

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTIONS

AMENDMENT NO. 4 OF 2016

1. It is hereby notified for general information that, with effect from 1 December 2016, the Family Justice Courts Practice Directions will be amended as follows:-

(a) the following new paragraph 161A will be inserted after paragraph 161:

Paragraph 161A

(b) the existing Form 21 will be deleted and replaced with the following forms:

Form 21

(c) the following new Form 266A will be inserted after Form 266:

Form 266A

(d) the following Appendix D will be inserted after Appendix C:

Appendix D

2. The new paragraph, form and appendix in 1(a), (c) and (d) are to set out the procedure and fees for applications to use the Technology Courts and Mobile Infocomm Technology Facilities in the Supreme Court building.

3. The amendments in 1(b) are for the Defendant to declare, when filing a Counterclaim, that he has satisfied the requirements under the new rule 56(4) of the Family Justice Rules.

Dated this 28th day of November 2016


CHIA WEE KIAT

REGISTRAR

FAMILY JUSTICE COURTS

161A. Technology Facilities in Supreme Court Building

Use of the Technology Courts and the Mobile Infocomm Technology Facilities

- (1) This Paragraph shall apply only in respect of proceedings in the Family Division of the High Court conducted at the Supreme Court building.
- (2) The Technology Courts and the Mobile Infocomm Technology Facilities (“MIT facilities”) may, at the discretion of the Registrar and subject to the payment of the appropriate fees, be used:
 - (a) for the hearing of any matter, whether before a Judge or Registrar, in open Court or in Chambers; or
 - (b) for any other dispute resolution process.
- (3) The Registrar may refuse any request for the use of any of the services described in this Part at any time owing to the unavailability of staff or equipment or for any other reason. The Registrar need not give any reasons for the refusal of such a request.

Applications to use the Technology Courts

- (4) A request to use a Technology Court for the hearing of any matter before a Judge or Registrar must be made by filing a Request through the Electronic Filing Service at least 14 working days before the hearing at which the Technology Court is to be used and Form 266A of Appendix A of these Practice Directions in Portable Document Format (PDF) must be annexed to the Request electronic form.
- (5) An application to use a Technology Court for any other dispute resolution process must be made by submitting Form 266A of Appendix A of these Practice Directions to the Registrar through the relevant person-in-charge at the organisation at which the dispute resolution process is carried out at least 14 working days before the dispute resolution proceedings at which it is to be used.
- (6) The attention of solicitors is drawn to section 62A of the Evidence Act (Cap. 97), which provides:

Evidence through live video or live television links

62A. —(1) Notwithstanding any other provision of this Act, a person may, with leave of the Court, give evidence through a live video or live television link in any proceedings, other than proceedings in a criminal matter, if —

- (a) the witness is below the age of 16 years;

- (b) it is expressly agreed between the parties to the proceedings that evidence may be so given;
- (c) the witness is outside Singapore; or
- (d) the Court is satisfied that it is expedient in the interests of justice to do so.

(2) In considering whether to grant leave for a witness outside Singapore to give evidence by live video or live television link under this section, the Court shall have regard to all the circumstances of the case including the following:

- (a) the reasons for the witness being unable to give evidence in Singapore;
- (b) the administrative and technical facilities and arrangements made at the place where the witness is to give his evidence; and
- (c) whether any party to the proceedings would be unfairly prejudiced.

(3) The Court may, in granting leave under subsection (1), make an order on all or any of the following matters:

- (a) the persons who may be present at the place where the witness is giving evidence;
- (b) that a person be excluded from the place while the witness is giving evidence;
- (c) the persons in the Courtroom who must be able to be heard, or seen and heard, by the witness and by the persons with the witness;
- (d) the persons in the Courtroom who must not be able to be heard, or seen and heard, by the witness and by the persons with the witness;
- (e) the persons in the Courtroom who must be able to see and hear the witness and the persons with the witness;
- (f) the stages in the proceedings during which a specified part of the order is to have effect;
- (g) the method of operation of the live video or live television link system including compliance with such minimum technical standards as may be determined by the Chief Justice; and
- (h) any other order the Court considers necessary in the interests of justice.

(4) The Court may revoke, suspend or vary an order made under this section if:-

- (a) the live video or live television link system stops working and it would cause unreasonable delay to wait until a working system becomes available;
- (b) it is necessary for the Court to do so to comply with its duty to ensure that the proceedings are conducted fairly to the parties thereto;
- (c) it is necessary for the Court to do so, so that the witness can identify a person or a thing or so that the witness can participate in or view a demonstration or an experiment;
- (d) it is necessary for the Court to do so because part of the proceedings is being heard outside a Courtroom; or
- (e) there has been a material change in the circumstances after the Court has made an order.

(5) The Court shall not make an order under this section, or include a particular provision in such an order, if to do so would be inconsistent with the Court's duty to ensure that the proceedings are conducted fairly to the parties to the proceedings.

(6) An order made under this section shall not cease to have effect merely because the person in respect of whom it was made attains the age of 16 years before the proceedings in which it was made are finally determined.

(7) Evidence given by a witness, whether in Singapore or elsewhere, through a live video or live television link by virtue of this section shall be deemed for the purposes of sections 193, 194, 195, 196, 205 and 209 of the Penal Code (Cap. 224) as having been given in the proceedings in which it is given.

(8) Where a witness gives evidence in accordance with this section, he shall, for the purposes of this Act, be deemed to be giving evidence in the presence of the Court.

(9) The Rules Committee constituted under the Supreme Court of Judicature Act (Cap. 322) and the Family Justice Rules Committee constituted under the Family Justice Act 2014, may make such rules as appear to it to be necessary or expedient for the purpose of giving effect to this section and for prescribing anything which may be prescribed under this section.

(7) Upon the successful booking of a Technology Court for videoconferencing,

- (a) prior arrangements for videoconferencing testing have to be made at least 5 working days before the first day fixed for the hearing, in order to ensure equipment compatibility;
- (b) applicants will be informed of the ISDN number for videoconferencing during the testing session; and

- (c) as a matter of general practice, the remote site will dial in to the Technology Court and it is the responsibility of the party requesting the videoconferencing to coordinate the booking and calling in from the remote site.
- (8) Any person who desires to use audio-visual and computers equipment additional to those provided in the Technology Courts will be asked to provide details of such equipment when applying to use the Courtroom. The applicant must also be prepared to have the equipment available for testing with the audio-visual system of the Technology Courts at least 3 working days before the first day fixed for the hearing. It is the responsibility of the applicant to provide equipment that is compatible with the audio-visual system of the Technology Courts.

Applications to use the Mobile Infocomm Technology Facilities

- (9) A request to use the MIT facilities for the hearing of any matter in open Court or in Chambers before a Judge or Registrar must be made by filing a Request through the Electronic Filing Service at least 14 working days before the hearing at which the MIT facilities are to be used and Form 266A of Appendix A of these Practice Directions in Portable Document Format (PDF) must be annexed to the Request electronic form.
- (10) An application to use the MIT facilities for any other dispute resolution process must be made by submitting Form 266A to the Registrar through the relevant person-in-charge at the organisation at which the dispute resolution process is carried out as soon as practicable, as availability of the resources are on a first-come-first served basis.
- (11) The mobile audio-visual equipment is available for use in both open Court and in Chambers while the mobile videoconferencing equipment is only for use in Chambers.
- (12) Any applicant desiring to use the mobile audio-visual equipment is required to provide details of the type of evidence presenting and media format in the application form. The applicant must also be prepared to have the presentation material or media available for testing with the audio-visual system at least 5 working days before the first day fixed for the hearing. It is the responsibility of the applicant to provide presentation materials or media format that is compatible with the equipment provided by the Court.
- (13) Upon a successful application of the use of the mobile videoconferencing equipment,
 - (a) prior arrangements for videoconferencing testing have to be made at least 5 working days before the first day fixed for the hearing, in order to ensure equipment compatibility;
 - (b) applicants will be informed of the ISDN number for videoconferencing during the testing arrangement; and

- (c) as a matter of general practice, the remote site will dial into the Courtroom or Chamber and it is the responsibility of the party requesting the videoconferencing to coordinate the booking and calling in from the remote site.

Fees

- (14) The fees for the use of the Technology Courts and the MIT facilities are set out in Appendix D of these Practice Directions.
- (15) The Registrar may refund any fee or part thereof paid in respect of any day on which the Technology Court and/or the MIT facilities was not used provided that:
 - (a) such request for refund must be made within 3 months after the last scheduled day of use of the said Technology Court and/or the MIT facilities stated in Form 266A; and
 - (b) the fees payable for the first scheduled day of use of the said Technology Court and/or the MIT facilities stated in Form 266A shall not be refunded if notice of cancellation for any scheduled day of use or part thereof is given less than 14 days before the first scheduled day of use.

FORM 21

R. 56

(DEFENCE AND/OR COUNTERCLAIM FORM)
IN THE FAMILY JUSTICE 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 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:
 - (C) Name of Creditor:
 - (D) Amount of debt claimed:
 - (E) Status of proceedings:

3. Counterclaim*

The Defendant is required to attend a parenting programme by the Ministry of Social and Family Development before filing a Counterclaim.

*The Defendant has participated in a parenting programme and has been issued with a Certificate of Completion by the Ministry of Social and Family Development, before filing the Counterclaim.

A copy of the Certificate of Completion is annexed herein (Annex [*to state number*])

OR

*The Defendant has not participated in a parenting programme but:

- (a) has been issued with a Note of Exclusion by the Ministry of Social and Family Development; or
- (b) has obtained an Order of Court allowing the Defendant to file the Counterclaim pursuant to section 94A(4) of the Women's Charter.

A copy of the Note of Exclusion/Order of Court* is annexed herein (Annex [*to state number*]).

- (1) The Defendant repeats paragraph(s) [*to state the numbers of the relevant paragraphs*] of the Statement of Claim.
- (2) The Defendant is/is not* a bankrupt.
- (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.
- (c) *(For marriages that took place on or after 1 July 2016) The marriage is not valid by virtue of s11A of the Women's Charter.

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 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).
- (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/incapacitated husband*
- (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:

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.

Para 161A

**Application to Use the Technology Courts or
Mobile Infocomm Technology Facilities (MIT facilities)**

Date:

- To: 1. The Registrar
Supreme Court
1 Supreme Court Lane
Singapore 178879
2. The Registrar
Family Justice Courts
3 Havelock Square
Singapore 059725

[In cases involving alternative dispute resolution, to provide the information set out below:

Through: Please specify the relevant person-in-charge at the organisation at which the dispute resolution process is carried out, such as Registrar, Singapore International Arbitration Centre or the Executive Director, Singapore Mediation Centre.]

Part I

Application by : Law Firm Individual

Name of applicant/law firm : _____

Name of lawyer/secretary-in-charge of matter : _____

Address : _____

E-mail address : _____

Telephone and mobile numbers : _____

Case number : _____

Name of Parties : _____

Date(s) of hearing : From _____ to _____

Part II

Application for the use of: Technology Court MIT facilities

In respect of : Court Proceedings Alternative Dispute Resolution

(a) Date(s) and time when use of Technology Court is required:

Dates of scheduled use:

Total No. of days:

Start date and time (1st scheduled day of use):

End date and time (last scheduled day of use):

Facility (Tick box)	
1. Audio-visual equipment (\$50 per day or part thereof)	
(a) Projector Screen (STEWART, Grayhawk)	
(b) Sound system (speakers and Tannoy microphones)	
(c) Visualiser (Wolfvision)	
(d) Multi-format disc player (which allows the playback of DVD-Audio, DVD-Video, DVD-RAM and DVD-R)	
2. Video-Conferencing system (State the country, state and city) (\$1,000 in addition to \$50 for Technology Courts ie, \$1,050 per day or part thereof)	

(b) Date(s) and time when use of MIT facilities are required:

Dates of scheduled use:

Total No. of days:

Start date and time (1st scheduled day of use):

End date and time (last scheduled day of use):

Facility (Tick box)	
1. Interactive Display Board with HD display (MITv2) (\$100 per day or part thereof)	
(a) 65" HD touch-screen display	
(b) Internet access via browser	
(c) Recording of voices and actions (e.g., annotations on image or on google maps)	
(d) Multi-format disc player (which allows the playback of DVD-audio, DVD-video, DVDRAM, DVD-R, CD, CD-R/RW and SVCD media)	
2. Audio visual Cart with projector (MITv1) (\$100 per day or part thereof)	
(a) XGA 2500 ANSI Lumens projector	
(b) Multi-format disc player (which allows the playback of DVD-Audio, DVD-Video, DVDRAM and DVD-R)	
(c) Portable 90 or 100 inch tripod screen	

3. Video conferencing Mobile Cart (MVC) (\$250 per day or part thereof)	
(a) Single 34" Multimedia Display	
(b) Polycom videoconferencing system	
4. Other Audio Visual Equipment*	
(a) Multi-format disc player (which allows the playback of DVD-Audio, DVD-Video, DVD-RAM and DVD-R)	
(b) Portable visualiser (AVerMedia)	
(c) Others (please list)**	

* Available only as add-ons to facilities in (a)1, (a)2, (b)1, (b)2 or (b)3

** Subject to availability of such equipment

We undertake to pay all prescribed fees and to compensate the Supreme Court and the Family Justice Courts for all damage caused to the equipment, furniture or fittings in connection with the hearing.

[The Plaintiff/Defendant or the solicitors for the Plaintiff/Defendant as the case may be]

APPENDIX D

Para 161A

FEES FOR USE OF THE TECHNOLOGY COURTS

AND THE MOBILE INFOCOMM TECHNOLOGY FACILITIES

<i>No.</i>	<i>Items</i>	<i>Fees (S\$)</i>	<i>Point of time at which fee must be paid</i>	<i>Document on which the stamp is to be affixed</i>
1.	For each day or part thereof in respect of a particular hearing or matter in which a Technology Court is used.	50	On filing Form 266A of Appendix A save that the Registrar may allow a refund for the fees paid in respect of days on which the Technology Court was not used.	Form 266A of Appendix A.
2.	For each day or part thereof in respect of a particular hearing or matter in which the videoconferencing equipment installed in a Technology Court is used.	1,000	On filing Form 266A of Appendix A, save that the Registrar may allow a refund for the fees paid in respect of days on which the videoconferencing equipment was not used.	Form 266A of Appendix A.
3.	For each day or part thereof in respect of a particular hearing or matter in which the Mobile Infocomm Technology facilities are used.	100	On filing Form 266A of Appendix A save that the Registrar may allow a refund for the fees paid in respect of days on which the Mobile Infocomm Technology facilities were not used.	Form 266A of Appendix A.
4.	For each day or part thereof in respect of a particular hearing or matter in which the videoconferencing equipment from the Mobile Infocomm Technology facilities are used.	250	On filing Form 266A of Appendix A save that the Registrar may allow a refund for the fees paid in respect of days on which the videoconferencing Equipment was not used.	Form 266A of Appendix A.

- | | | | | |
|----|---|---------------------|---|-----------|
| 5. | Telecommunication charges incurred in using the videoconferencing equipment installed in a Technology Court or on using the Infocomm Technology facilities. | Actual Cost | On receiving a letter from the Registry stating the telephone charges incurred. | Request.* |
| 6. | Charges incurred in using the video printer. | 5 per printed sheet | On receiving a letter from the Registry stating the charges incurred | Request.* |

* Formerly known as “praecipe”.