing, the money must not be paid out except in satisfaction of the cause or causes of action in respect of which the money was paid in.

### **Counterclaim (P. 17, r. 6)**

6. An applicant against whom a counterclaim is made and any other respondent to the counterclaim may pay money into Court in accordance with Rule 1, and that Rule and Rules 3 (except paragraph (6)), 4 and 5 apply accordingly with the necessary modifications.

### **Non-disclosure of payment into Court (P. 17, r. 7)**

7.—(1) The fact that money has been paid into Court under Rules 1 to 6 must not be —

- (a) mentioned in any document filed in the action or counterclaim; or
- (b) communicated to the Court, at the trial or hearing of the action or counterclaim or of any question or issue as to the debt or damages, until all questions of liability and of the amount of debt or damages have been decided.

(2) Paragraph (1) does not apply to an action —

- (a) to which a defence of tender before action is mentioned in any document filed in the action or counterclaim; or
- (b) in which all further proceedings are stayed by virtue of Rule 3(5) after the trial or hearing has begun.

### **Money paid into Court under order of Court (P. 17, r. 8)**

8. Money paid into Court under an order of the Court or a certificate of the Registrar must not be paid out except pursuant to an order of the Court.

### **Payment out of money paid into Court under Exchange Control Act 1953 (P. 17, r. 9)**

9.—(1) Where money has been paid into Court in any cause or matter pursuant to the Exchange Control Act 1953, or an order of the

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Court made under that Act, any party to the cause or matter may apply for payment out of Court of that money.

(2) An application for an order under this Rule must be made by summons which must be served on all parties interested.

(3) If any person in whose favour an order for payment under this Rule is sought is resident outside the scheduled territories as defined in that Act, or will receive payment by order or on behalf of a person so resident, that fact must be stated in the summons.

(4) If the permission of the Monetary Authority of Singapore authorising the proposed payment has been given unconditionally or on conditions which have been complied with, that fact must be stated in the summons and the permission must be attached to the summons.

**Person to whom payment to be made (P. 17, r. 10)**

**10.**—(1) Where the party entitled to money in Court is a person in respect of whom a certificate is or has been in force entitling him or her to legal aid under the Legal Aid and Advice Act 1995, payment must be made —

(a) to that party's solicitor; or

(b) if that party is not represented by a solicitor, to the Director of Legal Aid if the Court so orders.

(2) The payment in paragraph (1) may be made without the need for any authority from the party mentioned in that paragraph.

(3) Subject to paragraph (1), payment must be made —

(a) to the party entitled;

(b) on the party's written authority, to his or her solicitor; or

(c) if the Court so orders, to the party's solicitor without such authority.

(4) This Rule applies whether the money in Court has been paid into Court under Rule 1 or under the order of the Court or a certificate of the Registrar.

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**Payment out: small intestate estates (P. 17, r. 11)**

**11.**—(1) Where a person entitled to a fund in Court, or a share of that fund, dies intestate, the Court may make an order mentioned in paragraph (2), if the Court is satisfied that —

- (a) no grant of administration of the deceased’s estate has been made; and
- (b) the assets of the deceased’s estate including the value of the fund or share do not exceed \$50,000 in value.

(2) For the purposes of paragraph (1), the Court may order that the fund or share must be paid, transferred or delivered to the person who, being a widower, widow, child, father, mother, brother or sister of the deceased, would have the prior right to a grant of letters of administration of the estate of the deceased.

**PART 18****JUDGMENTS AND ORDERS****Definition of this Part (P. 18, r. 1)**

**1.** In this Part, “order” means an Order of the Court and includes judgment given at any stage of the proceedings, whether after trial or hearing or otherwise.

**Effective date of orders (P. 18, r. 2)**

**2.**—(1) An order takes effect from the day that it is given unless the Court otherwise orders.

(2) Where an order requires a person to pay money, to do or to stop doing an act or to perform a duty, the Court must give that person a reasonable time within which to comply unless the Court intends that the money must be paid, the act must be done or stopped or the duty must be performed on the day that the order is given.

(3) If no time for compliance is specified under paragraph (2), the order is deemed to require immediate compliance.

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**Drawing up and form of orders (P. 18, r. 3)**

3.—(1) Unless the Court otherwise orders, all orders must be drawn up and filed in Court except orders specified in paragraph (2).

(2) Paragraph (1) does not apply to —

(a) orders granting an extension of time;

(b) orders granting permission to amend any document; or

(c) directions given by the Court.

(3) All orders must be in Form 114.

(4) The party who takes out an application or appeals against an order must draw up the order whether or not the outcome of the application or appeal is in the party's favour.

(5) Where 2 or more applications are taken out by the parties and the applications are heard together, the party who took out the earliest of those applications in time must draw up only one order for all the applications.

(6) Where any 2 or more parties in any proceedings appeal against all or any judgments or orders made in those proceedings and the appeals are heard together, the party whose appeal was filed the earliest in time must draw up only one order for all the appeals.

(7) The party who is required by this Rule to draw up an order must send the draft of the order to the solicitors (if any) of all other parties within 14 days after the order is made and if that party fails to do so, any other party affected by the order may draw it up.

(8) The solicitors of the other parties must respond to the draft with their consent or their amended draft within 2 days, failing which they are deemed to consent to the draft.

(9) Where there is a dispute on terms of the draft, the party who drew up the order may write to the Court to resolve the dispute and the letter must set out the areas of dispute.

(10) The Court may give its decision on the dispute on the terms of the draft without the attendance of the parties or fix a hearing to hear the parties on the dispute.

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(11) Where any of the other parties has no solicitor, the draft of the order is to be submitted to the Registrar.

**Interest on money payable under orders (P. 18, r. 4)**

- 4.—(1) Where money is payable under an order, it carries —
- (a) interest as agreed between the parties; or
  - (b) if there is no agreement on interest, simple interest at 5.33% per year.
- (2) Interest is to be calculated from the date on which the money is payable under the order until the date of payment.
- (3) If the date on which the money is payable is not specified in the order, the money is deemed to be payable on the date of the order.
- (4) Where instalment payments are allowed by the Court, interest is to be calculated from the date that each instalment is due until the date of payment.
- (5) Where part payments are made on money payable under an order, they are to be used to reduce the principal amount due before interest.

**Orders made under International Child Abduction Act 2010 (P. 18, r. 5)**

- 5.—(1) An applicant who makes an application under section 8, 10, 11 or 14 of the International Child Abduction Act 2010 must forward a copy of any order made by the Court to the Central Authority of Singapore (within the meaning given by that Act) within 7 days after the date of the order.
- (2) Unless the Court otherwise orders, the applicant must comply with paragraph (1) whether or not the outcome of the application is in the applicant's favour.

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**Orders relating to registration of child of compulsory school age in national primary school (P. 18, r. 6)**

6.—(1) Where —

(a) an order is made by the Court under which a person is allowed to decide on the national primary school that a child of compulsory school age identified in the order is registered as a pupil; and

(b) that person applies to register the child of compulsory school age as a pupil with any national primary school,

the person must, at the time the application mentioned in sub-paragraph (b) is made, provide a copy of the order to the national primary school.

(2) In this Rule, “child of compulsory school age” and “national primary school” have the meanings given by section 2 of the Compulsory Education Act 2000.

PART 19

APPEALS

*Division 1 — General*

**Scope of this Part (P. 19, r. 1)**

1.—(1) Subject to paragraph (2), this Part applies to and in relation to the following:

(a) every appeal which under any written law is made to —

(i) the Family Court; and

(ii) the Family Division;

(b) every appeal from a decision made on an assessment of damages or the taking of accounts by the Registrar;

(c) every application to an appellate Court relating to an appeal to the appellate Court.

(2) This Part does not apply to any appeal from a decision of a Youth Court made pursuant to the Children and Young Persons Act 1993.

### **General matters and structure of this Part (P. 19, r. 2)**

2.—(1) This Part is subject to any written law on the right to appeal and any requirement to apply for permission to appeal.

(2) Division 2 of this Part applies to and in relation to every appeal from a decision made by —

- (a) the Registrar to a District Judge in proceedings in a Family Court; and
- (b) the Registrar to a Judge in proceedings in the Family Division.

(3) Division 3 of this Part —

- (a) applies to and in relation to every appeal from a decision of a judge of a Family Court to the Family Division, including —
  - (i) a decision made on an appeal against a decision of the Registrar in proceedings in a Family Court;
  - (ii) a decision in an application for permission to commence an originating application;
  - (iii) a decision made for the enforcement of a judgment, a decision or an order;
  - (iv) a decision made on or in respect of any consequential or incidental matter after a judgment, a decision or an order is made after a hearing on the merits of an action; and
  - (v) a decision of an appellate Court made on an application relating to an appeal; but

(b) does not apply to any appeal specified in paragraph (4).

(4) Division 4 of this Part applies to and in relation to every appeal from a judgment, a decision or an order of a judge of a Family Court given —



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- (a) after a hearing on the merits of an action, including a case where the judgment, decision or order is made or the action is dismissed because one or more parties is absent;
  - (b) after damages are assessed or accounts are taken;
  - (c) in an application for a committal order for contempt of court;
  - (d) in an application to vary, rescind or set aside any judgment, decision or order mentioned in sub-paragraph (a), (b) or (c); and
  - (e) in any application made in any proceedings in which any judgment, decision or order mentioned in sub-paragraph (a), (b), (c) or (d) (called the related decision) is given, where the judgment, decision or order in the application is given on the same day as the related decision.

### **Definitions of this Part (P. 19, r. 3)**

#### **3. In this Part —**

“appellant” means a party who appeals against any judgment, decision or order;

“respondent” means a party who responds to an appeal by an appellant.

### **When time for appeal starts to run (P. 19, r. 4)**

4. Subject to any written law, unless the Court otherwise orders, the time for filing an appeal and for the filing of an application for permission to appeal against any judgment, decision or order starts to run from the day when the lower Court makes that judgment, order or decision.

### **One appeal for judgments, decisions and orders given on same day (P. 19, r. 5)**

5. Each party may file only one appeal in respect of all judgments, decisions or orders given on the same day in respect of all or any such applications or actions.

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**Permission to intervene (P. 19, r. 6)**

6.—(1) A person who is not a party in the appeal may apply to intervene in the appeal with the permission of the appellate Court.

(2) The summons for permission to intervene and the supporting affidavit must be filed and served on all parties who have an interest in the appeal.

(3) The person applying to intervene must set out in the supporting affidavit that person's interest in the appeal.

(4) The appellate Court may impose conditions when the appellate Court grants permission to intervene, including ordering the intervening party to provide security for costs to all or any of the parties in the appeal.

**Appeal does not stay enforcement (P. 19, r. 7)**

7.—(1) Except so far as the lower Court or the appellate Court may otherwise direct, an appeal does not operate as a stay of enforcement or of proceedings under the decision of the lower Court.

(2) An appellant who seeks a stay of enforcement or of proceedings under the decision of the lower Court must first apply to the lower Court, and may apply to the appellate Court only if the lower Court dismisses the application.

(3) Except so far as the appellate Court may otherwise direct, no intermediate act or proceeding is to be invalidated by an appeal.

(4) On an appeal, interest for any time that enforcement has been delayed by the appeal is to be allowed unless the lower Court or the appellate Court otherwise orders.

**Appeal to be heard in chambers (P. 19, r. 8)**

8. Subject to any other provision in these Rules, any other written law or practice directions, appeals must be heard in chambers.

**Powers of appellate Court (P. 19, r. 9)**

9.—(1) The appellate Court may order any party to serve any document on a non-party to the appeal and give directions for the

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non-party to state its case by affidavit, written submissions or any other means.

(2) The appellate Court may allow or invite any non-party to the appeal to give that non-party's views on any matter in the appeal and may make costs orders in relation to the non-party.

(3) At the hearing of the appeal, the parties are allowed to make only such oral submissions as the appellate Court orders.

(4) The appellate Court may make any order relating to any part of the decision of the lower Court and for any reason although that part is not the subject of any appeal and that reason is not stated by anyone in the appeal.

(5) The appellate Court's powers to decide the merits of the appeal are not restricted by reason only that there was no appeal against any previous order (being one that is not the subject of the appeal) made by the lower Court.

(6) Subject to any written law, the appellate Court has power to receive further evidence, either by oral examination in court, by affidavit, by deposition taken before an examiner, or in any other manner as the appellate Court may allow, but no such further evidence (other than evidence relating to matters occurring after the date of the decision appealed against) may be given except on special grounds.

(7) Such further evidence must be adduced in the manner directed by the appellate Court.

### **Absence of parties (P. 19, r. 10)**

**10.—**(1) If the appellant or the appellant's solicitor fails to attend at the appeal, the appeal may be dismissed.

(2) If the appellant or the appellant's solicitor attends and any respondent or the respondent's solicitor fails to attend, the appeal may proceed in the absence of such respondent.

(3) The Court may restore the appeal for rehearing upon the application of the absent party who must file and serve any such application on all parties who have an interest in the appeal within

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14 days after the dismissal or hearing of the appeal and must show good reason for that party's absence.

**Appellate intervention only if substantial injustice (P. 19, r. 11)**

11. In procedural matters, the appellate Court is to allow the lower Court maximum autonomy and intervene only if substantial injustice will be caused otherwise.

**Expedited appeal (P. 19, r. 12)**

12.—(1) If the appeal is urgent or there is a special reason, the lower Court or the appellate Court may order an expedited appeal upon any party's application or on its own accord.

(2) A party who seeks an expedited appeal must first apply to the lower Court and may apply to the appellate Court only if the lower Court dismisses the application.

(3) In an expedited appeal, the lower Court or the appellate Court may dispense with compliance with any provision of these Rules or practice directions or modify them for the purposes of the appeal.

**Withdrawal of appeal or application (P. 19, r. 13)**

13.—(1) An appellant may withdraw the appellant's appeal in relation to all or any of the respondents at any time before the appeal is heard or dealt with (as the case may be), by filing and serving a notice of withdrawal of the appeal in Form 135 on all the parties to the appeal.

(2) An applicant in an application to an appellate Court may withdraw the application in relation to all or any of the parties to the application at any time before the application is heard or dealt with (as the case may be), by filing and serving a notice of withdrawal of the application in Form 135 on all the parties to the application.

(3) Upon the filing of Form 135 and if there are no outstanding issues relating to costs or other matters, the appeal or application (as the case may be) is deemed withdrawn in relation to the relevant parties, and if all the parties to the appeal or application (as the case may be) consent to the payment of the security for costs to the appellant, the applicant or the respondent (as the case may be), the

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appellant, the applicant or the respondent (as the case may be) must file the document signifying such consent signed by the parties and in such event, the security for costs must be paid to the appellant, the applicant or the respondent (as the case may be) and any solicitor's undertaking is discharged.

(4) If there are any such outstanding issues mentioned in paragraph (3) —

- (a) the appellant or applicant (as the case may be) or any other party to the appeal or application (as the case may be) may request in writing to the appellate Court for directions on those issues;
- (b) no oral arguments are to be made in a request under sub-paragraph (a) unless the appellate Court otherwise directs; and
- (c) the Registrar may, upon receiving a request under sub-paragraph (a) —
  - (i) remove the appeal or application from the list of appeals or list of applications, as the case may be; and
  - (ii) give directions on the making of written submissions for the request or application, as the case may be.

(5) Except as provided under paragraph (4), if there are any such outstanding issues —

- (a) the appeal or application remains on the list of appeals or list of applications, as the case may be; and
- (b) the appellate Court may, at the hearing of the appeal or application, as the case may be —
  - (i) decide any issue as to costs or otherwise that remains outstanding between the parties to the appeal or application, as the case may be; and
  - (ii) make any order as to the disposal of any security for costs.

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**Consent judgment or order (P. 19, r. 14)**

14.—(1) Where the parties in any appeal or application to the appellate Court inform the Registrar that they wish to record a consent judgment or order, the appellate Court may dispense with attendance of the parties and may record the judgment or order in the agreed terms, and the Registrar is to inform the parties accordingly.

(2) The appellate Court may give such further orders or directions incidental or consequential to any judgment or order that the appellate Court considers appropriate.

**Judgment (P. 19, r. 15)**

15.—(1) Without affecting paragraph (2), the appellate Court may give its decision in any appeal or application —

- (a) orally at the conclusion of the hearing of the appeal or application (as the case may be) or at a subsequent date; or
- (b) in writing at the conclusion of the hearing of the appeal or application (as the case may be) or at a subsequent date.

(2) Where the appellate Court has decided any matter without hearing oral arguments —

- (a) the decision of the appellate Court may be given in accordance with paragraph (1) or the appellate Court may direct the Registrar to inform the parties of its decision; and
- (b) the parties are to be informed of the following:
  - (i) the Judge or Judges who constituted the appellate Court;
  - (ii) the decision of the appellate Court;
  - (iii) the date of the decision.

(3) Every party is entitled to a copy of any decision given in writing.

(4) A judgment of the appellate Court may be delivered orally by any Judge sitting in the appellate Court despite the absence of one or more of the other Judges who heard the appeal or application in the appellate Court.

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**Enforcement of judgments which have been subject matter of appeal (P. 19, r. 16)**

16. The taking of any steps for the enforcement of a judgment or an order which has been the subject of an appeal under this Part must be in the Family Court.

*Division 2 — Appeals from Registrar to District Judge  
in proceedings in Family Court and to Judge in  
proceedings in Family Division*

**Bringing of appeal (P. 19, r. 17)**

17.—(1) A party who intends to appeal to a District Judge against a decision of the Registrar in proceedings in the Family Court must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 136 within 14 days after the date of the Registrar's decision.

(2) A party who intends to appeal to a Judge in chambers against a decision of the Registrar in proceedings in the Family Division must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 136 within 14 days after the date of the Registrar's decision.

**Documents to be filed (P. 19, r. 18)**

18.—(1) The Registrar may give a summary of the points he or she has decided without the need to issue written grounds of decision.

(2) The Registrar must certify within 14 days after the filing of the notice of appeal —

(a) that he or she has already issued a written judgment or grounds of decision;

(b) that he or she intends to issue written grounds of decision;  
or

(c) that the certified transcript of the official record of the hearing sets out his or her grounds of decision sufficiently,

and if he or she does not do so, it is presumed that no further written grounds of decision will be issued.

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(3) If the Registrar certifies under paragraph (2)(b) that he or she intends to issue written grounds of decision —

- (a) he or she must endeavour to do so as soon as it is practicable; and
- (b) if no written grounds of decision are issued within 14 days after the certification —
  - (i) the appellant must apply in writing to the Registrar to proceed with the appeal;
  - (ii) if the appellant fails to do so, the respondent may apply in writing to the Registrar to proceed with the appeal or may give the appellant 14 days' written notice of the respondent's intention to strike out the appeal; and
  - (iii) after the expiry of the 14 days' notice period mentioned in sub-paragraph (ii), the respondent may apply to strike out the appeal.

(4) The appeal must proceed before the appellate Court by way of a rehearing on the documents filed by the parties before the Registrar.

(5) The parties to the appeal must file and serve on all parties who have an interest in the appeal written submissions (including any bundle of authorities) on why the Registrar's decision is to be upheld, set aside or varied in accordance with the following timelines:

- (a) where the Registrar certifies under paragraph (2)(a) that he or she has already issued a written judgment or grounds of decision, within 14 days after the Registry notifies of such certification by the Registrar;
- (b) where the Registrar certifies under paragraph (2)(b) that he or she intends to issue written grounds of decision, within 14 days after the Registry notifies that a copy of the written grounds of decision or the certified transcript of the official record of the hearing (as the case may be) is ready for collection;
- (c) where the Registrar certifies under paragraph (2)(c) that the certified transcript of the official record of hearing sets



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out his or her grounds of decision sufficiently, within 14 days after the Registry notifies of such certification by the Registrar;

- (d) where it is presumed under paragraph (2) that no further written grounds of decision will be issued, within 28 days after the filing and service of the notice of appeal;
- (e) where the appellant or the respondent has applied in writing to proceed with the appeal under paragraph (3)(b), within 14 days after the Registrar notifies that the appeal is to proceed.

(6) The written submissions for the appeal must include (in the concluding paragraphs) submissions on the appropriate costs orders to be made in the appeal and, unless the appellate Court otherwise orders, are subject to the page limit specified in any practice directions.

(7) No documents other than what has been set out in this Rule may be filed unless the appellate Court otherwise orders.

(8) The appellate Court may allow the page limit mentioned in paragraph (6) to be exceeded —

- (a) in special circumstances; and
- (b) unless the appellate Court otherwise allows under paragraph (9), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(9) The appellate Court may upon a written request waive, refund, defer or apportion the payment of the fees mentioned in paragraph (8)(b).

(10) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors.

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*Division 3 — Appeal from judge of Family Court  
to Family Division*

**Bringing of appeal (P. 19, r. 19)**

**19.**—(1) A party who intends to appeal to the Family Division against the decision of a judge of a Family Court must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 136 —

- (a) within 14 days after the date of the judge’s decision; or
- (b) in a case where a request for further arguments has been made under Rule 20, within 14 days after —
  - (i) the judge affirms, varies or sets aside the decision after hearing further arguments; or
  - (ii) the parties are informed, or it is deemed, that the judge does not require further arguments.

(2) The Family Division may extend the time for filing and serving the notice of appeal if the appellant applies for such extension after the time expires, and the lower Court may extend the time for filing and serving the notice of appeal if the appellant applies for such extension before the time expires.

**Further arguments before judge of Family Court (P. 19, r. 20)**

**20.**—(1) A request to the judge of a Family Court for further arguments from the parties after he or she has given his or her decision must be made by letter to the Registrar and served on all parties in the proceedings.

- (2) The request must be filed before the earlier of the following:
  - (a) the time at which the judgment or order relating to the decision is extracted;
  - (b) the 15th day after the date on which the decision is made.
- (3) The request must set out the proposed arguments briefly and include a copy of any authority cited.

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(4) The Registrar must inform the requesting party within 14 days after receiving the request whether the judge requires further arguments.

(5) If the Registrar does not inform the requesting party as mentioned in paragraph (4), it is deemed that the judge does not require further arguments.

### **Permission to appeal (P. 19, r. 21)**

**21.**—(1) Where permission to appeal is required, a party must apply to the judge of the Family Court for such permission and serve the application on all parties who have an interest in the appeal within 14 days after the date of the judge’s decision.

(2) Where the judge does not grant permission to appeal, the party may apply to the Family Division for such permission and must serve the application on all parties who have an interest in the appeal within 14 days after the date of the judge’s decision not to grant permission.

(3) Where permission to appeal is granted, the applicant must file and serve on all parties who have an interest in the appeal the notice of appeal in Form 136 within 14 days after the date of the Court’s decision granting permission.

(4) The Family Division may extend the time for filing and serving an application for permission to appeal if the application for the extension is made after the time expires, and the lower Court may extend the time for filing and serving an application for permission to appeal if the application for the extension is made before the time expires.

### **Security for costs (P. 19, r. 22)**

**22.**—(1) The appellant must provide security for the respondent’s costs of the appeal and file a certificate for security for costs in Form 137 at the time the appellant files the notice of appeal.

(2) Where there is more than one appellant in the same appeal, all the appellants need to provide only one set of security for the appeal.

(3) Where there is more than one respondent, the appellant must provide security for the costs of the appeal for each respondent (or for

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the costs of the appeal for each set of the respondents where the respondents are represented by the same firm of solicitors).

- (4) The security must be —
- (a) in the form of a solicitor's undertaking in Form 138 which must be filed and served on the respondent;
  - (b) deposited in the Registry or with the Accountant-General;  
or
  - (c) in any other form acceptable to the parties.
- (5) The appellant must provide security in the amount of \$1,500.
- (6) Any party may apply to the appellate Court to vary or waive the amount of security for costs to be provided.
- (7) The appellate Court may order further security for costs to be given.

**Documents to be filed (P. 19, r. 23)**

**23.**—(1) The judge of a Family Court may give a summary of the points he or she has decided without the need to issue written grounds of decision.

(2) The judge of a Family Court must certify within 14 days after the filing of the notice of appeal —

- (a) that he or she has already issued a written judgment or grounds of decision;
- (b) that he or she intends to issue written grounds of decision;  
or
- (c) that the certified transcript of the official record of the hearing sets out his or her grounds of decision sufficiently,

and if he or she does not do so, it is presumed that no further written grounds of decision will be issued.

(3) If the judge of a Family Court certifies under paragraph (2)(b) that he or she intends to issue written grounds of decision —

- (a) he or she must endeavour to do so as soon as it is practicable; and

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- (b) if no written grounds of decision are issued within 6 weeks after the certification —
- (i) the appellant must apply in writing to the Registrar to proceed with the appeal;
  - (ii) if the appellant fails to do so, the respondent may apply in writing to the Registrar to proceed with the appeal or may give the appellant 14 days' written notice of the respondent's intention to strike out the appeal; and
  - (iii) after the expiry of the 14 days' notice period mentioned in sub-paragraph (ii), the respondent may apply to strike out the appeal.

(4) The appeal must proceed before the Judge sitting in the Family Division by way of a rehearing on the documents filed by the parties before the judge of a Family Court.

(5) The parties to the appeal must file and serve on all parties who have an interest in the appeal written submissions (including any bundle of authorities) on why the decision of the judge of a Family Court is to be upheld, set aside or varied in accordance with the following timelines:

- (a) where the judge certifies under paragraph (2)(a) that he or she has already issued a written judgment or grounds of decision, within 14 days after the Registry notifies of such certification by the judge;
- (b) where the judge certifies under paragraph (2)(b) that he or she intends to issue written grounds of decision, within 14 days after the Registry notifies that a copy of the written grounds of decision or the certified transcript of the official record of the hearing (as the case may be) is ready for collection;
- (c) where the judge certifies under paragraph (2)(c) that the certified transcript of the official record of hearing sets out his or her grounds of decision sufficiently, within 14 days after the Registry notifies of such certification by the judge;

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- (d) where it is presumed under paragraph (2) that no further written grounds of decision will be issued, within 28 days after the filing and service of the notice of appeal;
- (e) where the appellant or the respondent has applied in writing to proceed with the appeal under paragraph (3)(b) — within 14 days after the Registrar notifies that the appeal is to proceed.
- (6) The written submission for the appeal must include (in the concluding paragraphs) submissions on the appropriate costs orders to be made in the appeal and, unless the appellate Court otherwise orders, are subject to the page limit specified in any practice directions.
- (7) A party whose interest in the appeal is passive (such as a stakeholder, a trustee or an executor) is not required to file separate written submissions but should ensure that that party's position is explained in one of the written submissions filed.
- (8) All parties to 2 or more related appeals to be heard together must try to agree on filing a single set of written submissions for each party and on the timelines for such filing.
- (9) Where the parties are unable to agree as mentioned in paragraph (8), they must request in writing for a case conference before the appellate Court or seek directions from the appellate Court.
- (10) Where the parties have agreed as mentioned in paragraph (8), they must inform the Registrar in writing of the timelines agreed, and seek the approval of the timelines by the appellate Court.
- (11) No documents other than what has been set out in this Rule may be filed unless the appellate Court otherwise orders.
- (12) Where the appellant fails to file and serve the written submissions within the specified time, the appeal is deemed withdrawn unless the appellate Court otherwise orders.
- (13) Where an appeal is deemed withdrawn pursuant to paragraph (12) and if all the parties to the appeal consent to the payment of the security for costs provided under Rule 22 to the appellant or the respondent, the appellant or the respondent (as the

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case may be) must file the document signifying such consent signed by the parties and in such event, the security for costs provided under Rule 22 must be paid to the appellant or the respondent (as the case may be) and any solicitor's undertaking is discharged.

(14) Where an appeal is deemed withdrawn pursuant to paragraph (12) and if there are any outstanding issues as to costs or other matters that remain between the parties to the appeal —

- (a) the appellant or any party to the appeal may, within 14 days after the date that the appeal is deemed withdrawn, request in writing to the appellate Court for directions on those issues;
- (b) no oral arguments are to be made in a request under sub-paragraph (a) unless the appellate Court otherwise directs; and
- (c) the Registrar may, upon receiving a request under sub-paragraph (a), give directions on the making of written submissions for the request.

(15) Where the respondent to the appeal fails to file and serve the written submissions for the appeal within the specified time, the respondent is not allowed to make submissions at the hearing of the appeal unless the appellate Court otherwise orders.

(16) The appellate Court may allow the page limit mentioned in paragraph (6) to be exceeded —

- (a) in special circumstances; and
- (b) unless the appellate Court otherwise allows under paragraph (17), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(17) The appellate Court may upon a written request waive, refund, defer or apportion the payment of the fees mentioned in paragraph (16)(b).

(18) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors.

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**Payment out of security for costs and release of undertaking  
(P. 19, r. 24)**

24.—(1) This Rule applies without the need for an order from the Court.

(2) Where costs are payable by the appellant to the respondent under any order made by the Family Division, the security for costs provided under Rule 22 must be paid to the respondent towards the costs ordered and the balance (if any) of the security must be paid to the appellant.

(3) Where no costs are payable by the appellant to the respondent under any order made by the Family Division, the security for costs provided under Rule 22 must be paid to the appellant and the appellant’s solicitor is released from any undertaking as to the costs for the appeal.

*Division 4 — Appeals from judgments and orders  
made after hearing on merits*

**Definitions of this Division (P. 19, r. 25)**

25. In this Division —

“bundle of authorities” means a compilation of authorities for the appeal, including case authorities, statutes and law journal articles;

“core bundle of documents” means a certified copy of the judgment or grounds of decision of the lower Court, the extracted order of the lower Court, a compilation of the whole or part of the documents that are essential to the appeal and an index cross-referencing each document to the record of appeal or supplemental record of appeal;

“record of appeal” means the order granting permission to appeal (if any), the notice of appeal, the certificate for security for costs, the record of proceedings, the affidavits of evidence in chief or affidavits (as the case may be), and all documents filed in the lower Court (so far as are relevant to the matter decided and the nature of the appeal);



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“record of proceedings” means a certified copy of the judgment or grounds of decision (if any) of the lower Court, the extracted order of the lower Court and the certified transcript of the official record of hearing taken at the hearing of the cause or matter.

### **Powers of appellate Court (P. 19, r. 26)**

**26.** The appellate Court may order a new trial only if substantial injustice will be caused otherwise.

### **Bringing of appeal (P. 19, r. 27)**

**27.—(1)** A party who intends to appeal to the Family Division against the judgment of a lower Court must file and serve on all parties who have an interest in the appeal a notice of appeal in Form 136 within 14 days after the date of the judgment.

(2) The Family Division may extend the time for filing and serving the notice of appeal if the application for the extension is made after the time expires, and the lower Court may extend the time for filing and serving the notice of appeal if the application for the extension is made before the time expires.

### **Permission to appeal (P. 19, r. 28)**

**28.—(1)** Where permission to appeal is required, a party must apply for such permission from the lower Court and serve the application on all parties who have an interest in the appeal within 14 days after the date of the judgment.

(2) Where the lower Court does not grant permission to appeal, the party may apply to the Family Division for such permission and must serve the application on all parties who have an interest in the appeal within 14 days after the date of the lower Court’s decision not to grant permission.

(3) Where permission to appeal is granted, the applicant must file and serve on all parties who have an interest in the appeal the notice of appeal in Form 136 within 14 days after the date of the decision granting permission.

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(4) The Family Division may extend the time for filing and serving an application for permission to appeal if the application for the extension is made after the time expires, and the lower Court may extend the time for filing and serving an application for permission to appeal if the application for the extension is made before the time expires.

### **Security for costs (P. 19, r. 29)**

**29.**—(1) The appellant must provide security for the respondent's costs of the appeal and file a certificate for security for costs in Form 137 at the time the appellant files the notice of appeal.

(2) Where there is more than one appellant in the same appeal, all the appellants need to provide only one set of security for the appeal.

(3) Where there is more than one respondent, the appellant must provide security for the costs of the appeal for each respondent (or for the costs of the appeal of each set of the respondents where the respondents are represented by the same firm of solicitors).

(4) The security must be —

(a) in the form of a solicitor's undertaking in Form 138 which must be filed and served on the respondent;

(b) deposited in the Registry or with the Accountant-General;  
or

(c) in any other form acceptable to the parties.

(5) The appellant must provide security in the amount of \$3,000.

(6) Any party may apply to the appellate Court to vary or waive the amount of security for costs to be provided.

(7) The appellate Court may order further security for costs to be given.

### **Documents to be filed (P. 19, r. 30)**

**30.**—(1) The lower Court must issue its written grounds of decision after the notice of appeal has been filed if the lower Court has not already done so.

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(2) The Registry must notify the parties when the record of proceedings is ready for collection.

(3) If no written grounds of decision are issued within 12 weeks after the date of filing of the notice of appeal —

- (a) the appellant must apply in writing to the Registrar to proceed with the appeal and for a copy of the record of proceedings;
- (b) if the appellant fails to do so, the respondent may apply in writing to the Registrar to proceed with the appeal or may give the appellant 14 days' written notice of the respondent's intention to strike out the appeal; and
- (c) after the expiry of the 14 days' notice period mentioned in sub-paragraph (b), the respondent may apply to strike out the appeal.

(4) The appellant must file and serve the following within 28 days after the date on which the Registry informs the parties that the record of proceedings is available:

- (a) the appellant's Case;
- (b) the appellant's core bundle of documents, with the written judgment or grounds of decision of the lower Court and the extracted order of the lower Court in a separate volume;
- (c) the appellant's bundle of authorities;
- (d) the record of appeal.

(5) Where the appellant fails to file and serve the appellant's Case, the core bundle of documents or the record of appeal within the specified time, the appeal is deemed withdrawn unless the appellate Court otherwise orders.

(6) Where an appeal is deemed withdrawn pursuant to paragraph (5) and if all the parties to the appeal consent to the payment of the security for costs provided under Rule 29 to the appellant or the respondent, the appellant or the respondent (as the case may be) must file the document signifying such consent signed by the parties and in such event, the security for costs provided under

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that Rule must be paid to the appellant or the respondent (as the case may be) and any solicitor's undertaking is discharged.

(7) Where an appeal is deemed withdrawn pursuant to paragraph (5) and if there are any outstanding issues as to costs or other matters that remain between the parties to the appeal —

- (a) the appellant or any party to the appeal may, within 14 days after the date that the appeal is deemed withdrawn, request in writing to the Family Division for directions on those issues;
- (b) no oral arguments are to be made in a request under sub-paragraph (a) unless the appellate Court otherwise directs; and
- (c) the Registrar may, upon receiving a request under sub-paragraph (a), give directions on the making of written submissions for the request.

(8) The respondent must file and serve, within 28 days after the appellant serves the documents mentioned in paragraph (4) on the respondent —

- (a) the respondent's Case;
- (b) the respondent's core bundle of documents (if necessary); and
- (c) the respondent's bundle of authorities.

(9) Where the respondent fails to file and serve the respondent's Case within the specified time, the respondent is not allowed to make submissions at the hearing of the appeal unless the appellate Court otherwise orders.

(10) Where there is more than one appellant in an appeal, all the appellants may join in one appellants' Case.

(11) Where there is more than one respondent in an appeal, all the respondents may join in one respondents' Case.

(12) A party whose interest in the appeal is passive (such as a stakeholder, a trustee or an executor) is not required to file a separate

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Case but should ensure that that party's position is explained in one of the Cases filed.

(13) The appellant and the respondent may seek directions from the Family Division to file a joint Case where there are special circumstances.

(14) All parties to 2 or more appeals to be heard together must try to agree on filing a single Case for each party and on the timelines for such filing.

(15) Where the parties are unable to agree as mentioned in paragraph (14), they must request in writing for a case conference before the Family Division or seek directions from the Family Division.

(16) Where the parties have agreed as mentioned in paragraph (14), they must inform the Registrar in writing of the timelines agreed, and seek the approval of the timelines by the Family Division.

(17) Where there are 2 or more appeals arising from the same judgment in any proceedings, the parties must file a joint record of appeal.

(18) No documents other than what have been set out in this Rule may be filed unless the Family Division otherwise orders.

(19) No written submissions or skeletal arguments may be filed before or at the appeal unless the Family Division otherwise orders.

### **Appellant's Case and respondent's Case (P. 19, r. 31)**

**31.—(1)** The appellant's Case must contain the following:

- (a) a succinct summary of the facts, the decision of the lower Court, contentions to be made at the appeal and the orders sought from the Family Division;
- (b) detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the lower Court;
- (c) references in the right-hand margin to the relevant pages in the record of appeal and the appellant's core bundle of documents;

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- (d) submissions on the appropriate costs orders to be made on appeal;
  - (e) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal;
  - (f) the name and signature of the appellant's solicitor.
- (2) The respondent's Case must contain the following:
- (a) a succinct summary of the contentions to be made at the appeal and the orders sought from the Family Division;
  - (b) detailed submissions on the facts and the legal issues, including the relevant authorities, highlighting any new points not raised in the lower Court;
  - (c) references in the right-hand margin to the relevant pages in the record of appeal and the respondent's core bundle of documents, if any;
  - (d) if the respondent intends to submit that —
    - (i) the lower Court's decision should be varied should the appeal be wholly or partially allowed where the respondent has not appealed against the decision of the lower Court; or
    - (ii) the lower Court's decision should be affirmed on grounds other than those relied upon by that Court, the respondent must state so in the respondent's Case and set out the reasons for the respondent's submissions;
  - (e) submissions on the appropriate costs orders to be made on appeal;
  - (f) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the appeal;
  - (g) the name and signature of the respondent's solicitor.
- (3) Where the respondent fails to comply with the requirements in paragraph (2)(d), the respondent is not allowed to make the submissions mentioned in that provision unless the Court otherwise orders.

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(4) The appellant's Case and the respondent's Case must contain everything that the parties intend to put forward at the appeal and must be prepared on the basis that there will be no need to supplement or to elaborate on any points made.

**Page limits (P. 19, r. 32)**

**32.**—(1) Each of the following documents is subject to the page limits specified in any practice directions in relation to that document, unless the Family Division otherwise orders:

- (a) the appellant's Case;
- (b) the appellant's core bundle of documents (excluding the written judgment or grounds of decision of the lower Court and the extracted order of the lower Court);
- (c) the respondent's Case;
- (d) the respondent's core bundle of documents.

(2) The Family Division may allow the page limit mentioned in paragraph (1) to be exceeded —

- (a) in special circumstances; and
- (b) unless the Family Division otherwise allows under paragraph (3), upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

(3) The Family Division may upon a written request waive, refund, defer or apportion the payment of the fees mentioned in paragraph (2)(b).

**Payment out of security for costs and release of undertaking (P. 19, r. 33)**

**33.**—(1) This Rule applies without the need for an order from the Court.

(2) Where costs are payable by the appellant to the respondent under any order made by the Family Division, the security for costs provided under Rule 29 must be paid to the respondent towards the

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costs ordered and the balance (if any) of the security must be paid to the appellant.

(3) Where no costs are payable by the appellant to the respondent under any order made by the Family Division, the security for costs provided under Rule 29 must be paid to the appellant and the appellant's solicitor is released from any undertaking as to the costs for the appeal.

### **Further arguments (P. 19, r. 34)**

**34.** Unless the Family Division otherwise directs, there are to be no further arguments from the parties after the Family Division has heard the appeal and reserved its decision or after the Family Division has given its decision in the appeal.

## PART 20

### APPEALS FROM TRIBUNALS TO FAMILY DIVISION AND CASE STATED

#### **Scope of this Part (P. 20, r. 1)**

**1.**—(1) Subject to paragraph (2) and any written law, this Part applies to —

- (a) every appeal against the decision of a tribunal; and
- (b) every application for a case to be stated or application by way of case stated to the Family Division,

where the appeal or application is provided by written law.

(2) This Part does not apply to an appeal from a Family Court or a Youth Court.

#### **Definitions of this Part (P. 20, r. 2)**

**2.** In this Part —

“record of proceedings” means any written grounds of decision, the record of evidence or notes of arguments taken, the affidavits or statutory declarations filed, as well as the



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submissions and any other documents tendered in respect of the proceedings before the tribunal;

“tribunal” includes any authority, person or body of persons authorised to make decisions under any written law but not any Court.

### **Bringing of appeal or application (P. 20, r. 3)**

**3.—**(1) An appeal against the decision of a tribunal or an application for a case to be stated or an application by way of case stated must be by way of an originating application supported by an affidavit.

(2) Subject to any other written law, the originating application and supporting affidavit must be filed and served on all parties who have an interest in the matter within 14 days after the tribunal’s decision.

(3) The affidavit must state all the facts that are necessary for the appeal or the application, the questions of fact or law to be determined and the orders that are sought before the Court.

(4) The affidavit must include the record of proceedings if that is available and is necessary for the appeal or the application.

(5) The parties who have been served in paragraph (2) must file and serve an affidavit in reply, if necessary, within 21 days after service.

### **Written submissions (P. 20, r. 4)**

**4.—**(1) Unless the Court otherwise orders, the parties must file and serve written submissions at least 14 days before the hearing of the appeal or the application.

(2) The written submissions must not exceed the page limit specified in any practice directions for each party or set of parties.

(3) The Court may allow the page limit in paragraph (2) to be exceeded —

(a) in special circumstances; and

(b) upon the payment of the fees and additional fees prescribed for the filing of pages in excess of the page limit.

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**Stay of enforcement, etc. (P. 20, r. 5)**

5. An appeal or application does not operate as a stay of enforcement of the tribunal's decision unless any written law otherwise provides or the Court otherwise orders.

**Powers of Court (P. 20, r. 6)**

6. The Court hearing the appeal or the application has all the powers that the Court has under Part 19, Rules 9 and 26 when hearing an appeal after a hearing on the merits.

## PART 21

## TRANSFER OF PROCEEDINGS

**Applications under section 29(1) of Family Justice Act 2014  
(P. 21, r. 1)**

1.—(1) An application under section 29(1) of the Family Justice Act 2014 must be made by summons or originating application.

(2) An application mentioned in paragraph (1) may be heard by the Registrar.

(3) The Court hearing the application may order the proceedings in the Family Court to be stayed until after the final determination of the application.

**Applications under section 29(2) of Family Justice Act 2014  
(P. 21, r. 2)**

2.—(1) An application to the Family Division under section 29(2) of the Family Justice Act 2014 must be made by summons.

(2) The Court hearing the application may order the proceedings in the Family Division to be stayed until after the final determination of the application.

**Notice of transfer (P. 21, r. 3)**

3. Where the Court has made an order for the transfer of proceedings under Rule 1 or 2, the Registrar must give notice of the transfer to every party to the proceedings.

## PART 22

## COSTS

*Division 1 — General***Definitions and general matters of this Part (P. 22, r. 1)**

1.—(1) This Part applies to the costs of or incidental to contentious business and to any other proceedings if any written law provides or if the parties to any proceedings consent.

(2) In this Part —

“assessed costs” means costs assessed in accordance with this Part;

“contentious business” has the meaning given by section 2(1) of the Legal Profession Act 1966;

“costs” includes fees, charges, disbursements, expenses and remuneration;

“indemnity basis” has the meaning given by Rule 25(3);

“standard basis” has the meaning given by Rule 25(2).

(3) In this Part —

(a) references to a fund, being a fund out of which costs are to be paid or which is held by a trustee or personal representative, include references to any estate or property, whether movable or immovable, held for the benefit of any person or class of persons; and

(b) references to a fund held by a trustee or personal representative include references to any fund to which the trustee or personal representative is entitled (whether alone or together with any other person) in that capacity, whether the fund is for the time being in the possession of the trustee or personal representative or not.

(4) Any agreement between the parties to any proceedings relating to costs must be in writing unless the parties otherwise agree.

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**Powers of Court (P. 22, r. 2)**

2.—(1) Subject to any written law, costs are in the discretion of the Court and the Court has the power to determine all issues relating to the costs of or incidental to all proceedings in the Family Justice Courts at any stage of the proceedings or after the conclusion of the proceedings.

(2) In exercising its power to fix or assess costs, the Court must have regard to all relevant circumstances, including —

- (a) efforts made by the parties at amicable resolution;
- (b) the complexity of the case and the difficulty or novelty of the questions involved;
- (c) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the solicitor;
- (d) the urgency and importance of the action to the parties;
- (e) the number of solicitors involved in the case for each party;
- (f) the conduct of the parties, including conduct before and during the proceedings;
- (g) the number of affidavits filed by the parties in the proceedings, and the length, and relevance of the contents, of each affidavit;
- (h) the failure of any party to participate in any mediation directed by the Court or to comply with any directions by the Court for the exchange of without prejudice communications in relation to any such mediation;
- (i) the principle of proportionality; and
- (j) the stage at which the proceedings were concluded.

(3) Subject to the provisions of this Part and any written law, the costs payable by any party to any other party in any matter must be fixed by the Court which heard the matter after an oral hearing or by way of written submissions from the parties, unless the Court thinks fit to direct an assessment of the costs.

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(4) The Court may determine the page limit of any written submissions on the costs payable by any party to any other party as it thinks fit.

(5) The costs in any matter are payable from the date of the Court's order unless the parties otherwise agree.

(6) The Court may order 2 or more parties' costs to be set off against one another so that only the balance has to be paid.

(7) The Court may stay or dismiss any application, action or appeal or make any other order as the Court deems fit if a party refuses or neglects to pay any costs ordered within the specified time, whether the costs were ordered in the present proceedings or in some related proceedings.

(8) In the case of an appeal, the costs of the proceedings giving rise to the appeal, as well as the costs of the appeal and of the proceedings connected with it, may be dealt with by the Court hearing the appeal.

(9) In the case of any proceedings transferred to the Family Division from a Family Court or Youth Court, the Family Division may decide the costs of the whole proceedings, both before and after the transfer, or may direct the Family Court or Youth Court (as the case may be) to decide the costs of the proceedings before the transfer.

### **Entitlement to costs and assessment of costs (P. 22, r. 3)**

**3.—**(1) Subject to the provisions of this Part, no party is entitled to recover any costs of or incidental to any proceedings from any other party to the proceedings except under an order of the Court.

(2) The Court must, subject to this Part, order the costs of any proceedings in favour of a successful party, except when it appears to the Court that in the circumstances of the case some other order should be made as to the whole or any part of the costs.

(3) The costs of and occasioned by any amendment made without permission in any originating application, summons or reply must be borne by the party making the amendment, unless the Court otherwise orders or the parties otherwise agree.

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(4) The costs of and occasioned by any application to extend the time fixed by these Rules or the Court, for serving or filing any document or doing any other act must be borne by the party making the application, unless the Court otherwise orders.

(5) Where a person is or has been a party to any proceedings in the capacity of trustee or personal representative, that person is, unless the Court otherwise orders, entitled to the costs of those proceedings, insofar as they are not recovered from or paid by any other person, out of the fund held by the trustee or personal representative, as the case may be.

(6) The Court may otherwise order, under paragraph (5), only on the ground that —

- (a) the trustee or personal representative has acted unreasonably; or
- (b) where the fund is held by the trustee or personal representative, the trustee or personal representative has in substance acted for his or her own benefit rather than for the benefit of the fund.

#### **Entitlement to costs — deputies and donees (P. 22, r. 4)**

4.—(1) This Rule applies in relation to any proceedings relating to a person (*P*) who lacks or is alleged to lack capacity within the meaning given by the Mental Capacity Act 2008.

(2) Where a person is or has been a party to any proceedings mentioned in paragraph (1) in the capacity of a deputy appointed or deemed to be appointed by the Court under the Mental Capacity Act 2008, or a donee under a lasting power of attorney registered under that Act, with power in relation to *P* for the purposes of that Act, who is given power to conduct legal proceedings in *P*'s name or on *P*'s behalf, that person is entitled to the costs of those proceedings out of *P*'s estate, unless the Court otherwise orders.

(3) The Court may otherwise order under paragraph (2) only on the ground that the deputy or donee —

- (a) has acted unreasonably; or

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- (b) has in substance acted for the benefit of the deputy or donee rather than for *P*'s benefit.

**Adverse costs orders against successful party (P. 22, r. 5)**

5.—(1) The Court may disallow or reduce a successful party's costs or order that party to pay costs, if that party —

- (a) has failed to establish any claim or issue which that party has raised in any proceedings, thereby unnecessarily increasing the amount of time taken, the costs or the complexity of the proceedings;
- (b) has done or omitted to do anything unreasonably;
- (c) has not discharged that party's duty to consider amicable resolution of the dispute, to make an offer of amicable resolution in accordance with these Rules or to participate in any mediation directed by the Court; or
- (d) has failed to comply with any order of court or any practice direction.

(2) Without limiting paragraph (1)(b), the Court may disallow or reduce a successful party's costs or order that party to pay costs, if the party —

- (a) has made applications in any proceedings that are excessive in number, thereby unnecessarily prolonging or delaying the proceedings; or
- (b) has filed affidavits or documents in the proceedings that are excessive in number or length, or the contents of which are not relevant to the determination of the issues in the proceedings.

**Adverse costs orders against non-party (P. 22, r. 6)**

6.—(1) Where it is just to do so and subject to any written law, the Court may order costs against a non-party.

(2) Before the Court makes an order under paragraph (1), the Court must give the non-party a reasonable opportunity to be heard, either by way of an oral hearing or by written submissions.

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**Adverse costs orders against solicitor (P. 22, r. 7)**

7.—(1) If the solicitor is responsible, either personally or through an employee or agent, for incurring costs unreasonably in the proceedings, the Court may —

- (a) disallow the costs as between the solicitor and his or her client in whole or in part;
- (b) order the solicitor to repay to his or her client costs which the client has been ordered to pay in the proceedings; and
- (c) order the solicitor to indemnify any other party in the proceedings for costs payable by them.

(2) Before the Court makes an order under paragraph (1), the Court must give the solicitor a reasonable opportunity to be heard, either by way of an oral hearing or by written submissions.

(3) The Court may direct that notice be given to the solicitor's client concerning any proceedings or order against the solicitor under this Rule.

(4) The Court may, if the Court thinks fit, direct or authorise the Attorney-General to attend and take part in any proceedings or inquiry under this Rule, and may make such order as the Court thinks fit as to the payment of the Attorney-General's costs.

**Costs for litigant not legally represented (P. 22, r. 8)**

8. The Court may award costs to a successful party who is not represented by solicitors that would compensate him or her reasonably for the time and work required for the proceedings and for all expenses incurred reasonably.

**Solicitor representing party who lacks capacity (P. 22, r. 9)**

9. In any proceedings in which money is claimed by or on behalf of, or for the benefit of —

- (a) a minor; or



- (b) a person who lacks capacity within the meaning of the Mental Capacity Act 2008 in relation to matters concerning the person's property or affairs,

the costs payable by the applicant or the applicant's solicitor must be fixed or approved by the Court or assessed by the Registrar.

**Costs of proceedings under Mental Capacity Act 2008**  
**(P. 22, r. 10)**

**10.**—(1) The costs of proceedings under the Mental Capacity Act 2008 must be paid by *P* or charged to *P*'s estate, unless the Court otherwise directs.

(2) Where the Court orders that a professional deputy or professional donee (*X*), with power in relation to *P* under the Mental Capacity Act 2008, is entitled to remuneration out of *P*'s estate for discharging *X*'s functions as professional deputy or professional donee, the Court may make any order that it thinks fit, including an order that *X* be paid a fixed amount or at a specified rate or an amount determined in accordance with any practice directions.

(3) For the purposes of paragraph (2), the Court may have regard to the following matters:

- (a) the nature and complexity of the services provided by *X*;
- (b) the care, skill and specialised knowledge required of and exercised by *X* in providing the services;
- (c) the time and labour expended by *X* in providing the services;
- (d) the circumstances in which, and (if relevant) the place at which, *X* provided the services;
- (e) whether the services provided by *X* were provided on an urgent basis and the reasons for the urgency;
- (f) any other relevant matter.

(4) A professional deputy or professional donee is not entitled to remuneration out of *P*'s estate for discharging his or her functions if the professional deputy or professional donee fails to discharge his or

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her functions in accordance with the Mental Capacity Act 2008 or otherwise acts unreasonably.

(5) In this Rule —

“*P*” means a person who lacks or, so far as consistent with the context, is alleged to lack capacity within the meaning given by the Mental Capacity Act 2008 and to whom any proceedings under that Act relate;

“professional deputy” and “professional donee” have the meanings given by section 2(1) of the Mental Capacity Act 2008.

**When party may sign judgment for costs without order  
(P. 22, r. 11)**

11.—(1) Where —

(a) an applicant by written notice and without permission either wholly discontinues the applicant’s action or withdraws the applicant’s summons, or withdraws any particular relief sought in an action or a summons against any respondent; or

(b) an action is deemed discontinued,

the respondent is, unless the Court otherwise orders, entitled to the respondent’s costs of the action or summons incurred to the time of discontinuance or withdrawal, which may be assessed if not agreed between the parties, and the respondent may sign judgment for the respondent’s assessed costs after 48 hours after assessment.

(2) The references in paragraph (1) to an applicant and a respondent are to be construed as references to the person (however described on the record) who is in the position of applicant or respondent (as the case may be) in the proceeding in question, including a proceeding in a cross-application.

(3) If an applicant accepts money paid into Court in satisfaction of the cause of action, or all the causes of action, in respect of which the applicant claims, or if the applicant accepts a sum or sums paid in respect of one or more specified causes of action and gives notice that

the applicant abandons the other causes of action, then subject to paragraph (4) —

- (a) the applicant is entitled to the applicant's costs incurred to the time of receipt of the notice of payment into Court, which may be assessed if not agreed between the parties; and
- (b) the applicant may sign judgment for the applicant's assessed costs after 48 hours after assessment.

(4) Despite paragraph (3), the applicant is not entitled to have the applicant's costs assessed if the Court otherwise orders or if the applicant accepts the money paid into Court after the trial or hearing has begun.

(5) If an applicant accepts money paid into Court by a respondent who filed a cross-application against the applicant, then, if the respondent stated in the notice of payment that the respondent had taken into account and satisfied the cause of action or all the causes of action in the cross-application, then, subject to paragraph (6) —

- (a) that respondent is entitled to that respondent's costs of the cross-application incurred to the time of receipt of the notice of acceptance by the applicant of the money paid into Court, which may be assessed if not agreed between the parties; and
- (b) that respondent may sign judgment for that respondent's assessed costs after 48 hours after assessment.

(6) Despite paragraph (5), the respondent is not entitled to have the respondent's costs assessed if the Court otherwise orders or if the respondent pays money into Court after the trial or hearing has begun.

### **Fixed costs (P. 22, r. 12)**

**12.—**(1) The amount of costs allowed as set out in this Rule applies unless the Court otherwise orders.

(2) Where a party signs judgment for costs under Rule 11, there is to be allowed to the following costs, in addition to disbursements:

Costs of judgment	\$300.
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(3) Where an application for enforcement of a judgment or an order is made, there is to be allowed to the enforcement applicant the following costs:

- (a) costs (excluding the costs in sub-paragraphs (b) and (c)) —
  - (i) in an application in the Family Courts — \$3,000; and
  - (ii) in an action in the Family Division — \$5,000;
- (b) charges, commission, expenses and fees paid to the bailiff;
- (c) reasonable disbursements incurred by the applicant.

**Registrar to fix fees payable to persons assisting Court, etc.  
(P. 22, r. 13)**

13.—(1) Where the Court refers any matter to an independent counsel or obtains the assistance of any assessor, expert, qualified professional or parenting coordinator, the fees payable to that person for the work done by that person in connection with the reference or in assisting the Court (as the case may be) must be fixed by the Registrar.

(2) An appeal from the decision of the Registrar under this Rule lies to the Court, and the decision of the Court is final.

**Powers of Registrar to assess costs (P. 22, r. 14)**

14. The Registrar has power to assess —

- (a) any costs of or arising out of any cause or matter in the Court the assessment of which is directed by an order of the Court; and
- (b) any costs the assessment of which is allowed or directed by or under any written law.

**Supplementary powers of Registrar (P. 22, r. 15)**

15. The Registrar may in assessing costs —

- (a) take an account of any dealings in money made in connection with the payment of the costs being assessed, if the Court so directs;

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- (b) require any party represented jointly with any other party in any proceedings before the Registrar to be separately represented;
  - (c) examine any witness in those proceedings; and
  - (d) direct the disclosure of any document which may be relevant in connection with those proceedings.

### **Costs of assessment proceedings (P. 22, r. 16)**

**16.**—(1) Subject to the provisions of any written law, the party whose bill is being assessed is entitled to the party's costs of the assessment proceedings.

(2) The party liable to pay the costs of the proceedings which gave rise to the assessment proceedings may make a written offer to pay a specific sum in satisfaction of those costs which is expressed to be "without prejudice except as to the costs of the assessment of costs", at any time before the expiration of 14 days after the delivery to the party of a copy of the bill of costs under Rule 22 and, where such an offer is made, the fact that it has been made must not be communicated to the Registrar until the question of the costs of the assessment proceedings falls to be decided.

(3) The Registrar may take into account any offer made under paragraph (2) which has been brought to the Registrar's attention.

### **Interim certificates (P. 22, r. 17)**

**17.**—(1) The Registrar may, from time to time in the course of the assessment of any costs by the Registrar, issue an interim certificate for any part of those costs which has been assessed.

(2) If, in the course of the assessment of a solicitor's bill to the solicitor's own client, it appears to the Registrar that in any event the solicitor will be liable in connection with that bill to pay money to the client, the Registrar may from time to time issue an interim certificate specifying an amount which in the Registrar's opinion is payable by the solicitor to the client.

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(3) On the filing of a certificate issued under paragraph (2), the Court may order the amount specified in the certificate to be paid forthwith to the client or into Court.

**Power of Registrar where party liable to be paid and to pay costs (P. 22, r. 18)**

**18.** Where a party entitled to be paid costs is also liable to pay costs, the Registrar may —

- (a) assess the costs which that party is liable to pay and set off the amount allowed against the amount that party is entitled to be paid and direct payment of any balance; or
- (b) delay the issue of a certificate for the costs that party is entitled to be paid until that party has paid or tendered the amount that party is liable to pay.

**Assessment of bill of costs comprised in account (P. 22, r. 19)**

**19.—(1)** Where the Court directs an account to be taken and the account consists in part of a bill of costs, the Court may direct the Registrar to assess those costs, and the Registrar must do so and return the bill of costs, after assessment of the bill of costs, together with the Registrar's report on the bill of costs to the Court.

(2) The Registrar assessing a bill of costs in accordance with a direction under this Rule has the same powers, and the same fees are payable in connection with the assessment, as if an order for assessment of the costs had been made by the Court.

*Division 2 — Procedure on assessment*

**Mode of beginning proceedings for assessment (P. 22, r. 20)**

**20.** A party entitled to have any costs assessed must file the bill of costs within 12 months after the date on which the entire cause or matter is finally disposed of, including any appeals arising, unless the Court otherwise orders.

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**Notification of time appointed for assessment (P. 22, r. 21)**

**21.** Where the bill of costs has been filed in accordance with Rule 20, the Registrar must give to the party beginning the proceedings at least 14 days' notice of the date and time appointed for assessment.

**Delivery of bills, etc. (P. 22, r. 22)**

**22.—(1)** A party whose costs are to be assessed in any assessment proceedings must, within 2 days after receiving a notice of the date and time under Rule 21, send a copy of the party's bill of costs to every other party entitled to be heard in the proceedings.

(2) Notice need not be given to any party who has not filed and served a notice to contest or taken any part in the proceedings which gave rise to the assessment proceedings.

(3) Paragraph (2) does not apply where an order for the assessment of a solicitor's bill of costs made under the Legal Profession Act 1966, at the application of the solicitor, gave rise to the assessment proceedings.

**Form of bill of costs (P. 22, r. 23)**

**23.—(1)** Every bill of costs must set out in 3 separate sections the following:

- (a) work done in the cause or matter, except for assessment of costs;
- (b) work done for and in the assessment of costs;
- (c) all disbursements made in the cause or matter.

(2) The costs claimed for paragraph (1)(a) and (b) must be indicated as one global sum for each section, while the costs claimed for paragraph (1)(c) must set out the sum claimed for each item of disbursement.

(3) The bill of costs must also set out the amount of goods and services tax (GST) payable on the costs claimed, if any.

(4) Every bill of costs must be headed in the cause or matter to which the bill relates, with the name of the party whose bill it is, and

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the judgment, direction or order under which the bill is to be assessed, the basis of assessment and whether the bill is to be assessed between party and party or solicitor and client.

(5) A bill of costs must be endorsed with the name or firm and business address of the solicitor whose bill it is.

(6) For assessment of costs for contentious business —

- (a) the bill of costs must set out sufficient information that will enable the Registrar to have regard to the circumstances mentioned in Rule 2(2), and must comply with any requirements specified in the practice directions;
- (b) where attendances, telephone conversations and correspondence are concerned, it is sufficient to state only the number of such attendances, telephone calls and correspondence, and, where possible, the total number of hours of such attendances and telephone calls;
- (c) where costs have already been awarded for any of the events set out, this fact and the amount awarded must be indicated;
- (d) the bill must also contain a succinct narrative of the legal and factual issues involved;
- (e) the bill may also contain the lists of authorities cited, indicating, where possible, those cited in the judgment of the Court; and
- (f) work done in the cause or matter includes work done in connection with the negotiation of a settlement.

**Powers of Registrar assessing costs payable out of fund**  
**(P. 22, r. 24)**

24.—(1) Where any costs are to be paid out of a fund, the Registrar may give directions as to the parties who are entitled to attend on the assessment of those costs and may disallow the costs of attendance of any party not entitled to attend by virtue of the directions and whose attendance the Registrar considers unnecessary.



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(2) Where the Court has directed that a solicitor's bill of costs be assessed for the purpose of being paid out of a fund, the Registrar may, if the Registrar thinks fit, adjourn the assessment for a reasonable period and direct the solicitor to send to any person having an interest in the fund a copy of the bill, or any part of the bill, free of charge together with a letter containing the following information:

- (a) that the bill of costs has been referred to the Registrar for assessment;
- (b) the venue, date and time at which the assessment will be continued;
- (c) any other information as the Registrar may direct.

*Division 3 — Assessment of costs*

**Basis of assessment (P. 22, r. 25)**

**25.—**(1) Subject to the other provisions of these Rules, the amount of costs which any party is entitled to recover is the amount allowed after assessment on the standard basis where —

- (a) an order is made that the costs of one party to the proceedings be paid by another party to those proceedings;
- (b) an order is made for the payment of costs out of any fund;  
or
- (c) no order for costs is required,

unless it appears to the Court to be appropriate to order costs to be assessed on the indemnity basis.

(2) On an assessment of costs on the standard basis, a reasonable amount in respect of all costs reasonably incurred is to be allowed, and any doubts which the Registrar may have as to whether the costs were reasonably incurred or were reasonable in amount are to be resolved in favour of the paying party; and in these Rules, the term “the standard basis”, in relation to the assessment of costs, is to be construed accordingly.

(3) On an assessment on the indemnity basis, all costs are to be allowed except insofar as they are of an unreasonable amount or have been unreasonably incurred, and any doubts which the Registrar may have as to whether the costs were reasonably incurred or were reasonable in amount are to be resolved in favour of the receiving party; and in these Rules, the term “the indemnity basis”, in relation to the assessment of costs, is to be construed accordingly.

(4) Where the Court makes an order for assessment of costs without indicating the basis of assessment or on any basis other than the standard basis or the indemnity basis, the costs are to be assessed on the standard basis.

(5) Despite paragraphs (1) to (4), if any action is brought in the Family Division, which would have been within the jurisdiction of the Family Courts, the applicant is not entitled to any more costs than the applicant would have been entitled to if the proceedings had been brought in the Family Courts, unless the Court otherwise orders.

### **Costs payable to solicitor by his or her own client (P. 22, r. 26)**

**26.—**(1) This Rule applies to every assessment of a solicitor’s bill of costs to the solicitor’s own client.

(2) On an assessment to which this Rule applies, costs are to be assessed on the indemnity basis but are to be presumed —

- (a) to have been reasonably incurred if they were incurred with the express or implied approval of the client;
- (b) to have been reasonable in amount if their amount was, expressly or impliedly, approved by the client; and
- (c) to have been unreasonably incurred if, in the circumstances of the case, they are of an unusual nature unless the solicitor satisfies the Registrar that prior to their being incurred the solicitor informed the client that they might not be allowed on an assessment of costs between the parties to the proceedings.

(3) In paragraph (2), references to the client are to be construed —

- (a) if the client at the material time lacked capacity within the meaning of the Mental Capacity Act 2008 and was

represented by a person acting as litigation representative, as references to that person acting, where necessary, with the authority of the Court; and

(b) if the client was at the material time a minor and represented by a person acting as litigation representative, as references to that person.

(4) The delivery of a bill of costs by a solicitor to the solicitor's client does not preclude the solicitor from presenting a bill for a larger amount or otherwise for assessment, if assessment is ordered by the Court or is consented to by the solicitor and the solicitor's client.

(5) Upon an assessment mentioned in paragraph (4), the solicitor is entitled to such amount as is allowed by the Registrar, although such amount may be more than that claimed in any previous bill of costs delivered to the solicitor's client.

**Costs payable to trustee out of trust fund, etc. (P. 22, r. 27)**

**27.**—(1) This Rule applies to every assessment of the costs which a person who is or has been a party to any proceedings in the capacity of trustee or personal representative is entitled to be paid out of any fund which the person holds in that capacity.

(2) On an assessment to which this Rule applies, costs are to be assessed on the indemnity basis but are to be presumed to have been unreasonably incurred if they were incurred contrary to the duty of the trustee or personal representative as such.

*Division 4 — Certificate*

**Certificate (P. 22, r. 28)**

**28.** When the bill of costs has been assessed, the solicitor must apply for the certificate of the Registrar for the amount of costs allowed by the Registrar.

**Certificate of Registrar to be conclusive unless set aside (P. 22, r. 29)**

**29.** Upon the assessment of the bill of costs, the certificate of the Registrar, unless set aside, is conclusive as to the amount of costs

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allowed, and, where the order contains a submission to pay, the solicitor may, after 48 hours, if there is no application for review, apply for an enforcement order to be issued in respect of the costs allowed.

*Division 5 — Review*

**Application to Judge for review (P. 22, r. 30)**

**30.**—(1) Any party to any assessment proceedings who is dissatisfied with the decision of the Registrar in respect of any item may apply to a Judge to review the assessment as to that item or part of an item, as the case may be.

(2) An application under this Rule for review of the Registrar’s decision may be made at any time within 14 days after that decision.

(3) An application under this Rule must be made by summons and must be heard in chambers, unless the Judge otherwise orders.

(4) An application under this Rule for review of the Registrar’s decision in respect of any item does not prejudice the power of the Registrar under Rule 17 to issue an interim certificate in respect of the items of the Registrar’s decision which are not the subject of the review.

(5) In this Rule and Rule 31, “Judge” means a Judge of the Family Division or a District Judge.

**Review of Registrar’s decision by Judge (P. 22, r. 31)**

**31.**—(1) Unless the Judge otherwise directs, no further evidence may be received on the hearing of the review of the Registrar’s decision by the Judge, but except as mentioned, on the hearing of the review, the Judge may exercise all such powers and discretion as are vested in the Registrar in relation to the subject matter of the application.

(2) At the conclusion of the review, the Judge may make such order as the circumstances require, and in particular may order the Registrar’s certificate to be amended or (except where the dispute as to the item under review is as to amount only) order the item to be remitted to the Registrar for assessment.

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*Division 6 — Interest*

**Interest on costs (P. 22, r. 32)**

**32.—(1)** The costs mentioned in the first column of the following table carry interest at 5.33% per year from the date mentioned in the second column of the table until payment:

<i>First column</i>	<i>Second column</i>
<i>Type of costs</i>	<i>Commencement date</i>
(a) assessed costs	Date of assessment
(b) costs fixed by the Court	Date of order
(c) costs agreed between the parties	Date of agreement

(2) Costs under Rule 12(2) or (3) do not carry any interest.

PART 23

ENFORCEMENT OF JUDGMENTS AND ORDERS

**Definitions of this Part (P. 23, r. 1)**

**1.** In this Part —

“amount due to the enforcement applicant” includes interest and costs;

“Court order” includes any judgment or order for the payment of money (including costs), the delivery of movable property, the title to or possession of immovable property, the doing of or restraint or cessation of any act or the declaration of any rights;

“enforcement applicant” means a party or any other person who applies for or has obtained an enforcement order because the party or person is entitled to enforce any Court order;

“enforcement costs” means the charges, commissions, expenses and fees incurred by or payable to the bailiff in carrying out an enforcement order and the costs allowed under these Rules

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payable to, and all expenses incurred by, the enforcement applicant in applying for and carrying an enforcement order;

“enforcement order” means an enforcement order mentioned in Rule 2;

“enforcement respondent” means a party against whom an enforcement order is sought or made;

“movable property” includes cash, debt, deposits of money, bonds, shares or other securities, membership in clubs or societies, and cryptocurrency or other digital currency;

“non-party” means a person against whom an enforcement order for attachment of a debt is issued to attach a debt due from that person to the enforcement respondent;

“property” or “properties” means immovable property or movable property, of whatever description.

### **Enforcement order (P. 23, r. 2)**

2.—(1) An enforcement applicant may apply for an enforcement order to enforce one or more Court orders, without affecting any other methods of enforcement that are available to the enforcement applicant under any written law.

(2) Subject to any written law, an enforcement order authorises the bailiff to do one or more of the following:

- (a) in respect of an enforcement order for seizure and sale of property, to seize and sell all property belonging to the enforcement respondent;
- (b) in respect of an enforcement order for delivery or possession of property, to seize and deliver or give possession of property in the possession or control of the enforcement respondent;
- (c) in respect of an enforcement order for attachment of a debt, to attach a debt which is due to the enforcement respondent from any non-party, whether immediately or at some future date or at certain intervals in the future, including where the debt which is due to the enforcement respondent is

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represented by a deposit of money by the enforcement respondent in a non-party that is a financial institution, whether or not the deposit has matured and despite any restriction as to the mode of withdrawal;

(d) to do anything specified in the Court order.

(3) An enforcement applicant may apply to the Court by summons without notice for an enforcement order in Form 121 not earlier than 3 days after the Court order has been served on the enforcement respondent.

(4) The affidavit supporting the application for an enforcement order must state —

- (a) the terms of the Court order;
- (b) the enforcement respondent's name and address;
- (c) the date that the Court order was served on the enforcement respondent;
- (d) the terms of the Court order which have not been complied with by the enforcement respondent and which are to be enforced;
- (e) where more than 6 years have passed since the date of the Court order, the reasons for the delay in the application;
- (f) where any change has occurred in the identity of the enforcement applicant or the enforcement respondent since the date of the Court order, the change that has occurred;
- (g) if the Court order requires the enforcement respondent to pay money, the amount due to the enforcement applicant, the amount recovered from any security held by the enforcement applicant, the amount that has been paid by the enforcement respondent and the amount that remains owing;
- (h) if interest is payable and continues to accumulate, the amount of interest owing to the enforcement applicant daily from the time of making the affidavit;

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- (i) if a specific property is to be seized, other than property already specified in the Court order, the description of the property and the evidence that the whole or a specified part of the property belongs to or is in the possession or control of the enforcement respondent;
  - (j) if the specific property is not in the possession or control of the enforcement respondent, the evidence that all persons in actual possession or control of the specific property have been notified about the application for an enforcement order;
  - (k) if a deposit of money or other debt due to the enforcement respondent from any non-party is to be attached, the description of the deposit of money or debt and the evidence that the deposit belongs to or that the debt is due to the enforcement respondent, whether immediately or at some future date or at certain intervals in the future;
  - (l) whether the bailiff is to enforce the various parts of the enforcement order in any particular sequence or whether all or some parts may be enforced simultaneously; and
  - (m) that the solicitors for the enforcement applicant (if the enforcement applicant is represented by solicitors) or the enforcement applicant (if the enforcement applicant is not represented by solicitors) undertake to —
    - (i) indemnify the bailiff against all claims, costs and expenses arising from complying with the enforcement order;
    - (ii) pay upon request all charges, commissions, expenses and fees incurred by or payable to the bailiff in complying with the enforcement order; and
    - (iii) deposit the amount of money requested by the bailiff before the bailiff complies with the enforcement order and from time to time,

and exhibit a written undertaking stating the matters in sub-paragraphs (i), (ii) and (iii).



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(5) Subject to paragraph (8), an enforcement order is valid in the first instance for 12 months beginning with the date of issue.

(6) Where the enforcement costs and the amount due to the enforcement applicant have not been fully satisfied or the enforcement respondent has not complied with all the terms of the Court order, the Court may by order extend the validity of the enforcement order from time to time for a period of 12 months at any time beginning with the day on which the order is made, if an application for extension is made to the Court before the day on which the enforcement order would otherwise expire.

(7) The priority of an enforcement order, the validity of which has been extended under paragraph (6), is to be determined by reference to the date on which it was originally issued.

(8) An enforcement order ceases to be valid —

- (a) after the enforcement applicant gives written notice to the bailiff not to take further action on the enforcement order because the enforcement respondent has complied with all the terms of the Court order or for any other reason; or
- (b) after an order of the Court for satisfaction to be recorded is made under Rule 3.

### **Satisfaction by consent (P. 23, r. 3)**

**3.—**(1) Any person who has satisfied a judgment debt may on filing a consent of the judgment creditor in Form 122 apply to the Court for satisfaction to be recorded, and the Court may order satisfaction to be recorded accordingly.

(2) The consent of the judgment creditor must be attested by the judgment creditor's solicitor or if the judgment creditor has no solicitor, by a commissioner for oaths.

### **Discharge of non-party (P. 23, r. 4)**

**4.** Any payment made by a non-party in compliance with an enforcement order for attachment of debt under Rule 2(2)(c), and any execution of an enforcement order against that person pursuant to the order, is a valid discharge of that person's liability to the enforcement

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respondent to the extent of the amount paid or realised even if the proceedings for the enforcement order for attachment of debt are subsequently set aside or the judgment or order from which they arose reversed.

### **Money in Court (P. 23, r. 5)**

5.—(1) Where money is standing to the credit of the enforcement respondent in Court, the enforcement applicant is not entitled to an enforcement order for attachment of debt in respect of that money but may apply to the Court by summons for an order that the money or so much of the money as is sufficient to satisfy the judgment or order sought to be enforced and the costs of the application be paid to the enforcement applicant.

(2) On issuing a summons under this Rule, the applicant must produce the summons at the office of the Accountant-General and leave a copy at that office, and the money to which the application relates must not be paid out of Court until after the determination of the application.

(3) If the application is dismissed, the applicant must give notice of that fact to the Accountant-General.

(4) Unless the Court otherwise directs, the summons must be served on the enforcement respondent at least 7 days before the day named in the summons for the hearing of it.

(5) The Court hearing an application under this Rule may make any order with respect to the money in Court that it thinks just.

### **How enforcement order is carried out (P. 23, r. 6)**

6.—(1) The bailiff must carry out the terms of the enforcement order in the sequence indicated (if any) in the enforcement order and at the time, place and in the manner determined by the bailiff, and may exercise any powers under any written law relating to forced entry into premises.

(2) If no sequence of enforcement is indicated in the enforcement order, the bailiff may carry out its terms in any order and sequentially or concurrently, in the bailiff's discretion.

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(3) Upon the bailiff's request, the enforcement applicant or the enforcement applicant's solicitor or other authorised representative must accompany the bailiff when the bailiff carries out the enforcement order.

(4) An enforcement order is carried out by the bailiff —

- (a) in respect of an enforcement order for delivery or possession of movable property — by taking physical possession of the movable property or affixing the bailiff's seal on the movable property;
- (b) in respect of an enforcement order for seizure and sale of movable property —
  - (i) by affixing the bailiff's seal on the movable property; and
  - (ii) by serving a notice of seizure on the person or entity having possession or control of the movable property or leaving a notice of seizure at the place where the movable property was seized;
- (c) in respect of an enforcement order for the possession of immovable property — by posting a notice of seizure on some conspicuous part of the immovable property and entering and taking possession of the immovable property and, where applicable, by serving a notice of seizure on the persons who are present and in actual possession or control of the immovable property;
- (d) in respect of an enforcement order for seizure and sale of immovable property — by serving a notice of seizure on the Singapore Land Authority in respect of title to the immovable property, and with the enforcement applicant —
  - (i) separately registering the enforcement order under any written law relating to the immovable property within 14 days after service of the notice of seizure; and

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- (ii) giving written notice to the bailiff that the enforcement order has been duly registered;
  - (e) in respect of an enforcement order for attachment of a debt due to the enforcement respondent from a non-party that is a financial institution as represented by a deposit of money, whether or not the deposit has matured and despite any restriction as to the mode of withdrawal — by serving a notice of attachment on the financial institution in respect of the deposit in the institution;
  - (f) in respect of an enforcement order for attachment of a debt due to the enforcement respondent from any other non-party — by serving a notice of attachment on the non-party from which money is due to the enforcement respondent, whether the money is due immediately or at some future date or at certain intervals in the future; or
  - (g) in respect of an enforcement order for seizure and sale of bonds, shares or other securities or membership in a club or society — by serving a notice of seizure on the person or entity which registers the ownership in respect of the bonds, shares or other securities, or which registers the membership in the club or society.
- (5) The notice of seizure or attachment must be in Form 123 and may be prepared by the bailiff.
- (6) When a seizure or an attachment has been effected under paragraph (4), a copy of the notice of seizure or attachment must be served on the enforcement respondent within 7 days after effecting the seizure or attachment, unless the Court otherwise directs in the enforcement order.
- (7) In addition to the methods of service set out in Part 7, Rules 3 (except paragraphs (4) and (5)) and 4, the copy of the notice of seizure or attachment may be served on the enforcement respondent by leaving it at, or sending it by post to, the address of the place from which the property was seized.
- (8) A non-party who is served with a notice of attachment is entitled to claim costs of \$100 from the bailiff but only if the claim is made

within 14 days after service, and the non-party may deduct that amount from the debt owing from the non-party to the enforcement respondent which is attached under the notice of attachment prior to handing or paying over the sums mentioned in paragraph (10).

(9) A non-party who is served with a notice of attachment —

(a) must, within 14 days after service of the notice of attachment, inform the bailiff of the amount owing by the non-party to the enforcement respondent that is available to be attached; and

(b) must not deal with the attached amount —

(i) if a notice of objection is filed under Rule 10 — until after the notice of objection has been determined in the manner set out in that Rule; or

(ii) in any other case — until after 21 days have passed after the date of service of the notice of attachment.

(10) If no notice of objection is filed under Rule 10, the non-party must hand or pay over —

(a) to the enforcement applicant the money due to the enforcement applicant; and

(b) to the bailiff the commission due to the bailiff,

within 7 days after the expiry of the time mentioned in paragraph (9)(b)(ii).

(11) The bailiff may engage, or direct the enforcement applicant to engage, the services of auxiliary police officers, security agencies, providers of transport and of warehousing, valuers, estate agents, brokers, solicitors and other appropriate persons to assist the bailiff in all matters relating to the enforcement order or a seizure, an attachment or a sale under any Court order.

### **Sale and valuation of seized property (P. 23, r. 7)**

7.—(1) The bailiff may take steps to sell seized movable property after 14 days after a copy of the notice of seizure has been served on the enforcement respondent under Rule 6, unless the movable

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property is perishable, in which case the bailiff may take steps to sell the property earlier.

(2) The bailiff may take steps to sell seized immovable property after 30 days after the notice of seizure has been served on the enforcement respondent under Rule 6.

(3) The bailiff must decide the conditions of sale.

(4) Where the value of the seized property is estimated by the bailiff to be \$20,000 or less, the sale may be conducted by the bailiff and may be by private treaty or by public auction.

(5) Where the value of the seized property is estimated by the bailiff to be more than \$20,000, the sale must be conducted by an auctioneer and by public auction.

(6) Notice of sale of seized property stating the day, time and place of sale must be —

(a) given on the bailiff's Internet website as specified in the practice directions; or

(b) posted at the place of intended sale,

at least 14 days before the date of sale.

(7) All sales of immovable property must be conducted by an auctioneer and by public auction.

(8) Notice of sale of immovable property stating the day, time and place of sale must be advertised by the auctioneer at least once in a printed local newspaper and at least 14 days before the date of auction.

(9) Where documents have to be signed by the enforcement respondent in order to give legal effect to any sale, the bailiff may sign the documents in place of the enforcement respondent and the documents have the same legal effect as if they had been signed by the enforcement respondent.

### **Delivery and giving of possession (P. 23, r. 8)**

**8.—**(1) Where the enforcement order directs the bailiff to seize and deliver or give possession of properties to the enforcement applicant,

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the bailiff must deliver and give possession as soon as is practicable after seizure.

(2) The enforcement applicant or the enforcement applicant's representative must sign any acknowledgment of delivery or possession that the bailiff requires.

**Bailiff's statement of accounts and commission (P. 23, r. 9)**

**9.**—(1) The bailiff must keep proper records of all the seized properties and attached debts and of all amounts of money received or expended by the bailiff in carrying out an enforcement order.

(2) The bailiff is entitled to a commission of 2% of —

- (a) the gross amount of deposits, money or debt attached;
- (b) the gross proceeds of sale of properties ordered to be sold;  
and
- (c) the gross proceeds of sale of the seized properties,

subject to a minimum amount of \$100 and a maximum amount of \$50,000.

(3) If property is seized or ordered to be sold but not sold for any reason, the bailiff is entitled to a commission of 2% of the estimated value of the seized property or the amount stated in the enforcement order to be due to the enforcement applicant (whichever is less), subject to a minimum amount of \$100 and a maximum amount of \$50,000.

(4) Subject to any written law, the bailiff must prepare a statement of accounts showing —

- (a) the gross proceeds of sale of the seized properties;
- (b) the enforcement costs;
- (c) the amount of money claimed by a landlord, not exceeding 6 months' rent, under section 20 of the Distress Act 1934;
- (d) the amount of money available to pay the enforcement applicant;
- (e) where there is more than one enforcement order against the same enforcement respondent, the amount of money

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claimed in each enforcement order, in the order of the priority according to the dates of issue of the enforcement orders; and

(f) after using the proceeds of sale in sub-paragraph (a) to pay for the items in sub-paragraphs (b) to (e), the amount of money available to return to the enforcement respondent.

(5) The priority of payments is in the order set out in paragraph (4).

(6) If the proceeds of sale are not sufficient to pay the enforcement costs, the enforcement applicant must pay the amount of the shortfall to the bailiff.

(7) The enforcement applicant who pays the amount of the shortfall mentioned in paragraph (6) is entitled to add that amount to the amount due to the enforcement applicant as part of the enforcement costs.

(8) This Rule also applies to an execution of or the sale of property under any Court order other than an enforcement order made under Rule 2.

### **Claims and objections to seizure or attachment (P. 23, r. 10)**

**10.**—(1) Where the enforcement respondent or any other person (each called in this Rule the objector) objects to any seizure of property or attachment of debt by the bailiff, the objector must within 14 days after the service of the notice of seizure or attachment —

(a) give notice of the objection to the bailiff by filing a notice of objection; and

(b) serve a copy of the notice of objection on the enforcement applicant, the enforcement respondent (if not the objector) and any non-party served with the notice of attachment (if not the objector).

(2) The notice of objection must identify the objector, specify the property or debt in dispute, state the grounds of objection and include any evidence supporting the grounds of objection.

(3) If the enforcement applicant accepts the grounds of objection, the enforcement applicant must give written notice to the bailiff and



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the objector within 14 days after the service of the notice of objection that the enforcement applicant consents to the release from seizure of the specified property or the release from attachment of the specified debt, and the bailiff must release the specified property or debt accordingly.

(4) If the enforcement applicant, within 14 days after the service of the notice of objection, fails to consent to the release or gives notice of dispute, the bailiff may direct the objector to apply to the Court for an order to release the specified property or debt.

(5) Where the bailiff directs the objector to apply to the Court under paragraph (4), the objector must —

- (a) apply by summons in the action supported by affidavit within 7 days after the direction, failing which the objection is deemed to have been withdrawn;
- (b) serve the summons and supporting affidavit on the enforcement applicant, the enforcement respondent (if not the objector) and any non-party served with the notice of attachment (if not the objector), within 7 days after making the application; and
- (c) give notice in writing to the bailiff of the case and application number of the summons filed, within 7 days after making the application.

(6) The bailiff may provide to the enforcement applicant, the enforcement respondent or any other person upon request any information relating to the seizure or attachment that is appropriate.

(7) The bailiff must not sell any property that is in dispute.

(8) The bailiff may seek the Court's direction by letter at any time.

### **Examination of enforcement respondent (P. 23, r. 11)**

**11.—**(1) The enforcement applicant may apply for the enforcement respondent to be examined orally in court or to make an affidavit or both on the properties which are owned by the enforcement respondent beneficially whether in whole or in part or which the enforcement respondent will be entitled to in the future.

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(2) The Court may also order the enforcement respondent to produce any documents as are appropriate.

(3) Where the enforcement respondent is an entity, the order must state the appointment of the officer or officers of the entity who are to be examined.

(4) An application under this Rule is deemed to be enforcement of a Court order and is within the terms of any written law or any order staying enforcement of that Court order.

(5) An order under this Rule must be in Form 124 and must be served personally on the enforcement respondent and, where the enforcement respondent is an entity, on any officer of the entity ordered to attend for examination.

### **Instalment payments (P. 23, r. 12)**

**12.** Where a Court order made under any written law provides for payment by instalments, the enforcement applicant may apply for an enforcement order in respect of an instalment that is due and unpaid for or, if there are several instalments due and unpaid, in respect of those instalments.

### **Application for stay of enforcement (P. 23, r. 13)**

**13.—**(1) The party who is liable under any Court order may apply for stay of enforcement or stay of any enforcement order or any part of the order if there is a special case making it inappropriate to enforce the Court order immediately.

(2) The Court may order a stay of enforcement or stay of an enforcement order for a specified period or until the occurrence of a specified event.

(3) Where the bailiff has seized properties or attached a debt under the enforcement order before the Court orders a stay, the order may give directions to the bailiff to withdraw the seizure or attachment or to maintain the seizure or attachment without taking further action on the enforcement order.

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PART 24  
CONTEMPT OF COURT

**Definitions of this Part (P. 24, r. 1)**

1. In this Part —

“Act” means the Administration of Justice (Protection) Act 2016;

“committal applicant” means the person who is applying for or has obtained a committal order against the committal respondent;

“committal respondent” means the person against whom a committal order is sought or made;

“contempt of court” means contempt of court under the Act and includes, subject to section 8, contempt of court under the common law;

“section” means a section of the Act.

**Committal order for contempt of court (P. 24, r 2)**

2. The power of the Court to punish for contempt of court may be exercised by a committal order.

**Application for permission of Court (P. 24, r. 3)**

3.—(1) A committal applicant must first apply to the Court for permission to make an application for a committal order.

(2) An application for permission must be made by originating application without notice or by summons without notice in an action (as the case may be) to a Judge.

(3) The application must be supported by an affidavit setting out —

(a) the committal applicant’s name, description and address;

(b) the committal respondent’s name, description and address;  
and

(c) the grounds on which the committal order is sought,  
including —

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- (i) the judgment, order or direction which the committal respondent is alleged to have disobeyed or breached; and
  - (ii) the date on which the judgment, order or direction in sub-paragraph (i) was served on the committal respondent.

**Application for committal order after permission of Court granted (P. 24, r. 4)**

4.—(1) After permission is granted under Rule 3, the committal applicant must apply for the committal order within 14 days by summons and serve the following on the committal respondent by personal service:

- (a) the originating application without notice or summons without notice for permission under Rule 3(2);
- (b) the supporting affidavit under Rule 3(3);
- (c) the order granting permission under Rule 3(1);
- (d) the summons for the committal order under this paragraph.

(2) If the committal applicant fails to apply for the committal order within 14 days after permission is granted under Rule 3, the permission lapses.

(3) There must be at least 21 days between the service under paragraph (1) and the hearing date.

**Power to commit without application (P. 24, r. 5)**

5.—(1) Where by virtue of any written law, the Family Division has power to punish or take steps for the punishment of any person charged with having done anything in relation to a court, tribunal or person which would, if it had been done in relation to the Family Division, have been a contempt of that Court, a committal order may be made by the Family Division.

(2) Nothing in Rules 2, 3 and 4 is taken as affecting the power of the Family Division to make a committal order on its own accord against a person guilty of contempt of court.

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**Transfer to Family Division (P. 24, r. 6)**

6.—(1) An application under section 10(4) to transfer a case in a Family Court or a Youth Court to the Family Division must be made to a Judge sitting in the Family Division by originating application.

(2) In hearing such an application, the Family Division may order the case sought to be transferred and any related proceedings to be stayed until after the final determination of the application.

(3) Where the Family Division orders a case in a Family Court or a Youth Court to be transferred to the Family Division under section 10(4) —

(a) the Family Division may —

(i) set aside or affirm any order made by the Family Court or Youth Court;

(ii) modify Rules 3 and 4 in their application to the case; and

(iii) make any other order relating to the transfer; and

(b) the Registrar must give notice of the transfer to every party to the case.

**Provisions as to hearing (P. 24, r. 7)**

7.—(1) The Court must hear in Court an application for a committal order or an application under section 10(4) to transfer a case to the Family Division.

(2) The committal applicant must rely on only the grounds set out in the affidavit under Rule 3(3).

(3) At the hearing of the application for a committal order, the committal respondent —

(a) must rely on the matters stated in his or her affidavit, if any; but

(b) may, with the permission of the Court, give oral evidence on his or her own behalf.

(4) For the purposes of section 26A(9), in making any order allowing a committal respondent to give evidence or to appear (other

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than to give evidence) by means of a live video link or live television link under section 26A(1), the Court is to have regard to the following matters:

- (a) whether the order would affect the ability of any of the following persons to effectively conduct the defence of the committal respondent:
  - (i) the committal respondent;
  - (ii) an advocate representing the committal respondent;
- (b) whether the order would affect the ability of the committal applicant to effectively conduct those proceedings;
- (c) whether the order would affect the ability of the committal respondent to consult and instruct his or her advocate in private;
- (d) whether adequate technical measures are available to the Court —
  - (i) to verify the identities of persons giving evidence or appearing by means of the live video link or live television link;
  - (ii) to prevent the committal respondent from being coached or coerced while giving evidence or appearing by means of a live video link or live television link;
  - (iii) to prevent the proceedings from being recorded; and
  - (iv) to control and restrict the persons who are able to access or observe the proceedings;
- (e) the likelihood that the Court may require the committal respondent to handle any physical evidence;
- (f) whether a judgment or an order requiring the committal respondent to be taken into custody may be delivered or made during the proceedings.

(5) For the purposes of section 26A(9), in making any order allowing a witness (not being the committal respondent) to give evidence by means of a live video link or live television link under

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section 26A(2) or (3), the Court is to have regard to the following matters:

- (a) whether the order would affect the ability of any of the following persons to effectively conduct the defence of the committal respondent:
  - (i) the committal respondent;
  - (ii) an advocate representing the committal respondent;
- (b) whether the order would affect the ability of the committal applicant to effectively conduct those proceedings;
- (c) whether adequate technical measures are available to the Court —
  - (i) to verify the identities of persons giving evidence by means of the live video link or live television link;
  - (ii) to prevent the witness from being coached or coerced while giving evidence by means of a live video link or live television link;
  - (iii) to prevent the proceedings from being recorded; and
  - (iv) to control and restrict the persons who are able to access or observe the proceedings;
- (d) the likelihood that the Court may require the witness to handle any physical evidence;
- (e) in the case of an order under section 26A(3) allowing an expert witness to give evidence from a place that is not in Singapore — the reason why the expert witness is not giving evidence from Singapore.

**Power to suspend execution of committal order (P. 24, r. 8)**

**8.—**(1) The Court may order the execution of the committal order to be suspended for any period or on any terms or conditions that it may specify.

(2) Where the Court makes an order under paragraph (1), the committal applicant must, unless the Court otherwise directs, serve a

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notice on the committal respondent informing the committal respondent of the terms of that order.

(3) The committal applicant may apply for the suspension to be lifted on the ground that any of the terms of the suspension has been breached.

(4) An application under paragraph (3) must be made by summons supported by an affidavit and must be served on the committal respondent.

### **Discharge of committal respondent (P. 24, r. 9)**

**9.**—(1) Where a committal respondent has been committed for contempt of court, the Court may discharge him or her upon his or her application.

(2) Where a committal respondent has been committed for contempt of court under section 4 in relation to his or her failure to deliver any thing to some other person or to deposit it in Court or elsewhere, then, if the thing is in the possession or control of the committal respondent, the bailiff may take possession of it as if it were the property of the committal respondent and, without limiting paragraph (1), the Court may discharge the committal respondent and give directions for dealing with the thing.

### **Saving for other powers (P. 24, r. 10)**

**10.** Nothing in Rules 1 to 9 is to be taken as affecting the power of the Court to make an order requiring a person punishable by virtue of any written law in like manner as if he or she had been guilty of contempt of court, to pay a fine or to give security for his or her good behaviour, and those Rules, so far as applicable and with the necessary modifications, apply in relation to an application for such an order as they apply in relation to an application for a committal order.

### **Relief for certain committal applications (P. 24, r. 11)**

**11.**—(1) A Court hearing an application for a committal order in relation to a contempt of court for disobeying or breaching any order specified in paragraph (2) may grant any other relief that it thinks fit.



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(2) For the purposes of paragraph (1), the orders specified are as follows:

- (a) an order under section 52(3)(c) of the Administration of Muslim Law Act 1966 giving a person access to a child;
- (b) an order under section 5 of the Guardianship of Infants Act 1934 giving a person access to a child;
- (c) an order under section 126 of the Women's Charter 1961 giving a person access to a child.

### **Form of committal order (P. 24, r. 12)**

**12.—**(1) A committal order must be in Form 144.

(2) The committal applicant must serve on the bailiff's office by filing a copy of —

- (a) the committal order; and
- (b) a written undertaking by the solicitor for the committal applicant (if the committal applicant is represented by a solicitor) or by the committal applicant (if the committal applicant is not represented by a solicitor) to —
  - (i) pay upon request all charges, expenses and fees incurred by or payable to the bailiff and the Singapore Police Force in complying with the committal order; and
  - (ii) indemnify the bailiff and the Singapore Police Force against all claims, costs and expenses arising from complying with the committal order.

(3) The committal applicant must also deposit the amount of money requested by the bailiff before the bailiff complies with the committal order and from time to time.

### **Order to arrest committal respondent (P. 24, r. 13)**

**13.—**(1) The Court may order the bailiff or any police officer to arrest and bring before the Court, as soon as is practicable, a committal respondent who fails to attend any proceedings in Court or who disobeys any order of the Court.

(2) The Court may include in the order to arrest under paragraph (1) conditions relating to the giving of security by the committal respondent or to any other matter.

(3) A letter from the Registrar stating the Court's order made under paragraph (1) is sufficient authority for the bailiff or any police officer to effect the arrest.

**Bailiff may engage auxiliary police officer or other security agency (P. 24, r. 14)**

14.—(1) The bailiff may engage, or direct the applicant to engage, any auxiliary police officer appointed under the Police Force Act 2004 or other security agency to assist him or her in the discharge of his or her duties under this Part.

(2) Any amount of money incurred by the bailiff under paragraph (1) is considered as part of the charges, expenses and fees incurred in complying with a committal order.

PART 25

COURT FEES

**Definitions of this Part (P. 25, r. 1)**

1. In this Part —

“court fees” includes all charges, commissions and fees payable under these Rules, and the following:

- (a) document fees payable on the filing or sealing of specified documents;
- (b) hearing fees payable for specified hearings;
- (c) service provision fees payable for services to be provided or rendered by, or which require the attendance of, court officers;
- (d) search fees payable for a search to be made of court records;

“court officer” includes a bailiff, a commissioner for oaths, an interpreter, a clerk, a process server or any other officer

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attached to the court for the administration of justice and due execution of powers and duties vested in the court.

**Court fees (P. 25, r. 2)**

2.—(1) Court fees must be paid in the circumstances and the manner set out in this Part and the Third Schedule.

(2) Subject to paragraph (5), for the purpose of determining the appropriate court fees payable in the Family Division in the Third Schedule, the following apply:

- (a) if the claim is for a liquidated demand, the value of the claim is that specified in the originating process;
- (b) if the claim is for unliquidated damages, the value of the claim is that estimated by the party filing the originating process;
- (c) if the claim does not include any claim mentioned in sub-paragraphs (a) and (b), the claim is deemed to have a value of up to \$1 million;
- (d) in the case of a bill of costs, the value of the claim is the total amount claimed in the bill of costs.

(3) If the claim is for both a liquidated demand and unliquidated damages, the value of the claim is the aggregate value of both claims.

(4) Where the claim includes or consists of a claim in foreign currency, the value of the claim is computed after converting the claim to Singapore dollars at an exchange rate applicable as at the date of the filing of the originating process.

(5) The Registrar may, after determining the value of the claim as awarded by the Court, require the parties to pay the difference in the court fees or refund to the parties the excess court fees paid.

(6) For the purpose of this Rule, the value of the claim excludes non-contractual interest.

(7) In this Rule, “originating process” means an originating application or an application filed pursuant to Part 5, Rule 8.

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**Court powers relating to court fees (P. 25, r. 3)**

3.—(1) The Court may, in any case —

- (a) waive or defer the payment of the whole or any part of court fees;
- (b) refund the whole or any part of court fees paid; or
- (c) order, at any time, that the whole or any part of court fees be paid by any party or be apportioned among all or any of the parties.

(2) The Court may also exercise the powers in paragraph (1) in accordance with the provisions in any Civil Procedure Convention.

(3) A request for refund of court fees must be made in writing —

- (a) where the application is for a refund of hearing fees — within one month after the date of settlement, discontinuance or withdrawal (as the case may be) or the last hearing date, whichever is later;
- (b) where the application is for a refund of fees for unused documents — within the time in Rule 4(2); and
- (c) in any other case — within one month after the date on which the reason for the refund arose.

(4) In the case of hearing fees, the Court must refund the whole of the hearing fees paid if the Court is notified in writing not later than 14 days before the first date fixed for hearing that the cause or matter has been settled or discontinued, or transferred to another Court.

(5) Any party who is dissatisfied with any decision of the Registrar made under this Rule may apply by letter to a Judge to review the decision within 14 days after the decision.

(6) The Court may make such order as the Court deems fit to secure compliance with any requirement for the payment of any court fees, including the giving of judgment or the dismissal of any claim or counterclaim.

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**Refund of fees paid for unused documents (P. 25, r. 4)**

4.—(1) The Registrar may, if he or she thinks fit, refund any fee or part of the fee which has been paid for any unused document.

(2) Every application under this Rule for the refund of any fee must be made —

(a) by request signed by the person applying for the refund or his or her solicitor; and

(b) within 3 months after the date of the payment of the fee to be refunded.

(3) Where a refund of the fees paid for more than one unused document is being sought, a separate application must be made for the refund of the fee paid for each such unused document.

(4) Where an application under this Rule for the refund of any fee is not approved, the fee paid for the request is not refundable.

**No hearing fee for some proceedings (P. 25, r. 5)**

5. A hearing fee is not payable for a hearing in relation to any cause or matter under the following Acts and any appeals arising from any such cause or matter:

(a) the Adoption of Children Act 2022;

(b) the Children and Young Persons Act 1993;

(c) the Guardianship of Infants Act 1934;

(d) the Maintenance of Parents Act 1995;

(e) the Maintenance Orders (Reciprocal Enforcement) Act 1975;

(f) the Mental Capacity Act 2008;

(g) the Mental Health (Care and Treatment) Act 2008;

(h) the Status of Children (Assisted Reproduction Technology) Act 2013;

(i) the Vulnerable Adults Act 2018;

(j) the Women's Charter 1961.

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**Exemption where cause or matter relates to criminal proceedings (P. 25, r. 6)**

6.—(1) Where the Registrar is satisfied that any cause or matter relates to or is predicated upon criminal proceedings affecting the life or liberty of a party, the Registrar may, on the application of that party, issue a certificate of exemption from any fee payable or security for costs required or authorised to be provided under these Rules.

(2) An application for a certificate under paragraph (1) must be made by way of a letter addressed to the Registrar stating the grounds on which the application is made together with all necessary supporting documents.

(3) Despite any other provision in these Rules —

(a) no fee is payable; and

(b) no security for costs is required to be provided,

by any party in the cause or matter, including any appeal relating to the cause or matter, from the time that a certificate is issued under paragraph (1).

(4) The Registrar may, if he or she thinks fit, refund any fee or part of the fee which has been paid in respect of a cause or matter for which a certificate under paragraph (1) is issued where the fee was paid before the certificate was issued.

(5) Nothing in this Rule prevents an order for costs from being made by the Court in favour of or against any party in the cause or matter, including any appeal relating to the cause or matter.

**PART 26****REGISTRY AND ADMINISTRATION****Registry of Family Justice Courts (P. 26, r. 1)**

1.—(1) There is a Registry with any departments and functions that the Presiding Judge of the Family Justice Courts may direct.

(2) The Registry is under the control and supervision of the Registrar who must report to and be responsible to the Presiding

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Judge of the Family Justice Courts for its proper administration and functions.

(3) The Presiding Judge of the Family Justice Courts may appoint a Chief Executive and one or more Assistant Chief Executives to manage any functions of the Registry that he or she may direct, and they must report to and be responsible to the Presiding Judge of the Family Justice Courts for the proper discharge of those functions.

**Practice directions (P. 26, r. 2)**

2. The Registrar may issue practice directions from time to time with the approval of the Presiding Judge of the Family Justice Courts.

**Registry records (P. 26, r. 3)**

3.—(1) The Registry must maintain any Court records and other documents that are required by any written law or which the Registrar considers appropriate.

(2) The Registry may collect, use or disclose any data that the Registrar considers appropriate.

(3) The method of collection, the storage and the period of storage of Court records, documents and data are in the discretion of the Registrar.

(4) The Registrar may allow any person to search for, inspect and take a copy of any document filed in Court in any action if that person —

(a) shows a valid interest in the document in question; and

(b) pays the prescribed fee.

(5) The Registrar may redact any document in the interests of justice before a person searches for, inspects or takes a copy of the document.

(6) Documents filed in Court in any action and the Registry's records must not be taken out of the Registry without the Registrar's approval.

(7) Documents filed in Court must be typewritten and printed and must comply with practice directions relating to quality and

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dimensions of paper, font size, print quality, margins, copies and any other requirements.

(8) The Registrar may authorise a person to provide a service that enables a subscriber of that service —

- (a) to search any information relating to Court records and other documents mentioned in paragraph (1) that the Registrar may determine; and
- (b) to search for, inspect and take a copy of any such documents filed in the Registry that the Registrar may determine.

(9) The person authorised to provide the service mentioned in paragraph (8) must pay to the Registrar any fees for that service to have access to the information and documents mentioned in paragraph (8)(a) and (b) that may be agreed between the Registrar and that person.

(10) Despite paragraph (4), a subscriber of the service mentioned in paragraph (8) is entitled, at any time when that service is in operation —

- (a) to search the information mentioned in paragraph (8)(a), without paying the prescribed fee mentioned in paragraph (4)(b) and without obtaining the permission of the Registrar; and
- (b) to search for, inspect and take a copy of any document mentioned in paragraph (8)(b), without paying the prescribed fee mentioned in paragraph (4)(b) and without obtaining the permission of the Registrar.

#### **Security of documents in adoption proceedings (P. 26, r. 4)**

4. The Registrar must keep in a place of special security all documents relating to any application made under the Adoption of Children Act 1939 or Adoption of Children Act 2022.

#### **Registry hours (P. 26, r. 5)**

5.—(1) The Registry must be open on every day of the year except non-court days.



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(2) The Registry’s opening hours are as directed by the Presiding Judge of the Family Justice Courts.

**Court vacations (P. 26, r. 6)**

6. There must be a Judge available during the Court vacations to hear any matters that the Registrar considers urgent.

PART 27

LODGMET IN COURT, MONEY IN REGISTRY  
AND PAYMENT TO BAILIFF

**Definitions of this Part (P. 27, r. 1)**

1. In this Part —

“bank” means a bank approved by the Accountant-General;

“carry over”, in relation to a fund in Court, means to transfer the fund or any part of the fund from one account to another in the books of the Accountant-General;

“funds” or “funds in Court” means any money, securities or other investments standing or to be placed to the account of the Accountant-General, and includes money placed on deposit;

“interest” means the dividends and interest on funds;

“ledger credit” means the title of the cause or matter and the separate account opened or to be opened under an order or otherwise in the books of the Accountant-General to which any funds are credited or to be credited;

“lodge in Court” means pay or transfer into Court, or deposit in Court;

“order” means an order or a judgment of a Court, whether made in Court or in chambers, as the case may be.

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**Payment into Court under Trustees Act 1967 (P. 27, r. 2)**

2.—(1) Subject to paragraph (2), any trustee wishing to make a payment into Court under section 62 of the Trustees Act 1967 must apply by summons supported by an affidavit setting out —

- (a) a short description of the trust and of the instrument creating it or (as the case may be) of the circumstances in which the trust arose;
- (b) the names of the persons interested in or entitled to the money or securities to be paid into Court with their addresses so far as known to the trustee;
- (c) the trustee's submission to answer all such inquiries relating to the application of any money or securities that the Court may make or direct; and
- (d) an address where the trustee may be served with any summons or order, or notice of any proceedings, relating to the money or securities paid into Court.

(2) Where money or securities represents a legacy, or residue or any share of a legacy, to which a minor or a person resident outside Singapore is absolutely entitled, no affidavit need be filed under paragraph (1).

**Notice of lodgment (P. 27, r. 3)**

3. Any person who has lodged money or securities in Court must forthwith give notice of the lodgment to every person appearing to be entitled to, or have an interest in, the money or securities lodged.

**Funds how lodged (P. 27, r. 4)**

4.—(1) Money to be lodged in Court must be lodged by means of a direction to the Accountant-General in Form 148.

(2) Securities issued by a company or by any body corporate constituted under any written law, being fully paid up and free from liability, may be transferred to the Accountant-General in his or her official name.

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(3) The person lodging under paragraph (2) must execute a transfer of the securities, and send the transfer together with the authority in Form 149 to the registered office of the company or body corporate in whose books the securities are to be transferred.

(4) The company or body corporate must, after registering the transfer, forward the authority to the Accountant-General with a certificate in Form 149, that the securities have been transferred as authorised in the authority.

(5) Securities, other than those described in paragraph (2), may be placed in a box or packet and lodged with a direction in Form 148 with the Accountant-General.

(6) After inspecting the contents in the box or packet in the presence of the person lodging the same, and seeing that the box or packet is properly marked and secured, the Accountant-General must receive the same and give the person lodging a receipt.

(7) The Accountant-General must, after receiving the money or securities, send to the Registrar a copy of the receipt that had been issued to the person lodging the same, to be filed in the Registry.

### **Crediting lodgment and dividends (P. 27, r. 5)**

5. Any principal money or dividends received by the Accountant-General in respect of securities in Court must be placed in his or her books —

- (a) in the case of principal money — to the credit to which the securities whereon the money was standing at the time of the receipt of the money; and
- (b) in the case of dividends — to the credit to which the securities whereon the dividends were accrued were standing at the time of closing of the transfer books of the securities previously to the dividends becoming due.

### **Interest on money lodged in Court (P. 27, r. 6)**

6.—(1) Money lodged in Court to the credit of any account is deemed to be placed on deposit, and must be credited with interest at any rate that is from time to time fixed by the Minister for Finance,

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not being greater than the highest rate of interest which for the time being can be obtained by the Government on current account from any bank in the State except —

(a) when money is paid into Court under Part 17, or as security for costs; or

(b) when the amount is less than \$30,000.

(2) The money is deemed not to be placed on deposit when the amount is reduced below \$30,000.

### **Computation of interest (P. 27, r. 7)**

7.—(1) Interest upon money on deposit must not be computed on a fraction of \$1.

(2) Interest upon money on deposit accrues by calendar months, and must not be computed by any less period.

(3) The interest begins on the first day of the calendar month next succeeding that in which the money is placed on deposit, and ceases from the last day of the calendar month next preceding the day of the withdrawal of the money from deposit.

(4) Interest which has accrued for or during the year ending on 31 December in every year, on money then on deposit must, on or before 15 days thereafter following, be placed by the Accountant-General to the credit to which the money is standing.

(5) When money on deposit is withdrawn from deposit, the interest on the money which has accrued and has not been credited must be placed to the credit to which the money is then standing.

(6) When money on deposit consists of sums which have been placed on deposit at different times, and an order is made dealing with the money, and part of the money has to be withdrawn from deposit for the purpose of executing the order, the part or parts of the money dealt with by the order last placed and remaining on deposit at the time of the withdrawal must, for the purpose of computing interest, be treated as so withdrawn unless the order otherwise directs.

(7) Unless otherwise directed by an order, interest credited on money on deposit must, when or so soon as it amounts to or exceeds

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\$30,000, be placed on deposit and, for the purpose of computing interest upon it, must be treated as having been placed on deposit on the last yearly day on which any such interest became due.

**Payment out of funds in Court (P. 27, r. 8)**

**8.** Money paid into Court must be paid out on a direction to the Accountant-General in Form 148.

**Name of payee to be stated in order (P. 27, r. 9)**

**9.—(1)** Every order which directs funds in Court to be paid, transferred or delivered out must state in full the name of every person to whom the payment, transfer or delivery is to be made, unless the name is to be stated in a certificate of the Registrar.

(2) In the case of payment to a firm, it is sufficient to state the business name of such firm.

(3) When money in Court is by an order directed to be paid to any persons described in the order, or in a certificate of the Registrar, as co-partners, the money may be paid to any one or more of the co-partners or to the survivor of them.

**Payment out on death of payee (P. 27, r. 10)**

**10.—(1)** When funds in Court are by an order directed to be paid, transferred or delivered to any person named or described in an order, or in a certificate of the Registrar, the funds, or any portion of the funds for the time being remaining unpaid, untransferred or undelivered, may, unless the order otherwise directs, on proof of the death of that person, whether —

(a) on or after the date of the order; or

(b) in the case of payment directed to be made to a creditor as such, before the date of the order,

be paid, transferred or delivered to the legal personal representatives of the deceased person, or to the survivor or survivors of them.

(2) Paragraph (1) does not apply to an order directing funds in Court to be paid, transferred or delivered to a person expressed, in the order or certificate of the Registrar, to be entitled to the funds —

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- (a) as trustee, executor or administrator; or
  - (b) otherwise than in his or her own right, or for his or her own use.

(3) If no administration has been taken out to the estate of the deceased person who has died intestate, and whose assets do not exceed the value of \$10,000, including the amount of the funds directed to be so paid, transferred or delivered to him or her, the funds may be paid, transferred or delivered to the person who, being widower, widow, child, father, mother, brother or sister of the deceased, would be entitled to take administration to his or her estate, upon a declaration by the person in accordance with Form 150.

(4) When funds in Court are by an order directed to be paid, transferred or delivered to any persons as legal personal representatives, the funds, or any portion of the funds for the time being remaining unpaid, untransferred or undelivered, may, upon proof of the death of any such representatives, whether on or after the date of such order, be paid, transferred or delivered to the survivor or survivors of them.

(5) When any application for an order mentioned in paragraphs (1) and (4) is made, notice of the application must be given to the Commissioner of Estate Duty who is entitled to attend and be heard on the matter.

### **Transfer of investment of funds in Court (P. 27, r. 11)**

**11.—**(1) When funds in Court are by an order directed to be transferred or carried over, the party having the carriage of the order must lodge with the Accountant-General a copy of the order, and the Accountant-General must act in accordance with the order.

(2) When funds in Court are by an order directed to be invested, the party having the carriage of the order must lodge with the Accountant-General a copy of the order and the Accountant-General must thereupon invest the funds in the manner directed by the order.

(3) The Court may direct that any money in Court, other than money under Part 17, or as security for costs, may be invested in any

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of the securities in which trustees are by law permitted to invest trust money in their hands.

**Accountant-General to give certificate of funds in Court  
(P. 27, r. 12)**

12. The Accountant-General, upon a request signed by or on behalf of a person claiming to be interested in any funds in Court standing to the credit of an account specified in the request, must, unless there is good reason for refusing, issue a certificate of the amount and description of the funds.

**Publication of list of funds in Court (P. 27, r. 13)**

13. In the month of January in every year, the Accountant-General must cause to be published in the *Gazette* a list of accounts not dealt with for a period of 4 years or more and must give the title and number of the cause or matter and the title of the ledger credit in which funds are outstanding, and the balance of the funds in each account.

**Unclaimed funds in Court with Accountant-General  
(P. 27, r. 14)**

14.—(1) The funds in Court or in the bailiff's account appearing from the books and accounts to have been in the custody of the Accountant-General or the bailiff for a period of 6 years and upwards, without any claim having been made and allowed thereto during that period, must be transferred and paid to the Government for the general purposes of the State.

(2) If any claim is made to any part of the funds in Court or in the bailiff's account which are transferred and paid to the Government under paragraph (1), and if the claim is established to the satisfaction of the Court, the Government must pay to the claimant the amount of the principal so transferred and paid as aforesaid, or so much of the amount of the principal as appears to be due to the claimant.

(3) Nothing in this Rule authorises the transfer of any funds in Court or in the bailiff's account standing to the separate credit of a minor, or held in a minor's account pending the coming of age of the minor, until the minor comes of age or dies.

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**Bailiff to keep account (P. 27, r. 15)**

15.—(1) The bailiff must keep an account of all sums of money paid to or deposited with him or her and of all sums of money paid out by him or her.

(2) All money paid to or deposited with the bailiff must be kept in a bank or with the Accountant-General.

(3) No interest is payable in respect of any money paid to or deposited with the bailiff.

**How money paid to bailiff (P. 27, r. 16)**

16. Money paid to or deposited with the bailiff under these Rules or a judgment or an order of a Court must be acknowledged by the Registry officer receiving the money, with a receipt of the payment or deposit being given upon the payment or deposit being made.

**Payment under judgment or order (P. 27, r. 17)**

17. When a payment is made under a judgment or an order, the person making the payment must —

- (a) produce a copy of the judgment or order; and
- (b) give notice to the person entitled to the money.

**Proof before payment out (P. 27, r. 18)**

18. Before any money is paid out to any person, the bailiff must require proof to his or her satisfaction that the person applying for payment is the person entitled or authorised to receive it.

**Where money due to Government under any law (P. 27, r. 19)**

19. Before any money is paid out under any order directing the payment out of any money paid to or deposited with the bailiff, the bailiff must satisfy himself or herself that any money due to the Government under any written law of which he or she has notice has been paid or deducted.



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**Method of payments by bailiff (P. 27, r. 20)**

20. All payments by the bailiff must be made by a method approved by the Registrar.

**Instalments ledger (P. 27, r. 21)**

21. Whenever a judgment or an order has been made in the Family Court for payment of money by instalments, unless the Court orders that the instalments must be paid otherwise than in Court, the Registrar must cause to be opened an account wherein must be entered all sums paid into Court under the judgment or order and all sums paid out of Court to the judgment creditor or on the judgment creditor's account.

## PART 28

## ELECTRONIC FILING SERVICES

*Division 1 — General***Application of this Part (P. 28, r. 1)**

- 1.—(1) Division 2 of this Part applies in relation to the IELS only.
- (2) Division 3 of this Part applies in relation to the iFAMS only.
- (3) Division 4 of this Part applies in relation to the ICMS only.

**Definitions of this Part (P. 28, r. 2)**

2. In this Part —

“authorised agent” —

- (a) in relation to an authorised user of the ICMS, means a person who is designated by the authorised user under Rule 24; or
- (b) in relation to an authorised user of the iFAMS, means a person who is designated by the authorised user under Rule 20;

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“authorised user” —

- (a) in relation to the ICMS, means an individual or entity to whom access to use the ICMS has been granted under Rule 24;
- (b) in relation to the IELS, means a person who is designated as an authorised user under Rule 14; or
- (c) in relation to the iFAMS, means an individual or entity who is designated as an authorised user under Rule 20;

“deemed” means deemed until the contrary is proved;

“electronic filing service” means an electronic filing service established under Rule 3;

“electronic filing service provider”, in relation to an electronic filing service, means an electronic filing service provider appointed for that electronic filing service under Rule 4;

“electronic transmission” means electronic transmission by an authorised user or a registered user of an electronic filing service through that electronic filing service;

“entity” —

- (a) in relation to the ICMS or iFAMS, means a sole proprietorship, an incorporated or unincorporated partnership (including a limited liability partnership or limited partnership), a law corporation, a company or other body corporate, the Attorney-General’s Chambers, a department of the Government, a public authority, a society registered under the Societies Act 1966 or any other entity that the Registrar may specify in any particular case; or
- (b) in relation to the IELS, means a sole proprietorship, an incorporated or unincorporated partnership (including a limited liability partnership and a limited partnership), a law corporation, a company or other body corporate, the Attorney-General’s

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Chambers, a department of the Government or a public authority;

“ICMS” means the electronic filing service called the Integrated Case Management System established under Rule 3;

“identification code”, in relation to an electronic filing service, means the identification code of an authorised agent or authorised user or a registered user of the electronic filing service that is to be used in conjunction with that electronic filing service;

“IELS” means the electronic filing service called the Integrated Electronic Litigation System established under Rule 3;

“iFAMS” means the electronic filing service called the Integrated Family Application Management System established under Rule 3;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function;

“registered user”, in relation to the IELS, means an entity which is registered under Rule 14;

“service bureau”, in relation to the IELS, means a service bureau established under Rule 13;

“specified electronic filing service”, in relation to any proceedings, means the electronic filing service to be used in relation to those proceedings as specified in any practice directions for the time being issued by the Registrar.

### **Establishment of electronic filing services (P. 28, r. 3)**

**3.** The Registrar may, with the approval of the Chief Justice, establish one or more electronic filing services and, in relation to each such electronic filing service, make provision in practice directions for —

- (a) the proceedings for which that electronic filing service is to be used; and

- (b) specified documents for those proceedings to be filed, served, delivered or otherwise conveyed using that electronic filing service.

### **Electronic filing service providers and superintendents**

#### **(P. 28, r. 4)**

4.—(1) An electronic filing service must be operated by an electronic filing service provider appointed by the Registrar, with the approval of the Chief Justice, for that service.

(2) The Singapore Academy of Law is the superintendent of the electronic filing service provider for the IELTS.

(3) The Registrar is the superintendent of the electronic filing service provider for the iFAMS.

(4) The Registrar is the superintendent of the electronic filing service provider for the ICMS.

### **Computer system of electronic filing service provider**

#### **(P. 28, r. 5)**

5. For the purposes of this Part, the computer system of an electronic filing service provider means the computer servers and network equipment operated, maintained or used by the electronic filing service provider although such computer servers and network equipment may not be owned by that electronic filing service provider.

### **Electronic filing (P. 28, r. 6)**

6.—(1) Where a document is required to be filed with, served on, delivered or otherwise conveyed to the Registrar under any other provision of these Rules, it must be so filed, served, delivered or otherwise conveyed using the specified electronic filing system for those proceedings, in accordance with this Part and any practice directions.

(2) For the purpose of paragraph (1), any requirement for the filing, service, delivery or otherwise conveyance of a document in relation to any proceedings is satisfied by the filing, service, delivery or

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otherwise conveyance of a single copy using the specified electronic filing service for those proceedings in accordance with this Part.

(3) Subject to any other Rule in this Part, filing, service, delivery or conveyance of a document in relation to any proceedings using the specified electronic filing service for those proceedings pursuant to paragraph (1) may be done by electronic transmission.

(4) Despite anything in paragraph (1), the Registrar may allow a document, part of a document or any class of documents to be filed, served, delivered or otherwise conveyed in relation to any proceedings other than by using the specified electronic filing service for those proceedings.

(5) The form of any document in relation to any proceedings must be as set out —

(a) in the form prescribed by Part 1, Rule 10; or

(b) where the document is remotely composed on the computer system of the electronic filing service provider for the specified electronic filing service for those proceedings, in the form made available through that specified electronic filing service.

(6) Any document which is filed with, served on, delivered or otherwise conveyed to the Registrar through —

(a) the ICMS by an authorised user using an identification code for the ICMS;

(b) the IELS by a registered user using an identification code for the IELS; or

(c) the iFAMS by an authorised user using an identification code for the iFAMS,

is deemed to have been so filed, served, delivered or otherwise conveyed —

(d) by the authorised user or registered user, as the case may be; and

(e) with the intention of the authorised user or registered user (as the case may be) to do so.

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(7) Any document which is filed with, served on, delivered or otherwise conveyed to the Registrar through the IELS by an authorised user (other than an employee of a service bureau) using an identification code for the IELS is deemed to have been so filed, served, delivered or otherwise conveyed —

(a) by the authorised user on behalf and with the authority of the registered user to whom the authorised user belongs; and

(b) with the intention of that registered user to do so.

(8) Any document which is filed with, served on, delivered or otherwise conveyed to the Registrar through the IELS by an authorised user who is an employee of a service bureau, using an identification code for the IELS is deemed to have been so filed, served, delivered or otherwise conveyed —

(a) on behalf and with the authority of the person tendering the document to the service bureau for such purpose and with the intention of that person to do so; or

(b) where the person tendering the document to the service bureau is acting as agent for his or her principal, on behalf and with the authority of his or her principal and with the intention of the principal to do so.

(9) Any document which is filed with, served on, delivered or otherwise conveyed to the Registrar through the ICMS or iFAMS by an authorised agent using an identification code for the ICMS or iFAMS (as the case may be) is deemed to have been so filed, served, delivered or otherwise conveyed —

(a) by the authorised agent on behalf and with the authority of the authorised user to whom the authorised agent belongs; and

(b) with the intention of that authorised user to do so.

(10) To avoid doubt, it is declared that a document which is filed, served, delivered or otherwise conveyed to the Registrar through a specified electronic filing service using an identification code for that electronic filing service, in compliance with the security procedures

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of that electronic filing service, is a secure electronic record within the meaning of the Electronic Transactions Act 2010.

**Signing of electronic documents (P. 28, r. 7)**

7.—(1) Where a document is filed, served, delivered or otherwise conveyed in relation to any proceedings using the specified electronic filing service for those proceedings, any requirement under these Rules relating to signing by or the signature of an authorised user, an authorised agent of an authorised user or a registered user is deemed to be complied with if the identification code of the authorised user, authorised agent or registered user (as the case may be) has been applied to or associated with, directly or indirectly, the document or the transmission containing the document.

(2) For the purposes of paragraph (1), the following applies in relation to the IELS:

- (a) where the identification code of a registered user is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the IELS —
  - (i) the document is deemed to be signed by the registered user; and
  - (ii) the contents of the document are deemed to be endorsed by the registered user;
- (b) where the identification code of an authorised user (other than an employee of a service bureau) is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the IELS —
  - (i) the document is deemed to be signed by the authorised user on behalf and with the authority of the registered user to whom the authorised user belongs; and
  - (ii) the contents of the document are deemed to be endorsed by that registered user;

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- (c) where the identification code of an authorised user who is an employee of a service bureau, is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the IELS —
- (i) the document is deemed to be signed by the authorised user on behalf and with the authority of the person tendering the document to the service bureau and the contents of the document are deemed to be endorsed by that person; or
  - (ii) where the person tendering the document to the service bureau is acting as agent for his or her principal, the document is deemed to be signed on behalf and with the authority of his or her principal and the contents of the document are deemed to be endorsed by his or her principal.

(3) For the purposes of paragraph (1), the following applies in relation to the ICMS or iFAMS:

- (a) where the identification code of an authorised user of the ICMS or iFAMS (as the case may be) is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the ICMS or iFAMS, as the case may be —
  - (i) the document is deemed to be signed by the authorised user; and
  - (ii) the contents of the document are deemed to be endorsed by the authorised user;
- (b) where the identification code of an authorised agent of the ICMS or iFAMS (as the case may be) is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the ICMS or iFAMS, as the case may be —



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- (i) the document is deemed to be signed by the authorised agent on behalf and with the authority of the authorised user to whom the authorised agent belongs; and
  - (ii) the contents of the document are deemed to be endorsed by that authorised user.

(4) Where any written law or practice direction requires the signature of an advocate or solicitor, the requirement is deemed to be met where the identification code of the advocate or solicitor has been applied to or associated with, directly or indirectly, the document or the transmission containing the document to be signed in compliance with the security procedures of the specified electronic filing service for the proceedings in relation to which the document is filed, served, delivered or otherwise conveyed.

(5) To avoid doubt, it is declared that the application to or association of the identification code of an authorised user, an authorised agent of an authorised user or a registered user of a specified electronic filing service, directly or indirectly, with a document or a transmission containing a document in compliance with the security procedures of that electronic filing service is a secure electronic signature within the meaning of the Electronic Transactions Act 2010.

### **Date of filing (P. 28, r. 8)**

**8.**—(1) Where a document is filed with, served on, delivered or otherwise conveyed to the Registrar using an electronic filing service and is subsequently accepted by the Registrar, it is deemed to be filed, served, delivered or conveyed —

- (a) where the document is filed, served, delivered or conveyed by electronic transmission from the computer system of the authorised agent, authorised user or registered user of the electronic filing service — on the date and at the time that the document becomes capable of being retrieved by the electronic filing service provider for that electronic filing service in the computer system of that electronic filing service provider;

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- (b) where the document is remotely composed on the computer system of the electronic filing service provider for that electronic filing service — on the date and at the time that the document becomes capable of being retrieved by the electronic filing service provider in the computer system of that electronic filing service provider; and
- (c) where the document is filed, served, delivered or conveyed via a service bureau — on the date and at the time that the document becomes capable of being retrieved by the Registrar in the computer system of the Registrar.
- (2) Where an originating application is filed or otherwise conveyed using an electronic filing service and it is subsequently accepted by the Registrar, it is deemed to be issued —
- (a) where the document is filed or conveyed by electronic transmission — on the date and at the time that the document becomes capable of being retrieved by the electronic filing service provider for that electronic filing service in the computer system of that electronic filing service provider; and
- (b) where the document is filed or conveyed via a service bureau — on the date and at the time that the document becomes capable of being retrieved by the Registrar in the computer system of the Registrar.
- (3) An authorised user of the ICMS or iFAMS or a registered user of the IELS may produce a record of the transmission issued by the electronic filing service provider for an electronic filing service or the service bureau (as the case may be) together with a copy of the notification of acceptance of the document by the Registrar as evidence of —
- (a) the filing or issuance of an originating application;
- (b) the filing, service, delivery or conveyance of any other document; or
- (c) the date and time either or both of these events took place.

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(4) If the Registrar is satisfied for any reason that a document should be treated as having been filed with, served on, delivered or otherwise conveyed to the Registrar, or issued, at some earlier date and time than the date and time provided for under paragraph (1) or (2), the Registrar may cause the electronic filing service through which the document was filed, served, delivered, conveyed or issued (as the case may be) to reflect the earlier date and time, and that earlier date and time is deemed for all purposes to be the date and time on and at which the document was filed, served, delivered, conveyed or issued, as the case may be.

**Notification or delivery by Registrar (P. 28, r. 9)**

9. Where the Registrar is required by any other provision of these Rules to notify or to deliver or provide any document to an authorised user of the ICMS or iFAMS or a registered user of the IELS, the Registrar may do so using the electronic filing service concerned.

**Mode of amendment of electronic documents (P. 28, r. 10)**

10. Amendments to documents must be effected in the manner prescribed in any practice directions for the time being issued by the Registrar.

**Affidavits in electronic form (P. 28, r. 11)**

11.—(1) Affidavits which are filed in Court using an electronic filing service may be used in all proceedings to the same extent and for the same purposes as paper affidavits filed in Court.

(2) Where an affidavit is to be filed in Court using an electronic filing service, it must comply with the following requirements:

- (a) the affidavit must be sworn or affirmed in the usual way in which the deponent signs the original paper affidavit;
- (b) a true and complete electronic image of the original paper affidavit must be created;
- (c) the original paper affidavit must be retained by the party who filed it for a period of 7 years after it is filed.

(3) Despite paragraph (2)(c), if the original paper affidavit subsequently becomes unavailable within 7 years after it was filed, the Court may grant permission for the electronic image of the original paper affidavit filed in Court using an electronic filing service to be used in the proceedings for which it was filed, or in any other proceedings.

### **Discrepancy (P. 28, r. 12)**

**12.** Where a document was filed using an electronic filing service, and there is any inconsistency between —

(a) the information entered into the electronic template of the document or of the transmission containing the document; and

(b) the information contained in the document,

the information contained in the document prevails where that document is remotely composed on the computer system of the electronic filing service provider for that electronic filing service, and in all other cases the information entered into the electronic template of the document prevails.

### *Division 2 — Integrated Electronic Litigation System*

### **Service bureau (P. 28, r. 13)**

**13.—**(1) The Registrar may establish or appoint agents to establish a service bureau or service bureaux to assist in the filing, service, delivery or conveyance of documents using the IELS.

(2) Any agent appointed by the Registrar pursuant to paragraph (1) is not treated as such for the purposes of the acceptance of the payment of fees or service charges.

(3) The Singapore Academy of Law is the superintendent of any agent appointed under this Rule.

### **Registered user and authorised user (P. 28, r. 14)**

**14.—**(1) Any entity may apply to the Registrar to be a registered user of the IELS in accordance with any procedure as may be set out

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for such applications in any practice directions for the time being issued by the Registrar.

(2) Any entity which is a registered user of the IELS may designate one or more of its partners, directors, officers or employees to be an authorised user or authorised users of the IELS in accordance with any procedure as may be set out in any practice directions for the time being issued by the Registrar.

(3) The Registrar may allow an entity to be a registered user or a person to be an authorised user on such terms and conditions as the Registrar thinks fit.

(4) An entity that was registered as a registered user, or a person who was designated as an authorised user, under rule 918 of the revoked Family Justice Rules 2014 and whose registration or designation remained in effect immediately before 15 October 2024 is deemed to have been registered as a registered user of the IELS or designated as an authorised user of the IELS (as the case may be) under this Rule.

(5) A registered user which designates an authorised user and supplies the authorised user's identification code through the IELS is deemed to approve the use of the identification code in conjunction with the IELS by that authorised user.

(6) Before using the IELS, the registered user must —

- (a) enter into an agreement with the electronic filing service provider for the IELS for the provision of the IELS; and
- (b) make arrangements with the Registrar for the mode of payment of the applicable fees prescribed in these Rules.

(7) The Registrar may waive the application of paragraph (6), in whole or in part, in relation to any registered users or class of registered users as the Registrar deems fit.

(8) For the purposes of these Rules, a service bureau established under Rule 13 is deemed to be a registered user, and every employee of a service bureau is deemed to be an authorised user.

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**Fee for registered user (P. 28, r. 15)**

**15.—(1)** Subject to paragraph (2), the following fee is payable by each registered user, other than a service bureau:

- (a) where the registered user is an entity comprising a single advocate and solicitor as at the relevant time in a year, \$25 per month or part of a month;
- (b) where the registered user is an entity comprising 2 to 5 advocates and solicitors as at the relevant time in a year, \$35 per month or part of a month;
- (c) where the registered user is an entity comprising 6 to 9 advocates and solicitors as at the relevant time in a year, \$70 per month or part of a month;
- (d) where the registered user is an entity comprising 10 to 19 advocates and solicitors as at the relevant time in a year, \$140 per month or part of a month;
- (e) where the registered user is an entity comprising 20 to 49 advocates and solicitors as at the relevant time in a year, \$250 per month or part of a month;
- (f) where the registered user is an entity comprising 50 to 99 advocates and solicitors as at the relevant time in a year, \$500 per month or part of a month;
- (g) where the registered user is an entity comprising 100 to 199 advocates and solicitors as at the relevant time in a year, \$1,000 per month or part of a month;
- (h) where the registered user is an entity comprising 200 or more advocates and solicitors as at the relevant time in a year, \$2,000 per month or part of a month.

(2) Paragraph (1) applies in the following contexts with the following modifications:

- (a) where the registered user is the Attorney-General's Chambers, a reference to an advocate and solicitor is to be read as a reference to a person who is the Attorney-General, a Deputy Attorney-General, the

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Solicitor-General or a State Counsel or Deputy Public Prosecutor;

- (b) where the registered user is a department of the Government or a public authority, a reference to an advocate and solicitor is to be read as a reference to a person who —
  - (i) is employed or engaged by the registered user; and
  - (ii) has a right to appear before the court by virtue of any written law;
- (c) where the registered user is an entity that is registered solely for the purpose of using the IELS to search the information referred to in Part 26, Rule 3(1), or to search for, inspect or take a copy of any document filed in the Registry, in accordance with Part 26, Rule 3(4), (8), (9) and (10), a reference to an advocate and solicitor is to be read as a reference to an authorised user designated by the registered user.

(3) In paragraph (1), “relevant time” means —

- (a) 1 May in any year unless sub-paragraph (b) or (c) applies;
- (b) where an entity registers for the first time under Rule 14 — the date of first registration;
- (c) where an entity is deemed to have been registered as a registered user before 15 October 2024 — 15 October 2024; and
- (d) where a registered user informs the Registrar after 1 May in any year of any change in the number of its advocates and solicitors — the day on which the Registrar is so informed.

(4) The fee mentioned in paragraph (1) starts to be payable from and in respect of the first month in which the relevant time falls, and continues to be payable monthly.

(5) The fee payable by each registered user is due and payable on the first day of each month.

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(6) The Registrar may waive, refund or defer the payment of the whole or any part of the fee mentioned in paragraph (1) in relation to any registered user or class of registered users on such terms and conditions as the Registrar deems fit.

(7) Where any fee under this Rule has been paid in excess or error by a registered user, the Registrar —

(a) must refund the amount paid in excess or error if the registered user makes a claim in writing to the Registrar within 3 months after the date on which the fee was paid in excess or error; and

(b) may, in any other case, as the Registrar deems fit, refund the whole or any part of the amount paid in excess or error.

(8) For the purposes of this Rule, the manner in which the entity is to inform the Registrar of the number of advocates and solicitors and all matters connected with or incidental to this subject may be set out in any practice directions for the time being issued by the Registrar.

### **Electronic filing (P. 28, r. 16)**

**16.** Without affecting Rule 6(3), filing, service, delivery or conveyance of a document using the IELS may be done via a service bureau.

### **When time for service begins to run (P. 28, r. 17)**

**17.—**(1) Where a document is filed with, served on, delivered or otherwise conveyed to the Registrar through the IELS by electronic transmission, the time for service of that document only begins to run from the time that the Registrar's notification of his or her acceptance of the document is received in the computer system of that registered user.

(2) Where a document is filed with or otherwise conveyed to the Registrar through the IELS via a service bureau, the time for service of that document only begins to run from the time that the Registrar's notification of his or her acceptance of the document is received by the service bureau.



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(3) If the Registrar's notification mentioned in paragraphs (1) and (2) is received in the computer system or the service bureau respectively on a day other than a working day, it is deemed for the purpose of this Rule to have been received on the next working day.

**Service of documents (P. 28, r. 18)**

**18.—**(1) If a document —

- (a) other than a document which is required by these Rules to be served personally; or
- (b) being a document which is required by these Rules to be served personally and which the party to be served has agreed may be served using the IELS,

is required under any other provision of these Rules to be served, delivered or otherwise conveyed by a person to any other person and that person is an authorised user or a registered user or is represented by a solicitor who is an authorised user or a registered user (called in this Rule the person on whom the document is served), the service, delivery or conveyance may be effected by using the IELS by electronic transmission or via a service bureau.

(2) For the purposes of paragraph (1)(b), a party who has instructed the party's solicitor to accept service of a document which is required by these Rules to be served personally is deemed to have agreed to be served using the IELS.

(3) The document is deemed to be served, delivered or otherwise conveyed —

- (a) where the document is served, delivered or otherwise conveyed by electronic transmission from the computer system of the authorised user or registered user — on the date and at the time that the document becomes capable of being retrieved by the electronic filing service provider for the IELS in the computer system of that electronic filing service provider; and
- (b) where the document is remotely composed on the computer system of the electronic filing service provider

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for the IELS — on the date and at the time that the document becomes capable of being retrieved by the electronic filing service provider in the computer system of that electronic filing service provider.

(4) The person serving the document may produce a record of the service, delivery or conveyance to the person on whom the document is served which is issued by the electronic filing service provider for the IELS or the service bureau as evidence of the service, delivery or conveyance, as well as the date and time of such service, delivery or conveyance.

(5) The person serving the document may file a Registrar's certificate of service issued through the electronic filing service provider for the IELS or the service bureau in lieu of an affidavit of service and the certificate is regarded as prima facie evidence of the service, delivery or conveyance on the date and at the time as stated.

(6) Where a document has to be served, delivered or conveyed by the person serving the document to more than one person, the person serving may effect the service, delivery or conveyance using the IELS on such of those persons who are registered users or authorised users of the IELS, and paragraphs (1), (3), (4) and (5) apply with the necessary modifications.

(7) Any document which is served, delivered or otherwise conveyed by a registered user of the IELS to a person through the IELS using an identification code for the IELS is deemed to have been so served, delivered or otherwise conveyed by the registered user and with the intention of the registered user to do so.

(8) Any document which is served, delivered or otherwise conveyed by an authorised user of the IELS (other than an employee of a service bureau) to a person through the IELS using an identification code for the IELS is deemed to have been so served, delivered or otherwise conveyed —

(a) by the authorised user on behalf and with the authority of the registered user to whom the authorised user belongs; and

(b) with the intention of that registered user to do so.

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(9) Any document which is served, delivered or otherwise conveyed by an authorised user who is an employee of a service bureau, is deemed to have been so served, delivered or otherwise conveyed —

- (a) on behalf and with the authority of the person tendering the document to the service bureau for such purpose and with the intention of that person to do so; or
- (b) where the person tendering the document to the service bureau is acting as agent for the person's principal, on behalf and with the authority of the principal and with the intention of the principal to do so.

(10) To avoid doubt, it is declared that any document which is served, delivered or otherwise conveyed to a person using an identification code for the IELS in compliance with the security procedures of the IELS is a secure electronic record within the meaning of the Electronic Transactions Act 2010.

(11) Part 7, Rule 7 of these Rules applies to service effected under this Rule.

### **Interpretation, etc. (P. 28, r. 19)**

**19.—**(1) A user who has been registered as a registered user or an authorised user of the applicable electronic filing service by the Registrar of the Supreme Court under Order 28, Rule 6 of the Rules of Court 2021 is treated for the purposes of this Part as if he or she had been registered as a registered user of the IELS or an authorised user of the IELS (as the case may be) by the Registrar of the Family Justice Courts.

(2) A user who has been registered as a registered user or an authorised user of the applicable electronic filing service by the Registrar of the State Courts under Order 28, Rule 6 of the Rules of Court 2021 is treated for the purposes of this Part as if he or she had been registered as a registered user of the IELS or an authorised user of the IELS (as the case may be) by the Registrar of the Family Justice Courts.

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(3) A user who has been registered as a registered user of the IELS or an authorised user of the IELS by the Registrar of the Family Justice Courts under Rule 14, or the Rules of Court 2021, is treated for the purposes of this Part as if he or she had been registered as a registered user or an authorised user of the applicable electronic filing service by the Registrar of the Supreme Court and the Registrar of the State Courts under Order 28, Rule 6 of the Rules of Court 2021.

(4) A service bureau established or authorised to be established by the Registrar of the Supreme Court or the Registrar of the State Courts under Order 28, Rule 5 of the Rules of Court 2021 may be used to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the Family Justice Courts using the IELS, in any cases and circumstances that the Registrar of the Family Justice Courts may prescribe in practice directions issued from time to time.

(5) A service bureau established or authorised to be established by the Registrar of the Family Justice Courts under Rule 13, or the Rules of Court 2021, may be used to assist in —

(a) the filing, service, delivery or conveyance of documents pertaining to proceedings in the Supreme Court using the applicable electronic filing service, in any cases and circumstances that the Registrar of the Supreme Court may prescribe in practice directions issued from time to time; and

(b) the filing, service, delivery or conveyance of documents pertaining to proceedings in the State Courts using the applicable electronic filing service, in any cases and circumstances that the Registrar of the State Courts may prescribe in practice directions issued from time to time.

(6) In this Rule, “applicable electronic filing service” means an electronic filing service established by the Registrar of the Supreme Court or the Registrar of the State Courts under Order 28, Rule 2 of the Rules of Court 2021.

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*Division 3 — Integrated Family Application  
Management System*

**Authorised user and authorised agent (P. 28, r. 20)**

**20.**—(1) Any individual or entity may be granted access by the Registrar to use the iFAMS as an authorised user in accordance with any procedure as may be set out in any practice directions for the time being issued by the Registrar.

(2) An authorised user that is an entity may designate one or more of its partners, directors, officers or employees as an authorised agent or authorised agents, in accordance with any procedure as may be set out in any practice directions for the time being issued by the Registrar.

(3) The Registrar may allow an individual or entity to be an authorised user or an individual to be an authorised agent on such terms and conditions as the Registrar thinks fit.

(4) An individual designated under paragraph (2) by an authorised user as its authorised agent is to be given access by the administrator of the authorised user to use the iFAMS.

(5) To avoid doubt, an authorised user who is an individual cannot designate another individual as an authorised agent of the authorised user.

(6) An individual or entity that was an authorised user, or a person who was designated as an authorised agent, under rule 929E of the revoked Family Justice Rules 2014 and whose status as an authorised user or designation as an authorised agent remained in effect immediately before 15 October 2024 is deemed to have been granted access as an authorised user of the iFAMS or designated as an authorised agent of the iFAMS (as the case may be) under this Rule.

**Issuance of orders and other documents by Court (P. 28, r. 21)**

**21.**—(1) In any proceedings to which this Division applies, a Court may transmit or deliver to any person who is an authorised user or an authorised agent, any order or document that is not required to be served personally under these Rules through the iFAMS by electronic transmission.

(2) The order or document is deemed to be transmitted or delivered on the date and at the time that it is transmitted or delivered by the iFAMS.

(3) The execution of the printed form of a warrant has the same legal effect as the execution of an original warrant.

### **Sworn statements and unsworn statements (P. 28, r. 22)**

**22.**—(1) Subject to paragraph (2), Rule 11 applies to sworn statements and unsworn statements which are filed in Court using the iFAMS to the same extent and in the same manner as it applies to affidavits which are filed in Court using the iFAMS.

(2) Rule 11(2)(a) does not apply to unsworn statements which are filed in Court using the iFAMS.

### **When time for service begins to run (P. 28, r. 23)**

**23.**—(1) Where a document is filed with, served on, delivered or otherwise conveyed to the Registrar through the iFAMS by electronic transmission, the time for service of that document only begins to run from the time that the Registrar’s notification of his or her acceptance of the document is received in the computer system of the authorised agent or authorised user, as the case may be.

(2) If the Registrar’s notification mentioned in paragraph (1) is received in the computer system on a day other than a working day, it is deemed for the purpose of this Rule to have been received on the next working day.

## *Division 4 — Integrated Case Management System*

### **Authorised user and authorised agent (P. 28, r. 24)**

**24.**—(1) Any individual or entity may be granted access by the Registrar to use the ICMS as an authorised user in accordance with any procedure as may be set out in any practice directions for the time being issued by the Registrar.

(2) An authorised user that is an entity may designate one or more of its partners, directors, officers or employees as an authorised agent or authorised agents, in accordance with any procedure as may be set

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out in any practice directions for the time being issued by the Registrar.

(3) The Registrar may allow an individual or entity to be an authorised user or an individual to be an authorised agent on such terms and conditions as the Registrar thinks fit.

(4) An individual designated under paragraph (2) by an authorised user as its authorised agent is to be given access by the administrator of the authorised user to use the ICMS.

(5) To avoid doubt, an authorised user who is an individual cannot designate another individual as an authorised agent of the authorised user.

### **Issuance of orders and other documents by Court (P. 28, r. 25)**

**25.—**(1) In any proceedings to which this Division applies, a Court may transmit or deliver, to any person who is an authorised user or an authorised agent, any order or document through the ICMS.

(2) The service of the printed form of a summons transmitted electronically, or the execution of the printed form of a warrant, has the same legal effect as the service of an original summons or the execution of an original warrant.

### **Sworn statements and unsworn statements (P. 28, r. 26)**

**26.—**(1) Rule 11 applies to sworn statements which are filed in Court using the ICMS to the same extent and in the same manner as it applies to affidavits which are filed in Court using the ICMS.

(2) Unsworn statements which are filed in Court using the ICMS may be used in all proceedings to which this Division applies to the same extent and for the same purposes as paper unsworn statements filed in Court.

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**FIRST SCHEDULE**

Part 1, Rule 3(1)

**CIVIL PROCEDURE CONVENTIONS**

<i>Civil Procedure Convention</i>	<i>Gazette No.</i>
1. Convention between the United Kingdom and Austria regarding legal proceedings in civil and commercial matters	T 2/1999
2. Convention between the United Kingdom and Italy regarding legal proceedings in civil and commercial matters	T 3/1999
3. Convention between the United Kingdom and Germany regarding legal proceedings in civil and commercial matters	T 4/1999
4. Treaty on Judicial Assistance in civil and commercial matters between the Republic of Singapore and the People's Republic of China	T 2/2001
5. Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial matters done at the Hague on 15 November 1965	T 1/2023



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**SECOND SCHEDULE**

Part 3, Rule 4(1), (2), (3) and (4)

**APPLICABLE PROVISIONS OF CRIMINAL PROCEDURE CODE 2010**

<i>First column</i> <i>Applicable provision</i>	<i>Second column</i> <i>Description of applicable provision</i>
1. Section 2	Interpretation
2. Section 3	Service of notices, orders and documents
3. Section 69	Warrant to whom directed
4. Section 70	Arrest of person subject to warrant
5. Section 71	Form of arrest warrant
6. Section 72	Court may endorse on warrant security to be taken
7. Section 73	Notification of content of warrant
8. Section 74	Arrested person to be brought before court without delay
9. Section 75	How to arrest
10. Section 76	No unnecessary restraint
11. Section 77	Search of place entered by person sought to be arrested
12. Section 78	Search of person arrested and his or her premises
13. Section 79	Power to seize offensive weapons
14. Section 80	Search for name and address
15. Section 81	Detention and search of persons in place searched
16. Section 82	Mode of freeing persons
17. Section 83	Mode of searching women
18. Section 84	Power to pursue and arrest after escape or rescue
19. Section 85	Release of arrested person
20. Section 86	Public assistance in arrests

SECOND SCHEDULE — *continued*

<i>First column</i> <i>Applicable provision</i>	<i>Second column</i> <i>Description of applicable provision</i>
21. Section 87	Assisting person other than police officer to execute warrant
22. Section 91	Interpretation of Division 5 of Part 6 of Criminal Procedure Code 2010
23. Section 92(1) and (2)	When person must normally be released on bail or personal bond, or on both
24. Section 94(1) and (2)	Conditions of bail or personal bond
25. Section 96	Amount of bond
26. Section 97(1)	Powers of General Division of High Court regarding bail
27. Section 98	Application for bail or release on personal bond in General Division of High Court
28. Section 99	Bond to be executed
29. Section 100	Person to be released
30. Section 101	Released person to give address for service
31. Section 102	Withdrawal, change of conditions, etc., of bail
32. Section 103	Absconding or breaking conditions of bail or personal bond, etc.
33. Section 104	Duties of surety
34. Section 105	Surety may apply to have bond discharged
35. Section 106	Security instead of surety
36. Section 106A	Prohibition against agreements to indemnify surety, etc.
37. Section 107	Procedure for forfeiture of bond without sureties

SECOND SCHEDULE — *continued*

<i>First column</i> <i>Applicable provision</i>	<i>Second column</i> <i>Description of applicable provision</i>
38. Section 107A	Procedure for forfeiture of bond with sureties
39. Section 108	Appeal from orders
40. Section 115	Form and validity of summons, etc.
41. Section 116(1), (5)(a), (6) and (7)	Service of summons
42. Section 119	Proof of service
43. Section 120	Issue of warrant instead of or in addition to summons
44. Section 121	Service of summons: reciprocal arrangements with Malaysia and Brunei Darussalam
45. Section 149	Death of accused
46. Section 150	Initiation of criminal proceedings
47. Section 151	Examination of complaint
48. Section 152	Dismissal of complaint
49. Section 153	Issue of summons or warrant
50. Section 238(1), (2), (4) and (5)	Power to postpone or adjourn proceedings
51. Section 262	Use of affidavits sworn by witnesses
52. Section 282	Attendance of prisoner as witness
53. Section 283	Power of court to summon and examine persons
54. Section 284	When person bound to give evidence intends to leave Singapore
55. Section 285	Recording of evidence
56. Section 286	Manner of recording evidence
57. Section 288	Interpretation of evidence to accused
58. Section 289	Remarks as to demeanour of witness

SECOND SCHEDULE — *continued*

<i>First column</i> <i>Applicable provision</i>	<i>Second column</i> <i>Description of applicable provision</i>
59. Section 301(1) (including <i>Illustrations</i> )	Judgment not to be altered
60. Section 302	Judgment to be filed with record
61. Section 423	When irregularities do not make proceedings invalid
62. Section 429(1), (3), (14), (17) and (21)	Saving and transitional provisions

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## THIRD SCHEDULE

Part 25, Rule 2(1) and (2)

### COURT FEES

#### PART 1

#### DOCUMENT FEES

Document fees must be paid at the time of filing or sealing (as the case may be) of the following specified documents with the electronic filing service provider or at any time or manner that the Registrar may determine:

#### *DIVISION 1*

*ALL PROCEEDINGS IN FAMILY JUSTICE COURTS  
(EXCLUDING PROCEEDINGS UNDER CHILDREN AND  
YOUNG PERSONS ACT 1993 AND PARTS 7 AND 8 OF  
WOMEN'S CHARTER 1961)*

Division 1 applies unless a fee is provided in Division 2, 4, 5 or 6.

<i>No.</i>	<i>Item</i>	<i>Family Division of High Court  With value up to \$1 million</i>	<i>Family Division of High Court  With value of more than \$1 million</i>	<i>Family Court</i>	<i>Document to be stamped and remarks</i>
	<i>Commencement of a cause or matter</i>				
1.	On sealing or (where sealing is not required) filing of all originating applications	\$500	\$1,000	\$150	The filed copy
2.	On sealing or (where sealing is not required) filing an originating application or a summons where there is a pending legal action under section 120 or 124 of the Legal Profession Act 1966	\$300	\$500	\$150	The filed copy

THIRD SCHEDULE — *continued*

No.	Item	Family Division of High Court	Family Division of High Court	Family Court	Document to be stamped and remarks
		With value up to \$1 million	With value of more than \$1 million		
3.	On sealing or (where sealing is not required) filing an originating application for permission to commence any civil proceedings for orders under Part 3 of the Protection from Harassment Act 2014 (excluding claims under section 11 of that Act) in the Family Court pursuant to section 161(2)(c) of that Act	—	—	\$20	The filed copy
4.	On sealing or (where sealing is not required) filing a renewed originating application	\$250	\$500	\$50	The filed copy
5.	On sealing or (where sealing is not required) filing an amended originating application	\$100	\$200	\$20	The filed copy
	<i>Interlocutory applications</i>				
6.	On sealing or filing of —				The filed copy
	(a) a summons for an injunction or other similar relief	\$500	\$1,000	\$100	
	(b) a summons for setting aside service of an originating process	\$500	\$1,000	\$100	
	(c) a summons for stay of proceedings	\$500	\$1,000	\$100	
	(d) a summons for striking out the whole or any part of an originating application, a summons or a reply under Part 8, Rule 12(1)	\$500	\$1,000	\$100	

THIRD SCHEDULE — *continued*

No.	Item	Family Division of High Court	Family Division of High Court	Family Court	Document to be stamped and remarks
		With value up to \$1 million	With value of more than \$1 million		
	(e) a summons for permission to make an application for committal order, or for committal order after permission granted	\$500	\$1,000	\$100	
	(f) a summons for enforcement order	\$500	\$1,000	\$100	
	(g) a summons for a transfer of proceedings under section 29(1) or (2) of the Family Justice Act 2014	\$200	\$200	\$200	
	(h) on sealing any other summons	\$100	\$200	\$20	
	<i>Hearing in Court</i>				
7.	On late filing of a document that remains unfiled after the expiry of the period within which the document is required to be filed, excluding non-court days, if imposed by the Court	\$50 for each day that a document remains unfiled	\$50 for each day that a document remains unfiled	\$50 for each day that a document remains unfiled	The filed copy
8.	On filing written submissions — fees under Part 15, Rule 21(3) read with Part 15, Rule 21(2) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where “N” is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where “N” is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(i) first 10 pages or less exceeding the limit: \$5 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where “N” is the fee payable per page for the previous 10 pages), subject to a maximum of \$30 per page	The filed copy

THIRD SCHEDULE — *continued*

<i>No.</i>	<i>Item</i>	<i>Family Division of High Court</i>	<i>Family Division of High Court</i>	<i>Family Court</i>	<i>Document to be stamped and remarks</i>
		<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>		
	<i>Judgments and orders</i>				
9.	On entering or sealing, as the case may be —				The filed copy
	(a) a committal order under Part 24, Rule 12	\$500	\$1,000	\$150	
	(b) an enforcement order, an order of court under Part 14, Rule 4, or an order of court relating to enforcement for which no other fee is prescribed in this Part	\$500	\$1,000	\$270	
10.	On filing a renewed enforcement order or an amended enforcement order	\$100	\$200	\$50	The filed copy
11.	On sealing an order to attend court and/or to produce documents, other than an urgent order to attend court and/or to produce documents, for each witness	\$50	\$100	\$10	Order to attend court and/or to produce documents
12.	On sealing an urgent order to attend court and/or to produce documents, for each witness	\$100	\$200	\$20	Order to attend court and/or to produce documents
	<i>Note: An urgent order to attend court and/or to produce documents is an order that is issued less than 3 days before the trial of an action</i>				
13.	On entering or sealing any judgment or order of Court where no other fee is prescribed in this Schedule	\$100	\$200	\$50	Judgment or Order



THIRD SCHEDULE — *continued*

No.	Item	Family Division of High Court	Family Division of High Court	Family Court	Document to be stamped and remarks
		With value up to \$1 million	With value of more than \$1 million		
14.	On sealing or issuing any document, not being a judgment or an order, where no other fee is prescribed by this Schedule	\$50	\$100	\$20	The document sealed or issued
	<i>Assessment of costs</i>				
15.	On filing a bill of costs	\$300	\$500	\$100	Bill of Costs
16.	On assessing a bill of costs	6% of amount allowed at taxation subject to a minimum fee of \$100	6% of amount allowed at taxation subject to a minimum fee of \$100	6% of amount allowed at taxation subject to a minimum fee of \$100	Bill of Costs or Registrar's Certificate
	The Registrar may in any case require the bill of costs to be stamped before the assessment of cost with the whole or part of the amount of fees which would be payable if the bill were allowed by him or her at the full amount				
17.	On certificate of the result of the assessment of costs	\$50	\$100	\$20	Certificate
	<i>Note:</i> Where an applicant is entitled to a lump sum for costs under Part 22, Rule 12, or where, in any proceedings, a lump sum for costs is allowed by the Court in any of the cases mentioned in Part 22, Rule 12, the same fees will be payable as if a bill of costs had been assessed for the amount of such lump sum, and a certificate had been signed				

THIRD SCHEDULE — *continued*

No.	Item	Family Division of High Court	Family Division of High Court	Family Court	Document to be stamped and remarks
		With value up to \$1 million	With value of more than \$1 million		
18.	On the withdrawal of a bill of costs which has been filed for assessment of costs, such fee (not exceeding the amount which would have been payable under item 16 if the bill had been allowed in full) as appears to the Registrar to be fair and reasonable, subject to a minimum fee of:  <i>Filing</i>	\$200	\$200	\$100	Bill of Costs
19.	On filing an affidavit, for every page or part of it including exhibit annexed to it or produced with it (whether filed or not)	\$2 per page, subject to a minimum fee of \$50 per affidavit	\$2 per page, subject to a minimum fee of \$50 per affidavit	\$1 per page, subject to a minimum fee of \$10 per affidavit	The filed copy
20.	On issuance of any certificate or report by the Registry or on filing any document for which no fee is specifically provided (except for requests of an administrative nature)	\$20	\$50	\$10	The filed copy
21.	For the following on any moneys, funds or securities —  (a) on a certificate of the amount and description of the same, including the request of it  (b) on a transcript of an account on the same for each opening, including the request of it  (c) on paying, lodging, transferring or depositing the same in Court	\$50	\$100	\$20	The filed copy

THIRD SCHEDULE — *continued*

<i>No.</i>	<i>Item</i>	<i>Family Division of High Court</i>	<i>Family Division of High Court</i>	<i>Family Court</i>	<i>Document to be stamped and remarks</i>
		<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>		
	(d) on paying out of Court any of the same lodged or deposited in Court				
	(e) on a request to the Accountant-General in writing for information on the same or any transaction in his or her office				
22.	Request for payment out of moneys paid into Court under instalment order	—	—	5% of the sum to be paid out	Request
23.	<i>Urgent handling charge.</i> For each document where a request is made that the document be processed on an urgent basis, in addition to any other fees chargeable under these Rules or any other written law	16% of filing fees (but excluding the electronic filing charges)	16% of filing fees (but excluding the electronic filing charges)	16% of filing fees (but excluding the electronic filing charges)	The filed copy
24.	(1) <i>Electronic filing charge.</i> For documents filed or sent to the Court using the electronic filing service under Division 2 of Part 28 by electronic submission, in addition to any other fees chargeable under these Rules or any other written law —				The filed copy
	(a) draft judgments, draft orders or draft certificates and requests of an administrative nature	—	—	—	
	(b) bundles of documents, bundles of authorities, lists of authorities and written submissions	\$4 per document plus \$0.60 per page	\$4 per document plus \$0.60 per page	\$4 per document plus \$0.60 per page	

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 THIRD SCHEDULE — *continued*

<i>No.</i>	<i>Item</i>	<i>Family Division of High Court</i>	<i>Family Division of High Court</i>	<i>Family Court</i>	<i>Document to be stamped and remarks</i>
		<i>With value up to \$1 million</i>	<i>With value of more than \$1 million</i>		
	(c) for all other documents filed or sent to the Court	\$4 per document plus \$0.80 per page	\$4 per document plus \$0.80 per page	\$4 per document plus \$0.80 per page	
	(2) Provided that where the document is remotely composed on the computer system of the electronic filing service provider, it is deemed to comprise 2 pages				
25.	<i>Electronic service charge.</i> For the service, delivery or conveyance of documents on or to one or more registered users using the electronic filing service under Division 2 of Part 28 whether by electronic transmission or through the service bureau	\$2 per document per party served	\$2 per document per party served	\$2 per document per party served	The served copy

THIRD SCHEDULE — *continued*

*DIVISION 2*

*PROCEEDINGS UNDER  
ADOPTION OF CHILDREN ACT 2022,  
GUARDIANSHIP OF INFANTS ACT 1934,  
INTERNATIONAL CHILD ABDUCTION ACT 2010  
AND MENTAL CAPACITY ACT 2008*

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
1.	On sealing any form of commencement of a cause or matter (excluding an originating application for an adoption order)	\$60	The filed copy
2.	On sealing any form of interlocutory application including an application without notice for an injunction or order for disclosure	\$20	The filed copy
3.	On filing affidavit, for every page or part of the page including exhibit annexed to or produced with the affidavit	\$1 per page, subject to minimum fee of \$10 per affidavit	The filed copy
4.	On entering or sealing any judgment or order, whether made in Chambers or in Court	\$50	Judgment or Order
5.	On filing, sealing or amending any document	\$10	The filed document
6.	On filing any originating application for an adoption order, including the fees for filing the supporting affidavit	\$100	The filed copy
7.	On filing an application form for an uncontested application under Part 5, Rule 8	\$40	The filed copy

THIRD SCHEDULE — *continued*

## DIVISION 3

*PROCEEDINGS UNDER  
SECTIONS 54, 55, 56, 57, 58, 59 AND 60 OF  
CHILDREN AND YOUNG PERSONS ACT 1993*

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
1.	For an application by a parent or guardian under section 54(5), 55(5), 56(10), 56(11), 58(3) or 59(15) of the Children and Young Persons Act 1993	\$50	The Application
2.	On filing written submissions — fees under Part 15, Rule 21(3) read with Part 15, Rule 21(2) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$5 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where “N” is the fee payable per page for the previous 10 pages), subject to a maximum of \$30 per page	The filed copy
3.	For an application for a copy of any document	\$5 for each type of document requested in the application and \$0.50 per page of each type of document requested, subject to a total minimum fee of \$15 for each type of document requested	The Application
4.	For an application for a certified true copy of any document contained in the Court file	\$8 per document plus \$5 per page	The Application

THIRD SCHEDULE — *continued*

## DIVISION 4

PROCEEDINGS UNDER PARTS 7, 8 AND 10  
OF WOMEN'S CHARTER 1961

No.	Item	Fees	Document to be stamped and remarks
	<i>Proceedings under Parts 7 and 8 of Women's Charter 1961</i>		
1.	For an arrest warrant — for each person named in the warrant	\$1	Warrant
2.	For a warrant issued under section 71(1)(a) of the Women's Charter 1961	\$1	Warrant
3.	For a request to cancel an arrest warrant	\$10	Request
4.	For a summons to a respondent to appear — for each person named in the summons	\$1	Summons
5.	For a summons to give evidence — for each person named in the summons	\$1	Summons
6.	For an application for a copy of any document	\$5 for each type of document requested in the application and \$0.50 per page of each type of document requested, subject to a total minimum fee of \$15 for each type of document requested	The Application
7.	For an application for a certified true copy of any document contained in the Court file	\$8 per document plus \$5 per page	The Application
8.	On filing written submissions — fees under Part 15, Rule 21(3) read with Part 15, Rule 21(2) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$5 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$30 per page	The filed copy
9.	On filing an interlocutory application under Part 3, Rule 12	\$10	The Application
10.	For a request to restore or reinstate a struck-off case	\$10	Request
11.	On filing a notice of change of representation	\$10	The filed copy
12.	On filing an application for disclosure under Part 3, Rule 21(7)	\$10	The Application

THIRD SCHEDULE — *continued*

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
	<i>Proceedings under Part 10 of Women's Charter 1961</i>		
13.	On filing originating application (except an originating application for divorce, judicial separation or nullity)	\$42	The filed copy
14.	On filing an originating application for divorce, judicial separation or nullity	\$56	The filed copy
		(i) additional \$7 if the application includes claims for minor children	
		(ii) additional \$7 if the application includes claims relating to HDB property	
15.	On filing Form 71 (Notice of Proceedings) —	\$7	The filed copy
	(a) in an application under section 94		
	(b) in a matrimonial application where there is a co-respondent or person named		
16.	On filing Acknowledgment of Service	\$7	The filed copy
17.	On filing Form 4 (Notice to Contest)	\$7	The filed copy
18.	On filing a Reply	\$7	The filed copy
19.	On filing an amended originating application, Notice to Contest, Reply or documents	\$7	The filed copy
20.	On sealing any form of application	\$14	The filed copy
21.	On entering or sealing any judgment or order whether made in Chambers or in Court	\$35	Judgment or Order
22.	On filing Form 6 (Request for Trial or Hearing Date)	\$63	Request
23.	On sealing —		Order to attend court
	(a) an order to attend court and/or to produce documents, other than an urgent order to attend court and/or to produce documents, for each witness	\$7	
	(b) an urgent order to attend court and/or to produce documents, other than an urgent order to attend court and/or to produce documents, for each witness	\$14	
	<i>Note: An urgent order to attend court and/or to produce documents is an order that is issued less than 3 days before the trial of an action</i>		
24.	On filing Form 12 (Certificate of Final Judgment)	\$14	Certificate



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 THIRD SCHEDULE — *continued*

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
25.	(a) On taking or re-taking an affidavit or a declaration in lieu of an affidavit, or a declaration or an acknowledgment for each person making the same	\$14	Affidavit or Declaration
	(b) In addition to paragraph (a), for each exhibit referred to in an affidavit, a declaration, or an acknowledgment, and required to be marked	\$3.50	Affidavit or Declaration
26.	On filing an affidavit, for every page or part of the page including exhibit annexed to or produced with the affidavit (whether the exhibit is filed or not)	\$0.70 per page, subject to minimum of \$7	The filed copy
27.	On filing any other document for which no fee is specifically provided	\$7	The filed copy

THIRD SCHEDULE — *continued*

## DIVISION 5

## PROCEEDINGS UNDER VULNERABLE ADULTS ACT 2018

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
1.	For an arrest warrant — for each person named in the warrant	\$1	Warrant
2.	For a request to cancel an arrest warrant	\$10	Request
3.	For a summons to a respondent to appear — for each person named in the summons	\$1	Summons
4.	For a summons to give evidence — for each person named in the summons	\$1	Summons
5.	For an application for a copy of any document	\$5 for each type of document requested in the application and \$0.50 per page of each type of document requested, subject to a total minimum fee of \$15 for each type of document requested	The Application
6.	For an application for a certified true copy of any document contained in the Court file	\$8 per document plus \$5 per page	The Application
7.	On filing a Notice of Objection	\$50	The Notice
8.	On filing a Notice to Dispute Mental Capacity	\$50	The Notice
9.	For an application under section 17, by a person other than the Director-General or a protector, to vary, suspend or revoke an order made under section 14(1)(a), (b), (c), (d), (i) or (j)	\$50	The Application
10.	On filing an interlocutory application under Part 3, Rule 12	\$10	The Application
11.	For a request to restore or reinstate a struck-off case	\$10	Request
12.	On filing a notice of change of representation	\$10	The filed copy

THIRD SCHEDULE — *continued*

## DIVISION 6

## FEES FOR APPEALS IN ALL PROCEEDINGS

(A) *Appeals from judgment, order or decision of the Registrar under Division 2 of Part 19*

No.	Item	Family Division of High Court	Family Division of High Court	Family Court	Document to be stamped and remarks
		With value of up to \$1 million	With value of more than \$1 million		
1.	On filing a notice of appeal —				The Notice
	(a) from a judgment, an order or a decision of the Registrar made in an interlocutory application under Part 3, Rule 12 or an application for disclosure under Part 3, Rule 21(7)	—	—	\$20	
	(b) in any other proceedings	\$500	\$1,000	\$100	
2.	Any interlocutory application pending appeal	\$100	\$100	As per the applicable fees in Divisions 1 to 5, as the case may be	The Application
3.	Written submissions for appeals from Registrar under Division 2 of Part 19 — fees under Part 19, Rule 18(8) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where “N” is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where “N” is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	(i) first 10 pages or less exceeding the limit: \$5 per page  (ii) every subsequent 10 pages or less: N + \$5 per page (where “N” is the fee payable per page for the previous 10 pages), subject to a maximum of \$30 per page	The filed copy

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THIRD SCHEDULE — *continued*

*(B) Appeals to Family Division of High Court from Family Court under Division 4 of Part 19*

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
1.	On filing a notice of appeal to the Family Division of the High Court	\$600	The Notice
2.	Any interlocutory application pending appeal	\$100	The Application
3.	On filing an Appellant's Case or a Respondent's Case		(a) The Appellant's Case (b) The Respondent's Case (c) The amended Case
	(a) for cases within prescribed page limits	(i) \$600 for Appellant's Case (ii) \$300 for Respondent's Case (iii) \$200 for any amendments to Appellant's Case or Respondent's Case	
	(b) fees under Part 19, Rule 32(2) read with Part 19, Rule 32(1) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	
4.	On filing the core bundles — fees under Part 19, Rule 32(2) read with Part 19, Rule 32(1) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page (ii) every subsequent 10 pages or less: N + \$10 per page (where "N" is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	The filed copy
5.	On filing a document signifying the consent of the parties to the payment out of the security deposit to the appellant when an appeal is deemed withdrawn	\$50	The document filed

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THIRD SCHEDULE — *continued*

*(C) Appeals to Family Division of High Court from Family Court under Division 3 of Part 19*

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
1.	On filing a notice of appeal to the Family Division of the High Court	\$150	The Notice
2.	Any interlocutory application pending appeal	\$100	The Application
3.	Written submissions for appeals from a judge of the Family Court to the Family Division under Division 3 of Part 19 — fees under Part 19, Rule 23(16) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where “N” is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	The filed copy

*(D) Appeals to Family Division of High Court from proceedings under section 54, 55, 56, 57, 58, 59 or 60 of the Children and Young Persons Act 1993*

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
1.	On filing a notice of appeal to the Family Division of the High Court	\$50	The Notice
2.	Any interlocutory application pending appeal	\$100	The Application

*(E) Appeals to Family Division of High Court from Tribunals and Case Stated under Part 20*

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
1.	Written submissions for appeals from Tribunals and Case Stated under Part 20 — fees under Part 20, Rule 4(3) for pages in excess of page limit	(i) first 10 pages or less exceeding the limit: \$10 per page  (ii) every subsequent 10 pages or less: N + \$10 per page (where “N” is the fee payable per page for the previous 10 pages), subject to a maximum of \$100 per page	The filed copy
2.	Any interlocutory application pending appeal	\$100	The Application

THIRD SCHEDULE — *continued*

## PART 2

## HEARING FEES

**Hearing fees in Courts**

1. The fees payable for any cause or matter for hearing —

- (a) before a judge of the Family Division of the High Court in Court and in applications (interlocutory or otherwise) fixed for hearing in Chambers or in Court on special hearing dates;
- (b) before a judge of the Family Court in Court, including applications (interlocutory or otherwise) fixed for hearing in Court on special hearing dates;
- (c) before the Registrar sitting in the Family Division of the High Court for the assessment of damages; and
- (d) before the Registrar sitting in the Family Division of the High Court for the examination of witnesses,

are specified in the following tables:

*Table 1*

*Hearing before judge of the Family Division of High Court*

	<i>With value of up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>Document on which the stamp is to be affixed</i>	<i>Payment details</i>
1. For the whole or part of the fourth day	\$6,000	\$9,000	Request	The appellant or the applicant (as the case may be) must pay the fees and file the Request, in Form 147, at the time he or she sets the cause or matter down for hearing, files the record of appeal, files his or her request for special or further hearing dates, or at the time the Registry so requires, as the case may be.
2. For the whole or part of the fifth day	\$2,000	\$3,000	Request	
3. For each day or part of each day of the sixth to tenth days	\$3,000	\$5,000	Request	
4. For each day or part of each day subsequent to the above	\$5,000	\$7,000	Request	

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THIRD SCHEDULE — *continued*

*Table 2*

*Court hearing before judge of Family Court*

		<i>Document to be stamped</i>	<i>Payment details</i>
1. For each day or part of each day after the first day	\$500	Request	The appellant or the applicant (as the case may be) must pay the fees and file the Request, in Form 147, at the time he or she sets the cause or matter down for hearing, files the record of appeal, files his or her request for special or further hearing dates, or at the time the Registry so requires, as the case may be.

*Table 3*

*Hearing before Registrar for assessment of damages and taking of accounts*

		<i>Document to be stamped</i>	<i>Payment details</i>
1. For the whole or part of the fourth day (including the number of days taken for the determination of liability before a judge of the Family Division of the High Court)	\$1,000	Request	The party entitled to the benefit of the judgment, or the party who has obtained an order for the taking of accounts or making of inquiries (as the case may be), must pay the fees and file the Request, in Form 147, at the time of filing the notice of appointment for the assessment of damages, or the notice of appointment for the taking of accounts or the making of inquiries, or at the time the Registry so requires, as the case may be.
2. For each day or part of each day subsequent to the above	\$1,000	Request	

*Table 4*

*Hearing before Registrar for examination of witnesses*

	<i>Family Division of High Court</i>	<i>Family Division of High Court</i>			<i>Payment details</i>
	<i>With value of up to \$1 million</i>	<i>With value of more than \$1 million</i>	<i>Family Court</i>	<i>Document to be stamped</i>	
1. On every appointment for the examination of a witness	\$100	\$200	\$50	Request	The applicant must pay the fees and file the Request in Form 147 at the time of extraction of the order for examination of witnesses or at the time the Registry so requires, as the case may be.
2. On every witness sworn or examined, for each hour or part thereof	\$250	\$500	\$50	Request	

THIRD SCHEDULE — *continued*

## PART 3

## SERVICE PROVISION FEES

*PROCEEDINGS IN FAMILY JUSTICE COURTS  
(EXCLUDING PROCEEDINGS UNDER CHILDREN  
AND YOUNG PERSONS ACT 1993 AND  
PARTS 7 AND 8 OF WOMEN'S CHARTER 1961)*

Service provision fees must be paid in the manner set out in the table below or at any such time or manner that the Registrar of the Family Justice Courts may determine:

<i>No.</i>	<i>Item</i>	<i>Family Division of High Court With value of up to \$1 million</i>	<i>Family Division of High Court With value of more than \$1 million</i>	<i>Family Court</i>	<i>Document to be stamped and remarks</i>
1.	On filing a request for the service of process or notice of the same out of the jurisdiction	\$100	\$200	\$50	Request
2.	On sealing a commission or letter of request for the examination of witnesses abroad	\$100	\$200	\$50	Request
3.	On rejection of any document for administrative or clerical errors	\$25	\$25	\$5	The filed copy
4.	On every request for certified true copies of documents from the Court file  Provided that the fee under this item is not to be collected for transcripts certified by a provider of transcription services authorised by the Court	\$8 per document plus \$5 per page	\$8 per document plus \$5 per page	\$8 per document plus \$5 per page	Request
5.	On every Request for plain copies of documents from the Court file	\$5 per document plus \$0.15 per page	\$5 per document plus \$0.15 per page	\$5 per document plus \$0.15 per page	Request
6.	On every application to inspect a Court file	\$20	\$20	\$10	Request
7.	On a certified translation by an interpreter of the Court	\$45 per page or part of a page	\$45 per page or part of a page	\$45 per page or part of a page	Request



THIRD SCHEDULE — *continued*

<i>No.</i>	<i>Item</i>	<i>Family Division of High Court With value of up to \$1 million</i>	<i>Family Division of High Court With value of more than \$1 million</i>	<i>Family Court</i>	<i>Document to be stamped and remarks</i>
8.	On every request for the services of an interpreter of the Court for any hearing in open Court before the Family Division of the High Court, not being a hearing in any proceedings under any of the following Acts:  (a) the Adoption of Children Act 1939  (b) the Children and Young Persons Act 1993  (c) the Guardianship of Infants Act 1934  (d) the Maintenance of Parents Act 1995  (e) the Maintenance Orders (Reciprocal Enforcement) Act 1975  (f) the Mental Capacity Act 2008  (g) the Mental Health (Care and Treatment) Act 2008  (h) the Status of Children (Assisted Reproduction Technology) Act 2013  (i) the Vulnerable Adults Act 2018  (j) the Women's Charter 1961	\$300 per day or part of a day	\$300 per day or part of a day	—	Request
9.	For the attendance of an officer of the Court as a witness for every half day or part of the half day that he or she is necessarily absent from his or her office, including where the officer attending is required to produce the records or documents in Court or in evidence where the records or documents are left in Court	\$200 per half day or part of a half day	\$200 per half day or part of a half day	\$100 per half day or part of a half day	Request

THIRD SCHEDULE — *continued*

<i>No.</i>	<i>Item</i>	<i>Family Division of High Court With value of up to \$1 million</i>	<i>Family Division of High Court With value of more than \$1 million</i>	<i>Family Court</i>	<i>Document to be stamped and remarks</i>
10.	On taking or re-taking an affidavit or a declaration instead of an affidavit, or a declaration or an acknowledgment for each person making the same	\$25	\$25	\$25	Affidavit or Declaration
	And in addition for each exhibit referred to in an affidavit, declaration or acknowledgment and required to be marked	\$5	\$5	\$5	
11.	On each document referred to in a pre-trial examination and required to be marked	\$5	\$5	\$5	Order for pre-trial examination
12.	On taking a recognizance or bond, whether one or more than one recognizer or obliger, and whether entered into by all at one time or not	\$100	\$200	\$100	The filed copy
13.	For each attempt at service on each person of any process or proceeding required to be served by the Court or Registrar or bailiff	\$50	\$50	\$30	Request
14.	For attendance by the bailiff or the bailiff's substitutes on any place of carrying out an enforcement order, or for release of seized property —				
	(a) between 9 a.m. and 5 p.m. from Monday to Friday (excluding public holiday)	\$50 per hour or part of an hour	\$100 per hour or part of an hour	\$50 per hour or part of an hour	To be paid to the bailiff
	(b) at any other time	\$100 per hour or part of an hour	\$200 per hour or part of an hour	\$100 per hour or part of an hour	To be paid to the bailiff
15.	For each request for a date to be appointed for the carrying out of an enforcement order after the first appointment	\$100	\$200	\$100	Request

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 THIRD SCHEDULE — *continued*

<i>No.</i>	<i>Item</i>	<i>Family Division of High Court With value of up to \$1 million</i>	<i>Family Division of High Court With value of more than \$1 million</i>	<i>Family Court</i>	<i>Document to be stamped and remarks</i>
16.	For releasing property seized or attached on instruction of party obtaining the enforcement order, order of attachment of property, or order of arrest	\$50	\$100	\$20	Request
17.	On every request for the refund of the fee paid for any unused document	\$50	\$50	\$20	Request
18.	For provision of any other service where no fee is specifically provided for	\$50	\$50	\$50	

THIRD SCHEDULE — *continued*

## PART 4

## SEARCH FEES

*PROCEEDINGS IN FAMILY JUSTICE COURTS  
(EXCLUDING PROCEEDINGS UNDER  
CHILDREN AND YOUNG PERSONS ACT 1993 AND  
PARTS 7 AND 8 OF WOMEN'S CHARTER 1961)*

Search fees must be paid in the manner set out in the table below or at any time or manner that the Registrar may determine:

<i>No.</i>	<i>Item</i>	<i>Family Division of High Court With value of up to \$1 million</i>	<i>Family Division of High Court With value of more than \$1 million</i>	<i>Family Court</i>	<i>Document to be stamped and remarks</i>
1.	On every application for search of information —				
	(a) maintained in paper form per book/register per year	\$20	\$20	\$10	Request
	(b) maintained in electronic form and made available online — per search term per module per year	\$30 for subscribers; \$35 for non-subscribers	\$30 for subscribers; \$35 for non-subscribers	\$20 for subscribers; \$25 for non-subscribers	Request
	(c) where a search made under paragraph (b) produces a nil result, the following is chargeable instead of the fee in that paragraph	\$10 for subscribers; \$12 for non-subscribers	\$10 for subscribers; \$12 for non-subscribers	\$10 for subscribers; \$12 for non-subscribers	Request
	(d) maintained in electronic form and searchable at the Registry — per search term per database per year	\$20	\$20	\$10	Request

Made on 13 September 2024.

SUNDARESH MENON  
*Chief Justice.*

JUDITH PRAKASH  
*Senior Judge.*

TEH HWEE HWEE  
*Presiding Judge of the  
Family Justice Courts.*

KENNETH YAP YEW CHOY  
*Registrar of the  
Family Justice Courts.*

LIM HUI MIN  
*Director of Legal Aid.*

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(To be presented to Parliament under section 46(7) of the Family Justice Act 2014).

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**TABLE OF DERIVATIONS**

This Table of Derivations is provided for the convenience of users of the Family Justice (General) Rules 2024. It is not part of the Rules. The column “Family Justice Rules 2014” lists provisions in the revoked Family Justice Rules 2014 from which the specified provision of these Rules was derived (with or without substantial modifications), or which deal with the same subject matter as the specified provision of these Rules (although the specified provision was not derived from those provisions).

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