

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTIONS

AMENDMENT NO. 1 OF 2017

1. It is hereby notified for general information that, with effect from 1 March 2017, the Family Justice Courts Practice Directions will be amended as follows:-

(a) the existing Paragraph 78 will be deleted and replaced with the following paragraph:

Paragraph 78

(b) the existing Paragraph 170 will be deleted and replaced with the following paragraph:

Paragraph 170

(c) the existing Form 195 will be deleted and replaced with the following form:

Form 195

(d) the existing Forms 230 and 269 in Appendix A will be deleted.

2. The amendments in 1(a), (b) & (d) above are for law firms to notify of persons authorised to collect Court documents or mail from the Family Justice Courts and register their process servers / service clerks via eLitigation. With the amendment, the Family Justice Courts will no longer accept manual notifications and/or registration via Forms 230 and/or 269 of the Family Justice Courts Practice Directions.

3. The amendments in 1(c) above are to reflect that the resale levy is payable when the party subsequently acquires another subsidised flat directly from HDB or an Executive Condominium from the developer within the minimum occupation period.

Dated this 27 day of February 2017


CHIA WEE KIAT
REGISTRAR
FAMILY JUSTICE COURTS

78. Personal service of processes and documents

- (1) The attention of solicitors is drawn to rule 898(1) of the Family Justice Rules which provides:

“Personal service must be effected by a process server of the Court or by a solicitor or a *solicitor's clerk whose name and particulars have been notified in the relevant Form to the Registrar for this purpose.*” [emphasis added]

- (2) Solicitors are required to notify the Registry of the particulars, and any change thereof, of such clerks who have been authorised by them to serve processes and documents (“authorised process servers”) by submitting a request to authorise user through the Electronic Filing Service. Where such authorised process servers are no longer so authorised, solicitors are to revoke or delete the authorisation immediately by submitting a request through the Electronic Filing Service. Solicitors’ clerks do not require the authorisation of the Registrar to effect personal service of processes and documents.
- (3) In view of the alternative modes providing for personal service to be effected by a solicitor or a solicitor's clerk, Court process servers will not be assigned to effect personal service of processes and documents unless there are special reasons.
- (4) If it is felt that there are special reasons requiring personal service by a Court process server, a Request for such service should be filed through the Electronic Filing Service, setting out the special reasons. The approval of the Duty Registrar should then be obtained for such service. Once approval has been obtained, the documents for service should be presented at the counter designated for this purpose. A process server will then be assigned to effect service and an appointment for service convenient to both the litigant and the assigned process server will be given.
- (5) On the appointed date, the person accompanying the process server should call at the Registry. The amount required for the transport charges of the process server (a record of which will be kept) should be tendered, or, alternatively, the process server in question should be informed that transport for him will be provided. The Registry will then instruct the process server to effect service.
- (6) Under no circumstances should any payment be made directly to the process server.

170. Authorisation for collection of mail and Court documents

- (1) Without prejudice to sub-paragraphs (3) and (4) below, all law firms are required to notify the Registry of the particulars of person(s) authorised to collect Court documents or mail from the Family Justice Courts on their behalf by submitting a request to authorise user through the Electronic Filing Service.
- (2) Where such authorised persons are no longer so authorised, law firms are required to revoke or delete the authorisation immediately by submitting a request through the Electronic Filing Service. Until receipt of such notification of revocation or deletion, Court documents and mail shall continue to be released to such authorised persons upon production of evidence of identification.
- (3) Any solicitor may collect Court documents and mail on behalf of his firm and any litigant in person may collect documents and mail intended for him in any matter in which he is a party.
- (4) A law firm may authorise a courier service-provider to collect Court documents or mail from the Family Justice Courts on their behalf. At the time of collection, the courier service-provider should produce a letter of authorisation which is printed on the law firm's letterhead and addressed to the courier service-provider. The said letter of authorisation should clearly state the case number, the name of the courier service-provider appointed to collect and the Court documents or mail to be collected. An employee or representative of the courier service-provider collecting the Court documents or mail may be requested to provide evidence that will allow the Family Justice Courts to verify that he is an employee or representative from the courier service-provider and will have to acknowledge receipt of the Court documents or mail collected.

FORM 195

Para 16

**STANDARD QUERY TO HOUSING & DEVELOPMENT BOARD ON HDB
MATRIMONIAL ASSET (HDB FLAT)**

AT -

(state address of HDB matrimonial asset)

(hereinafter called "the flat")

PART 1 – PARTICULARS OF PARTIES (To be completed by party making the enquiry)	
Name of Plaintiff	
NRIC No.	
Name of Defendant	
NRIC No.	
Nature of Writ	Writ for Divorce / Annulment *
Name of Solicitor for Plaintiff/ Defendant (specify the name of the solicitor representing the party who is making the enquiry)	
Solicitor's address (if there is no solicitor, state the address of the party who is making the enquiry)	
Fax No. (HDB's replies will be sent by fax or ordinary post to this address and number.)	
Contact No.	

* Delete where not applicable

PART 2 - PARTICULARS OF FLAT / HOUSEHOLD (to be completed by HDB)**2.1 Name of Flat Owner(s)/Occupier(s)**

Role	Name	Relationship with Flat Owner
Flat Owner(s)	1.	Self
	2.	
	3.	
	4.	
Occupier(s)	5.	
	6.	
	7.	
	8.	

2.2 Occupation Period of the Flat

The flat owners are required to meet a X minimum occupation period from ddmccyy (Effective Date of Sale/Purchase Date), excluding any subletting and/or non-occupation period, before they are eligible to sell the flat in the open market.

2.3 Information on the Flat Ownership

- *Direct Purchased Flats : Please refer to the enclosed (a) Sales Order and (b) Mortgage Loan Statement of Account
- *Resale Flats (including those purchased with CPF Housing Grant) : Please refer to the enclosed Mortgage Loan Statement of Account and the below table:

Flat Type	
Mode of Purchase	
Manner of Holding	
Date of Purchase	
Purchase Price	
Amount of CPF Housing Grant Obtained	
Initial Capital Payment	
Conveyancing/Stamp/Registration/Administrative Fees	
Loan Granted	

2.4 Information on Loan Repayment

[A] Payment via CPF from Flat Owner(s)	
Name of Flat Owner(s)	Amount deducted from CPF Ordinary Account
1.	\$
2.	\$
3.	\$
4.	\$
[B] Payment via Cash	
Monthly Mortgage Loan Instalment (total) ([A] + [B])	\$

* *Delete where not applicable*

PART 3 - ADDITIONAL INFORMATION

3.1 Retention of Flat

If any of the parties wishes to retain the ownership of the existing flat, he/she must meet the prevailing eligibility conditions to take over the ownership of the flat and has the financial means to service the monthly mortgage loan instalments. The details can be found in the HDB InfoWEB at www.hdb.gov.sg under :

Eligibility to Retain Flat :

- “Living in HDB Flats > Change Owners or Occupiers > Retain Flat Ownership > Divorce”

Eligibility to Obtain an HDB Loan :

- “Living in HDB Flats > Change Owners or Occupiers > Transfer Flat Ownership > Guide on Transfer > Proposed Owners’ Eligibility to obtain an HDB loan”

3.2 Sale of Flat

If none of the party is eligible to retain the ownership of the flat and the minimum occupation period of the flat has been met, they may consider selling the flat in the open market. The details can be found in the HDB InfoWEB at www.hdb.gov.sg under “Selling your flat > Am I Eligible > Eligibility > Minimum Occupation Period”.

If the existing flat is bought from the HDB or with a CPF Housing Grant, the resale levy is payable when the party subsequently acquires another subsidised flat directly from HDB or an Executive Condominium from the developer within the minimum occupation period. The details can be found in the HDB InfoWEB at www.hdb.gov.sg under “Residential > Selling your flat > Additional Information > Resale Levy”.

3.3 Surrender of Flat

The parties may have to surrender the flat to HDB if the minimum occupation period of the flat has not been met at the point of divorce and neither party meets the eligibility conditions to retain the flat under an eligibility scheme.

3.4 Creation of Trust for the Children

HDB may allow creation of a trust to enable private individuals to hold the flat in trust for minor children until they reach 21 years old, subject to the following conditions :

- The private individual to be appointed as trustee must be a Singapore citizen or Singapore permanent resident.
- If the trustee is also the remaining co-owner who is able and willing to service the loan, HDB may consider granting a fresh loan for the flat. Otherwise, the existing mortgage loan must be fully discharged.
- The request for creation of trust will be subject to HDB's approval.

3.5 Purchase of Next Flat Directly from HDB/in the Open Market

If any of the parties wishes to buy another flat, he/she may purchase it either directly from HDB or from the open market, subject to meeting the eligibility conditions as set out in the HDB InfoWEB at www.hdb.gov.sg under :

- “Buying a flat > New Flat”
- “Buying a flat > Resale Flat”

3.6 Rental of Flat Directly from HDB

If the party could not afford to buy a flat and does not have family support, he/she may apply to rent a flat directly from HDB. The details can be found in our HDB InfoWEB at www.hdb.gov.sg under “Renting a flat > Renting from HDB > Public Rental Scheme > Eligibility for renting a flat”.

Signature, name and designation of HDB Officer

Date

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