

WOMEN'S CHARTER
(CHAPTER 353, SECTION 139(1) AND (2))

WOMEN'S CHARTER (MATRIMONIAL PROCEEDINGS)
RULES

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[1st April 2006]

PART I

PRELIMINARY

[S 676/2013 wef 02/12/2013]

Citation

1.—(1) These Rules may be cited as the Women's Charter (Matrimonial Proceedings) Rules.

(2) Unless otherwise specified, these Rules shall apply to —

- (a) all proceedings under Parts VIII and X of the Act commenced on or after 1st April 2006; and
- (b) all applications to vary an order made in proceedings for ancillary relief under Part X of the Act commenced before, on or after 1st April 2006.

[S 676/2013 wef 02/12/2013]

Definitions

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

“additional CPF information” means any information that a person is required by the Registrar to obtain from the Central

Provident Fund Board which is additional to that contained in a relevant CPF statement;

[S 676/2013 wef 02/12/2013]

“Affidavit of Assets and Means” means an affidavit of such description referred to in rule 51;

“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” includes arrangements in relation to —

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

[S 676/2013 wef 02/12/2013]

“Central Provident Fund” means the Central Provident Fund established under section 6 of the Central Provident Fund Act (Cap. 36);

“Central Provident Fund Board” means the Central Provident Fund Board established under the Central Provident Fund Act (Cap. 36);

“child of the marriage” has the same meaning as in section 92 of the Act;

[Deleted by S 676/2013 wef 02/12/2013]

“dependent child of the marriage” means a child of the marriage who is —

- (a) below the age of 21 years; or
- (b) of or above the age of 21 years but who —
 - (i) suffers from any mental or physical disability;
 - (ii) is or will be serving full-time national service; or

(iii) is or will be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment;

“HDB flat” means any residential flat or other residential property sold under Part IV of the Housing and Development Act (Cap. 129) which has been acquired by the present owner thereof whether directly from the Housing and Development Board or otherwise;

“HDB matrimonial asset” means a matrimonial asset as defined in section 112 of the Act which consists of —

(a) an HDB flat; or

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

“HDB standard query” means such enquiries as the Registrar may specify which a party is required to make with the Housing and Development Board;

“Housing and Development Board” means the Housing and Development Board established under the Housing and Development Act;

“Judge” means a Judge of the High Court;

“judgment of judicial separation” has the same meaning as in section 92 of the Act;

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

“marriage” includes a void marriage and, for the purpose of rule 8, includes a marriage which has been dissolved;

“person named” includes a person described solely by the use of initials;

“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;

“Registrar” means the Registrar of the Supreme Court;

“relevant CPF statement” means a statement issued by the Central Provident Fund Board containing such information as the Registrar 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 purchase of any immovable property or in connection with withdrawals of any moneys from the Central Provident Fund;

[S 676/2013 wef 02/12/2013]

“writ” has the same meaning as in section 92 of the Act.

(2) In these Rules, a Form referred to by number means the Form so numbered in the First Schedule.

PART II

PROCEEDINGS UNDER PART VIII OF ACT

[S 676/2013 wef 02/12/2013]

Discovery in maintenance proceedings

2A.—(1) Subject to paragraph (4), the court may at any time order any party in maintenance proceedings to give discovery in such form as the court may direct by filing and by serving on the other party, an affidavit exhibiting a list of documents as specified by the Registrar.

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

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

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

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

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

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

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

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

Duty to give discovery to continue throughout maintenance proceedings

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

Inspection of documents in maintenance proceedings

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

- (a) produce a document which was referred to in the affidavits or sworn statements of that other party or the bundle of documents filed into court for the inspection of the first-mentioned party; and
 - (b) permit the first-mentioned party to take copies of such document or documents.
- (2) The other party shall offer inspection of the documents at a reasonable time and place unless he objects to such inspection.
- (3) The application under paragraph (1) shall be heard in Chambers before the Registrar.
- (4) Order 55B of the Rules of Court (Cap. 322, R 5) shall be applicable to an appeal brought against any order or refusal of any order by the Registrar under this rule.

Order for production of documents for inspection in maintenance proceedings

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

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

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

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

(3) In particular, on the making of an order under rule 2A(2), the court may, in lieu of making an order under rule 2A(3), make such

orders for the production of the relevant documents for inspection at such time and place, and in such manner, as it thinks fit.

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

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

Production of business books in maintenance proceedings

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

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

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

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

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

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

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

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

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

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

Order for production of documents to court in maintenance proceedings

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

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

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

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

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

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

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

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

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

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

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

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

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

document or information on the ground that the disclosure of it would be injurious to the public interest, or against the interests of justice.

2M. [*Deleted by S 676/2013 wef 2/12/2013*]

PART III
PROCEEDINGS UNDER PART X OF ACT

[S 676/2013 wef 02/12/2013]

Application of Rules of Court

3.—(1) Subject to these Rules and any other written law, the Rules of Court (Cap. 322, R 5) shall apply, with the necessary modifications, to the practice and procedure in any proceedings under Part X of the Act to which these Rules relate.

(2) For the avoidance of doubt, Order 6, Rule 4, Order 15, Rule 1 and Orders 13, 14, 19, 21, 23, 24, 25, 26 and 26A of the Rules of Court shall not apply to any proceedings under Part X of the Act to which these Rules relate, unless otherwise stated.

Application for leave to file writ

4.—(1) An application under section 94 of the Act for leave to file a writ for divorce before 3 years have passed since the date of the marriage shall be made by originating summons in accordance with Form 1 (Section 94 Originating Summons Form).

[S 676/2013 wef 02/12/2013]

(2) There shall be filed in support of the originating summons an affidavit by the applicant exhibiting a copy each of the proposed statement of claim and the proposed statement of particulars and stating —

- (a) the grounds of the application;
- (b) particulars of the hardship or depravity alleged;
- (c) whether there has been any previous application for leave;
- (d) whether any, and if so what, attempts at reconciliation have been made;

- (e) particulars of any circumstances which may assist the court in determining whether there is a reasonable probability of reconciliation between the parties; and
 - (f) the date of birth of each of the parties or, if it be the case, that he or she has attained the age of 21 years.
- (3) The originating summons shall be fixed for a pre-trial conference before a Registrar or for a hearing before a Judge in Chambers.

[S 676/2013 wef 02/12/2013]

(4) Unless the court directs otherwise, the originating summons, together with the affidavit in support of the originating summons and a copy of the notice of proceedings in Form 2 (Notice of Section 94 Originating Summons Form), shall be served on the defendant at least 5 clear days before the date on which the pre-trial conference or hearing is fixed.

[S 676/2013 wef 02/12/2013]

(5) The defendant may be heard without filing a memorandum of appearance.

[S 676/2013 wef 02/12/2013]

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

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

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

- (a) the particulars of the parties to the proceedings;
- (b) the particulars relating to the dissolution or annulment of the applicant's marriage or the parties' legal separation in the foreign country and evidence that the divorce or annulment or legal separation is recognised as valid under Singapore law;
- (c) the particulars of any orders for financial relief made in a foreign country;

- (d) the ground on which the applicant is relying to give the court jurisdiction to hear the application;
 - (e) whether there has been any previous application for leave; and
 - (f) the financial relief sought in the application made under section 121B of the Act.
- (3) The application under paragraph (1) must exhibit —
- (a) a draft copy of the application to be filed under section 121B of the Act;
 - (b) a copy of the foreign decree of divorce or annulment of marriage or judicial separation;
 - (c) any relevant decision or order on financial relief including an order made by the foreign court requiring any party to the marriage to make payment to the other party or transfer any matrimonial asset to either one of the parties or to a child of the marriage; and
 - (d) any relevant agreement made between the parties relating to financial relief.
- (4) The originating summons shall be fixed for a pre-trial conference before a Registrar or for a hearing before a Judge in Chambers.

[S 676/2013 wef 02/12/2013]

(5) Unless the court directs otherwise, the originating summons together with the affidavit in support of the originating summons, shall be served on the defendant at least 5 clear days before the date on which the pre-trial conference or hearing is fixed.

[S 676/2013 wef 02/12/2013]

(6) The defendant may be heard without filing a memorandum of appearance.

[S 676/2013 wef 02/12/2013]

4B. *[Deleted by S 676/2013 wef 02/12/2013]*

Commencement of proceedings, etc.

5.—(1) All proceedings for divorce, presumption of death and divorce, judicial separation, nullity of marriage, or rescission of a judgment of judicial separation shall be commenced by filing a writ in Form 3 (Writ Form).

[S 676/2013 wef 02/12/2013]

(2) Unless the Act or these Rules otherwise provide, every application under Part X of the Act or these Rules shall be made either by originating summons or, in a pending action or matter, by summons in Form 4 (Summons Form).

[S 676/2013 wef 02/12/2013]

Filing of affidavits in originating summons or summons

5A.—(1) Unless the court directs otherwise, where the plaintiff or applicant intends to adduce evidence in support of an originating summons or a summons in Form 4 (Summons Form), he must do so by affidavit and must file the affidavit at the time of filing the originating summons or summons, as the case may be, and serve a copy of the originating summons or summons together with the affidavit in support of the originating summons or summons, as the case may be, on every defendant or respondent.

[S 676/2013 wef 02/12/2013]

(2) Where the defendant or respondent intends to adduce evidence with reference to the originating summons or summons served on him, he must do so by an affidavit-in-reply and must file the affidavit-in-reply and serve a copy thereof on the plaintiff or applicant not later than —

- (a) 21 days after being served a copy of the affidavit by the plaintiff or applicant under paragraph (1), in the case of an originating summons; and
- (b) 14 days after being served a copy of the affidavit by the plaintiff or applicant under paragraph (1), in the case of a summons.

[S 676/2013 wef 02/12/2013]

(3) Where the defendant or respondent has served a copy of an affidavit-in-reply in respect of an originating summons filed by a plaintiff, the plaintiff may not file a further affidavit without leave of the court.

[S 676/2013 wef 02/12/2013]

(4) Where the defendant or respondent has served a copy of an affidavit-in-reply in respect of a summons filed by a plaintiff, the plaintiff may file a further affidavit and serve a copy of the affidavit on the defendant or respondent within 14 days after being served with the affidavit-in-reply.

[S 676/2013 wef 02/12/2013]

(5) This rule shall not apply to any Affidavit of Assets and Means or reply affidavit filed under rule 51.

[S 676/2013 wef 02/12/2013]

Duration and renewal of writ, etc.

6.—(1) For the purposes of service, a writ is valid in the first instance for 12 months beginning with the date of its issue.

(2) Subject to paragraph (3), where a writ has not been served on a defendant, the court may by order extend the validity of the writ from time to time for such period, not exceeding 6 months at any one time, beginning with the day on which it would otherwise expire, as may be specified in the order, if an application for extension is made to the court before that day or such later day (if any), as the court may allow.

(3) Where the court is satisfied on an application under paragraph (2) that, despite the making of reasonable efforts, it may not be possible to serve a writ within 6 months, the court may, if it thinks fit, extend the validity of the writ for such period, not exceeding 12 months at any one time, as the court may specify.

(4) Before a writ, the validity of which has been extended under paragraph (2) or (3), is served, the first page of the writ must be marked with a notice of renewal in Form 5 (Notice of Renewal Form) showing —

(a) the date of the order extending the validity of the writ; and

(b) the period from which the validity of the writ has been so extended.

[S 676/2013 wef 02/12/2013]

(5) A copy of the writ marked in accordance with paragraph (4) must be filed with the court within 14 days after the date of the order extending the validity of the writ.

[S 676/2013 wef 02/12/2013]

(6) The order extending the validity of the writ need not be drawn up, unless the court directs otherwise.

(7) This rule shall apply in relation to an originating summons filed under Part X of the Act as it applies in relation to a writ filed under that Part.

Statement of claim

7.—(1) The plaintiff shall file, together with a writ —

(a) a statement of claim in Form 6 (Statement of Claim (Divorce/Judicial Separation) Form) or Form 7 (Statement of Claim (Rescission of Judgment of Judicial Separation) Form), as appropriate;

[S 676/2013 wef 02/12/2013]

(b) a statement of particulars in Form 8 (Statement of Particulars Form); and

[S 676/2013 wef 02/12/2013]

(c) where applicable, a notice of proceedings in Form 16 (Notice of Proceedings (Other Party) Form).

[S 676/2013 wef 02/12/2013]

(2) The statement of particulars shall set out in full the following matters:

(a) the particulars of the facts pleaded in the statement of claim but not the evidence by which those facts are to be proved; and

- (b) that the plaintiff is aware of, or has been informed by the solicitor acting for him about, the options of family mediation or counselling, before filing the writ.

[S 676/2013 wef 02/12/2013]

(2A) Without prejudice to paragraph (2), where a statement of claim is based on section 95(3)(d) or (e) of the Act, the statement of particulars shall set out in full the following matters relating to the separation of the parties:

- (a) the date on which the parties commenced their separation;
- (b) the duration of the separation;
- (c) if the parties lived apart at different residential addresses during the period of separation, their respective residential addresses (if known); and
- (d) if the parties lived in separate households at the same residential address during the period of separation, the description of how the parties lived in separate households.

[S 676/2013 wef 02/12/2013]

(2B) The statement of particulars shall be signed by the solicitor for the plaintiff or, where the plaintiff is acting in person, by the plaintiff.

[S 676/2013 wef 02/12/2013]

(3) The statement of particulars shall form part of the statement of claim and, unless the context otherwise requires, the provisions of these Rules which relate to a statement of claim shall apply, with the necessary modifications, to the statement of particulars.

Parenting plan

8.—(1) Where a writ for divorce, presumption of death and divorce, judicial separation or nullity of marriage discloses that there is any dependent child of the marriage, the plaintiff shall file, together with the writ —

- (a) an agreed parenting plan in Form 9 (Agreed Parenting Plan Form); or

[S 676/2013 wef 02/12/2013]

- (b) a proposed parenting plan in Form 10 (Plaintiff's Proposed Parenting Plan Form).

[S 676/2013 wef 02/12/2013]

(2) The parties to a marriage shall try to agree on the arrangements for the welfare of every dependent child of the marriage 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 marriage, 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 marriage, the parties to the marriage must regard the welfare of that child as the paramount consideration.

Matrimonial property plan

9.—(1) Where a writ for divorce, judicial separation or nullity of marriage discloses that there is an HDB matrimonial asset to be divided, the plaintiff shall file, together with the writ —

- (a) an agreed matrimonial property plan in Form 11 (Agreed Matrimonial Property Plan Form) and the particulars of arrangements for housing in Form 13 (Particulars of Housing Arrangement Form); or

[S 676/2013 wef 02/12/2013]

- (b) a proposed matrimonial property plan in Form 12 (Plaintiff's Proposed Matrimonial Property Plan Form) and the particulars of arrangements for housing in Form 13 (Particulars of Housing Arrangement Form).

[S 676/2013 wef 02/12/2013]

(2) Where, at any time after the filing of a writ for divorce, judicial separation or nullity of marriage, it is disclosed that there is an HDB matrimonial asset to be divided, the plaintiff shall file the documents referred to 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 112 of the Act.
- (3) Prior to the filing of an agreed matrimonial property plan under paragraph (1) —
- (a) the plaintiff and defendant shall each obtain their relevant CPF statement and additional CPF information within such time and in such manner as the Registrar may specify; and
- [S 676/2013 wef 02/12/2013]*
- (b) the plaintiff shall, unless the court directs otherwise, serve the agreed matrimonial property plan on the Housing and Development Board, which shall, within one month after the date of service, give the plaintiff its written reply as to whether it has any objection to the agreed matrimonial property plan or the agreement and, if it has any objection, the nature of the objection.
- [S 676/2013 wef 02/12/2013]*
- (4) Prior to the filing of a proposed matrimonial property plan under paragraph (1), the plaintiff shall —
- (a) obtain his relevant CPF statement and any additional CPF information, within such time and in such manner as the Registrar may specify; and
- (b) submit the HDB standard query to the Housing and Development Board, which shall give the plaintiff its written reply within such time and in such manner as the Registrar may specify.
- [S 676/2013 wef 02/12/2013]*
- (5) Where the plaintiff does not obtain his relevant CPF statement or additional CPF information or the Housing and Development Board does not give its written reply within the time specified by the Registrar under paragraph (3) or (4), as the case may be, the plaintiff —
- (a) may file the writ without the agreed matrimonial property plan or proposed matrimonial property plan; but

(b) shall file the plan within 7 days of the receipt of the written reply.

[S 676/2013 wef 02/12/2013]

(6) The court may, in an appropriate case, shorten the time within which the plaintiff or the defendant shall obtain his relevant CPF statement or additional CPF information or the Housing and Development Board shall give a written reply under paragraph (3) or (4), as the case may be.

[S 676/2013 wef 02/12/2013]

Co-defendant and person named in statement of claim

10.—(1) Subject to paragraph (2), where a statement of claim alleges that the defendant has committed adultery, the person with whom the adultery is alleged to have been committed shall be made a co-defendant in the action unless —

(a) the person is not named in the statement of claim and, if the adultery is relied on for the purpose of section 95(3)(a) of the Act, the statement of claim contains a statement that the person's identity is not known to the plaintiff; or

(b) the court directs otherwise.

(2) Notwithstanding anything in paragraph (1), where a statement of claim alleges that the defendant has been guilty of rape upon a person named, that person shall not be made a co-defendant in the action unless the court so directs.

(3) Unless the court directs otherwise, where a statement of claim alleges that the defendant has committed adultery, and the person with whom the adultery is alleged to have been committed is not made a co-defendant under paragraph (1)(b), a copy of the writ shall be served on that person, together with —

(a) the statement of claim;

(b) the statement of particulars;

(c) a notice of proceedings in Form 16 (Notice of Proceedings (Other Party) Form);

[S 676/2013 wef 02/12/2013]

- (d) a copy of an acknowledgment of service in Form 17 (Acknowledgment of Service (Other Party) Form); and

[S 676/2013 wef 02/12/2013]

- (e) a copy of a memorandum of appearance in Form 18 (Memorandum of Appearance (Other Party) Form).

[S 676/2013 wef 02/12/2013]

(4) Where a statement of claim alleges that the defendant has been guilty of an improper association (other than adultery) with a person named, the court may direct that a copy of the writ be served on the person named, together with —

- (a) the statement of claim;
(b) the statement of particulars;
(c) a notice of proceedings in Form 16 (Notice of Proceedings (Other Party) Form);

[S 676/2013 wef 02/12/2013]

- (d) a copy of an acknowledgment of service in Form 17 (Acknowledgment of Service (Other Party) Form); and

[S 676/2013 wef 02/12/2013]

- (e) a copy of a memorandum of appearance in Form 18 (Memorandum of Appearance (Other Party) Form).

[S 676/2013 wef 02/12/2013]

(5) A person who has been served with a writ under paragraph (3) or (4) and who wishes to intervene in the proceedings shall file a memorandum of appearance in Form 18 (Memorandum of Appearance (Other Party) Form) and shall join as a co-defendant in the proceedings at the stage which those proceedings have reached at the time he files the memorandum of appearance, and his name shall appear thereafter in the title to the action as a co-defendant in the proceedings.

[S 676/2013 wef 02/12/2013]

(6) An application for directions under paragraph (1)(b) may be made ex-parte if the defendant has not filed a memorandum of appearance.

[S 676/2013 wef 02/12/2013]

(7) Paragraphs (1), (3) and (4) shall not apply if the person named had died before the filing of the writ.

(8) Rules 11, 12, 12A and 13 shall apply to the service of a copy of a writ under paragraph (3) or (4) as they apply to the service of a copy of a writ on a co-defendant.

[S 676/2013 wef 02/12/2013]

Service of writ, etc.

11.—(1) Unless the court directs otherwise —

(a) a copy of the writ, together with —

(i) a statement of claim in Form 6 (Statement of Claim (Divorce/Judicial Separation) Form) or Form 7 (Statement of Claim (Rescission of Judgment of Judicial Separation) Form), as appropriate;

[S 676/2013 wef 02/12/2013]

(ii) a statement of particulars in Form 8 (Statement of Particulars Form);

[S 676/2013 wef 02/12/2013]

(iii) a copy of an acknowledgment of service in Form 14 (Acknowledgment of Service (Defendant) Form); and

[S 676/2013 wef 02/12/2013]

(iv) a copy of a memorandum of appearance in Form 15 (Memorandum of Appearance (Defendant) Form), shall be served personally or by registered post on the defendant;

[S 676/2013 wef 02/12/2013]

(b) a copy of the writ, together with —

(i) a statement of claim in Form 6 (Statement of Claim (Divorce/Judicial Separation) Form) or Form 7 (Statement of Claim (Rescission of Judgment of Judicial Separation) Form), as appropriate;

[S 676/2013 wef 02/12/2013]

(ii) a statement of particulars in Form 11;

[S 676/2013 wef 02/12/2013]

(iii) a notice of proceedings in Form 16 (Notice of Proceedings (Other Party) Form);

[S 676/2013 wef 02/12/2013]

(iv) a copy of an acknowledgment of service in Form 17 (Acknowledgment of Service (Other Party) Form); and

[S 676/2013 wef 02/12/2013]

(v) a copy of a memorandum of appearance in Form 18 (Memorandum of Appearance (Other Party) Form), shall be served personally or by registered post on each co-defendant named in the writ;

[S 676/2013 wef 02/12/2013]

(c) a copy of any parenting plan filed under rule 8 and a copy of any matrimonial property plan filed under rule 9 shall be served personally or by registered post on the defendant; and

(d) a copy of each originating summons shall be served personally or by registered post on the defendant.

(2) Where an originating summons is served by registered post, a copy of an acknowledgment of service in Form 14 (Acknowledgment of Service (Defendant) Form) shall be served together with the originating summons.

[S 676/2013 wef 02/12/2013]

(3) Where the solicitor for a defendant or co-defendant endorses on a document served under paragraph (1) a statement that he accepts service of the document on behalf of the defendant or co-defendant, the document shall be deemed to have been duly served on the defendant or co-defendant and to have been so served on the date on which the endorsement was made.

[S 676/2013 wef 02/12/2013]

(4) For the purposes of paragraphs (1) and (2), a document shall be deemed to have been duly served on a party by registered post if the document is sent by pre-paid registered post to the party, and the party signs and returns an acknowledgment of service in accordance with Form 14 (Acknowledgment of Service (Defendant) Form) or Form 17 (Acknowledgment of Service (Other Party) Form) to the solicitor for

the plaintiff, or to the plaintiff if he is acting in person, at the address of service.

[S 676/2013 wef 02/12/2013]

(5) Where the party to be served is the defendant or co-defendant, his signature on the acknowledgment of service shall be proved at the trial or hearing.

[S 676/2013 wef 02/12/2013]

(6) *[Deleted by S 676/2013 wef 02/12/2013]*

(7) *[Deleted by S 676/2013 wef 02/12/2013]*

Service out of jurisdiction

12.—(1) Any writ, originating summons, summons or other document in proceedings under Part X of the Act which is filed with a writ or an originating summons may be served personally or by registered post out of the jurisdiction without leave.

[S 676/2013 wef 02/12/2013]

(1A) The procedure for service out of the jurisdiction shall conform as nearly as possible to the procedure in a like case under Order 11 of the Rules of Court (Cap. 322, R 5).

[S 676/2013 wef 02/12/2013]

(1B) For the purposes of paragraph (1), a document shall be deemed to have been duly served on a party by registered post if the document is sent by pre-paid registered post to the party, and the party signs and returns an acknowledgment of service in accordance with Form 14 (Acknowledgment of Service (Defendant) Form) or Form 17 (Acknowledgment of Service (Other Party) Form) to the solicitor for the plaintiff, or to the plaintiff if he is acting in person, at the address of service.

[S 676/2013 wef 02/12/2013]

(2) Unless the court directs otherwise, where a writ is to be served out of the jurisdiction, the time limited for appearance to be endorsed on the writ or entered in any notice accompanying the writ shall be 21 days after service of the writ.

(3) Where an originating summons is to be served out of the jurisdiction, the return date for the originating summons shall be fixed

having regard to the time which would be limited for appearance under paragraph (2) if the originating summons had been a writ.

Substituted service

12A.—(1) Where an application for leave is made to substitute for any mode of service specified in rule 11 or 12 with another mode of service, or with notice of the proceedings by advertisement, the application shall be made *ex-parte* by summons supported by an affidavit setting out the grounds on which the application is made.

[S 676/2013 wef 02/12/2013]

(2) Where leave is given to substitute any mode of service specified in rule 11 or 12 with notice of the proceedings by advertisement under paragraph (1), the form of the advertisement shall be in accordance with Form 19 (Notice of Proceedings (Advertisement) Form).

[S 676/2013 wef 02/12/2013]

Proof of service

13. Unless the court directs otherwise, and except where service has been dispensed with under rule 15, a writ shall not proceed to trial or hearing unless the defendant, every co-defendant and every person named in the statement of claim who is required under rule 10(3), or whom the court has directed under rule 10(4), to be served with the writ —

- (a) has entered an appearance; or
- (b) where the defendant, co-defendant or person named, as the case may be, has not entered an appearance —
 - (i) is shown by affidavit in accordance with Form 20 (Affidavit of Service Form) (which shall be filed) to have been served with the writ in accordance with rule 11, 12 or 12A, as the case may be; or
 - (ii) has returned to the solicitor for the plaintiff, or to the plaintiff if he is acting in person, an acknowledgment of service in accordance with Form 14 (Acknowledgment of Service (Defendant) Form) or

[S 676/2013 wef 02/12/2013]

Form 17 (Acknowledgment of Service (Other Party Form) which shall be filed in court.

[S 676/2013 wef 02/12/2013]

Service of summons or other documents

14.—(1) Subject to rules 11, 12, 13, 15 and 53(2) and unless the court directs otherwise, a summons or other document (not being a writ or an originating summons) shall be served by ordinary service in accordance with Order 62, Rule 6 of the Rules of Court.

[S 676/2013 wef 02/12/2013]

(2) Unless otherwise provided, the service of any summons shall be effected within 3 days of the filing of the summons.

(3) A copy of every affidavit pursuant to an order for interrogatories or discovery, shall be delivered to the other party if he is the plaintiff or has filed a memorandum of appearance within 2 working days after the affidavit has been filed.

[S 676/2013 wef 02/12/2013]

Dispensation with service

15.—(1) The court may, in an appropriate case, dispense with the service of any writ, originating summons, summons or other document (including subsequent or related documents filed in the proceedings) on any person.

[S 676/2013 wef 02/12/2013]

(2) When an order is made under paragraph (1) that the service of a document be dispensed with, that document shall for the purposes of these Rules be deemed to have been duly served.

Filing a memorandum of appearance

16.—(1) A defendant, co-defendant or person named in a statement of claim who has been served with a writ may file a memorandum of appearance in the proceedings and defend it by a solicitor or in person.

[S 676/2013 wef 02/12/2013]

(2) The defendant, co-defendant or person named in a statement of claim shall file a memorandum of appearance containing an address for service within jurisdiction in accordance with —

- (a) Form 15 (Memorandum of Appearance (Defendant) Form), in the case of a defendant; or
- (b) Form 18 (Memorandum of Appearance (Other Party) Form), in the case of a co-defendant or person named in a statement of claim.

[S 676/2013 wef 02/12/2013]

(3) If a solicitor is acting on behalf of a defendant, co-defendant or person named in a statement of claim, the solicitor shall file a memorandum of appearance containing an address for service which shall be the address at which the solicitor carries on business in accordance with —

- (a) Form 15 (Memorandum of Appearance (Defendant) Form), where the solicitor is acting for a defendant; or
- (b) Form 18 (Memorandum of Appearance (Other Party) Form), where the solicitor is acting for a co-defendant or person named in a statement of claim.

[S 676/2013 wef 02/12/2013]

(4) A memorandum of appearance shall, unless the court gives leave to the contrary, be filed —

- (a) in the case of a writ served within jurisdiction, within 8 days after service of the writ or, where that time has been extended, within the time so extended; and
- (b) in the case of a writ served out of jurisdiction, within 21 days after service of the writ or, where that time has been extended, within the time so extended.

(5) The Registrar shall, on receipt of the memorandum of appearance, send to the plaintiff or his solicitor one copy of the memorandum sealed with the seal of the court.

(5A) A person desiring to appear shall not be entitled to be heard in the proceedings unless he has filed a memorandum of appearance in accordance with this rule.

[S 676/2013 wef 02/12/2013]

(6) Order 12, Rules 6 and 7 of the Rules of Court (Cap. 322, R 5) shall apply, with the necessary modifications, to a person desiring to appear under this rule.

Consent to grant of judgment of divorce

17.—(1) Where, before the hearing of an action for divorce alleging that the parties to the marriage have lived apart for a continuous period of at least 3 years immediately preceding the filing of the writ and the defendant consents to a judgment being granted, the defendant wishes to notify the court that he consents to the grant of a judgment, he must do so by filing his written consent in court in such form as the Registrar may direct.

[S 676/2013 wef 02/12/2013]

(2) For the purposes of paragraph (1), a memorandum of appearance containing a statement that the defendant consents to the grant of a judgment shall be treated as such a consent if the acknowledgment is signed —

- (a) in the case of a defendant acting in person, by the defendant;
and
- (b) in the case of a defendant represented by a solicitor, by the defendant as well as by the solicitor.

(3) A defendant to an action for divorce alleging the fact mentioned in paragraph (1) may give notice to the court that he does not consent to a judgment being granted or that he withdraws any consent which he has already given.

(4) Where a notice under paragraph (3) is given in connection with an action for divorce in which none of the other facts mentioned in section 95(3) of the Act is alleged, the Registrar may give directions on the further conduct of the proceedings.

Defence and counterclaim

18.—(1) A defendant who has filed a memorandum of appearance in the proceedings in Form 15 (Memorandum of Appearance (Defendant) Form) and who wishes to defend all or any of the allegations made in the statement of claim shall, within 14 days after the expiration of the time limited for the filing of the memorandum of appearance, file a defence in Form 21 (Defence/Counterclaim/Defence and Counterclaim Form).

[S 676/2013 wef 02/12/2013]

(2) The defence shall state that the defendant is aware of, or has been informed by the solicitor acting for him about, the options of family mediation or counselling before filing the defence.

[S 676/2013 wef 02/12/2013]

(3) A co-defendant or person named who has filed a memorandum of appearance in the proceedings in Form 18 (Memorandum of Appearance (Other Party) Form) and who wishes to defend all or any of the allegations made in the statement of claim shall, within 14 days after the expiration of the time limited for the filing of a memorandum of appearance, file a defence in Form 21 (Defence/Counterclaim/Defence and Counterclaim Form).

[S 676/2013 wef 02/12/2013]

(4) A defendant who has filed a memorandum of appearance in the proceedings in Form 15 (Memorandum of Appearance (Defendant) Form) and who wishes to apply for divorce, judicial separation or nullity of marriage, in addition to defending all or any of the allegations made in the statement of claim, shall file a defence, together with a counterclaim, in Form 21 (Defence/Counterclaim/Defence and Counterclaim Form) within the time specified in paragraph (1).

[S 676/2013 wef 02/12/2013]

(5) Rules 10, 11, 12, 13 and 15 shall apply, with the necessary modifications, to a counterclaim as they apply to a writ or statement of claim, except that where a counterclaim alleges that the plaintiff has committed adultery, the person with whom the adultery is alleged to

have been committed shall be named as a defendant in counterclaim and not as a co-defendant.

[S 676/2013 wef 02/12/2013]

(6) Rule 16 shall apply, with the necessary modifications, to the filing of a memorandum of appearance by a defendant in counterclaim or by a person named in a counterclaim who has been served with the counterclaim, as it applies to the filing of a memorandum of appearance by a co-defendant or by a person named in a statement of claim who has been served with a writ, respectively.

[S 676/2013 wef 02/12/2013]

(7) A defendant in counterclaim, or a person named in a counterclaim, who has filed a memorandum of appearance in the proceedings in Form 18 (Memorandum of Appearance (Other Party) Form) and who wishes to defend all or any of the allegations made in the counterclaim shall, within 14 days after the expiration of the time limited for the filing of the memorandum of appearance, file a defence to the counterclaim in Form 22 (Other Pleading Form).

[S 676/2013 wef 02/12/2013]

(8) Where the defence filed by a defendant alleges that the plaintiff has committed adultery or has been guilty of an improper association (other than adultery) with a person named —

- (a) rule 10 shall apply, with the necessary modifications, to that defence as it applies to a writ or statement of claim;
- (b) rule 16 shall apply, with the necessary modifications, to the filing of a memorandum of appearance by the person named, as it applies to the filing of a memorandum of appearance by a person named in a statement of claim who has been served with a writ; and
- (c) if the person named has filed a memorandum of appearance in the proceedings in Form 18 (Memorandum of Appearance (Other Party) Form) and wishes to defend all or any of the allegations made in that defence, the person named shall, within 14 days after the expiration of the time limited for the

filing of the memorandum of appearance, file a reply in Form 22 (Other Pleading Form).

[S 676/2013 wef 02/12/2013]

(9) A defendant who has been served with a proposed parenting plan under rule 8 may, within 14 days after the expiration of the time limited for the filing of a memorandum of appearance in Form 15 (Memorandum of Appearance (Defendant) Form) and, if the court so directs shall, within the time specified by the court, file —

- (a) the defendant's agreement to the proposed parenting plan in Form 23 (Defendant's Agreement (Parenting Plan) Form); or
- (b) a proposed parenting plan in Form 24 (Defendant's Proposed Parenting Plan Form) setting out the defendant's proposed arrangements for the welfare of every dependent child of the marriage.

[S 676/2013 wef 02/12/2013]

(10) A defendant who has been served with a proposed matrimonial property plan under rule 9 shall, within 14 days after the expiration of the time limited for the filing of a memorandum of appearance or such other time as may be specified by the court, obtain his relevant CPF statement and additional CPF information.

[S 676/2013 wef 02/12/2013]

(11) A defendant shall, within 14 days after having obtained his relevant CPF statement or additional CPF information under paragraph (10) —

- (a) send the defendant's agreement to the proposed matrimonial property plan in Form 25 (Defendant's Agreement (Matrimonial Property Plan) Form) and the particulars of the HDB matrimonial asset in Form 13 (Particulars of Housing Arrangement Form) to the solicitor for the plaintiff, or to the plaintiff if the plaintiff is acting in person; or
- (b) file a proposed matrimonial property plan in Form 26 (Defendant's Proposed Matrimonial Property Plan Form) setting out the defendant's proposed arrangements in respect

of the HDB matrimonial asset and the particulars in Form 13 (Particulars of Housing Arrangement Form).

[S 676/2013 wef 02/12/2013]

(12) A proposed parenting plan filed under paragraph (9)(b) and a proposed matrimonial property plan filed under paragraph (11)(b) shall be served on the plaintiff within 2 working days after it is filed.

[S 676/2013 wef 02/12/2013]

(13) The court may, on such terms as it thinks just, grant leave to extend or shorten the period within which a person is required to file a pleading or document under this rule.

[S 676/2013 wef 02/12/2013]

(14) When the time limited for filing a memorandum of appearance by a defendant, co-defendant, defendant in counterclaim or person named has expired, without a memorandum of appearance having been filed by that defendant, co-defendant, defendant in counterclaim or person named, the time for filing each of the following documents, as applicable, shall be deemed to have expired notwithstanding that the period of 14 days has not elapsed:

- (a) a defence (with or without a counterclaim);
- (b) a defence to a counterclaim;
- (c) a reply.

[S 676/2013 wef 02/12/2013]

Reply and other pleadings

19.—(1) The plaintiff may file a reply or a reply and defence to counterclaim within 14 days from the service of the defence or the defence and counterclaim, as the case may be.

(2) Where a reply and defence to counterclaim has been filed by the plaintiff, the defendant may file a reply to defence to counterclaim within 14 days from the service of the reply and defence to counterclaim.

(3) Where a defence to counterclaim has been filed by a defendant in counterclaim or person named in a counterclaim, the defendant may

file a reply to defence to counterclaim within 14 days from the service of the defence to counterclaim.

(4) Except as provided in paragraphs (2) and (3), no pleading subsequent to a reply or a reply to defence to counterclaim shall be filed without the leave of the court.

[S 676/2013 wef 02/12/2013]

(4A) The court may, on such terms as it thinks just, grant leave to extend or shorten the period within which a person is required to file a pleading or document under this rule.

[S 676/2013 wef 02/12/2013]

(5) All pleadings other than a statement of claim or a defence, with or without a counterclaim, shall be in Form 22 (Other Pleading Form).

[S 676/2013 wef 02/12/2013]

Contents and delivery of defence and subsequent pleadings

20.—(1) Where a defence, reply, defence to counterclaim or pleading subsequent to a reply contains more than a simple denial of the facts stated in the statement of claim, defence, counterclaim or reply, as the case may be, the pleading shall set out with sufficient particularity the facts relied on but not the evidence by which they are to be proved.

(2) Every defence, with or without a counterclaim, or subsequent pleading shall be signed by the solicitor for the party filing the same, or by that party if he is acting in person.

(3) A copy of every pleading (other than a pleading that is required to be served under rule 11 or 12) shall, within 2 working days after it is filed, be served on the other parties or their solicitors.

[S 676/2013 wef 02/12/2013]

Particulars

21.—(1) Any party may by letter require any other party to furnish particulars of any allegation or other matter pleaded, and if the other party fails to furnish the particulars within a reasonable time, the party requiring the particulars may apply for an order that particulars be given.

(2) All particulars, whether given pursuant to an order or otherwise, shall be filed within 24 hours of being furnished to the party requiring them.

Amendment of writ, originating summons, pleadings, etc.

22.—(1) A writ, statement of claim or statement of particulars may be amended —

- (a) without leave before service; or
- (b) with leave after service.

[S 676/2013 wef 02/12/2013]

(2) An order made under paragraph (1) shall, where a memorandum of appearance has been filed in the proceedings, fix the time within which the memorandum of appearance must be amended or the defence or any subsequent pleadings must be filed, amended or served.

[S 676/2013 wef 02/12/2013]

(3) Unless the court directs otherwise, a copy of the amended writ, amended statement of claim or amended statement of particulars, together with a copy of the order (if any) made under this rule, shall be served upon the defendant and every co-defendant or person named in the proceedings.

(4) *[Deleted by S 676/2013 wef 02/12/2013]*

(5) Where amendments are made to a writ, statement of claim or statement of particulars, and the effect of any such amendment is to add or substitute a new co-defendant or any other person not named as a party in the original proceedings, a copy of the writ (incorporating the amendments, if any) shall be served on the new co-defendant or other person, as the case may be, together with —

- (a) the statement of claim (incorporating the amendments, if any);
- (b) the statement of particulars (incorporating the amendments, if any);

(c) a notice of proceedings in Form 16 (Notice of Proceedings (Other Party) Form);

[S 676/2013 wef 02/12/2013]

(d) a copy of an acknowledgment of service in Form 17 (Acknowledgment of Service (Other Party) Form); and

[S 676/2013 wef 02/12/2013]

(e) a copy of a memorandum of appearance in Form 18 (Memorandum of Appearance (Other Party) Form), and rules 11, 12 and 13 shall apply, with the necessary modifications, to the service of a copy of the writ under this paragraph as they apply to the service of a copy of a writ on a co-defendant.

[S 676/2013 wef 02/12/2013]

(6) Any originating summons, summons, pleading (other than a statement of claim) or document may be amended —

(a) without leave before service; or

(b) with leave after service.

(7) An order made under paragraph (6) may contain directions as to the service of the amended originating summons, summons, pleading or document, as the case may be, and as to the making of consequential amendments to pleadings which have already been filed.

(8) Notwithstanding anything in this rule, if the parties have agreed that the divorce shall proceed on an uncontested basis, any pleading may, by written consent between the parties, be amended once at any time without the leave of court before the setting down of the action for hearing on an uncontested basis.

[S 676/2013 wef 02/12/2013]

(9) The amended pleadings shall be filed within 14 days after the date on which the written consent of the parties is obtained.

[S 676/2013 wef 02/12/2013]

Withdrawal and discontinuance

23.—(1) A party who has filed a memorandum of appearance in any action under Part X of the Act may withdraw the appearance at any time with the leave of the court.

[S 676/2013 wef 02/12/2013]

(2) A party who has commenced an action under Part X of the Act by filing a writ or originating summons may, without the leave of the court, discontinue the action by filing a Notice of Discontinuance in Form 27 (Notice of Discontinuance Form), so long as the writ or originating summons, as the case may be, has not been served on the defendant or any other party to the action as at the date on which the notice is filed.

[S 676/2013 wef 02/12/2013]

(3) If all the parties to an action consent, the action may be discontinued without the leave of the court at any time before trial by filing a Notice of Discontinuance in Form 27 (Notice of Discontinuance Form) signed by all the parties.

[S 676/2013 wef 02/12/2013]

(4) Except as provided by paragraphs (2) and (3), a party may not discontinue an action under Part X of the Act (including an action commenced by way of a counterclaim) without the leave of the court, and the court hearing an application for the grant of such leave may order the action to be discontinued on such terms as to costs, the bringing of a subsequent action or otherwise as it thinks just.

(5) Subject to any terms imposed by the court in granting leave under paragraph (4), the fact that a party has discontinued an action under paragraph (2), (3) or (4) shall not be a defence for any other party to a subsequent action by the party for the same, or substantially the same, cause of action.

(6) Where a party who has discontinued an action is liable to pay any other party's costs of the action, if before payment of those costs he brings another action for the same, or substantially the same, cause of action, the court may order that action to be stayed until those costs are paid.

(7) A party who has taken out a summons in an action or matter may not withdraw the summons without the leave of the court.

(8) An action begun by writ is deemed to have been discontinued against a defendant if —

- (a) an affidavit of service and acknowledgment of service referred to in rule 13 are not filed in respect of the service of the writ on that defendant before the expiry of 6 months after the validity of the writ for the purpose of service has expired; and
- (b) within that time, a memorandum of appearance has not been filed in the action by that defendant.

[S 676/2013 wef 02/12/2013]

(9) Paragraph (8) shall not apply where the action has been stayed pursuant to an order of court.

[S 676/2013 wef 02/12/2013]

(10) Where an action has been discontinued under paragraph (8), the court may, on application, reinstate the action and allow it to proceed on such terms as it thinks just.

[S 676/2013 wef 02/12/2013]

(11) Nothing in this rule shall prejudice the court's power to strike out any action begun by writ due to the plaintiff's failure to take any step in the proceedings directed by the court.

[S 676/2013 wef 02/12/2013]

Discovery, inspection of documents and interrogatories

24.—(1) Orders 24, 26 and 26A of the Rules of Court (Cap. 322, R 5) shall apply, with the necessary modifications, to any defended proceedings commenced by writ or originating summons under Part X of the Act, except in relation to any claim for ancillary relief in those proceedings.

(2) Rules 25 to 39 shall apply to all matters involving ancillary or financial relief, as the case may be, in any proceedings commenced by writ or originating summons under Part X of the Act.

[S 676/2013 wef 02/12/2013]

Discovery in respect of ancillary relief

25.—(1) Subject to paragraphs (7A) and (9) and rule 35, the court may, at any time, on the application of any party to an action or matter, make an order requiring any other party to make an affidavit stating whether any document specified or described in the application, or any class of documents so specified or described, is or has at any time been in his possession, custody or power, and if not then in his possession, custody or power, when he parted with it and what has become of it.

[S 676/2013 wef 02/12/2013]

(2) Upon the making of an order under paragraph (1), if a document or class of documents is stated by the party in his affidavit to be in his possession, custody or power, the court may order the party to exhibit a copy or copies of the document or class of documents in the affidavit.

(3) An application for an order under this rule must be in such form as the Registrar may direct, and be supported by an affidavit stating the belief of the deponent —

- (a) that the party from whom discovery is sought under this rule has, or at some time had, in his possession, custody or power, the document or class of documents specified or described in the application; and
- (b) that the document falls within one of the following descriptions:
 - (i) a document on which the party relies or will rely;
 - (ii) a document which could —
 - (A) adversely affect his own case;
 - (B) adversely affect another party's case; or
 - (C) support another party's case; and
 - (iii) a document which may lead the party seeking discovery of it to a train of inquiry resulting in his obtaining information which may —
 - (A) adversely affect his own case;

(B) adversely affect another party's case; or

(C) support another party's case.

(4) Before an application under paragraph (1) may be filed, the party making the application must serve a written request on the other party —

(a) seeking discovery of the said document or class of documents, in such form as the Registrar may direct; and

(b) setting out in respect of each of such document or class of documents, the reasons for requesting discovery.

[S 676/2013 wef 02/12/2013]

(5) *[Deleted by S 676/2013 wef 02/12/2013]*

(6) A party who is served with such a written request for discovery shall serve a notice, in such form as the Registrar may direct, within 14 days after having been served with the said request, stating —

(a) which document or class of documents he is willing to provide discovery of, and in what mode he is willing to provide such discovery; and

(b) which document or class of documents he is not willing or not able to provide discovery of.

[S 676/2013 wef 02/12/2013]

(7) Unless otherwise agreed by the parties, the document or class of documents which the party is willing to provide discovery of under paragraph (6)(a) shall be provided or made available, as the case may be, within 28 days after the service of the written request for discovery.

[S 676/2013 wef 02/12/2013]

(7A) No application under paragraph (1) may be made unless —

(a) the time specified in paragraph (6) to serve the notice has elapsed, and the party who is served with a written request for discovery has not served such notice;

(b) the time specified in paragraph (7) to provide or make available the document or class of documents that the party who is served with a written request for discovery has notified

he is willing to provide discovery of has elapsed, and he has not provided or made available such document or class of documents; or

- (c) the party who is served with a written request for discovery has notified that he is not willing or not able to provide discovery of the document or class of documents specified in the written request.

[S 676/2013 wef 02/12/2013]

(8) In deciding whether to grant an order under paragraph (1), the court shall take into account the extent of discovery which the party from whom discovery is sought has stated that he is willing to provide under paragraph (6)(a), as well as any offer made by the party to give particulars or make admissions relating to any matter in question.

(9) An order under paragraph (1) shall not be made in respect of any party before the granting of the interim judgment, or before the Affidavit of Assets and Means has been filed by the plaintiff and the defendant, unless, in the opinion of the court —

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

Duty to give discovery continues throughout proceedings

26. After the making of any order under rule 25, the party required to give discovery under the order shall remain under a duty to continue to give discovery of all documents falling within the ambit of the order until the proceedings in which the order was made are concluded.

Inspection of documents in respect of ancillary relief

27.—(1) Any party to an action or matter shall be entitled at any time to serve a notice, in such form as the Registrar may direct, on any other party in whose pleadings or affidavits reference is made to any document, requiring the other party to produce that document for the

inspection of the party giving the notice and to permit him to take copies thereof.

(2) The party on whom a notice is served under paragraph (1) must, within 7 days after service of the notice, serve on the party giving the notice a notice in such form as the Registrar may direct —

- (a) stating a time within 7 days after the service thereof at which the documents, or such of them as he does not object to produce, may be inspected at a place specified in the notice; and
- (b) stating which (if any) of the documents he objects to produce and on what grounds.

Order for production of documents for inspection

28.—(1) If a party who is served with a notice under rule 27(1) —

- (a) fails to serve a notice under rule 27(2);
- (b) objects to producing any document for inspection; or
- (c) offers inspection at a time or place such that, in the opinion of the court, it is unreasonable to offer inspection then or, as the case may be, there,

then, subject to rule 35, the court may, on the application of the party entitled to inspection, make an order for the production of the documents in question for inspection at such time and place, in such manner, and on such conditions, as it thinks fit.

(2) Without prejudice to paragraph (1), but subject to rule 35, the court may, on the application of any party to an action or matter, order any other party to permit the party applying to inspect any documents in the possession, custody or power of that other party in respect of which discovery has been given under rule 25 or pursuant to any order made under this rule.

(3) In particular, on the making of an order under rule 25(1), the court may, in lieu of making an order under rule 25(2), make such orders for the production of the relevant documents for inspection at such time and place, and in such manner, as it thinks fit.

(4) An application for an order under paragraph (2) must be supported by an affidavit specifying or describing the documents of which inspection is sought and stating the belief of the deponent that they are in the possession, custody or power of the other party and that discovery has been given of them under rule 25 or pursuant to any order made under that rule.

Production of business books

29.—(1) Where the production of any business books for inspection is applied for under rule 28, the court may, instead of ordering the production of the original books for inspection, order a copy of any entries therein to be supplied and verified by an affidavit of some person who has examined the copy with the original books.

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

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

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

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

Interrogatories in respect of ancillary relief

31.—(1) A party to any proceedings under Part X of the Act may serve interrogatories on any other party to the proceedings, in such form as the Registrar shall direct, setting out in respect of each interrogatory the reasons for requesting the interrogatory.

(2) The interrogatories must relate to a matter in question between the applicant and that other party to the proceedings, and must be necessary either for disposing fairly of the matter or for saving costs.

(3) A party who is served with the interrogatories shall serve a notice, in such form as the Registrar may direct, on the party who has

served the interrogatories, within 14 days after having been served with the interrogatories, stating —

- (a) which interrogatories he is willing to answer, to the best of his knowledge, information and belief; and
- (b) which interrogatories he is not willing or not able to answer.

[S 676/2013 wef 02/12/2013]

(4) Unless otherwise agreed between the parties, the interrogatories which the party is willing to answer shall be answered by affidavit to be filed within 28 days after the service of the written request for interrogatories.

[S 676/2013 wef 02/12/2013]

(5) In the event that no response is received from the party served with the interrogatories within the period specified in paragraph (3), or if that party has stated in writing, pursuant to paragraph (3), that he is not willing or not able to answer any or all of the interrogatories served, then the party who has served the interrogatories may apply to the court for an order for the relevant interrogatories to be answered.

(6) The application for the interrogatories to be answered under paragraph (5) shall be made by way of summons, and shall be in such form as the Registrar may direct.

(7) A copy of the interrogatories which had been served on the other party under paragraph (1) shall be annexed to and served with the summons.

(8) An order under paragraph (5) shall not be made in respect of any party before the granting of the interim judgment, or before the Affidavit of Assets and Means has been filed by the plaintiff and the defendant, unless, in the opinion of the court —

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

(9) In deciding whether to grant an application for interrogatories, the court shall take into account any offer made by the party served with the interrogatories to give particulars, make admissions or produce documents relating to any matter in question.

(10) Any interrogatories which the court has ordered to be answered shall be answered by affidavit to be filed within such period as the court directs.

(11) The interrogatories served under paragraph (1) and the application filed under paragraph (5) shall specify, where the interrogatories are to be administered to a body corporate or unincorporate which is empowered by law to sue or be sued, whether in its own name or in the name of an officer or other person, the officer or member on whom the interrogatories are to be administered.

Objections and insufficient answers to interrogatories

32.—(1) Where a person objects to answering any interrogatory on the ground of privilege, he may take the objection in his answer.

(2) Where any person on whom interrogatories have been served, or who has been ordered to answer interrogatories, under rule 31 answers any of them insufficiently, the court may make an order requiring him to make a further answer, either by affidavit or on oral examination as the court may direct.

(3) Where any person gives insufficient answers to interrogatories which have been served on him or ordered under rule 31, the party administering the interrogatories may ask for further and better particulars of the answers given.

Discovery and interrogatories against other person

33.—(1) An application after the commencement of proceedings for an order for the discovery of documents to be given, or for an order for interrogatories to be answered, by a person who is not a party to the proceedings shall be made by summons.

(2) A summons under paragraph (1) must be served on that person personally and on every party to the proceedings by way of ordinary service in accordance with Order 62, Rule 6 of the Rules of Court.

[S 676/2013 wef 02/12/2013]

(3) A summons under paragraph (1) shall be supported by an affidavit which must —

- (a) state the grounds for the application, the material facts pertaining to the proceedings, and whether the person against whom the order is sought is likely to be a party to the proceedings;
- (b) in respect of an application for the discovery of documents, show, if practicable, by reference to any pleading or affidavit served or intended to be served in the proceedings, that the documents in respect of which the discovery is sought are relevant to an issue arising or likely to arise out of a claim made in the proceedings or the identity of likely parties to the proceedings, or both, and that the person against whom the order is sought is likely to have or have had them in his possession, custody or power;
- (c) in respect of an application for interrogatories to be answered, show, if practicable, by reference to any pleading or affidavit served or intended to be served in the proceedings that the answers to the interrogatories are relevant to an issue arising or likely to arise out of a claim made in the proceedings or the identity of likely parties to the proceedings, or both.

(4) A copy of the supporting affidavit shall be served with the summons on every person on whom the summons is required to be served.

(5) The summons shall specify, where the application is for leave to administer interrogatories to a body corporate or unincorporate which is empowered by law to sue or be sued, whether in its own name or in the name of an officer or other person, the officer or member on whom the interrogatories are to be administered.

(6) Subject to rule 35, an order for the discovery of documents to be given by, or for leave to administer interrogatories to, a person who is

not a party to the proceedings may be made by the court on such terms as it thinks just —

- (a) for the purpose of or with a view to identifying possible parties to the proceedings in circumstances where the court thinks it just to make such an order; or
- (b) in any case, where the court thinks it necessary to prevent injustice or to prevent an abuse of the process of the court.

(7) An order for the discovery of documents or for interrogatories to be answered may be made conditional on the applicant giving security for the costs of the person against whom the order is made or on such other terms, if any, as the court thinks just.

(8) The court may make any of the orders set out in rules 25, 27, 28 and 29 in the case of an order for the discovery of documents, or any of the orders set out in rule 31 in the case of an order for interrogatories to be answered, against a person who is not a party to the proceedings.

(9) No person shall be compelled, by virtue of such an order for the discovery of documents, to produce any document which he could not be compelled to produce if he had been served with a subpoena to produce the documents at the trial.

(10) For the purpose of rules 27, 28, 29 and 30, an application for an order for discovery under this rule shall be treated as an action or matter between the applicant and the person against whom the order is sought.

(11) Rule 25(4) to (9) shall apply to an application or order for discovery which is made under this rule.

(12) Rules 31 and 32 shall apply to an application or order for interrogatories to be answered which is made under this rule.

(13) Unless the court orders otherwise, where an application is made in accordance with this rule for an order, the person against whom the order is sought shall be entitled to his costs of the application, and of complying with any order made thereon, on an indemnity basis.

Order for determination of issue, etc., before discovery, inspection or interrogatories

34. Where, on an application for an order for discovery, inspection or interrogatories, it appears to the court that any issue or question in the action or matter should be determined before any discovery of documents or inspection is, or answers to interrogatories are, given by the parties, the court may order that issue or question to be determined first.

Discovery, inspection and answers to interrogatories to be ordered only if necessary

35. On the hearing of any application for an order under rule 25, 26, 27, 28, 29, 30, 31, 32 or 33, the court may, if satisfied that discovery, inspection or answers to interrogatories are not necessary, or not necessary at that stage of the action or matter, dismiss or, as the case may be, adjourn the application, and shall in any case refuse to make such an order if and so far as it is of the opinion that the discovery, inspection or answers to interrogatories are not necessary either for disposing fairly of the cause or matter or for saving costs.

Order for production to court

36.—(1) At any stage of the proceedings in any action or matter the court may, subject to rule 37, order any party to produce to the court any document in his possession, custody or power that falls within one of the following descriptions:

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

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

Failure to comply with order for discovery, inspection or interrogatories, etc.

37.—(1) If any party fails to comply with any provision in rules 25, 26, 27, 28, 29, 30, 31, 32, 33 and 36, or with any order made under those rules, or both, as the case may be, then, without prejudice to rule 28(1), the court may make such order as it thinks just.

(2) If any party or person against whom an order for discovery or production of documents, or an order to answer or to make further answer to any interrogatories, is made fails to comply with the order, then, without prejudice to paragraph (1), he shall be liable to committal.

(3) Service on a party's solicitor of an order for discovery or production of documents made against the party, or of an order for the party to answer or make further answer to any interrogatories, shall be sufficient service to found an application for committal of the party if the party disobeys the order, but the party may show in answer to the application that he had no notice or knowledge of the order.

(4) A solicitor on whom such an order made against his client is served and who fails, without reasonable excuse, to give notice thereof to his client shall be liable to committal.

(5) A party who is required by any provision in rules 25, 26, 27, 28, 29, 30, 31, 32, 33 and 36, or by any order made under those rules, to give discovery of documents or to produce any document for the purpose of inspection or any other purpose, or to answer or make further answer to any interrogatories, but who fails to comply with any provision of this rule or with that order, as the case may be —

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

Revocation and variation of orders

38. Any order made under rules 25, 26, 27, 28, 29, 30, 31, 32, 33 and 36 (including an order made on appeal) may, on sufficient cause being shown, be revoked or varied by a subsequent order or direction of the court made or given at or before the trial of the action or matter in connection with which the original order was made.

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

39. Rules 25, 26, 27, 28, 29, 30, 31, 32, 33 and 36 shall be without prejudice to any rule of law which authorises or requires the withholding of any document or information on the ground that the disclosure of that document or information would be injurious to the public interest, or against the interests of justice.

Medical examination

40.—(1) In an action for nullity of marriage on the grounds of impotence or incapacity, the plaintiff shall apply to the Registrar for the determination of the question as to whether Medical Inspectors should be appointed to examine the parties —

- (a) after a defence has been filed; or
- (b) if no defence or memorandum of appearance has been filed in the proceedings, after the expiration of the time allowed for filing a defence or a memorandum of appearance, as the case may be.

[S 676/2013 wef 02/12/2013]

(2) Upon any such application, the Registrar shall, if in the circumstances of the case he considers it expedient to do so, appoint a Medical Inspector or, if it appears to him necessary, 2 Medical Inspectors to examine the parties and to report to the court the result of the examination.

(3) At the hearing of any such proceedings, the court may, if it thinks fit, appoint a Medical Inspector or 2 Medical Inspectors to examine any party who has not been examined or to examine further any party who has been examined.

(4) The order, endorsed with notice of the time and place of the examination, shall be served upon the defendant, and service of the order shall be effected and proof of such service shall be given in the manner provided for by rules 11 and 13 in the case of service of a copy of a writ on a defendant.

(5) Where the defendant has appeared by a solicitor, service may be effected on the solicitor in the manner provided for by rule 14.

(6) The examination shall, if either party so requires, be held at the office of the Medical Inspector appointed or, as the case may be, of one of the Medical Inspectors appointed or at some other convenient place selected by him or them, and in every other case shall be held at such place as the Registrar shall direct.

(7) The Medical Inspector or Inspectors shall call upon the solicitors for the parties to identify the parties to be examined by him or them, and after such identification, the parties and their solicitors shall sign their names and the paper bearing such signatures shall be signed by the Medical Inspector or Inspectors and annexed to the report.

(8) In an action for nullity of marriage on the ground that the marriage has not been consummated owing to the wilful refusal of the defendant to consummate the marriage, either party may apply for the appointment of Medical Inspectors to examine the parties.

(9) Upon such application, the Registrar shall appoint a Medical Inspector or, if it appears to the Registrar to be necessary, 2 Medical Inspectors, and either of the parties shall be at liberty to submit himself for examination to the Medical Inspector or Inspectors so appointed.

(10) Paragraphs (6) and (7) shall apply to any examination referred to in paragraph (9), and the Medical Inspector or Inspectors shall report to the court the result of any examination made by him or them.

(11) Every report made pursuant to this rule shall be filed, and either party shall be entitled to be supplied with a copy thereof upon payment of the prescribed fee.

Examination of children with leave of court

41.—(1) After proceedings have been commenced under Part X of the Act, a party shall not, without the leave of the court, cause a child

to be examined or assessed by any psychologist, psychiatrist, counsellor or other social work professional or mental health professional for the purpose of the preparation of expert evidence for use in the proceedings for ancillary relief involving the custody and welfare of the child.

(2) An application for leave under paragraph (1) shall be by way of summons, which shall be in such form as the Registrar may direct.

(3) At the hearing of an application for leave under paragraph (1), the court may give such directions and make such orders as it thinks fit, including directions relating to the appointment of an independent expert and the payment of his remuneration, and limiting the number of experts who may be called in the proceedings.

(4) Where a party fails to obtain the leave of the court as required under paragraph (1), no evidence arising out of an examination or assessment to which paragraph (1) applies may be adduced without the leave of the court.

(5) For the avoidance of doubt, no application for the leave of court shall be made —

(a) for the examination or assessment of a child by a psychologist, psychiatrist, counsellor or other social work professional or mental health professional who is —

(i) a public officer in the State Courts; or

[S 194/2014 wef 21/03/2014]

(ii) a person who is involved in the examination or assessment of the child pursuant to a direction of the court under rule 41A; and

(b) in respect of any examination or assessment of a child directed by the court under rule 41A.

[S 676/2013 wef 02/12/2013]

Examination of children directed by court

41A. When considering any question 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 676/2013 wef 02/12/2013]

Evidence

42.—(1) Subject to paragraph (2), unless the court directs otherwise, Order 38 of the Rules of Court (Cap. 322, R 5) in relation to an action commenced by writ shall apply, with the necessary modifications, to the trial or hearing of an action commenced by writ under Part X of the Act.

(2) Unless the court directs otherwise, Order 38 of the Rules of Court in relation to a cause or matter begun by originating summons shall apply, with the necessary modifications, to the hearing of an application under rule 4 and an application for ancillary relief in a writ.

(3) Any party may apply for the appointment of an examiner or for a commission or for letters of request to examine a party or witness in any proceedings under Part X of the Act, and for leave to give the depositions taken on examination in evidence at the trial or hearing, and Order 39 of the Rules of Court shall apply to the examination.

(4) Nothing in any order made under this rule shall affect the power of the court at the trial or hearing to refuse to admit evidence tendered in accordance with any such order if, in the interests of justice, he should think fit to do so.

[S 676/2013 wef 02/12/2013]

Trial of issues

43. The court may direct, and a plaintiff and any party to proceedings under Part X of the Act who has filed a memorandum of appearance may apply to the court for directions for, the separate trial of any issue of fact or any question as to the jurisdiction of the court.

[S 676/2013 wef 02/12/2013]

Mode of trial

44.—(1) A trial of any proceedings for divorce, presumption of death and divorce, judicial separation, nullity of marriage or rescission of a judgment of judicial separation, as the case may be, shall be heard and determined in open court.

(2) An application for ancillary relief shall be heard and determined in chambers.

(3) Notwithstanding paragraphs (1) and (2), the court may —

(a) where the trial is to proceed on an uncontested basis, dispense with the attendance of all parties and solicitors acting for the parties; or

(b) give such directions as to the hearing of any proceedings or application for ancillary relief as may be necessary.

[S 676/2013 wef 02/12/2013]

Setting down for trial or hearing

45.—(1) The plaintiff shall set the action down for trial or hearing by filing a notice in Form 28 (Request for Setting Down Form) within 14 days after the expiry of the time for the filing of the last pleading or within such other time as the court may direct.

[S 676/2013 wef 02/12/2013]

(2) Notice of trial or hearing shall be given to each party in the action who has entered an appearance.

[S 676/2013 wef 02/12/2013]

(3) If the plaintiff fails to set the action down within the time specified in paragraph (1) or within such extended time as the court allows, any party defending the action may set it down for trial or hearing and shall, within 24 hours after having done so, give the plaintiff and all other parties in the action who have filed a memorandum of appearance notice of his having done so.

[S 676/2013 wef 02/12/2013]

(3A) In a case where an action is proceeding only in respect of a counterclaim, a reference to the plaintiff in relation to the setting down

of the action for trial or hearing shall be read as a reference to the defendant.

[S 676/2013 wef 02/12/2013]

(4) Except with the consent of all parties and by leave of the court, no action shall be tried or heard until after the expiration of 10 days from the date of setting down.

[S 676/2013 wef 02/12/2013]

46. [Deleted by S 676/2013 wef 02/12/2013]

Intervention by Attorney-General

47.—(1) When the Attorney-General desires to show cause against making final an interim judgment, he shall —

(a) file a memorandum of appearance in the action in which the interim judgment has been pronounced;

[S 676/2013 wef 02/12/2013]

(b) within 14 days thereafter, file a summons and a supporting affidavit setting forth the grounds and the facts, respectively, upon which he relies; and

(c) within 2 working days of filing the summons and supporting affidavit, deliver a copy each of the summons and the supporting affidavit to the party, or the solicitor of the party, in whose favour the interim judgment has been pronounced.

[S 676/2013 wef 02/12/2013]

(2) Where such summons and supporting affidavit alleges a plaintiff's adultery with any person named, the Attorney-General shall, unless directed otherwise by the court, serve each such person with a copy of the summons and supporting affidavit omitting such part thereof as contains any allegation in which the person so served is not named.

(3) Such copy of the summons shall be accompanied by a notice of proceedings in accordance with Form 16 (Notice of Proceedings (Other Party) Form), a copy of an acknowledgment of service in accordance with Form 17 (Acknowledgment of Service (Other Party) Form) and a copy of a memorandum of appearance in accordance with Form 18 (Memorandum of Appearance (Other Party) Form), so far as

the same are applicable, and shall be served (and service shall be effected) in the manner provided for in the case of a copy of a writ on a co-defendant by rules 11 and 12.

[S 676/2013 wef 02/12/2013]

(4) Except as provided in this rule, these Rules shall apply to all subsequent pleadings and proceedings in respect of such summons and supporting affidavit as if the summons and supporting affidavit were an original statement of claim.

(5) If no defence to the summons and supporting affidavit of the Attorney-General is filed within the time limited, or if a defence is filed but has been struck out or is not proceeded with, the Attorney-General may proceed on the summons and apply immediately to rescind the interim judgment and dismiss the action.

(6) If any of the allegations contained in the summons and supporting affidavit of the Attorney-General is not denied in the defence thereto, the party in whose favour the interim judgment has been pronounced shall set down the intervention for trial or hearing and, within 24 hours after setting down the intervention, shall give to the Attorney-General notice of his having done so.

(7) If default is made in setting down and giving notice to the Attorney-General as aforesaid, the Attorney-General may proceed on the summons and apply immediately to rescind the interim judgment and dismiss the action.

(8) If all the allegations contained in the summons and supporting affidavit of the Attorney-General are denied in the defence thereto, the Attorney-General shall set down the intervention for trial or hearing and, within 24 hours after setting down the intervention, shall file and give to the other parties to the intervention notice of his having done so.

Intervention by person other than Attorney-General

48.—(1) When any person, other than the Attorney-General, desires to show cause against making final an interim judgment, he shall —

- (a) enter an appearance in the action in which the interim judgment has been pronounced;

- (b) within 14 days thereafter, file an affidavit setting forth the facts upon which he relies; and
- (c) within 2 working days of filing the affidavit, deliver a copy thereof to the party, or the solicitor of the party, in whose favour the interim judgment has been pronounced.

[S 676/2013 wef 02/12/2013]

(2) The party in whose favour the interim judgment has been pronounced may, within 14 days after delivery of the affidavit as aforesaid, file an affidavit in answer and, within 2 working days after filing the affidavit in answer, deliver a copy thereof to the person showing cause or to the solicitor of that person.

[S 676/2013 wef 02/12/2013]

(3) If any affidavit in answer is so filed and delivered, the person showing cause may, within a further 14 days, file and deliver copies of affidavits in reply to the party, or the solicitor of the party, in whose favour the interim judgment has been pronounced.

(4) No affidavits shall be filed in rejoinder to the affidavits in reply without leave.

Right of defendant to be heard

48A. Notwithstanding anything in these Rules, a defendant may, without filing a defence, be heard in respect of any question as to costs and any question of custody of or access to any child of the marriage, maintenance or division of matrimonial assets if he has filed a memorandum of appearance.

[S 676/2013 wef 02/12/2013]

Application by plaintiff or defendant for ancillary relief

49.—(1) Any application by a plaintiff, or by a defendant who files a defence and counterclaim claiming relief, for —

- (a) an order for maintenance; or
- (b) an order for the division of matrimonial assets,

shall be made in the writ or defence and counterclaim, as the case may be.

[S 676/2013 wef 02/12/2013]

(1A) An application by a defendant under paragraph (1) may be made only after the defendant has filed a memorandum of appearance.

[S 676/2013 wef 02/12/2013]

(2) Notwithstanding anything in paragraph (1), an application for ancillary relief which should have been made in the writ or defence and counterclaim may be made subsequently —

- (a) by leave of the court, either by summons or at the trial; or
- (b) where the parties have agreed on the terms of the proposed order, without leave, at the trial.

[S 676/2013 wef 02/12/2013]

(3) An application by a plaintiff or defendant for ancillary relief, not being an application which is required to be made in the writ or defence and counterclaim, may be made by summons.

[S 676/2013 wef 02/12/2013]

Application for ancillary relief after order of Magistrate's Court

50. Where an application for ancillary relief is made while there is in force an order of a Magistrate's Court for maintenance of a spouse or child, the applicant shall file a copy of the order on or before the hearing of the application.

Filing of Affidavit of Assets and Means and reply affidavit

51.—(1) Where there is an application for ancillary relief by a plaintiff or defendant, the parties shall, if the court so orders, file and exchange an Affidavit of Assets and Means in such form as the Registrar may direct within such period as the court may direct.

[S 676/2013 wef 02/12/2013]

(2) Upon the exchange of the Affidavits of Assets and Means, a party may file and serve on the other party a reply affidavit to the other

party's Affidavit of Assets and Means within such time as the court may direct.

[S 676/2013 wef 02/12/2013]

(2A) Upon the service of a reply affidavit, a party may, unless the court directs otherwise, file and serve on the other party a further reply affidavit to the other party's reply affidavit within such time as the court may direct.

[S 676/2013 wef 02/12/2013]

(2B) No further affidavit by either party shall be received in evidence without the leave of court.

[S 676/2013 wef 02/12/2013]

(2C) An application for leave under paragraph (2B) shall be by way of summons.

[S 676/2013 wef 02/12/2013]

(3) Rules 25 to 39 shall apply to any application for discovery, interrogatories or inspection relating to an Affidavit of Assets and Means.

(4) An order for the filing of an Affidavit of Assets and Means shall not be made before the granting of an interim judgment, unless the court is of the view that such an order is necessary or desirable.

Evidence in proceedings for division of matrimonial assets or avoidance of disposition

52.—(1) The affidavit filed in support of proceedings for the division of matrimonial assets or an avoidance of disposition shall contain, so far as is known to the deponent —

- (a) in the case of an application for a transfer or settlement of assets —
 - (i) the assets in respect of which the application is made; and
 - (ii) the assets to which the party against whom the application is made is entitled, either in possession or reversion;

- (b) in the case of an application for an order for a variation of settlement order —
- (i) all settlements, whether antenuptial or postnuptial, made on the spouses; and
 - (ii) the funds brought into settlement by each spouse; and
- (c) in the case of an application for an avoidance of disposition order —
- (i) the assets to which the disposition relates; and
 - (ii) the persons in whose favour the disposition is alleged to have been made, and in the case of a disposition alleged to have been made by way of settlement, the trustees and the beneficiaries of the settlement.
- (2) Where the proceedings for the division of matrimonial assets or an avoidance of disposition relates to land, the affidavit in support shall, in addition to containing any particulars required by paragraph (1) —
- (a) state whether the title to the land is registered or unregistered and, if registered, the Land Registry title number;
 - (b) give particulars, so far as is known to the applicant, of any mortgage of the land or any interest therein; and
 - (c) give particulars of the registered owner or owners of the land and, if there is more than one owner, the manner in which the land is held, whether as joint tenants or tenants-in-common.
- (3) The affidavit or affidavits filed in respect of proceedings for the division of matrimonial assets or an avoidance of disposition, and any application filed to commence such proceedings, shall be served on the following persons as well as on the party defending the proceedings:
- (a) in the case of an application for an order for a variation of settlement order, the trustees of the settlement and the settlor, if living;
 - (b) in the case of an application for an avoidance of disposition order, the person in whose favour the disposition is alleged to

have been made, and any mortgagee of whom particulars are given pursuant to paragraph (2); and

(c) such other persons, if any, as the court may direct.

(4) Subject to any directions which may be given by the court, any person served with an affidavit and an application (if any) to which this rule applies may, within 14 days after service, file an affidavit in answer.

Application for order to vary order on ancillary relief

53.—(1) An application to vary an order made in proceedings for ancillary relief shall be made by way of summons.

(2) If an application under paragraph (1) is filed more than one year from the date of the final order on ancillary relief, the application must be served personally on every other party in accordance with rule 11 or 12, and proof of service shall be given in a manner provided for by rule 13.

[S 676/2013 wef 02/12/2013]

Evidence on application for variation order

54.—(1) An application for an order under section 118 or 119 of the Act shall be supported by an affidavit by the applicant setting out full particulars of his property and income and the grounds on which the application is made.

(2) The party defending the application may, within 14 days after service of the affidavit, file an affidavit in answer.

Custody of and access to children

55.—(1) The plaintiff or the defendant spouse or guardian, or any person who has obtained leave to intervene in the action, for the purpose of applying for custody or who has the custody or control of any child of the marriage under an order of the court, may, after entering an appearance (where applicable) to the writ for this purpose, apply at any time either before or after final judgment to the court for an order relating to the custody or education of the child or for

directions that proper proceedings be taken for placing the child under the protection of the court.

[S 676/2013 wef 02/12/2013]

(2) A plaintiff may, at any time after filing a writ under Part X of the Act, and a defendant spouse may, at any time after entering an appearance, apply for access to any child of the marriage.

Information as to other proceedings relating to children

56. On any application under these Rules relating to any child of a marriage, there shall be filed a statement as to the nature of any proceedings relating to that child which may be in progress in any court in Singapore or elsewhere.

Appeal

57. An appeal shall be made in accordance with the applicable provisions in the Rules of Court governing appeals.

[S 676/2013 wef 02/12/2013]

Form of judgment and order

58.—(1) A judgment shall be in Form 29 (Interim Judgment Form) or Form 30 (Judgment of Judicial Separation Form) and shall be issued by the Registrar upon the application of either party to the marriage.

[S 676/2013 wef 02/12/2013]

(2) A sealed or other copy of any judgment of the court may be issued to any person requiring it on payment of the prescribed fee.

(3) An order of court, other than an order for an injunction, shall be in Form 31 (Order of Court Form) and shall be signed by the Registrar.

[S 676/2013 wef 02/12/2013]

(4) An order of court in respect of ancillary relief shall be extracted by the party in whose favour the interim judgment was pronounced.

[S 676/2013 wef 02/12/2013]

(5) Where the party referred to in paragraph (4) fails to extract the order of court within 14 days after the order was made, any other party affected by the order may extract the order.

[S 676/2013 wef 02/12/2013]

Final judgment

59.—(1) An application by a party to make final an interim judgment pronounced in his favour may be made on any day after the expiration of the period fixed by the court for making the judgment final.

(2) Upon the filing of the application, the Registrar shall cause a search to be made of the court records to be satisfied —

- (a) that no appeal against the interim judgment is pending;
- (b) that no order has been made by the Court of Appeal extending the time for appealing against that interim judgment or, if any such order has been made, that the time so extended has expired; and
- (c) that no appearance has been entered or, if appearance has been entered, that no affidavits have been filed, within the time allowed for filing, by or on behalf of any person wishing to show cause against the interim judgment being made final.

(3) An application referred to in paragraph (1) shall not be made —

- (a) before the hearing of all applications for ancillary relief has been concluded at first instance without the leave of court; or

[S 676/2013 wef 02/12/2013]

- (b) after the expiration of one year from the date of the interim judgment or the expiration of 3 months from the date of the last hearing of an application for ancillary relief in the writ or defence and counterclaim (including the last hearing of any appeal), whichever is the later, without the leave of the court.

[S 676/2013 wef 02/12/2013]

(3A) An application for leave under paragraph (3) shall be made by summons which shall be served on the party against whom the interim judgment was pronounced.

[S 676/2013 wef 02/12/2013]

(4) Upon the filing of the application referred to in paragraph (1) and subject to the requirements of section 123 of the Act, the court may make the interim judgment final.

[S 676/2013 wef 02/12/2013]

(5) A spouse may make an application to make final an interim judgment pronounced against him —

(a) without leave if no application is made under paragraph (1) within the time specified in paragraph (3)(b); or

(b) with leave in any other case.

[S 676/2013 wef 02/12/2013]

(5A) An application for leave under paragraph (5)(b) shall be made by summons which shall be served on the party in whose favour the interim judgment was pronounced.

[S 676/2013 wef 02/12/2013]

(6) On any application under paragraph (5), the court may make such order as it thinks fit.

(7) A certificate that the interim judgment has been made final, in accordance with Form 32 (Certificate of Final Judgment Form), shall be issued by the Registrar.

[S 676/2013 wef 02/12/2013]

(8) The certificate shall be authenticated by affixing thereto the seal of the Registry of the Supreme Court.

Enforcement of orders

60.—(1) Subject to the provisions of these Rules and of any other written law, a judgment or order may be enforced in accordance with the provisions in the Rules of Court (Cap. 322, R 5) for the enforcement of judgments and orders.

(2) Where a party who has been ordered to lodge damages in court fails to do so in accordance with the order, the party in whose favour

the order was made may apply to the court at any time to vary the order by directing the payment of the damages to an individual to be specified in the application.

[S 676/2013 wef 02/12/2013]

(3) The court, if satisfied that in the circumstances it is just and equitable to do so, may vary the order for lodgment of damages accordingly upon an undertaking by that individual to lodge the damages in court or otherwise deal with the damages and when received as the court may direct, except that if the application is made after the interim judgment has been made final, the court may, if satisfied as aforesaid, dispense with the undertaking.

[S 676/2013 wef 02/12/2013]

(4) Where a party who has been ordered to pay costs into court fails to do so in accordance with the order, the party in whose favour the order was made may apply to the court to vary the order by directing payment to an individual to be specified in the application.

[S 676/2013 wef 02/12/2013]

(5) The court, if satisfied that in the circumstances it is just and equitable to do so, may vary the order accordingly, except that, if the application is made before the interim judgment is made final, the order shall only be made upon the individual undertaking to pay the costs into court as and when received.

[S 676/2013 wef 02/12/2013]

Attachment and committal

61. An application for attachment or committal shall be made to the court, and any person whose assets are attached or who is committed may apply to the court for the discharge of the order for attachment or committal.

[S 676/2013 wef 02/12/2013]

Security for costs

62.—(1) On the application of a party to proceedings under Part X of the Act, if, having regard to all the circumstances of the case, the court thinks it just to do so, the court may order any other party to the proceedings to give such security for the applicant's costs of the

proceedings, at any stage of the proceedings, and up to any stage of the proceedings, as the court thinks fit.

(2) An application under paragraph (1) must be supported by an affidavit stating the grounds of the application and the amount of security required, and exhibiting a skeleton bill of costs showing how the amount applied for is made up.

(3) Where an order is made requiring any party to give security for costs, the security shall be given in such manner, at such time, and on such terms (if any) as the court may direct.

Costs against co-defendant, etc.

63. Costs directly referable to an interim judgment or final judgment shall not be awarded against a co-defendant or defendant in counterclaim who has not filed a defence unless the court, after having given that party the opportunity to make submissions on the matter, otherwise orders.

PART IV MISCELLANEOUS

[S 676/2013 wef 02/12/2013]

Practice directions

63A. Practice directions may make additional provisions in relation to the requirements for any application in proceedings under Part VIII or X of the Act which is specified in those practice directions.

[S 676/2013 wef 02/12/2013]

Electronic filing and service of documents

64. Order 63A of the Rules of Court (Cap. 322, R 5) shall apply to the filing, service, lodgment, conveyance, delivery, issuance and signing of documents under these Rules.

Fees in matrimonial proceedings (including appeals)

65.—(1) The fees chargeable in respect of matrimonial proceedings under the Act (including appeals in matrimonial proceedings) shall be as specified in —

- (a) the Second Schedule; and
- (b) Appendix B of the Rules of Court.

[S 676/2013 wef 02/12/2013]

(2) For the avoidance of doubt, the fees specified in items 27 to 42, 54 to 60, 62 and 63 of Appendix B of the Rules of Court shall apply in respect of such matrimonial proceedings.

[S 676/2013 wef 02/12/2013]

(3) For the purposes of paragraphs (1)(b) and (2) —

- (a) in any case where such matrimonial proceedings are heard in the High Court or the Court of Appeal, and any fee specified in items 29 to 36, 54 to 60, 62 or 63 of Appendix B of the Rules of Court is chargeable in respect of those proceedings, a reference to that fee shall be read as a reference to that fee in accordance with the applicable Supreme Court scale; and
- (b) in any other case, a reference to a fee specified in Appendix B of the Rules of Court, in so far as that fee is applicable to such matrimonial proceedings, shall be read as a reference to that fee in accordance with the District Court scale.

[S 676/2013 wef 02/12/2013]

66. *[Deleted by S 676/2013 wef 02/12/2013]*

Savings

67. Notwithstanding the revocation of the Women's Charter (Matrimonial Proceedings) Rules (R 4, 2004 Ed.) and the Women's Charter (Matrimonial Proceedings — Fees) Rules (R 5, 2004 Ed.), the revoked Rules shall continue to apply to proceedings under Part X of the Act commenced before 1st April 2006 as if those Rules had not been revoked.

FIRST SCHEDULE

Rule 2(2)

FORMS

FORM 1

Rule 4(1)

(SECTION 94 ORIGINATING SUMMONS FORM)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Originating Summons

No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

ORIGINATING SUMMONS FOR THE DISSOLUTION OF MARRIAGE
PURSUANT TO SECTION 94 OF THE WOMEN'S CHARTER (CAP. 353)

To:

[*Defendant*]

[*Defendant's address*]

The Plaintiff applies for the following orders

1. That the Plaintiff be at liberty to file a writ of summons for dissolution of the marriage notwithstanding that 3 years have not passed since the marriage was registered on [*date of registration of marriage*].

[*Please specify if any other order(s) is/are sought*]

*This Summons is taken out by [*to state name*], solicitor for the abovenamed Plaintiff whose particulars are as follows [*to state address*].

*(*If the Plaintiff is unrepresented*) This Summons is taken out by the abovenamed Plaintiff who resides at [*to state address*]/(*and if the Plaintiff does not reside within the jurisdiction*) whose address for service is [*to state address*].

*Delete where inapplicable.

FORM 2

Rule 4(4)

FIRST SCHEDULE — *continued*

(NOTICE OF SECTION 94 ORIGINATING SUMMONS FORM)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Originating Summons

No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

NOTICE TO DEFENDANT OF ORIGINATING SUMMONS
FOR THE DISSOLUTION OF MARRIAGE

Take Notice that the Plaintiff has taken out an Originating Summons in court seeking an order that he/she* be at liberty to file a writ of summons for dissolution of the marriage notwithstanding that 3 years have not passed since the date of the marriage.

You are required to complete the acknowledgment below and send it to the Plaintiff's solicitor/Plaintiff*.

If you wish to be heard on the application, you must attend at the time and place specified on the front cover of the Originating Summons. If you do not attend, the court may proceed to hear the application in your absence and make such order as it thinks just and expedient.

Acknowledgment

I, the Defendant, acknowledge that I have received a copy of the Originating Summons and the affidavit filed in support of the Originating Summons.

Signed (Defendant):

Name:

ID No.:

Date:

*Delete where inapplicable.

FIRST SCHEDULE — *continued*

(WRIT FORM)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

WRIT FOR

DIVORCE/PRESUMPTION OF DEATH AND DIVORCE/JUDICIAL
SEPARATION/NULLITY OF MARRIAGE/RESCISSION OF JUDGMENT
OF JUDICIAL SEPARATION*

The Defendant

[*Defendant's name*][*Defendant's address*]

*Defendant is a person under disability

[*To state particulars of disability*]

THIS WRIT OF SUMMONS has been issued against you by the Plaintiff in respect of the claim endorsed herein. Copies of the following documents are delivered with this Writ:

- (a) Statement of Claim
- (b) Statement of Particulars
- (c) Acknowledgment of Service
- (d) Memorandum of Appearance
- (e) Agreed/Proposed* Parenting Plan*
- (f) Agreed/Proposed* Matrimonial Property Plan (For Housing Development Board flats only)*
- (g) Instructions to the Defendant on obtaining the relevant CPF statement and additional CPF information (if applicable)*

[Plaintiff's Solicitor's name]

Registrar

FIRST SCHEDULE — *continued*

[Plaintiff's Law Firm's name] Supreme Court

Solicitor for the Plaintiff Singapore

This Writ may not be served more than 12 calendar months after the date of its issue unless renewed by order of court.

Notice to Defendant

1. You must complete the following documents which are annexed to this Writ:
 - (a) the *Acknowledgment of Service (Defendant) Form* and return it immediately to the Plaintiff's solicitor or the Plaintiff (if unrepresented).
 - (b) the *Memorandum of Appearance (Defendant) Form* (MOA), and file** it in court within 8/21* days from the day on which you have received this Writ. If you do not file the MOA within the time-frame above, you are NOT entitled to be heard in these proceedings. This means that the court may, without notice to you, proceed to hear the action and pronounce judgment in your absence, and make all further orders in the proceedings without further reference to you.
2. If you intend to defend the Writ, you must file a Defence or a Defence and Counterclaim in court within 22/35* days from the day on which you have received this Writ. You must serve a copy of the said document on the Plaintiff's solicitor or the Plaintiff (if unrepresented) within 2 working days after filing the Defence or Defence and Counterclaim.
3. *You have been served with a *Plaintiff's Proposed Parenting Plan*. You must complete one of the following:
 - (a) If you agree to the arrangements set out in the *Plaintiff's Proposed Parenting Plan*, you should sign the appropriate section in the form set out in Annex A [*Defendant's Agreement (Parenting Plan) Form*]. You must return the signed relevant page to the Plaintiff's solicitor or the Plaintiff (if unrepresented) within 22/35* days from the day on which you have received it.
 - (b) If you do not agree to the arrangements set out in the *Plaintiff's Proposed Parenting Plan*, you must file a *Defendant's Proposed Parenting Plan* (in the form set out in Annex B) to state your proposed arrangements for the children of the family. Your plan must be filed in court within 22/35* days from the day on which you have received this Notice. If you do so, you must serve a copy of the said document on the Plaintiff's solicitor or the Plaintiff (if unrepresented) within 2 working days after filing it in court.

FIRST SCHEDULE — *continued*

4. *You have been served with a *Plaintiff's Proposed Matrimonial Property Plan (for Housing Development Board flats only)*. You must comply with the following:
- (a) You must obtain the relevant CPF statements and additional CPF information (if applicable) within 22/35* days from the day on which you have received it. Please read the instructions delivered with this Writ on how to do this.
 - (b) If you agree to the arrangements set out in the *Plaintiff's Proposed Matrimonial Property Plan (for Housing Development Board flats only)*, you should sign the appropriate section in the form set out in Annex A [*Defendant's Agreement (Matrimonial Property Plan) Form*]. You must return the said document to the Plaintiff's solicitor or the Plaintiff (if unrepresented) within 14 days from the day on which you have obtained the relevant CPF statements and additional CPF information (if applicable).
 - (c) If you do not agree to the arrangements set out in the said *Plaintiff's Proposed Matrimonial Property Plan (for Housing Development Board flats only)*, you must file a *Defendant's Proposed Matrimonial Property Plan* to state your proposed arrangements in respect of the matrimonial property. Your plan must be filed in court, within 14 days from the day on which you have obtained the relevant CPF statements and additional CPF information (if applicable). If you do so, you must serve a copy of the said document on the Plaintiff's solicitor or the Plaintiff (if unrepresented) within 2 working days after filing it in court.
5. If you intend to instruct a solicitor to act for you, you should at once give him all the documents which have been served on you, so that he may complete the relevant forms on your behalf within the time specified in paragraphs 1/2/3/4* above.

Plaintiff's Address for Service

[The Plaintiff's address for service, if the Plaintiff sues by a solicitor, shall be the solicitor's name or firm and address, or, if the Plaintiff sues in person, shall be his place of residence as given under paragraph 2(a) of the Statement of Claim or, if no place of residence in Singapore is given, the address of a place in Singapore at or to which documents for him may be delivered or sent.]

*Delete where inapplicable.

**All references to the filing of documents in court shall refer to filing by using the electronic filing service.

FIRST SCHEDULE — *continued*

FORM 4

Rules 5(2) and 5A(1)

(SUMMONS FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff’s Name*] (ID No.) *Plaintiff*

And

[*Defendant’s Name*] (ID No.) *Defendant*

SUMMONS (EX-PARTE*)

1. Orders Applied For
2. Grounds of application
 [*Choose one of the following.*]
 (a) The grounds of the application are set out in the affidavit(s)* filed in support of this application.
 (b) The grounds of the application are set out herein.
3. Party Filing this Summons (e.g. Plaintiff, Defendant, Co-Defendant, etc.)
4. Party/Parties* to be Served with this Summons (e.g. Plaintiff, Defendant, Co-Defendant, etc.)
5. Consent*

I/We* hereby consent to this Summons.

Signature:

Name and ID No. of Party consenting to this Summons/Name of the Solicitor of Party consenting to this Summons*:

Date:

This Summons is taken out by [*to state name of party taking out this summons*]
[*to state Plaintiff’s solicitor’s name and name and address of law firm (if Plaintiff represented by solicitor) or Plaintiff’s address for service in Singapore*]

FIRST SCHEDULE — *continued*

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 5

Rule 6(4)

(NOTICE OF RENEWAL FORM)

NOTICE OF RENEWAL OF WRIT OF SUMMONS/ORIGINATING
SUMMONS*Renewed for [*to state number*] months from [*to state date*] by an order of court
dated [*to state date*].*Solicitor for the Plaintiff/Name of Plaintiff (if unrepresented)***Name and address of Law Firm/Address of Plaintiff**

*Delete where inapplicable.

FORM 6

Rules 7(1)(a) and 11(1)(a)(i) and (b)(i)

(STATEMENT OF CLAIM (DIVORCE/JUDICIAL SEPARATION) FORM)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*STATEMENT OF CLAIM FOR NULLITY*/DIVORCE*/JUDICIAL
SEPARATION*/PRESUMPTION OF DEATH AND DIVORCE*

1. The Marriage between Plaintiff and Defendant (the marriage)
 - (a) Date and place of solemnization of the marriage:
 - (b) Date and place of registration of the marriage:
 - (c) *Marriage Certificate Number (for marriage registered in Singapore):
 - (d) *The date of the marriage is less than 3 years before the date of filing of this Writ. The court has granted leave to the Plaintiff to file this Writ

FIRST SCHEDULE — *continued*

before the said 3 years have passed on [*to state date*] in Originating Summons Number [*to state number*]*.

[*The Statement of Particulars shall annex a copy of the marriage certificate.*]

2. Particulars of Parties

(a) Plaintiff

Age:

Citizenship:

Religion:

Educational Level:

Occupation:

Current address:

(b) Defendant (if particulars are known)

Age:

Citizenship:

Religion:

Educational Level:

Occupation:

Current address:

(c) The last address at which the parties to the marriage have lived together as husband and wife:

[*to state address*]

3. Jurisdiction

(a) *The court has jurisdiction based on domicile. [*Choose one of the following*]

(i) The Plaintiff/The Defendant/Both the Plaintiff and the Defendant* is a/are* Singapore citizen(s).

(ii) Neither the Plaintiff nor the Defendant is a Singapore citizen.
[*The Statement of Particulars shall set out the reasons for which the court has jurisdiction based on domicile.*]

FIRST SCHEDULE — *continued*

(b) *The court has jurisdiction based on habitual residence. [*Choose one of the following*]

- (i) The Plaintiff has been habitually resident in Singapore for a period of 3 years immediately preceding the date of the filing of the writ.
- (ii) The Defendant has been habitually resident in Singapore for a period of 3 years immediately preceding the date of the filing of the writ.

[The Statement of Particulars is to state the relevant details in either case, including:

(A)

Address(es) of the place(s) of residence; and

(B)

The length of residence at each place.]

4. Children

(a) Particulars of each living child of the marriage [*To state, in respect of each living child of the marriage*]

- (i) Name:
- (ii) Birth Certificate/ID number:
- (iii) Date of birth:
- (iv) Gender:
- (v) Disability:

[If the child is suffering from serious disability or chronic illness or from the effects of that illness, state the nature of the disability or illness and in the Statement of Particulars, attach a copy of any up-to-date medical report which is available.]

- (vi) [*In the case of a child above the age of 21 years, to state whether he is receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation and whether he is suffering from a mental or physical disability and whether he is or will be serving full-time national service.**]

(vii) Under Care:

[If the child is under the care or custody of an approved school or approved home established under the Children and Young

FIRST SCHEDULE — *continued*

Persons Act (Cap. 38), give details, and state the date of any order for care or custody and the circumstances which gave rise to its being made.]

- (b) To state, whether (to the knowledge of the Plaintiff in the case of a writ filed by the husband) any other living child has been born to the wife during the marriage* and if so, to state:
- (i) Full name (including surname) and Birth Certificate/ID number of the child:
 - (ii) Date of birth:
 - (iii) Gender:
- (c) To state, if it be the case, that there is a dispute as to whether a living child is a child of the marriage*.

5. Related Proceedings

To state if there are or have been other proceedings in [Singapore/elsewhere (to specify)] with reference to the marriage, or to any children of the marriage, or between the Plaintiff and the Defendant with reference to maintenance or to any property of either or both of them.

If there are or have been such proceedings, to complete the following section:

- (a) Nature of the proceedings: [Choose one or more of the following]
- (i) Matrimonial proceedings;
 - (ii) Family violence (between the Plaintiff, Defendant and any children of the marriage);
 - (iii) Custody, care and control and/or access to the children of the marriage;
 - (iv) Proceedings in any juvenile or youth court in respect of the children of the marriage;
 - (v) Maintenance (between the Plaintiff, Defendant and any children of the marriage);
 - (vi) Matrimonial Property; or
 - (vii) Other proceedings which may be relevant to these proceedings (such as bankruptcy proceedings) [*please specify*]:
- (b) Details of the proceedings

FIRST SCHEDULE — *continued*

[to state in relation to each of the proceedings set out in paragraph 5(a) above]

- (i) The suit number:
 - (ii) The date of any decree or order or judgment:
 - (iii) Decree or order or judgment made:
 - (iv) If no decree or order or judgment has been made, the status of the proceedings:
- (c) *The Plaintiff is a bankrupt and has obtained the previous sanction of the Official Assignee to commence this action. [*The Statement of Particulars shall annex a copy of the document bearing the sanction of the Official Assignee.*]
- (d) There are bankruptcy proceedings against the Plaintiff/the Defendant/both the Plaintiff and the Defendant* pending as at [*to state date, which shall not be later than 7 days immediately preceding the date of filing this Writ.*] (Exhibit [*to state number*])
- [*The Statement of Particulars is to state details of the pending bankruptcy proceedings.*]

6. Ground on which Relief is Sought [*Choose one of the following*]

The marriage is void

- (a) *(For marriages that took place after 1st June 1981) The marriage is not valid under section 105 of the Women's Charter: [*Choose one or more of the following*]
- (i) by virtue of section 3(4)/5/9/10/11/12/22* of the Women's Charter
 - (ii) (*for marriages celebrated outside Singapore*) for the lack of capacity
 - (iii) (*for marriages celebrated outside Singapore*) under the law of the place in which the marriage was celebrated.
- (b) *(For marriages that took place on or before 1st June 1981) The marriage is not valid for the reasons stated in the Statement of Particulars.

OR

The marriage is voidable

FIRST SCHEDULE — *continued*

- (a) *(For marriages that took place after 1st June 1981) The marriage is voidable under section 106 of the Women's Charter on the following ground(s): [*Choose one or more of the following*]
- (i) That the marriage has not been consummated owing to the incapacity of either party [*please specify*] to consummate it.
 - (ii) That the marriage has not been consummated owing to the wilful refusal of the Defendant to consummate it.
 - (iii) That the Plaintiff/Defendant* did not validly consent to the marriage, in consequence of duress and/or mistake* and/or unsoundness of mind/lack of capacity* and/or the facts stated in the Statement of Particulars [*please specify in the Statement of Particulars*].
 - (iv) That at the time of the marriage the Plaintiff/Defendant* though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder within the meaning of the Mental Health (Care and Treatment) Act (Cap. 178A) of such a kind or to such an extent as to be unfit for marriage.
 - (v) That at the time of the marriage the Defendant was suffering from venereal disease in a communicable form, and the Plaintiff was at the time of the marriage ignorant of the facts alleged.
 - (vi) That at the time of the marriage the Defendant was pregnant by some person other than the Plaintiff and the Plaintiff was at the time of the marriage ignorant of the facts alleged.
- (b) *(For marriages that took place on or before 1st June 1981) The marriage is voidable for the reasons stated in the Statement of Particulars.

[Full particulars of the individual facts relied on but not the evidence by which they are to be proved, and any other relevant information, to be stated in the Statement of Particulars.]

OR

The marriage has broken down irretrievably*

Fact(s) relied upon for the irretrievable breakdown of the marriage (for the purposes of section 95(3) of the Women's Charter): [*Choose one or more of the following*]

FIRST SCHEDULE — *continued*

- (a) That the Defendant has committed adultery and the Plaintiff finds it intolerable to live with the Defendant.
- (b) That the Defendant has behaved in such a way that the Plaintiff cannot reasonably be expected to live with the Defendant.
- (c) That the Defendant has deserted the Plaintiff for a continuous period of at least 2 years immediately preceding the filing of the writ.
- (d) That the parties to the marriage have lived apart for a continuous period of at least 3 years immediately preceding the filing of the writ and the Defendant consents to a judgment being granted. [*The Statement of Particulars is to annex a copy of the Defendant's consent if available.*]
- (e) That the parties to the marriage have lived apart for a continuous period of at least 4 years immediately preceding the filing of the writ.

[*Full particulars of the individual facts relied on but not the evidence by which they are to be proved, and any other relevant information, to be stated in the Statement of Particulars.*]

OR

That the Defendant be presumed dead and the divorce be granted*

- (a) Circumstances in which Parties Ceased to Cohabit

[*To state the circumstances in which the parties ceased to cohabit, and the last place at which they cohabited.*]

- (b) Last Contact with Defendant

- (i) Date when the Defendant was last heard of:

- (ii) Place where the Defendant was last seen:

- (c) Steps Taken to Trace the Defendant

[*To state particulars of steps taken to trace the Defendant and any other relevant information in the Statement of Particulars.*]

In the circumstances, from [*to state date*] until now, the Defendant has been continually absent from the marriage life with the Plaintiff and the Plaintiff has no reason to believe that the Defendant has been living within this time.

7. Relief Claimed

To state the particulars of relief claimed by the Plaintiff, including any claim for ancillary relief. [*Choose one or more of the following*]

- (a) That the marriage be declared null and void*.

FIRST SCHEDULE — *continued*

OR

That the marriage be dissolved*.

OR

That a judgment of judicial separation be granted*.

OR

That a judgment of presumption of death and divorce be granted*.

- (b) Custody* of and/or care and control* of the child/children* of the marriage

That the Plaintiff/Defendant* be granted sole/joint* custody of the child/children* of the marriage with care and control to the Defendant/Plaintiff*.

- (c) Access to the child/the children* of the family

That the Plaintiff/Defendant* be granted reasonable/liberal* access to the child/children* of the marriage or access as follows: [*to state terms of access*]

- (d) Division of the matrimonial home

That the matrimonial home at [*to state the address of the matrimonial home*] be sold in the open market and the sale proceeds/loss*, after deducting the outstanding loan and costs and expenses of sale are to be divided [*to state the manner of division*]. Parties are to refund moneys into their respective CPF accounts from their own share of the sale proceeds.

OR

That Plaintiff's/Defendant's* right, title and interest in the matrimonial flat at [*to state the address of the matrimonial home*] shall be transferred (other than by way of a sale) to the Defendant/Plaintiff* upon the Plaintiff/Defendant* [*to state the consideration for the transfer*]. The Plaintiff/Defendant* is to bear the cost and expenses of the transfer.

OR

That Plaintiff's/Defendant's* right, title and interest in the matrimonial flat at [*to state the address of the matrimonial home*] shall be sold to the Defendant/Plaintiff* upon the Plaintiff/Defendant* [*to state the consideration for the sale*]. The Plaintiff/Defendant* is to bear the cost and expenses of the sale.

FIRST SCHEDULE — *continued*

OR

That the matrimonial home at [*to state the address of the matrimonial home*] be surrendered to the Housing Development Board and any proceeds/loss* to be divided [*to state the manner of division*] between the parties.

OR

Others [*please specify*]

- (e) Division of the matrimonial assets (other than the matrimonial home)
[*To specify the asset and the nature of division*]

- (f) Maintenance for the wife

That the Plaintiff/Defendant* shall pay \$[*to state the amount*] each month as maintenance for the Plaintiff/Defendant* with effect from [*date*] and thereafter on the [*day of the month*] of each month. Payment into the Plaintiff's/Defendant's [*to state name of bank*] bank account number [*to state the bank account number*].

OR

That there be no maintenance for Plaintiff/Defendant*.

OR

Others [*please specify*]

- (g) Maintenance for the child/children* of the marriage

That the Plaintiff/Defendant* shall pay \$[*to state the amount*] each month as maintenance for the child/children* of the marriage with effect from [*date*] and thereafter on the [*day of the month*] of each month. Payment into the Plaintiff's/Defendant's/Child's [*to state the name of the child*] [*to state name of bank*] bank account number [*to state the bank account number*].

- (h) Costs

That there is no order as to costs.

OR

That the Defendant pay costs of the divorce proceedings fixed at
[*to state amount of costs*].

- (i) Others [*please specify*]:

8. Housing and Development Board (HDB) flat

FIRST SCHEDULE — *continued*

One of the matrimonial assets in respect of which relief is being sought is an HDB flat.

- (a) The Agreed/Proposed* Matrimonial Property Plan (For Housing and Development Board flats only) is filed together with this Writ.
- (b) The Plaintiff/Plaintiff's Solicitor* has made enquiries with HDB/HDB and the Central Provident Fund Board (CPF Board)* on [to set out respective dates] and has not received any reply from HDB/CPF Board/HDB and CPF Board*. [The Statement of Particulars shall annex copies of the said letters.]

*Delete where inapplicable.

FORM 7

Rules 7(1)(a) and 11(1)(a)(i) and (b)(i)

(STATEMENT OF CLAIM (RESCISSION OF JUDGMENT OF JUDICIAL
SEPARATION) FORM)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[Plaintiff's Name] (ID No.) Plaintiff

And

[Defendant's Name] (ID No.) Defendant

STATEMENT OF CLAIM FOR THE RESCISSION OF JUDGMENT OF
JUDICIAL SEPARATION (BY SPOUSE AGAINST WHOM JUDGMENT
OF JUDICIAL SEPARATION IS MADE)

1. Proceedings in which the Plaintiff is seeking the Rescission of Judgment of Judicial Separation
 - (a) Petition/Divorce Suit* Number:
 - (b) Date of Grant of Judgment of Judicial Separation:
2. Grounds for Rescission of Judgment of Judicial Separation
 - (a) *Judgment of Judicial Separation obtained in the absence of the Plaintiff.
 - (b) *The ground of the Judgment of Judicial Separation was desertion and the Plaintiff had reasonable cause for the alleged desertion.

FIRST SCHEDULE — *continued*

[Full particulars of the individual facts relied on but not the evidence by which they are to be proved, together with any other relevant information, to be stated in the Statement of Particulars.]

3. Relief Claimed

To state the particulars of relief claimed by the Plaintiff, including any claim for ancillary relief.

- (a) That the Judgment of Judicial Separation be rescinded
- (b) Costs
- (c) Others *[please specify]*:

*Delete where inapplicable.

FORM 8

Rules 7(1)(b) and 11(1)(a)(ii) and (b)(ii)

(STATEMENT OF PARTICULARS FORM)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[Plaintiff's Name] (ID No.) *Plaintiff*

And

[Defendant's Name] (ID No.) *Defendant*

STATEMENT OF PARTICULARS

1. The particulars of paragraph(s) *[to state the relevant paragraphs]* of the Statement of Claim are set out below:

[to state particulars]

2. *If there are any pending bankruptcy proceedings stated in paragraph 5 of the Statement of Claim, to state the following particulars of the bankruptcy proceedings:
 - (a) The suit number:
 - (b) Whether creditor's bankruptcy application or debtor's bankruptcy application:
 - (c) Name of Creditor:

FIRST SCHEDULE — *continued*

- (d) Amount of debt claimed:
- (e) Status of proceedings:
- 3. The following documents are annexed herein:
 - (a) Copy of the Marriage Certificate (Exhibit [*to state number*])
 - (b) *Consent of the Defendant to a judgment being granted on the ground of 3 years’ separation (Exhibit [*to state number*])
 - (c) Copy of the search result on information relating to bankruptcy proceedings against the Plaintiff and the Defendant pending as at (*to state date, which shall not be later than 7 days immediately preceding the date of filing of this Writ*). (Exhibit [*to state number*])
 - (d) *Sanction of the Official Assignee to the Plaintiff’s commencement of the action* (Exhibit [*to state number*])
 - (e) *Any other document(s) [*please specify*] (Exhibit [*to state number*])
- 4. The Plaintiff is aware of*, or has been informed by the solicitor acting for him about*, the options of family mediation or counselling, before filing the writ.

Signature:

Name of Plaintiff/Plaintiff’s Solicitor*

Date:

*Delete where inapplicable.

FORM 9

Rule 8(1)(a)

(AGREED PARENTING PLAN FORM)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff’s Name*] (ID No.) *Plaintiff*

And

[*Defendant’s Name*] (ID No.) *Defendant*

AGREED PARENTING PLAN

FIRST SCHEDULE — *continued*

1. Particulars of the child/children* of the Marriage

[to state, in respect of each child]:

- (a) Name:
- (b) Birth Certificate/ID Number:

2. Agreement in Respect of Arrangements for the child/children*

- (a) The following arrangements have been agreed for the children:

[to state, in respect of each child]

- (i) Residence *[state where the child is to live with particulars of accommodation and what other persons live there, with their names and relationship to the child stated]*
- (ii) Care giver *[state who is to look after the child during the day, at night, during weekends and school holidays]*
- (iii) Education, etc. *[state the school or other educational establishment which the child will attend, or if he is working, his place of employment, the nature of his work and details of any training he will receive]*

- (b) Orders Sought

I am seeking, with the Defendant's consent, the following orders to be made by the court:

- (i) *[Set out details of any agreement between parties regarding custody, care and control of and access to the children of the marriage.*

If orders for split care and control of the children of the marriage are being sought, e.g. for care and control of one child to be granted to one parent, and for care and control of the other child to be granted to the other parent, to set out the reasons why such orders for split care and control are in the best interests of the children of the marriage in an affidavit, which should be attached to this Parenting Plan]

- (ii) *[Set out details of any agreement between parties regarding maintenance for the children of the marriage]*

3. Defendant's Agreement

[The Defendant's agreement can be confirmed by completing either option (a) or option (b) below.]

FIRST SCHEDULE — *continued*

(a) I, the Defendant, agree with the arrangements set out in this paragraph.

Signature of Defendant:

Name:

ID No.:

Date:

Signed by the Defendant before me, a Commissioner for Oaths:

(b) The Defendant agrees with the arrangements set out in this paragraph.

Signed on behalf of the Defendant by the Defendant's solicitor:

Signed (Plaintiff/Plaintiff's Solicitor*):

Date:

*Delete where inapplicable.

FORM 10

Rule 8(1)(b)

(PLAINTIFF'S PROPOSED PARENTING PLAN FORM)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

PLAINTIFF'S PROPOSED PARENTING PLAN

1. Particulars of the Child/Children* of the Marriage

[*to state, in respect of each child*]:

(a) Name:

(b) Birth Certificate/ID Number:

2. Current Arrangements

The current arrangements for the child/children* of the marriage are as follows:

FIRST SCHEDULE — *continued*

[to state, in respect of each child]

- (a) Residence [*state where the child is currently living with particulars of accommodation and what other persons live there, with their names and relationship to the child stated*]
- (b) Care arrangements (this section need not be completed if the child is already working at the present time)
- (i) *If the child is presently not attending school on a daily basis, to complete the following section:
- (A) Are both parents working?
- (B) Who looks after the child during the day and at night?
(i.e. father/mother/maid/elder siblings/relatives [*to specify nature of relationship to the child*]/a combination of the above/others [*to specify*]*)
- (C) Where is the child cared for during the day and at night?
(i.e. at the matrimonial home/childcare centre/babysitter/relative's home [*to specify nature of person's relationship to the child*]/others [*to specify*]*)
- (D) For how long has this arrangement been in place?
[*State estimated period of time, i.e. from which date till the present date*]
- (ii) *If child is presently attending school on a daily basis, to state:
- (A) The child's school hours.
- (B) Where and by whom is the child being cared for before and after school hours?
- (iii) *Where parties are no longer residing at the same address, to state:
- (A) Who is the parent who does NOT live with the child (the non-custodial parent)?
- (B) When was the last time the non-custodial parent visited the child?
- (C) How often does the non-custodial parent visit the child?
- (D) Does the child sometimes stay overnight with the non-custodial parent?

FIRST SCHEDULE — *continued*

- (c) Education/Employment* [*state the school or other educational establishment which the child has been and is currently attending, or if he is working, his place of employment, the nature of his work and details of any training he is receiving*]
- (d) Financial provision [*state who has been and is presently supporting the child or contributing to his support and the extent thereof*]
- (e) Access [*state what are the current arrangements for access and the extent to which access has been given*]
- (f) Other relevant information

[State any other information which is relevant to the matters concerning the arrangements for the child, for example, whether the Plaintiff or Defendant is suffering from any physical or mental disability, whether the Plaintiff or Defendant has any previous convictions and if so, the nature of the conviction, and whether the Plaintiff or Defendant has been committed to a drug rehabilitation centre and if so, when and for how long.]

3. Proposed Arrangements

The proposed arrangements for the child/children* of the marriage are as follows:

[State, in respect of each child, for those matters which have not been agreed]

- (a) Residence [*state where the child is to live with particulars of accommodation and what other persons live there, with their names and relationship to the child stated*]
- (b) Care giver [*state who is to look after the child during the day, at night, during weekends and school holidays*]
- (c) Education, etc. [*state the school or other educational establishment which the child will attend, or if he is working, his place of employment, the nature of his work and details of any training he will receive*]

4. Orders Sought

I am seeking the following orders to be made by the court:

- (a) [*Set out details of any orders sought regarding custody, care and control of and access to the children of the marriage.*]

FIRST SCHEDULE — *continued*

If orders for split care and control of the children of the marriage are being sought, e.g. for care and control of one child to be granted to one parent, and for care and control of the other child to be granted to the other parent, to set out the reasons why such orders for split care and control are in the best interests of the children of the marriage.]

(b) *[Set out details of any orders sought regarding maintenance for the children of the marriage.]*

I confirm that all the matters set out in this Proposed Parenting Plan are true and correct.

Signed (Plaintiff):

Name:

ID Number:

Date:

*Delete where inapplicable.

[Attach Annexes A and B to this form on separate pages.]

Annex A — Defendant's Agreement (Parenting Plan) Form

[Set out Form 23]

Annex B — Defendant's Proposed Parenting Plan Form

[Set out Form 24]

FORM 11

Rule 9(1)(a)

(AGREED MATRIMONIAL PROPERTY PLAN FORM)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

AGREED MATRIMONIAL PROPERTY PLAN
(FOR HOUSING AND DEVELOPMENT BOARD FLATS ONLY)

FIRST SCHEDULE — *continued*

1. Particulars of the Property

- (a) Address of matrimonial property (the Flat):
- (b) Sales Registration Number* [*if there is only an Agreement for Lease and the buyers have not taken possession of the flat*]:
- (c) Name of lessee(s):
- (d) Names of permitted occupiers and relationship with each lessee:
- (e) Sole tenancy/Joint tenancy/Tenancy in common [*please specify shares*]*:
- (f) Type of flat [*i.e. whether 3-room, 4-room, 5-room, Executive, etc.*]:

2. Agreed Arrangements

The parties' agreement with respect to the Flat is as follows:

[*Choose one of the following*]

- (a) Option 1: The Flat will be surrendered to the HDB.
- (b) Option 2: The Agreement for Lease with the HDB will be terminated.
- (c) Option 3: The Flat will be sold in the open market.
- (d) Option 4: The Plaintiff's share in the Flat will be sold/transferred* to:
 - (i) The Defendant
 - (ii) The Defendant and [*state name and relationship with the Defendant*]
 - (iii) [*state name and relationship with the Plaintiff/the Defendant*]
- (e) Option 5: The Defendant's share in the Flat will be sold/transferred* to:
 - (i) The Plaintiff
 - (ii) The Plaintiff and [*state name and relationship with the Plaintiff*]
 - (iii) [*state name and relationship with the Defendant/the Plaintiff*]
- (f) Option 6: Others [*please state brief details*]

Particulars of the agreement are attached as Annex [*to state number*].

[*To fill in the details of Option 1, 2, 3, 4, 5 or 6 as set out in Form 32, and to attach only the relevant pages to this form.*]

3. Defendant's Agreement

FIRST SCHEDULE — *continued*

[*The Defendant's agreement can be confirmed by completing either option (a) or option (b) below.*]

(a) I, the Defendant, agree with the arrangements set out in this paragraph.

Signature of Defendant:

Name:

ID No.:

Date:

Signed by the Defendant before me, a Commissioner for Oaths:

(b) The Defendant agrees with the arrangements set out in this paragraph.

Signed on behalf of the Defendant by the Defendant's solicitor:

4. HDB's Approval for Option

The agreed arrangements between parties have been approved by the HDB.

5. CPF Information

The relevant CPF statement and additional CPF information (if applicable) of each party are annexed to this plan as Annex [*to state number*].

Signed (Plaintiff/Plaintiff's Solicitor*):

Date:

*Delete where inapplicable.

FORM 12

Rule 9(1)(b)

(PLAINTIFF'S PROPOSED MATRIMONIAL PROPERTY PLAN FORM)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

FIRST SCHEDULE — *continued*PLAINTIFF'S PROPOSED MATRIMONIAL PROPERTY PLAN
(FOR HOUSING AND DEVELOPMENT BOARD FLATS ONLY)

1. Particulars of the Property

- (a) Address of matrimonial property (the Flat):
- (b) Sales Registration Number*: [*if there is only an Agreement for Lease and the buyers have not taken possession of the flat*]:
- (c) Name of lessee(s):
- (d) Names of permitted occupiers and relationship with each lessee:
- (e) Sole tenancy/Joint tenancy/Tenancy in common [*please specify shares*]*:
- (f) Type of flat [*i.e. whether 3-room, 4-room, 5-room, Executive, etc.*]:
- (g) Date of purchase of flat:
- (h) Purchase price of flat:

2. Proposed Arrangements

- (a) Payments made by each lessee towards the purchase of the Flat.
[*To state in respect of each lessee*]
 - (i) Initial capital payment [*to state whether in Central Provident Fund (CPF) moneys or cash*]:
 - (ii) Conveyancing, stamp, registration and administrative fees [*to state whether in CPF moneys or cash*]:
 - (iii) Instalments per month [*to state whether in CPF moneys or cash*]:
 - (iv) Indirect contributions:
- (b) Amount of loan granted by the HDB/Financial institution:
- (c) Amount of outstanding loan due to the HDB/Financial institution as at date of reply to enquiry from the HDB/Financial institution, i.e. [*to state exact date*]:
- (d) The relevant CPF statements and additional CPF information (if applicable) dated [*to state date*] are annexed to this plan as Annex [*to state number*].
- (e) *(*For Plaintiffs who are above the age of 55*) I am/The Plaintiff is* above the age of 55 years and the amount required to be refunded into

FIRST SCHEDULE — *continued*

my/his/her* CPF account in the event of a sale of the flat/transfer in ownership of the flat:

- (f) Amount of CPF Housing grant credited to Lessee's CPF account [*to state in respect of each lessee*]:

Lessee 1:

Lessee 2:

Etc.

- (g) Parties are required/not required* to surrender the Flat to the HDB. [*If parties are required to surrender the Flat to the HDB, state the estimated surrender value of the Flat (if known)*]
- (h) Parties are eligible/not eligible* to sell the Flat on the open market. [*If parties are not eligible to sell the Flat on the open market, state the reasons why*].
- (i) Parties are liable/not liable* to pay resale levy, upgrading levy or other moneys to the HDB. [*If parties are liable to pay the resale levy, etc., to state the amount of moneys payable.*]

- (j) Valuation of the Flat

The estimated value of the Flat is: [*to state estimated value of the Flat and the basis of the valuation*]

- (k) Plaintiff's proposal with respect to the Flat

The Plaintiff's proposal with respect to the Flat is as follows:

(Choose one or more of the following options. If more than one option is chosen, state the order of preference in brackets beside the option.)

- (i) Option 1: The Flat will be surrendered to the HDB.
- (ii) Option 2: The Agreement for Lease with the HDB will be terminated.
- (iii) Option 3: The Flat will be sold in the open market.
- (iv) Option 4: The Plaintiff's share in the Flat will be sold/transferred* to:
- (A) The Defendant
- (B) The Defendant and [*state name and relationship with the Defendant*]

FIRST SCHEDULE — *continued*

(C) [*state name and relationship with the Plaintiff/the Defendant*]

(v) Option 5: The Defendant’s share in the Flat will be sold/transferred* to:

(A) The Plaintiff

(B) The Plaintiff and [*state name and relationship with the Plaintiff*]

(C) [*state name and relationship with the Defendant/the Plaintiff*]

(vi) Option 6: Others [*please state brief details*]

Particulars of my/the Plaintiff’s* proposal (for each option selected) are attached as Annex [*to state number*]. [*To fill in Option 1, 2, 3, 4, 5 or 6 as set out in Form 13, and to attach only the relevant pages to this form.*]

3. Confirmation Statement

I confirm/The Plaintiff confirms* that enquiries have been made with the HDB/HDB and the Central Provident Fund Board (CPFBoard)* on [*to state date*], and that the contents of this document are a true and accurate reflection of the replies from the HDB/CPFBoard/HDB and CPFBoard* which I have/the Plaintiff has* received pursuant to the said enquiries, on [*to state date*].

Signature (Plaintiff/Plaintiff’s Solicitor*):

Date:

*Delete where inapplicable.

[Attach Annexes A and B to this form on separate pages.]

Annex A — Defendant’s Agreement (Matrimonial Property Plan) Form

[Set out Form 25]

Annex B — Defendant’s Proposed Matrimonial Property Plan Form

[Set out Form 26]

FORM 13

Rules 9(1)(a) and (b) and 18(11)(a) and (b)

(PARTICULARS OF HOUSING ARRANGEMENT FORM)

FIRST SCHEDULE — *continued*

PARTICULARS OF ARRANGEMENTS FOR HOUSING

Plaintiff's/Defendant's*

Particulars of Proposed/Agreed* Arrangements for Housing

Housing and Development Board (HDB) Flat — List of Options

Select one or more options and complete the details in the following pages for the option(s) selected.

- Option 1:** The flat will be surrendered to the HDB.
- Option 2:** The Agreement for Lease with the HDB will be terminated.
- Option 3:** The flat will be sold in the open market.
- Option 4:** The Plaintiff's share in the flat will be sold/transferred* to:
 - the Defendant
 - the Defendant and a third party
 - a third party
- Option 5:** The Defendant's share in the flat will be sold/transferred* to:
 - the Plaintiff
 - the Plaintiff and a third party
 - a third party
- Option 6:** Others:

Plaintiff*

Defendant*

Date: _____

Date: _____

*Delete where inapplicable.

Option 1: The flat will be surrendered to the HDB.

1. The compensation for the surrender of the flat will be used to [please tick if applicable]:

- (a) repay the outstanding HDB mortgage loan and all moneys due to the HDB.

FIRST SCHEDULE — continued

<p><input type="checkbox"/> (b) refund the Plaintiff’s CPF moneys used for the flat and the accrued interest*.</p> <p><input type="checkbox"/> (c) refund the Defendant’s CPF moneys used for the flat and the accrued interest*.</p> <p><input type="checkbox"/> (d) others [<i>please specify</i>] _____.</p> <p>2. [If 1(a) above is <u>not</u> selected and there is an outstanding mortgage loan or moneys due to the HDB]. The outstanding mortgage loan or moneys due to the HDB will be borne by:</p> <p style="padding-left: 40px;">Plaintiff _____ \$ _____ *</p> <p style="padding-left: 40px;">_ %</p> <p style="padding-left: 40px;">Defendant _____ \$ _____ *</p> <p style="padding-left: 40px;">_ %</p> <p>3. If 1(b) or (c) above is <u>not</u> selected and the CPF moneys of the Plaintiff and/or the Defendant have been used for the flat [please tick if applicable]:</p> <p><input type="checkbox"/> (a) The Plaintiff/The Defendant* will refund the Plaintiff’s CPF moneys used for the flat and the accrued interest.</p> <p><input type="checkbox"/> (b) The Plaintiff/The Defendant* will refund the Defendant’s CPF moneys used for the flat and the accrued interest.</p> <p>4. The conveyancing, stamp, registration and administrative fees of the surrender will be borne by:</p> <p style="padding-left: 40px;">Plaintiff _____ \$ _____ *</p> <p style="padding-left: 40px;">_ %</p> <p style="padding-left: 40px;">Defendant _____ \$ _____ *</p> <p style="padding-left: 40px;">_ %</p> <p>5. The balance or shortfall will be divided in the following manner:</p> <p style="padding-left: 40px;">Plaintiff _____ \$ _____ *</p> <p style="padding-left: 40px;">_ %</p> <p style="padding-left: 40px;">Defendant _____ \$ _____ *</p> <p style="padding-left: 40px;">_ %</p>
Time Frame
<p>The parties will apply to the HDB to surrender the flat:</p> <p><input type="checkbox"/> by [please specify the date] _____;</p>

FIRST SCHEDULE — *continued*

<input type="checkbox"/> within _____ weeks/months of the order of court on the HDB flat;	
<input type="checkbox"/> within _____ weeks/months of the grant of the Final Judgment;	
<input type="checkbox"/> others [<i>please specify</i>] _____ .	
_____ Plaintiff*	_____ Defendant*
Date: _____	Date: _____
*Delete where inapplicable.	

Option 2: The Agreement for Lease will be terminated.

1. The deposit to be refunded by the HDB will be used to [please tick if applicable]:
 - (a) pay all moneys due to the HDB.
 - (b) refund the Plaintiff's CPF moneys used for the flat and the accrued interest*.
 - (c) refund the Defendant's CPF moneys used for the flat and the accrued interest*.
 - (d) others [*please specify*] _____ .
2. [If 1(a) above is not selected and there are moneys due to the HDB]. The moneys due to the HDB will be borne by:

Plaintiff _____ %	\$ _____ *
Defendant _____ %	\$ _____ *
3. If 1(b) or 1(c) above is not selected and the CPF moneys of the Plaintiff and/or the Defendant have been used for the flat [please tick if applicable]:
 - (a) The Plaintiff/The Defendant* will refund the Plaintiff's CPF moneys used for the flat and the accrued interest.
 - (b) The Plaintiff/The Defendant* will refund the Defendant's CPF moneys used for the flat and the accrued interest.
4. The conveyancing, stamp, registration and administrative fees of the termination of the Agreement for Lease will be borne by:

Plaintiff _____ %	\$ _____ *
-------------------	------------

FIRST SCHEDULE — continued

Defendant _____%	\$ _____*	
5. The balance or shortfall will be divided in the following manner:		
Plaintiff _____%	\$ _____*	
Defendant _____%	\$ _____*	
Time Frame		
The parties will apply to the HDB to terminate the Agreement for Lease:		
<input type="checkbox"/> by [please specify the date] _____;		
<input type="checkbox"/> within _____ weeks/months of the order of court on the HDB flat;		
<input type="checkbox"/> within _____ weeks/months of the grant of the Final Judgment;		
<input type="checkbox"/> others [please specify] _____.		
_____ Plaintiff*		_____ Defendant*
Date: _____		Date: _____
*Delete where inapplicable.		

Option 3: The flat will be sold in the open market.

1. The selling price shall be determined in the following manner [please tick where appropriate]:

- By mutual agreement;
- Not lower than \$ _____;
- Not lower than _____% of the valuation and the valuation is to be determined by:
 - A valuer appointed by the HDB on a loan basis;
 - Others [please specify] _____
 ___on:
 - An open market basis;
 - A loan basis;

FIRST SCHEDULE — *continued*

others [please specify] _____
_____.

2. The sale proceeds will be used to [please tick if applicable]:

- (a) repay the outstanding mortgage loan;
- (b) pay all moneys due to the HDB (including resale levy and upgrading levy, if applicable, but excluding the conveyancing, stamp, registration and administrative fees of the sale);
- (c) refund the Plaintiff's CPF moneys used for the flat and the accrued interest*;
- (d) refund the Defendant's CPF moneys used for the flat and the accrued interest*;
- (e) others [please specify] _____
_____.

3. If 2(a) or (b) above is not selected and there is an outstanding mortgage loan or moneys due to the HDB [please tick if applicable]:

The outstanding mortgage loan will be repaid by:

Plaintiff _____ \$ _____ *
_____ %

Defendant _____ \$ _____ *
_____ %

The moneys due to the HDB will be repaid by:

Plaintiff _____ \$ _____ *
_____ %

Defendant _____ \$ _____ *
_____ %

4. If 2(c) or (d) above is not selected and the CPF moneys of the Plaintiff and/or the Defendant have been used for the flat [please tick if applicable]:

- (a) The Plaintiff/The Defendant* will refund the Plaintiff's CPF moneys used for the flat and the accrued interest.
- (b) The Plaintiff/The Defendant* will refund the Defendant's CPF moneys used for the flat and the accrued interest.

5. The conveyancing, stamp, registration and administrative fees of the sale will be borne by:

FIRST SCHEDULE — continued

Plaintiff _____ \$ _____ * _____%	Defendant _____ \$ _____ * _____%
6. The balance of the proceeds/shortfall will be divided in the following manner:	
Plaintiff _____ \$ _____ * _____%	Defendant _____ \$ _____ * _____%
Time Frame	
The parties will apply to the HDB to sell the flat in the open market: <ul style="list-style-type: none"> <input type="checkbox"/> by <i>[please specify the date]</i> _____; <input type="checkbox"/> within _____ weeks/months of the order of court on the HDB flat; <input type="checkbox"/> within _____ weeks/months of the grant of the Final Judgment; <input type="checkbox"/> others <i>[please specify]</i> _____. 	
_____ Plaintiff*	_____ Defendant*
Date: _____	Date: _____
*Delete where inapplicable.	

Option 4: The Plaintiff's share in the flat will be sold/transferred* to the Defendant and/or other(s).

1. The sale/transfer* is [please tick one]:

- with no cash consideration.
- with cash consideration and the Defendant will pay the Plaintiff [please tick where applicable]:
 - \$ _____

FIRST SCHEDULE — *continued*

_____% of the net value:

(a) the net value is:

\$ _____/the valuation/others [*please specify*]

* _____ less the following:

- Plaintiff's CPF moneys used for the flat;
- Plaintiff's accrued interest on CPF moneys used;
- Defendant's CPF moneys used for the flat;
- Defendant's accrued interest on CPF moneys used;
- the amount of outstanding mortgage loan;
- the moneys due to the HDB;
- the conveyancing, stamp, registration and administrative fees of the sale/transfer*;
- others [*please specify*] _____.

(b) *the valuation is to be determined by:

- a valuer appointed by the HDB on a loan basis;
- others [*please specify*] _____ on:
 - an open market basis;
 - a loan basis;
 - others [*please specify*] _____.

2. The Plaintiff/Defendant* will refund the Plaintiff's CPF moneys used for the flat.
- The Plaintiff/Defendant* will refund the accrued interest on the Plaintiff's CPF moneys used for the flat.

3. The outstanding mortgage loan will be borne by:

Plaintiff _____ \$ _____ *
_____%

Defendant _____ \$ _____ *
_____%

4. All moneys due to the HDB, if any, will be borne by:

Plaintiff _____ \$ _____ *
_____%

FIRST SCHEDULE — continued

Defendant _____ \$ _____ * ____%	
5. The conveyancing, stamp, registration and administrative fees of the sale/transfer* will be borne by:	
Plaintiff _____ \$ _____ * ____%	
Defendant _____ \$ _____ * ____%	
6. Other details [please specify] _____.	
Time Frame	
The parties will apply to the HDB to sell or transfer the Plaintiff's share in the flat:	
<input type="checkbox"/> by [please specify the date] _____;	
<input type="checkbox"/> within _____ weeks/months of the order of court on the HDB flat;	
<input type="checkbox"/> within _____ weeks/months of the grant of the Final Judgment;	
<input type="checkbox"/> others [please specify] _____.	
_____ Plaintiff*	_____ Defendant*
Date: _____	Date: _____
*Delete where inapplicable.	

<p>Option 5: The Defendant's share in the flat will be sold/transferred* to the Plaintiff and/or other(s).</p> <p>1. The sale/transfer* is [please tick one]:</p> <p><input type="checkbox"/> with no cash consideration.</p> <p><input type="checkbox"/> with cash consideration and the Plaintiff will pay the Defendant [please tick where applicable]:</p> <p style="padding-left: 40px;"><input type="checkbox"/> \$ _____</p> <p style="padding-left: 40px;"><input type="checkbox"/> _____% of the net value:</p>

FIRST SCHEDULE — *continued*

(a) the net value is:

\$ _____ /the valuation/others [*please specify*]* _____
 _____ less the following:

- Plaintiff's CPF moneys used for the flat;
- Plaintiff's accrued interest on CPF moneys used;
- Defendant's CPF moneys used for the flat;
- Defendant's accrued interest on CPF moneys used;
- the amount of outstanding mortgage loan;
- the moneys due to the HDB;
- the conveyancing, stamp, registration and administrative fees of the sale/transfer*;
- others [*please specify*] _____.

(b)* the valuation is to be determined by:

- a valuer appointed by the HDB on a loan basis;
- others [*please specify*] _____ on:
 - an open market basis;
 - a loan basis;
 - others [*please specify*] _____.

2. The Plaintiff/Defendant* will refund the Defendant's CPF moneys used for the flat.
- The Plaintiff/Defendant* will refund the accrued interest on the Defendant's CPF moneys used for the flat.
3. The outstanding mortgage loan will be borne by:
- | | | | | |
|-----------|---------|--|----------|---|
| Plaintiff | _____ % | | \$ _____ | * |
| Defendant | _____ % | | \$ _____ | * |
4. All moneys due to the HDB, if any, will be borne by:
- | | | | | |
|-----------|---------|--|----------|---|
| Plaintiff | _____ % | | \$ _____ | * |
| Defendant | _____ % | | \$ _____ | * |
5. The conveyancing, stamp, registration and administrative fees of the sale/transfer* will be borne by:

FIRST SCHEDULE — *continued*

Plaintiff	_____ %	\$	_____ *
Defendant	_____ %	\$	_____ *
6. Other details [<i>please specify</i>] _____.			
Time Frame			
The parties will apply to the HDB to sell or transfer the Defendant's share in the flat:			
<input type="checkbox"/> by [<i>please specify the date</i>] _____;			
<input type="checkbox"/> within _____ weeks/months of the order of court on the HDB flat;			
<input type="checkbox"/> within _____ weeks/months of the grant of the Final Judgment;			
<input type="checkbox"/> others [<i>please specify</i>] _____.			
_____			_____
Plaintiff*			Defendant*
Date: _____			Date: _____
*Delete where inapplicable.			

Option 6: Others		
Please state the full details of the agreement.		
Time Frame		
The parties will apply to the HDB to surrender/sell in the open market/sell or transfer a party's share in* the flat:		
<input type="checkbox"/> by [<i>please specify the date</i>] _____;		
<input type="checkbox"/> within _____ weeks/months of the order of court on the HDB flat;		
<input type="checkbox"/> within _____ weeks/months of the grant of the Final Judgment;		
<input type="checkbox"/> others [<i>please specify</i>] _____.		
_____		_____
Plaintiff*		Defendant*

FIRST SCHEDULE — *continued*

Date: _____		Date: _____
*Delete where inapplicable.		

FORM 14

Rules 11(1)(a)(iii), (2) and (4),
12(1B) and 13(b)(ii)

(ACKNOWLEDGMENT OF SERVICE (DEFENDANT) FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

ACKNOWLEDGMENT OF SERVICE (DEFENDANT)

1. I acknowledge that I am [*state name*]
2. I acknowledge that I have received the following documents: [*Choose one or more of the following*]
 - (a) Writ of Summons
 - (b) Statement of Claim
 - (c) Statement of Particulars
 - (d) Agreed/Proposed* Parenting Plan (By Plaintiff)*
 - (e) Agreed/Proposed* Matrimonial Property Plan (By Plaintiff)*
 - (f) Other documents [*please specify*]

(Collectively, the documents)

3. I received the documents on [*to state date*] at [*to state address*]

Signed (Defendant):

Name:

ID No.:

Date:

FIRST SCHEDULE — *continued*

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 15

Rules 11(1)(a)(iv), 16(2)(a) and (3)(a)
and 18(1), (4), (8)(c) and (9)

(MEMORANDUM OF APPEARANCE (DEFENDANT) FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

MEMORANDUM OF APPEARANCE (DEFENDANT)

1. I am the Defendant and I intend/do not intend* to defend the action.

I am/am not* a bankrupt.

I received the Writ of Summons (Writ) and Statement of Claim on [*to state date*] at [*to state address*]:

2. *The Statement of Claim alleges that there has been 3 years' separation and that you the Defendant consent to a judgment being granted. I consent/do not consent* to a judgment being granted.

(*Note: Before you answer this question, you should understand that —*

(*a*) *if the Plaintiff satisfies the court that the Plaintiff and you have lived apart for 3 years immediately before the filing of the Writ and that you consent to a judgment being granted, the court will grant one unless it considers that the marriage has not broken down irretrievably; and*

(*b*) *a final judgment will end your marriage and may have consequences in your case depending on your particular circumstances. If you are unsure about the consequences, you should consult a lawyer.*

If after consenting you wish to withdraw your consent, you must immediately inform the court and give notice to the Plaintiff.)

3. *The Plaintiff is also making various claims for relief in this Writ. I wish to be heard on all these claims/some of these claims*.

FIRST SCHEDULE — *continued*

(To choose one or more of the following, circle the relevant item(s))

- (a) Custody* of and/or care and control* of the child/children* of the marriage
- (b) Access to the child/children* of the marriage. I will be filing my Agreement to Plaintiff's Proposed Parenting Plan/Defendant's Proposed Parenting Plan*
- (c) Division of the matrimonial home. I will be filing my Agreement to Plaintiff's Proposed Matrimonial Property Plan/Defendant's Proposed Matrimonial Property Plan*
- (d) Division of the matrimonial assets (other than the matrimonial home)
- (e) Maintenance for the wife
- (f) Maintenance for the child/children* of the marriage
- (g) Costs
- (h) Others [*to specify*]:

(Please note that you may be heard on these claims even if you do not defend the action and do not file a Defence or Defence and Counterclaim in court.)

4. *I wish to make claims for relief in the following matters, which have not been dealt with in the Writ:

(To choose one or more of the following, circle the relevant item(s))

- (a) Custody* of and/or care and control* of the child/children* of the marriage
- (b) Access to the child/children* of the marriage
- (c) Division of the matrimonial home
- (d) Division of the matrimonial assets (other than the matrimonial home)
- (e) Maintenance for the wife
- (f) Maintenance for the child/children* of the marriage
- (g) Costs
- (h) Others [*to specify*]:

5. *I am a wife Defendant.

I wish to/do not wish to* make a claim for maintenance for myself.

6. The address to which communications to me should be sent is:

FIRST SCHEDULE — *continued*

(Note: This must be an address in Singapore. If a solicitor is acting for you, give the name and address of your solicitor in Singapore. If you do not give an address in Singapore, you will have no right to be heard in these proceedings.)

7. My other contact particulars are:

Telephone:

Handphone Number:

Fax:

Signed (Defendant/Defendant's solicitor*):

Name:

ID No.:

Date:

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 16

Rules 7(1)(c), 10(3)(c) and (4)(c),
11(1)(b)(iii), 22(5)(c) and 47(3)

(NOTICE OF PROCEEDINGS (OTHER PARTY) FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

NOTICE TO A CO-DEFENDANT/DEFENDANT IN
COUNTERCLAIM/PERSON ENTITLED TO
INTERVENE/OTHER PARTY

(TO SPECIFY)*

(in the case of a Writ of Summons and Statement of
Claim/Defence/Counterclaim based on adultery or improper association)

FIRST SCHEDULE — *continued*

1. NOTICE OF PROCEEDINGS
2. ACKNOWLEDGMENT OF SERVICE/MEMORANDUM OF APPEARANCE

To: *[state name and ID number of Co-Defendant/Defendant in Counterclaim/Person Entitled to Intervene/Other Party (To specify)*]*

1. NOTICE OF PROCEEDINGS

- (a) Take Notice that a Writ of Summons and Statement of Claim/Defence/Defence and Counterclaim/Other Document *[please specify]** has been filed in the High Court by *[Plaintiff's/Defendant's Name]*.
- (b) A copy of the Writ of Summons and Statement of Claim/Defence/Defence and Counterclaim/Other Document *[please specify]** is delivered with this Notice.
- (c) Please read the instructions set out in Part 2 of this Notice carefully.

*Delete where inapplicable.

2. ACKNOWLEDGMENT OF SERVICE/MEMORANDUM OF APPEARANCE

- (a) You must complete the form in Annex A which is known as the *Acknowledgment of Service (Other Party) Form* and return it immediately to the Plaintiff's solicitor or the Plaintiff (if unrepresented).
- (b) You must also complete the form in Annex B which is known as the *Memorandum of Appearance (Other Party) Form (MOA)*, and file** it within 8/21* days from the day on which you have received this Writ/Defence/Defence and Counterclaim/Other Document *[please specify]**. If you do not file the MOA within such time, you are NOT entitled to be heard in these proceedings. This means that the court may, without notice to you, proceed to hear the action and pronounce judgment in your absence, and make all further orders in the proceedings without further reference to you.
- (c) If you intend to instruct a solicitor to act for you, you should at once give him all the documents which have been served on you, so that he may complete the relevant forms on your behalf within the time specified in paragraphs (a) and (b) above.

*Delete where inapplicable.

FIRST SCHEDULE — *continued*

**All references to the filing of documents in court shall refer to filing by using the electronic filing service.

[Attach Annexes A and B to this form on separate pages.]

Annex A — Acknowledgment of Service (Other Party) Form

[Set out Form 17]

Annex B — Memorandum of Appearance (Other Party) Form

[Set out Form 18]

[S 194/2014 wef 21/03/2014]

FORM 17

Rules 10(3)(d) and (4)(d), 11(1)(b)(iv) and (4),
12(1B), 13(b)(ii), 22(5)(d) and 47(3)

(ACKNOWLEDGMENT OF SERVICE (OTHER PARTY) FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff’s Name*] (ID No.) *Plaintiff*

And

[*Defendant’s Name*] (ID No.) *Defendant*

ACKNOWLEDGMENT OF SERVICE
(CO-DEFENDANT/DEFENDANT IN COUNTERCLAIM/PERSON
ENTITLED TO INTERVENE/OTHER PARTY [TO SPECIFY]*)

1. I acknowledge that I am [*state name*]
2. I acknowledge that I have received the following documents: (*Choose one or more of the following*)
 - (a) Writ of Summons
 - (b) Statement of Claim
 - (c) Statement of Particulars
 - (d) Defence/Defence and Counterclaim
 - (e) Other documents [*please specify*]*

(Collectively, the documents)

FIRST SCHEDULE — *continued*

3. I received the documents on [to state date] at [to state address].

Signed (Co-Defendant/Defendant in Counterclaim/Person Entitled to Intervene/Other Party [to specify]*):

Name:

ID No.:

Date:

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 18

Rules 10(3)(e), (4)(e) and (5), 11(1)(b)(v), 16(2)(b) and (3)(b), 18(3) and (7), 22(5)(e) and 47(3)

(MEMORANDUM OF APPEARANCE (OTHER PARTY) FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[Plaintiff's Name] (ID No.) Plaintiff

And

[Defendant's Name] (ID No.) Defendant

MEMORANDUM OF APPEARANCE
(CO-DEFENDANT/DEFENDANT IN COUNTERCLAIM/PERSON ENTITLED TO INTERVENE/OTHER PARTY [TO SPECIFY]*)

1. I am the Co-Defendant/Defendant in Counterclaim/Other Party [to specify]* and I intend/do not intend* to defend the action by denying the following allegations:

(a) adultery*

(b) any other allegation [to specify]*

OR

I am the person entitled to intervene in this matter, and I intend/do not intend* to intervene in this matter and defend the action by denying the following allegations:

(a) adultery*

FIRST SCHEDULE — continued

(b) any other allegation [to specify]*

2. I received the Writ of Summons and Statement of Claim/Defence/Defence and Counterclaim/Other Document [please specify]* on [to state date] at [to state address].

(Note: You must, within 22/35* days after receiving the Writ and Statement of Claim, file a Defence in court and serve a copy of the same on all the other parties to these proceedings within 2 working days of filing the Defence, unless you do not intend to defend the action.)

3. I wish/do not wish* to be heard on the claim for costs against me.

4. The address to which communications to me should be sent is:

(Note: This must be an address in Singapore. If a solicitor is acting for you, give the name and address of your solicitor. If you do not give an address in Singapore, you will have no right to be heard in these proceedings.)

5. My other contact particulars are:

Telephone:

Handphone Number:

Fax:

Signed (Co-Defendant/Defendant in Counterclaim/Person Entitled to Intervene/Other Party [please specify]*):

Name:

ID No.:

Date:

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 19

Rule 12A(2)

(NOTICE OF PROCEEDINGS (ADVERTISEMENT) FORM)

NOTICE OF PROCEEDINGS FOR ADVERTISEMENT
IN THE NEWSPAPERS

NOTICE OF PROCEEDINGS

FIRST SCHEDULE — *continued*

To: [State name and ID number of the Defendant/Co-Defendant/Defendant in Counterclaim/Person Entitled to Intervene/Other Party [to specify]*]

1. Take Notice that a Writ of Summons and Statement of Claim/Defence/Defence and Counterclaim/other document [to specify]* in Divorce Writ No. [to state number] has been filed in court by [Plaintiff's/Defendant's Name] on [date]. You are the Defendant/Co-Defendant/Defendant in Counterclaim/Person Entitled to Intervene/Other Party [to specify]* in these proceedings.
2. It has been ordered that service of the abovementioned document on you be effected by this advertisement. If you intend to defend this action, you must file the Memorandum of Appearance (Defendant) Form/Memorandum of Appearance (Other Party) Form* (MOA) within 8/21* days from the publication of this advertisement. If you do not file the MOA within such time, you are NOT entitled to be heard in these proceedings. This means that the court may, without notice to you, proceed to hear the action and pronounce judgment in your absence, and make all further orders in the proceedings without further reference to you.

Contact particulars of Plaintiff/Plaintiff's Solicitor*:

1. Name and ID Number of Plaintiff/Plaintiff's Solicitor*:
2. Contact Particulars of Plaintiff/Plaintiff's Solicitor's Firm*:

Firm name*:

Address:

Telephone Number:

Fax Number*:

File Reference Number*:

*Delete where inapplicable.

FORM 20

Rule 13(b)(i)

(AFFIDAVIT OF SERVICE FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[Plaintiff's Name] (ID No.) Plaintiff

FIRST SCHEDULE — *continued*

And

[*Defendant's Name*] (ID No.) *Defendant*

AFFIDAVIT OF SERVICE

*Affidavit of Personal Service

I, [*to state name and ID No.*] of [*to state address*], make oath and say/affirm* as follows:

The following document(s) was/were* duly served by me on [*to state name of recipient of documents*] by delivering to him/her* personally a copy/copies* of the same on [*to state date and time of service*] at [*to state address*]:

(*Please choose one or more of the following*)

- (a) Writ of Summons
- (b) Statement of Claim
- (c) Statement of Particulars
- (d) Notice to a Co-Defendant/Defendant in Counterclaim/Person Entitled to Intervene/Other Party [*to specify*]*
- (e) Agreed/Proposed* Parenting Plan (By Plaintiff)*
- (f) Agreed/Proposed* Matrimonial Property Plan (For Housing Development Board flats Only) (By Plaintiff)*
- (g) Defence
- (h) Defence and Counterclaim
- (i) Other documents [*please specify*]

The person served with the document(s), [*to state name of recipient of documents*], is known to me/was pointed out to me by [*to state name*]/admitted to me that he/she* was [*to state name of recipient of documents*]*.

[Sworn (or affirmed) as in Form 78 in Appendix A of the Rules of Court (Cap. 322, R 5).]

OR

*Affidavit of Substituted Service by Post or other Process (Excluding Newspaper Advertisement)

I, [*to state name and ID No.*] of [*to state address*], make oath and say/affirm* as follows:

FIRST SCHEDULE — *continued*

The following document(s) was/were* duly served by me on [to state name of recipient of documents] by [to state mode of service and date and time of service], in accordance with the order for substituted service dated [to state date of substituted service order]:

- (a) Order of Court for Substituted Service of Documents
- (b) Writ of Summons
- (c) Statement of Claim
- (d) Statement of Particulars
- (e) Notice to a Co-Defendant/Defendant in Counterclaim/Person Entitled to Intervene/Other Party [to specify]*
- (f) Agreed/Proposed* Parenting Plan (By Plaintiff)*
- (g) Agreed/Proposed* Matrimonial Property Plan (For Housing Development Board flats Only) (By Plaintiff)*
- (h) Defence
- (i) Defence and Counterclaim
- (j) Other documents [please specify]

[Sworn (or affirmed) as in Form 78 in Appendix A of the Rules of Court (Cap. 322, R 5).]

OR

*Affidavit of Service by Advertisement

I, [to state name and ID No.] of [to state address], make oath and say/affirm* as follows:

The Writ of Summons and Statement of Claim/Defence/Defence and Counterclaim* and Order of Court for Substituted Service were duly served by me on [to state name of recipient of documents] by causing to be inserted in [name of paper or papers as ordered] an advertisement on [to state date].

A copy of the said advertisement is annexed to this affidavit.

[Sworn (or affirmed) as in Form 78 in Appendix A of the Rules of Court (Cap. 322, R 5).]

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FIRST SCHEDULE — *continued*

FORM 21

Rule 18(1), (3) and (4)

(DEFENCE AND/OR COUNTERCLAIM FORM)

IN THE HIGH COURT*/STATE COURTS* OF THE REPUBLIC OF
SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

DEFENCE* AND COUNTERCLAIM*

1. Particulars of Defendant

Age:

Citizenship:

Religion:

Educational Level:

Current occupation:

Current address:

2. Defence

- (a) To deny or admit the paragraphs of the Statement of Claim (and Statement of Particulars). To state full particulars of the facts relied on but not the evidence by which they are to be proved.
- (b) To state whether any, and if so what, agreement or arrangement has been made or is proposed to be made between the parties for the support of the wife or any child of the marriage.
- (c) If any statements set out in the Statement of Claim concerning the living children of the marriage are disputed, full particulars of the facts relied on are to be stated in the Defence.
- (d) If any information on the following matters has not been provided in the Statement of Claim, or if any statement set out in relation to the following matters in the Statement of Claim is disputed, the Defence is

FIRST SCHEDULE — *continued*

to furnish information on the same, with the details as set out in sub-paragraphs (i) and (ii) below:

Whether there are or have been other proceedings in Singapore or elsewhere with reference to the marriage, or to any children of the marriage, or between the Plaintiff and the Defendant with reference to maintenance or to any property of either or both of them.

(i) Nature of the proceedings, i.e. whether:

- (A) Matrimonial proceedings; and/or
- (B) Family violence (between the Plaintiff, Defendant and any children of the marriage); and/or
- (C) Custody, care and control and/or access to the children of the marriage; and/or
- (D) Proceedings in any juvenile or youth court in respect of the children of the marriage; and/or
- (E) Maintenance (for wife and any children of the marriage); and/or
- (F) Matrimonial Property; and/or
- (G) Other proceedings which may be relevant to the present proceedings (such as bankruptcy proceedings).

(ii) Details of the proceedings

[to state in relation to each of the proceedings set out in paragraph (i) above]

- (A) The suit number:
- (B) The date of any decree or order or judgment:
- (C) Decree or order or judgment made:
- (D) If no decree or order or judgment has been made, the status of the proceedings:

(iii) There are bankruptcy proceedings against the Defendant pending as at *[to state date, which shall not be later than 7 days immediately preceding the filing of the Defence and/or Counterclaim]*:

- (A) The suit number:
- (B) Whether creditor's bankruptcy application or debtor's bankruptcy application:

FIRST SCHEDULE — *continued*

- (C) Name of Creditor:
- (D) Amount of debt claimed:
- (E) Status of proceedings:

3. Counterclaim*

(1) The Defendant repeats paragraph(s) [*to state the numbers of the relevant paragraphs*] of the Statement of Claim.

(2) The Defendant is a bankrupt and has/has not* obtained the previous sanction of the Official Assignee to file a Counterclaim in this action. [*The counterclaim shall annex a copy of the document bearing the sanction of the Official Assignee.*]

(3) Ground on which Relief is Sought.

The marriage is void

- (a) *(For marriages that took place after 1st June 1981) The marriage is not valid under section 105 of the Women's Charter: (*Choose one or more of the following*)
 - (i) by virtue of section 3(4)/5/9/10/11/12/22* of the Women's Charter
 - (ii) (*for marriages celebrated outside Singapore*) for the lack of capacity
 - (iii) (*for marriages celebrated outside Singapore*) under the law of the place in which the marriage was celebrated.
- (b) *(For marriages that took place on or before 1st June 1981) The marriage is not valid for the reasons stated in the Counterclaim.

OR

The marriage is voidable

- (a) *(For marriages that took place after 1st June 1981) The marriage is voidable under section 106 of the Women's Charter on the following ground(s): (*Choose one or more of the following*)
 - (i) That the marriage has not been consummated owing to the incapacity of either party [*please specify*] to consummate it.
 - (ii) That the marriage has not been consummated owing to the wilful refusal of the Plaintiff to consummate it.
 - (iii) That the Plaintiff/Defendant* did not validly consent to the marriage, in consequence of duress* and/or mistake* and/or

FIRST SCHEDULE — *continued*

unsoundness of mind/lack of capacity* and/or the facts stated in the Statement of Particulars [*please specify in the Statement of Particulars*]*.

- (iv) That at the time of the marriage the Plaintiff/Defendant* though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder within the meaning of the Mental Health (Care and Treatment) Act (Cap. 178A) of such a kind or to such an extent as to be unfit for marriage.
- (v) That at the time of the marriage the Plaintiff was suffering from venereal disease in a communicable form, and the Defendant was at the time of the marriage ignorant of the facts alleged.
- (vi) That at the time of the marriage the Plaintiff was pregnant by some person other than the Defendant and the Defendant was at the time of the marriage ignorant of the facts alleged.

- (b) *(For marriages that took place on or before 1st June 1981) The marriage is voidable for the reasons stated in the Counterclaim.

[*Full particulars of the individual facts relied on but not the evidence by which they are to be proved.*]

OR

The marriage has broken down irretrievably

Fact(s) relied on for the irretrievable breakdown of the marriage (for the purposes of section 95(3) of the Women's Charter):

(*Choose one of the following*)

- (a) That the Plaintiff has committed adultery and the Defendant finds it intolerable to live with the Plaintiff.
- (b) That the Plaintiff has behaved in such a way that the Defendant cannot reasonably be expected to live with the Plaintiff.
- (c) That the Plaintiff has deserted the Defendant for a continuous period of at least 2 years immediately preceding the filing of the writ.
- (d) That the parties to the marriage have lived apart for a continuous period of at least 3 years immediately preceding the filing of the writ and the Plaintiff consents to a judgment being granted. The Plaintiff's consent is exhibited at Annex [*to state number*]* (if available).

FIRST SCHEDULE — *continued*

- (e) That the parties to the marriage have lived apart for a continuous period of at least 4 years immediately preceding the filing of the writ.

[Full particulars of the individual facts relied on to be stated but not the evidence by which they are to be proved.]

4. Relief Claimed

[To state the particulars of relief claimed by the Defendant.]

- (a) That the claim be dismissed
- (b) Costs
- (c) Others *[please specify]*

For cases where a Counterclaim has been filed*:

(Choose one or more of the following, providing particulars of the relief claimed where possible.)

- (a) That the claim be dismissed.
- (b) On the counterclaim: That the marriage be declared null and void*.
OR
That the marriage be dissolved*.
OR
That a judgment of judicial separation be granted*.
- (c) Custody* of and/or care and control* of the child/children* of the marriage
- (d) Access to the child/children* of the marriage
- (e) Division of the matrimonial home
- (f) Division of the matrimonial assets (other than the matrimonial home)
- (g) Maintenance for the wife
- (h) Maintenance for the child/children* of the marriage
- (i) Costs
- (j) Others *[please specify]*

5. Persons to be served with this Defence/Defence and Counterclaim*

- (a) Plaintiff

Name:

FIRST SCHEDULE — *continued*

Address: Plaintiff is a person under a disability*.

[*To state particulars of Plaintiff's disability*]

(b) Co-Defendant/Defendant in Counterclaim/Other Party (*please specify*)*

Name:

Address:

Co-Defendant/Defendant in Counterclaim/Other Party (*please specify*)
* is a person under a disability*.

[*To state particulars of Co-Defendant's/Defendant in Counterclaim's/Other Party's disability*]

6. The Defendant is aware of*, or has been informed by the solicitor acting for him about*, the options of family mediation or counselling, before filing the defence.

Signature:

Name of Defendant/Defendant's Solicitor*:

Date:

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 22

Rules 18(7) and (8)(c) and 19(5)

(OTHER PLEADING FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

DEFENCE TO COUNTERCLAIM*/REPLY*/REPLY AND DEFENCE TO
COUNTERCLAIM*/REPLY TO DEFENCE TO
COUNTERCLAIM*/OTHER PLEADING (TO SPECIFY)*

FIRST SCHEDULE — continued

1. [To deny or admit the paragraphs of the previous pleading. To state full particulars of the facts relied on but not the evidence by which they are to be proved.]

2. Persons to be served with this pleading*

(a) Plaintiff/Defendant*

Name:

Address:

Plaintiff/Defendant* is a person under a disability*.

[To state particulars of Plaintiff’s/Defendant’s* disability.]

(b) Co-Defendant/Defendant in Counterclaim/Other Party [please specify]*

Name:

Address:

Co-Defendant/Defendant in Counterclaim/Other Party [please specify]
* is a person under a disability*.

[To state particulars of Co-Defendant’s/Defendant in Counterclaim’s/Other Party’s disability]

Signature:

Name of Party/Party’s Solicitor*:

Date:

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 23

Rule 18(9)(a)

(DEFENDANT’S AGREEMENT (PARENTING PLAN) FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[Plaintiff’s Name] (ID No.) Plaintiff

And

FIRST SCHEDULE — *continued*

[*Defendant's Name*] (ID No.) *Defendant*

DEFENDANT'S AGREEMENT TO PLAINTIFF'S PROPOSED
PARENTING PLAN

Defendant's Agreement

[*The Defendant's agreement can be confirmed by completing either option (a) or option (b) below.*]

- (a) I, the Defendant, agree with the following order(s) sought in paragraph 4 of the Plaintiff's Proposed Parenting Plan
[*to state the specific order(s) agreed to*]

Signature (Defendant):

Name:

ID No.:

Date:

- (b) The Defendant agrees with the following order(s) sought in paragraph 4 of the Proposed Parenting Plan (By Plaintiff).
[*to state the specific order(s) agreed to*]

Signed on behalf of the Defendant by the Defendant's solicitor:

[*S 194/2014 wef 21/03/2014*]

FORM 24

Rule 18(9)(b)

(DEFENDANT'S PROPOSED PARENTING PLAN FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

FIRST SCHEDULE — *continued*

PROPOSED PARENTING PLAN (BY DEFENDANT)

I, the Defendant, do not agree with the orders sought in paragraph 4 of the Proposed Parenting Plan (by Plaintiff), and I wish to be heard by the court on the issues of custody, care and control and access. I set out my position on the current arrangements as well as my proposed arrangements for the children of the marriage below.

1. Current Arrangements

The current arrangements for the child/children* of the marriage are as follows:

[to state in respect of each child]

(a) Residence *[state where the child is currently living with particulars of accommodation and what other persons live there, with their names and relationship to the child stated.]*

(b) Care arrangements (this section need not be completed if the child is already working at the present time)

(i) *If the child is presently not attending school on a daily basis, to complete the following section:

(A) Are both parents working?

(B) Who looks after the child during the day and at night?

(i.e. father/mother/maid/elder siblings/relatives [to specify nature of relationship to the child]/a combination of the above/others [to specify])*

(C) Where is the child cared for during the day and at night?

(i.e. at the matrimonial home/childcare centre/babysitter/relative's home [to specify nature of person's relationship to the child]/others [to specify])*

(D) For how long has this arrangement been in place?

[State estimated period of time, i.e. from which date till the present date]

(ii) *If child is presently attending school on a daily basis, to state:

(A) The child's school hours.

(B) Where and by whom is the child being cared for before and after school hours?

FIRST SCHEDULE — *continued*

(iii) *Where parties are no longer residing at the same address, to state:

(A) Who is the parent who does NOT live with the child (the non-custodial parent)?

(B) When was the last time the non-custodial parent visited the child?

(C) How often does the non-custodial parent visit the child?

(D) Does the child sometimes stay overnight with the non-custodial parent?

(c) Education/Employment* [*state the school or other educational establishment which the child has been and is currently attending, or if he is working, his place of employment, the nature of his work and details of any training he is receiving.*];

(d) Financial provision [*state who has been and is presently supporting the child or contributing to his support and the extent thereof.*]; and

(e) Access [*state what are the current arrangements for access and the extent to which access has been given.*]

(f) Other relevant information

[State any other information which is relevant to the matters concerning the arrangements for the child, for example, whether the Plaintiff or Defendant is suffering from any physical or mental disability, whether the Plaintiff or Defendant has any previous convictions and if so, the nature of the conviction, and whether the Plaintiff or Defendant has been committed to a drug rehabilitation centre and if so, when and for how long.]

2. Proposed Arrangements

The proposed arrangements for the child/children* of the marriage are as follows:

[State in respect of each child for those matters which have not been agreed]

(a) Residence [*state where the child is to live with particulars of accommodation and what other persons live there, with their names and relationship to the child stated.*]

(b) Care giver [*state who is to look after the child during the day, at night, during weekends and school holidays.*]

FIRST SCHEDULE — continued

(c) Education, etc. [*state the school or other educational establishment which the child will attend, or if he is working, his place of employment, the nature of his work and details of any training he will receive.*].

3. Orders Sought

I am seeking the following orders to be made by the court:

(a) [*Set out details of any orders sought regarding custody, care and control of and access to the children of the marriage. If orders for split care and control of the children of the marriage are being sought, e.g. for care and control of one child to be granted to one parent, and for care and control of the other child to be granted to the other parent, to set out the reasons why such orders for split care and control are in the best interests of the children of the marriage.*]

(b) [*Set out details of any orders sought regarding maintenance for the children of the marriage*]

I confirm that all the matters set out in this Proposed Parenting Plan are true and correct.

Signed (Defendant):

Name:

ID Number:

Date:

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 25

Rule 18(11)(a)

(DEFENDANT’S AGREEMENT
(MATRIMONIAL PROPERTY PLAN) FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff’s Name*] (ID No.) *Plaintiff*

And

[*Defendant’s Name*] (ID No.) *Defendant*

FIRST SCHEDULE — *continued*DEFENDANT'S AGREEMENT TO PLAINTIFF'S PROPOSED
MATRIMONIAL PROPERTY PLAN
(FOR HOUSING AND DEVELOPMENT BOARD FLATS ONLY)

1. Defendant's Agreement

[The Defendant's agreement can be confirmed by completing either option (a) or option (b) below.]

(a) I, the Defendant, agree with the proposed arrangements set out in the Plaintiff's Proposed Matrimonial Property Plan (For Housing Development Board flats Only).

[to state the exact arrangements agreed to]

Signature (Defendant):

Name:

ID No.:

Date:

(b) The Defendant agrees with the proposed arrangements set out in the Plaintiff's Proposed Matrimonial Property Plan (For Housing Development Board flats Only).

[to state the exact arrangements agreed to]

Signed on behalf of the Defendant by the Defendant's solicitor.

2. The Defendant's relevant CPF statement and additional CPF information (if applicable) dated *[to state date]* are annexed to this plan as Annex *[to state number]*.

[S 194/2014 wef 21/03/2014]

FORM 26

Rule 18(11)(b)

(DEFENDANT'S PROPOSED
MATRIMONIAL PROPERTY PLAN FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[Plaintiff's Name] (ID No.) *Plaintiff*

FIRST SCHEDULE — *continued*

And

[*Defendant's Name*] (ID No.) *Defendant*DEFENDANT'S PROPOSED MATRIMONIAL PROPERTY PLAN
(FOR HOUSING AND DEVELOPMENT BOARD FLATS ONLY)

1. I, the Defendant, disagree with the proposed arrangements set out in the Plaintiff's Proposed Matrimonial Property Plan (For Housing Development Board flats Only).
2. The relevant CPF statements and additional CPF information (if applicable) dated [*to state date*] are annexed to this plan as Annex [*to state number*].
3. **(For Defendants who are above the age of 55 years)* I am above the age of 55 years and the amount required to be refunded into my CPF account in the event of a sale of the flat/transfer in ownership of the flat is:
4. My proposal in relation to the matrimonial property is as follows*:

(Choose one or more of the following options. If more than one option is chosen, state the order of preference in brackets beside the option.)

- (i) Option 1: The Flat will be surrendered to the HDB.
- (ii) Option 2: The Agreement for Lease with the HDB will be terminated.
- (iii) Option 3: The Flat will be sold in the open market.
- (iv) Option 4: The Plaintiff's share in the Flat will be sold/transferred* to:
 - (A) The Defendant
 - (B) The Defendant and [*state name and relationship with the Defendant*]
 - (C) [*state name and relationship with the Plaintiff/the Defendant*]
- (v) Option 5: The Defendant's share in the Flat will be sold/transferred* to:
 - (A) The Plaintiff
 - (B) The Plaintiff and [*state name and relationship with the Plaintiff*]

FIRST SCHEDULE — *continued*(C) [*state name and relationship with the Defendant/the Plaintiff*]

(vi) Option 6: Others (please state brief details)

Particulars of my proposal (for each option selected) are attached as Annex [*to state number*].[*To fill in Option 1, 2, 3, 4, 5 or 6 as set out in Form 32, and to attach only the relevant pages to this form.*]

Signature (Defendant):

Name:

ID No.:

Date:

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 27

Rule 23(2) and (3)

(NOTICE OF DISCONTINUANCE FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

NOTICE OF DISCONTINUANCE

Take Notice that the Plaintiff wholly discontinues this action.

Dated this day of 20 .

*Solicitor for the Plaintiff/Name of Plaintiff (if unrepresented)**Name and address of Law Firm/Address of Plaintiff**The Defendant*/Co-Defendant*/Other Party [to specify]* hereby consents to the discontinuance of this action.*

FIRST SCHEDULE — *continued*

Solicitor for the Defendant/Co-Defendant*/Other Party [to specify]**

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 28

Rule 45(1)

(REQUEST FOR SETTING DOWN FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

REQUEST FOR SETTING DOWN ACTION FOR TRIAL

1. Request for Setting Down

- (a) I request that the Plaintiff/Defendant* be at liberty to set down this action for trial.
- (b) The duration of the trial is estimated to be [*to state number of days*], and the matter will be contested/uncontested*.

2. Mediation/Counselling Statement**

- (a) I have informed my client about*/I, the Plaintiff/Defendant*, am aware of* the options of mediation and counselling services at the court.
- (b) Parties do not have any child*/have children* who are ____ years old.
- (c) The Plaintiff and/or Defendant have:
 - (i) *been notified to attend/are attending counselling/mediation at Child Focused Resolution Centre (the CFRC);
 - (ii) *not been notified to attend counselling/mediation at the CFRC and are persons prescribed under section 50(3A) of the Women's Charter as persons who are required to attend mediation/counselling;

FIRST SCHEDULE — *continued*

- (iii) *completed counselling/mediation at the CFRC or are not required to attend counselling/mediation at the CFRC*.

3. Particulars of Bankruptcy (if applicable)

[*State if either the Plaintiff or the Defendant is a bankrupt and if so, furnish details concerning the bankruptcy proceedings and whether the Official Assignee has been notified of the proceedings.*]

- (a) The Plaintiff* and/or Defendant* is a bankrupt.
- (b) Date of bankruptcy order and bankruptcy number [*please specify*].
- (c) The Official Assignee has been notified of these proceedings in writing on [*to state date*].
- (d) The Official Assignee has given his sanction to the Plaintiff/Defendant* to commence/file a counterclaim/continue the claim(s)* in this action. A copy of the document bearing the sanction of the Official Assignee is exhibited in the affidavit of evidence in chief/has been exhibited in [*state the document where the sanction had been exhibited*] dated [*state the date of the document*].

Signature:

Name of Party/Party's Solicitor*:

Party Type (i.e. Plaintiff or Defendant):

Date:

*Delete where inapplicable.

**If there are any outstanding issues between the parties as at the date of the filing of this Request for Setting Down Action for Trial, this section must be completed by the party filing this Request for Setting Down Action for Trial.

[S 194/2014 wef 21/03/2014]

FORM 29

Rule 58(1)

(INTERIM JUDGMENT FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

FIRST SCHEDULE — *continued*

[*Defendant's Name*] (ID No.) *Defendant*

INTERIM JUDGMENT

1. Particulars of Marriage to which this Interim Judgment Relates (the Marriage)

(a) Date and place of solemnization of marriage:

(b) Date and place of registration of marriage:

2. Interim Judgment Granted in Open Court/Chambers*

(a) Parties present: [*Choose one or more of the following*]

(i) Plaintiff*

(ii) Plaintiff's Counsel*

(iii) Defendant*

(iv) Defendant's Counsel*

(v) Other Party [*to specify*]*

(b) Pronouncement by the Judge:

(i) *That the Plaintiff has sufficiently proven the contents of the Statement of Claim;

*That the Defendant has sufficiently proven the contents of the Counterclaim;

*That the Plaintiff has sufficiently proven the contents of the Statement of Claim and that the Defendant has sufficiently proven the contents of the Counterclaim; and

(ii) that the Marriage is dissolved/is declared void* by reason that*:

[*To set out ground of divorce in the Statement of Claim/Counterclaim/Statement of Claim and Counterclaim* respectively*]

OR

That the Defendant be presumed dead and that the Marriage is dissolved* unless sufficient cause be shown to the court within [*to set out the number of weeks/months*] from the date of this Judgment why the said Judgment should not be made Final.

3. Further Orders Made (if applicable) (By Consent*)

FIRST SCHEDULE — *continued*

[To set out any further orders which were made at the hearing of the Interim Judgment, including consent orders on ancillary matters]

[Insert Form 81 in Appendix A of the Rules of Court (Cap. 322, R 5), if necessary.]

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 30

Rule 58(1)

(JUDGMENT OF JUDICIAL SEPARATION FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[Plaintiff's Name] (ID No.) *Plaintiff*

And

[Defendant's Name] (ID No.) *Defendant*

JUDGMENT OF JUDICIAL SEPARATION

1. Particulars of Marriage to which this Judgment of Judicial Separation relates (the Marriage)
 - (a) Date and place of solemnization of marriage:
 - (b) Date and place of registration of marriage:
2. Judgment of Judicial Separation Granted in Open Court/Chambers*
 - (a) Parties present: *[Choose one or more of the following]*
 - (i) Plaintiff*
 - (ii) Plaintiff's Counsel*
 - (iii) Defendant*
 - (iv) Defendant's Counsel*
 - (v) Other Party *[to specify]**
 - (b) Pronouncement by the Judge:

FIRST SCHEDULE — *continued*

(i) *That the Plaintiff has sufficiently proven the contents of the Statement of Claim;

*That the Defendant has sufficiently proven the contents of the Counterclaim;

*That the Plaintiff has sufficiently proven the contents of the Statement of Claim and that the Defendant has sufficiently proven the contents of the Counterclaim; and

(ii) that a Judgment of Judicial Separation be granted by reason that:

[To set out ground(s) of judicial separation in the Statement of Claim/Counterclaim/Statement of Claim and Counterclaim respectively]*

3. Further Orders Made (if applicable) (By Consent*)

[To set out any further orders which were made at the hearing of the Judgment of Judicial Separation, including consent orders on ancillary matters]

[Insert Form 81 in Appendix A of the Rules of Court (Cap. 322, R 5), if necessary.]

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 31

Rule 58(3)

(ORDER OF COURT FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Date of Order:

Made by:

Between

[Plaintiff’s Name] (ID No.) *Plaintiff*

And

[Defendant’s Name] (ID No.) *Defendant*

ORDER OF COURT

FIRST SCHEDULE — *continued*

1. Nature of Hearing (in Open Court/Chambers*)

Ancillary Matters*/Summons* No./Nos.: [*to state number*]

2. Parties Present at the Hearing

[*Choose one or more of the following*]

- (a) Plaintiff*
- (b) Plaintiff's Counsel*
- (c) Defendant*
- (d) Defendant's Counsel*
- (e) Other Party [*to specify*]*

3. Orders Made (By Consent*)

[*Insert Form 81 in Appendix A of the Rules of Court (Cap. 322, R 5), if necessary.*]

*Delete where inapplicable.

[S 194/2014 wef 21/03/2014]

FORM 32

Rule 59(7)

(CERTIFICATE OF FINAL JUDGMENT FORM)

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

CERTIFICATE OF FINAL JUDGMENT (NULLITY/DIVORCE/
PRESUMPTION OF DEATH AND DIVORCE*)

As no sufficient cause has been shown to the court within [*to state number of months*] months from the Interim Judgment granted on [*to state date of Interim Judgment*], why the said Interim Judgment should not be made final, it is certified that:

FIRST SCHEDULE — *continued*

[*choose one of the following*]

Nullity

1. The marriage solemnized on [*to state date of marriage*] at [*to state place of solemnization of marriage*] between [*to state the Plaintiff's name and ID Number*], and [*to state the Defendant's name and ID Number*] is void in law and the Plaintiff/Defendant* was and is free from all bond of marriage with the Defendant/Plaintiff*.

OR

Divorce

The marriage solemnized on [*to state date of marriage*] at [*to state place of solemnization of marriage*] between [*to state the Plaintiff's name and ID Number*], and [*to state the Defendant's name and ID Number*] is dissolved.

OR

Presumption of Death and Divorce

The Defendant is presumed dead and the marriage solemnized on [*to state date of marriage*] at [*to state place of solemnization of marriage*] between [*to state the Plaintiff's name and ID Number*], and [*to state the Defendant's name and ID Number*] is dissolved.

2. The Interim Judgment granted on [*to state date of Interim Judgment*] is made final on this date.

Signed: [signature of Registrar]

Registrar: [name of Registrar]

Date: [date of order]

[S 194/2014 wef 21/03/2014]

[S 676/2013 wef 02/12/2013]

SECOND SCHEDULE

Rule 65

FEEES IN MATRIMONIAL PROCEEDINGS

<i>No.</i>	<i>Items</i>	<i>Fees</i>	<i>Document to be stamped</i>
1.	Filing Form 3 (Writ Form) or originating summons	\$42	The filed copy

SECOND SCHEDULE — *continued*

2.	Form 9 (Agreed Parenting Plan Form), Form 10 (Plaintiff's Proposed Parenting Plan Form) or Form 24 (Defendant's Proposed Parenting Plan Form)	\$7	The filed copy
3.	Form 11 (Agreed Matrimonial Property Plan Form), Form 12 (Plaintiff's Proposed Matrimonial Property Plan Form) or Form 26 (Defendant's Proposed Matrimonial Property Plan Form), each with Form 13 (Particulars of Housing Arrangement Form) attached	\$7	The filed copy
4.	Form 2 (Notice of Section 94 Originating Summons Form) or Form 16 (Notice of Proceedings (Other Party) Form)	\$7	The filed copy
5.	Form 14 (Acknowledgment of Service (Defendant) Form) or Form 17 (Acknowledgment of Service (Other Party) Form)	\$7	The filed copy
6.	Form 15 (Memorandum of Appearance (Defendant) Form) or Form 18 (Memorandum of Appearance (Other Party) Form)	\$7	The filed copy
7.	Form 6 (Statement of Claim (Divorce/Judicial Separation) Form), Form 7 (Statement of Claim (Rescission of Judgment of Judicial Separation) Form), Form 8 (Statement of Particulars Form), Form 21 (Defence and/or Counterclaim Form) or Form 22 (Other Pleading Form)	\$7	The filed copy
8.	Filing an amended pleading or document	\$ 7	The filed copy
9.	Filing interrogatories (each set)	\$ 7	The filed copy
10.	On sealing any form of application	\$14	The filed copy
11.	On entering or sealing any judgment or order whether made in Chambers or in Court	\$35	Judgment or order
12.	Form 28 (Request for Setting Down Form)	\$63	Request

SECOND SCHEDULE — *continued*

13.	On every —		Request
	(a) subpoena	\$ 7	
	(b) urgent subpoena	\$14	
	<i>Note: An urgent subpoena is one issued less than 3 days before the trial</i>		
14.	Form 32 (Certificate of Final Judgment Form)	\$14	Certificate
15.	On taking or re-taking an affidavit or a declaration in lieu of an affidavit, or a declaration or an acknowledgment for each person making the same	\$14	Affidavit or Declaration
	And in addition for each exhibit referred to therein and required to be marked	\$3.50	
16.	On filing an affidavit, for every page or part thereof including exhibit annexed thereto or produced therewith (whether filed or not) subject to a minimum fee of \$7 per affidavit	\$0.70	The filed copy
17.	On filing any other document for which no fee is specifically provided	\$7	The filed copy.

[S 676/2013 wef 02/12/2013]

LEGISLATIVE HISTORY
WOMEN'S CHARTER (MATRIMONIAL PROCEEDINGS)
RULES
(CHAPTER 353, R 4)

This Legislative History is provided for the convenience of users of the Women's Charter (Matrimonial Proceedings) Rules. It is not part of this Charter.

1. G. N. No. S 232/1981 — Women's Charter (Matrimonial Proceedings) Rules 1981

Date of commencement : 10 July 1981

2. 1990 Revised Edition — Women's Charter (Matrimonial Proceedings) Rules

Date of operation : 25 March 1992

3. 1999 Revised Edition — Women's Charter (Matrimonial Proceedings) Rules

Date of operation : 15 June 1998

4. G. N. No. S 167/2003 — Women's Charter (Matrimonial Proceedings) Rules 2003

Date of commencement : 14 April 2003

5. 2004 Revised Edition — Women's Charter (Matrimonial Proceedings) Rules

Date of operation : 29 February 2004

6. G. N. No. S 845/2005 — Women's Charter (Matrimonial Proceedings) Rules 2005

Date of commencement : 1 April 2006

7. 2006 Revised Edition — Women's Charter (Matrimonial Proceedings) Rules

Date of operation : 5 June 2006

8. G. N. No. S 269/2011 — Women's Charter (Matrimonial Proceedings) (Amendment) Rules 2011

Date of commencement : 1 June 2011

9. G. N. No. S 676/2013 — Women's Charter (Matrimonial Proceedings) (Amendment) Rules 2013

Date of commencement : 2 December 2013

**10. G.N. No. S 194/2014 — Women’s Charter (Matrimonial Proceedings)
(Amendment) Rules 2014**

Date of commencement : 21 March 2014