

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

ePRACTICE DIRECTION NO. 3 OF 2011

**DISCOVERY & INSPECTION IN MAINTENANCE PROCEEDINGS UNDER
PART VIII OF THE WOMEN'S CHARTER; AND FINANCIAL RELIEF
CONSEQUENTIAL ON FOREIGN MATRIMONIAL PROCEEDINGS**

**(I) DISCOVERY & INSPECTION IN MAINTENANCE PROCEEDINGS
UNDER PART VIII OF THE WOMEN'S CHARTER**

1. With effect from 1 June 2011, the Women's Charter (Matrimonial Proceedings) Rules are amended to provide for discovery and inspection in maintenance proceedings under Part VIII of the Women's Charter.

2. The Court has the power to order discovery of specified documents in maintenance proceedings without an application. A party may apply to the Court for an order of discovery for additional documents. Form 31A has been inserted to provide a new form that parties shall submit to the Court as their application for discovery.

**(II) FINANCIAL RELIEF CONSEQUENTIAL ON FOREIGN
MATRIMONIAL PROCEEDINGS**

3. The Women's Charter (Amendment) Act 2011 provides for a new Chapter 4A in Part X of the Women's Charter to allow parties to apply for financial relief consequential on foreign matrimonial proceedings.

4. A party who wishes to apply for financial relief consequential on foreign matrimonial proceedings must first obtain leave of the Court under section 121D of the Women's Charter before the party can proceed to file the application under section 121B of the Women's Charter. The applications for leave are governed by a new Rule 4A of the Women's Charter (Matrimonial Proceedings) Rules.

5. The following forms have been inserted for the purposes herein:-

- (i) Form 35B provides the form for the originating summons for leave under section 121D of the Women's Charter to file an application for financial relief under section 121B of the Women's Charter.
- (ii) Form 35C provides the form for the plaintiff's affidavit in support of the originating summons for leave under section 121D of the Women's Charter to file an application for financial relief under section 121B of the Women's Charter.
- (iii) Form 35D provides the form for the plaintiff's affidavit in support of the originating summons for financial relief under section 121B of the Women's Charter.

6. This Practice Direction will take effect on 1 June 2011.

7. A complete and updated version of *The Subordinate Courts Practice Directions (2006 Ed.)* may be downloaded in .PDF Adobe Acrobat format at the "Legislation and Directions" section of the Subordinate Courts website at <http://www.subcourts.gov.sg>.

8. For manual and loose-leaf updating, the specific new and amended paragraphs and the directions for amendments may also be downloaded at the "Legislation and Directions" section of the Subordinate Courts website at <http://www.subcourts.gov.sg>.

Dated this 31st day of May 2011.



HOO SHEAU PENG
REGISTRAR
SUBORDINATE COURTS

Directions for Amendments

- (1) The existing Part X to be removed and the new amended Part X substituted therefor.
- (2) The existing Table of Contents from the page containing Appendix A to be removed and the new amended pages of the Table of Contents substituted therefor.
- (3) The new paragraph 100A should be inserted immediately after the existing paragraph 100.
- (4) The new paragraph 101A should be inserted immediately after the existing paragraph 101.
- (5) The existing Appendix A to be removed and the new amended Appendix A substituted therefor.
- (6) The new Form 31A should be inserted immediately after the existing Form 31 of Appendix B.
- (7) The new Forms 35B, 35C and 35D should be inserted immediately after the existing Form 35A in Appendix B.

PART X

PROCEEDINGS IN THE FAMILY COURT: DIVORCE, MATRIMONIAL CAUSES, GUARDIANSHIP OF INFANTS, ADOPTION AND PROCEEDINGS PURSUANT TO SECTION 17A(2) OF THE SUPREME COURT OF JUDICATURE ACT

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84. Particulars of Statement of Claim
- 84A. Amendment of documents originally filed in Court by entering relevant information in an electronic template
85. Appeals
86. Agreed Parenting Plan and Proposed Parenting Plan
87. Agreed Matrimonial Property Plan and Proposed Matrimonial Property Plan
88. Status conferences for matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition)
89. Pre-trial conferences for matrimonial proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition)
90. Mediation
91. Counselling
92. Affidavit of Evidence in Chief for Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353)
- Error! Reference source not found.**
- Error! Reference source not found.93. Arrangements for the welfare of children
94. Examination of children
95. Draft Consent Orders
96. Documents required for the extraction of Certificate of Making Decree Nisi Absolute and Decree Nisi for matrimonial proceedings filed before 15 December 2003
97. Order of Court for Substituted Service or Dispensation of Service for Originating Processes under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) filed before 15 December 2003
98. Applications made at the Family Court pursuant to an order of court empowering the Registrar or Deputy Registrar of the Subordinate Courts to sign documents on behalf of a party to matrimonial proceedings
99. Mareva injunctions and search orders

100. Discovery, inspection and interrogatories in respect of ancillary relief
- 100A. Discovery and inspection in respect of maintenance proceedings under Part VIII of Women's Charter (CAP. 353, 2009 Revised Edition)
101. Affidavit of Assets and Means
- 101A. Forms of Documents to be filed for proceedings under Chapter 4A of Part X of the Women's Charter (CAP. 353, 2009 Revised Edition)
102. Applications under the Guardianship of Infants' Act (Cap. 122, 1985 Revised Edition)
103. Adoption
104. Request for urgent hearing dates or urgent hearings prior to the filing of the application through the Electronic Filing Service
105. Correspondence and request for re-fixing of hearing dates
106. Transfer of Section 17A(2) Supreme Court of Judicature Act Proceedings to the Family Court
107. Documents to be filed at the sub-registry at the Family and Juvenile Court for section 17A(2) proceedings
108. Documents to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building for section 17A(2) proceedings
109. Appeals for section 17A(2) proceedings
110. Agreed Matrimonial Property Plan and Proposed Matrimonial Property Plan for section 17A(2) proceedings
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INJUNCTION PROHIBITING DISPOSAL OF ASSETS IN SINGAPORE

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PLAINTIFF/APPLICANT'S AFFIDAVIT FOR PROCEEDINGS UNDER SECTION 8 OF THE INTERNATIONAL CHILD ABDUCTION ACT 2010

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PLAINTIFF/APPLICANT'S AFFIDAVIT FOR PROCEEDINGS UNDER SECTION 14 OF THE INTERNATIONAL CHILD ABDUCTION ACT 2010

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Sample A

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Sample B

SAMPLE BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS

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SAMPLE BILL OF COSTS FOR NON-CONTENTIOUS BUSINESS

APPENDIX I

[DELETED]

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GUIDELINES FOR PARTIES USING EARLY EXPERT PRE-TRIAL CONFERENCE

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SAMPLE DECLARATION OF THE VALUE OF MATRIMONIAL ASSETS

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SAMPLE STATEMENT OF CLAIM FOR FIXED SUM CLAIMS OF \$20,000 OR BELOW UNDER THE EXPEDITED WRIT TRACK

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REASONABLY USABLE FORMATS

100A. Discovery and inspection in respect of maintenance proceedings under Part VIII of Women's Charter (Cap. 353, 2009 Revised Edition)

(1) The list of documents to be provided by each of the parties under rule 2A(1) of the Women's Charter (Matrimonial Proceedings) Rules is as follows:

(a) For applications for a maintenance order under section 69 or for the rescission or variation of a maintenance order under section 72 of the Women's Charter:

- i. party's list of monthly expenses for himself or herself;
- ii. party's list of monthly expenses for the parties' children;
- iii. documents and receipts to prove the monthly expenses;
- iv. documents to prove their respective debts;
- v. party's payslips and CPF statements for the last 6 months;
- vi. party's evidence of employment (eg. employer's letter or employment contract);
- vii. party's Notice of Assessment of Income for the past 3 years;
- viii. party's updated bank passbooks and/or updated bank statements (including sole and joint accounts); and
- ix. party's bank deposit slips to show payment/non-payment of maintenance.

(b) For applications to enforce a maintenance order under section 71 of the Women's Charter:

- i. computation of arrears;
- ii. party's updated bank passbooks and/or updated bank statements (especially for the period when the maintenance was not paid);

- iii. respondent's list of monthly expenses for himself or herself;
- iv. respondent's list of monthly expenses for the parties' children;
- v. parties' documents and receipts to prove the monthly expenses;
- vi. parties' documents to prove their respective debts;
- vii. respondent's payslips and CPF statements for the last 6 months;
- viii. respondent's evidence of employment (e.g. employer's letter or employment contract); and
- ix. respondent's Notice of Assessment of Income for the past 3 years.

(2) An application for discovery under rule 2A(2) of the Women's Charter (Matrimonial Proceedings) Rules shall be in Form 31A of Appendix B.

101A. Forms of documents to be filed for proceedings under Chapter 4A of Part X of the Women's Charter (Cap. 353, 2009 Revised Edition)

- (1) An originating summons for leave under section 121D of the Women's Charter (Cap. 353, 2009 Revised Edition) ("Women's Charter") and rule 4A of the Women's Charter (Matrimonial Proceedings) Rules ("Matrimonial Proceedings Rules") to file an application for financial relief under section 121B of the Women's Charter shall be in Form 35B of Appendix B.
- (2) The plaintiff's affidavit in support of the originating summons for leave under section 121D of the Women's Charter and rule 4A of the Matrimonial Proceedings Rules to file an application for financial relief under section 121B of the Women's Charter shall be in Form 35C of Appendix B.
- (3) The plaintiff's affidavit in support of the originating summons for financial relief under section 121B of the Women's Charter shall be in Form 35D of Appendix B.

APPENDIX A

PRACTICE DIRECTIONS ISSUED TO AMEND THE SUBORDINATE COURTS PRACTICE DIRECTIONS (2006 ED.)

As at 26 May 2011

The following Practice Directions are issued to amend The Subordinate Courts Practice Directions (2006 Ed.):

1. ePD 1 of 2006 Change to Mode of Commencement of Matrimonial Proceedings
2. ePD 2 of 2006 Amendment of Originating Processes, Pleadings and Documents
3. ePD3 of 2006 (1) Amendments to the Rules of Court
(2) Pre-action Protocol for Medical Negligence Claims
4. ePD1 of 2007 Interest on Judgments, Costs and under Order 30, Rule 6(2)
5. ePD2 of 2007 Request for Digital Audio Recording and Transcription Service
6. ePD3 of 2007 Service, Adjournment/Vacation, Attendance before Duty Registrar & Affidavits for Ancillary Matters Hearing
7. ePD4 of 2007 Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings, and Proceedings Pursuant to Section 17A(2) of the Supreme Court of Judicature Act (Cap. 322) to the District Court

8. ePD1 of 2008 (1) FIDREC Pre-action Protocol for the Management and Resolution of Low-value Non-Injury Motor Accident Claims
(2) Expedited Writ Track
9. ePD2 of 2008 Applications for Grants of Probate or Letters of Administration in respect of Deaths occurring on or after 15 February 2008
10. ePD1 of 2009 Discovery and inspection of electronically stored documents
11. ePD2 of 2009 Removal of requirement to submit the original death certificate and inheritance certificate pursuant to the electronic filing of the originating summons; and removal of reference to the caveat book and substitution of term of reference in accordance with Order 71 rule 5(2A)
12. ePD3 of 2009 Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) where Attendance of Counsel and Parties may be Dispensed With.
13. ePD1 of 2010 Transfer of Mental Capacity Proceedings to the District Court.
14. ePD2 of 2010 (1) Changes to Status Conference & Pre-Trial Conference Processes in Proceedings in the Family Court
(2) Alternative Dispute Resolution (ADR) Form for Summons for Directions Hearing Pursuant to Order 25
15. ePD3 of 2010 (1) Substituted Service
(2) Use of electronic and other devices
16. ePD4 of 2010 Uncontested matrimonial proceedings under part X of the Women's Charter (Cap 353, 2009 Revised Edition) where attendance of counsel and parties may be dispensed with
17. ePD5 of 2010 Mental Capacity Proceedings
18. ePD1 of 2011 Transfer of Proceedings under the International Child Abduction Act 2010 to

the District Court

19. ePD2 of 2011 Compliance with Personal Injuries Claims Pre-action Protocol; General Case Management for all Personal Injuries Claims in Court; and Amendments relating to Management of Non-Injury Motor Accident Claims
20. ePD3 of 2011 Discovery & Inspection in Maintenance Proceedings; and Applications for Leave under Section 121D of the Women's Charter (CAP 353, 2009 Revised Edition)

* Please delete accordingly.

Form 35B

**ORIGINATING SUMMONS FOR LEAVE UNDER SECTION 121D OF THE
WOMEN'S CHARTER**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)

In the Matter of Section 121D of the Women's
Charter (Chapter 353)

Between

(ID No.:) ... Plaintiff

And

(ID No.:) ... Defendant

ORIGINATING SUMMONS

To : The Defendant(s)
 [*Name*]
 of [*Address*]

The Plaintiff applies for the following orders :

1. That leave be granted to the Plaintiff to file an application for financial relief against the Defendant under Section 121B of the Women's Charter;
2. Any such further or other order as this Honourable Court deems fit;
3. Costs.

FORM 35C

**PLAINTIFF'S AFFIDAVIT FOR LEAVE UNDER SECTION 121D OF THE
WOMEN'S CHARTER (CHAPTER 353)**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)

In the Matter of Section 121D of the Women's
Charter (Chapter 353)

Between

(ID No.:) ... Plaintiff

And

(ID No.:) ... Defendant

AFFIDAVIT

I, (Name of deponent), of (address of deponent), do make oath (or affirm)* and say as follows:

1. I am the Plaintiff and I make this affidavit in support of my application for leave to file an application for financial relief under Section 121B of the Women's Charter.

Parties' particulars (including details of marriage)

2. (Please provide parties' particulars and details of their marriage, including date and place of marriage).

Particulars relating to divorce, annulment or judicial separation

3. (Please provide particulars relating to the divorce, annulment or judicial separation and evidence that the divorce, annulment or judicial separation is recognised as valid in Singapore under Singapore law).

Particulars of children (if any)

4. (Please provide particulars of children including age, gender, and whether children are schooling or working).

Grounds on which the Court has jurisdiction to hear the application

5. (Please state which of the parties was domiciled in Singapore on the date of this application or which of the parties was domiciled in Singapore on the date the divorce, annulment or judicial separation was granted in the foreign country. Alternatively, which of the parties was habitually resident in Singapore for a continuous period of 1 year immediately preceding the date of filing this application or was resident in Singapore for a continuous period of 1 year immediately preceding the date on which the foreign divorce, annulment or judicial separation was granted.)

Foreign orders made and financial relief received by plaintiff and children

6. (Please state if there are any orders or agreements relating to financial relief made in relation to the foreign divorce, annulment or judicial separation and the details of the orders or agreements).
7. (Please state the extent to which the order or agreement has been complied with by the defendant).
8. (Please state if the plaintiff or a child of the marriage has received or is likely to receive any financial benefit in consequence of the divorce, annulment or judicial separation, by virtue of any agreement or the operation of the law of a foreign country and the details of the financial benefit)

Financial relief which had not been dealt with by the foreign order

9. (Please state if there are any rights of the plaintiff which has been omitted in the foreign order and the reason for the omission.)
10. (Please state the availability in Singapore of any matrimonial asset in respect of which an order under section 121G of the Women's Charter in favour of the applicant could be made).

FORM 35D

**PLAINTIFF'S AFFIDAVIT FOR APPLICATION UNDER SECTION 121B OF
THE WOMEN'S CHARTER (CHAPTER 353)**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)

In the Matter of Section 121B of the Women's
Charter (Chapter 353)

Between

(ID No.:) ... Plaintiff

And

(ID No.:) ... Defendant

AFFIDAVIT

I, [Name of deponent], of [address of deponent], do make oath (or affirm)* and say as follows:

1. I am the Plaintiff and I make this affidavit in support of my application.

Parties' particulars (including details of marriage)

2. (Please provide parties' particulars and details of their marriage (including date and place of marriage)).

Particulars relating to divorce, annulment or judicial separation

3. (Please provide particulars relating to the divorce, annulment or judicial separation).

Particulars of children (if any)

4. (Please provide particulars of children including age, sex, whether children are schooling or working).

Connection to Singapore

5. (Please state connection which the parties to the marriage have with Singapore).

Connection with country in which marriage was dissolved or annulled or in which judicial separation was obtained

6. (Please state the connection between parties and the country in which the marriage was dissolved or annulled or judicial separation was obtained).

Connection that parties have with any other foreign country

7. (Please state the parties' connection with any other foreign country).

Foreign orders made and financial relief received by plaintiff and children

8. (Please state if there are any orders or agreements relating to financial relief made in relation to the foreign divorce, annulment or judicial separation and the details of the orders or agreements).
9. (Please state the extent to which the order or agreement has been complied with by the defendant).
10. (Please state if the applicant or a child of the marriage has received or is likely to receive any financial benefit in consequence of the divorce, annulment or judicial separation, by virtue of any agreement or the operation of the law of a foreign country and the details of the financial benefit)

Financial relief which had not been dealt with by the foreign order

11. (Please state if there are any rights of the plaintiff which has been omitted in the foreign order.)
12. (Please state the availability in Singapore of any matrimonial asset in respect of which an order under section 121G in favour of the applicant could be made).

Extent to which any order under Section 121G is likely to be enforceable

13. (Please state the extent to which any order under Section 121G is likely to be enforceable).

Length of time elapsed

14. (Please state the length of time which has elapsed since the date of the foreign divorce, annulment or judicial separation and the reason for the time taken for this application).

Grounds for application

15. (Please state the grounds for application).

Attachments

16. I also attach herewith the following documents in support of my application:-

- a. a copy of the foreign decree of divorce or annulment of marriage or judicial separation;
- b. any relevant decision or 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 of the parties or to a child of the marriage; and
- c. any relevant agreement relating to financial relief between the parties.

17. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED) by the)
Plaintiff at)
on the day of)
20)

Through the interpretation of (name and)
designation of person who interpreted) in)
(language of interpretation)*)

Before me,

A Commissioner for Oaths

**Delete where inapplicable*