

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTIONS

AMENDMENT NO. 4 OF 2018

1. It is hereby notified for general information that the Family Justice Courts Practice Directions will be amended as follows:-

(a) the existing paragraph 157 will be deleted and replaced with the following new paragraph:

Paragraph 157

(b) the existing paragraph 158 will be deleted and replaced with the following new paragraph:

Paragraph 158

(c) the existing paragraph 159 will be deleted and replaced with the following new paragraph:

Paragraph 159

(d) the existing Form 197 will be deleted and replaced with the following new form:

Form 197

2. The amendments in 1(a), (b) and (c) will take effect from 4 August 2018 and are due to the closure of the Registry at the Family Justice Courts Building at Havelock Square on Saturdays.
3. The amendments in 1(d) will take effect from 17 July 2018 and are to cater to situations where the proceeds from the sale of a matrimonial flat may not be fully refunded to parties' CPF Ordinary Accounts due to the applicability of the Ministry of National Development's and Central Provident Fund Board's policies relating to the housing refunds required from members who may have received a higher quantum of certain types of housing grants for their flats.

Dated this 16th day of July 2018


CHIA WEE KIAT
REGISTRAR
FAMILY JUSTICE COURTS

157. Stamping of documents

(1) Only documents filed in the Family Justice Courts will be stamped at the Family Justice Courts' stamp office. The amount of stamp fees payable must be indicated on the top right hand corner of the document. In addition, solicitor's clerks or solicitors must complete and submit the requisition form set out in Form 258 of Appendix A, together with the relevant document(s) to the cashier for stamping.

(2) Payment should be made with Cash, NETS, local Cashier's Order and Bank Draft (in Singapore currency). Cashier's Orders and Bank Drafts should be crossed and made payable to:

“Registrar, Supreme Court/AG”

(3) The stamp office shall be opened during the following hours:

Monday to Friday - 9.00 am to 1.00 p.m., and
2.00 p.m. to 4.00 p.m.

158. Weekend / Public Holiday Duty Registrar and Judge at the Family Courts

- (1) The Duty Judge at the Family Courts may hear an urgent application from 9 a.m. to 6 p.m. on Saturdays, Sundays and public holidays under the following circumstances:
 - (a) where the applicant, being a lawful guardian or parent of a child, is seeking to restrain or enjoin another party from taking the child out of jurisdiction without the consent of the applicant;
 - (b) the child's departure from Singapore is so imminent that it would be too late for the application to be heard on the next working day; and
 - (c) there is a strong likelihood that the child, once taken out of Singapore, will not return to Singapore.
- (2) To request the urgent hearing of such an application, the applicant should contact the Weekend / Public Holiday Duty Registrar at 97241402 during the hours of 9 a.m. to 6 p.m. on Saturdays, Sundays and public holidays.
- (3) The Duty Registrar will only arrange for the hearing of the application before the Duty Judge if the applicant satisfies the Duty Registrar that the case meets all the criteria stipulated in sub-paragraph (1).
- (4) If the applicant is unable to file the application and supporting affidavits via the electronic filing service (EFS) before the hearing, he / she must give a signed written undertaking to the Court to do so in accordance with Form 259 in Appendix A to these Practice Directions before the application will be heard. The applicant must bring three copies each of the application, the supporting affidavit and the appropriate draft orders of court (Form 260 in Appendix A to these Practice Directions) for the ex parte hearing.
- (5) On an ex parte application for an injunction against the permanent removal of a child from Singapore, the Court would require the applicant, to give an undertaking to compensate any party for any loss caused as a result of the application. The Court may require the undertaking as to damages to be supported by —
 - (a) making payment into Court;
 - (b) furnishing a banker's guarantee; or
 - (c) making payment to the applicant's solicitor to be held by the solicitor as an officer of the Court pending further order.

- (6) An applicant for an order under section 14 of the Guardianship of Infants Act (Cap 122) must prepare the following documents in accordance with the appropriate forms in Appendix A to these Practice Directions and bring them along to the hearing:
- (a) the Order of Court being sought (Form 261 in Appendix A to these Practice Directions);
 - (b) the Writ for Seizure (Form 262 in Appendix A to these Practice Directions);
 - (c) the Request for Writ for Seizure (Form 263 in Appendix A to these Practice Directions);
 - (d) the applicant's letter of undertaking to indemnify the Family Justice Courts and the Bailiff against any liabilities or claims that may arise from or in connection with the execution of the order granted by the Court to the applicant (Form 264 in Appendix A to these Practice Directions);
 - (e) the applicant's letter of undertaking to pay compensation / damages and to serve the documents (Form 265 in Appendix A to these Practice Directions); and
 - (f) the applicant's counsel's letter of undertaking to ensure a calm and orderly execution and to pay the costs, expenses and charges of execution should the same not be fully paid by the applicant (Form 266 in Appendix A to these Practice Directions)
- (7) The forms in Appendix A to these Practice Directions are intended to make it easier for persons served with the relevant orders to understand what the orders mean. These standard form orders should be used save to the extent that an applicant is of the view that the form should be varied and the Duty Judge hearing a particular application considers that there is a good reason for adopting a different form. Any departure from the terms of the standard forms must be justified by the applicant in his / her supporting affidavit(s).
- (8) If an order is granted under section 14 of the Guardianship of Infants Act (Cap 122), the applicant must do the following:
- (a) accompany the Bailiff to the place of execution and identify the child to be seized;
 - (b) instruct his / her solicitor (if any) to accompany the Bailiff;
 - (c) provide specific address of execution and if the execution is at an airport (whether Singapore Changi or Seletar), solicitor/applicant shall provide the details of flight and terminal number (boundary of seizure at the airport is restricted to public area); and

- (d) engage and pay for the costs of an auxiliary police officer to accompany the Bailiff to the place of execution, subject to the condition that where the person against whom the execution is to be carried out or the child / any of the children concerned is a female, the auxiliary police officer shall be a female officer.
- (9) For the avoidance of doubt, every applicant must comply with Paragraph 83 of these Practice Directions.

159. Duty Registrar and Duty Magistrate

- (1) The duties of the Duty Registrar are —
 - (a) to hear applications made *ex parte* or by consent (except probate matters) provided that the summons has been entered in the summonses book;
 - (b) to grant approval for any matter pertaining to the administration of the Registry, including giving early or urgent dates and allowing inspection of files;
 - (c) to sign documents to effect sale and transfer of matrimonial assets; and
 - (d) to sign and certify documents.
- (2) The duties of the Duty Magistrate shall include the examination of complainants when they file a Magistrate's Complaint.
- (3) The duty hours shall be as follows:

Mondays to Fridays - 9:30 a.m. to 1:00 p.m., and
2:15 p.m. to 5:30 p.m.
- (4) Only solicitors (or, where a party is not represented, a litigant in person) shall appear before the Duty Registrar.
- (5) Except where the attendance of the advocate and solicitor is required under subparagraph (9), the filing of the relevant documents will be sufficient for the Duty Registrar's disposal of any application or matter. Documents which are filed using the Electronic Filing Service will be returned to the solicitor through the Electronic Filing Service to the inbox of the law firm's computer system or through the service bureau. Documents which are not electronically filed shall be collected from the relevant Family Registry not earlier than one clear day after the documents have been filed.
- (6) All documents which are not required to be filed using the Electronic Filing Service should be duly stamped before presentation to the Duty Registrar for his signature and/or decision.
- (7) A solicitor who wishes to attend before a Duty Registrar and to refer him to documents filed using the Electronic Filing Service must either —
 - (a) file the document sufficiently far in advance before attending before the Duty Registrar such that the documents are already included in the electronic case file for the Duty Registrar's reference (and in this regard, solicitors should only attend before the Duty Registrar after they have received notification from the Court that the document has been accepted); or

- (b) attend before the Duty Registrar with the paper documents, if these exist (and in this regard, the Duty Registrar will require the solicitor to give an undertaking to file all the documents by the next working day after the attendance before dealing with the matter).
- (8) Solicitors should register at the relevant Family Registry counter prior to attending before the Duty Registrar.
- (9) The advocate and solicitor's attendance is compulsory only:
 - (a) when he is requesting an early or urgent date for hearing before the Registrar or Judge;
 - (b) when an application or document is returned with the direction "Solicitor to Attend"; or
 - (c) when so required by any provision of law.
- (10) A solicitor may, if he wishes to expedite matters, attend before the Duty Registrar even if his attendance is not ordinarily required.
- (11) When dealing with the ancillary matters, the Court may grant orders under section 31 of the Family Justice Act empowering the Registrar to sign the documents to effect the sale and transfer of matrimonial assets. These orders fall into two categories:
 - (a) an order empowering the Registrar to sign the relevant documents without further notice to the party whom the Registrar is signing the documents on behalf of ("Category A orders"); and
 - (b) an order empowering the Registrar to sign the relevant documents only in the event of a default by a party in signing the relevant documents ("the other party") despite written notification to him/her to sign the relevant documents ("Category B orders").
- (12) Applications to obtain the signature of the Registrar pursuant to Category A orders and Category B orders shall be made before the Duty Registrar in the Family Justice Courts. The documents to be signed by the Duty Registrar shall contain the following endorsements:

"Signed on behalf of {insert name of party in default} by Registrar, Family Justice Courts, pursuant to order of court dated {insert date}"
- (13) Counsel shall furnish the following documents to the Duty Registrar when making such applications:
 - (a) For Category A orders

- (i) The sealed copy of the order of court empowering the Registrar to sign the relevant documents; and
 - (ii) A duplicate copy of each of the documents to be signed by the Registrar, which will be retained by the Court.
 - (b) For Category B orders
 - (i) The documents set out in sub-paragraph (13)(a)(i) and (ii) above.
 - (ii) An affidavit showing the other party's default in signing the relevant documents.
- (14) The sealed copy of the order of court empowering the Registrar to sign will be returned after the signing of the documents.

FORM 197

Para 16

STANDARD QUERY TO THE CENTRAL PROVIDENT FUND BOARD

(Applicable for CPF Members aged 55 and above only)

Name: _____

Address : _____

(Please specify the name and address of the CPF member or his/her solicitors. The reply from the CPF Board will be sent to this address.)

PART A *(To be completed by CPF Member or his/her solicitors.)*

Name of CPF member:	
CPF Account No:	
Name of CPF member's spouse:	
CPF Account No. of CPF member's spouse:	
Date of Birth of CPF member:	
Age of CPF member:	

<p>Query 2 Did the CPF member pledge the flat to secure withdrawal of any monies from his/her CPF Retirement Account? If yes, what is the amount pledged?</p>
<p>Answer: No. <input type="checkbox"/></p> <p>Yes, as at (<i>specify date</i>): _____ <input type="checkbox"/></p> <p>Principal amount pledged <u>Amount</u> \$ _____</p> <p><i>[Applicable for CPF members who turned age 55 before 1 July 1995]:</i></p> <p>Accrued interest on the principal amount pledged: \$ _____</p>
<p>Query 3 Upon transfer, sale or otherwise disposal of the flat, is there any portion of the refunds that has to be transferred from the CPF member's Ordinary and/or Special Account(s) to his/her Retirement Account in order to meet the required Retirement Sum? If yes, what is the amount required to be set aside or topped up in the CPF member's Retirement Account to meet the Retirement Sum?</p>
<p>Answer: No. <input type="checkbox"/></p> <p>Yes, as at (<i>specify date</i>): _____ <input type="checkbox"/></p> <p>Amount required to be transferred to the CPF member's Retirement Account <u>Amount</u> \$ _____</p>
<p>Query 4 Certain CPF members (i.e. those who have received certain housing grants designated by HDB) will have a portion of the refunds credited to their Retirement Account and/or Special Account and Medisave Account directly ("Grant Members")</p> <p>Is the CPF member a Grant Member? If yes, what is the amount that the CPF member is required to set aside or top-up in his/her Retirement Account and Medisave Account?</p>
<p>Answer: No. <input type="checkbox"/></p>

Yes, as at (*specify date*): _____

Amount required to be set aside/topped up
in the CPF member's Retirement Account (up
to the Retirement Sum applicable to the CPF
member, and any excess amount will be credited
to the CPF member's Special Account)

Amount

\$ _____

Amount required to be set aside/topped up
in the CPF member's Medisave Account

\$ _____

ⒸNotes:

1. Generally, when a CPF member transfers, sells or otherwise disposes of his/her flat bought using CPF savings, he/she is required to refund the principal sum utilised and the accrued interest on the principal sum utilised.
2. If the CPF member has pledged the flat to withdraw his/her CPF Retirement Account savings in cash, he/she will also need to refund the pledged amount withdrawn and interest if applicable.
3. The refunds will be first used to top up the CPF member's Retirement Account up to the Retirement Sum he/she needs to set aside. Any remaining balance will then be paid to the CPF member.
4. Members who received certain types of housing grants may need to refund part of their housing refund into their Retirement Accounts and/or Special Accounts and Medisave Accounts. The remaining part of the housing refund will be credited into their Ordinary and/or Special Accounts in proportion to the amount withdrawn from those accounts.
5. On the refund requirements upon the sale of HDB flats, please refer to sections 15 and 21B of the Central Provident Fund Act (Cap. 36), the Central Provident Fund (New Retirement Sum Scheme) Regulations (Rg. 31), Central Provident Fund (Revised Retirement Sum Scheme) Regulations (Rg. 2), Central Provident Fund (Retirement Sum Scheme) Regulations (Rg. 16) and the relevant regulations of the Central Provident Fund (Approved Housing Schemes) Regulations (Rg. 13).
6. Please obtain fresh statements from the CPF Board on the amount to be refunded into the CPF member's CPF account when the date of sale/transfer/assignment/otherwise disposal of the flat has been finally determined. A CPF member may obtain his/her CPF statements by logging on at www.cpf.gov.sg using his/her SingPass. Please note the information is correct as at the date it is viewed.

Other comments

Name and designation of CPF Board officer

Date

Signature of CPF Board officer