

**IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE**  
**PRACTICE DIRECTIONS**  
**AMENDMENT NO. 1 OF 2016**

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

- a) the existing paragraph 33 will be deleted and replaced by the following paragraph:

New paragraph 33

- b) the existing paragraph 46 will be deleted and replaced by the following paragraph:

New paragraph 46

- c) the existing paragraph 54 will be deleted and replaced by the following paragraph:

New paragraph 54

- d) the existing paragraph 79 will be deleted and replaced by the following paragraph:

New paragraph 79

- e) the existing paragraph 84 will be deleted and replaced by the following paragraph:

New paragraph 84

- f) the existing paragraph 86 shall be deleted and replaced by the following paragraph:

New paragraph 86

- g) the existing paragraph 109 shall be deleted and replaced by the following paragraph:

New paragraph 109

- h) the existing paragraph 110 shall be deleted and replaced by the following paragraph:

New paragraph 110

- i) the existing Forms 6, 8, 18, 21, 30, 191, 206, 209 and 242 shall be deleted and replaced by the following new forms:

New Form 6

New Form 8

New Form 18

New Form 21

New Form 30

New Form 191

New Form 206

New Form 209

New Form 242

- j) the existing Forms 96 to 98 shall be deleted and replaced with the following new forms:

New Form 96

New Form 97

New Form 98

- k) the existing Form 211 shall be deleted and replaced with the following new form:

New Form 211

- l) the existing Forms 217, 218, 219, 220, 222 and 224 shall be deleted and replaced with the following new forms:

New Form 217

New Form 218

New Form 219

New Form 220

New Form 222

New Form 224

m) the existing Form 229 shall be deleted and replaced with the following new form:

New Form 229

n) the existing Form 239 shall be deleted and replaced with the following new form:

New Form 239

o) the existing Form 240 shall be deleted and replaced with the following new form:

New Form 240

p) the existing Form 243 shall be deleted and replaced with the following new form:

New Form 243

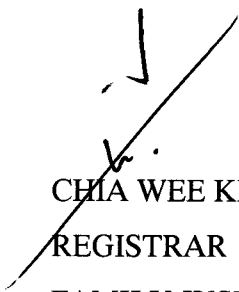
2. The amendments in (a) and (k) set out the fees payable for applications for copies of documents in Court Proceedings.
3. The amendments in (b) explain that the Court may reject documents that are not in compliance with the Family Justice Rules, the Practice Directions or any other directions made by the Court.
4. The amendments in (c) clarify that where there are multiple plaintiffs, applicants or deputies, a single affidavit instead of multiple affidavits should be filed. The following search results are required to be exhibited in the supporting affidavit – (a) Wills Registry search result showing if P has registered a Will,

(b) Office of the Public Guardian search result showing if P has registered a Lasting Power of Attorney, and (c) Office of the Public Guardian search result showing if there is a past Mental Capacity Act or Mental Disorders And Treatment Act Order in respect of P. Any medical report on P should also be based on a recent examination of P and should contain sufficient information to justify the doctor's opinions and conclusions.

5. The amendment in (d) provides for substituted service applications on a company's alternate address, giving effect to the new Section 173 of the Companies Act (Cap. 50) (effective from 3 January 2016) which allows the company's officers to stipulate an alternate address and sets out the conditions of an alternate address.
6. The amendments to (e), (n) and (o) clarify the requirements and undertakings in a Mareva injunction, in line with the practice applicable in the Supreme Court.
7. The amendment in (f) clarifies the types of cases which are to be transferred to be heard in the Family Division of the High Court.
8. The amendments in (g) and (h) set out instructions on the making of references to page numbers of exhibits in an affidavit and the listing out of related documents in a table of contents.
9. The amendments in (i) are due to the new Sections 11A and 69(1A) and amendment to Section 113 of the Women's Charter.
10. The amendments in (j) and (m) are to replace the forms for Offer to Contribute, List of Documents, Affidavit Verifying List of Documents and Plaintiff's Affidavit for Application under Section 121B of the Women's Charter.
11. The amendments in (l) concerning Forms 217, 218, 219, 220, 222 and 224 are to give effect to minor amendments to the forms that serve to clarify their contents.

12. The amendment in (p) amends the contents of a Joint Summary of Relevant Information for Ancillary Matters hearings.

Dated this 29<sup>th</sup> day of June 2016

  
CHIA WEE KIAT  
REGISTRAR  
FAMILY JUSTICE COURTS

### **33. Application for Court Records for Youth Court matters and non-electronically filed cases**

- (1) This paragraph shall apply only in respect of Youth Courts proceedings.
- (2) An application for a copy of any part of the record of any proceedings for a case registered via the Integrated Criminal case filing and Management System (“ICMS”) must be made via the ICMS portal under “Request for Court Records”.
- (3) Applications for all other cases (including cases under Part VII and VIII of the Women’s Charter) must be made in Form 211 in Appendix A to these Practice Directions.
- (4) On approval of an application that has been e-filed via the ICMS, the record of proceedings will be available for online downloading via the ICMS portal or collection depending on the delivery mode chosen.
- (5) Upon approval of an application for all other cases, and for ICMS cases where the mode of collection chosen is at the counter, the requisite number of copies of the record of proceedings applied for shall be made available for collection by the applicant for a period of 21 calendar days from the date specified in the notification given to the applicant by the Youth Courts Registry or Family Justice Courts Registry (as the case may be).
- (6) Where the copy of any record of proceedings applied for is not collected by the applicant within the time given by sub-paragraph (5), the copy of the record of proceedings shall be disposed of and the applicant must make a fresh application if he still requires a copy of the relevant record of proceedings.
- (7) The relevant fee prescribed by the Criminal Procedure Code (Prescribed Fees) Regulations 2013, or the Family Justice Rules (as the case may be) must be paid by the applicant at the time he makes the application.
- (8) The applicant shall be allowed to download or collect the copy of the record of proceedings applied for only if the fees payable therefor, including any balance fee payable, have been fully paid by him.

- (9) Any application for the waiver or remission of any fee payable for a copy of any record of proceedings may be made to the Registrar of the Family Justice Courts and the grant of such an application shall be in the absolute discretion of the Registrar.

## **46. Documents to be filed**

- (1) The originating summons and supporting affidavits for mental capacity proceedings are to be filed in the Family Justice Courts.
- (2) The Court may reject any document filed if there are errors or if the document does not comply with the Family Justice Rules, the Practice Directions, or any other directions made by the Court.



## **54. Applications involving the appointment of deputies**

### **The prayers**

- (1) The originating summons to be filed for the appointment of a deputy or deputies shall be in Form 217 in Appendix A to these Practice Directions.
- (2) It must be stated clearly in the originating summons whether the declaration sought in respect of P's lack of capacity concerns either P's personal welfare or P's property and affairs or both.
- (3) The plaintiff or applicant should ensure that the originating summons, the supporting affidavit and the doctor's affidavit exhibiting the medical report are consistent as to whether P lacks capacity in relation to his personal welfare or his property and affairs or both.
- (4) If there is more than one deputy sought to be appointed, the originating summons must state whether the deputies are to act jointly or jointly and severally.
- (5) The powers sought for the deputies are to be drafted appropriately to suit the purpose of each application.
- (6) Any other specific orders or reliefs that are required on the particular facts of each case are to be included.

### **The supporting affidavit by the plaintiff or applicant and the deputies**

- (7) The affidavit to be filed by the plaintiff or applicant and all proposed deputies in support of the application for the appointment of a deputy or deputies shall be in Form 218 in Appendix A to these Practice Directions.
- (8) In the case of applications for direct payment of P's hospital and/or nursing home charges from P's funds or P's insurance and where no deputy is to be appointed, the affidavit to be filed by the plaintiff or applicant in support of the application shall be in Form 219 in Appendix A to these Practice Directions.
- (8A) If there is more than one plaintiff or applicant or proposed deputy, a single affidavit should be made by all the plaintiffs, applicants or proposed deputies.

The plaintiffs, applicants or proposed deputies should not file separate supporting affidavits.

- (8B) The following search results must be exhibited in the supporting affidavit:
- (a) Office of the Public Guardian search result showing if P has registered a Lasting Power of Attorney;
  - (b) Office of the Public Guardian search result showing if there is a past Mental Capacity Act or Mental Disorders And Treatment Act Order in respect of P; and
  - (c) Wills Registry search result showing if P has registered a Will.

**The doctor's affidavit exhibiting the medical report**

- (9) In order to assist the Court, the medical report shall —
- (a) distinguish clearly between observations or conclusions based on information given to the doctor and those that are based on the doctor's examination of P;
  - (b) contain a clear opinion as to whether P lacks capacity in relation to the matters specified in the application;
  - (c) be current and shall not be made more than 6 months before the date of the application;
  - (d) contain a clear opinion on P's prognosis; and
  - (e) the affidavit and medical report to be filed by P's doctor in support of the application for the appointment of a deputy or deputies shall be in Form 224 in Appendix A to these Practice Directions.
- (9A) The medical report should be based on a recent examination of P by the doctor making the report and it should contain sufficient information to justify the doctor's opinions and conclusions.

**The affidavit by the successor deputy or deputies**

- (10) If the plaintiff or applicant seeks to apply for the appointment of a successor deputy or deputies, the application must also be accompanied by an affidavit of the proposed successor deputy or deputies in Form 220 in Appendix A to these Practice Directions.

## **79. Substituted and Dispensation of Service**

- (1) In any application for substituted service, the applicant should persuade the Court that the proposed mode of substituted service will bring the document in question to the notice of the person to be served.

### **Application for substituted service by way of posting on the front door at the defendant's last known address in Singapore ("the address")**

- (2) The applicant should, where appropriate, consider other modes of substituted service, such as AR registered post or electronic means (including electronic mail or Internet transmission) in addition to or in substitution of substituted service by posting on doors or gates of residential and business premises.
- (3) Two reasonable attempts at personal service should be made before an application for an order for substituted service is filed. In an application for substituted service, the applicant shall file a supporting affidavit stating the dates, times and outcomes of the said attempts and why he or she believes that such attempts made were reasonable.
- (4) If there is no response for both attempts at personal service (i.e. the door was locked and no one came to the door during both attempts), the plaintiff needs to state in the affidavit —
  - (a) the evidence that the defendant is currently residing or can be located at the address (for example, relevant search results from the Inland Revenue Authority of Singapore, the Singapore Land Authority, the Housing & Development Board or the Accounting and Corporate Regulatory Authority); and
  - (b) the grounds for the plaintiff's belief that the defendant is currently residing or can be located at the address, for example, that the plaintiff is also residing at the same address, and sees the defendant every day.

- (5) If the plaintiff is not able to state both of the matters set out in sub-paragraph (4)(a) and (b) above in the affidavit, he or she should make attempts to locate the defendant by contacting the defendant's relatives, friends, and employer(s) (if any), in order to discover the address at which the defendant is currently residing. The affidavit should then include the following matters:
- (a) details of the plaintiff's last contact with the defendant, including the date, the mode of contact (i.e. over the telephone, a letter, or a meeting), and the contents of any communications made, whether written or oral;
  - (b) details of the plaintiff's knowledge of the defendant's relatives and friends, and those person(s)' knowledge of his / her whereabouts ("the defendant's contacts"), including their names, addresses and their relationship to the defendant and whether they live in Singapore or overseas;
  - (c) details of the plaintiff's attempts to contact the defendant's contacts, including the number of such attempts made, the dates and mode of the said attempts (i.e. whether by telephone, letter, or meeting), and the contents of any communications made, whether written or oral;
  - (d) the name and address of the defendant's last known employer (if any), and the result of enquiries the plaintiff has made of that employer as to the defendant's whereabouts, including the date of such enquiries, the mode of the said enquiries (i.e. whether by telephone, letter, or meeting), and the contents of any communications made, whether written or oral;
  - (e) details of the defendant's nationality.
- (6) If the local address at which the defendant is currently residing (not being the matrimonial home) is discovered by the plaintiff pursuant to paragraph (5) above, personal service on the defendant should be attempted at that address in accordance with paragraph (3). Details of the dates, times and outcomes of the personal service are required in the affidavit.
- (7) If the response to the attempt at personal service is that the process server is told that the defendant "is overseas", evidence is required in the affidavit as to what date the defendant will be back in the country.
- (8) If it appears from the response to the attempt at personal service that the defendant is permanently overseas, evidence is required in the affidavit as to

how the documents will come to the defendant's attention by being posted on the front door.

- (9) If the response to the attempt at personal service is that the defendant has "moved away", and the plaintiff is alleging that the defendant is evading service, evidence is required in the affidavit to support the plaintiff's belief that the defendant is evading service.

**Application for substituted service by way of prepaid AR registered post / ordinary post**

- (10) An application for substituted service need not be made where an originating process is sent by prepaid AR registered post to the defendant, and the defendant returns the acknowledgement of service, signed by him, in accordance with rule 48(5) and rule 49(3) of the Family Justice Rules. In such a situation, the originating process would be deemed to be duly served on the defendant by registered post.

- (11) On an application for substituted service by way of prepaid AR registered post / ordinary post, the plaintiff must state the following matters in the affidavit—

- (a) the grounds for the plaintiff's belief that the defendant is currently resident at the particular address in respect of which the plaintiff is applying for substituted service by way of prepaid AR registered post / ordinary post;
- (b) if the application for substituted service by way of prepaid AR registered post / ordinary post is to an overseas address, that the defendant is not ordinarily resident in Singapore;

- (12) For the avoidance of doubt, substituted service by prepaid AR registered post is deemed to be effective when the postal service has delivered the document, or attempted to deliver the document (in cases where no one is present or willing to accept the document).

**Application for substituted service by way of email**

- (13) If substituted service is by electronic mail, it has to be shown that the electronic mail account to which the document will be sent belongs to the person to be served and that it is currently active.

**Application for substituted service by way of advertisement**

- (14) Before an application for substituted service by way of advertisement can be granted, the plaintiff should make attempts to locate the defendant by contacting the defendant's relatives, friends, and employer(s) (if any), in order to discover the address at which the defendant is currently residing.
- (15) The affidavit must include the following:
- (a) the matters set out in sub-paragraph (5)(a) to (e) above;
  - (b) details of the defendant's literacy, and in what language;
  - (c) if the advertisement is to be placed in an overseas newspaper, the grounds for the plaintiff's belief as to why the defendant is thought to be in that particular country.
- (16) An application for substituted service by advertisement (in one issue of the Straits Times if the person to be served is literate in English, or one issue of the Straits Times and one issue of one of the main non-English language newspapers where his language literacy is unknown) should only be considered as a last resort and should contain evidence that the person to be served is literate in the language of the newspaper in which the advertisement will be placed.

#### **Application for dispensation of service**

- (17) Before an application for dispensation of service can be granted, the plaintiff should make attempts to locate the defendant by contacting the defendant's relatives, friends, and employer(s) (if any), in order to discover the address at which the defendant is currently residing.
- (18) The affidavit must include the following:
- (a) the matters set out in sub-paragraph (5)(a) to (e) above;
  - (b) an explanation as to why advertisement would not be effective in bringing the divorce proceedings to the defendant's notice (for example, that it is not known which country the defendant is currently residing in).

- (19) For the avoidance of doubt, posting on the Notice Board of the Registry of the Family Justice Courts is not available as a proposed mode of substituted service.

## 84. Mareva injunctions

- (1) Applicants for *Mareva* injunctions are required to prepare their orders in accordance with the following forms in Appendix A:
  - (a) Form 239: Worldwide *Mareva* injunction; and
  - (b) Form 240: *Mareva* injunction limited to assets within the jurisdiction.

When composing the summons electronic form online through the Electronic Filing Service, these Forms shall be prepared in Portable Document Format (PDF) and attached to the summons electronic form for an Order of Court in Form 4 or 118 of Appendix A to these Practice Directions.

- (2) These forms, inevitably, are complicated, but their language and layout are intended to make it easier for persons served with these orders to understand what they mean. These standard form orders should be used save to the extent that the Judge hearing a particular application considers there is a good reason for adopting a different form. Any departure from the terms of the prescribed forms should be justified by the applicant in his supporting affidavit(s).
- (3) The applicant should undertake not to inform any third party of the proceedings until after the return date.
- (4) Wherever practicable, applications should be made sufficiently early so as to ensure that the Judge has sufficient time to read and consider the application in advance.
- (5) On an *ex parte* application for a *Mareva* injunction, an applicant may be required, in an appropriate case, to support his cross-undertaking in damages by a payment to be made into Court, a bond to be issued by an insurance company with a place of business within Singapore, a written guarantee to be issued from a bank with a place of business within Singapore or a payment to the applicant's solicitor to be held by the solicitor as an officer of the Court pending further order.



## **86. Case conferences**

(1) Pre-trial conferences known as case conferences will be conducted for proceedings under:—

- (a) Guardianship of Infants Act;
- (b) Inheritance (Family Provision) Act;
- (c) International Child Abduction Act;
- (d) Intestate Succession Act;
- (e) Legitimacy Act;
- (f) Mental Capacity Act;
- (g) Mental Health (Care and Treatment) Act;
- (i) Status of Children (Assisted Reproduction Technology) Act 2013;
- (j) Section 17A(2) of the Supreme Court of Judicature Act;
- (k) Voluntary Sterilization Act
- (l) Section 59 and Part X Women's Charter; and
- (m) Probate and Administration Act

before a hearing date is given. Notification of the Case Conference shall be Form 241 of Appendix A to these Practice Directions.

(2) At the case conference, the matters to be considered include the following, where applicable:

- (a) the service of documents;
- (b) the likelihood of settlement of the contested issues;
- (c) the ages of the child / children of the marriage;

- (d) directions for parties to attend with counsel;
- (e) for parties to attend mandatory counselling and mediation at the Child Focused Resolution Centre;
- (f) the dates of the mediation and counselling sessions;
- (g) directions on the conduct of mediation and counselling at the Family Resolution Chambers;
- (h) the witnesses who will be called and whether they need interpretation;
- (i) the filing of affidavits, reports, summonses and any other necessary documents;
- (j) the necessity (if any) for an order for the Central Provident Fund Board to furnish information relating to the utilisation of CPF monies or CPF account balances where there is a claim for the division of a matrimonial property or CPF-related assets;
- (k) the necessity (if any) to transfer the proceedings to the Family Division of the High Court for hearing and determination. In determining whether to transfer the case to the Family Division of the High Court, the Family Court will take into account whether:
  - (i) there is an important question of law;
  - (ii) the matter is a test case; and/or
  - (iii) there is any other sufficient reason to transfer the proceedings;
- (l) the value of the property in question or matrimonial assets. Generally, in a case where the property in question or matrimonial assets are asserted by any party to the proceedings to be worth a gross value of \$5 million or more, the matter will be transferred to the Family Division of the High Court for hearing and determination;
- (m) the number of days required for the hearing and the fixing of hearing dates; and
- (n) the administrative arrangements for the next hearing (e.g. whether it will be conducted over JOL or whether interpreters are required, etc.).

- (3) The principal solicitors having conduct of the case are to personally attend the case conference. They are expected to be thoroughly prepared to discuss all relevant matters as the Registrar conducting the case conference will take a holistic approach to the case and consider all relevant matters relating to the case.
- (4) Solicitors should ensure that their clients are fully informed of the option of using alternative dispute resolution before attending the case conference. They are expected to advise their clients and to take instructions on the desirability of referring the dispute for mediation and / or counselling.
- (5) The following sub-paragraphs shall apply in matrimonial proceedings under Part X of the Women's Charter where any of the ancillary relief claimed is contested and section 17A(2) of the Supreme Court Judicature Act.
  - (a) The parties or their counsel attending the case conference shall ensure that all affidavits, reports, Ancillary Matters Fact and Position Sheet in Form 242 in Appendix A to these Practice Directions and any other necessary documents have been filed and all interlocutory applications and appeals therefrom have been dealt with before seeking a date for the hearing of the ancillary matters.
  - (b) Where the contested ancillary matters include the division of matrimonial assets, the parties or their counsel shall, upon the direction of the court, file the in Form 243 in Appendix A to these Practice Directions stating the contested issues, the net value of the matrimonial assets as at the date of the Declaration, the status of the proceedings.
  - (c) At any time before the commencement of the hearing of the contested ancillary matters, where it is necessary to do so, the parties or their counsel may, upon the direction of the court, file another in Form 243 in Appendix A to these Practice Directions.
- (6) In proceedings under the Guardianship of Infants Act,
  - (a) where the parties are or were married under the provisions of Muslim law or are Muslims, both parties shall notify the Family Justice Courts Registry, by way of a letter in the prescribed format in Form 244 in Appendix A to these Practice Directions, a day before each hearing as to whether proceedings involving the same parties have been commenced in the Syariah Court.

## 109. Form of affidavits

### *Affidavits filed electronically*

- (1) This sub-paragraph shall apply to affidavits which are to be filed through the Electronic Filing Service.
  - (a) When filing affidavits for use during a hearing of an interlocutory application, the summons number of the interlocutory application must be provided in the Electronic Filing Service in addition to the case number of the suit or matter.
  - (b) Affidavits shall have a blank margin of not less than 35mm wide on all 4 sides of the page. They shall be printed or typed and must be double-spaced.
  - (c) The textual portion of the affidavits, as opposed to the exhibits, must be white.
  - (d) At the top right hand corner of the first page of every affidavit there shall be typed or printed in a single line the following:
    - (i) the party on whose behalf the affidavit is filed;
    - (ii) the name of the deponent;
    - (iii) the ordinal number of the affidavit in relation to the affidavits filed in the cause or matter by the deponent;
    - (iv) the date the affidavit is filed;
    - (v) the top right hand corner of the first page of every affidavit shall also state whether the affidavit has been filed in respect of a contested divorce ("CD"), uncontested divorce ("UD"), summons ("SUM"), ancillary matters ("AM") or originating summons ("OS") hearing, and if the affidavit is filed in respect of a summons hearing, it shall state the number of the said summons, where the number is available, for example:

“Defendant: Tan Ah Kow: 4th: 15.4.2013: AM hearing”; and “Defendant: Tan Ah Kow: 4th: 15.4.2013: SUM hearing: SUM no. 1234 of 2013”; and

the document name that is selected in the Electronic Filing Service for an affidavit for ancillary matters hearing shall be “Affidavit for Ancillary Matters Hearing”.

- (e) Every page of the affidavit (*including* separators and exhibits) shall be paginated consecutively, and the page number shall be placed at the top right hand corner of the page. Every reference to an exhibit (or a document in an exhibit) shall include, where appropriate, the page number(s) where the exhibit (or document) can be located.
- (f) Sub-paragraph 1(d)(v) is applicable to proceedings under Part X of the Women’s Charter (Cap. 353) filed before 1 April 2006 as if any reference to the defendant were a reference to the respondent.

***Affidavits that are not filed electronically***

- (2) This sub-paragraph applies to affidavits which are not required to be filed through the Electronic Filing Service.

- (a) **Form of affidavits generally**

- (i) Affidavits shall be on A4-ISO paper of durable quality with a blank margin not less than 35 mm wide on all 4 sides of the page.
- (ii) The paper used shall be white.
- (iii) Affidavits shall be produced by printing, lithography or typewriting, and in any case not by carbon copying. A document produced by a photographic or similar process giving a positive and permanent representation free from blemishes will be treated, to the extent that it contains a facsimile of matter produced by one of the above processes, as if it were so produced. Photographic copies which are not clearly legible will be rejected.
- (iv) Affidavits shall be printed or typed, double-spaced, on one side or both sides of the paper.

(b) **Markings on affidavits**

At the top right hand corner of the first page of every affidavit, and also on the backing sheet, there shall be typed or printed in a single line the following:

- (i) the party on whose behalf the affidavit is filed;
- (ii) the name of the deponent;
- (iii) the ordinal number of the affidavit in relation to the affidavits filed in the cause or matter by the deponent;
- (iv) the date the affidavit is filed;
- (v) whether the affidavit has been filed in respect of a contested divorce (“CD”), uncontested divorce (“UD”), summons (“SUM”), ancillary matters ("AM") or originating summons ("OS") hearing, for example, “Defendant: Tan Ah Kow: 4th: 15.4.2013: AM hearing”; and
- (vi) if the affidavit is filed in respect of a summons hearing, the number of the said summons, where the number is available, for example, “Defendant: Tan Ah Kow: 4th: 15.4.2013: SUM hearing: SUM no. 1234 of 2013”.

(c) **Binding of affidavits**

Affidavits of 30 pages or less (including exhibits and dividing and backing sheets) may be stapled at the top left hand corner of the paper firmly. Any affidavit (including exhibits, dividing and backing sheets) exceeding 30 pages shall be bound with plastic ring binding or plastic spine thermal binding (the plastic rings or spines to be red for plaintiffs/appellants, and blue for defendants/respondents) with a transparent plastic cover in front and at the back.

(d) **Pagination of affidavits**

Every page of the affidavit shall be paginated consecutively, and the page number shall be placed at the top right hand corner of the page. Every reference to an exhibit (or a document in an exhibit) shall include, where appropriate, the page number(s) where the exhibit (or document) can be located.

- (e) Sub-paragraph 2(b) is applicable to proceedings under Part X of the Women's Charter (Cap. 353) filed before 1 April 2006 as if any reference to the defendant were a reference to the respondent.

## 110. Exhibits to affidavits

### *Non-documentary exhibits*

- (1) Non-documentary exhibits (e.g., tapes, samples of merchandise, etc.) shall be clearly marked with the exhibit mark in such a manner that there is no likelihood of the exhibit being separated or lost.
- (2) Where the exhibit consists of more than one item (e.g., cassettes in a box) each and every such separate item of the exhibits shall similarly be separately marked with enough of the usual exhibit mark to ensure precise identification.
- (3) Where it is impracticable to mark on the article itself, such article or the container thereof shall be tagged or labelled with the exhibit mark securely attached to the exhibit in such a manner that it is not easily removable.
- (4) Very small non-documentary exhibits shall be enclosed or mounted in a sealed transparent container, tagged or labelled as aforesaid. An enlarged photograph showing the relevant characteristics of such exhibits shall, where applicable, be exhibited in the affidavit.

### *Exhibits to affidavits filed electronically*

- (5) The directions in this sub-paragraph shall apply to exhibits to affidavits that are filed through the Electronic Filing Service:
  - (a) Every page of every exhibit must be fully and clearly legible. Where necessary, magnified copies of the relevant pages should be inserted in appropriate places.
  - (b) Every page of the exhibits, *including dividing sheets or separators between exhibits*, shall be consecutively numbered at the top right hand corner of each page, taking as its first number the number that follows the number of the last sheet of the affidavit.
  - (c) Each exhibit in the affidavit must be separately book-marked in the Portable Document Format document that is filed. For this purpose —
    - (i) the names of the book-marks should follow the initials of the deponent of the affidavit, e.g., "TAK-1", "TAK-2"; and



- (ii) where a deponent deposes to more than one affidavit to which there are exhibits in any one action, cause or proceedings, the numbering of the exhibits in all subsequent affidavits shall run consecutively throughout, and not begin again with each affidavit.
  
- (d) Related documents (e.g., correspondence and invoices) may be collected together and collectively exhibited as one exhibit arranged in chronological order, beginning with the earliest at the top, paginated in accordance with sub-paragraph (5)(b) above, and the exhibit must have a front page showing the table of contents of the items in the exhibit.

*Exhibits to affidavits that are not filed electronically*

- (6) This sub-paragraph applies to exhibits to affidavits that are not required to be filed through the Electronic Filing Service.
  - (a) Every page of every exhibit must be fully and clearly legible. Where necessary, magnified copies of the relevant pages should be inserted in appropriate places.
  - (b) All documentary exhibits in an affidavit shall be prefaced by a dividing sheet in a light colour other than white, marked, typed or stamped clearly with an exhibit mark as follows:

“This is the exhibit marked \_\_\_\_ [letter of the alphabet or a number] referred to in the affidavit of \_\_\_\_\_ [name of the deponent] and sworn/affirmed before me this \_\_\_\_\_ [date on which the affidavit is sworn or affirmed].

Before me,

SGD

A Commissioner for Oaths”

(c) When there are more than 10 different documentary exhibits in an affidavit, there shall be —

(i) a table of contents of the documentary exhibits inserted before the first of such exhibits enumerating every exhibit in the affidavit in the manner of the example set out below:

Reference in affidavit	Nature of exhibit	Page No.
"TAK-1"	Certificate of marriage	6
"TAK-2"	Certificate of birth	7

(ii) each document shall be flagged by means of a plastic tag, marked in accordance with the exhibit reference and such flags shall run vertically down the right edge of the exhibits evenly spaced out so as not to overlap one another. The table of contents itself shall bear the top most flag, marked "TABLE"; and

(iii) exhibits shall be bound in the sequence in which references are made to them in the affidavit.

(d) **Pagination**

Every page of the exhibits (but not the dividing sheets mentioned in subparagraph (6)(b) above) shall be consecutively numbered at the top right hand corner of each page, taking as its first number the number that follows the number of the last sheet of the affidavit.

(e) **Numbering**

Where a deponent deposes to more than one affidavit to which there are exhibits in any one action, cause or proceedings, the numbering of such exhibits in all subsequent affidavits shall run consecutively throughout, and not begin again with each affidavit.

(f) **References to exhibits in other affidavits**

Where a deponent wishes to refer to a document already exhibited in some other deponent's affidavit, he shall not also exhibit it to his own affidavit.

(g) **Related documents**

Related documents (e.g., correspondence and invoices) may be collected together and collectively exhibited as one exhibit arranged in chronological order, beginning with the earliest at the top, paginated in accordance with sub-paragraph (6)(d) above, and the exhibit must have a front page showing the table of contents of the items in the exhibit.

FORM 6

R. 44, 48, 83

(STATEMENT OF CLAIM (DIVORCE/JUDICIAL SEPARATION) 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*

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 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

<b>Age:</b>		<b>Citizenship:</b>	
<b>Religion:</b>		<b>Education Level:</b>	
<b>Occupation:</b>		<b>Current address:</b>	

(b) Defendant

<b>Age:</b>		<b>Citizenship:</b>	
<b>Religion:</b>		<b>Education Level:</b>	
<b>Occupation:</b>		<b>Current address:</b>	

- (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.]

(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

[To state, in respect of each living child of the marriage]

S/N	Name of child:		BC/ID number:	
	Date of Birth:		Gender:	
	Any disability or illness?	[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.]		
	Child over 21 (whether in educational institution, national service, or mentally/physically disabled)	[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.*]		
	Is child under care?	[If the child is under the care or custody of an approved school or approved home established under the Children and Young 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.]		

The following child(ren) are born to the wife during the marriage:

S/N.	Name of child:		BC/ID number:	
	Date of Birth:		Gender:	
	Is there a dispute whether the 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:

S/N	Nature of proceedings:		
	Suit number:		Date of Decree/order/judgment:
	Date of application		Country where proceedings filed:
	Details of Order applied/made:		
	Status of Proceedings if no Decree/order/judgment made:		
	If the Plaintiff is a bankrupt, to indicate if OA's sanction has been obtained: <i>[The Statement of Particulars shall annex a copy of the document bearing the sanction of the Official Assignee.]</i>		
	Plaintiff Bankruptcy Details:		
	Pending Bankruptcy Details: <i>[The Statement of Particulars is to state details of the pending bankruptcy proceedings.]</i>		

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.
- (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 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*]

- (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.*]