

ADMINISTRATION OF MUSLIM LAW ACT
(CHAPTER 3, SECTION 145)

MUSLIM MARRIAGE AND DIVORCE RULES

ARRANGEMENT OF RULES

PART I

PRELIMINARY

Rule

1. Citation
2. Definitions
- 2A. Jurisdiction and powers of registrar

PART II

APPLICATIONS TO KADI OR NAIB KADI

3. Application to have marriage solemnized
- 3A. Marriage preparation programme
4. Inquiry into wali's refusal to consent
5. Application by man already married
6. Registration of marriage and revocation of divorce
7. Record book kept by Kadi or Naib Kadi
8. Summons issued by Kadi or Naib Kadi

PART IIA

ACTIVITIES TO BE ATTENDED BEFORE MAKING
APPLICATION TO COURT FOR DIVORCE

- 8A. Prescribed party
- 8B. Prescribed activity
- 8C. Time for attending applicable prescribed activity
- 8D. Excluded party
- 8E. Application under section 46A(4) of Act to be allowed to apply for divorce
- 8F. Application under section 46A(4) of Act to be allowed to make cross-application for divorce

PART III

SYARIAH COURT

Rule

9. Commencement of proceedings in Court, etc.
- 9A. Duration and renewal of originating summons
- 9B. Parenting plan
- 9C. Matrimonial property plan
10. *[Deleted]*
11. Persons under disability
- 11A. Service of certain documents on person under disability
12. Memorandum of defence and cross-application
- 12A. Amendment of originating summons, memorandum of defence, etc.
13. Discovery of documents
- 13A. Order for production to Court
- 13B. Failure to comply with order of discovery or production
- 13C. Information as to other proceedings relating to children
14. Interim orders relating to child of parties
15. Miscellaneous interim orders
16. Intervener
17. Leave to commence or to continue civil proceedings
- 17A. Stay of proceedings
18. Withdrawal, compromise and settlement
- 18A. Court may make orders and give directions for just, expeditious and economical disposal of proceedings
19. *[Deleted]*
20. Witnesses
21. Warrant of arrest
22. *[Deleted]*
23. Hearings
- 23A. Continuation of hearing by another president of Court
- 23B. Continuation of hearing by another member of Appeal Board
24. Evidence
- 24A. Filing of affidavits in originating summons or summons
- 24B. Filing of affidavit of evidence-in-chief
25. Examination of child directed by Court
- 25A. Examination of child with leave of Court
- 25B. Role of child representative
26. Consent decrees and orders
27. Judgment decrees and orders

Rule

28. Variation application
29. Registration of divorce
30. [*Deleted*]
31. Costs
32. Hakam
33. Service of originating summons, etc.
34. Substituted service
- 34A. Proof of service
35. Service of summons and other documents
- 35A. Affidavit of service
36. Application for order of presumption of death
37. Appointment and discharge of solicitors
38. Appeals from directions and orders of registrar

PART IIIA

ELECTRONIC SYSTEM

- 38A. Electronic system
- 38B. Authentication
- 38C. Electronic filing
- 38D. Signing of electronic documents
- 38E. Date of filing
- 38F. When time for service begins to run
- 38G. Time of service of documents through electronic system
- 38H. Issuance of order or document by Court
- 38I. Affidavits in electronic form
- 38J. Discrepancy
- 38K. Applications and documents to comply with certain matters
- 38L. Application for inheritance certificate

PART IV

APPEAL BOARD

39. Appeals to Appeal Board
40. Appeals on certain matters
- 40A. Stay of enforcement, etc.
41. Hearing of appeals
42. Further evidence

PART V

MISCELLANEOUS

Rule

- 43. Oral applications to Court or Appeal Board
 - 44. Practice and procedure
 - 45. Fees
 - 45A. Application for copy of entry in Register of Divorces
 - 45B. Application for copy of or extract from information or record in Register of Marriages or Register of Revocation of Divorces
 - 45C. Records
 - 46. Transitional provision
- The Schedules
-

[1st August 1999]

PART I

PRELIMINARY

Citation

1. These Rules may be cited as the Muslim Marriage and Divorce Rules.

Definitions

2.—(1) In these Rules, unless the context otherwise requires —

“additional CPF information” means any information (not contained in a relevant CPF statement) that the Court may require a person to obtain from the Central Provident Fund Board;

“agreed matrimonial property plan” means a plan, signed by both parties to a marriage, setting out the parties’ agreement as to the way in which an HDB matrimonial asset is to be divided;

“arrangements for the welfare of every dependent child of the parties” includes arrangements in relation to —

- (a) the custody, care and control of, and access to, the child;
- (b) the education of the child; and
- (c) any other parental responsibility for the child;

“child of the parties” means any child of the parties to a marriage (including a purported marriage that is annulled), and includes any legally adopted child;

“Corppass” means the identity authentication service known as Singapore Corporate Access, by which an entity authenticates its identity in order to carry out an online transaction with the Government or a public authority;

[S 910/2022 wef 30/11/2022]

“Corppass credential” means any username, password or 2-factor authentication detail required to authenticate, using Corppass, the identity of an entity;

[S 910/2022 wef 30/11/2022]

“Court” means the Syariah Court constituted under section 34 of the Act, or a president of the Court, and includes, in any case where the registrar is empowered to act, the registrar;

“dependent child of the parties” means a child of the parties who is below 21 years of age;

“electronic system” means the electronic filing and case management system established under rule 38A(1);

[S 910/2022 wef 30/11/2022]

“entity” means a sole proprietorship, an incorporated or unincorporated partnership (including a limited liability partnership and a limited partnership), a law corporation, a company or other body corporate, a department of the Government or a public authority;

[S 910/2022 wef 30/11/2022]

“HDB matrimonial asset” means any property, as defined in section 52(14) of the Act, that consists of —

- (a) any HDB flat; or

(b) any right or interest arising under an agreement to purchase an HDB flat;

[Deleted by S 910/2022 wef 30/11/2022]

“identification code” means a Singpass credential, a Corppass credential or an SYCPass credential;

[S 910/2022 wef 30/11/2022]

“marriage counselling programme” means a programme or course that provides counselling and other support services, and information on matters relating to marriage, divorce, and reconciliation;

“parenting programme” means a programme or course that provides counselling and other support services, and information on matters relating to how a divorce may affect a child of the parties, and parenting skills;

“person lacking capacity” means a person who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) in relation to matters concerning the person’s property and affairs;

“practice directions” means any practice directions issued by the senior president of the Court under section 34A(7) of the Act;

“president of the Court” means a president of the Court appointed under section 34A(1) of the Act, and includes an ad-hoc president of the Court appointed under section 34A(4) of the Act;

“proposed matrimonial property plan” means a plan setting out the proposal of a party to a marriage as to the way in which an HDB matrimonial asset is to be divided;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function;

[S 910/2022 wef 30/11/2022]

“registrar” means the registrar of the Court appointed under section 34B of the Act, and includes a deputy registrar;

“relevant CPF statement” means a statement issued by the Central Provident Fund Board containing such information as the Court may require, relating to —

- (a) any account maintained by the Central Provident Fund Board for any person who is a member of the Central Provident Fund; and
- (b) the amount withdrawn from any such account (including any accrued interest) for the purpose of any immovable property or for any other purpose;

“senior president of the Court” means a president of the Court designated to be the senior president of the Court under section 34A(1) of the Act;

“Singpass” means the identity authentication service known as Singapore Personal Access, by which an individual authenticates the individual’s identity in order to carry out an online transaction with the Government or a public authority;

[S 910/2022 wef 30/11/2022]

“Singpass credential” means any username, password or 2-factor authentication detail required to authenticate, using Singpass, the identity of an individual;

[S 910/2022 wef 30/11/2022]

“solicitor” means an advocate and solicitor of the Supreme Court;

“SYCPass” means the identification method known as SYCPass, by which an individual presents the individual’s identity in order to access the electronic system;

[S 910/2022 wef 30/11/2022]

“SYCPass credential” means any username, password or 2-factor authentication detail required for an individual to present, via SYCPass, the individual’s identity;

[S 910/2022 wef 30/11/2022]

“variation application” means an application under section 52(6) of the Act to vary or rescind an order made under section 52 of the Act.

(2) In these Rules, unless the context otherwise requires —

(a) any reference in Part II to a form by a number or title is to be construed as a reference to the current version of the form bearing that number or title set out on the website of the Registry of Muslim Marriages at <http://www.romm.gov.sg>;

(b) any reference in Part IIA or III to a form by a number or title is to be construed as a reference to the current version of the form bearing that number or title set out in the practice directions;

[S 910/2022 wef 30/11/2022]

(c) *[Deleted by S 910/2022 wef 30/11/2022]*

(d) any reference to the “relevant Form” for any purpose for which a specific form is required to be used in Part IIA or III is to be construed as a reference to the current version of the relevant form for that purpose set out in the practice directions; and

(e) any reference in Part IV to a form by a number or title is to be construed as a reference to the current version of the form bearing that number or title set out on the website of the Majlis at <http://www.muis.gov.sg>.

(3) The forms set out in the practice directions may be used with such variations as the circumstances of the particular case require.

[S 639/2018 wef 22/10/2018]

Jurisdiction and powers of registrar

2A.—(1) The registrar of the Court may exercise, in addition to the jurisdiction and powers specified in section 34B(2)(a) of the Act, all of the jurisdiction and powers that may be exercised by a president of the Court under sections 39, 42, 43, 44, 45, 46, 53B, 54A and 54B of the Act.

(2) The registrar of the Court may exercise all of the powers that may be exercised by a president of the Court under these Rules, except —

- (a) the power mentioned in rule 27 to make a decree of divorce (not being a decree of divorce mentioned in rule 26) or nullity of marriage;
- (b) the power to hear and determine any application made under rule 8E, 8F, 11, 17, 17A, 28 or 36; and
- (c) the power to hear and determine any appeal under rule 38.

[S 639/2018 wef 22/10/2018]

PART II

APPLICATIONS TO KADI OR NAIB KADI

Application to have marriage solemnized

3.—(1) An application to a Kadi or Naib Kadi for solemnization of a marriage under section 95 of the Act must —

- (a) be made in Form 1A;
- (b) be accompanied by a declaration made by each party to the intended marriage and the wali (if any) of the woman to be wedded;

[S 910/2022 wef 30/11/2022]

- (c) where the application is made on or after 22 October 2018 and either party to the intended marriage is a person to whom section 94A of the Act applies, be accompanied by the details of the marriage preparation programme attended and completed by both parties to the intended marriage; and
- (d) where the application is made on or after 22 October 2018 and either party to the intended marriage is a minor when the application is made, be accompanied by —
 - (i) the consent required under section 94B(1) of the Act of each appropriate person mentioned in the Fourth Schedule to the Act; or

(ii) if the consent of any such appropriate person cannot be obtained, or if any such appropriate person refuses to give that person's consent —

(A) an application to the Kadi or Naib Kadi to dispense with the consent of that person; and

(B) any evidence in support of the application mentioned in sub-paragraph (A) (including a statutory declaration by any person) that the Kadi or Naib Kadi may require.

[S 639/2018 wef 22/10/2018]

(1A) The Kadi or Naib Kadi may require the applicants to provide any other information that the Kadi or Naib Kadi requires to satisfy himself that there is no lawful obstacle, according to the Muslim law or the Act, to the marriage.

[S 639/2018 wef 22/10/2018]

(2) Where an application under paragraph (1) is made on or after 1st September 2011 and any of the parties to the intended marriage has previously been married but is divorced, the declaration referred to in paragraph (1)(b) shall state whether he or she owes any arrears in respect of any maintenance which is payable under a maintenance order.

[S 910/2022 wef 30/11/2022]

(3) The declaration mentioned in paragraphs (1)(b) and (2) must provide for a party (*X*) to declare —

(a) whether the parties to the intended marriage are prevented from marrying by the Act or any other law;

(b) if the parties are required to attend and complete a marriage preparation programme — whether the parties have done so; and

(c) if *X* was previously married but has been divorced — whether *X* owes any arrears in respect of any maintenance which is payable under a maintenance order.

[S 910/2022 wef 30/11/2022]

(3A) The Kadi or Naib Kadi may in lieu of or in addition to a declaration mentioned in paragraphs (1)(b) and (2), require a statutory declaration to be made by any party to the intended marriage or the wali (if any) of the woman to be wedded.

[S 910/2022 wef 30/11/2022]

(4) A marriage shall not be solemnized by Kadi or Naib Kadi unless the parties to the proposed marriage comply with paragraphs (1), (2), (3) and (3A).

[S 910/2022 wef 30/11/2022]

(5) In this rule, “maintenance order” has the same meaning as in section 17(4) of the Women’s Charter (Cap. 353).

[S 495/2011 wef 01/09/2011]

Marriage preparation programme

3A.—(1) For the purposes of section 94A(1) of the Act, the class of persons who must attend a marriage preparation programme consists of every party to an intended marriage where —

- (a) at least one of the parties to the intended marriage is a citizen or permanent resident of Singapore;
- (b) at least one of the parties to the intended marriage is below 21 years of age when an application is made to a Kadi or Naib Kadi for the solemnization of the intended marriage; and
- (c) neither party to the intended marriage suffers from any illness or disability specified in paragraph (2).

(2) The illness or disability mentioned in paragraph (1) is —

- (a) any critical illness or terminal illness that renders it impracticable or impossible for the party suffering from that illness, or both that party and the other party to the intended marriage, to attend or complete a marriage preparation programme; or
- (b) any physical disability or infirmity (such as any visual, auditory or speech impairment) that renders it impracticable or impossible for the party suffering that

disability or infirmity, or both that party and the other party to the intended marriage, to attend or complete a marriage preparation programme.

(3) In section 94A of the Act, “marriage preparation programme” means a programme or course that —

(a) is organised by an organisation approved by a public officer authorised under rule 15(2)(a) of the Women’s Charter (Solemnisation and Registration of Marriages) Rules 2023 (G.N. No. S 635/2023);

[S 654/2023 wef 25/09/2023]

(b) seeks to help persons intending to get married to understand and prepare for the issues commonly arising in a marriage; and

(c) is conducted by a person who —

(i) has experience in dealing with issues commonly arising in a marriage; or

(ii) is trained to conduct such a programme or course.

[S 639/2018 wef 22/10/2018]

Inquiry into wali’s refusal to consent

4.—(1) A Kadi or Naib Kadi who holds an inquiry under section 95(3) of the Act may issue a summons to any person to attend the inquiry.

(2) An inquiry held by a Kadi or Naib Kadi under this rule shall be held not earlier than 7 days from the date of the issue of the summons by the Kadi or Naib Kadi to a person required to attend the inquiry.

(3) At the inquiry, the Kadi or Naib Kadi shall —

(a) hear and record the evidence given by every person summoned to attend the inquiry; and

(b) give to every person an opportunity to examine, cross-examine and re-examine the other persons in the manner provided in the Evidence Act (Cap. 97).

(4) The Kadi or Naib Kadi may call for any evidence relating to the inquiry that he considers necessary.

(5) The Kadi or Naib Kadi may give his decision immediately after the inquiry or at a later date in which case notice shall be given to all the parties concerned.

(6) If a notice of appeal referred to in rule 39(2) against the decision of the Kadi or Naib Kadi has been filed within 30 days of the date of the decision, the decision of the Kadi or Naib Kadi shall not be carried out except by order of the Appeal Board.

Application by man already married

5.—(1) A Kadi who holds an inquiry under section 96(3) of the Act may issue summons to require —

- (a) the man;
- (b) the woman;
- (c) the wali of that woman; and
- (d) any other person who is able to give any evidence in the matter,

to attend the inquiry.

(2) An inquiry held by a Kadi under this rule shall be held not earlier than 7 days from the date of the issue of the summons by the Kadi as referred to in paragraph (1).

(3) At the inquiry, the Kadi shall —

- (a) hear and record the evidence given by all of the parties referred to in paragraph (1); and
- (b) give to every party an opportunity to examine, cross-examine and re-examine the other parties in the manner provided in the Evidence Act (Cap. 97).

(4) The Kadi may call for any evidence relating to the inquiry that he considers necessary.

(5) The Kadi may give his decision immediately after the inquiry or at a later date in which case notice shall be given to all the parties concerned.

(6) If a notice of appeal referred to in rule 39(2) against the decision of the Kadi has been filed within 30 days of the date of the decision, the decision of the Kadi shall not be carried out except by order of the Appeal Board.

Registration of marriage and revocation of divorce

6.—(1) A marriage solemnized by a Kadi or Naib Kadi shall be registered in Form 2.

(2) For the purposes of section 102(2)(c) of the Act, an application for the registration of a revocation of divorce must be made in Form 4.

[S 639/2018 wef 22/10/2018]

(3) A revocation of divorce shall be registered in Form 4.

[S 639/2018 wef 22/10/2018]

Record book kept by Kadi or Naib Kadi

7. Every Kadi or Naib Kadi shall keep a record book in which he shall record all the evidence taken by him in any inquiry under Part VI of the Act or any of these Rules.

Summons issued by Kadi or Naib Kadi

8. A summons issued by a Kadi or Naib Kadi under section 95(4) of the Act or any of the provisions in this Part shall be in Form 5.

PART IIA

ACTIVITIES TO BE ATTENDED BEFORE MAKING APPLICATION TO COURT FOR DIVORCE

[S 639/2018 wef 22/10/2018]

Prescribed party

8A. For the purposes of section 46A of the Act and in this Part, “prescribed party” means a party to a marriage where at least one party to the marriage intends to file, or files, an application for a

divorce in accordance with the Muslim law, on or after 22 October 2018.

[S 639/2018 wef 22/10/2018]

Prescribed activity

8B.—(1) For the purposes of section 46A of the Act and in this Part, “prescribed activity” means —

- (a) a marriage counselling programme; or
- (b) both a marriage counselling programme and a parenting programme.

(2) For the purposes of section 46A of the Act and in this Part, the applicable prescribed activity is —

- (a) in relation to a prescribed party who does not have any dependent child of the parties — a marriage counselling programme; or
- (b) in relation to a prescribed party who has at least one dependent child of the parties — both a marriage counselling programme and a parenting programme.

[S 639/2018 wef 22/10/2018]

Time for attending applicable prescribed activity

8C. For the purposes of section 46A(1) of the Act —

- (a) a prescribed party who wishes to make an application for a divorce in accordance with the Muslim law must attend the applicable prescribed activity before filing that application, but not earlier than 6 months before the date on which that application is filed; and
- (b) a prescribed party who is a defendant in proceedings for a divorce in accordance with the Muslim law must attend the prescribed activity —
 - (i) if the prescribed party wishes to make a cross-application in those proceedings — before filing the cross-application; and

(ii) in any event —

- (A) not earlier than 6 months before the date on which the originating summons in those proceedings is filed; and
- (B) not later than 21 days after the date on which the originating summons in those proceedings is served on the prescribed party.

[S 639/2018 wef 22/10/2018]

Excluded party

8D. A prescribed party is exempt from section 46A(1) of the Act, and is consequently an excluded party for the purposes of section 46A of the Act and this Part, if the prescribed party —

- (a) lacks capacity within the meaning of section 4 of the Mental Capacity Act;
- (b) suffers from any critical illness or terminal illness that renders it impracticable or impossible for the prescribed party suffering from that illness, or both that prescribed party and the other party to the marriage, to attend or complete the applicable prescribed activity;
- (c) suffers from any physical disability or infirmity (such as any visual, auditory or speech impairment) that renders it impracticable or impossible for the prescribed party suffering that disability or infirmity, or both that prescribed party and the other party to the marriage, to attend or complete the applicable prescribed activity; or
- (d) reconciles with the other party to the marriage during the period of iddah.

[S 639/2018 wef 22/10/2018]

Application under section 46A(4) of Act to be allowed to apply for divorce

8E.—(1) An application by a prescribed party under section 46A(4) of the Act to be allowed to apply for a divorce in accordance with the Muslim law must be made by originating summons in Form 6A.

(2) The applicant must file the originating summons together with a supporting affidavit —

- (a) stating the particulars of the parties to the proceedings;
- (b) stating the applicant's reasons for not attending the applicable prescribed activity; and
- (c) exhibiting a copy of each document relied on in support of the application.

(3) Unless the Court otherwise directs, the originating summons and the supporting affidavit must be served on the respondent at least 7 days before the date of the first pre-trial conference or first hearing (whichever is earlier) relating to the originating summons.

(4) The Court may allow the applicant to make an application for a divorce in accordance with the Muslim law on such terms as the Court thinks fit.

[S 639/2018 wef 22/10/2018]

Application under section 46A(4) of Act to be allowed to make cross-application for divorce

8F.—(1) An application by a prescribed party under section 46A(4) of the Act to be allowed to make a cross-application in proceedings for a divorce in accordance with the Muslim law must be made by summons in those proceedings.

(2) The applicant must file the summons together with a supporting affidavit —

- (a) stating whether the applicant was informed, or was aware, that the applicant was required to attend the applicable prescribed activity;
- (b) stating the applicant's reasons for not attending the applicable prescribed activity;
- (c) exhibiting a copy of each document relied on in support of the application; and
- (d) if the summons is filed more than 2 months after the originating summons in the proceedings was served on the

applicant, stating the applicant's reason for not filing the summons within those 2 months.

(3) Unless the Court otherwise directs, the summons and the supporting affidavit must be served on the plaintiff in the proceedings mentioned in paragraph (1) at least 7 days before the date of the first pre-trial conference or first hearing (whichever is earlier) in those proceedings.

(4) The Court may allow the applicant to make a cross-application in the proceedings mentioned in paragraph (1) on such terms as the Court thinks fit.

[S 639/2018 wef 22/10/2018]

PART III

SYARIAH COURT

Commencement of proceedings in Court, etc.

9.—(1) For the purposes of section 102(5)(b) of the Act, an application to the Court for a decree or order for divorce or nullity of marriage must be made by originating summons in Form 6.

[S 910/2022 wef 30/11/2022]

(2) Except as otherwise provided in these Rules, all other proceedings in the Court must be commenced by filing an originating summons in Form 45A.

[S 910/2022 wef 30/11/2022]

(3) An originating summons for divorce or nullity of marriage must be endorsed with a case statement in Form 7, 8 or 9, whichever is appropriate, unless the Court otherwise directs.

[S 910/2022 wef 30/11/2022]

(4) A plaintiff must, at the time of filing of the originating summons endorsed with a case statement or at such other time as may be specified by the Court, file the plaintiff's relevant CPF statement and additional CPF information.

(5) After an originating summons has been served, the plaintiff may only amend the originating summons, or the case statement with which the originating summons is endorsed —

- (a) with the leave of the Court; or
- (b) in such manner as is agreed to by the defendant.

(6) Unless the Court otherwise directs, a copy of the amended originating summons, or amended case statement, must be served on the defendant.

(7) Except as expressly provided in these Rules, every application in a pending action or matter must be made by a summons in Form 10.

[S 639/2018 wef 22/10/2018]

Duration and renewal of originating summons

9A.—(1) For the purposes of service, an originating summons is valid in the first instance for 12 months beginning on the date of its issue.

(2) Where an originating summons has not been served on a defendant, the Court may by order extend the validity of the originating summons from time to time for such period, not exceeding 6 months at any one time, beginning on the day next following that on which the validity of the originating summons would otherwise expire, as may be specified in the order, if an application for the extension is made to the Court before that day, or such later day as the Court may allow.

[S 639/2018 wef 22/10/2018]

Parenting plan

9B.—(1) Where an originating summons in respect of any proceedings for divorce or nullity of marriage discloses that there is any dependent child of the parties, the plaintiff must, unless the Court otherwise directs, file, together with the originating summons —

- (a) an agreed parenting plan in Form 11; or
- (b) a proposed parenting plan in Form 12.

(2) Unless the Court otherwise directs, the parties to a marriage must try to agree on the arrangements for the welfare of every dependent child of the parties and file an agreed parenting plan.

(3) If the parties are unable to agree on the arrangements for the welfare of any dependent child of the parties, the parties may seek the advice and assistance of a person, whether or not a public officer, who is trained or has experience in matters relating to child welfare, so that the parties may resolve their disagreements harmoniously.

(4) In reaching an agreement on the arrangements for the welfare of any dependent child of the parties, the parties to the marriage must regard the welfare of that child as the paramount consideration.

[S 639/2018 wef 22/10/2018]

Matrimonial property plan

9C.—(1) Where an originating summons in respect of any proceedings for divorce or nullity of marriage discloses that there is an HDB matrimonial asset to be divided, the plaintiff must, unless the Court otherwise directs, file, together with the originating summons —

- (a) an agreed matrimonial property plan in Form 13 and the particulars of arrangements for housing in Form 14; or
- (b) a proposed matrimonial property plan in Form 15 and the particulars of arrangements for housing in Form 14.

(2) Where, at any time after the filing of an originating summons in respect of proceedings for divorce or nullity of marriage, it is disclosed that there is an HDB matrimonial asset to be divided, the plaintiff must, unless the Court otherwise directs, file the documents mentioned in paragraph (1)(a) or (b) in Court —

- (a) within the time specified by the Court; or
- (b) if no time is specified by the Court, before the Court makes any order under section 52(3)(d) of the Act.

(3) Before the filing of an agreed matrimonial property plan under paragraph (1)(a), each party to the proceedings must obtain that party's own relevant CPF statement and additional CPF information within such time and in such manner as the Court may specify.

[S 910/2022 wef 30/11/2022]

(4) Before the filing of a proposed matrimonial property plan under paragraph (1)(b), the plaintiff must obtain the plaintiff's relevant CPF statement and any additional CPF information, in the relevant Form and within such time as the Court may specify.

[S 802/2022 wef 17/10/2022]

(5) *[Deleted by S 910/2022 wef 30/11/2022]*

10. *[Deleted by S 639/2018 wef 22/10/2018]*

Persons under disability

11.—(1) The lawful guardian of a minor or any other person having parental rights with respect to the minor may apply to the Court to represent the minor in any proceedings in the Court to which the minor is a party.

(2) The following persons may apply to the Court to represent a person lacking capacity in any proceedings in the Court to which the person lacking capacity is a party:

- (a) a deputy appointed or deemed to be appointed for the person lacking capacity by the Court under the Mental Capacity Act;
- (b) a donee of a lasting power of attorney granted, by the person lacking capacity, under the Mental Capacity Act;
- (c) a person related by blood or marriage to the person lacking capacity.

[S 639/2018 wef 22/10/2018]

(3) An application under this rule must be made by summons in Form 16 and be supported by an affidavit.

[S 639/2018 wef 22/10/2018]

(4) The Court may appoint the applicant referred to in paragraph (1) or (2) to represent the minor or person lacking capacity, as the case may be, in the proceedings if the Court thinks that this is not adverse to the interests of the minor or person lacking capacity.

[S 639/2018 wef 22/10/2018]

Service of certain documents on person under disability

11A.—(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, the document must be served —

- (a) in the case of a minor who is not also a person lacking capacity, on his or her father or guardian or, if he or she has no father 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 Mental Capacity Act 2008 to conduct in the name of the person lacking capacity or on his or her behalf the proceedings in connection with which the document is to be served or, 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 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 the discovery or production of documents.

[S 910/2022 wef 30/11/2022]

Memorandum of defence and cross-application

12.—(1) A defendant who has been served with an originating summons and case statement must, if the defendant wishes to defend

the originating summons, file a memorandum of defence in Form 17, 18 or 19, whichever is appropriate —

- (a) within 21 days after the date of service of the originating summons and case statement; or
- (b) where the Court has extended that period, within the extended period.

(2) The defendant must, as soon as practicable after filing the memorandum of defence, send to the plaintiff or the plaintiff's solicitor a copy of the memorandum of defence sealed with the seal of the Court.

(3) Subject to paragraph (4), a defendant who has filed the memorandum of defence cannot amend the memorandum of defence, or raise any other ground of defence, without the leave of the Court.

(4) Where the plaintiff has amended the plaintiff's originating summons, or the case statement with which the originating summons is endorsed, with the agreement of the defendant under rule 9(5)(b) —

- (a) the defendant may, if the defendant has already served a memorandum of defence on the plaintiff, amend the memorandum of defence without the leave of the Court; and
- (b) the defendant must, if the defendant wishes to defend the amended originating summons, or amended case statement, file a memorandum of defence or an amended memorandum of defence, as the case may be —
 - (i) within 21 days after the date of service of the amended originating summons or amended case statement; or
 - (ii) where the Court has extended that period, within the extended period.

(5) A defendant who wishes to make a cross-application must, unless the Court gives leave to the contrary, include the cross-application in the memorandum of defence.

(6) Every cross-application must contain a statement of particulars setting out the following matters:

- (a) the nature of the cross-application;
- (b) the grounds for —
 - (i) the cross-application; and
 - (ii) the claims or relief sought;
- (c) particulars of the facts relied upon in support of the cross-application.

(7) A defendant who has filed a cross-application may not amend the cross-application without the leave of the Court.

(8) A defendant must, at the time of filing of the memorandum of defence or at such other time as may be specified by the Court, file the defendant's relevant CPF statement and additional CPF information.

(9) A defendant who has been served with a proposed parenting plan under rule 9B must, in any case where the Court so directs, within the time specified by the Court, or may, in any other case, on the date of filing of the memorandum of defence under this rule, file —

- (a) the defendant's agreement in Form 20 to the proposed parenting plan; or
- (b) a proposed parenting plan in Form 21 setting out the defendant's proposed arrangements for the welfare of every dependent child of the parties.

(10) A defendant who has been served with a proposed matrimonial property plan under rule 9C must, in any case where the Court so directs, within the time specified by the Court, or may, in any other case, on the date of filing of the memorandum of defence under this rule, file —

- (a) the defendant's agreement in Form 22 to the proposed matrimonial property plan, and the particulars of the HDB matrimonial asset in Form 14; or
- (b) a proposed matrimonial property plan in Form 23 setting out the defendant's proposed arrangements in respect of

the HDB matrimonial asset, and the particulars of the matrimonial asset in Form 14.

(11) Any agreement or proposed parenting plan filed by the defendant under paragraph (9), and any agreement or proposed matrimonial property plan filed by the defendant under paragraph (10), must be sent to the plaintiff —

- (a) together with the defendant’s memorandum of defence; or
- (b) if filed after the date of filing of the memorandum of defence, within 2 working days after that agreement, proposed parenting plan or proposed matrimonial property plan (as the case may be) is filed, or within such longer period as the Court may specify.

[S 639/2018 wef 22/10/2018]

Amendment of originating summons, memorandum of defence, etc.

12A.—(1) Subject to these Rules, the Court may, at any stage of the proceedings, allow a party to amend that party’s originating summons, case statement, memorandum of defence or summons, or any other document filed by that party —

- (a) on such terms as to costs or otherwise as may be just; and
- (b) in such manner, if any, as the Court may direct.

(2) An order granting leave to amend any originating summons, case statement, memorandum of defence, summons or other document may contain directions as to the making of consequential amendments to any other document that has already been filed, and as to the filing and service of the amended document or any other document.

(3) Where the originating summons or case statement has been amended in accordance with rule 9(5)(b), and whether or not the defendant files a memorandum of defence or an amended memorandum of defence (as the case may be) under rule 12(4), the Court may make an order directing the making of consequential amendments to any other document that has already been filed, and as

to the filing and service of the amended document or any other document.

[S 639/2018 wef 22/10/2018]

Discovery of documents

13.—(1) The Court may, at any time, on the application of any party to any proceedings (called in this rule the applicant), make an order requiring any other party (called in this rule the respondent) to make an affidavit stating whether any document specified or described in the application, or any class of documents so specified or described —

- (a) is or has at any time been in the respondent's possession, custody or power; and
- (b) if not in the respondent's possession, custody or power, when the respondent parted with it and what has become of it.

(2) Upon making an order under paragraph (1), if a document or class of documents is stated by the respondent in the respondent's affidavit to be in the respondent's possession, custody or power, the Court may order the respondent to exhibit a copy of the document, or a copy of each document in the class of documents, in the affidavit.

(3) An application for an order under this rule must be made by summons in Form 24 and be supported by an affidavit stating the belief of the deponent that —

- (a) the respondent has, or at some time had, in the respondent's possession, custody or power, the document or class of documents specified or described in the application; and
- (b) the document mentioned in sub-paragraph (a), or a document in the class of documents mentioned in sub-paragraph (a), falls within one of the following descriptions:
 - (i) a document on which a party relies or will rely;
 - (ii) a document that could —
 - (A) adversely affect a party's case; or

- (B) support a party's case;
- (iii) a document that may lead the applicant to a train of inquiry, resulting in the applicant obtaining information that may —
 - (A) adversely affect a party's case; or
 - (B) support a party's case.
- (4) Before an application under paragraph (1) is filed, the applicant must serve a written request in Form 25 on the respondent —
 - (a) seeking discovery of the document or class of documents mentioned in paragraph (1); and
 - (b) setting out, in respect of each such document or class of documents, the reasons for requesting for discovery.
- (5) The respondent must serve a notice in Form 26 within 14 days after the respondent is served with the written request, stating —
 - (a) the document or class of documents the respondent is willing to provide discovery of, and in what mode the respondent is willing to provide such discovery; and
 - (b) the document or class of documents the respondent is not willing or not able to provide discovery of.
- (6) Unless otherwise agreed by the parties, the document or class of documents mentioned in paragraph (5)(a) must be provided or made available to the applicant within 28 days after the date the respondent is served with the written request.
- (7) No application may be made under paragraph (1) unless —
 - (a) the time specified in paragraph (5) for serving the notice has elapsed, and the respondent has not served the notice;
 - (b) the time specified in paragraph (6) for providing or making available the document or class of documents mentioned in paragraph (5)(a) has elapsed, and the respondent has not provided or made available the document or class of documents; or

- (c) the respondent has stated that the respondent is not willing or not able to provide discovery of any document or class of documents specified in the written request.

(8) In deciding whether to grant an order under paragraph (1), the Court must take into account —

- (a) the extent of discovery that the respondent has stated that the respondent is willing to provide under paragraph (5)(a); and
- (b) any offer made by the respondent to give particulars or make admissions relating to any matter in question.

(9) The Court must not make an order under paragraph (1) if, and so far as the Court is of the opinion that, the discovery is not necessary either for disposing fairly of the matter or for saving costs.

(10) The Court must not make an order under paragraph (1) against the respondent before the respondent has filed the respondent's affidavit of evidence-in-chief, unless in the opinion of the Court there are exceptional circumstances necessitating the making of the order.

[S 639/2018 wef 22/10/2018]

Order for production to Court

13A.—(1) The Court may, at any stage of the proceedings, order any party to produce to the Court any document in that party's possession, custody or power that falls within one of the following descriptions:

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

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

[S 639/2018 wef 22/10/2018]

Failure to comply with order of discovery or production

13B. A party who fails to comply with any requirement in rule 13 or 13A, or any order made under rule 13 or 13A, to give discovery of, or to produce, any document —

- (a) may not rely on that document except with the leave of the Court; and
- (b) may have an adverse inference drawn against that party.

[S 639/2018 wef 22/10/2018]

Information as to other proceedings relating to children

13C. On any application relating to any dependent child of the parties, the applicant must bring to the Court's attention any proceedings relating to that child that may be in progress in any court in Singapore or elsewhere.

[S 639/2018 wef 22/10/2018]

Interim orders relating to child of parties

14.—(1) The Court may, on the application of any party to any proceedings in the Court, during any stage in the proceedings, make an interim order on the —

- (a) custody, care and control of; or
- (b) access to,

any child of the parties, if the Court thinks that it is in the interests of the child to do so.

[S 639/2018 wef 22/10/2018]

(2) Before making any interim order under paragraph (1), the Court must have regard to all the circumstances of the case, including the following matters:

- (a) whether there are any proceedings relating to the child that may be in progress in any court in Singapore or elsewhere, or are the subject of any order of court in Singapore;
- (b) whether the child should be produced before the Court during the proceedings;
- (c) whether any party is likely to take the child outside Singapore during the proceedings.

[S 639/2018 wef 22/10/2018]

(3) An application under paragraph (1) —

- (a) must be made by summons in Form 27 and supported by an affidavit; and
- (b) must be served on every other party to the proceedings within 7 days after the date of filing of the application in the Court, or within such other period as the Court may direct.

[S 639/2018 wef 22/10/2018]

(4) An application under paragraph (1) may be made *ex parte* in cases of urgency, and the Court may make an order subject to such terms as the Court thinks fit.

[S 639/2018 wef 22/10/2018]

Miscellaneous interim orders

15.—(1) The Court may, on the application of any party to any proceedings in the Court, make an interim order —

- (a) in such terms as the Court thinks fit, for the purpose of facilitating or expediting the hearing of the proceedings;
- (b) to allow an amendment of any case statement or Memorandum of Defence;
- (c) to strike out or expunge any affidavit or part thereof;
- (d) to permit the correction of any clerical error in any document filed in the Court;

- (e) to extend the time required for the doing of anything under these Rules, or pursuant to any direction or order of the Court; or
- (f) to set aside any order made in the absence of any party to the proceedings, not being an order relating to the marital status of the parties.

[S 639/2018 wef 22/10/2018]

(2) An application under paragraph (1) —

- (a) must be made by summons in Form 28 and supported by an affidavit; and
- (b) must be served on every other party to the proceedings within 7 days after the date of filing of the application in the Court, or within such other period as the Court may direct.

[S 639/2018 wef 22/10/2018]

(3) The Court may, in an appropriate case, dispense with the requirement in paragraph (2).

[S 639/2018 wef 22/10/2018]

Intervener

16.—(1) The Court may, on the application of either or both of the following persons, join a person who is not a party to, but has an interest in, any proceedings in the Court (called in this rule the interested person) as an intervener in those proceedings on such terms as the Court thinks fit:

- (a) the interested person;
- (b) a party to those proceedings, with the consent of the interested person.

(2) An application under paragraph (1) —

- (a) must be made by summons in Form 29 and supported by an affidavit; and
- (b) must be served on every other party to the proceedings within 7 days after the date of filing of the application in

the Court, or within such other period as the Court may direct.

[S 639/2018 wef 22/10/2018]

Leave to commence or to continue civil proceedings

17.—(1) An application for leave to commence or to continue proceedings under section 35A of the Act —

- (a) must be made by summons in Form 30 and supported by an affidavit made by the applicant; and
- (b) must be served on every other party to the proceedings within 7 days after the date of filing of the application in the Court, or within such other period as the Court may direct.

[S 639/2018 wef 22/10/2018]

(2) *[Deleted by S 639/2018 wef 22/10/2018]*

(3) A commencement certificate issued by the Court under section 35A(4) of the Act shall be in Form 31.

[S 639/2018 wef 22/10/2018]

(4) A continuation certificate issued by the Court under section 35A(4) of the Act shall be in Form 32.

[S 639/2018 wef 22/10/2018]

(5) A certificate of attendance issued by the Court under section 35A(7) of the Act shall be in Form 33.

[S 639/2018 wef 22/10/2018]

Stay of proceedings

17A.—(1) An application for a stay of proceedings under section 36 of the Act must be made by summons supported by an affidavit.

(2) An application under paragraph (1) must be served on every other party to the proceedings within 7 days after the date of filing of the application in the Court, or within such other period as the Court may direct.

[S 639/2018 wef 22/10/2018]

Withdrawal, compromise and settlement

18.—(1) An originating summons or a summons in respect of any proceedings for divorce may be withdrawn by the plaintiff or applicant without the leave of the Court, if —

(a) the husband has not pronounced talak; and

(b) either of the following applies:

(i) at any time before the originating summons or summons is served on the defendant or respondent, the plaintiff or applicant files a Notice of Withdrawal in Form 34;

(ii) at any time before judgment, a Notice of Withdrawal in Form 34 that is signed by, and endorsed with the consent of, all the parties is filed.

(2) An originating summons or a summons in respect of any other proceedings may be withdrawn by the plaintiff or applicant without the leave of the Court, at any time before the originating summons or summons is served on the defendant or respondent, by filing a Notice of Withdrawal in Form 34.

(3) Except as provided in paragraphs (1) and (2), a party may not withdraw an originating summons or a summons without the leave of the Court.

(4) The Court hearing an application for leave under paragraph (3) may order the originating summons or summons mentioned in that paragraph to be withdrawn on such terms as to costs, the bringing of a subsequent action or otherwise as the Court thinks fit.

(5) Where a party, who has withdrawn an originating summons or a summons and is ordered under paragraph (4) to pay any other party's costs of the action, brings another action for the same (or substantially the same) matter, the Court may order that the second action be stayed until those costs are paid.

(6) An originating summons in respect of any proceedings for divorce or nullity of marriage is deemed to be withdrawn against a defendant if —

- (a) either of the following is not filed, in respect of the service on that defendant of the originating summons and case statement, before the expiry of 6 months after the validity of the originating summons for the purpose of service has expired:
- (i) an affidavit of service in Form 35;
 - (ii) an acknowledgment of service in Form 36; and
- (b) the defendant does not file a memorandum of defence under rule 12 within the period mentioned in sub-paragraph (a).

(7) The parties to any proceedings in the Court may, at any stage of the proceedings, reach a compromise or settlement, and the Court may, if requested by the parties, record the terms of the compromise or settlement.

(8) A person, who has been appointed under rule 11 to represent any minor or person lacking capacity in any proceedings, must not withdraw the originating summons or summons by which the proceedings are commenced, or reach a compromise or settlement in the proceedings, without the leave of the Court.

[S 639/2018 wef 22/10/2018]

Court may make orders and give directions for just, expeditious and economical disposal of proceedings

18A.—(1) The Court may, at any time after the commencement or at the hearing of any proceedings, of its own motion or on an application by any party to the proceedings, make such order or give such direction as the Court thinks fit, for the just, expeditious and economical disposal of the matter.

[S 910/2022 wef 30/11/2022]

(1A) An order under paragraph (1) may be made, and a direction under paragraph (1) may be given —

- (a) where the Court directs all or any of the parties to appear before the Court — in Court; or

(b) in any other case — through the electronic system.

[S 910/2022 wef 30/11/2022]

(2) The directions that the Court may give under paragraph (1) include directions on one or more of the following matters:

- (a) that all or any of the parties to the proceedings attend counselling or participate in such family support programme or activity as the Court thinks fit;
- (b) that all or any of the parties to the proceedings attend a mediation session or pre-trial conference relating to any matter arising in the proceedings;
- (c) that evidence in proceedings be given orally or by affidavit, or by a combination of oral evidence and affidavit evidence, with or without cross-examination of any deponent;
- (d) that a witness be called to give evidence with a view to assisting in the resolution or disposal of the proceedings;
- (e) that evidence may be given through a live video or live television link.

(3) Without affecting paragraph (1), at a mediation session or pre-trial conference, the Court may —

- (a) consider any matter, including the possibility of settlement of all or any of the issues in the proceedings; and
- (b) require the parties to furnish to the Court such information as the Court thinks fit.

(4) Where a party defaults in complying with any order made or direction given by the Court under paragraph (1), the Court may —

- (a) dismiss the action;
- (b) strike out the cross-application; or
- (c) make such order as the Court thinks fit.

[S 639/2018 wef 22/10/2018]

19. *[Deleted by S 639/2018 wef 22/10/2018]*

Witnesses

20.—(1) A party to any proceedings in the Court who desires a person to be summoned as a witness to give oral evidence during the proceedings or to produce before the Court a document in his possession, custody or control, may make an application in Form 37.

[S 639/2018 wef 22/10/2018]

(2) On receipt of an application under paragraph (1), the registrar or the Court may issue a subpoena in Form 38 to the witness.

[S 639/2018 wef 22/10/2018]

(3) Unless the Court otherwise orders, a subpoena must be served personally.

[S 639/2018 wef 22/10/2018]

Warrant of arrest

21. A warrant of arrest referred to in section 40 of the Act shall be in Form 39.

[S 639/2018 wef 22/10/2018]

22. *[Deleted by S 639/2018 wef 22/10/2018]*

Hearings

23.—(1) If, at the time appointed for the hearing of any cause of action or application in the Court, the plaintiff or applicant does not appear, the cause of action or application, as the case may be, may be struck out.

(2) If, at the time appointed for the hearing of any cause of action or application in the Court, the defendant or any other respondent to the application does not appear, the Court may, if satisfied that the absent party has been duly served with the originating summons or application (as the case may be) at least 21 days before the date appointed for the hearing —

(a) proceed with the hearing and give judgment for the plaintiff or make an order in favour of the applicant, as the case may be;

(b) make such other order as the Court thinks fit; or

(c) adjourn the hearing to another date.

[S 639/2018 wef 22/10/2018]

(3) Where a cause of action or an application has been struck out under paragraph (1), the Court may proceed to hear a cross-application relating to the same matter.

[S 639/2018 wef 22/10/2018]

(4) If a party to any cause of action or application admits the other party's claim in the cause of action or application, the Court may give judgment in respect of that claim for that party or make an order without hearing any evidence.

[S 639/2018 wef 22/10/2018]

Continuation of hearing by another president of Court

23A.—(1) When a president of the Court who has commenced the hearing of an application is unable to complete the hearing, the senior president of the Court may nominate another president of the Court to continue the hearing.

(2) Nothing in this rule prevents the president of the Court so nominated from recalling all or any of the witnesses or taking their evidence afresh.

[S 910/2022 wef 30/11/2022]

Continuation of hearing by another member of Appeal Board

23B.—(1) Where one or more members of an Appeal Board who have commenced the hearing of an appeal are unable to complete the hearing, the President of the Majlis may —

- (a) in the case of one or more members not presiding over the Appeal Board — select one or more persons from the panel of persons mentioned in section 55(3) of the Act to continue hearing the appeal; and
- (b) in the case of a member presiding over the Appeal Board — nominate a person from the panel of persons mentioned in section 55(3) of the Act, or a remaining member of the Appeal Board, to continue presiding over the Appeal Board.

(2) Nothing in this rule prevents an Appeal Board reconstituted under paragraph (1)(a) or (b) from recalling all or any of the witnesses or taking their evidence afresh.

[S 910/2022 wef 30/11/2022]

Evidence

24.—(1) Unless otherwise directed by the Court, the evidence of a party to any proceedings in the Court and the party’s witnesses must be adduced by way of affidavit.

(2) Every affidavit made by any person under these Rules must depose to —

- (a) the facts of which the deponent has personal cognizance; and
- (b) where applicable, the belief of the deponent in the truth of any other facts.

(3) The Court may, at any stage of any proceedings in the Court, appoint a person whom the Court considers appropriate to assist on any point of law, legal procedure or evidence.

[S 639/2018 wef 22/10/2018]

Filing of affidavits in originating summons or summons

24A.—(1) Unless the Court otherwise directs, a plaintiff or an applicant who intends to adduce evidence in support of an originating summons (other than in respect of proceedings for divorce or nullity of marriage), a variation application or a summons (other than in respect of a variation application) must do so by affidavit.

(2) The plaintiff or applicant must —

- (a) file the affidavit at the time of filing of the originating summons, variation application or summons; and
- (b) serve a copy of the originating summons, variation application or summons, together with the supporting affidavit, on every defendant or respondent.

(3) A defendant or respondent who is served with, and intends to adduce evidence in relation to, an originating summons (other than in

respect of proceedings for divorce or nullity of marriage), a variation application or a summons (other than in respect of a variation application) must file an affidavit-in-reply, and serve a copy of the affidavit-in-reply on the plaintiff or applicant, not later than —

(a) in the case of any such originating summons or variation application, 21 days after the date of service of a copy of the plaintiff's or applicant's affidavit under paragraph (2);
or

(b) in the case of any such summons, 14 days after the date of service of a copy of the plaintiff's or applicant's affidavit under paragraph (2).

(4) Where the defendant or respondent has served a copy of an affidavit-in-reply in respect of an originating summons or a variation application mentioned in paragraph (3), the plaintiff or applicant may not file a further affidavit without the leave of the Court.

(5) Unless the Court otherwise directs, where the defendant or respondent has served a copy of an affidavit-in-reply in respect of a summons mentioned in paragraph (3), the plaintiff or applicant may file a further affidavit, and serve a copy of the further affidavit on the defendant or respondent, within 14 days after being served with the affidavit-in-reply.

(6) This rule does not apply to any affidavit of evidence-in-chief or reply affidavit filed in respect of an originating summons in respect of proceedings for divorce or nullity of marriage under rule 24B.

[S 639/2018 wef 22/10/2018]

Filing of affidavit of evidence-in-chief

24B.—(1) In any proceedings for divorce or nullity of marriage, or in an application for an order to be made consequent on any proceedings for divorce or nullity of marriage, the parties must, if the Court so orders, file and exchange their affidavits of evidence-in-chief —

(a) in such manner as the Court may direct; and

(b) within such period as the Court may direct.

(2) After the exchange of the affidavits of evidence-in-chief, a party may file, and serve on the other party, a reply affidavit in response to the other party's affidavit of evidence-in-chief within such time as the Court may direct.

(3) No further affidavit is to be received in evidence without the leave of the Court.

(4) An application for leave under paragraph (3) must be made by way of summons, unless the Court otherwise directs.

[S 639/2018 wef 22/10/2018]

Examination of child directed by Court

25. When considering any question relating to the welfare or interest of, or relating to the custody, care and control of and access to, any child, the Court may, on its own motion and with a view to obtaining a report on the welfare of the child, direct that the child be examined or assessed by a person, whether or not a public officer, who is trained or has experience in matters relating to child welfare.

[S 639/2018 wef 22/10/2018]

Examination of child with leave of Court

25A.—(1) An application for leave to appoint a registered medical practitioner, psychologist, counsellor, social worker or mental health professional under section 43B of the Act must be made by summons and supported by an affidavit.

(2) At the hearing of the leave application, the Court may give such directions and make such orders as it thinks fit, including directions —

(a) relating to the appointment of an independent expert and the payment of the expert's remuneration; and

(b) limiting the number of experts who may be called in the proceedings.

(3) To avoid doubt, no application under paragraph (1) may be made —

- (a) for the appointment of a registered medical practitioner, psychologist, counsellor, social worker or mental health professional who is —
 - (i) a public officer in the Court; or
 - (ii) a person who is involved in the examination and assessment of the child pursuant to rule 25; or
- (b) in respect of any examination or assessment of a child directed by the Court under rule 25.

[S 639/2018 wef 22/10/2018]

Role of child representative

25B.—(1) Where the Court requires a child to attend before the Court for the purposes of resolving any issue involving the custody or welfare of the child, the Court may order a child representative to be present in Court during such attendance.

(2) The child representative must act in what the child representative believes to be in the best interests of the child.

(3) Subject to paragraph (2) and unless the Court otherwise directs, the child representative must, as far as possible and to the best of the child representative's ability —

- (a) assist the child in expressing the child's view to the Court fully and accurately, and free from the influence of any person; and
- (b) bring to the Court's attention any matters or evidence relevant to advancing the interests of the child that the child representative is aware or cognizant of, having regard to the child representative's training or experience in matters relating to child welfare.

[S 639/2018 wef 22/10/2018]

Consent decrees and orders

26.—(1) Where the parties to any proceedings in the Court consent to a divorce, the registrar may make a decree of divorce and any order which the Court may make under section 52 of the Act.

(2) Paragraph (1) shall not apply if the divorce is by 3 talak or the third talak.

Judgment decrees and orders

27.—(1) Every decree of divorce or nullity of marriage, and every order made by the Court, must be —

- (a) issued by the Court in Form 40 or Form 41, whichever is appropriate;
- (b) dated and signed by the Court; and
- (c) sealed and retained by the Court.

(2) A certified copy of any decree or order made by the Court may be issued to any party to the proceedings on payment of the prescribed fee specified in the Third Schedule.

(3) An order granted on an ex parte application under rule 14(4) must be in Form 42.

[S 639/2018 wef 22/10/2018]

Variation application

28. A variation application must be made to the Court by summons supported by an affidavit.

[S 639/2018 wef 22/10/2018]

Registration of divorce

29. A divorce must be registered in the Register of Divorces in Form 3.

[S 639/2018 wef 22/10/2018]

30. *[Deleted by S 51/2009 wef 01/03/2009]*

Costs

31.—(1) A party to any proceedings is not entitled to recover any costs of or incidental to the proceedings from any other party to the proceedings except under an order of the Court.

(2) If the Court in its discretion sees fit to make any order as to the costs of or incidental to any proceedings, the Court must order the

costs to follow the event, 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 Court may, in an appropriate case, order a solicitor acting for a party in any proceedings in the Court to bear the solicitor's costs personally.

(4) In making an order under this rule, the Court may have regard to any practice applicable to civil proceedings in any court.

(5) In this rule, "costs" includes any fees, charges, disbursements, expenses and remuneration of any of the parties to the proceedings, witnesses and any intervener joined by the Court under rule 16(1).

[S 639/2018 wef 22/10/2018]

Hakam

32.—(1) The appointment of hakam by the Court under section 50(1) of the Act must be made in Form 43.

[S 639/2018 wef 22/10/2018]

(2) A solicitor acting for any party to be divorced may, with the leave of the Court, be present at any meeting of the hakam and the parties.

[S 639/2018 wef 22/10/2018]

(3) The hakam may recommend an appropriate amount of redemption money for the parties' agreement, and, if the parties agree on that recommended amount, the Court may cause the husband to pronounce a divorce by redemption (khuluk).

[S 910/2022 wef 30/11/2022]

(4) A party dissatisfied with a decision of the Court (whether made by a president of the Court or the registrar) to appoint hakam under section 50(1) of the Act may, before the hakam pronounces a divorce under section 50(6) or (7) of the Act, appeal against the decision —

(a) to a president of the Court, if the decision was made by the registrar; and

[S 639/2018 wef 22/10/2018]

(b) to the Appeal Board, if the decision was made by a president of the Court.

[S 51/2009 wef 01/03/2009]

[S 639/2018 wef 22/10/2018]

[S 639/2018 wef 22/10/2018]

[S 910/2022 wef 30/11/2022]

(5) *[Deleted by S 910/2022 wef 30/11/2022]*

(6) No appeal lies against a pronouncement of divorce by the hakam under section 50(6) or (7) of the Act.

[S 910/2022 wef 30/11/2022]

(7) The fees for the hakam shall be borne by the parties to be divorced and shall be of such amount as the Court may determine.

Service of originating summons, etc.

33.—(1) Unless the Court otherwise directs, the plaintiff must serve the following on the defendant personally or by registered post:

(a) in the case of an originating summons in respect of any proceedings for divorce or nullity of marriage, a copy each of the originating summons and case statement, together with —

(i) a copy of an acknowledgment of service in Form 36;

(ii) a copy of a memorandum of defence in Form 17, 18 or 19, as appropriate;

(iii) a copy of any parenting plan filed under rule 9B; and

(iv) a copy of any matrimonial property plan filed under rule 9C;

(b) in any other case, a copy each of the originating summons and any case statement.

(2) Unless the Court otherwise directs, the defendant must serve a copy of a cross-application in proceedings for a divorce on the plaintiff personally or by registered post.

(3) Unless the Court otherwise directs, the applicant in a variation application must serve a copy of the variation application on the respondent personally or by registered post.

(4) Personal service under these Rules must be effected by a process server of the Court, by a solicitor, or by a solicitor's clerk whose name and particulars have been notified to the Court in such manner as the Court may direct for this purpose.

(5) Despite paragraph (4), the Court may, in a particular cause or matter, allow personal service to be effected by any other named person and must, in that case, cause to be marked on the document required to be served personally, a memorandum to that effect.

(6) Personal service of an originating summons, a cross-application or a variation application is effected by leaving with the person to be served a sealed copy of the originating summons, cross-application or variation application.

(6A) Personal service of a document under these Rules may also be effected in such other manner as may be agreed between the party serving and the party to be served.

[S 910/2022 wef 30/11/2022]

(7) Where an originating summons, a cross-application or a variation application is served by registered post, a copy of an acknowledgment of service in Form 36 must be served together with the originating summons, cross-application or variation application.

(8) Where the solicitor for a party endorses on a document served under paragraph (1), (2) or (3) a statement that the solicitor accepts service of the document on the party's behalf, the document is deemed —

(a) to have been duly served on the party; and

(b) to have been so served on the date on which the endorsement was made.

(9) For the purposes of paragraphs (1), (2), (3) and (7), a party's document is deemed to have been duly served on another party by registered post if —

- (a) the document is sent by prepaid registered post to the second-mentioned party; and
- (b) the second-mentioned party signs and returns an acknowledgment of service in Form 36 to the solicitor for the first-mentioned party, or to the first-mentioned party (if the first-mentioned party is acting in person), at the first-mentioned party's address for service.

[S 639/2018 wef 22/10/2018]

Substituted service

34.—(1) The Court may, on an application for leave to substitute any mode of service specified in rule 33 with another mode of service, or with notice of proceedings by advertisement, direct that service be effected in such mode of service as the Court thinks fit.

(2) An application for leave under paragraph (1) must be made *ex parte* by summons supported by an affidavit setting out the grounds of the application.

(3) Where leave is given under paragraph (1) to substitute any mode of service specified in rule 33 with notice of proceedings by advertisement, the form of the advertisement must be made in accordance with Form 44.

(4) The Court may, in an appropriate case, order that service on any person of an originating summons or a variation application, and any subsequent or related documents filed in the proceedings, be dispensed with.

[S 639/2018 wef 22/10/2018]

Proof of service

34A. Unless the Court otherwise directs, an originating summons in respect of any proceedings for divorce or nullity of marriage must not proceed to trial or hearing unless —

- (a) the defendant has filed a memorandum of defence under rule 12; or
- (b) where the defendant has not filed a memorandum of defence —

- (i) it is shown by affidavit in Form 35 that the defendant has been served with the originating summons and case statement;
- (ii) the defendant has returned to the plaintiff's solicitor, or to the plaintiff (if the plaintiff is acting in person), an acknowledgment of service in Form 36, and that acknowledgment of service is filed in Court;
- (iii) it is shown by the form titled "Form for Acknowledgment of Service (By Court Process Server)" that the defendant has been served with the originating summons and case statement by a process server of the Court; or
- (iv) the defendant has appeared in Court at least once for the purposes of the proceedings.

[S 639/2018 wef 22/10/2018]

Service of summons and other documents

35.—(1) Subject to rules 33, 34 and 34A, unless the Court otherwise directs, any summons or other document must be served by ordinary service in accordance with paragraph (2).

(2) Ordinary service, of any document that is not required to be served personally, is effected —

- (a) by leaving the document at the address for service of the person to be served;
- (b) by sending the document by post to the address for service of the person to be served;

[S 910/2022 wef 30/11/2022]

(ba) in such other manner as may be agreed between the party serving and the party to be served; or

[S 910/2022 wef 30/11/2022]

(c) in such other manner as the Court may direct.

(3) For the purposes of paragraph (2), if at the time when service is effected, the person who is to be served has no address for service, his address for service is his usual or last known address.

(4) Unless otherwise provided or directed by the Court, a summons must be served within 7 days after the filing of the summons.

(5) The Court may, in an appropriate case, order that service on any person of a summons or document, and any subsequent or related documents filed in the proceedings, be dispensed with.

[S 639/2018 wef 22/10/2018]

Affidavit of service

35A. An affidavit of service of any document must —

- (a) state by whom the document was served;
- (b) state the day of the week and the date on which the document was served;
- (c) state where and how the document was served; and
- (d) be in Form 35.

[S 639/2018 wef 22/10/2018]

Application for order of presumption of death

36.—(1) An application by any person for an order that his spouse be presumed dead under section 54 of the Act shall be made *ex parte* in Form 45 supported by an affidavit made by the applicant.

[S 639/2018 wef 22/10/2018]

(2) At the hearing of an application under paragraph (1), the Court may —

- (a) give such directions as it thinks fit as to the service of the application on any person who may have an interest in or who may assist the Court in the matter;
- (b) require further evidence to be adduced either by way of oral testimony or by further affidavit; or
- (c) proceed to hear the application.

(3) The certificate of presumption of death issued by the Court under section 54 of the Act shall be in Form 46.

[S 639/2018 wef 22/10/2018]

Appointment and discharge of solicitors

37.—(1) Where a party appoints a solicitor to act in any cause or matter on the party's behalf, a notice of appointment of solicitor in Form 47 must be filed in the Court.

[S 910/2022 wef 30/11/2022]

(2) A solicitor who is acting for a party in any cause or matter must attend all proceedings in the Court relating to that cause or matter, including mediation sessions and pre-trial conferences.

[S 910/2022 wef 30/11/2022]

(2A) Paragraph (2) does not apply in respect of any proceedings for which a party files a notice of intention in accordance with paragraph (5) to act in person.

[S 910/2022 wef 30/11/2022]

(3) Where a party who has appointed a solicitor to act in any cause or matter appoints another solicitor in place of that solicitor —

- (a) a notice of change of solicitor in Form 48 must be filed in the Court; and
- (b) until that notice is filed and served in accordance with this rule, the first-mentioned solicitor is to be treated as the solicitor of the party.

[S 910/2022 wef 30/11/2022]

(4) A party giving a notice mentioned in paragraph (1) or (3) must serve a copy of the notice on every other party to the cause or matter and, in the case of a change of solicitors, on the former solicitor.

[S 910/2022 wef 30/11/2022]

(5) Where a party represented by a solicitor in any cause or matter intends and is entitled to act in person in any proceedings relating to that cause or matter, the party may make that change without an order by filing a notice of intention to act in person in Form 49, whether or not the solicitor in that cause or matter is subsequently discharged.

[S 910/2022 wef 30/11/2022]

(5A) A party filing a notice of intention under paragraph (5) must serve a copy of the notice of intention on every other party to the cause or matter and the solicitor representing the party in that cause or

matter, and paragraph (3)(b) applies to the notice of intention as it applies to a notice of change of solicitor, except that the notice of intention must contain an address for service of the party giving notice.

[S 910/2022 wef 30/11/2022]

(6) Where a solicitor who has acted for a party in any proceedings or cause or matter ceases so to act, and the party has not given a notice of change in accordance with paragraph (3) or a notice of intention to act in person in accordance with paragraph (5) —

(a) 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 proceedings or cause or matter; and

[S 910/2022 wef 30/11/2022]

(b) the Court may make an order accordingly.

[S 910/2022 wef 30/11/2022]

(7) An application for an order under paragraph (6) must —

(a) be made by summons in Form 50; and

(b) be supported by an affidavit stating the grounds of the application.

(8) Despite paragraph (6), until the solicitor serves a copy of the order and files a notice in Form 51, the solicitor is considered the solicitor of the party.

[S 639/2018 wef 22/10/2018]

Appeals from directions and orders of registrar

38.—(1) An appeal shall lie from any direction or order of the registrar to a president of the Court.

[S 639/2018 wef 22/10/2018]

(2) An appeal under this rule shall be commenced by filing in the Court a notice of appeal in Form 52 addressed to the senior president of the Court not later than 14 days from the date of the direction or order of the registrar.

[S 639/2018 wef 22/10/2018]

(3) The appellant shall serve on every respondent to the appeal a copy of the notice of appeal within 3 days of filing the notice of appeal in the Court.

(4) An appeal to a president of the Court under this rule shall be heard by way of rehearing.

[S 639/2018 wef 22/10/2018]

(5) No appeal shall lie from a decision of a president of the Court on an appeal under this rule except —

(a) an appeal from an interim order made by the registrar under rule 14(1); and

(b) an appeal from a consent decree or order made by the registrar under rule 26(1).

[S 639/2018 wef 22/10/2018]

(6) Notwithstanding anything in this rule, the Court may, if it thinks fit, extend the time required for the doing of any act under this rule.

PART IIIA

ELECTRONIC SYSTEM

[S 910/2022 wef 30/11/2022]

Electronic system

38A.—(1) An electronic filing and case management system is established for the Court.

(2) The purposes of the electronic system are as follows:

(a) to facilitate the submission of forms and documents;

(b) to facilitate the service, transmission or delivery of documents;

(c) to facilitate the conduct of proceedings before the Court by electronic means.

[S 910/2022 wef 30/11/2022]

Authentication

38B.—(1) Subject to paragraph (3), an individual must authenticate the individual’s identity using Singpass in order to access the electronic system to carry out an online transaction involving the individual.

(2) Subject to paragraph (3), a person who is authorised by an entity to carry out through the electronic system an online transaction involving the entity, must authenticate the identity of the entity using Corppass in order to access the electronic system to carry out that transaction for the entity.

(3) The Registrar may, on application by an individual who is unable to authenticate the individual’s identity using Singpass, issue the individual with SYCPass credentials to enable the individual to access the electronic system using SYCPass to carry out an online transaction involving the individual.

(4) An individual who is issued SYCPass credentials under paragraph (3) —

(a) must ensure the confidentiality and security of the SYCPass credentials; and

(b) must not —

(i) divulge the SYCPass credentials to any other person;
or

(ii) permit any other person to use the SYCPass credentials.

(5) An individual must not facilitate the use, by any other person, of the individual’s Singpass credentials or SYCPass credentials to access the electronic system.

(6) An entity must not facilitate the use, by any unauthorised person, of the Corppass credentials of the entity to access the electronic system.

[S 910/2022 wef 30/11/2022]

Electronic filing

38C.—(1) Where an application or a document is required to be filed with, served on, delivered or otherwise conveyed to the Court under these Rules, it must be so filed, served, delivered or otherwise conveyed through the electronic system in accordance with this Part.

(2) For the purpose of paragraph (1), any requirement for the filing, service, delivery or conveyance of an application or a document is satisfied by the filing, service, delivery or conveyance of a single copy of the application or document using the electronic system in accordance with these Rules.

(3) Despite anything in paragraph (1), the Court may allow an application, a document, a part of a document or any class of documents to be filed, served, delivered or otherwise conveyed other than by using the electronic system.

(4) Every application or document mentioned in paragraph (1) must —

- (a) be in such form as set out in the practice directions; or
- (b) where the application or document is composed in the electronic system, in the form made available through the electronic system.

(5) Any application or document that is filed, served, delivered or conveyed through the electronic system by an individual authenticated under rule 38B(1) is deemed to have been so filed, served, delivered or conveyed with the individual's intention to do so.

(6) Any application or document that is filed, served, delivered or conveyed through the electronic system by a person who authenticated an entity's identity under rule 38B(2) is deemed to have been so filed, served, delivered or conveyed on behalf and with the authority of the entity for such purpose and with the intention of the entity to do so.

(7) Any application or document that is filed, served, delivered or conveyed through the electronic system by an individual using SYCPass credentials issued to the individual under rule 38B(3) is

presumed until the contrary is proved to have been so filed, served, delivered or conveyed with the individual's intention to do so.

[S 910/2022 wef 30/11/2022]

Signing of electronic documents

38D.—(1) Where any application or document is filed, served, delivered or otherwise conveyed using the electronic system, any requirement under these Rules relating to signing by or the signature of an individual or entity is deemed to be complied with if the identification code of the individual or entity has been applied to or associated with, directly or indirectly, the application or document or the transmission containing the application or document.

(2) For the purposes of paragraph (1), where the identification code of an individual or entity is applied to or associated with, directly or indirectly, any application or document, or any transmission containing any application or document, that is in compliance with the security procedures of the electronic system —

- (a) the application or document is deemed to be signed by the individual or entity; and
- (b) the content of the application or document is deemed to be endorsed by the individual or entity.

(3) To avoid doubt, the application or association of a Singpass credential or a Corppass credential, directly or indirectly, to or with any application or document, or any transmission containing any application or document, that is in compliance with the security procedures of the electronic system is a secure electronic signature within the meaning of the Electronic Transactions Act 2010.

[S 910/2022 wef 30/11/2022]

Date of filing

38E.—(1) Where an application or a document is filed with, served on, delivered or otherwise conveyed to the Court using the electronic system and is subsequently accepted by the Court, the application or document is deemed to be filed, served, delivered or conveyed on the date and at the time that the first part of the electronic transmission of the application or document is received in the electronic system.

(2) Despite paragraph (1), where the filing, service, delivery or conveyance of an application or a document through the electronic system is unsuccessful or delayed because of a failure or inability of the electronic system to transmit or process the application or document, the Court may —

- (a) in the case of an unsuccessful transmission — require the individual or entity who filed, served, delivered or conveyed the application or document (called in this rule the relevant individual or entity) to file, serve, deliver or convey the application or document afresh through the electronic system; and
- (b) in the case of a delayed transmission — cause the electronic system to reflect an earlier date and time than the date and time mentioned in paragraph (1) on the application of the relevant individual or entity.

(3) Where the Court causes the electronic system to reflect an earlier date and time under paragraph (2)(b), that earlier date and time is deemed for all purposes to be the date and time on and at which the relevant application or document was filed, served, delivered or conveyed.

(4) If the Court is satisfied for any reason that an application or a document should be treated as having been filed with, served on, delivered or otherwise conveyed to the Court at some earlier date and time, rather than the date and time mentioned in paragraph (1) or (2), the application or document is deemed to be filed, served, delivered or conveyed on the date and at the time that the Court accepts the document, as reflected in the Court's computer system.

[S 910/2022 wef 30/11/2022]

When time for service begins to run

38F.—(1) Where an application or a document is filed with, served on, delivered or otherwise conveyed to the Court using the electronic system, the time for service of that application or document only begins to run from the time that the Court sends the notification of acceptance of the application or document through the electronic system.

(2) If the Court's notification mentioned in paragraph (1) is sent on a day that is not a working day, the notification is deemed for the purpose of this rule to have been sent on the next working day.

[S 910/2022 wef 30/11/2022]

Time of service of documents through electronic system

38G.—(1) Where a document that is an originating summons or a document accompanying an originating summons is served from one party to another party using the electronic system, the document is treated as served on the party to be served when that party —

- (a) is given access to that document in the electronic system; and
- (b) indicates acceptance of the service of that document on the electronic system.

(2) Where a document other than an originating summons or a document accompanying an originating summons is served by one party to another party using the electronic system, the document is treated as served on the other party when that party is notified, by the party serving or the electronic system, that the document has been served.

[S 910/2022 wef 30/11/2022]

Issuance of order or document by Court

38H.—(1) Where the Court is required by these Rules to issue any order or document to a person, the Court may do so using the electronic system.

(2) The order or document is presumed to be issued on the date and at the time that it is transmitted or delivered by the electronic system or by electronic mail, as the case may be.

(3) The execution of the printed form of a warrant has the same legal effect as the execution of an original warrant.

[S 910/2022 wef 30/11/2022]

Affidavits in electronic form

38I.—(1) Affidavits that are filed in the Court using the electronic system may be used in all proceedings to the same extent and for the same purposes as paper affidavits filed in the Court.

(2) Where an affidavit is to be filed in Court using the electronic system, it must comply with the following requirements:

- (a) the affidavit must be affirmed in the usual way in which the deponent signs the original paper affidavit;
- (b) a true and complete electronic image of the original paper affidavit must be created;
- (c) the original paper affidavit must be retained by the party who filed it for a period of 7 years after it is filed.

(3) Despite paragraph (2)(c), if the original paper affidavit subsequently becomes unavailable within 7 years after it was filed, the Court may grant permission for the electronic image of the original paper affidavit filed in Court using the electronic system to be used in the proceedings for which it was filed, or in any other proceedings.

[S 910/2022 wef 30/11/2022]

Discrepancy

38J. Where a document was filed using the electronic system, and there is any inconsistency between the information entered into the electronic template of the document and the information contained in the document subsequently generated by the electronic system on the basis of the information entered, the information entered into the electronic template of the document prevails.

[S 910/2022 wef 30/11/2022]

Applications and documents to comply with certain matters

38K.—(1) Every application or document must —

- (a) comply with such requirements as may be imposed by the Court; and

(b) contain such information and particulars of parties or other persons as may be required by the Court.

(2) The Court, or any authorised officer or employee of the Court, may reject or return for amendment any application or document if it does not comply with the requirements in this Part or any requirement imposed by the Court.

(3) Any application or document rejected or returned under this rule is to be treated as having been filed only on the date on which it is subsequently accepted for filing by the Court, or any authorised officer or employee of the Court, and not before.

(4) Every document, if not in the English or Malay language, must be accompanied by a translation into the English or Malay language verified by the affidavit of a person qualified to translate it, before it may be received, filed or used in the Court.

(5) An amendment to any document may be effected in such manner as may be determined by the Court.

[S 910/2022 wef 30/11/2022]

Application for inheritance certificate

38L.—(1) For the purposes of section 115 of the Act, an application for an inheritance certificate must —

- (a) be made through the electronic system; and
- (b) be accompanied by a declaration and any other document that the Court may require.

(2) The declaration in paragraph (1) must —

- (a) provide for a party to declare that the information contained in the application is true, correct and complete; and

(b) be made by any of the following persons:

- (i) where the applicant is an individual claiming to be a beneficiary — by the applicant or a solicitor authorised to act on behalf of the applicant;

- (ii) where the applicant is a court or an authority under a duty to determine the person entitled to an estate or the shares of 2 or more of such persons — by an individual authorised by the court or authority;
- (iii) where the applicant is an entity claiming to be a beneficiary — by an individual authorised by the entity.

[S 910/2022 wef 30/11/2022]

PART IV

APPEAL BOARD

Appeals to Appeal Board

39.—(1) This rule shall apply to all appeals to the Appeal Board under section 55 of the Act except for the matters specified in the Second Schedule.

(2) An appeal to the Appeal Board shall be commenced by filing with the Chief Executive a notice of appeal in Form 53 addressed to the Appeal Board, accompanied by the relevant fees specified in the Third Schedule, within 30 days from the date of the decision or order of the Court, Kadi or Naib Kadi, as the case may be.

[S 804/2017 wef 01/01/2018]

[S 639/2018 wef 22/10/2018]

(3) An appellant shall serve a copy of his notice of appeal on each respondent to the appeal within 3 days of filing the notice of appeal with the Chief Executive.

[S 804/2017 wef 01/01/2018]

(4) The Chief Executive shall cause a copy of the notice of appeal to be served as soon as possible on the Court, Kadi or Naib Kadi, as the case may be.

[S 804/2017 wef 01/01/2018]

(5) On receiving the copy of the notice of appeal, the president of the Court, the Kadi or Naib Kadi, as the case may be, shall prepare and sign a copy of the grounds of his decision or order and forward

the copy of the grounds of his decision or order to the Chief Executive who shall then serve on the appellant a notice to collect.

[S 804/2017 wef 01/01/2018]

(6) Upon payment of the relevant fees specified in the Third Schedule, the appellant shall collect the copy of the grounds of the decision or order referred to in paragraph (5) together with a copy of the notes of the proceedings and any other document (including exhibits) used by the Court, Kadi or Naib Kadi, as the case may be, in the first instance.

[S 639/2018 wef 22/10/2018]

(7) Within 21 days after the service of the notice to collect on the appellant referred to in paragraph (5), the appellant shall, if he desires to proceed with the appeal file with the Chief Executive a petition of appeal in quadruplicate in Form 54.

[S 804/2017 wef 01/01/2018]

[S 639/2018 wef 22/10/2018]

(8) The appellant shall serve on every respondent to the appeal a copy of the petition of appeal, a copy of the grounds of the decision or order and all other documents received by him from the Chief Executive under paragraph (6), within 3 days of filing the petition of appeal with the Chief Executive.

[S 804/2017 wef 01/01/2018]

(9) Every petition of appeal shall be signed by the appellant or his solicitor and shall contain —

(a) the grounds of appeal; and

(b) a concise statement of the particulars of the matters of law or fact relating to each ground of appeal,

and, subject to rule 42, the appellant shall not be permitted at the hearing of the appeal to rely on any ground of appeal other than those specified in the petition of appeal.

(10) If a petition of appeal is not filed within the time specified in paragraph (7), the appeal shall be deemed to have been withdrawn.

(11) A respondent to an appeal may give notice to the Appeal Board through the Chief Executive, and to every other party involved in the

appeal that he intends to seek a variation of the decision or order appealed from, and such notice shall operate as a cross-appeal.

[S 804/2017 wef 01/01/2018]

(12) The notice given by the respondent referred to in paragraph (11) shall be —

(a) in Form 55; and

[S 639/2018 wef 22/10/2018]

(b) filed with the Chief Executive in quadruplicate within 14 days after the date of service of the petition of appeal on the respondent,

and a copy of the notice shall be served by the respondent on the appellant within 3 days of filing with the Chief Executive.

[S 639/2018 wef 22/10/2018]

[S 804/2017 wef 01/01/2018]

(13) Subject to rule 42, a respondent who has filed and served a notice under paragraph (12) shall not raise any matter not specified in the notice.

(14) Within 21 days of the filing of the petition of appeal referred to in paragraph (7), the appellant shall file with the Chief Executive 4 copies of the record of appeal, and serve a copy of the record of appeal on every respondent to the appeal.

[S 804/2017 wef 01/01/2018]

(15) The record of appeal shall consist of a copy of —

(a) the notice of appeal, petition of appeal and the notice (if any);

(b) the grounds of the decision or order, the notes of proceedings and any other document referred to in paragraph (6); and

(c) the case statement, Memorandum of Defence and any other document relating to the cause of action in the first instance.

(16) If a record of appeal is not filed within the time specified in paragraph (14), the appeal shall be deemed to have been withdrawn.

(17) An application for leave to appeal to the Appeal Board under section 55(1)(g) or (2) of the Act shall be made by way of motion in Form 56 supported by an affidavit made by the applicant setting out the reasons why leave should be granted.

[S 639/2018 wef 22/10/2018]

(18) The application and affidavit referred to in paragraph (17) shall be —

(a) filed with the Chief Executive;

[S 804/2017 wef 01/01/2018]

(b) accompanied by the relevant fees specified in the Third Schedule; and

[S 639/2018 wef 22/10/2018]

(c) served on every other party to which the application relates within 3 days of filing with the Chief Executive.

[S 804/2017 wef 01/01/2018]

(19) A party who has been served with an application under paragraph (18)(c) shall, if he wishes to be heard on the application, file with the Chief Executive an affidavit-in-reply within 21 days of being served with the application, and serve the affidavit-in-reply on the applicant within 3 days of filing with the Chief Executive.

[S 804/2017 wef 01/01/2018]

(20) No further affidavit or affidavit-in-reply shall be filed with the Chief Executive without the leave of the Appeal Board.

[S 804/2017 wef 01/01/2018]

(21) Notwithstanding anything in this rule, the Appeal Board may, if it thinks fit, extend the time required for the doing of any act under this rule.

(22) An application for leave to extend the time for the doing of any act under this rule shall be made by way of motion in Form 56 and paragraphs (17) to (20) shall apply, with the necessary modifications, to such application.

[S 639/2018 wef 22/10/2018]

Appeals on certain matters

40.—(1) This rule shall apply to appeals to the Appeal Board under section 55 of the Act on the matters specified in the Second Schedule.

(2) An appeal under this rule shall be commenced by filing with the Chief Executive a notice of appeal in Form 57 addressed to the Appeal Board, accompanied by the relevant fees specified in the Third Schedule.

[S 804/2017 wef 01/01/2018]

[S 639/2018 wef 22/10/2018]

(3) The Chief Executive shall cause a copy of the notice of appeal filed with him under paragraph (2) to be served as soon as possible on the Court.

[S 804/2017 wef 01/01/2018]

(4) The notice of appeal referred to in paragraph (2) shall be filed not later than 14 days from the date of the order of the Court and the appellant shall serve a copy of the notice of appeal on every respondent to the appeal within 3 days of filing the notice of appeal with the Chief Executive.

[S 804/2017 wef 01/01/2018]

(5) Upon receipt of the notice of appeal, the Court shall prepare and sign a copy of the grounds of its order and forward the copy of the grounds of its order to the Chief Executive who shall then serve on the appellant a notice to collect.

[S 804/2017 wef 01/01/2018]

(6) Upon payment of the relevant fees specified in the Third Schedule, the appellant shall collect the copy of the grounds of the order referred to in paragraph (5) together with a copy of the notes of the proceedings and any other document (including exhibits) used by the Court in the first instance.

[S 639/2018 wef 22/10/2018]

(7) The appellant shall serve on every respondent to the appeal a copy of the grounds of the order of the Court and all other documents received by the appellant under paragraph (6) within 3 days of receiving them from the Chief Executive.

[S 804/2017 wef 01/01/2018]

(8) An appeal under this rule shall be heard by way of rehearing.

(9) Notwithstanding paragraph (4), the Appeal Board may extend the time required for the filing of a notice of appeal under this rule.

(10) An application for leave to extend the time for the filing of a notice of appeal under this rule shall be made by way of motion in Form 56 and rule 39(17) to (20) shall apply, with the necessary modifications, to such application.

[S 639/2018 wef 22/10/2018]

Stay of enforcement, etc.

40A.—(1) Except to the extent that the Court or the Appeal Board may otherwise direct, an appeal does not operate as a stay of —

(a) proceedings on the order or decision of the Court against which the appeal is brought; or

(b) enforcement of an order or a decision of the Court.

(2) Except to the extent that the Appeal Board may otherwise direct, no intermediate act or proceeding is to be invalidated by an appeal.

(3) On an appeal, interest for such time as enforcement has been delayed by the appeal is to be allowed unless the Court or the Appeal Board otherwise orders.

[S 910/2022 wef 30/11/2022]

Hearing of appeals

41.—(1) Upon receipt by the Chief Executive of —

(a) the record of appeal under rule 39(14);

(b) the notice of appeal under rule 40(2); or

(c) the notice of motion referred to in rule 39(17) or (22), 40(10) or 42(1),

the President of the Majlis shall constitute an Appeal Board to hear the appeal in the manner provided in section 55 of the Act.

[S 804/2017 wef 01/01/2018]

(2) The Appeal Board shall fix a date for the hearing of the appeal and shall notify the parties to the appeal of the date and the place for the appeal to be heard.

(3) The Appeal Board may make any order as to costs as it thinks fit.

(4) Where an appeal is deemed to be withdrawn under rule 39(10) or (16), the Chief Executive shall inform every respondent to the appeal or his solicitor of the withdrawal and shall refund to the appellant such amounts of the fees paid by the appellant as may be appropriate.

[S 804/2017 wef 01/01/2018]

(5) Notwithstanding rules 39 and 40, the Appeal Board may, upon an application made by any party at the hearing of an appeal, including an application made orally, waive any of the requirements of rule 39 or 40 if the Appeal Board thinks that it is just and expedient to do so.

(6) An order made by the Appeal Board under these Rules shall be in Form 58.

[S 639/2018 wef 22/10/2018]

Further evidence

42.—(1) If a party to an appeal desires to —

- (a) adduce further evidence on any question of fact at the hearing of the appeal; or
- (b) rely on any ground other than that specified in the petition of appeal or the notice given by the respondent, as the case may be,

that party shall make an application for leave to do so by way of motion in Form 56.

[S 639/2018 wef 22/10/2018]

(2) Rule 39(17) to (20) shall apply, with the necessary modifications, to an application made under paragraph (1).

PART V

MISCELLANEOUS

Oral applications to Court or Appeal Board

43.—(1) Notwithstanding any requirement in these Rules, the registrar, the Court or the Appeal Board may, in an appropriate case, allow an application under these Rules to be made by way of an oral request by the applicant.

(2) This rule does not apply to —

(a) the commencement of any proceedings in the Court under rule 9; and

(b) the commencement of any appeal to the Court or the Appeal Board under rule 38, 39 or 40.

Practice and procedure

44. In matters of practice and procedure not expressly provided for in these Rules and practice directions, the registrar, the Court or the Appeal Board may adopt the practice and procedure for the time being adopted in relation to civil proceedings in any court.

[S 639/2018 wef 22/10/2018]

Fees

45.—(1) Subject to paragraphs (2) to (6), the fees specified in the Third Schedule are payable for the matters stated in that Schedule.

(2) The Court may on an application by any person waive any fee, specified in Part I of the Third Schedule payable by that person to the Court, by reason of the poverty of that person or of circumstances beyond that person's reasonable control or for any other good reason.

(3) The Registrar of Muslim Marriages, or a Deputy Registrar of Muslim Marriages authorised by the Registrar in writing, may on an application by any person waive any fee, specified in Part I of the Third Schedule payable by that person to the Registry of Muslim Marriages, by reason of the poverty of that person or of circumstances beyond that person's reasonable control or for any other good reason.

(4) The Appeal Board or the Chief Executive may on an application by any person waive any fee, specified in Part II of the Third Schedule payable by that person to the Chief Executive, by reason of the poverty of that person or of circumstances beyond that person's reasonable control or for any other good reason.

(5) The Permanent Secretary may, in the circumstances of a particular case or a class of cases, waive the whole or any part of any fee specified in the Third Schedule.

(6) Paragraphs (2) to (5) apply to any fee mentioned in those paragraphs whether incurred before, on or after 17 October 2022.

[S 802/2022 wef 17/10/2022]

Application for copy of entry in Register of Divorces

45A. An application under section 144(1) of the Act for a copy of an entry in the Register of Divorces must —

- (a) be made in the form and manner determined by the registrar of the Syariah Court; and
- (b) be accompanied by the fee specified in the Third Schedule.

[S 910/2022 wef 30/11/2022]

Application for copy of or extract from information or record in Register of Marriages or Register of Revocation of Divorces

45B. An application for a copy of an entry in the Register of Marriages or Register of Revocation of Divorces must —

- (a) be made in the form and manner determined by the Registrar; and
- (b) be accompanied by the fee specified in the Third Schedule.

[S 910/2022 wef 30/11/2022]

Records

45C. The records required by section 38(3) of the Act to be kept and maintained are to be kept and maintained in such manner and form as the Court may determine.

[S 910/2022 wef 30/11/2022]

Transitional provision

46.—(1) These Rules shall not apply to any proceedings or appeal commenced before 1st August 1999 and the revoked Muslim Marriage and Divorce Rules (R 1, 1990 Ed.) shall continue to apply to that proceedings or appeal.

(2) Any direction, order, decision or decree made by —

- (a) the Kadi or Naib Kadi;
- (b) the registrar or the Court; or
- (c) the Appeal Board,

under the revoked Muslim Marriage and Divorce Rules (R 1, 1990 Ed.), shall be treated as a direction, order, decision or decree made under these Rules and shall have the same force and effect as if it had been made by —

- (i) the Kadi or Naib Kadi;
- (ii) the registrar or the Court; or
- (iii) the Appeal Board,

as the case may be, under these Rules.

(3) Every registration of —

- (a) marriage or revocation of divorce by the Kadi or Naib Kadi; or
- (b) divorce by the Kadi,

under the revoked Muslim Marriage and Divorce Rules shall be treated as a registration of marriage or revocation of divorce or a registration of divorce under these Rules.

FIRST SCHEDULE

[Deleted by S 639/2018 wef 22/10/2018]

SECOND SCHEDULE

Rules 39(1) and 40(1)

MATTERS FOR APPEALS

- (1) Orders made on applications to represent minor or person lacking capacity under rule 11.

[S 639/2018 wef 22/10/2018]

- (2) Orders made on interim applications under rule 14.

- (3) Orders made on applications for leave to commence or to continue civil proceedings in any court under rule 17.

- (4) *[Deleted by S 51/2009 wef 01/03/2009]*

- (5) *[Deleted by S 51/2009 wef 01/03/2009]*

- (6) Orders made on applications for presumption of death under rule 36.

THIRD SCHEDULE

Rules 27(2), 39(2), (6) and (18)(b),
40(2) and (6), 45, 45A and 45B

PART I

**FEEs PAYABLE TO SYARIAH COURT AND
REGISTRY OF MUSLIM MARRIAGES**

- | | |
|---|-------|
| 1. Application for registration of Marriage where at least one party is a citizen of Singapore | \$39 |
| 2. <i>[Deleted by S 388/2001 wef 01/04/2001]</i> | |
| 3. Application for registration of Marriage where both parties are not citizens of Singapore | \$128 |
| 3A. Application for registration of Marriage where at least one party is below the age of 21 years | \$120 |
| 3B. Application for registration of Marriage where the wali refuses consent | \$100 |
| 4. Registration of revocation of divorce by Kadi or Naib Kadi under rule 6(3) (inclusive of issue of 2 copies of certificate) | \$42 |

THIRD SCHEDULE — *continued*

5. Issue of a summons under section 142 of the Act (summons to appear before a Kadi)	\$40
6. [<i>Deleted by S 51/2009 wef 01/03/2009</i>]	
7. Certified copy of the notes of evidence of any proceedings before a Kadi or Naib Kadi	\$180
8. Search of Register:	
(a) Register of Divorces	\$27
(b) Register of Marriages:	
(i) through the Internet	\$35
(ii) carried out by any other means	\$50
9. Certified copy of grounds of refusal to register a marriage, divorce or revocation of divorce issued by —	
(a) the Syariah Court	\$39
(b) the Registry of Muslim Marriages	\$100
10. Certified copy of certificate of divorce	\$13
11. Issue of a summons for maintenance	\$16
12. Issue of a summons for marriage payment	\$16
13. Issue of a summons for mutaah	\$16
14. Issue of a summons to a defendant for divorce	\$22
15. Issue of a summons for application not made at a hearing	\$16
16. Registration of divorce	\$100
17. Certified copy of a decree or order of Court	\$22
18. Issue of a summons to a witness under rule 20(1)	\$16

THIRD SCHEDULE — *continued*

19. Service of a summons on a defendant or a witness	\$29
20. Certified copy of notes of evidence of any proceedings before the Syariah Court (per page)	\$34
21. Certified copy of the grounds of any order made by the Syariah Court	\$140
22. Certificate of Inheritance issued under section 115 of the Act	\$34
23. Revised Certificate of Inheritance on the death of one or more of the beneficiaries of the estate before the final distribution of the estate is made (per page)	\$34
24. Appeal against the registrar's decision under rule 38(2)	\$64
25. Issue of a certificate of attendance under rule 17(5)	\$50
26. Issue of a commencement certificate or continuation certificate under rule 17(3) and (4)	\$204
27. Filing fees	\$12
28. Certified copy of certificate of marriage	\$40
29. Registration of polygamous marriage	\$380
30. Change of details of a solemnization or particulars of any witness at a solemnization	\$15
31. Service of each document on a party through the electronic system	\$2

PART II

FEEs PAYABLE TO CHIEF EXECUTIVE IN RESPECT OF APPEALS TO APPEAL BOARD

1. Appeal under rule 39:
 - (a) on filing a notice of appeal \$16

THIRD SCHEDULE — *continued*

(b) for the hearing by the Appeal Board	\$630
(c) for the issue of a certified copy of the decision of the Appeal Board	\$18
(d) for the issue of a certified copy of the grounds of decision of the Appeal Board	\$100
(e) deposit payable for the issue of the notes of evidence and other documents of the Syariah Court or the Registry of Muslim Marriages	\$500
2. Appeal on certain matters under rule 40:	
(a) on filing a notice of appeal	\$16
(b) for the hearing by the Appeal Board	\$630
(c) for the issue of a certified copy of the decision of the Appeal Board	\$18
(d) for the issue of a certified copy of the grounds of decision of the Appeal Board	\$100
(e) deposit payable for the issue of the notes of evidence and other documents of the Syariah Court	\$300
3. Application for leave to appeal under rule 39(17):	
(a) on filing a motion	\$16
(b) for the hearing by the Appeal Board	\$630
(c) for the issue of a certified copy of the decision of the Appeal Board	\$18

THIRD SCHEDULE — *continued*

- (d) for the issue of a certified copy of the grounds of decision of the Appeal Board \$100

[S 804/2017 wef 01/01/2018]

[S 639/2018 wef 22/10/2018]

[S 910/2022 wef 30/11/2022]

[G.N. Nos. S 331/99; S146/2000; S434/2000]

LEGISLATIVE HISTORY
MUSLIM MARRIAGE AND DIVORCE RULES
(CHAPTER 3, R 1)

This Legislative History is provided for the convenience of users of the Muslim Marriage and Divorce Rules. It is not part of these Rules.

- 1. G. N. No. S 331/1999 — Muslim Marriage and Divorce Rules 1999**
Date of commencement : 1 August 1999
- 2. G. N. No. S 146/2000 — Muslim Marriage and Divorce (Amendment) Rules 2000**
Date of commencement : 1 April 2000
- 3. G. N. No. S 434/2000 — Muslim Marriage and Divorce (Amendment No. 2) Rules 2000**
Date of commencement : 1 October 2000
- 4. 2001 Revised Edition — Muslim Marriage and Divorce Rules**
Date of operation : 31 January 2001
- 5. G. N. No. S 163/2001 — Muslim Marriage and Divorce (Amendment) Rules 2001**
Date of commencement : 1 April 2001
- 6. G. N. No. S 388/2001 — Muslim Marriage and Divorce (Amendment No. 2) Rules 2001**
Date of commencement : 1 April 2001
- 7. G. N. No. S 101/2002 — Muslim Marriage and Divorce (Amendment) Rules 2002**
Date of commencement : 1 December 2001
- 8. G. N. No. S 527/2002 — Muslim Marriage and Divorce (Amendment No. 2) Rules 2002**
Date of commencement : 1 October 2002
- 9. G. N. No. S 1/2003 — Muslim Marriage and Divorce (Amendment) Rules 2003**
Date of commencement : 2 January 2003
- 10. G. N. No. S 600/2005 — Muslim Marriage and Divorce (Amendment) Rules 2005**
Date of commencement : 1 October 2005

11. G. N. No. S 51/2009 — Muslim Marriage and Divorce (Amendment) Rules 2009

Date of commencement : 1 March 2009

12. G. N. No. S 222/2010 — Muslim Marriage and Divorce (Amendment) Rules 2010

Date of commencement : 16 April 2010

13. G.N. No. S 495/2011 — Muslim Marriage and Divorce (Amendment) Rules 2011

Date of commencement : 1 September 2011

14. G.N. No. S 804/2017 — Muslim Marriage and Divorce (Amendment) Rules 2017

Date of commencement : 1 January 2018

15. G.N. No. S 639/2018 — Muslim Marriage and Divorce (Amendment) Rules 2018

Date of commencement : 22 October 2018

16. G.N. No. S 802/2022 — Muslim Marriage and Divorce (Amendment) Rules 2022

Date of commencement : 17 October 2022

17. G.N. No. S 910/2022 — Muslim Marriage and Divorce (Amendment No. 2) Rules 2022

Date of commencement : 30 November 2022

18. G.N. No. S 654/2023 — Muslim Marriage and Divorce (Amendment) Rules 2023

Date of commencement : 25 September 2023