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FAMILY JUSTICE ACT 2014

FAMILY JUSTICE (PROBATE AND OTHER MATTERS) RULES 2024

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Division 1 — General

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 (Probate and Other Matters) Rules 2024 and come into operation on 15 October 2024 at 12.01 a.m.

Transitional provisions and application (P. 1, r. 2)

2.—(1) Subject to this Rule, these Rules apply to and in relation to all of the following proceedings in the Family Justice Courts which are commenced on or after 15 October 2024, including appeals arising from those proceedings:

(*a*) any civil proceedings under the Inheritance (Family Provision) Act 1966;

(*b*) any civil proceedings for the distribution of an intestate estate in accordance with the Intestate Succession Act 1967;

(*c*) any civil proceedings under the Legitimacy Act 1934;

(*d*) any civil proceedings under the Probate and Administration Act 1934;

(*e*) any civil proceedings under the Wills Act 1838.

(2) The Family Justice Rules 2014 (G.N. No. S 813/2014) (called the revoked Rules) as in force immediately before 15 October 2024 continue to apply to and in relation to —

(*a*) any proceedings mentioned in paragraph (1) commenced before 15 October 2024; and

(*b*) any appeal heard by the Family Division against a decision of a Family Court which was made in proceedings mentioned in sub-paragraph (*a*).

(3) 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 (1):

Order 6, except Rules 3(6), 6(5), (6) and (7), 7(7) and (8), 8(3) and 9(3)

Order 7

Order 8

Order 9, except Rules 6, 9(7)(*e*), (*f*), (*g*) and (*m*) and 17

Order 10, except Rule 5(1)(*b*), (2) and (3)

Order 11

Order 12

Order 13

Order 14, except Rules 1(6), 4(1)(*c*) and 12

Order 15, except Rules 1 and 2

Order 16, except Rule 2(6), (7), (8), (9) and (10)

Order 17

Order 22, except Rule 12

Order 28

Order 29

Order 29A

Order 32

Order 54

Order 69

Order 70.

(4) Without limiting paragraph (3), where the provisions of the Rules of Court 2021 mentioned in that paragraph apply to and in relation to any proceedings mentioned in paragraph (1), the references in the Rules of Court 2021 to a term specified in the first column of the following table are to be read as references to the term specified opposite in the second column of the table:

First column *Term in Rules of Court 2021*	*Second column* *Term under these Rules*
1. Court	(*a*) the Family Division or a judge sitting in the Family Division; (*b*) a Family Court or a judge of a Family Court, whether sitting in court or in chambers; or (*c*) in cases where he or she is empowered to act — the Registrar
2. General Division	Family Division
3. Judge	(*a*) a judge of the Family Division; (*b*) a judge of a Family Court; or (*c*) in cases where he or she is empowered to act — the Registrar
4. Registrar	Registrar of the Family Justice Courts
5. Registrar of the Supreme Court	Registrar of the Family Justice Courts

First column *Term in Rules of Court 2021*	*Second column* *Term under these Rules*
6. State Court	Family Court
7. State Courts	Family Courts
8. Sheriff	Bailiff in the Family Justice Courts

(5) 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 Order 3, Rule 8, Order 8, Rule 2, Order 25, Rule 3(2) and Order 29A of the Rules of Court 2021 are to apply with suitable modifications to those proceedings.

(6) The First Schedule sets out the categories of cases to which specific provisions of these Rules do not apply, or apply with modifications.

(7) These Rules do not apply to any appeal against a decision of the Family Division which is heard in the Court of Appeal or Appellate Division.

General definitions (P. 1, r. 3)

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

"action" means proceedings commenced by an originating claim or an originating application;

"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;

"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;

"case conference" means a case conference as described in Order 9, Rule 1 of the Rules of Court 2021;

"Civil Procedure Convention" means any of the conventions set out in the Second 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;

"claimant" includes a party in the position of a claimant in a counterclaim;

"counterclaim" has the same meaning as "statement of claim";

"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; or

(*c*) in cases where he or she is empowered to act — the Registrar;

"court fees" has the meaning given by Part 17, Rule 1;

"defence" includes a defence to a counterclaim;

"defendant" includes a party in the position of a defendant in a counterclaim;

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

"Family Division" means the Family Division of the High Court;

"Ideals" means the Ideals set out in Part 3, Rule 1(2);

"Judge" means a judge sitting in the Family Division or a judge of a Family Court and includes, in cases where he or she is empowered to act, a Registrar;

"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;

"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 Order 6, Rule 11 of the Rules of Court 2021;

"originating claim" means an originating process by which an action is commenced in Court as described in Order 6, Rule 5 of the Rules of Court 2021;

"originating process" means an originating claim or an originating application;

"pleading" includes a statement of claim, defence, defence and counterclaim, reply and reply to a defence and counterclaim;

"practice directions" means practice directions issued from time to time by the Registrar with the approval of the Presiding Judge of the Family Justice Courts;

"Registry" means the Registry of the Family Justice Courts;

"Rules" means the Family Justice (Probate and Other Matters) 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;

"statement of claim" means a statement setting out the material facts which constitute the cause of action;

"summons" means an application to Court in an action or appeal which has to be served on other parties or non-parties or both;

"summons without notice" means an application to Court in an action or appeal which does not need to be served on anyone;

"third party" means a party brought into the action by the defendant because an indemnity or contribution is sought against the third party, and "fourth party" means a party brought into the proceedings by the third party, and further parties have corresponding meanings.

(2) Subject to paragraph (3), 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.

(3) Where the provisions of the Rules of Court 2021 apply by virtue of Rule 2(3), the Forms to be used are those set out in practice directions issued from time to time under Order 26, Rule 2 of the Rules of Court 2021 by the Registrar of the Supreme Court with the approval of the Chief Justice with suitable modifications for use in the Family Justice Courts.

Practice directions (P. 1, r. 4)

4. The Registrar may issue practice directions in relation to any proceedings mentioned in rule 2(1) from time to time with the approval of the Presiding Judge of the Family Justice Courts.

PART 2

OVERVIEW

Purpose of this Part (P. 2, r. 1)

1.—(1) This Part provides an overview of an action commenced under these Rules from the date of commencement to the date of conclusion, including appeals.

(2) An action does not need to proceed in precisely the same way as set out in this Part.

Commencement and service of action (P. 2, r. 2)

2.—(1) A claimant may commence an action under these Rules by filing an originating claim or an originating application.

(2) The claimant has to take reasonable steps to serve the originating claim with a statement or claim, or the originating application supported by affidavit, on a defendant expeditiously.

Notice of intention to contest or not contest claim (P. 2, r. 3)

3.—(1) A defendant who is served an originating claim with a statement of claim has to file and serve a notice of intention to contest or not contest the claim.

(2) If the defendant fails to file and serve such a notice or states in the notice that the defendant does not intend to contest the claim, the Court may give directions for the claimant to set down the action for trial and for the claim to be tried on affidavit evidence.

Defence or affidavit and challenge to jurisdiction (P. 2, r. 4)

4.—(1) A defendant who wishes to contest an originating claim or an originating application has to file and serve his or her defence to an originating claim, or his or her affidavit if he or she wishes to introduce evidence in the originating application.

(2) If the defendant is challenging the jurisdiction of the Court on the ground that the parties have agreed to refer their dispute to arbitration or on any other ground, he or she need not file and serve his or her defence or affidavits on the merits but must file and serve a defence or affidavit stating the ground on which he or she is challenging the jurisdiction of the Court.

(3) The challenge to jurisdiction may be for the reasons that the Court —

(*a*) has no jurisdiction to hear the action; or

(*b*) should not exercise jurisdiction to hear the action.

(4) A defendant who is challenging the jurisdiction of the Court has to state so in his or her defence or affidavit, and the filing and service of such a defence or affidavit will not be treated as submission to the jurisdiction of the Court.

Case conference (P. 2, r. 5)

5.—(1) A case conference will be fixed after an originating claim or an originating application is issued.

(2) The Court may direct a party to attend the case conference personally, in addition to the party's solicitor.

(3) If no party attends the case conference or if the claimant is absent, the Court may dismiss the action.

(4) If the claimant attends the case conference but has not served the claimant's originating claim or originating application on the defendant, the Court may —

(*a*) dismiss the action if it is not satisfied that the claimant has taken reasonable steps to effect service expeditiously; or

(*b*) order the claimant to serve the action or to apply for substituted service, and fix another case conference.

(5) If the claimant attends the case conference but the defendant is absent, the Court may —

(*a*) where the claimant has filed an originating claim — give directions for the claimant to set down the action for trial and for the claim to be tried on affidavit evidence; or

(*b*) where the claimant has filed an originating application — give judgment for the claimant if the claimant proves that the originating application has been served on the defendant.

(6) If both the claimant and defendant attend the case conference but the defendant has not filed and served his or her defence or affidavit, the Court may —

(*a*) where the claimant has filed an originating claim — give directions for the claimant to set down the action for trial and for the claim to be tried on affidavit evidence; or

(*b*) give further directions for the filing and service of the defence or the defendant's affidavit.

(7) 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.

(8) The Court will consider whether there is scope for the parties to resolve their dispute other than by litigation.

(9) If the defendant is challenging the jurisdiction of the Court, the Court will —

(*a*) direct the defendant to file and serve the necessary application with a supporting affidavit;

(*b*) direct the claimant to file and serve any affidavit in reply, with no further affidavits to be filed without the Court's approval; and

(*c*) fix the application for hearing after all affidavits have been filed and served.

(10) Where —

(*a*) a notice of action has been served on any person; and

(*b*) the person files a notice of intention to contest or not contest the claim and becomes a defendant to the action,

the Court may give directions for the person to file and serve his or her defence or affidavit.

(11) A case conference may be adjourned, either generally or to a particular date, as may be appropriate.

Conduct of case conference (P. 2, r. 6)

6.—(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 Part 3 of these Rules;

(*c*) dispense with any requirement under these Rules as 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) Without affecting paragraph (1), the Court may, at a case conference, give any directions that the Court thinks fit in relation to any of the following matters:

(*a*) the filing of pleadings or affidavits in order to identify —

(i) the issues in the action; and

(ii) any person who is not a party to the action but who will or may be affected by any judgment given in the action;

(*b*) in the case of a probate action, the exchange of affidavits of testamentary scripts by the parties;

(*c*) the issuance and service of a notice of action on any person who is not a party to the action but who will or may be affected by any judgment given in the action;

(*d*) the capacity, as trustee, personal representative or mortgagee, in which any party sues or is sued.

Directions for defence or affidavit on merits (P. 2, r. 7)

7.—(1) If the defendant challenges the jurisdiction of the Court and fails, the Court will give directions to the defendant to file his or her defence or affidavit on the merits.

(2) Where there is no challenge to the jurisdiction of the Court, the Court will consider all matters necessary to bring the proceedings to a conclusion in accordance with the Ideals.

Affidavits of evidence-in-chief (P. 2, r. 8)

8. The Court may order the parties to file and exchange affidavits of evidence-in-chief of all or some witnesses after pleadings have been

filed and served but before any exchange of documents and before the Court considers the need for any application.

Applications in pending proceedings (P. 2, r. 9)

9.—(1) Where the Court does not make any order described in Rule 8, or where the Court has made an order as described in that Rule, after affidavits of evidence-in-chief of the witnesses have been filed and exchanged, the Court will give the necessary directions in respect of the following matters:

(*a*) addition or removal of parties;

(*b*) consolidation of actions;

(*c*) division of issues at trial to be heard separately;

(*d*) security for costs;

(*e*) further and better particulars of pleadings;

(*f*) amendment of pleadings;

(*g*) filing of further pleadings;

(*h*) striking out of part of an action or of the defence;

(*i*) judgment on admission of facts;

(*j*) determination of questions of law or construction of documents;

(*k*) production of documents;

(*l*) interim relief;

(*m*) expert evidence and assessors;

(*n*) independent witness and interested non-parties;

(*o*) independent counsel.

(2) If further pleadings need to be filed, the Court will order such pleadings to be filed and served.

(3) Pleadings after the defence or the defence to counterclaim cannot be filed without the Court's approval.

(4) Further affidavits cannot be filed for an originating application without the Court's approval after the defendant files the defendant's affidavit on the merits.

(5) As far as possible, the Court will order each party to file a single application pending trial for all the matters stated in paragraph (1).

(6) The Court will direct the party applying to file and serve an affidavit in support of the application and the other party to file and serve an affidavit in reply.

(7) The application will be heard after all affidavits have been filed and served.

(8) No other application may be taken out by any party at any time except as directed at the case conference or with the Court's approval, unless it is an application for any of the following:

(*a*) an injunction or a search order which may include an application for any other matter if it is incidental to the injunction or search order;

(*b*) substituted service;

(*c*) service out of Singapore;

(*d*) setting aside service of an originating process;

(*e*) striking out the whole of an action or a defence;

(*f*) stay of the whole action;

(*g*) stay of enforcement of a judgment or an order;

(*h*) 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;

(*i*) 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 order mentioned in sub-paragraph (i);

(*j*) an enforcement order;

(*k*) permission to appeal;

(*l*) transfer of proceedings under the Family Justice Act 2014;

(*m*) setting aside third party proceedings;

(*n*) permission to make an application for a committal order.

(9) The Court's approval to file further applications other than those directed at a case conference has to be sought by letter setting out the essence of the intended application and the reasons why it is necessary at that stage of the proceedings.

(10) Except in a special case and with the trial Judge's approval, no application may be taken out during the period starting 14 days before the commencement of the trial and ending when the Court has made its decision.

(11) The trial Judge's approval has to be sought by letter setting out the essence of the intended application and explaining why there is a special case.

(12) All applications to the Court have to be served on all other parties to the application except where the other party cannot or need not be served.

Appeals in applications (P. 2, r. 10)

10.—(1) Appeals against the Court's decision made in an application may be filed only if the law allows.

(2) If any party appeals against the Court's decision made in an application, the matter will proceed on appeal before the appropriate appellate Court.

(3) The appellant has to file and serve a notice of appeal on all parties who have an interest in the appeal.

(4) Where permission to appeal is required, the appellant has to apply to the lower Court or the appellate Court (as required by the

relevant written law) for such permission and serve the application for permission on all parties who have an interest in the appeal.

(5) If the lower Court (where applicable) does not grant permission to appeal, the party may apply to the appropriate appellate Court for such permission and serve the application on all parties who have an interest in the appeal.

(6) If permission to appeal is granted, the appellant has to file and serve a notice of appeal on all parties who have an interest in the appeal.

(7) Save for appeals filed under Divisions 2 and 4 of Part 12 of these Rules, the appellant has to provide security for the costs of the appeal of 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).

(8) The appeal will proceed before the appropriate appellate Court by way of rehearing on the documents filed or used by the parties before the lower Court.

(9) The parties have to file and serve on all parties who have an interest in the appeal written submissions (including any bundle of authorities) on whether the lower Court's decision should be set aside, affirmed or varied.

(10) No document other than the parties' written submissions (including any bundle of authorities) may be filed in the appeal without the approval of the appellate Court.

(11) No further evidence may be admitted without the approval of the appellate Court.

Directions for trial or hearing (P. 2, r. 11)

11.—(1) The Court will give directions for the trial or hearing, after the single application pending trial has been filed or after it has determined all applications.

(2) An action commenced by originating claim will generally be decided at a trial involving oral evidence and cross-examination.

(3) An action commenced by originating application will generally be decided at a hearing based on affidavits.

Appeals after trial or hearing (P. 2, r. 12)

12.—(1) Appeals against the Court's decision after trial or after an originating application is heard may be filed only if the law allows.

(2) If any party appeals against the Court's decision after trial or after an originating application is heard, the case will proceed on appeal before the appropriate appellate Court.

(3) The appellant has to file and serve a notice of appeal on all parties who have an interest in the appeal.

(4) Where permission to appeal is required, the party who intends to appeal has to apply to the lower Court or the appellate Court (as required by the relevant written law) for such permission and serve the application for permission on all parties who have an interest in the appeal.

(5) If the lower Court (where applicable) does not grant permission to appeal, that party may apply to the appropriate appellate Court for such permission if allowed by law.

(6) That party has to serve the application for permission to appeal on all parties who have an interest in the appeal.

(7) If permission to appeal is granted, that party has to file and serve a notice of appeal on all parties who have an interest in the appeal.

(8) The appellant has to provide security for the costs of the appeal of 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).

(9) The appellant and the respondent have to file and serve the relevant appeal documents on all parties who have an interest in the appeal.

(10) No further evidence may be admitted without the approval of the appellate Court.

Costs (P. 2, r. 13)

13.—(1) 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 at any stage of the proceedings or after the conclusion of the proceedings.

(2) The Court which heard a matter must fix the costs of the matter, unless the Court thinks fit to direct an assessment of the costs.

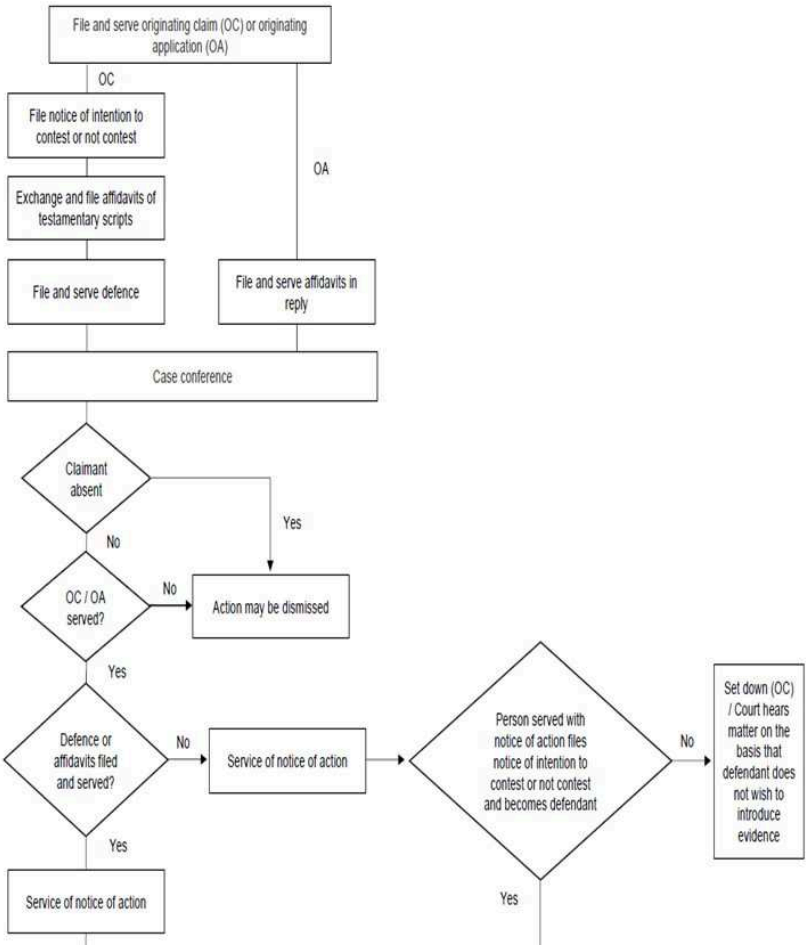
(3) In the cases to which fixed costs apply under these Rules, the amount of costs allowed are as set out in these Rules, unless the Court otherwise orders.

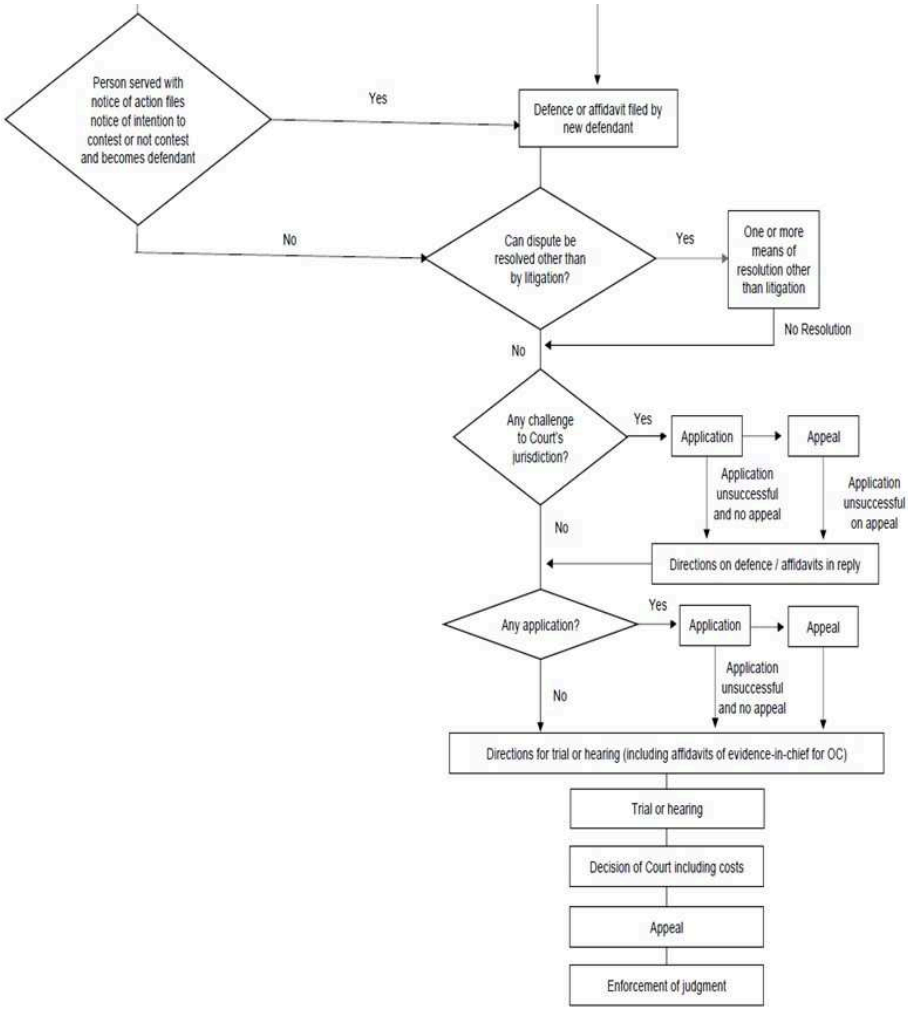
Enforcement (P. 2, r. 14)

14. To enforce a judgment, a party takes out a single application for one or more methods of enforcement.

Flowchart (P. 2, r. 15)

15. The following flowchart gives an overview of the progress of an action where the Court does not make any order described in Rule 8.


File and serve originating claim (OC) or originating application (OA)
OC
OA
File notice of intention to contest or not contest
Exchange and file affidavits of testamentary scripts
File and serve defence
File and serve affidavits in reply
Case conference
Claimant absent
Yes
No
OC / OA served?
No
Action may be dismissed
Yes
Defence or affidavits filed and served?
No
Service of notice of action
Person served with notice of action files notice of intention to contest or not contest and becomes defendant
No
Set down (OC) / Court hears matter on the basis that defendant does not wish to introduce evidence
Yes
Yes
Service of notice of action


Person served with notice of action files notice of intention to contest or not contest and becomes defendant
Yes
Defence or affidavit filed by new defendant
No
Can dispute be resolved other than by litigation?
Yes
One or more means of resolution other than litigation
No Resolution
No
Any challenge to Court's jurisdiction?
Yes
Application
Appeal
Application unsuccessful and no appeal
Application unsuccessful on appeal
No
Directions on defence / affidavits in reply
Any application?
Yes
Application
Appeal
Application unsuccessful and no appeal
No
Directions for trial or hearing (including affidavits of evidence-in-chief for OC)
Trial or hearing
Decision of Court including costs
Appeal
Enforcement of judgment

PART 3

GENERAL MATTERS

Ideals (P. 3, r. 1)

1.—(1) These Rules are to be given a purposive interpretation.

(2) These Rules seek to achieve the following Ideals in the proceedings to which these Rules apply:

(*a*) fair access to justice;

(*b*) expeditious proceedings;

(*c*) cost-effective work proportionate to —

(i) the nature and importance of the action;

(ii) the complexity of the claim as well as the difficulty or novelty of the issues and questions it raises; and

(iii) the amount or value of the claim;

(*d*) efficient use of court resources;

(*e*) fair and practical results suited to the needs of the parties.

(3) The Court must seek to achieve the Ideals 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 Ideals.

Judge-led approach to achieve Ideals (P. 3, r. 2)

2.—(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.

Hearings (P. 3, r. 3)

3.—(1) Subject to any written law or practice direction, every originating application, summons, assessment of damages, taking of accounts and appeal must be heard in chambers.

(2) All trials in originating claims must be heard in Court.

(3) The Court may at any time 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 order any matter which is to be heard in Court or in open court to be heard in chambers.

(4) As a general rule —

(*a*) attendance in hearings in chambers is restricted to the parties (if they are not legally represented) or 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.

Jurisdiction and powers of Registrar (P. 3, r. 4)

4.—(1) Subject to any written law and any directions issued by the Presiding Judge of the Family Justice Courts 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.

General powers of Court (P. 3, 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 the Court 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 Ideals.

(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) 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.

(7) Without limiting paragraph (6)(*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 as 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 as the Court thinks fit which a party must satisfy before filing any originating claim, originating application, 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*) the appointment of any expert or assessor;

(*g*) the appointment of an independent counsel;

(*h*) 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;

(*i*) 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;

(*j*) the order in which any oral evidence by a party or witness should be given;

(*k*) the time limited for giving oral evidence;

(*l*) to restrict or dispense with the cross-examination of any party or witness;

(*m*) the time limited for oral arguments;

(*n*) that the parties file and serve their written submissions (with a page limit as set out in these Rules, except in a special case) together with the bundle of authorities;

(*o*) subject to section 62A of the Evidence Act 1893, the giving of evidence through a live video or live television link;

(*p*) 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.

(8) The Court may allow the page limit mentioned in paragraph (7)(*n*) to be exceeded —

(*a*) in special circumstances; and

(*b*) unless the Court otherwise orders 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 Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (8)(*b*).

(10) The Court may, in making orders or giving directions under paragraph (6)(*b*), take into account both of the following:

(*a*) whether or not a party has complied with any relevant practice directions;

(*b*) a party's response (if any) to any offer of amicable resolution.

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

(12) 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 (13), waive the non-compliance of the Rule, written law, the Court's order or direction or practice direction;

(*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 any proceedings and give the appropriate judgment or order even though the non-compliance could be compensated by costs, if the non-compliance is inconsistent with any of the Ideals 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*) impose a fee for the rejection of any document determined in accordance with these Rules;

(*g*) make costs orders or any other orders that are appropriate.

(13) 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.

(14) The Court may, in exercising its powers under paragraph (6) or (11), make any order as to costs that it thinks fit.

(15) 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.

(16) An application under paragraph (15) must be taken out —

(*a*) where the party affected is a person under disability as defined in Part 11, Rule 1 of these Rules 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 (15) exists.

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

Calculation of time (P. 3, 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 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.

(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 day, not being a non-court day.

Extension or shortening of time (P. 3, 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 otherwise provided in these Rules, 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) The period within which a person is required by these Rules, or by any order, to serve, file or amend any pleading or other document may be extended once by consent in writing for a maximum period of 14 days without an order of the Court being made for that purpose.

Inspection of court documents (P. 3, r. 8)

8. Unless provided under 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 is not entitled to take copies of any document filed in the proceedings.

Judgment in proceedings heard in private (P. 3, 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 as 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 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*).

Applications to Court in an action (P. 3, r. 10)

10.—(1) Subject to these Rules, all applications to the Court in an action must be made by summons in Form 154 or Form 155, whichever is appropriate, and supported by affidavit.

(2) Form 154 is to be used when the summons has to be served.

(3) Form 155 is to be used when the summons need not be served on anyone and only where these Rules allow.

(4) The applicant must serve the summons and the affidavit at least 14 days before the hearing of the summons.

(5) If any party wishes to contest the application, the party must file and serve his or her affidavit within 14 days after being served with the application and affidavit.

(6) Except in a special case, the Court will not allow further affidavits to be filed after the other party files his or her affidavit under paragraph (5).

(7) An affidavit must contain all necessary evidence in support of or in opposition (as the case may be) to the application, and may contain statements of information or belief with their sources and grounds clearly stated.

(8) All applications must be served on all other parties to the application except where the other party cannot or need not be served.

Applications relating to orders under section 11A of Family Justice Act 2014 (P. 3, r. 11)

11.—(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 summons and supported by an 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

(*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 sub-paragraph (*a*),

must be made by summons and supported by an 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 from 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.

Forms (P. 3, r. 12)

12.—(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. 3, r. 13)

13.—(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. 3, r. 14)

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

Amendment of documents in proceedings (P. 3, r. 15)

15.—(1) Unless otherwise provided in these Rules, a document in the proceedings 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 from 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. 3, r. 16)

16. 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.

Methods of hearing (P. 3, r. 17)

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

Instalment payments (P. 3, r. 18)

18.—(1) Where a Court order made under any written law provides for payment by instalments, an enforcement applicant may apply for an enforcement order in respect of an instalment that is due and unpaid or, if there are several instalments due and unpaid, in respect of those instalments.

(2) In paragraph (1) —

"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 order" means an enforcement order to enforce one or more Court orders.

PART 4

PARTIES TO PROCEEDINGS AND CAUSES OF ACTION

Parties to proceedings in own name (P. 4, r. 1)

1. The following may be parties to proceedings in their own name, whether as claimant, defendant, 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.

Representation by litigation representative (P. 4, r. 2)

2.—(1) The following persons must be represented by a litigation representative in proceedings:

(*a*) a person who is below 21 years of age and who does not come under Rule 1(*a*);

(*b*) 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.

(2) A litigation representative must be a person who can be a party to proceedings in his or her own name.

(3) A litigation representative must not have any interest adverse to that of the person he or she is representing.

Representation by solicitor, etc. (P. 4, r. 3)

3.—(1) The following must be represented by a solicitor in proceedings:

(*a*) a person who is represented by a litigation representative under Rule 2(1)(*b*);

(*b*) subject to paragraphs (2), (3) and (4), any entity with the capacity to sue or be sued under any law in Singapore or elsewhere.

(2) A registered trade union may be represented by an officer of the trade union pursuant to section 26(6) of the Trade Unions Act 1940.

(3) 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 behalf of the company, variable capital company or limited liability partnership 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.

(4) 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.

(5) For the purposes of section 34(1)(*ea*) and (*eb*) and (3) of the Legal Profession Act 1966 and in this Rule, "relevant matter or proceeding" means —

(*a*) any matter or proceeding commenced in the Family Division; and

(*b*) any matter or proceeding commenced in a Family Court and any appeal from that matter or proceeding.

(6) In this Rule —

"company" means a company incorporated under the Companies Act 1967;

"Court" means —

(*a*) the Family Division, if the relevant matter or proceeding is any matter or proceeding mentioned in paragraph (5)(*a*); or

(*b*) a Family Court, if the relevant matter or proceeding is any matter, proceeding or appeal mentioned in paragraph (5)(*b*);

"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 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;

(*c*) in relation to an unincorporated association (other than a partnership or a registered trade union), means the president, the secretary, or any member of the committee of the unincorporated association; or

(*d*) in relation to a registered trade union, has the meaning given by section 2 of the Trade Unions Act 1940;

"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;

"variable capital company" has the meaning given by section 2(1) of the Variable Capital Companies Act 2018.

Representation of estates (P. 4, r. 4)

4.—(1) Where any defendant has died but a cause of action against him or her 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 (defendant's name) deceased".

(2) In any action brought against the estate of a deceased person —

(*a*) the claimant must, during the period of validity for service of the originating claim or originating application, apply to the Court for —

(i) an order appointing a person to represent the deceased's estate for the purpose of the proceedings; or

(ii) if a grant of probate or letters of 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 and either of its own motion or on application, 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.

(3) Where the Public Trustee has been appointed by an order under paragraph (2) to represent the deceased's estate, the originating claim or originating application for the action must be served on the Public Trustee, whose appointment is limited to accepting service of the originating claim or originating application unless the Public Trustee consents to take further steps in the proceedings on behalf of the estate of the defendant.

(4) Where no grant of probate or letters of administration has been made, any judgment or order given or made in the action binds the

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.

Representation of beneficiaries by trustees, etc. (P. 4, r. 5)

5.—(1) Any proceedings may be brought by or against trustees, executors or administrators in their capacity as such without joining any of the persons having a beneficial interest in the trust or 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 mentioned in that paragraph, unless the Court in the same or other proceedings otherwise orders on the ground that the trustees, executors or administrators (as the case may be) could not or did not in fact represent the interests of those persons in the firstmentioned proceedings.

(3) Paragraph (1) does not affect the power of the Court to order any person having a beneficial interest in the trust or estate (as the case may be) to be made a party to the proceedings or to make an order under Rule 8(4).

Representation of deceased person interested in proceedings (P. 4, r. 6)

6.—(1) Where in any proceedings it appears to the Court that a deceased person was interested in the matter in question in the proceedings and that he or she has no personal representative, the Court may —

(*a*) on the application of any party to the proceedings, proceed in the absence of a person representing the estate of the deceased person; or

(*b*) by order appoint a person to represent the estate of the deceased person for the purposes of the proceedings.

(2) Any such order under paragraph (1), and any judgment or order subsequently given or made in the proceedings, is binding on the estate of the deceased person to the same extent as it would have been bound had a personal representative of the deceased person been a party to the proceedings.

(3) The Court may, before making an order under this Rule, require notice of the application for the order to be given to such (if any) of the persons having an interest in the estate as it thinks fit.

Representation of parties who die or become bankrupt (P. 4, r. 7)

7.—(1) Where a party to an action dies or becomes bankrupt after the action has been commenced but the cause of action survives, the action does not terminate by reason of the death or bankruptcy.

(2) At the case conference, the Court must give directions for the further conduct of the action.

Representative proceedings (P. 4, r. 8)

8.—(1) Where numerous persons have a common interest in any proceedings, such persons may sue or be sued as a group with one or more of them representing the group.

(2) Where a group of persons is suing under this Rule, all members in the group must give their consent in writing to the representative to represent all of them in the action and they must be included in a list of claimants attached to the originating claim or the originating application.

(3) Where a group of persons is being sued under this Rule, the Court may appoint one or more of them as representative to represent those in the group who have given their consent in writing to the representative in the action and they must be included in a list of defendants attached to the order of Court.

(4) Where there is a class of persons and all or any member of the class cannot be ascertained or cannot be found, the Court may appoint one or more persons to represent the entire class or part of the class and all the known members and the class must be included in a list attached to the order of Court.

(5) A judgment or an order given in such an action is binding on all the persons and the class named in the respective lists stated in paragraphs (3) and (4).

Notice of action for non-parties (P. 4, r. 9)

9.—(1) This Rule applies to any action relating to —

(*a*) the estate of a deceased person; or

(*b*) property subject to a trust.

(2) At any stage in an action mentioned in paragraph (1), the Court may, at the case conference, direct that notice of the action be served on any person who is not a party to the action but who will or may be affected by any judgment given in the action.

(3) Every notice of an action under this Rule must be —

(*a*) in Form 156; and

(*b*) served personally with a copy of the originating claim or originating application and of all other pleadings served in the action.

(4) A person may, within 14 days after service on him or her of a notice under this Rule, file a notice of intention to contest or not contest the claim and become a defendant to the action.

(5) A person who is served a notice under this Rule and who fails to file a notice of intention to contest or not contest the claim within the time specified in paragraph (4) is, subject to paragraph (6), bound by any judgment given in the action as if he or she were a defendant to the action.

(6) If at any time after service of such notice on any person, the originating claim or originating application is amended so as substantially to alter the relief claimed, the Court may direct that the judgment is not to bind that person unless a summons is issued and served upon him or her under this Rule.

Claim for declaration without other relief (P. 4, r. 10)

10. The Court may make a declaratory judgment or order whether or not any other relief is sought.

Appointment, change and discharge of solicitor (P. 4, r. 11)

11.—(1) Where a party who was not represented by a solicitor decides to appoint a solicitor, the party must file and serve a notice of appointment of solicitor in Form 157 on all the parties.

(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) A party who intends to change his or her solicitor must file and serve a notice of change of solicitor in Form 157 on all the parties.

(4) A party who after having sued or defended by a solicitor, intends and is entitled to act in person without legal representation, must file and serve a notice of intention to act in person in Form 158 on all the parties.

(5) 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 (3) or (4), any other party may apply to the Court for an order declaring that the solicitor has ceased to be the solicitor appointed for the firstmentioned party and to give such directions as are appropriate.

(6) 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.

(7) Where a party has no solicitor acting for the party on record, the party must give notice by letter to all the parties stating an address in Singapore for service of all documents.

(8) Where a party fails to comply with paragraph (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 has no address in Singapore, the party may give notice by letter to all the other parties stating an electronic mail address for service of all documents and by doing so, 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. 4, r. 12)

12.—(1) Where a solicitor who has acted for a party in a cause or matter has ceased so to act and the party has not given notice of change in accordance with Rule 11(3), or notice of intention to act in person in accordance with Rule 11(4), the solicitor may apply to the Court for an order declaring that the solicitor has ceased to be the solicitor acting for the party in the cause or matter, and the Court may make an order accordingly, but until the solicitor serves on every party to the cause or matter (not being a party in default as to the filing of a notice of intention to contest or not contest) a copy of the order and files a notice in Form 159 of his or her having ceased to act as solicitor for the party, the solicitor is, subject to Rule 11, considered the solicitor of the party till the final conclusion of the cause of matter.

(2) An application for an order under this Rule must be made by summons in Form 160 and the summons must, unless the Court otherwise directs, be served on the party for whom the solicitor acted.

(3) The application mentioned in paragraph (2) must be supported by an affidavit stating the grounds of the application.

(4) An order in Form 161 made under this Rule does not affect the rights of the solicitor and the party for whom he or she acted as between themselves.

(5) Despite anything in paragraph (1), 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 revoked or otherwise ceased to have effect desires to proceed with the cause of matter without legal aid and appoints that solicitor or another solicitor to act on his or her behalf, Rule 11(1) applies as if that party had previously sued or defended in person.

(6) Notice that a solicitor has ceased to act for an aided person pursuant to paragraph (5) 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.

PART 5

AMICABLE RESOLUTION OF CASES

Duty to consider amicable resolution of disputes (P. 5, 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 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 to any proceedings must not reject an offer of amicable resolution unless the party has reasonable grounds to do so.

(4) 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. 5, r. 2)

2.—(1) An offer of amicable resolution and any rejection must be in writing.

(2) 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.

(3) The terms of an offer that has been made and not accepted must not be relied upon or made known to the Court until after the Court has determined the merits of the action or appeal and is dealing with the issue of costs.

(4) Any 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. 5, 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 must have regard to the Ideals and all other relevant circumstances, including —

(*a*) whether any of the parties have 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) Without affecting the Court's power under paragraph (1), if a party informs the Court that the party does not wish to attempt to resolve the dispute by amicable resolution, the Court may order the party to submit a sealed document setting out the party's reasons for such refusal.

(4) The sealed document will only be opened by the Court after the determination of the merits of the action or appeal and its contents may be referred to on any issue of costs.

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

Additional powers of Court in certain cases (P. 5, r. 4)

4.—(1) This Rule applies where —

(*a*) a notice of an action mentioned in Part 4, Rule 9(1) is served on any person (*X*) who is not a party to the action but who will or may be affected by any judgment given in the action; and

(*b*) *X* fails to file a notice of intention to contest or not contest the claim within the time specified in Part 4, Rule 9(4).

(2) The Court may, without affecting any order under Rule 3(1), order the parties —

(*a*) to attempt to resolve any dispute with *X* relating to the action by amicable resolution; and

(*b*) to notify *X* that the Court has so ordered.

(3) The Court may exercise the power under paragraph (2) at any time after the expiry of the period of 14 days after the notice of the action is served on *X* under Part 4, Rule 9.

(4) In deciding whether to exercise its power under paragraph (2), the Court must have regard to the Ideals and all other relevant circumstances.

(5) To avoid doubt, the parties' failure or inability for any reason to resolve the dispute with *X* by amicable resolution does not prevent the parties from attempting to resolve the dispute between themselves by amicable resolution.

PART 6

NON-CONTENTIOUS PROBATE PROCEEDINGS

Definitions of this Part (P. 6, r. 1)

1.—(1) In this Part —

"Majlis Ugama Islam, Singapura" means the Majlis Ugama Islam, Singapura, constituted and continued under section 3 of the Administration of Muslim Law Act 1966;

"oath" means the oath under section 28 of the Act;

"record of caveats" refers to the information kept by the Registry of caveats entered in proceedings under the Act;

"statutory guardian" means a guardian of an infant appointed by the Court under section 5, 6 or 8 of the Guardianship of Infants Act 1934 or a person granted custody, care and control of an infant under Part 3 of the Administration of Muslim Law Act 1966 or Part 10, Chapter 5 of the Women's Charter 1961;

"testamentary guardian" means a person as defined in section 7 of the Guardianship of Infants Act 1934;

"trust corporation" means a company licensed as a trust company under the Trust Companies Act 2005, and includes the Public Trustee and the Majlis Ugama Islam, Singapura;

"will" includes an oral will (also called a nuncupative will) and any testamentary document or copy or reconstruction of the testamentary document.

(2) In this Part, "Act" means the Probate and Administration Act 1934, and any reference to a section is to be construed as a reference to a section in the Act.

Duty of Registrar on receiving application for grant (P. 6, r. 2)

2.—(1) The Registrar must not allow any grant to issue until all inquiries which he or she may see fit to make have been answered to his or her satisfaction.

(2) The Registrar may require proof of the identity of the deceased or of the applicant for the grant beyond that contained in the originating application.

(3) Except with the permission of the Registrar —

(*a*) no grant of probate or of administration with the will annexed may be issued within 7 days after the deceased's death; and

(*b*) no grant of administration may be issued within 14 days after the deceased's death.

Application for grant (P. 6, r. 3)

3.—(1) An application for a grant must be by originating application without notice in Form 162.

(2) Within 14 days after filing the originating application without notice, the applicant must file an affidavit in Form 163 verifying the information in the originating application without notice and there must be exhibited to the affidavit —

(*a*) the originating application without notice;

(*b*) a copy of the will, if any; and

(*c*) all other supporting papers as the Registrar may require.

(3) On an application for a grant of administration, the originating application without notice must state —

(*a*) whether and, if so, in what manner all persons having a prior right to a grant have been cleared off; and

(*b*) whether any minority or life interest arises under the will or intestacy.

(4) Where the deceased died before 15 December 2003, the applicant for the grant must state in the originating application without notice whether, to the best of the applicant's knowledge, there is any probate application, probate action or application for resealing in respect of the deceased's estate.

(5) Where the deceased died domiciled outside Singapore, the originating application without notice must state where the deceased died domiciled.

(6) If the originating application without notice states where the deceased died (whether in or outside Singapore) a statement as to the country in which he or she died domiciled may be included in the grant.

(7) The originating application without notice must state the following:

(*a*) where any person is named as a relative of the deceased —

(i) he or she must, if a lawful relative, be so described; and

(ii) where the legality of any such relationship is alleged by virtue of any law or custom, such law or custom;

(*b*) where it is alleged that any person is entitled to share in the distribution of an intestate's estate —

(i) how such person is related to the deceased and whether he or she is the only one or one of the next-of-kin; and

(ii) by what law or custom that person is so entitled.

(8) Where an application for a grant is, for the first time, made after the lapse of 6 months from the deceased's death, the originating application without notice must set out the reason for the delay in making the application.

Grant in additional name (P. 6, r. 4)

4. Where it is necessary to describe the deceased in a grant by some name in addition to his or her true name, the applicant must state in the originating application without notice for a grant —

(*a*) the true name of the deceased; and

(*b*) that some part of the estate, specifying it, was held in the other name, or as to any other reason that there may be for the inclusion of the other name in the grant.

Engrossments for purposes of record (P. 6, r. 5)

5.—(1) Where the Registrar considers that in any particular case a photographic copy of the original will would not be satisfactory for the purposes of record, the Registrar may require an engrossment suitable for photographic reproduction to be filed.

(2) An engrossment of a will, in the form in which the will is to be proved, must be filed if —

(*a*) the will contains alterations that are not admissible to proof; or

(*b*) a court orders under section 28(1) of the Wills Act 1838 that the will be rectified so as to carry out the testator's intentions.

(3) Any engrossment filed must reproduce the punctuation, spacing and division into paragraphs of the will.

(4) Where any pencil writing appears on a will, there must be filed a copy of the will or of the pages or sheets containing the pencil writing, in which there must be underlined in red ink those portions which appear in pencil in the original.

Evidence as to due execution of will (P. 6, r. 6)

6.—(1) Subject to paragraph (2), where a will contains no attestation clause or the attestation clause is insufficient or where it appears to the Registrar that there is some doubt about the due execution of the will, the Registrar must, before admitting it to proof, require an affidavit as to due execution —

(*a*) from one or more of the attesting witnesses; or

(*b*) if no attesting witness is conveniently available, from any other person who was present at the time the will was executed.

(2) If no affidavit can be obtained in accordance with paragraph (1), the Registrar may —

(*a*) accept evidence on affidavit from any person the Registrar thinks fit to show that the signature on the will is in the handwriting of the deceased, or of any other matter which

may raise a presumption in favour of due execution of the will; and

(*b*) require that notice of the originating application without notice be given to any person who may be prejudiced by the will.

(3) The Registrar, after considering the evidence —

(*a*) must, if the Registrar is satisfied that the will was not duly executed, refuse probate and order accordingly; or

(*b*) may, if the Registrar is doubtful whether the will was duly executed, refer the matter to the Court.

Execution of will of blind or illiterate testator (P. 6, r. 7)

7. Before admitting to proof a will which appears to have been signed by a blind or illiterate testator or by another person by direction of the testator, or which for any other reason gives rise to doubt as to the testator having had knowledge of the contents of the will at the time of its execution, the Registrar must satisfy himself or herself that the testator had such knowledge.

Evidence as to terms, conditions and date of execution of will (P. 6, r. 8)

8.—(1) Where there appears in a will any obliteration, interlineation or other alteration which is not authenticated in the manner prescribed by section 16 of the Wills Act 1838, or by the re-execution of the will or by the execution of a codicil, the Registrar must —

(*a*) require evidence to show whether the alteration was present at the time the will was executed; and

(*b*) give directions as to the form in which the will is to be proved.

(2) Paragraph (1) does not apply to any alteration which appears to the Registrar to be of no practical importance.

(3) If from any mark on the will it appears to the Registrar that some other document has been attached to the will, or if a will contains any

reference to another document in such terms as to suggest that it ought to be incorporated in the will, the Registrar may —

(*a*) require the document to be produced; and

(*b*) call for such evidence in regard to the attaching or incorporation of the document as the Registrar thinks fit.

(4) Where there is a doubt as to the date on which a will was executed, the Registrar may require such evidence as he or she thinks necessary to establish the date.

Attempted revocation of will (P. 6, r. 9)

9. Any appearance of attempted revocation of a will by burning, tearing or otherwise, and every other circumstance leading to a presumption of revocation by the testator, must be accounted for to the Registrar's satisfaction.

Affidavit as to due execution, terms, etc., of will (P. 6, r. 10)

10.—(1) The Registrar may require an affidavit from any person the Registrar thinks fit for the purpose of satisfying himself or herself as to any of the matters mentioned in Rules 7, 8 and 9.

(2) Where an affidavit mentioned in paragraph (1) is sworn by an attesting witness or other person present at the time of the execution of a will the deponent must depose to the manner in which the will was executed.

Wills not proved under section 6 of Wills Act 1838 (P. 6, r. 11)

11.—(1) Rules 6, 7, 8 and 9 apply only to a will that is to be established by reference to section 6 of the Wills Act 1838.

(2) A will that is to be established otherwise than as described in paragraph (1) may be so established upon the Registrar being satisfied as to its terms and validity, and includes —

(*a*) any will to which Rule 12 applies; and

(*b*) any will which, by virtue of section 5 of the Wills Act 1838, is to be treated as properly executed if executed according to the internal law of the territory or state mentioned in that section.

Wills of persons on military service and seamen (P. 6, r. 12)

12.—(1) If it appears to the Registrar that there is prima facie evidence that a will is one to which section 27 of the Wills Act 1838 applies, the will may be admitted to proof if the Registrar is satisfied that —

(*a*) if the will is in writing — the will was signed by the testator or, if unsigned, that it is in the testator's handwriting; or

(*b*) if the will is an oral will (also called a nuncupative will) — the contents of the will have been established.

(2) An application to admit any will mentioned in paragraph (1) to proof may be made to the Court by originating application supported by an affidavit setting out the grounds of the application.

(3) Any consent in writing to the application given by any person not under disability who would be prejudiced by the application must be exhibited in the affidavit filed in support of the application.

(4) The Registrar may direct that notice be given to any person who would be prejudiced by the application.

Evidence of foreign law (P. 6, r. 13)

13.—(1) Where evidence of the law of a country or territory outside Singapore is required on any application for a grant, the Registrar may accept —

(*a*) subject to paragraph (2), the affidavit of any person whom, having regard to the particulars of the person's knowledge or experience given in the affidavit, the Registrar regards as suitably qualified to give expert evidence of the law in question; or

(*b*) a certificate by, or an act before, a notary practising in the country or territory concerned.

(2) The deponent of the affidavit mentioned in paragraph (1)(*a*), or the notary mentioned in paragraph (1)(*b*), must not be a person claiming to be entitled to the grant or his or her attorney, or the spouse of any such person or attorney.

Order of priority for grant where deceased left will (P. 6, r. 14)

14. The person or persons entitled to a grant of probate or administration with the will annexed must be determined in accordance with sections 8 and 13.

Grants to attesting witnesses, etc. (P. 6, r. 15)

15. Where a gift to any person fails by reason of section 10 of the Wills Act 1838, the person does not have any right to a grant as a beneficiary named in the will, without affecting his or her right to a grant in any other capacity.

Order of priority for grant in case of intestacy (P. 6, r. 16)

16.—(1) Where the deceased died wholly intestate, the person entitled to a grant of administration must be determined in accordance with section 18.

(2) Subject to paragraph (3), a person entitled in priority to a grant of administration may apply for —

(*a*) a grant jointly with a person entitled in a lower degree (called in this Rule the joint applicant); or

(*b*) a grant to be made to that person and to a person having no right or no immediate right to a grant as a co-administrator.

(3) Paragraph (2) does not apply if there is any other person entitled in a higher degree to the joint applicant or co-administrator (as the case may be), unless every such other person has renounced.

(4) Where an application is made under paragraph (2)(*b*), the consent of the proposed co-administrator in Form 164 must be filed with the originating application without notice.

Additional personal representatives (P. 6, r. 17)

17.—(1) An application under section 6(4) to add a personal representative must —

(*a*) be made by summons to the Registrar; and

(*b*) be supported by an affidavit by the applicant, the consent of the person proposed to be added as personal

representative and such other evidence as the Registrar may require.

(2) A summons under paragraph (1) must be served on all persons entitled in the same degree as the applicant.

(3) On any such application the Registrar may direct that a note be made on the original grant of the addition of a further personal representative, or the Registrar may impound or revoke the grant or make such other order as the circumstances of the case may require.

Grants where 2 or more persons entitled in same degree (P. 6, r. 18)

18.—(1) Subject to paragraph (2), where, on an application for probate, power to apply for a grant in the same degree is to be reserved to any executor or executors who have not renounced probate, the applicant must give notice of the application to the executor or executors to whom power is to be reserved and file a memorandum of service in Form 165 prior to the hearing of the application.

(2) The Registrar may dispense with the giving of notice under paragraph (1) if the Registrar is satisfied that the giving of such a notice is impracticable or would result in unreasonable delay or expense.

(3) A grant of administration may be made to any person entitled to the grant without notice to other persons entitled in the same degree.

(4) A dispute between persons entitled to a grant in the same degree must be brought by summons before a Judge.

(5) A person who intends to file a summons under paragraph (4) must file a caveat before filing the summons.

(6) The Judge hearing a summons under paragraph (4) may give directions in relation to the caveat filed in accordance with paragraph (5), including a direction that the caveat ceases to have effect.

(7) Unless the Judge otherwise directs, administration must be granted —

(*a*) to a living person in preference to the personal representative of a deceased person who would, if living, be entitled in the same degree; and

(*b*) to a person not under disability in preference to a person under disability entitled to the same degree.

(8) If a summons is filed under paragraph (4), the Registrar must not allow any grant to be extracted until the summons is finally disposed of.

Exceptions to rules as to priority (P. 6, r. 19)

19.—(1) Any person to whom a grant may or is required to be made under any written law is not prevented from obtaining such a grant despite the operation of Rules 14, 16 and 18.

(2) Where the deceased died domiciled outside Singapore, Rules 14, 16 and 18 do not apply except in a case to which Rule 22(2) applies.

Right of assignee to grant (P. 6, r. 20)

20.—(1) Where all the persons entitled to the deceased's estate (whether under a will or on intestacy) have assigned their whole interest in the estate to one or more persons, the assignee or assignees must replace, in the order of priority for a grant of administration, the assignor or, if there are 2 or more assignors, the assignor with the highest priority.

(2) Where there are 2 or more assignees, administration may be granted with the consent of the others to any one or more (not exceeding 4) of them.

(3) In any case where administration is applied for by an assignee, the following must be filed with the Registry:

(*a*) a copy of the instrument of assignment;

(*b*) if the instrument of assignment is chargeable with stamp duty, a copy of the stamp certificate within the meaning given by section 2(1) of the Stamp Duties Act 1929 relating to that instrument.

Grants to persons having expectation of succession (P. 6, r. 21)

21. When the beneficial interest in the whole estate of the deceased is vested absolutely in a person who has renounced his or her right to a grant and has consented to administration being granted to the person or persons who would be entitled to his or her estate if he himself or she herself had died intestate, administration may be granted to such person or one or more (not exceeding 4) of such persons.

Grants where deceased died domiciled outside Singapore (P. 6, r. 22)

22.—(1) Where the deceased died domiciled outside Singapore, an application may be made to the Registrar for an order for a grant —

(*a*) to the person entrusted with the administration of the estate by the court or authority having jurisdiction in matters of probate at the place where the deceased died domiciled;

(*b*) to the person entitled to administer the estate by the law of the place where the deceased died domiciled;

(*c*) if there is no such person as is mentioned in sub-paragraph (*a*) or (*b*) or if in the opinion of the Registrar the circumstances so require, to such person as the Registrar may direct; or

(*d*) if, by virtue of section 6, a grant is required to be made to, or if the Registrar in his or her discretion considers that a grant should be made to, not less than 2 administrators, to such person as the Registrar may direct jointly with any such person as is mentioned in sub-paragraph (*a*) or (*b*) or with any other person.

(2) Despite paragraph (1), where there is no such application mentioned in that paragraph —

(*a*) probate of any will which is admissible to proof may be granted —

(i) if the will is in the English language, to the executor named in the will; or

(ii) if the will describes the duties of a named person in terms sufficient to constitute him or her as an executor according to the tenor of the will, to that person; and

(*b*) where the whole of the estate in Singapore consists of immovable property, a grant limited to that immovable property may be made in accordance with the law which would have been applicable if the deceased had died domiciled in Singapore.

Grants to attorneys (P. 6, r. 23)

23.—(1) Where a person entitled to a grant resides outside Singapore, administration may be granted to his or her lawfully constituted attorney for that person's use and benefit, limited until that person obtains a grant or in such other way as the Registrar may direct.

(2) Administration may be granted to a lawfully constituted attorney provided that the attorney —

(*a*) files a certified true copy of the power of attorney with the originating application without notice; and

(*b*) proves that he or she has deposited it or a certified copy of it in the Registry of the Supreme Court in the manner provided by the Conveyancing and Law of Property Act 1886.

(3) Despite paragraphs (1) and (2), where the person so entitled is an executor, administration must not be granted to the person's attorney without notice to the other executors (if any), unless the Registrar dispenses with such notice.

Grants on behalf of infants (P. 6, r. 24)

24.—(1) Where the person to whom a grant would otherwise be made is an infant, administration for his or her use and benefit until he or she attains 21 years of age must, subject to paragraphs (3), (4) and (6), be granted —

(*a*) to both parents of the infant jointly or to the statutory guardian or testamentary guardian of the infant or to any guardian appointed by a court of competent jurisdiction; or

(*b*) if there is no such guardian able and willing to act and the infant has attained 16 years of age —

(i) to any next-of-kin nominated by the infant; or

(ii) where the infant is a married woman, to any such next-of-kin or to her husband if nominated by her.

(2) Any person nominated under paragraph (1)(*b*) may represent any other infant whose next-of-kin he or she is, being an infant below 16 years of age entitled in the same degree as the infant who made the nomination.

(3) Despite this Rule, administration for the use and benefit of the infant until he or she attains 21 years of age may be granted to any person assigned as guardian by order of the Registrar in default of, or jointly with, or to the exclusion of, any such person as is mentioned in paragraph (1).

(4) An order mentioned in paragraph (3) may be made on application by the intended guardian, who must file an affidavit in support of the application and, if required by the Registrar, an affidavit of fitness sworn by a responsible person.

(5) Where by virtue of section 6, a grant is required to be made to not less than 2 administrators and there is only one person competent and willing to take a grant under paragraphs (1), (2) and (3), administration may, unless the Registrar otherwise directs, be granted to such person jointly with any other person nominated by him or her as a fit and proper person to take the grant.

(6) An infant's right to administration on attaining 21 years of age cannot be renounced by any person on his or her behalf.

Grants where infant is co-executor (P. 6, r. 25)

25.—(1) Where one of 2 or more executors is an infant —

(*a*) probate may be granted to the other executor or executors not under disability, with power reserved of making the

like grant to the infant on his or her attaining 21 years of age; and

(*b*) administration for the use and benefit of the infant until he or she attains 21 years of age may be granted under Rule 24 if and only if the executors who are not under disability renounce or, on being cited to accept or refuse a grant, fail to make an effective application for a grant.

(2) An infant executor's right to probate on attaining 21 years of age cannot be renounced by any person on his or her behalf.

Grants in case of lack of mental capacity (P. 6, r. 26)

26.—(1) Where the Registrar is satisfied that a person entitled to a grant (called in this Rule the relevant person) lacks capacity (within the meaning of the Mental Capacity Act 2008) to make decisions with respect to the management and administration of his or her property and affairs, administration for the relevant person's use and benefit, limited until the relevant person ceases to lack mental capacity and obtains a grant for himself or herself or in such other way as the Registrar may direct, may be granted —

(*a*) to the person authorised by the Court to apply for a grant;

(*b*) to the donee authorised to make decisions about the relevant person's property and affairs under a lasting power of attorney; or

(*c*) where there is no person so authorised, to such other person as the Registrar may by order direct.

(2) Unless the Registrar otherwise directs, no grant of administration is to be made under paragraph (1) unless all persons entitled in the same degree as the relevant person have been cleared off.

(3) The right of the relevant person to probate or administration when he or she regains capacity cannot be renounced by any person on his or her behalf.

Grants to trust corporations and other corporate bodies (P. 6, r. 27)

27.—(1) Where a trust corporation applies for a grant through one of its officers, that officer must —

(*a*) file an affidavit exhibiting a certified copy of the resolution authorising him or her to make the application; and

(*b*) state in the affidavit that the corporation is a trust corporation, and that it has power to accept a grant.

(2) Where a trust corporation applies for a grant of administration otherwise than as attorney for some person, the affidavit must also exhibit the consents of all persons entitled to a grant and of all persons interested in the residuary estate of the deceased, unless the Registrar directs that such consents be dispensed with on such terms (if any) as the Registrar thinks fit.

(3) Where a corporation (not being a trust corporation) would, if an individual, be entitled to a grant —

(*a*) administration for its use and benefit, limited until further representation is granted, may be granted —

(i) to its nominee; or

(ii) if the corporation has its principal place of business outside Singapore, to its nominee or lawfully constituted attorney; and

(*b*) a copy of the resolution appointing the nominee or the power of attorney (as the case may be), sealed by the corporation or otherwise authenticated to the Registrar's satisfaction, must be exhibited in the affidavit filed for the grant, and the affidavit must state that the corporation is not a trust corporation.

Renunciation of probate and administration (P. 6, r. 28)

28.—(1) Renunciation of probate by an executor does not operate as renunciation of any right which he or she may have to a grant of administration in some other capacity unless he or she expressly renounces such right.

(2) Unless the Registrar otherwise directs, no person who has renounced administration in one capacity may obtain a grant of administration in some other capacity.

(3) A renunciation of probate or administration may be withdrawn by permission of the Court in accordance with section 5.

(4) Despite paragraph (3), permission may be given only in exceptional circumstances to an executor to withdraw a renunciation of probate after a grant has been made to some other person entitled in a lower degree.

(5) A written renunciation of a right to a grant under section 3 must be in one of the forms in Form 166.

Notice to Attorney-General of intended application for grant (P. 6, r. 29)

29. In any case in which it appears that the Government is or may be beneficially interested in the estate of a deceased person —

(*a*) notice of intended application for a grant must be given by the applicant to the Attorney-General; and

(*b*) the Registrar may direct that no grant may be issued within a specified time after the notice has been given.

Administration oath (P. 6, r. 30)

30. An administration oath under section 28 must be in Form 167 and must be attested to by any of the following persons:

(*a*) a commissioner for oaths;

(*b*) where the administration oath is taken outside Singapore, a notary public or any other person authorised by the law in the place where the document is executed to administer oaths.

Administration bonds (P. 6, r. 31)

31.—(1) An administration bond under section 29 must be in Form 168 and the signature of the administrator and any surety (not being in either case a corporation) must be attested by any of the following persons:

(*a*) a commissioner for oaths;

(*b*) where the administration bond is made outside Singapore, a notary public or any other person authorised by the law in the place where the document is executed to administer oaths.

(2) Except in a case to which paragraph (3) applies or where the Registrar otherwise directs, there must be 2 sureties to every administration bond.

(3) No surety is required on an application for a grant of administration —

(*a*) by a trust corporation, whether alone or jointly with an individual;

(*b*) by an employee of the Government acting in his or her official capacity; or

(*c*) where the deceased left no estate.

(4) The Registrar must so far as possible satisfy himself or herself that every surety to an administration bond is a responsible person.

(5) Unless the Registrar otherwise directs, no person is to be accepted as a surety unless he or she is resident in Singapore.

(6) No officer of the Registry is to become a surety without the permission of the Registrar.

(7) Where the proposed surety is a corporation (other than a trust corporation), the proper officer of the corporation must file an affidavit —

(*a*) to the effect that it has power to act as surety and has executed the bond in the manner prescribed by its constitution; and

(*b*) containing sufficient information as to the financial position of the corporation to satisfy the Registrar that its assets are sufficient to satisfy all claims which may be made against it under any administration bond in respect of which it is or is likely to become a surety.

(8) Despite paragraph (7), the Registrar may, instead of requiring an affidavit in every case, accept an affidavit made no less than once in every year together with an undertaking by the corporation to notify the Registrar as soon as practicable in the event of any alteration in its constitution affecting its power to become surety to administration bonds.

(9) An application under section 31 for an order to assign an administration bond must —

(*a*) be made by summons to the Registrar; and

(*b*) be served on the administrator and on every surety.

Forms of grants (P. 6, r. 32)

32. A grant made under the Act and this Part must be in one of the forms in Form 169.

Amendment and revocation of grant (P. 6, r. 33)

33.—(1) If the Registrar is satisfied that a grant should be amended or revoked, he or she may make an order accordingly.

(2) Despite paragraph (1), a grant may be amended or revoked under that paragraph only —

(*a*) in special circumstances; or

(*b*) on the application or with the consent of the person to whom the grant was made.

Caveats (P. 6, r. 34)

34.—(1) Any person may, at any time after the death of a deceased person and before probate or letters of administration have been granted to his or her estate, enter a caveat if he or she wishes to —

(*a*) ensure that no grant is made without notice to the person; and

(*b*) be given an opportunity to contest the right to a grant.

(2) Any person who wishes to enter a caveat (called in this Part the caveator) may do so by filing the caveat in Form 170.

(3) Except as otherwise provided by this Part, a caveat remains in force for 6 months from the date on which it is entered and then ceases to have effect, without affecting the entry of a further caveat or caveats.

(4) The Registrar must maintain a record of caveats and on receiving an application for a grant, must cause the record of caveats to be searched.

(5) The Registrar must not make any grant if he or she has knowledge of an effective caveat in respect of the grant.

(6) Despite paragraph (5), no caveat operates to prevent the making of a grant on the day on which the caveat is filed.

(7) A caveator may be warned by the issue from the Registry of a warning in Form 171 at the instance of any person interested (called in this Rule the person warning) which must state his or her interest and, if he or she claims under a will, the date of the will, and must require the caveator to give particulars of any contrary interest which he or she may have in the deceased's estate.

(8) Every warning mentioned in paragraph (7) or a copy of the warning must be served on the caveator.

(9) A caveator who —

(*a*) does not file a notice of intention to contest or not contest the warning in Form 172; or

(*b*) files a notice of intention not to contest the warning in Form 172,

may at any time withdraw his or her caveat by filing a notice of withdrawal and the caveat ceases to have effect upon the filing of the notice of withdrawal.

(10) Where a caveator who has been warned withdraws his or her caveat under paragraph (9), he or she must serve the notice of withdrawal of the caveat to the person warning.

(11) A caveator having an interest contrary to that of the person warning —

(*a*) may, within 14 days after service of the warning on the caveator, or at any time thereafter if no summons and affidavit have been filed under paragraph (15), file a notice of intention to contest or not contest the warning in Form 172; and

(*b*) must serve on the person warning a copy of the notice of intention to contest or not contest the warning.

(12) A caveator having no interest contrary to that of the person warning but wishing to show cause against the making of a grant to the person warning —

(*a*) may, within 14 days after service of the warning on the caveator, or at any time thereafter if no summons and affidavit have been filed under paragraph (15), file a notice of intention to contest or not contest the warning in Form 172; and

(*b*) must serve on the person warning a copy of the notice of intention to contest or not contest the warning.

(13) A caveator who files a notice of intention to contest or not contest the warning must, unless the Court gives permission to the contrary, file and serve a summons for directions before the expiration of 21 days after the date the warning is served on the caveator.

(14) The summons for directions mentioned in paragraph (13) may include directions for the following:

(*a*) the determination of any issue in dispute in a summary manner;

(*b*) that a probate action is to be commenced under Part 7, including the party that is to commence the action;

(*c*) where the deceased died domiciled outside Singapore, a stay of proceedings pending a determination by the courts of the country of the deceased's domicile.

(15) If the time limited for filing the notice of intention to contest or not contest the warning has expired and the caveator —

(*a*) has not filed the notice of intention to contest or not contest the warning; or

(*b*) having filed the notice of intention to contest or not contest the warning, has not served a summons for directions under paragraph (13),

the person warning may file an affidavit showing that the warning was duly served and apply by summons for an order for the caveat to cease to have effect.

(16) Except with the permission of the Registrar, no further caveat may be entered by or on behalf of any caveator whose caveat has ceased to have effect under paragraph (15) or Rule 37.

(17) Upon the issuance of a summons for directions under paragraph (13), the matter is deemed to be contested and the expenses of entry of such caveat, the warning mentioned in paragraph (7), the notice of intention to contest or not contest the warning and the issuance of the summons for directions are considered as costs in the cause.

(18) In this Rule, "grant" includes a grant by any court or authority having jurisdiction in matters of probate outside Singapore which is produced for resealing.

Contested matters (P. 6, r. 35)

35. Every contested matter must be referred to a Judge who may dispose of the matter in dispute in a summary manner or direct that the provisions of Part 7 are to apply.

Notice of commencement of probate action (P. 6, r. 36)

36. Upon the commencement of a probate action, the Registrar is, in respect of each caveat then in force (other than a caveat entered by a party to the probate action), to give to the caveator notice of the commencement of the action and, upon the subsequent entry of a caveat at any time when the action is pending, is to likewise notify the caveator of the existence of the action.

Effect of caveat, etc., upon commencement of probate action (P. 6, r. 37)

37. Unless the Registrar by order made on summons otherwise directs —

(*a*) any caveat in force at the commencement of proceedings by way of citation, unless withdrawn, remains in force until an application for a grant is made by the person shown to be entitled to the grant by the decision of the Court in such proceedings, and upon such application any caveat entered by a party who had notice of the proceedings ceases to have effect;

(*b*) any caveat in respect of which a summons for directions has been issued remains in force until the commencement of a probate action or the making of an order for the caveat to cease to have effect; and

(*c*) the commencement of a probate action, whether or not any caveat has been entered, operates to prevent the sealing of a grant (other than a grant under section 20) until an application for a grant is made by the person shown to be entitled to the grant by the decision of the Court in such action, and upon such application any caveat entered by a party who had notice of the action, or by a caveator who was given notice under Rule 36, ceases to have effect.

Citations (P. 6, r. 38)

38.—(1) Every citation in one of the forms in Form 173 must issue from the Registry.

(2) Every averment in a citation, and such other information as the Registrar may require, must be verified by an affidavit sworn by the person issuing the citation (called in this Part the citor) or, if there are 2 or more citors, by one of them.

(3) Despite paragraph (2), the Registrar may in special circumstances accept an affidavit sworn by the citor's solicitor.

(4) The citor must enter a caveat before issuing a citation.

(5) Every citation must be served personally on the person cited unless the Registrar, on an application for substituted service with a supporting affidavit, directs some other mode of service, which may include notice by advertisement.

(6) Where a citation refers to a will, a copy of the will must be filed in the Registry before the citation is issued, except where the will or a copy of it is not in the citor's possession and the Registrar is satisfied that it is impracticable to require it to be filed.

(7) A person who has been cited may, within 14 days after service of the citation on him or her, or at any time thereafter if no application has been made by the citor under Rule 39(6) or 40(2), file a notice of intention to contest or not contest the citation in Form 172 in the Registry.

(8) The person who has been cited and who has filed a notice of intention to contest or not contest the citation under paragraph (7) must serve on the citor a copy of that notice.

Citation to accept or refuse or to take grant (P. 6, r. 39)

39.—(1) A citation to accept or refuse a grant may be issued at the instance of any person who would himself or herself be entitled to a grant in the event of the person cited renouncing his or her right to the grant.

(2) Where power to make a grant to an executor has been reserved, a citation calling on him or her to accept or refuse a grant may be issued at the instance of —

(*a*) the executors who have proved the will; or

(*b*) the executors of the last survivor of deceased executors who have proved the will.

(3) A citation calling on an executor who has intermeddled in the deceased's estate to show cause why the executor should not be ordered to take a grant may be issued at the instance of any person interested in the estate at any time after the expiration of 6 months from the deceased's death.

(4) Despite paragraph (3), no citation to take a grant must issue while proceedings as to the validity of the will are pending.

(5) A person cited who is willing to accept or take a grant may apply by originating application without notice to the Registrar for an order for a grant on filing an affidavit showing that he or she has filed a notice of intention to contest or not contest the citation in Form 172 and that he or she has not been served by the citor with any application for a grant to the citor.

(6) If —

(*a*) the time limited for filing a notice of intention to contest or not contest the citation has expired and the person cited has not filed such a notice; or

(*b*) the person cited files a notice of intention not to contest the citation,

the citor may —

(*c*) in the case of a citation under paragraph (1), apply to the Registrar for —

(i) an order that the person cited is deemed to have renounced his or her right to probate or letters of administration; and

(ii) permission to apply for a grant to the citor;

(*d*) in the case of a citation under paragraph (2), apply to the Registrar for an order that a note be made on the grant that the executor in respect of whom power was reserved has been duly cited and has not filed a notice of intention to contest or not contest the citation or has not contested the citation (as the case may be) and that all his or her rights in respect of the executorship have wholly ceased; and

(*e*) in the case of a citation under paragraph (3), apply to the Registrar by summons for an order requiring such person to take a grant within a specified time or for permission to apply for a grant to the citor or some other person specified in the summons.

(7) An application under paragraph (6) must be by summons supported by an affidavit showing that the citation was duly served and that the person cited has not filed a notice of intention to contest

or not contest the citation, or has filed a notice of intention not to contest the citation, as the case may be.

(8) If the person cited has filed a notice of intention to contest the citation but has not applied for a grant under paragraph (5), or has failed to prosecute his or her application for a grant with reasonable diligence, the citor may —

(*a*) in the case of a citation under paragraph (1), apply by summons supported by an affidavit to the Registrar for —

(i) an order that the person cited is deemed to have renounced his or her right to probate or letters of administration; and

(ii) permission to apply for a grant to the citor;

(*b*) in the case of a citation under paragraph (2), apply by summons supported by an affidavit to the Registrar for an order striking out the notice of intention to contest or not contest the citation and for the endorsement on the grant of a note mentioned in paragraph (6)(*d*); and

(*c*) in the case of a citation under paragraph (3), apply by summons supported by an affidavit to the Registrar for an order requiring the person cited to take a grant within a specified time or for permission to apply for a grant to the citor or some other person specified in the summons.

(9) Unless the Registrar otherwise directs, any summons and affidavit filed under this Rule must be served on the person cited.

Citation to propound will (P. 6, r. 40)

40.—(1) A citation to propound a will must be directed to the executors named in the will and to all persons interested under the will, and may be issued at the instance of any citor having an interest contrary to that of the executors or such other persons.

(2) The citor may apply by summons to the Registrar for permission to apply for a grant as if the will were invalid if —

(*a*) the person cited has filed a notice of intention to contest or not contest the citation stating that he or she does not intend to contest the citation;

(*b*) the time limited for filing a notice of intention to contest or not contest the citation has expired and no person cited has filed such a notice; or

(*c*) no person cited who has filed a notice of intention to contest or not contest the citation stating that he or she intends to contest the citation proceeds with reasonable diligence to propound the will.

(3) Unless the Registrar otherwise directs, any summons filed under paragraph (2) must be served on the person cited.

Address for service (P. 6, r. 41)

41. All caveats, citations, warnings and notices of intention to contest or not contest must contain an address for service within the jurisdiction.

Application for order to bring in will or to attend for examination (P. 6, r. 42)

42. An application under section 54, for an order requiring a person to bring in a will or to attend for examination, must be made to a Judge by originating application or summons (as the case may be), and the originating application or summons must be served on every such person.

Applications in respect of copies of wills (P. 6, r. 43)

43.—(1) An application for an order admitting to proof a will contained in a copy, a completed draft, a reconstruction or other evidence of its contents where the original will is not available may be made to the Court by originating application.

(2) Despite paragraph (1), where a will is not available because it is retained in the custody of a foreign court or official, a duly authenticated copy of the will may be admitted to proof by virtue of section 11 without an order mentioned in that paragraph.

(3) The application must be supported by an affidavit setting out the grounds of the application and by such evidence on affidavit as the applicant can adduce as to —

(*a*) the due execution of the will;

(*b*) its existence after the death of the testator or the fact on which the applicant relies to rebut the presumption that the will has been revoked by destruction;

(*c*) the accuracy of the copy or other evidence of the contents of the will; and

(*d*) in the case of a reconstruction of a will, the accuracy of that reconstruction.

(4) Any consent in writing to the application given by any person not under disability who would be prejudiced by the application must be exhibited in the affidavit filed in support of that application.

(5) The Registrar may direct that notice of the application be given to any person who would be prejudiced by the application.

Issue of copies of will, etc. (P. 6, r. 44)

44.—(1) A copy of the whole or any part of a will which has been deposited in the Registry may, on payment of the prescribed fee, be obtained from the Registry.

(2) Where copies are required of original wills or other documents deposited in the Registry, the copies may be photographic copies certified under the hand of the Registrar to be true copies and sealed with the seal of the Family Justice Courts.

Inspection, etc., of original will or other testamentary documents (P. 6, r. 45)

45.—(1) Any original will or other testamentary document that is the subject matter of an application for a grant under the Act which has been deposited in the Registry must not be removed from the Registry or inspected without the order of the Registrar.

(2) No original will or other testamentary document in the custody of the Registrar may be inspected or copied except in the presence of a proper officer under the directions of the Registrar.

Resealing (P. 6, r. 46)

46.—(1) An application for the resealing of probate or letters of administration under section 47 may be made by the person to whom the grant was made or by his or her lawfully constituted attorney.

(2) An application for resealing must be by originating application without notice in Form 162.

(3) Within 14 days after filing the originating application without notice, the applicant must file an affidavit in Form 163 verifying the information in the originating application without notice and there must be exhibited to the affidavit —

(*a*) the originating application without notice;

(*b*) a copy of the sealed original foreign grant or sealed certified true copy of the foreign grant;

(*c*) a copy of the will, if any; and

(*d*) all other supporting papers as the Registrar may require.

(4) Where the deceased died before 15 December 2003, the applicant must state in the originating application without notice whether, to the best of the applicant's knowledge, there is any probate application, probate action or application for resealing in respect of the deceased's estate.

(5) An attorney making an application for the resealing of probate or letters of administration under section 47 must —

(*a*) file a certified true copy of the power of attorney with the originating application without notice; and

(*b*) prove that he or she has deposited it or a certified copy of it in the Registry of the Supreme Court in the manner provided by the Conveyancing and Law of Property Act 1886.

(6) No limited grant may be sealed except with the permission of the Registrar.

(7) Every grant lodged for resealing must include a copy of any will to which the grant relates which has been certified as correct by or under the authority of the court by which the grant was made.

(8) The Registrar must send notice of the resealing to the court which made the grant.

(9) The memorandum of resealing a grant of probate or letters of administration and the form of notice of resealing the grant pursuant to the Act must be in Forms 174 and 175, respectively.

PART 7

CONTENTIOUS PROBATE PROCEEDINGS

Definition of this Part (P. 7, r. 1)

1. In this Part, "will" includes a codicil.

Requirements in connection with issue of originating claim (P. 7, r. 2)

2.—(1) A probate action must be begun by originating claim, and the originating claim must be issued out of the Registry.

(2) An originating claim beginning a probate action must be endorsed by a statement of the nature of the interest of the claimant and of the defendant in the deceased's estate to which the action relates.

Service of originating claim out of jurisdiction (P. 7, r. 3)

3.—(1) Subject to paragraph (2), service out of the jurisdiction of an originating claim by which a probate action is begun is permissible with the permission of the Court.

(2) Order 8 of the Rules of Court 2021 applies in relation to an application for the grant of permission under this Rule.

Intervener in probate action (P. 7, r. 4)

4.—(1) A person not party to a probate action may apply to the Court for permission to intervene in a probate action.

(2) An application under this Rule must be made by summons supported by an affidavit showing the interest of the applicant in the deceased's estate.

(3) An applicant who obtains permission to intervene in a probate action must file a notice of intention to contest or not contest in Form 176 in the action stating that the applicant intends to contest the claim.

(4) Where the Court grants permission under this Rule, it may give such directions as to the service of pleadings, the filing of an affidavit of testamentary scripts or other matters as it thinks necessary.

Notice of action (P. 7, r. 5)

5.—(1) A notice of action in accordance with Part 4, Rule 9 may be issued against any person not a party to the probate action who has an adverse interest to a party to the action notifying that person that if he or she does not file a notice of intention to contest or not contest judgment may be given in the action without further notice to him or her.

(2) A party who has served a notice of action on any person in accordance with paragraph (1) must file a memorandum of service in relation to the service before the case conference.

Filing of notice of intention to contest or not contest (P. 7, r. 6)

6.—(1) A notice of intention to contest or not contest a claim must be filed in accordance with Order 6, Rule 6(1) to (4) of the Rules of Court 2021.

(2) A person who obtains permission of the Court to intervene in a probate action under Rule 4 or a person served with a notice of action under Rule 5(1) must file a notice of intention to contest or not contest as a defendant to the probate action.

Revocation of existing grant (P. 7, r. 7)

7.—(1) This Rule applies where the Registry has issued a printed grant of probate of the will or letters of administration of the estate of a deceased person.

(2) In a probate action which seeks the revocation of a grant of probate or letters of administration, every person who is entitled or claims to be entitled to administer the estate of a deceased person under that grant must be made a party to the claim.

(3) Where, at the commencement of a probate action for the revocation of a grant of probate or letters of administration, the probate or letters of administration (as the case may be) have not been filed in court, the following apply:

(*a*) if the claimant is the person to whom the grant is made, he or she must file the printed probate or letters of administration (as the case may be) in the Registry before filing the originating claim;

(*b*) if any defendant to the probate action has the printed probate or letters of administration (as the case may be) in his or her possession or under his or her control, he or she must file it in the Registry within 14 days after the date the originating claim is served on him or her.

(4) Any person who fails to comply with paragraph (2) may, on the application of any party to the probate action, be ordered by the Court to file the printed grant of probate or letters of administration in the Registry within the time specified by the Court, and any person against whom such an order is made is not entitled to take any step in the action without the permission of the Court until he or she has complied with the order.

Affidavit of testamentary scripts (P. 7, r. 8)

8.—(1) Unless the Court otherwise directs, the claimant and every defendant who has filed a notice of intention to contest or not contest in a probate action must swear an affidavit —

(*a*) describing and exhibiting any testamentary script of the deceased person, whose estate is the subject of the action,

of which he or she has any knowledge or, if such be the case, stating that he or she knows of no such script; and

(*b*) if any such script of which he or she has knowledge is not in his or her possession or under his or her control —

(i) giving the name and address of the person in whose possession or under whose control it is; or

(ii) stating that he or she does not know the name or address of that person, as the case may be.

(2) Any script mentioned in paragraph (1) which is in the possession or under the control of the deponent must be annexed to his or her affidavit, unless the Court otherwise directs.

(3) Any affidavit of testamentary scripts required by this Rule must —

(*a*) be exchanged within 14 days after the filing of a notice of intention to contest or not contest by a defendant to the action; and

(*b*) unless the Court otherwise directs, be filed not less than 7 days before the hearing of the claimant's application to set down the action for trial.

(4) Where any testamentary script required by this Rule to be exhibited or any part of the script is written in pencil, then, unless the Court otherwise directs —

(*a*) a facsimile copy of that script, or of the page or pages of that script containing the part written in pencil, must also be filed; and

(*b*) the words which appear in pencil in the original must be underlined in red ink in the copy.

(5) In this Rule, "testamentary script" means a will or draft of the will, written instructions for a will made by or at the request or under the instructions of the testator and any document purporting to be evidence of the contents, or to be a copy, of a will which is alleged to have been lost or destroyed.

Default of notice of intention to contest or not contest (P. 7, r. 9)

9.—(1) Where any defendant to a probate action does not file a notice of intention to contest or not contest, the claimant, upon filing an affidavit proving due service of the originating claim on that defendant may, after the time limited for filing a notice of intention to contest or not contest has expired, proceed with the action as if that defendant had filed such a notice.

(2) Where the defendant, or all the defendants, to a probate action does not or do not file a notice of intention to contest or not contest, and none of the persons (if any) served with a notice of action under Rule 5(1) has filed a notice of intention to contest or not contest, then, unless on the claimant's application the Court orders the action to be discontinued, the claimant may, after the time limited for filing a notice to contest or not contest has expired, apply to the Court for permission to set down the action for trial.

(3) At the time of making an application for permission under paragraph (2), the claimant must —

(*a*) file an affidavit proving —

(i) due service of the originating claim on the defendant or all of the defendants, as the case may be; and

(ii) due service of the notice of action on each person to whom a notice of action is issued under Rule 5(1); and

(*b*) file an affidavit of testamentary scripts under Rule 8.

(4) Where the Court grants permission under paragraph (2), it may direct that the action be tried on affidavit evidence.

Service of statement of claim (P. 7, r. 10)

10. The claimant in a probate action must, unless the Court gives permission to the contrary or a statement of claim is endorsed on the originating claim —

(*a*) serve a statement of claim on every defendant who files a notice of intention to contest or not contest in the action; and

(*b*) serve the statement of claim before the expiration of 4 weeks after the filing of the notice of intention to contest or not contest by that defendant or of 14 days after the exchange of affidavits under Rule 8, whichever is the later.

Service of defence (P. 7, r. 11)

11.—(1) A defendant in a probate action who is served in Singapore must file and serve a defence to the originating claim within 28 days after the statement of claim is served on the defendant.

(2) A defendant in a probate action who is served out of Singapore must file and serve a defence to the originating claim within 6 weeks after the statement of claim is served on the defendant.

Counterclaim (P. 7, r. 12)

12. A defendant to a probate action who alleges that he or she has any claim or is entitled to any relief or remedy in respect of any matter relating to the grant of probate of the will, or letters of administration of the estate, of the deceased person which is the subject of the action must add to his or her defence a counterclaim in respect of that matter.

Contents of pleadings (P. 7, r. 13)

13.—(1) A claimant in a probate action who disputes the interest of a defendant must allege in his or her statement of claim that he or she denies the interest of that defendant.

(2) In a probate action in which the interest by virtue of which a party claims to be entitled to a grant of letters of administration is disputed, the party disputing that interest must show in his or her pleading that if the allegations made in the pleadings are proved he or she would be entitled to an interest in the estate.

(3) Any party who pleads that at the time when a will, the subject of the action, was alleged to have been executed the testator did not know and approve of its contents must specify the nature of the case on which he or she intends to rely.

(4) No allegation in support of the plea mentioned in paragraph (3) which would be relevant in support of any of the following other pleas is to be made by that party unless that other plea is also pleaded:

(*a*) that the will was not duly executed;

(*b*) that at the time of the execution of the will the testator was not of sound mind, memory and understanding;

(*c*) that the execution of the will was obtained by undue influence or fraud.

Default of pleadings (P. 7, r. 14)

14.—(1) A default judgment cannot be obtained in a probate action.

(2) Where any party to a probate action fails to serve on any other party a pleading which he or she is required by these Rules to serve on that other party, then, unless the Court orders the action to be discontinued, that other party may, after the expiration of the period fixed under these Rules for service of the pleading in question, apply to the Court for permission to set down the action for trial.

(3) Where the Court grants permission to set down the action for trial under paragraph (2), it may direct that the claim be tried on affidavit evidence.

No summary judgment (P. 7, r. 15)

15. A summary judgment under Order 9, Rule 17 of the Rules of Court 2021 cannot be obtained in a probate action.

Discontinuance or dismissal (P. 7, r. 16)

16.—(1) Order 16 of the Rules of Court 2021 does not apply in relation to a probate action.

(2) At any stage of the proceedings in a probate action the Court may, on the application of the claimant or of any party who has filed a notice of intention to contest or not contest —

(*a*) order the action to be discontinued or dismissed on such terms as to costs or otherwise as it thinks just; and

(*b*) further order that a grant of probate of the will, or letters of administration of the estate, of the deceased person (as the case may be) which is the subject of the action be made to the person entitled to the grant.

Settlement of action (P. 7, r. 17)

17. If at any time the parties to a probate action agree to settle the action, the Court may —

(*a*) order the trial of the claim on affidavit, which will lead to a grant in solemn form; or

(*b*) order that the claim be discontinued under Rule 16, which will lead to a grant in common form.

Application to Court by summons (P. 7, r. 18)

18. Except where these Rules otherwise provide, any application to the Court in a probate cause or matter may be made by summons.

Single application pending trial (P. 7, r. 19)

19.—(1) The Court must consider all matters necessary to bring the proceedings to a conclusion in accordance with the Ideals.

(2) As far as possible, the Court must order a single application pending trial to be made by each of the parties.

(3) The single application must deal with all matters that are necessary for the case to proceed expeditiously.

(4) The matters mentioned in paragraph (3) include —

(*a*) addition or removal of parties;

(*b*) consolidation of actions;

(*c*) division of issues at trial to be heard separately;

(*d*) security for costs;

(*e*) further and better particulars of pleadings;

(*f*) amendment of pleadings;

(*g*) filing of further pleadings;

(*h*) striking out of part of an action or of the defence;

(*i*) judgment on admission of facts;

(*j*) determination of questions of law or construction of documents;

(*k*) production of documents;

(*l*) interim relief;

(*m*) expert evidence and assessors;

(*n*) independent witness and interested non-parties; and

(*o*) independent counsel.

(5) The Court must order the applying party to file and serve that party's application and supporting affidavit within 21 days after the date of the case conference and the other party to file and serve an affidavit in reply within 21 days thereafter.

(6) The Court may order written submissions to be filed with a bundle of authorities if appropriate.

(7) No application may be taken out by any party at any time other than as directed at the case conference or with the Court's approval, except an application for —

(*a*) an injunction or a search order which may include an application for any other matter if it is incidental to the injunction or search order;

(*b*) substituted service;

(*c*) service out of Singapore;

(*d*) setting aside service of an originating process;

(*e*) striking out of the whole of an action or a defence;

(*f*) stay of the whole action;

(*g*) stay of enforcement of a judgment or an order;

(*h*) 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;

(*i*) 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 order mentioned in sub-paragraph (i);

(*j*) an enforcement order;

(*k*) permission to appeal;

(*l*) transfer of proceedings under the Family Justice Act 2014;

(*m*) setting aside third party proceedings; or

(*n*) permission to make an application for a committal order.

(8) The Court's approval to file further applications other than those directed at a case conference must be sought by letter setting out the essence of the intended application and the reasons why it is necessary at that stage of the proceedings.

(9) The Court may deal with the request by letter summarily or fix a case conference to deal with the matter.

(10) No application may be taken out during the period starting 14 days before the commencement of the trial and ending when the Court has determined the merits of the action, except in a special case and with the trial Judge's approval.

(11) The trial Judge's approval in paragraph (10) must be sought by letter setting out the essence of the intended application and explaining why there is a special case.

Form of judgments and order (P. 7, r. 20)

20. Every judgment of the Court in a probate cause or matter must be signed by the Registrar.

Administration pending trial (P. 7, r. 21)

21.—(1) An application for the grant of letters of administration under section 20 of the Probate and Administration Act 1934 may be made by summons filed in the pending probate action.

(2) A person to whom a grant of letters of administration is made under section 20 of the Probate and Administration Act 1934 may

apply to the Registry for the issuance of the grant in accordance with Part 6, Rule 3.

(3) An administrator to whom a grant of letters of administration is made under section 20 of the Probate and Administration Act 1934 must at the time when he or she begins proceedings for assessment of his or her costs, or at such other time as the Registrar may direct, produce at the Registry an account (verified by affidavit) of the moneys and other property received or paid or otherwise dealt with by him or her in his or her capacity as such an administrator.

(4) Unless the Court otherwise directs, the account must be referred to the Registrar for examination.

Examination of administrator's account (P. 7, r. 22)

22.—(1) This Rule applies to and in relation to the examination, under Rule 21(4), of an account produced by an administrator to whom a grant of letters of administration is made under section 20 of the Probate and Administration Act 1934.

(2) The Registrar must give the administrator not less than 14 days' notice of the date and time appointed for examination of the account.

(3) The administrator must, within 2 days after receiving notice of the date and time mentioned in paragraph (2), send a copy of the administrator's account (verified by affidavit) to every other party entitled to be heard in the examination of the account.

(4) Notice need not be given to any party who has not filed a notice of intention to contest or not contest or taken any part in the proceedings which gave rise to the examination of the account.

(5) If any party entitled to be heard in the examination of the account does not attend within a reasonable time after the time appointed for the examination, the Registrar may, if satisfied by affidavit or otherwise that the party had due notice of the date and time appointed, proceed with the examination.

(6) The Registrar may, if he or she thinks it necessary to do so, adjourn the examination from time to time.

(7) Except where the remuneration of the administrator has been fixed by a Judge, the Registrar must, on the completion of the examination of the administrator's account and assessment of the administrator's costs, assess and provide for the administrator's remuneration.

PART 8

INHERITANCE (FAMILY PROVISION) ACT 1966

Definition of this Part (P. 8, r. 1)

1. In this Part, "Act" means the Inheritance (Family Provision) Act 1966, and any reference to a section is to be construed as a reference to a section in the Act.

Powers of Courts as to parties (P. 8, r. 2)

2. Without affecting the Court's powers under Part 4, the Court may at any stage of the proceedings under the Act by order direct that any person be added as a party to the proceedings or that a notice of action be served on any person.

Supporting affidavit (P. 8, r. 3)

3. An application under section 3 must be made by originating application supported by an affidavit stating the grounds of the application.

Applications in proceedings under section 3 (P. 8, r. 4)

4. Where an order has been made on an application under section 3, any subsequent application must be made by summons in the proceedings, whether made —

(*a*) by a party to the proceedings in which such order was made;

(*b*) by a person on whom notice of the application for the order was served; or

(*c*) by or on behalf of such person mentioned in section 6(2).

Endorsement of memorandum on probate, etc. (P. 8, r. 5)

5.—(1) The personal representatives of the deceased to whose estate an application under section 3 or 6 relates must produce in Court at the hearing of the application the probate or letters of administration under which the estate is being administered.

(2) If the Court makes an order under the Act or an order dismissing the application, the probate or letters of administration must remain in the custody of the Court until section 5(3) has been complied with.

(3) The memorandum of the order required by section 5(3) to be endorsed or annexed as mentioned in that section must set out the title of the proceedings in question and the operative part of the order in full.

(4) The requirements in paragraphs (1) and (2) to produce in Court and keep in custody the probate or letters of administration will apply only in cases where the Registry has issued a printed grant of probate or letters of administration.

PART 9

LEGITIMACY ACT 1934

Definition of this Part (P. 9, r. 1)

1. In this Part, "Act" means the Legitimacy Act 1934, and any reference to a section is to be construed as a reference to a section in the Act.

Commencement of proceedings (P. 9, r. 2)

2. An application under section 4 must be made by originating application.

Parties to proceedings (P. 9, r. 3)

3.—(1) Unless the Court otherwise orders, the parties to any proceedings under the Act are —

(*a*) the claimant; and

(*b*) any person who is named as a defendant in the proceedings.

(2) A person (other than the Attorney-General) who is not a party to the proceedings and who wishes to be heard in the proceedings may apply to the Court to be joined as a party to those proceedings.

(3) The Court may at any time order that a person (other than the Attorney-General) be joined as a party to the proceedings, if the Court considers that it is desirable to do so.

(4) The Court may at any time direct that any person who is a party to the proceedings be removed as a party, if the Court considers it desirable to do so.

Supporting affidavit (P. 9, r. 4)

4.—(1) The claimant must file, together with the originating application, a supporting affidavit stating the grounds of the application.

(2) The Court may at any time direct that further evidence be adduced by way of affidavit to prove the absence of fraud and collusion.

Service of application on Attorney-General (P. 9, r. 5)

5.—(1) The claimant must, within 14 days after the originating application is issued, serve a copy of the application and supporting affidavit on the Attorney-General.

(2) If the Attorney-General wishes to intervene in the proceedings, the Attorney-General must file an affidavit and serve a copy of the affidavit on the claimant and on every other party to the proceedings within 21 days after service of the application and supporting affidavit on the Attorney-General.

(3) Any party to the proceedings who wishes to reply to the Attorney-General's affidavit must file and serve the party's affidavit on the Attorney-General and on every other party to the proceedings within 21 days after being served with a copy of the Attorney-General's affidavit.

(4) No further affidavit in relation to any issue raised by the Attorney-General may be received in evidence without the permission of the Court.

Subsequent applications (P. 9, r. 6)

6. Where an application has been made under section 4, any subsequent application must be made by summons in those proceedings.

PART 10

WILLS ACT 1838

Definitions of this Part (P. 10, r. 1)

1. In this Part —

"interested party", in relation to an application for an order under section 28(1) of the Wills Act 1838 that a will be rectified so as to carry out the testator's intentions, means —

(*a*) a person —

(i) to whom any devise, legacy, estate, interest, gift or appointment is given or made under the will; and

(ii) whose devise, legacy, estate, interest, gift or appointment may be prejudiced by the order;

(*b*) an executor named in the will; or

(*c*) a personal representative of the testator;

"probate proceedings" means any civil proceedings under the Probate and Administration Act 1934;

"will" has the meaning given by section 2 of the Wills Act 1838.

Rectification of will (P. 10, r. 2)

2.—(1) An application for an order under section 28(1) of the Wills Act 1838, that a will be rectified so as to carry out the testator's intentions, must be made —

(*a*) if no probate proceedings have been commenced in relation to the will, by originating application; or

(*b*) if probate proceedings have been commenced in relation to the will, by summons in those proceedings.

(2) The application must be filed with a supporting affidavit that —

(*a*) sets out the grounds of the application;

(*b*) contains evidence of —

(i) the testator's intentions;

(ii) where it is alleged that the will fails to carry out the testator's intentions as a consequence of a clerical error, the nature of the alleged clerical error; and

(iii) where it is alleged that the will fails to carry out the testator's intentions as a consequence of a failure to understand the testator's instructions, the respects in which the testator's instructions were allegedly not understood; and

(*c*) contains the written consent of each interested party who consents to the application.

(3) Unless the Court otherwise directs, the application must be served on every interested party who has not consented to the application.

(4) To avoid doubt, where the applicant requires the permission of a court under section 28(2) of the Wills Act 1838 in order to make the application, the application cannot be made before that permission is obtained.

Endorsement of memorandum on probate, etc. (P. 10, r. 3)

3.—(1) This Rule applies where an application is made for an order under section 28(1) of the Wills Act 1838 that a will be rectified so as to carry out the testator's intentions.

(2) Paragraphs (3)(*a*) and (4)(*b*) apply only in cases where the Registry has issued —

(*a*) a printed grant of probate of the will; or

(*b*) a printed grant of letters of administration with the will annexed.

(3) The personal representatives of the testator must —

(*a*) produce in Court, at the hearing of the application, the probate or letters of administration under which the testator's estate is administered; and

(*b*) if the Court makes an order under section 28(1) of the Wills Act 1838 that the will be rectified — file a Request for a memorandum of the order to be endorsed on, or permanently annexed to, the probate or letters of administration.

(4) If the Court makes an order under section 28(1) of the Wills Act 1838 that the will be rectified, or an order dismissing the application —

(*a*) a memorandum of the order must be endorsed on, or permanently annexed to, the probate or letters of administration; and

(*b*) the probate or letters of administration must remain in the custody of the Court until sub-paragraph (*a*) is complied with.

(5) The memorandum of the order must set out —

(*a*) the title of the proceedings in which the application is made; and

(*b*) the operative part of the order in full.

PART 11

DISABILITY

Definitions of this Part (P. 11, r. 1)

1. In this Part —

"Act" means the Mental Capacity Act 2008;

"person lacking capacity" means a person who lacks capacity within the meaning of the Act in relation to matters concerning his or her property and affairs;

"person under disability" means, subject to Part 4, Rule 1 —

(*a*) a person who is a minor; or

(*b*) a person lacking capacity.

Person under disability must sue, etc., by litigation representative (P. 11, r. 2)

2.—(1) A person under disability must not 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, except 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) The litigation representative of a person under disability must act by a solicitor, unless the Court otherwise allows.

Appointment of litigation representative (P. 11, r. 3)

3.—(1) This Rule applies in relation to an action to which a person under disability is a party or in which he or she intervenes or is served with a notice of action under Part 4, Rule 9.

(2) Where the person under disability is a person lacking capacity and a person is authorised under the Act to conduct legal proceedings

in the name or on behalf of the person lacking capacity, the person so authorised is entitled to be litigation representative of the person lacking capacity in any action to which his or her authority extends.

(3) Despite paragraph (2), the person authorised is not entitled to be litigation representative of a person lacking capacity in an action if some other person has been appointed by the Court under Rule 5 to be litigation representative of the person lacking capacity in that action.

(4) Where the person under disability is a minor who is not a person lacking capacity and he or she has a statutory guardian or a testamentary guardian who is qualified to be his or her litigation representative by virtue of paragraph (9), that guardian is entitled to be litigation representative of the minor.

(5) Where the person under disability who has attained 16 years of age and is not a person lacking capacity, and there is no person qualified by virtue of paragraph (4) to be his or her litigation representative, the minor may appoint as his or her litigation representative a person —

(*a*) who is qualified to be such litigation representative by virtue of paragraph (9); and

(*b*) who is —

(i) one of his or her next-of-kin; or

(ii) where the minor is a married woman, one of her next-of-kin or her husband.

(6) Where a minor appoints a person under paragraph (5) to be his or her litigation representative in an action, that person may be litigation representative of any other minor in that action provided that —

(*a*) the other minor is below 16 years of age;

(*b*) the other minor is not a person lacking capacity; and

(*c*) the interest of the other minor in the action is the same as that of the minor making the appointment.

(7) Where there is no person qualified by virtue of paragraph (2) or (4) (as the case may be) to be litigation representative of a person

under disability in an action and that person is either not entitled under paragraph (5) to appoint a person to be his or her litigation representative or, being so entitled, makes no appointment under paragraph (5), the litigation representative of the person under disability in the action must be one of his or her next-of-kin or other person as the Court may appoint.

(8) An application under paragraph (7) for the appointment of a litigation representative of a person under disability may be made by summons without notice and must be supported by an affidavit showing —

(*a*) that there is no person entitled to be such litigation representative by virtue of paragraph (2) or (4), or appointed as such under paragraph (5), as the circumstances require;

(*b*) if such be the case, that the person proposed as litigation representative is a next-of-kin of the person under disability; and

(*c*) that the person proposed as litigation representative is willing and a proper person to act as such and has no interest in the action adverse to that of the person under disability.

(9) A person is qualified to be litigation representative of a person under disability if he or she is competent and willing to act as such and has no interest in the action in question adverse to that of the person under disability.

Permission to begin and contest action required (P. 11, r. 4)

4.—(1) Where a party to an action (*P*) is a minor or a person lacking capacity, unless the Court has appointed a litigation representative for *P* —

(*a*) where *P* is a claimant — the originating claim or originating application beginning the action must not be issued without the permission of the Registrar; or

(*b*) where *P* is a defendant, an intervener or a person served with a notice of action under Part 4, Rule 9 — a notice of

intention to contest or not contest the claim or affidavit must not be filed for *P* in the action without the permission of the Registrar.

(2) Where *P* is a minor who is not a person lacking capacity, on making an application for permission under paragraph (1)(*a*) or (*b*) in relation to *P*, the applicant must produce to the Registrar —

(*a*) where *P*'s litigation representative is *P*'s statutory guardian or testamentary guardian — an affidavit deposing to the guardianship and age of *P* and showing that the guardian has no interest in the action adverse to that of *P*; or

(*b*) where the litigation representative of *P* is a person appointed under Rule 3(5) —

(i) the appointment;

(ii) a written consent to act as litigation representative given by the person so appointed; and

(iii) an affidavit deposing to *P*'s age and containing the evidence which would be required by Rule 3(8) to be contained in an affidavit in support of an application for the appointment of that person as litigation representative by the Court.

(3) Except where paragraph (5) applies, paragraph (4) applies where *P* is a person lacking capacity and —

(*a*) a litigation representative has not been appointed by the Court for *P*; and

(*b*) there is no person who is authorised under the Act to conduct legal proceedings in the name or on behalf of *P* and whose authority extends to the action in respect of which permission is sought.

(4) On making an application for permission under paragraph (1)(*a*) or (*b*) in relation to *P*, the applicant must produce to the Registrar an affidavit —

(*a*) deposing that *P* is a person lacking capacity;

(*b*) exhibiting a medical report from *P*'s doctor that *P* is a person lacking capacity;

(*c*) exhibiting a lasting power of attorney granted by *P* under which the applicant is a donee; and

(*d*) showing that the applicant has no interest in the action adverse to that of *P*.

(5) Where *P* is a person lacking capacity, a deputy appointed by the Court under the Act for *P* but who is not authorised to conduct the action in question in the name or on behalf of *P* must apply under the Act to be so authorised and for any consequential or other orders in relation to the deputy's conduct of that action in the name or on behalf of *P*.

Appointment of litigation representative where person under disability does not file and serve notice of intention to contest or not contest (P. 11, r. 5)

5.—(1) Where —

(*a*) in an action against a person under disability begun by originating claim, or by originating application, no notice of intention to contest or not contest is filed in the originating claim action for that person; or

(*b*) the defendant to an action serves a defence and counterclaim on a person under disability who is not already a party to the action, and no notice of intention to contest or not contest is filed for that person,

an application for the appointment by the Court of a litigation representative of that person must be made by the claimant or defendant (as the case may be) after the time limited (as respects that person) for filing and serving a notice of intention to contest or not contest and before proceeding further with the action or counterclaim.

(2) Where a party to an action has served on a person under disability who is not already a party to the action a third party notice within the meaning of Order 10 of the Rules of Court 2021 and no notice of intention to contest or not contest is filed and served for that person to that notice, an application for the appointment by the Court

of a litigation representative of that person must be made by that party after the time limited (as respects that person) for filing and serving a notice of intention to contest or not contest and before proceeding further with the third party proceedings.

(3) Where in any proceedings against a person under disability begun by originating application, that person does not appear by a litigation representative, at the hearing of the originating application, the Court hearing it may appoint a litigation representative of that person in the proceedings or direct that an application be made by the applicant, for the appointment of such a litigation representative.

(4) At any stage in the proceedings under any judgment or order, notice of which has been served on a person under disability, the Court may, if no notice of intention to contest or not contest is filed and served for that person in an originating claim action, or in any other case, appoint a litigation representative of that person in the proceedings or direct that an application be made for the appointment of such a litigation representative.

(5) An application under paragraph (1) or (2) must be supported by evidence proving —

(*a*) that the person to whom the application relates is a person under disability;

(*b*) that the person proposed as litigation representative is willing and a proper person to act as such and has no interest in the proceedings adverse to that of the person under disability;

(*c*) that the originating claim, originating application, defence and counterclaim or third party notice (as the case may be) was duly served on the person under disability; and

(*d*) subject to paragraph (6), that notice of the application was, after the expiration of the time limited for filing and serving a notice of intention to contest or not contest and at least 14 days before the day fixed for hearing, so served on the person under disability.

(6) If the Court so directs, notice of an application under paragraph (1) or (2) need not be served on a person under disability.

(7) An application for the appointment of a litigation representative made in compliance with a direction of the Court given under paragraph (3) or (4) must be supported by evidence proving the matters referred to in paragraph (5)(*b*).

Admission not to be implied from pleading of person under disability (P. 11, r. 6)

6. A person under disability is not to be taken to admit the truth of any allegation of fact made in the pleading of the opposite party by reason only that he or she has not traversed it in his or her pleadings.

Production of documents (P. 11, r. 7)

7. Order 11 of the Rules of Court 2021 applies to a person under disability and to his or her litigation representative.

Compromise, etc., by person under disability (P. 11, r. 8)

8.—(1) Where in any proceedings money is claimed by or on behalf of a person under disability, no settlement, compromise or payment and no 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.

Approval of settlement (P. 11, r. 9)

9.—(1) Where, before proceedings in which a claim for money is made by or on behalf of a person under disability (whether alone or in conjunction with any other person) are begun, an agreement is reached for the settlement of the claim, and it is desired to obtain the Court's approval to the settlement, then despite anything in Part 7, Rule 2 of these Rules or Order 6, Rule 1(2) of the Rules of Court 2021, the claim may be made in proceedings begun by originating application and in the originating application an application may also be made for —

(*a*) the Court's approval to the settlement and such orders or directions as may be necessary to give effect to it or as may be necessary or expedient under Rule 10; or

(*b*) alternatively, directions as to the further prosecution of the claim.

(2) In this Rule, "settlement" includes a compromise.

Control of money recovered by person under disability (P. 11, r. 10)

10.—(1) Where in any proceedings —

(*a*) money is recovered by or on behalf of, or adjudged or ordered or agreed to be paid to, or for the benefit of, a person under disability; or

(*b*) money paid into Court is accepted by or on behalf of a claimant who is a person under disability,

the money must be dealt with in accordance with directions given by the Court.

(2) Directions given under this Rule 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.

(3) Without affecting paragraphs (1) and (2), directions given under this Rule may include any general or special directions that the Court thinks fit to give 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 claimant, 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 claimant's solicitor in respect of costs.

(4) Where pursuant to directions given under this Rule 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.

(5) Paragraphs (1) to (4) apply in relation to a counterclaim by or on behalf of a person under disability as if for references to a claimant there were substituted references to a defendant.

Proceedings under Civil Law Act 1909: Apportionment by Court (P. 11, r. 11)

11.—(1) Where a single sum of money is paid into Court under Order 14, Rule 1 of the Rules of Court 2021, in satisfaction of causes of action arising under the Civil Law Act 1909 and that sum is accepted, the money must be apportioned between the different causes of action by the Court either when giving directions for dealing with it under Rule 10 (if that Rule applies) or when authorising its payment out of Court.

(2) Where, in an action in which a claim under the Civil Law Act 1909 is made by or on behalf of more than one person, a sum in respect of damages is adjudged or ordered or agreed to be paid in satisfaction of the claim, or a sum of money paid into Court under Order 14, Rule 1 of the Rules of Court 2021, is accepted in satisfaction of the cause of action under the Civil Law Act 1909, it must be apportioned between those persons by the Court.

(3) The reference in paragraph (2) to a sum of money paid into Court is to be construed as including a reference to part of a sum so paid, being the part apportioned by the Court under paragraph (1) to the cause of action under the Civil Law Act 1909.

Service of certain documents on person under disability (P. 11, r. 12)

12.—(1) Where in any proceedings a document is required to be served personally on any person and that person is a person under disability, this Rule applies.

(2) Subject to this Rule and Order 11, Rule 7(*c*) of the Rules of Court 2021, the document must be served —

(*a*) in the case of a minor who is not also a person lacking capacity, on his or her parent or guardian or, if he or she has no 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, on the person (if any) who is authorised under the Act 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, if there is no person so 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.

(3) Despite anything in paragraph (2), 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.

(4) Subject to paragraph (5), a judgment or an order requiring a person to do, or to 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.

(5) Paragraph (4) does not apply to an order for production or inspection of documents.

PART 12

APPEALS FROM APPLICATIONS IN ACTIONS, REGISTRAR'S DECISIONS AND TRIALS OF ORIGINATING APPLICATION BY DISTRICT JUDGE OR MAGISTRATE

Division 1 — General

Scope of this Part (P. 12, r. 1)

1.—(1) This Part applies to and in relation to —

(*a*) every appeal from —

(i) a decision made on an application in an action;

(ii) a decision made on an appeal against a decision mentioned in sub-paragraph (i);

(iii) a decision made on an appeal against a decision mentioned in sub-paragraph (ii);

(iv) a decision made by the Registrar other than a decision mentioned in sub-paragraph (i), including a decision made on an assessment of damages or the taking of accounts, or in a hearing on the merits of an originating application;

(v) a decision made by a District Judge or Magistrate in a hearing on the merits of an originating application, including any application taken out or heard on the same day as such hearing or at any time after the commencement of such hearing until the giving of the decision; or

(vi) a decision of an appellate Court on an application by summons in an appeal under this Part or Part 13; and

(*b*) an application to the appellate Court relating to an appeal to the appellate Court under this Part.

(2) In this Part, an application in an action —

(*a*) includes any application —

(i) taken out after the action is commenced;

(ii) made for any consequential or incidental matter after judgment is given in the trial of an originating claim or the hearing on the merits in an originating application; or

(iii) for the enforcement of the judgment or order; and

(*b*) excludes —

(i) any application taken out or heard on the same day as the hearing on the merits of an originating claim or an originating application, or at any time after the commencement of such hearing until the giving of the judgment (except an application mentioned in paragraph (1)(*a*)(v)); and

(ii) any matter under appeal which is within the scope of Part 13.

General matters and structure of this Part (P. 12, 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 concerns appeals from the Registrar to the District Judge in proceedings in the Family Courts.

(3) Division 3 of this Part concerns appeals from the District Judge and Magistrate to the Family Division.

(4) Division 4 of this Part concerns appeals from the Registrar to the Judge in proceedings in the Family Division.

When time for appeal starts to run (P. 12, r. 3)

3.—(1) Subject to paragraphs (2) and (3) and any written law, unless the Court otherwise orders, the time for the filing of an appeal or for the filing of an application for permission to appeal does not start to run until after the lower Court has heard and determined all matters in an application, including costs.

(2) Where the lower Court does not hear and determine the issue of costs within 30 days after the lower Court has heard and determined all other matters in the application, the time for the filing of an appeal

or for the filing of an application for permission to appeal starts to run after the expiry of the 30-day period, even if the lower Court has directed that submissions on costs be made.

(3) For the purposes of this Rule —

(*a*) the lower Court is deemed to have heard and determined the issue of costs when it has —

(i) decided on the parties' entitlement to costs, even if the amount of costs or disbursements has not been determined;

(ii) ordered that costs be assessed;

(iii) ordered that costs be reserved; or

(iv) decided that there is to be no order as to costs or that each party is to bear its own costs;

(*b*) subject to sub-paragraph (*c*), in the case of a single application pending trial dealing with more than one matter, for the purposes of paragraph (1), time does not run until all matters have been heard and determined;

(*c*) in the case of a single application pending trial, where one or more matters dealt with in the single application pending trial are to be heard before the Registrar and one or more other matters are to be heard before the Judge —

(i) the time for filing of an appeal against a decision of the Registrar runs when the Registrar has heard and determined all the matters to be heard before the Registrar, although there are matters before the Judge that may not have been heard and determined yet; and

(ii) for the purposes of determining when the time starts to run for the filing of an appeal and for the filing of an application for permission to appeal against a decision on a matter heard before the Judge, the lower Court is treated as having heard and determined all matters in the single application pending trial when the Judge has heard and

determined all the matters before the Judge, including any appeal against a decision of the Registrar on a matter before the Registrar; and

(*d*) for the purposes of sub-paragraphs (*b*) and (*c*), in the case of a single application pending trial dealing with more than one matter, where a request is made for the Court (not including the Registrar) to hear further arguments in respect of any decision on a matter, the time for the filing of an appeal and for the filing of an application for permission to appeal against the decisions on all matters does not begin to run until that Court —

(i) affirms, varies or sets aside the decision after hearing further arguments; or

(ii) certifies, or is deemed to have certified, that no further arguments are required.

One appeal for each application (P. 12, r. 4)

4.—(1) Subject to paragraph (2), each party is allowed to file only one appeal for each application unless the Court otherwise orders.

(2) In the case of a single application pending trial dealing with more than one matter and where permission to appeal is required for one or more of the matters, each party must file a separate notice of appeal for matters which require permission to appeal, and for matters which do not require permission to appeal.

(3) Where several applications are heard together, each party may file one appeal in respect of all the applications heard together.

Permission to intervene (P. 12, r. 5)

5.—(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 application 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 supporting affidavit must set out the applicant'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.

Stay of enforcement, etc. (P. 12, r. 6)

6.—(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 such time as 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. 12, r. 7)

7. 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. 12, r. 8)

8.—(1) The appellate Court may order any party to serve any document on a non-party to the appeal and give directions for the 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. 12, r. 9)

9.—(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 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. 12, r. 10)

10. 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. 12, r. 11)

11.—(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. 12, r. 12)

12.—(1) An appellant may withdraw the appellant's appeal in relation to all or any of the respondents, and an applicant in an application to the appellate Court may withdraw the applicant's application in relation to all or any of the parties to the application, at any time before the appeal or application is heard or dealt with (as the case may be), by filing and serving a notice of withdrawal of the appeal or application in Form 135 on all the parties to the appeal or application.

(2) Upon the filing of Form 135 and if there are no outstanding issues relating to costs or other matters, the appeal or application is deemed withdrawn in relation to the relevant parties, and if all the parties to the appeal or application consent to the payment of the security for costs to the appellant, the applicant or the respondent (as the case may be), the 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.

(3) If there are any such outstanding issues mentioned in paragraph (2) —

(*a*) the appellant, the applicant or any other party to the appeal or application, 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 applications; and

(ii) give directions on the making of written submissions for the request.

(4) Except as provided under paragraph (3), if there are any such outstanding issues —

(*a*) the appeal or application remains on the list of appeals or applications; and

(*b*) the appellate Court may, at the hearing of the appeal or application —

(i) decide any issue as to costs or otherwise that remains outstanding between the parties to the appeal or application; and

(ii) make any order as to the disposal of any security for costs.

Consent judgment or order (P. 12, r. 13)

13.—(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. 12, r. 14)

14.—(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 or at a subsequent date; or

(*b*) in writing at the conclusion of the hearing of the appeal or application 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 upon payment of the relevant charges.

(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.

Division 2 — Appeal from Registrar to District Judge in proceedings in Family Courts

Bringing of appeal (P. 12, r. 15)

15. A party who intends to appeal to a District Judge against a decision of the Registrar made in relation to any proceedings in a 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.

Documents to be filed (P. 12, r. 16)

16.—(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.

(3) If the Registrar certifies under paragraph (2)(*b*) that he or she will 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 12 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 District Judge 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 is ready for collection;

(*c*) where the Registrar 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 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 a page limit of 35 pages.

(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 orders 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 application 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.

Division 3 — Appeal from District Judge and Magistrate to Family Division

Bringing of appeal (P. 12, r. 17)

17.—(1) A party who intends to appeal to the Family Division against the decision of a District Judge or Magistrate hearing any application at first instance, or hearing the merits of an originating application, or against the decision of a District Judge hearing any appeal, 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 District Judge's or Magistrate's decision; or

(*b*) in a case where a request for further arguments has been made under Rule 18, within 14 days after —

(i) the District Judge or Magistrate affirms, varies or sets aside the decision after hearing further arguments; or

(ii) the parties are informed, or it is deemed, that the District Judge or Magistrate does not require further arguments.

(2) The Family Division may extend the time for filing and serving the notice of appeal on the appellant's application made at any time, 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 District Judge or Magistrate (P. 12, r. 18)

18.—(1) A request to the District Judge or Magistrate for further arguments from the parties after he or she has given his or her decision on an application must be made by letter to the Registrar and served on all parties to the application.

(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.

(4) The Registrar must inform the requesting party within 14 days after receiving the request whether the District Judge or Magistrate requires further arguments.

(5) If the Registrar does not inform the requesting party as mentioned in paragraph (4), it is deemed that the District Judge or Magistrate does not require further arguments.

Permission to appeal (P. 12, r. 19)

19.—(1) Where permission to appeal is required, a party must apply to the District Judge or Magistrate 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 District Judge's or Magistrate's decision.

(2) Where the District Judge or Magistrate 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 District Judge's or Magistrate'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 made at any time, and the lower Court may extend the time for filing and serving an application for permission to appeal if the application for such extension is made before the time expires.

Security for costs (P. 12, r. 20)

20.—(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 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 sum of $5,000.

(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. 12, r. 21)

21.—(1) The District Judge or Magistrate may give a summary of the points he or she has decided without the need to issue written grounds of decision.

(2) The District Judge or Magistrate 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 District Judge or Magistrate 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 12 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 District Judge or Magistrate.

(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 District Judge's or Magistrate's decision is to be upheld, set aside or varied in accordance with the following timelines:

(*a*) where the District Judge or Magistrate 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 District Judge or Magistrate;

(*b*) where the District Judge or Magistrate 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 is ready for collection;

(*c*) where the District Judge or Magistrate 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 District Judge or Magistrate;

(*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 a page limit of 35 pages.

(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 20 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 Rule 20 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 orders 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 application 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.

Payment out of security for costs and release of undertaking (P. 12, r. 22)

22.—(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 20 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 20 must be paid to the appellant and the appellant's solicitor is released from any undertaking as to the costs for the appeal.

Enforcement of judgments or orders which have been subject matter of appeal (P. 12, r. 23)

23. The taking of any steps for the enforcement of a judgment or an order which has been the subject matter of an appeal under this Division must be in the Family Courts.

Division 4 — Appeal from Registrar to Judge in proceedings in Family Division

Bringing of appeal (P. 12, r. 24)

24. A party who intends to appeal to a Judge in Chambers against a decision of the Registrar made in relation to any 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. 12, r. 25)

25.—(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.

(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 12 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 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 is ready for collection;

(*c*) where the Registrar 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 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 Judge otherwise orders, are subject to a page limit of 35 pages.

(7) No documents other than what has been set out in this Rule may be filed unless the Judge otherwise orders.

(8) The Judge may allow the page limit mentioned in paragraph (6) to be exceeded —

(*a*) in special circumstances; and

(*b*) unless the Judge otherwise orders 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 Judge may upon application 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.

PART 13

APPEALS FROM JUDGMENTS AND ORDERS AFTER TRIAL

Scope and application of this Part (P. 13, r. 1)

1.—(1) This Part applies to —

(*a*) an appeal to the Family Division against any judgment of a Family Court given —

(i) in a trial, including a case where judgment is given or the action is dismissed at trial because one or more parties are absent;

(ii) after damages are assessed or accounts are taken by a District Judge; or

(iii) in an application for a committal order for contempt of court; and

(*b*) an application to the Family Division relating to an appeal mentioned in sub-paragraph (*a*).

(2) This Part is subject to any written law on the right to appeal and any requirement to apply for permission to appeal.

Definitions of this Part (P. 13, r. 2)

2. In this Part —

"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;

"judgment" means a judgment given by the lower Court —

(*a*) in a trial, and includes a case where judgment is given or the action is dismissed at trial because one or more parties are absent;

(*b*) after damages are assessed or accounts are taken; or

(*c*) in an application for a committal order for contempt of court;

"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 (if any), and all documents filed in the lower Court (so far as are relevant to the matter decided and the nature of the appeal);

"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;

"second core bundle" means a compilation of the whole or part of the documents not included in the appellant's or

respondent's core bundle of documents which are essential to the appeal and an index cross-referencing each document to the record of appeal;

"trial" means the hearing on the merits of an originating claim or an originating application and includes all applications taken out or heard on the same day as such hearing and at any time after the commencement of such hearing until the giving of the judgment.

When time to appeal starts to run (P. 13, r. 3)

3.—(1) Subject to paragraphs (2) and (3) and any written law, unless the Court otherwise orders, the time for the filing of an appeal or for the filing of an application for permission to appeal does not start to run until after the lower Court has heard and determined all matters in the trial, including costs.

(2) Where the lower Court does not hear and determine the issue of costs within 30 days after the lower Court has heard and determined all other matters in the trial, the time for the filing of an appeal or for the filing of an application for permission to appeal starts to run after the expiry of the 30-day period, even if the lower Court has directed that submissions on costs be made.

(3) For the purposes of this Rule —

(*a*) the lower Court is deemed to have heard and determined the issue of costs when it has —

(i) decided on the parties' entitlement to costs, even if the amount of costs or disbursements has not been determined;

(ii) ordered that costs be assessed;

(iii) ordered that costs be reserved; or

(iv) decided that there is to be no order as to costs or that each party is to bear its own costs; and

(*b*) in the case of a bifurcated trial, where the lower Court has heard and determined a distinct bifurcated portion of the trial (including the issue of costs), the time for the filing of

an appeal or for the filing of an application for permission to appeal in respect of the bifurcated portion so determined starts to run from the date of that determination.

Bringing of appeal (P. 13, r. 4)

4.—(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. 13, r. 5)

5.—(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.

(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 such extension is made before the time expires.

Permission to intervene (P. 13, 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 application 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 supporting affidavit must set out the applicant'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.

Stay of enforcement, etc. (P. 13, 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 such time as enforcement has been delayed by the appeal is to be allowed unless the lower Court or the appellate Court otherwise orders.

Security for costs (P. 13, r. 8)

8.—(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 sum of $5,000.

(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. 13, r. 9)

9.—(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.

(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 and for a copy of the record of proceedings, 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, within 28 days after the date on which the Registry informs the parties that the record of proceedings is available —

(*a*) the record of appeal;

(*b*) the appellant's Case;

(*c*) 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; and

(*d*) the appellant's bundle of authorities.

(5) Where the appellant fails to file and serve the record of appeal, the core bundle of documents or the appellant's Case 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 8 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 Rule 8 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) The appellant must file and serve, within 14 days after the respondent's Case is served on the appellant —

(*a*) the appellant's Reply, if any;

(*b*) the second core bundle, if necessary; and

(*c*) the appellant's second bundle of authorities, if any.

(11) Where there is more than one appellant in an appeal, all the appellants may join in one appellants' Case and in one appellants' Reply.

(12) Where there is more than one respondent in an appeal, all the respondents may join in one respondents' Case.

(13) 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 Case but should ensure that that party's position is explained in one of the Cases filed.

(14) The appellant and the respondent may seek directions from the Family Division to file a joint Case where there are special circumstances.

(15) 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.

(16) Where the parties are unable to agree as mentioned in paragraph (15), they must request in writing for a case conference before the Family Division or seek directions from the Family Division.

(17) Where the parties have agreed as mentioned in paragraph (15), they must inform the Registrar in writing of the timelines agreed, and seek the approval of the timelines by the Family Division.

(18) Where there are 2 or more appeals arising from the same judgment, the parties must file a joint record of appeal.

(19) No documents other than what have been set out in this Rule may be filed unless the Family Division otherwise orders.

(20) No written submissions or skeletal arguments may be filed before or at the appeal unless the Family Division otherwise orders.

Appellant's Case, respondent's Case and appellant's Reply (P. 13, r. 10)

10.—(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;

(*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 paragraph unless the Court otherwise orders.

(4) The appellant's Reply (if any) must contain the following:

(*a*) the appellant's detailed submissions in reply to the respondent's submissions;

(*b*) references in the right-hand margin to the relevant pages in the record of appeal, the appellant's core bundle of documents, the respondent's core bundle of documents (if any), and the second core bundle, if any;

(*c*) the name and signature of the appellant's solicitor.

(5) The appellant's Case, the respondent's Case and the appellant's Reply 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. 13, r. 11)

11.—(1) The appellant's Case, the respondent's Case and the appellant's Reply (if any) are subject to the following page limits, unless the Family Division otherwise orders:

(*a*) appellant's Case — 35 pages;

(*b*) respondent's Case — 35 pages;

(*c*) appellant's Reply — 20 pages.

(2) 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), the respondent's core bundle of documents and the second core bundle are subject to the following page limits, unless the Family Division otherwise orders:

(*a*) 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) — 55 pages;

(*b*) respondent's core bundle of documents — 35 pages;

(*c*) second core bundle — 25 pages.

(3) The Family Division may allow the page limit mentioned in paragraphs (1) and (2) to be exceeded —

(*a*) in special circumstances; and

(*b*) unless the Family Division 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 Family Division may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (3)(*b*).

Powers of appellate Court (P. 13, r. 12)

12.—(1) The appellate Court may order any party to serve any document on a non-party to the appeal and give directions for the 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) The appellate Court may order a new trial only if substantial injustice will be caused otherwise.

(7) 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.

(8) Such further evidence must be adduced in the manner directed by the appellate Court.

Absence of parties (P. 13, r. 13)

13.—(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 14 days after the dismissal or hearing of the appeal and must show good reason for that party's absence.

Expedited appeal (P. 13, r. 14)

14.—(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. 13, r. 15)

15.—(1) An appellant may withdraw the appellant's appeal in relation to all or any of the respondents, and an applicant in an application to the appellate Court may withdraw the applicant's application in relation to all or any of the parties to the application at any time before the appeal or application is heard or dealt with (as the case may be), by filing and serving a notice of withdrawal of the appeal or application in Form 135 on all the parties to the appeal or application.

(2) Upon the filing of Form 135 and if there are no outstanding issues relating to costs or other matters, the appeal or application is deemed withdrawn in relation to the relevant parties, and if all the parties to the appeal or application consent to the payment of the security for costs to the appellant, the applicant or the respondent (as the case may be), the appellant, the applicant or the respondent (as the case may be) must file the document signifying the consent signed by the parties and in the 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.

(3) If there are any such outstanding issues mentioned in paragraph (2) —

(*a*) the appellant, the applicant or any other party to the appeal or application, 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 applications; and

(ii) give directions on the making of written submissions for the request.

(4) Except as provided under paragraph (3), if there are any such outstanding issues —

(*a*) the appeal or application remains on the list of appeals or applications; and

(*b*) the appellate Court may, at the hearing of the appeal or application —

(i) decide any issue as to costs or otherwise that remains outstanding between the parties to the appeal or application; and

(ii) make any order as to the disposal of any security for costs.

Consent judgment or order (P. 13, r. 16)

16.—(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. 13, r. 17)

17.—(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 or at a subsequent date; or

(*b*) in writing at the conclusion of the hearing of the appeal or application 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 upon payment of the relevant charges.

(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.

Payment out of security for costs and release of undertaking (P. 13, r. 18)

18.—(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 8 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 8 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. 13, r. 19)

19. 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.

Enforcement of judgments which have been subject matter of appeal (P. 13, r. 20)

20. The taking of any steps for the enforcement of a judgment or an order which has been the subject matter of an appeal under this Part must be in the Family Courts.

PART 14

TRANSFER OF PROCEEDINGS

Applications under section 29(1) of Family Justice Act 2014 (P. 14, 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. 14, 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. 14, 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 15

CONTEMPT OF COURT

Definitions of this Part (P. 15, 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. 15, 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. 15, 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 —

(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. 15, 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. 15, 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.

Transfer to Family Division (P. 15, r. 6)

6.—(1) An application under section 10(4) to transfer a case in a Family 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 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;

(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. 15, 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 than to give evidence) by means of a live video 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 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 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 or live television link under 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 or live television link;

(ii) to prevent the witness from being coached or coerced while giving evidence by means of a live video 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. 15, 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 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. 15, 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. 15, 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.

Form of committal order (P. 15, r. 11)

11.—(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. 15, r. 12)

12.—(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. 15, r. 13)

13.—(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 16

COSTS

Division 1 — General

Definitions and general matters of this Part (P. 16, 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 (including this Part) 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 22(3);

"standard basis" has the meaning given by Rule 22(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.

Powers of Court (P. 16, 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;

(*g*) the principle of proportionality; and

(*h*) 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.

(4) The costs in any matter are payable from the date of the Court's order unless the parties otherwise agree.

(5) 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.

(6) 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.

(7) 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.

(8) In the case of any proceedings transferred or removed to the Family Division from a Family Court, the Family Division may decide the costs of the whole proceedings, both before and after the transfer, or may direct that other court to decide the costs of the proceedings before the transfer.

Entitlement to costs and assessment of costs (P. 16, r. 3)

3.—(1) Subject to the following 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 the originating claim or any pleadings must be borne by the party making the amendment, unless the Court otherwise orders.

(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) Despite anything in this Part or under any written law, unless the Court is of the opinion that there was no reasonable ground for opposing the will, no order must be made for the costs of the other party to be paid by the party opposing a will in a probate action who

has given notice with his or her defence to the party setting up the will that he or she —

(*a*) merely insists upon the will being proved in solemn form of law; and

(*b*) only intends to cross-examine the witnesses produced in support of the will.

(6) Where a person is or has been a party to any proceedings in the capacity of trustee, personal representative or mortgagee, 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 or out of the mortgaged property, as the case may be.

(7) Where a person is or has been a party to any proceedings 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 a person (*P*) who lacks or is alleged to lack capacity within the meaning given by that Act, who is given power to conduct legal proceedings in the name or on behalf of *P*, that person is entitled to the costs of those proceedings out of *P*'s estate, unless the Court otherwise orders.

(8) The Court may otherwise order, under paragraph (7), only on the ground that the deputy or donee —

(*a*) has acted unreasonably; or

(*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. 16, r. 4)

4. The Court may disallow or reduce a successful party's costs or order that party to pay costs, if —

(*a*) that party 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*) that party has done or omitted to do anything unreasonably;

(*c*) that party has not discharged that party's duty to consider amicable resolution of the dispute or to make an offer of amicable resolution in accordance with Part 5; or

(*d*) that party has failed to comply with any order of court or any practice direction.

Adverse costs orders against non-party (P. 16, r. 5)

5.—(1) Where it is just to do so, the Court may order costs against a non-party if the non-party has —

(*a*) assigned the non-party's right in the action to a party in return for a share of any money or property which that party may recover in the action;

(*b*) contributed or agreed to contribute to a party's costs in return for a share of any money or property which that party may recover in the action; or

(*c*) contributed or agreed to contribute to a party's costs and actively instigated or encouraged that party to continue with the action.

(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.

Adverse costs orders against solicitor (P. 16, r. 6)

6.—(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. 16, r. 7)

7. 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. 16, r. 8)

8. 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 claimant or the claimant's solicitor must be fixed or approved by the Court or assessed by the Registrar.

When party may sign judgment for costs without order (P. 16, r. 9)

9.—(1) Where a claimant by notice in writing and without permission either wholly discontinues the claimant's action against any defendant or withdraws any particular claim made by the claimant in an action against any defendant, the defendant is, unless the Court otherwise orders, entitled to the defendant's costs of the action or claim incurred to the time of discontinuance, which may be

assessed if not agreed between the parties, and the defendant may sign judgment for the defendant's assessed costs after 48 hours after assessment.

(2) If a claimant accepts money paid into Court in satisfaction of the cause of action, or all the causes of action, in respect of which the claimant claims, or if the claimant accepts a sum or sums paid in respect of one or more specified causes of action and gives notice that the claimant abandons the other causes of action, then subject to paragraph (3) —

(*a*) the claimant is entitled to the claimant'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 claimant may sign judgment for the claimant's assessed costs after 48 hours after assessment.

(3) Despite paragraph (2), the claimant is not entitled to have the claimant's costs assessed if the Court otherwise orders or if the claimant accepts the money paid into Court after the trial or hearing has begun.

(4) If a claimant accepts money paid into Court by a defendant who counterclaimed against the claimant, then, if the defendant stated in the notice of payment that the defendant had taken into account and satisfied the cause of action or all the causes of action in the defendant's counterclaim, then, subject to paragraph (5) —

(*a*) that defendant is entitled to that defendant's costs of the counterclaim incurred to the time of receipt of the notice of acceptance by the claimant of the money paid into Court, which may be assessed if not agreed between the parties; and

(*b*) that defendant may sign judgment for that defendant's assessed costs after 48 hours after assessment.

(5) Despite paragraph (4), the defendant is not entitled to have the defendant's costs assessed if the Court otherwise orders or if the defendant pays money into Court after the trial or hearing has begun.

Fixed costs (P. 16, r. 10)

10. In the cases to which Appendix 1 to this Part applies, the amount of costs allowed are as set out in that Appendix, unless the Court otherwise orders.

Powers of Registrar to assess costs (P. 16, r. 11)

11. The Registrar has power to assess —

(*a*) any costs of or arising out of any cause or matter in the Family Justice Courts 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. 16, r. 12)

12. 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;

(*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 production of any document which may be relevant in connection with those proceedings.

Costs of assessment proceedings (P. 16, r. 13)

13.—(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 19 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. 16, r. 14)

14.—(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.

(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. 16, r. 15)

15. 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. 16, r. 16)

16.—(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. 16, r. 17)

17. 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.

Notification of time appointed for assessment (P. 16, r. 18)

18. Where the bill of costs has been filed in accordance with Rule 17, 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. 16, r. 19)

19.—(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 18, 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 of intention to contest or not 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. 16, r. 20)

20.—(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 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. 16, r. 21)

21.—(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.

(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. 16, r. 22)

22.—(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. 16, r. 23)

23.—(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 reference 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. 16, r. 24)

24.—(1) This Rule applies to every assessment of the costs which —

(*a*) 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; or

(*b*) a person who is or has been a party 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 a person (*P*) who lacks or is alleged to lack capacity within the meaning given by that Act, who is given power to conduct legal proceedings in the name or on behalf of *P*, and that person is entitled to be paid out of *P*'s estate.

(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, personal representative, deputy or donee (as the case may be) as such.

Division 4 — Remuneration of trustees and personal representatives

Remuneration of trustees and personal representatives (P. 16, r. 25)

25.—(1) The remuneration of a trustee in relation to the administration of a trust, or of a personal representative in relation to the administration of an estate, is in the discretion of the Court, and the Court has full power to determine by whom and to what extent the remuneration is to be paid.

(2) Where the Court orders that a trustee or personal representative is entitled to be remunerated out of the trust or estate for discharging his or her functions as trustee or personal representative, the Court may make such order as it thinks fit, including an order that —

(*a*) the trustee or personal representative be paid a fixed amount;

(*b*) the trustee or personal representative be paid at a specified rate; or

(*c*) the remuneration of the trustee or personal representative be assessed.

(3) Where the Court makes an order under paragraph (2)(*c*), the provisions of Divisions 2, 5 and 6 of this Part apply to and in relation to the assessment of the remuneration of the trustee or personal representative.

Assessment of remuneration (P. 16, r. 26)

26.—(1) The trustee or personal representative must satisfy the Court that the remuneration sought (including any disbursements) is justifiable, fair and reasonable.

(2) The Court, in determining the remuneration of the trustee or personal representative, may have regard to all relevant matters, including the following:

(*a*) the acts done by or services provided by the trustee or personal representative in relation to the administration of the trust or estate;

(*b*) whether the acts or services mentioned in sub-paragraph (*a*) are necessary or advantageous for the proper administration of the trust or estate;

(*c*) the time and labour expended by the trustee or personal representative;

(*d*) where the trustee or personal representative does any act or provides any service mentioned in sub-paragraph (*a*) in the course of any business, trade, profession or vocation —

(i) the fees or rates charged by the trustee or personal representative for that act or service; and

(ii) the fees or rates charged by other persons to do the same or similar acts or provide the same or similar services;

(*e*) the amount and purpose of any disbursements claimed by the trustee or personal representative.

(3) Where the remuneration sought by the trustee or personal representative includes the compensation of, or the cost of employing or engaging, any other person (called in this paragraph the relevant person) to do any act or provide any service in relation to the administration of the trust or estate, the Court may, in determining the remuneration of the trustee or personal representative, have regard to the following matters in addition to the matters in paragraph (2):

(*a*) the number of relevant persons employed or engaged by the trustee or personal representative;

(*b*) in relation to each relevant person —

(i) the qualifications, skill, knowledge and responsibility required, of the relevant person;

(ii) the purpose for which the relevant person was employed or engaged by the trustee or personal representative;

(iii) the nature and scope of the acts done or services provided by the relevant person;

(iv) the time and labour expended by the relevant person; and

(v) where the relevant person does the act or provides the service in the course of any business, trade, profession or vocation —

(A) the fees or rates charged by the relevant person for that act or service; and

(B) the fees or rates charged by other persons to do the same or similar acts or provide the same or similar services.

Division 5 — Certificate

Certificate (P. 16, r. 27)

27. 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. 16, r. 28)

28. Upon the assessment of the bill of costs, the certificate of the Registrar, unless set aside, is conclusive as to the amount of costs 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 6 — Review

Application to Judge for review (P. 16, r. 29)

29.—(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 14 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 30, "Judge" means a judge sitting in the Family Division or a District Judge.

Review of Registrar's decision by Judge (P. 16, r. 30)

30.—(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.

Division 7 — Interest

Interest on costs (P. 16, r. 31)

31.—(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:

	First column	*Second column*
	Type of costs	*Commencement date*
(*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 Appendix 1 to this Part do not carry any interest.

APPENDIX 1

Part 16, Rules 10 and 31

FIXED COST

1. Where a claimant or defendant signs judgment for costs under Rule 9, there is to be allowed the following costs, in addition to disbursements:

	Costs to be allowed	
	Family Division	*Family Court*
Costs of judgment	$300	$300

2. 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-paragraph (*b*) below):

(i) in a Family Court action — $3,000;

(ii) in an action in the Family Division — $5,000;

(iii) charges, commission, expenses and fees paid to the bailiff;

(*b*) reasonable disbursements incurred by the applicant.

PART 17

COURT FEES

Definitions of this Part (P. 17, 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 commissioner for oaths, interpreter, clerk, process server, bailiff or other officer attached to the court for the administration of justice and due execution of powers and duties vested in the court.

Court fees (P. 17, r. 2)

2.—(1) Court fees must be paid in the circumstances and the manner set out in this Part and in 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 relates to proceedings under the Probate and Administration Act 1934, the value of the claim is the value of the estate;

(*d*) if the claim does not include any claim mentioned above, the claim is deemed to have a value of up to $1 million;

(*e*) 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 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.

Court powers relating to court fees (P. 17, 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 specified 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 Courts 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.

Refund of fees paid for unused documents (P. 17, 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 applicant 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.

PART 18

LODGMENT IN COURT, MONEY IN REGISTRY AND PAYMENT TO BAILIFF

Definitions of this Part (P. 18, r. 1)

1. In this Part —

"bank" means a bank approved by 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.

Payment into Court under Trustees Act 1967 (P. 18, 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. 18, 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. 18, 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.

(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. 18, 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. 18, 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, 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 Order 14 of the Rules of Court 2021, 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. 18, 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 $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. 18, 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. 18, 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. 18, 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 —

(*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. 18, 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 paid into Court under Order 14 of the Rules of Court 2021, or as security for costs, may be invested in any 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. 18, 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. 18, 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. 18, 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.

Bailiff to keep account (P. 18, 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. 18, 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. 18, 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. 18, 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. 18, 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.

Method of payments by bailiff (P. 18, r. 20)

20. All payments by the bailiff must be made by a method approved by the Registrar.

Instalments ledger (P. 18, 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.

FIRST SCHEDULE

Part 1, Rule 2(6)

APPLICATION OR DISAPPLICATION OF PROVISIONS TO CATEGORIES OF CASES

SECOND SCHEDULE

Part 1, Rule 3(1)

CIVIL PROCEDURE CONVENTIONS

Civil Procedure Convention	*Gazette No.*
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

THIRD SCHEDULE

Part 17, Rule 2(1) and (2)

COURT FEES

PART 1

DOCUMENT FEES
(EXCEPT WHERE A FEE IS PROVIDED FOR IN PART 4)

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:

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
Commencement of a cause or matter, notice of intention to contest or not contest and pleadings				
1. On sealing or (where sealing is not required) filing of all originating processes (including originating applications) and pleadings containing a claim or cause of action where no other fee is specifically provided, including a defence with a counterclaim or set-off or third and subsequent party claims	$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
3. On sealing or (where sealing is not required) filing a renewed originating process	$250	$500	$50	The filed copy
4. On sealing or (where sealing is not required) filing an amended originating process, an amended notice of intention to contest or not contest claim, or any amended pleading	$100	$200	$20	The filed copy
5. On filing of a notice of intention to contest or not contest — for each party	$100	$200	$20	The filed copy
6. On filing a statement of claim, defence or other pleading subsequent, where no fee is specifically provided	$200	$500	$20	The filed copy or pleading

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
Interlocutory applications				
7. On sealing or filing of —				
(*a*) a summons for an injunction, a search order or other similar relief	$500	$1,000	$100	The filed copy
(*b*) a summons for setting aside service of an originating process	$500	$1,000	$100	
(*c*) a summons for setting aside third party proceedings	$500	$1,000	$100	
(*d*) a summons for stay of proceedings	$500	$1,000	$100	
(*e*) a summons for striking out the whole of a pleading or endorsement	$500	$1,000	$100	
(*f*) a summons for permission to make an application for committal order, or for committal order after permission granted	$500	$1,000	$100	
(*g*) a summons for enforcement order	$500	$1,000	$100	
(*h*) a summons for single application pending trial	$500	$1,000	$100	
(*i*) a summons for any subsequent application with the Court's permission made after the single application pending trial in respect of matters which should have been dealt with under the single application pending trial —				
(i) first subsequent application	$500	$1,000	$100	
(ii) second subsequent application	$1,000	$1,500	$200	
(iii) third subsequent application	$1,500	$2,000	$300	
(iv) fourth subsequent application	$2,000	$2,500	$400	
(v) any subsequent application	N + $1,000 where "N" is the fee payable for the last application	N + $1,000 where "N" is the fee payable for the last application	N + $200 where "N" is the fee payable for the last application	

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
(*j*) a summons for a transfer of proceedings under section 29(1) or (2) of the Family Justice Act 2014	$200	$200	$200	
(*k*) on sealing any other summons	$100	$200	$20	
Entering or setting down for trial or hearing in Court				
8. On setting down an action for trial	$500	$1,000	$200	Notice for setting down an action for trial
9. 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
10. On filing —				
(*a*) an opening statement in an originating claim — fees under Order 9, Rule 25(15), read with Order 9, Rule 25(9)(*c*), of the Rules of Court 2021 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	Opening statement or amended opening statement

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
(*b*) written submissions for originating application — fees under Order 9, Rule 25(15), read with Order 9, Rule 25(14), of the Rules of Court 2021 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
Judgment and orders				
11. On entering or sealing, as the case may be —				The filed copy
(*a*) a committal order under Part 15, Rule 11	$500	$1,000	$150	
(*b*) an enforcement order, an order of court under Order 13, Rule 4 or 7 of the Rules of Court 2021, or an order of court relating to enforcement for which no other fee is prescribed in this Part	$500	$1,000	$270	
12. On filing a renewed enforcement order or an amended enforcement order	$100	$200	$50	The filed copy
13. 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
14. On sealing an urgent order to attend court and/or to produce documents, for each witness *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	$100	$200	$20	Order to attend court and/or to produce documents
15. On entering or sealing any judgment or order of Court where no other fee is prescribed in this Schedule	$100	$200	$50	Order or Judgment

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
16. On sealing or issuing any document, not being a judgment or an order, where no other fee is prescribed in this Schedule	$50	$100	$20	The document sealed or issued
Appeals to District Judge				
17. On filing a notice of appeal from a Registrar to a District Judge under Division 2 of Part 12			$100	The Notice
18. Written submissions for appeals from a Registrar to a District Judge under Division 2 of Part 12 — fees under Part 12, Rule 16(8) 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 + $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
Appeals to the Family Division of the High Court				
19. On filing a notice of appeal from a District Judge or Magistrate to the Family Division of the High Court under Division 3 of Part 12	$150	$150		The Notice

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
20. Written submissions for appeals from a District Judge or Magistrate to the Family Division of the High Court under Division 3 of Part 12 — fees under Part 12, Rule 21(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	(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
21. On filing a notice of appeal from the Registrar to a Judge in the Family Division of the High Court under Division 4 of Part 12	$500	$1,000		The Notice
22. Written submissions for appeals from the Registrar to a Judge in the Family Division of the High Court under Division 4 of Part 12 — fees under Part 12, Rule 25(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		The filed copy
23. On filing a notice of appeal to the Family Division of the High Court from a Family Court under Part 13	$600	$600		The Notice

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
24. An appellant's Case, a respondent's Case and an appellant's Reply for appeals to the Family Division of the High Court from a Family Court under Part 13				(*a*) The appellant's Case (*b*) The respondent's Case (*c*) The appellant's Reply (*d*) The amended Case/Reply
(*a*) fees for Cases within prescribed page limits	(i) $600 for appellant's Case (ii) $300 for respondent's Case (iii) $300 for appellant's Reply (iv) $200 for any amendments to appellant's Case, respondent's Case or appellant's Reply	(i) $600 for appellant's Case (ii) $300 for respondent's Case (iii) $300 for appellant's Reply (iv) $200 for any amendments to appellant's Case, respondent's Case or appellant's Reply		
(*b*) fees under Part 13, Rule 11(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	(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		

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
25. Core bundles for appeals from a Family Court to the Family Division of the High Court under Part 13 — fees under Part 13, Rule 11(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	(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
26 Any interlocutory application pending appeal	$100	$100	$100	The Application
27. On filing a document signifying the consent of the parties to the payment out of the security deposit to the appellant when an appeal under Part 13 is deemed withdrawn	$50	$50		The document filed
Assessment of costs				
28. On filing a bill of costs	$300	$500	$100	Bill of Costs
29. On assessing a bill of costs 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 was allowed by him or her at the full amount	6% of amount allowed at assessment of cost subject to a minimum fee of $100	6% of amount allowed at assessment of cost subject to a minimum fee of $100	6% of amount allowed at assessment of cost subject to a minimum fee of $100	Bill of Costs
30. On certificate of the result of the assessment of costs *Note*: Where a claimant is entitled to a lump sum for costs under Appendix 1 to Part 16, or where, in any proceedings, a lump sum for costs is allowed by the Court in any of the cases mentioned in Appendix 1 to Part 16 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	$50	$100	$20	Certificate

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
31. 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 29 if the bill had been allowed in full) as appears to the Registrar to be fair and reasonable, subject to a minimum fee of:	$200	$200	$100	Bill of Costs
Filing				
32. 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 minimum fee of $50 per affidavit	$2 per page subject to minimum fee of $50 per affidavit	$1 per page subject to a minimum fee of $10 per affidavit	The filed copy
33. 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
34. 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 (*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	$50	$100	$20	The filed copy
35. Request for payment out of moneys paid into Court under instalment order			5% of the sum to be paid out	Request
36. *Urgent handling charge*. 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

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
37.—(1) *Electronic filing charge*. For documents filed or sent to the Court using the electronic filing service under Order 28 of the Rules of Court 2021 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	
(*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				
38. *Electronic service charge*. For the service, delivery or conveyance of documents on or to one or more registered users using the electronic filing service under Order 28 of the Rules of Court 2021, 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*

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 or in open 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 or in open 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, the taking of accounts and the making of inquiries; and

(*d*) before the Registrar for the examination of witnesses,

are specified in the following tables:

THIRD SCHEDULE — *continued*

Table 1

Hearing before judge sitting in the Family Division of the High Court

	Family Division		*Document on which the stamp is to be affixed*	*Payment details*
	With value of up to $1 million	*With value of more than $1 million*		
1. For the whole or part of the 4th day	$6,000	$9,000	Request	The claimant, the appellant or the applicant (as the case may be) must pay the fees and file the Request, in Form 98 of the Supreme Court Practice Directions 2021, 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 5th day	$2,000	$3,000	Request	
3. For each day or part of a day of the 6th to 10th days	$3,000	$5,000	Request	
4. For each day or part of a day subsequent to the above	$5,000	$7,000	Request	

THIRD SCHEDULE — *continued*

Table 2

Court hearing before judge of the Family Court

	Family Court	*Document on which the stamp is to be affixed*	*Payment details*
1. For each day or part of a day after the first day	$500	Request	The claimant, the appellant or the applicant (as the case may be) must pay the fees and file the Request, in Form 98 of the Supreme Court Practice Directions 2021, at the time he or she sets the cause or matter down for hearing, 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 in the Family Division of the High Court for assessment of damages, taking of accounts and making of inquiries

		Document on which the stamp is to be affixed	*Payment details*
1. For the whole or part of the 4th day (including the number of days taken for the determination of liability before a Judge sitting in the Family Division of the High Court)	$1,000	Request	The party entitled to the benefit of the judgment, 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 98 of the Supreme Court Practice Directions 2021, at the time of filing the notice of appointment for the assessment of damages, 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 a day subsequent to the above	$1,000	Request	

THIRD SCHEDULE — *continued*

Table 4

Hearing before Registrar for examination of witnesses

	Family Division matter with value of up to $1 million	*Family Division matter with value of more than $1 million*	*Family Court*	*Document on which the stamp is to be affixed*	*Payment details*
1. On every appointment for the examination of a witness	$100	$200	$50	Request	The claimant or the applicant (as the case may be) must pay the fees and file the Request in Form 98 of the Supreme Court Practice Directions 2021 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 of an hour	$250	$500	$100	Request	

PART 3

SERVICE PROVISION FEES (EXCEPT WHERE A FEE IS PROVIDED FOR IN PART 4)

Service provision fees must be paid in the manner set out in the table below or at any other time or manner that the Registrar may determine.

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
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

THIRD SCHEDULE — *continued*

Items	*Family Division of the 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 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 (including exemplification of a probate or letters of administration and of a will or codicil or of any translation of it or any document to annex to Grant) 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
8. On every request for the services of an Interpreter of the Court for any hearing in court before the Family Division	$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*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
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 the affidavit or the declaration 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 on any place of carrying out of 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

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
16. For releasing property seized or attached on instruction of party obtaining the enforcement order or order of attachment of property	$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	

PART 4

NON-CONTENTIOUS PROCEEDINGS UNDER PROBATE AND ADMINISTRATION ACT 1934

Items		*Document to be stamped and remarks*
Commencement of a cause of action or matter and notice of intention to contest or not contest		
1. On filing an originating application for Probate or Letters of Administration, or for re-sealing the same, including the fees for taking and filing the supporting affidavit and engrossing any document annexed to the grant —		The filed copy
(*a*) where there is a request for a grant in electronic form only	$200	
(*b*) where there is an additional request for Grant of Probate or Letters of Administration in printed form	$30	

THIRD SCHEDULE — *continued*

Items		*Document to be stamped and remarks*
Commencement of a cause of action or matter and notice of intention to contest or not contest		
2. (*a*) On engrossing any Supplementary Schedule of Assets or any amended document to annex to an extracted Grant of Probate or Letters of Administration	$10	Request
(*b*) On additional request for an engrossed supplementary or amended document mentioned in paragraph (*a*) in printed form	$10	Request
3. On entry of every caveat including notice to the applicant	$50	The filed copy
4. On withdrawing a caveat including notice	$20	The filed copy
5. On settling or sealing a citation	$30	The filed copy
6. On sealing or (where sealing is not required) filing an amended originating application or an amended notice of intention to contest or not contest	$20	The filed copy
7. On filing a notice of intention to contest or not contest for each party	$20	The filed copy
Interlocutory applications		
8. On sealing or filing of a summons for injunction or other similar relief	$100	The filed copy
9. On sealing a summons for a transfer of proceedings under section 29(1) or (2) of the Family Justice Act 2014	$200	The filed copy
10. On sealing other summons	$20	The filed copy

THIRD SCHEDULE — *continued*

Items		*Document to be stamped and remarks*
Commencement of a cause of action or matter and notice of intention to contest or not contest		
Judgments and orders		
11. On entering or sealing, as the case may be —		The filed copy
(*a*) a committal order under Part 15, Rule 11	$150	
(*b*) an enforcement order, an order of court under Order 13, Rule 4 or 7 of the Rules of Court 2021, or an order of court relating to enforcement for which no other fee is prescribed in this Part	$270	
12. On filing a renewed enforcement order or an amended enforcement order	$50	The filed copy
13. On entering or sealing any judgment or order of Court	$50	Judgment or order
14. On sealing or issuing any document, not being any judgment or order, where no other fee is prescribed by this Part or Part 1	$20	The document sealed or issued
Filing		
15. On filing an affidavit, for every page or part of it including exhibit annexed to it or produced with it (whether filed or not)	$1 per page subject to a minimum fee of $10 per affidavit	The filed copy
16. On issuance of any certificate or report by the Registry or on filing any document for which no fee is specifically provided in this Part or Part 1 (except for requests of an administrative nature)	$10	The filed copy

THIRD SCHEDULE — *continued*

Items		*Document to be stamped and remarks*
Commencement of a cause of action or matter and notice of intention to contest or not contest		
17. 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 (*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	$20	The filed copy
18. Request for payment out of moneys paid into Court under instalment order	5% of the sum to be paid out	Request
Urgent handling charge		
19. 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)	The filed copy

THIRD SCHEDULE — *continued*

Items		*Document to be stamped and remarks*
Commencement of a cause of action or matter and notice of intention to contest or not contest		
Electronic filing charge		
20. For documents filed or sent to the Court using the electronic filing service under Order 28 of the Rules of Court 2021 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	
(*c*) for all other documents filed or sent to the Court	$4 per document plus $0.80 per page	
Note: — Where the document is remotely composed on the computer system of the electronic filing service provider, it is deemed to comprise 2 pages		

THIRD SCHEDULE — *continued*

Items		*Document to be stamped and remarks*
Commencement of a cause of action or matter and notice of intention to contest or not contest		
Electronic service charge		
21. For the service, delivery or conveyance of documents on or to one or more registered users using the electronic filing service under Order 28 of the Rules of Court 2021, whether by electronic transmission or through the service bureau	$2 per document per party served	The served copy
Service provision fees		
22. On filing a request for the service of process or notice of the same out of jurisdiction	$50	Request
23. On rejection of any document for administrative or clerical errors	(i) $10 for the first rejection (ii) $25 for the second rejection (iii) $50 for the third or subsequent rejection	The filed copy

THIRD SCHEDULE — *continued*

Items		*Document to be stamped and remarks*
Commencement of a cause of action or matter and notice of intention to contest or not contest		
24. On every request for certified true copies of documents from the Court file (including exemplification of a probate or letters of administration and of a will or codicil or of any translation of it or any document to annex to Grant) However, the fee under this item must not be collected for transcripts certified by a provider of transcription services authorised by the Court	$8 per document plus $5 per page	Request
25. On every Request for plain copies of documents from the Court file	$5 per document plus $0.15 per page	Request
26. On every application to inspect a Court file	$10	Request
27. On a certified translation by an Interpreter of the Court	$45 per page or part of a page	Request
28. 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	Affidavit or Declaration
And in addition for each exhibit referred to in the affidavit or the declaration and required to be marked	$5	

THIRD SCHEDULE — *continued*

Items		*Document to be stamped and remarks*
Commencement of a cause of action or matter and notice of intention to contest or not contest		
29. On taking a recognizance or bond, including an administration bond in an application for Grant of Probate, Letters of Administration or resealing, whether one or more than one recognizer or obliger, and whether entered into by all at one time or not	$100	The filed copy
30. For each attempt at service on each person of any process or proceeding required to be served by the Court or Registrar or bailiff	$30	Request
31. For attendance by the bailiff on any place of carrying out of 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	To be paid to the bailiff
(*b*) at any other time	$100 per hour or part of an hour	To be paid to the bailiff
32. For each request for a date to be appointed for the carrying out of an enforcement order after the first appointment	$100	Request

THIRD SCHEDULE — *continued*

Items		*Document to be stamped and remarks*
Commencement of a cause of action or matter and notice of intention to contest or not contest		
33. For releasing property seized or attached on instruction of party obtaining the enforcement order or order of attachment of property	$20	Request
34. On every request for the refund of the fee paid for any unused document	$20	Request
35. For provision of any other service where no fee is specifically provided for	$50	

PART 5

SEARCH FEES

Search fees must be paid in the manner set out in the table below or at any other time or manner that the Registrar may determine.

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
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

THIRD SCHEDULE — *continued*

Items	*Family Division of the High Court*		*Family Court*	*Document to be stamped and remarks*
	With value up to $1 million	*With value of more than $1 million*		
(*c*) where a search made under paragraph (*b*) produces a nil result, the following shall be chargeable in lieu 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	
(*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 CHOH
Registrar of the
Family Justice Courts.

LIM HUI MIN
Director of Legal Aid.

YAP TEONG LIANG
Advocate and Solicitor.

FOO SIEW FONG
Advocate and Solicitor.

[Agency FRN; AG/LEGIS/SL/104A/2020/3]

(To be presented to Parliament under section 46(7) of the Family Justice Act 2014).

TABLE OF DERIVATIONS

This Table of Derivations is provided for the convenience of users of the Family Justice (Probate and Other Matters) 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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	2(2)	2
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Rule Heading	*Rule*	*Family Justice Rules 2014*
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Rule Heading	*Rule*	*Family Justice Rules 2014*
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Rule Heading	*Rule*	*Family Justice Rules 2014*
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Rule Heading	*Rule*	*Family Justice Rules 2014*
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Rule Heading	*Rule*	*Family Justice Rules 2014*
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Rule Heading	*Rule*	*Family Justice Rules 2014*
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