

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

**ePRACTICE DIRECTION NO. 1 OF 2010**

**TRANSFER OF MENTAL CAPACITY PROCEEDINGS  
TO THE DISTRICT COURT**

1. The Honourable the Chief Justice has made the Supreme Court of Judicature (Transfer of Mental Capacity Proceedings to District Court) Order 2010 under section 28A of the Supreme Court of Judicature Act (Cap. 322), which will come into operation at 6 a.m. of 1 March 2010 (“the Transfer Order”).

2. Pursuant to the Transfer Order -

- (a) any proceedings under the Mental Capacity Act 2008 (Act 22 of 2008) (“MCA”) commenced in the High Court on or after 1 March 2010 shall be transferred to and be heard and determined by a District Court; and
- (b) any application under the MCA made, on or after 1 March 2010, in relation to any proceedings commenced in the High Court before that date under Part I of the Mental Disorders and Treatment Act (Cap. 178) in force before that date, shall be heard and determined by the High Court.

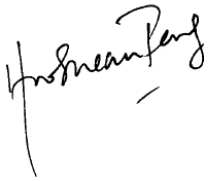
3. A sub-registry of the Registry of the Supreme Court and a sub-registry of the Registry of the Subordinate Courts have been set up in the Family and Juvenile Court Building at No. 3 Havelock Square (“the Family and Juvenile Court”) for the filing of all documents relating to mental capacity proceedings which are to be heard and determined by the Subordinate Courts.

4. This Practice Direction will take effect on 1 March 2010.

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

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

Dated this 24<sup>th</sup> day of February 2010.

A handwritten signature in black ink, appearing to read 'Hoo Sheau Peng', written in a cursive style.

HOO SHEAU PENG  
REGISTRAR  
SUBORDINATE COURTS

## **Directions for Amendments**

- (1) The new Part XA of the Table of Contents should be inserted immediately after Part X of the Table of Contents.
- (2) The existing Table of Contents from the page containing Appendix A to be removed and the new amended pages of the Table of Contents substituted therefor.
- (3) The existing Appendix A to be removed and the new amended Appendix A substituted therefor.
- (4) The new Paragraphs 116A to 116R should be inserted immediately after the existing Paragraph 116.
- (5) The new Forms 39A to 39G should be inserted immediately after the existing Form 39.

**PART XA**

**TRANSFER OF MENTAL CAPACITY PROCEEDINGS TO DISTRICT COURT**

- 116A. Transfer of mental capacity proceedings to the District Court
- 116B. Documents to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building
- 116C. Documents to be filed at the sub-registry at the Family and Juvenile Court
- 116D. Where permission is not required to make application
- 116E. Where permission is required to make application
- 116F. Service of application on named defendants and relevant persons
- 116G. Relevant persons
- 116H. Consent of relevant persons
- 116I. Notification of P
- 116J. Responding to an application
- 116K. Applications involving the appointment of deputies
- 116L. Application subsequent to the appointment of deputy
- 116M. Application relating to lasting power of attorney
- 116N. Application for statutory wills
- 116O. Litigation representative in mental capacity proceedings
- 116P. Where P ceases to lack capacity or dies
- 116Q. Applications subsequent to the filing of the originating summons in mental capacity proceedings
- 116R. Form of order of Court

## **APPENDIX A**

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

## **APPENDIX B**

### **FORMS**

Form 1

REQUEST TO FILE DOCUMENT WITHOUT FURNISHING IDENTIFICATION  
NUMBERS

Form 2

NOTICE OF IDENTIFICATION NUMBERS

Form 3

NOTIFICATION UNDER ORDER 62, RULE 2 (1), OF THE RULES OF COURT

Form 4

ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES

Form 5

INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE

Form 6

INJUNCTION PROHIBITING DISPOSAL OF ASSETS IN SINGAPORE

Form 7

REQUEST FOR CDR

Form 8

REQUEST FOR ADJOURNMENT OF CDR

Form 9

NOTICE OF PRE-TRIAL CONFERENCE

Form 10

NOTICE OF OBJECTIONS TO CONTENTS OF AFFIDAVITS OF EVIDENCE-IN-CHIEF

Form 10A

APPLICATION FOR DIGITAL AUDIO RECORDING AND TRANSCRIPTION SERVICE

Form 11

INDEX TO AGREED BUNDLE OF DOCUMENTS

Form 12

CHECKLIST FOR ORIGINATING SUMMONS (PROBATE)

Form 13

LETTER OF AUTHORISATION TO FILE DOCUMENTS AT SERVICE BUREAU

Form 14

APPLICATION TO BE REGISTERED USER OF THE ELECTRONIC FILING SERVICE  
OR AUTHORISED AGENT OF A REGISTERED USER

Form 15

REQUEST FOR CANCELLATION OF IDENTIFICATION NAME AND  
AUTHENTICATION CODE

Form 16

LETTER OF AUTHORISATION TO UTILISE SERVICE OF DOCUMENTS FACILITY  
AT THE SERVICE BUREAU

Form 17

FORM OF RECORD OF APPEAL

Form 18

REQUEST FOR CHECKING ELIGIBILITY OF PROPOSED  
PURCHASER(S)/TRANSFEREE(S) UNDER OPTIONS 4 & 5 OF THE AGREED  
MATRIMONIAL PROPERTY PLAN

Form 19

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

Form 20

STANDARD QUERY TO THE HOUSING & DEVELOPMENT BOARD ON HDB  
MATRIMONIAL ASSET (AGREEMENT FOR LEASE OF HDB FLAT)

Form 21

STANDARD QUERY TO THE CENTRAL PROVIDENT FUND BOARD

Form 21A

AFFIDAVIT OF EVIDENCE IN CHIEF

(FOR PLAINTIFF PROCEEDING ON THE STATEMENT OF CLAIM IN  
UNCONTESTED MATRIMONIAL PROCEEDINGS)

Form 21B

AFFIDAVIT OF EVIDENCE IN CHIEF

(FOR DEFENDANT PROCEEDING ON THE COUNTERCLAIM IN UNCONTESTED  
MATRIMONIAL PROCEEDINGS)

Form 21C

REQUEST FOR SETTING DOWN ACTION FOR TRIAL ON AN UNCONTESTED  
BASIS (WHERE ATTENDANCE OF COUNSEL AND PARTIES MAY BE  
DISPENSED WITH)

Form 21D

REQUEST FOR SETTING DOWN ACTION FOR TRIAL ON AN UNCONTESTED BASIS (FOR HEARING IN OPEN COURT)

Form 22

DECLARATION OF THE VALUE OF MATRIMONIAL ASSETS

Form 23

APPLICATION FOR THE APPOINTMENT OF EXPERT IN RESPECT OF CUSTODY AND ACCESS ISSUES

Form 24

LETTER OF INSTRUCTION TO EXPERT WITNESS

Form 25

COVER LETTER FOR DRAFT CONSENT ORDERS

Form 26

COVER LETTER TO NOTIFY THE COURT OF FILING OF APPLICATION TO EXTEND TIME FOR APPEALING AGAINST DECREE NISI/MEMORANDUM OF APPEARANCE TO SHOW CAUSE AGAINST DECREE NISI BEING MADE ABSOLUTE

Form 27

NOTICE TO PRODUCE DOCUMENTS REFERRED TO IN PLEADINGS OR AFFIDAVITS

Form 28

NOTICE WHERE DOCUMENTS MAY BE INSPECTED

Form 29

REQUEST FOR DISCOVERY

Form 30

NOTICE IN RESPONSE TO REQUEST FOR DISCOVERY

Form 31

APPLICATION FOR DISCOVERY

Form 32

REQUEST FOR INTERROGATORIES

Form 33

NOTICE IN RESPONSE TO REQUEST FOR INTERROGATORIES

Form 34

APPLICATION FOR INTERROGATORIES

Form 35

AFFIDAVIT OF ASSETS AND MEANS

Form 35A

ANCILLARY MATTERS FACT AND POSITION SHEET

Form 36

LETTER FOR NOTIFICATION OF SYARIAH COURT PROCEEDINGS

Form 37

COVER LETTER FOR AMENDED STATEMENT

Form 38

COVER LETTER FOR SUBMISSION OF  
ORIGINAL BIRTH CERTIFICATE IN ADOPTION PROCEEDINGS

Form 39

REQUEST FOR RE-FIXING OF HEARING DATE

Form 39A

ORIGINATING SUMMONS FOR MENTAL CAPACITY PROCEEDINGS

Form 39B

PLAINTIFF/APPLICANT'S AFFIDAVIT FOR APPOINTMENT OF DEPUTY

Form 39C

DEPUTY'S AFFIDAVIT

Form 39D

CONSENT TO ORIGINATING SUMMONS AND DISPENSATION OF SERVICE OF  
DOCUMENTS

Form 39E

NOTICE TO RELEVANT PERSONS

Form 39F

CERTIFICATE OF NOTIFICATION

Form 39G

SUMMONS FOR MENTAL CAPACITY PROCEEDINGS

Form 39H

ORDER OF COURT FOR MENTAL CAPACITY PROCEEDINGS

Form 40

PROBATE CHECKLIST

Form 41

SUPPORTING AFFIDAVIT UNDER ORDER 71 RULE 5

Form 41A

SCHEDULE OF ASSETS

Form 42

REQUEST FOR ATTENDANCE OF THE BAILIFF

Form 43

LETTER OF AUTHORITY TO ACT AS AUTHORISED BAILIFF

Form 44

QUESTIONNAIRE FOR THE EXAMINATION OF (NAME OF INDIVIDUAL JUDGMENT DEBTOR)

Form 45

QUESTIONNAIRE FOR THE EXAMINATION OF (NAME OF OFFICER OF JUDGMENT DEBTOR)

Form 46

BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS

Form 47

BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS

Form 48

BILL OF COSTS FOR NON-CONTENTIOUS BUSINESS

Form 49

NOTICE OF DISPUTE ON BILL OF COSTS

Form 50

NOTICE OF AGREEMENT/ DISAGREEMENT ON COSTS FOR BILLS OF COSTS INVOLVING THE PUBLIC TRUSTEE

Form 51

NOTICE OF AGREEMENT/ DISAGREEMENT ON COSTS FOR BILLS OF COSTS INVOLVING THE DIRECTOR OF LEGAL AID

Form 52

SPECIMEN GOVERNMENT MEDICAL CERTIFICATE

Form 53

SPECIMEN AUTHORISATION CARD

Form 54

REQUISITION FOR IMPRESSED STAMPS

Form 55

NOTING OF APPEARANCE OF ADVOCATES/PROSECUTORS

Form 56

APPLICATION FOR NOTES OF EVIDENCE IN CIVIL PROCEEDINGS

Form 57

REQUEST FOR EARLY EXPERT PRE-TRIAL CONFERENCE

Form 58

NOTE TO EXPERT WITNESS

Form 59

APPLICATION FOR COURT RECORDS IN CRIMINAL PROCEEDINGS

Form 60

APPLICATION TO RESERVE TIME-SLOT FOR PRE-MENTION INTERVIEW

Form 61

MENTION SLIP

### **APPENDIX C**

MEDIATION GUIDELINES FOR ROAD TRAFFIC ACCIDENT CASES AT THE  
e@dr/PRIMARY DISPUTE RESOLUTION CENTER AT THE SUBORDINATE  
COURTS

### **APPENDIX D**

WAITING TIME (\*) FOR TRIALS OR HEARINGS IN THE SUBORDINATE COURTS

### **APPENDIX E**

INSTRUCTIONS TO DEFENDANT ON HOW TO MAKE THE STANDARD QUERY  
TO THE CENTRAL PROVIDENT FUND BOARD

### **APPENDIX F**

ANNEXES TO NON INJURY MOTOR ACCIDENT CLAIMS

LITIGATION PRACTICE DIRECTION

Annex A

Pre-action Protocol for the Management of Low-Value Non-injury Motor Accident Cases  
by the Financial Industry Dispute Resolution Centre Ltd (FIDReC)

Form 1

Sample Letter of Claim to the Potential Defendant

Form 2

Sample Reply to Letter of Claim

Form 3

Sample Letter by Claimant before Lodgement of Claim with FIDReC

Annex B

Pre-action Protocol for Non-Injury Motor Accident Cases

Form 4

Sample Letter of Claim to Defendant

Form 5

Sample Acknowledgment of Letter of Claim

Form 6

Sample Letter by Claimant before issue of Writ of Summons

Form 7

Sample Statement of Claim

Form 8

Pre-action Protocol Checklist

## **APPENDIX FA**

### ANNEXES TO MEDICAL NEGLIGENCE LITIGATION PRACTICE DIRECTION PRE-ACTION PROTOCOL FOR MEDICAL NEGLIGENCE CLAIMS

Form 1

Sample Letter of Request for Medical Report

Form 1A

Sample Letter of Authorisation

Form 2

Sample Letter of Request for Discussion

Form 3

Sample Letter by Claimant Before Issue of Writ of Summons

## **APPENDIX G**

### BENCHMARK RATES FOR COSTS OF RENTAL AND LOSS OF USE

## **APPENDIX H**

### SAMPLE BILLS OF COSTS

Sample A

### SAMPLE BILL OF COSTS FOR CONTENTIOUS BUSINESS - TRIALS

Sample B

### SAMPLE BILL OF COSTS FOR CONTENTIOUS BUSINESS OTHER THAN TRIALS

Sample C

### SAMPLE BILL OF COSTS FOR NON-CONTENTIOUS BUSINESS

**APPENDIX I**

REGISTRAR'S CIRCULARS ISSUED

**APPENDIX J**

GUIDELINES FOR PARTIES USING EARLY EXPERT PRE-TRIAL CONFERENCE

**APPENDIX K**

SAMPLE DECLARATION OF THE VALUE OF MATRIMONIAL ASSETS

**APPENDIX L**

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

**APPENDIX M**

DISCOVERY AND INSPECTION OF ELECTRONIC DOCUMENTS

APPENDIX M PART I

AGREED ELECTRONIC DISCOVERY PROTOCOL

APPENDIX M PART 2

PROTOCOL FOR INSPECTION OF COMPUTER DATABASES AND ELECTRONIC MEDIA OR RECORDING DEVICES

APPENDIX M PART 3

REASONABLY USABLE FORMATS

## APPENDIX A

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

As at 24<sup>th</sup> February 2010

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

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

8. ePD1 of 2008 (1) FIDREC Pre-action Protocol for the Management and Resolution of Low-value Non-Injury Motor Accident Claims  
(2) Expedited Writ Track
9. ePD2 of 2008 Applications for Grants of Probate or Letters of Administration in respect of Deaths occurring on or after 15 February 2008
10. ePD1 of 2009 Discovery and inspection of electronically stored documents
11. ePD2 of 2009 Removal of requirement to submit the original death certificate and inheritance certificate pursuant to the electronic filing of the originating summons; and removal of reference to the caveat book and substitution of term of reference in accordance with Order 71 rule 5(2A)
12. ePD3 of 2009 Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) where Attendance of Counsel and Parties may be Dispensed With.
13. ePD1 of 2010 Transfer of Mental Capacity Proceedings to the District Court.

**PART XA**  
**TRANSFER OF MENTAL CAPACITY PROCEEDINGS TO**  
**DISTRICT COURT**

**116A. Transfer of mental capacity proceedings to District Court**

- (1) The Honourable the Chief Justice has made the Supreme Court of Judicature (Transfer of Mental Capacity Proceedings to District Court) Order 2010 under section 28A of the Supreme Court of Judicature Act (Cap. 322), which came into operation at 6 a.m. of 1 March 2010 (“the Transfer Order”).
- (2) Pursuant to the Transfer Order -
  - (a) any proceedings under the Mental Capacity Act 2008 (Act 22 of 2008) (referred to in this Part as “MCA”) commenced in the High Court on or after 1 March 2010 shall be transferred to and be heard and determined by a District Court; and
  - (b) any application under the MCA made, on or after 1 March 2010, in relation to any proceedings commenced in the High Court before that date under Part I of the Mental Disorders and Treatment Act (Cap. 178) in force before that date, shall be heard and determined by the High Court.
- (3) A sub-registry of the Registry of the Supreme Court (referred to in these Directions as the “sub-registry of the Supreme Court”) and sub-registry of the Registry of the Subordinate Courts (referred to in these Directions as the “sub-registry of the Subordinate Courts”) have been set up in the Family and Juvenile Court Building at No. 3 Havelock Square (“the Family and Juvenile Court”).

**116B. Documents to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building**

All documents relating to mental capacity proceedings which are to be heard and determined by the High Court shall be filed at the Legal Registry of the Supreme Court at the Supreme Court Building. These include:

- (1) all applications and documents to vary any Order of the High Court in proceedings under the Mental Disorders and Treatment Act (Cap. 178) commenced before 1 March 2010;
- (2) all documents in or ancillary to any application under the MCA made, on or after 1 March 2010, in relation to any proceedings commenced in the High Court before that date under Part I of the Mental Disorders and Treatment Act (Cap. 178) in force before that date; and
- (3) all applications and documents to vary any Order of the High Court in proceedings referred to in sub-paragraph (2) above.

**116C. Documents to be filed at the sub-registry at the Family and Juvenile Court**

All documents relating to mental capacity proceedings which are to be heard and determined by the Subordinate Courts shall be filed at the sub-registries at the Family and Juvenile Court.

- (1) All processes to commence mental capacity proceedings on or after 1 March 2010 shall be filed at the sub-registry of the Supreme Court and shall bear the title “In the High Court of the Republic of Singapore”.
- (2) An originating summons to commence mental capacity proceedings in the Subordinate Courts shall be in Form 39A of Appendix B.
- (3) As regards the documents accompanying an originating summons, the following documents shall bear the title “In the High Court of the Republic of Singapore”:-
  - (a) the plaintiff’s or applicant’s affidavit in support of the Originating Summons (Form 39B of Appendix B);
  - (b) the deputy’s affidavit (Form 39C of Appendix B);
  - (c) the doctor’s affidavit; and
  - (d) the Consent to Originating Summons and Dispensation of Service of Documents (Form 39D of Appendix B).
- (4) All subsequent applications and documents in or ancillary to mental capacity proceedings shall be filed at the sub-registry of the Subordinate Courts and shall bear the title “In the Subordinate Courts of the Republic of Singapore”.
- (5) All applications and supporting documents to vary any order of the Subordinate Courts in mental capacity proceedings shall be filed at the sub-registry of the Subordinate Courts and shall bear the title “In the Subordinate Courts of the Republic of Singapore”.

**116D. Where permission is not required to make an application**

- (1) The definition of “P” in Order 99, rule 1 of the Rules of Court shall be applicable in these Practice Directions. “P” means a person who lacks or, so far as consistent with the context, is alleged to lack capacity (within the meaning of the MCA) and to whom any proceedings under the MCA relate.
- (2) Under section 38(1) of the MCA and Order 99, rule 2(3) of the Rules of Court, permission to make an application to the Court for the exercise of its powers is not required where the application is made:-
  - (a) by P and, if P has not attained the age of 21 years, by anyone with parental rights with respect to him;
  - (b) by the donor or a donee of a lasting power of attorney to which the application relates;
  - (c) by a deputy appointed by the Court for P;
  - (d) by a person named in an existing order of the Court, if the application relates to that order;
  - (e) by the Public Guardian where it appears to him that-
    - (i) a person lacks capacity;
    - (ii) no application has been made or is likely to be made for an order under the MCA; and
    - (iii) an order under the MCA is necessary for the protection of the personal welfare, property or affairs of the person;
  - (f) by a person who is related by blood or marriage to P;
  - (g) for an order under section 36 of the MCA (interim orders and directions); and
  - (h) by a person named in a lasting power of attorney under paragraph 2(1)(c)(i) of the First Schedule to the MCA to object to the registration of the said lasting power of attorney.
- (3) If the plaintiff or applicant falls or believes himself to fall within the above categories of persons, this shall be stated at the outset in the supporting affidavit. Relevant documents, such as copies of birth certificates or marriage certificates, of the lasting powers of attorney or of the court orders appointing the deputies shall be exhibited to support

the averment that no permission is required for an application under the MCA.

**116E. Where permission is required to make an application**

- (1) Apart from the categories listed in Paragraph 116D(2) of these Practice Directions, permission is required for an application to the Court under the MCA.
- (2) Where permission is required, that prayer may be included in the main application itself. There is no requirement for a separate application for permission. The grounds upon which the plaintiff or applicant is relying to obtain such permission must be stated clearly in the supporting affidavit. The Court will decide whether to grant such permission based on the grounds relied upon by the plaintiff or applicant.

**116F. Service of application on named defendants and relevant persons**

- (1) Order 99, rule 5 of the Rules of Court requires the plaintiff to serve the application, together with each affidavit or other document filed in support of the application, on each person named as a defendant in the proceedings and on each relevant person.
- (2) In a situation where there are no named defendants, the application shall still be served on relevant persons.
- (3) Service on a *named defendant* shall be by way of personal service. Service on *relevant persons* may be by way of ordinary service pursuant to Order 62, rule 6 of the Rules of Court, unless directed otherwise by the Court.
- (4) Subject to the timelines specified under Order 99, rule 5(2) of the Rules of Court, *one affidavit of service* may be filed in respect of service on all the named defendants and relevant persons in any application. The dates, times and manner of service for each of the named defendant and relevant person have to be stated clearly in the affidavit of service.

## **116G. Relevant persons**

- (1) P's immediate family members, by virtue of their relationship to P, are likely to have an interest in being notified that an application has been made to the Court concerning P. 'Relevant persons' for the purposes of Order 99, rule 5 of the Rules of Court will therefore include the following immediate family members:-
  - (a) P's spouse;
  - (b) P's children (aged 21 and above);
  - (c) P's parents or guardian;
  - (d) P's brother or sister (aged 21 and above); and
  - (e) P's grandparents or grandchildren (aged 21 and above).
- (2) The plaintiff or applicant should serve the application, the supporting affidavits and the Notice to Relevant Person in Form 39E of Appendix B on relevant persons *in descending order according to the list above* (which is ordered according to the presumed closeness in terms of relationship to P). For example, if P is married, has children aged 21 and above and siblings but has no surviving parents, the plaintiff or applicant should serve on P's spouse, P's children (aged 21 and above) and P's siblings (aged 21 and above).
- (3) The presumption that immediate family members are likely to have an interest in an application concerning P may be rebutted where the plaintiff or applicant is aware of circumstances which reasonably indicate that P's family should not be served but that others should be served instead. For example, where the family member in question has had little or no involvement in P's life and has shown no inclination to do so, that family member need not be served. In some cases, P may be closer to persons who are not immediate family members and if so, it will be appropriate to effect service on them instead of the immediate family members.
- (4) Where the plaintiff or applicant decides that a person listed in one of the categories in sub-paragraph (1) ought to be served, and there are other persons in that category (for example, P has three siblings), the plaintiff or applicant should serve on all persons falling within that category

unless there is a good reason not to do so. For example, it may be a good reason not to serve on every person in the category if one or more of them has had little or no involvement in P's life and has shown no inclination to do so.

- (5) Apart from immediate family members, other relevant persons who are likely to have an interest in the application concerning P and who should be served the application, the supporting affidavits and the Notice to Relevant Person in Form 39E of Appendix B include:-
- (a) any other relatives or friends who have a close relationship with P;
  - (b) any person who has a legal duty to support P;
  - (c) any person who will benefit from P's estate; and
  - (d) any person who is responsible for P's care (this includes any organisation which provides residential accommodation to P).

If there is no such person to the best of the plaintiff's or applicant's knowledge, he is to state this in his supporting affidavit.

- (6) The details of all relevant persons who should be served are to be listed clearly in the supporting affidavit of the plaintiff or applicant. Where service would not be effected on relevant persons who should be served, the reason why this is so must be stated in the supporting affidavit.
- (7) The plaintiff or applicant *must serve on at least three categories of relevant persons* as listed in sub-paragraphs (1) and (5) who are likely to have an interest in the application concerning P, unless directed otherwise by the Court.

**116H. Consent of relevant persons**

- (1) If any relevant person to be served has consented to the application and to dispensation of service, the plaintiff or applicant shall file the consent of the relevant person in Form 39D of Appendix B together with the application. The consent given by the relevant person to the application and to dispensation of service must be attested by a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths.
- (2) The Court may dispense with the service of the application on the relevant person on the application of the plaintiff or applicant. It should be stated clearly in the supporting affidavit that such relevant persons have given their consent to the application and to the dispensation of service.

## **116I. Notification of P**

- (1) Under Order 99, rule 6 of the Rules of Court, P shall be notified of certain matters by:-
  - (a) the plaintiff, applicant, or appellant (as the case may be); or
  - (b) such other person as the Court may direct.
- (2) Where P is to be notified that an application has been filed, the person effecting notification must explain to P:-
  - (a) who the plaintiff or applicant is;
  - (b) that the application raises the question of whether P lacks capacity in relation to a matter or matters, and what that means;
  - (c) what will happen if the Court makes the order or direction that has been applied for; and
  - (d) where the application is for the appointment of a deputy, details of who that person is.
- (3) Where P is to be notified that an application has been withdrawn, the person effecting notification must explain to P:-
  - (a) that the application has been withdrawn; and
  - (b) the consequences of that withdrawal.
- (4) Where P is to be notified that a notice of appeal has been filed, the person effecting notification must explain to P:-
  - (a) who the appellant is;
  - (b) the issues raised by the appeal; and
  - (c) what will happen if the appeal is dismissed or allowed.
- (5) Where P is to be notified that a notice of appeal has been withdrawn, the person effecting notification must explain to P:-
  - (a) that the notice of appeal has been withdrawn; and
  - (b) the consequences of that withdrawal.
- (6) Where P is to be notified that an order which affects P has been made by the Court, the person effecting notification must explain to P the effect of the order.
- (7) In all cases of notification, the person effecting notification must provide P with the information required under Order 99, rule 6 of the Rules of Court and this Part of these Practice Directions in a way that is

appropriate to P's circumstances (for example, using simple language, visual aids or any other appropriate means).

- (8) The person effecting notification must also inform P that he may seek legal advice and assistance in relation to any matter of which he is notified.
- (9) The certificate of notification filed under Order 99, rule 6(5) of the Rules of Court shall be in Form 39F of Appendix B.
- (10) **Dispensing with notification**
  - (a) The person required to notify P may apply to Court for an order to dispense with the requirement to notify P. Such an application would be appropriate where, for example, P is in a permanent vegetative state or a minimally conscious state, or where notification is likely to cause significant and disproportionate distress to P.
  - (b) The Court may, on its own motion, dispense with the notification of P.

### **116J. Responding to an application**

- (1) If a relevant person served with an application wishes to object to the application or any part of it, he must apply to the Court to be joined as a party to the proceedings within 21 days after the date on which he was served with the application. The application to be joined as a party to the proceedings shall be in Form 39G of Appendix B and be supported by an affidavit stating his interest in the application and the grounds of his objection.
- (2) If a relevant person served with an application consents to the application, his written consent must be attested by a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths and must be in Form 39D of Appendix B. The written consent should be filed within 21 days after the date on which he was served with the application by him or by the plaintiff or applicant.
- (3) Where a person who was not served with any application (whether listed as a relevant person or otherwise in the supporting affidavit of the plaintiff or applicant) wishes to be heard in the proceedings, he must apply to be joined as a party to the proceeding in Form 39G of Appendix B.

## **116K. Applications involving the appointment of deputies**

### **(1) The prayers**

- (a) The originating summons to be filed for the appointment of a deputy or deputies shall be in Form 39A of Appendix B.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) The powers sought for the deputies ought to be drafted appropriately to suit the purpose of each application.
- (f) Any other specific orders or reliefs that are required on the particular facts of each case are to be included.

### **(2) The supporting affidavits by the plaintiff or applicant and the deputy**

- (a) The affidavit to be filed by the plaintiff or applicant in support of the application for the appointment of a deputy or deputies shall be in Form 39B of Appendix B.
- (b) The supporting affidavit must include but not be limited to information about P such as:-
  - (i) his date of birth, marital status and current address;
  - (ii) what type of accommodation he is living in;
  - (iii) what care arrangements he currently has (if any);
  - (iv) whether he has executed any lasting power of attorney (if so, to exhibit a copy).
- (c) If the application or any part of it is for the appointment of a deputy for the property and affairs of P, the supporting affidavit

must include but not be limited to the following additional information:-

- (i) whether P has executed any will or codicil (if so, to exhibit a copy);
  - (ii) a schedule of all of P's assets and properties, with up to date valuations;
  - (iii) the total value of P's assets and properties;
  - (iv) sources and quantum of P's monthly/annual income;
  - (v) current and projected expenses of caring for and maintaining P, with supporting evidence;
  - (vi) whether P has received or is going to receive any form of compensation or an award of damages (if so, to provide details); and
  - (vii) whether P has any outstanding debts (if so, to provide details).
  - (viii) an up to date report of P's present medical condition, life expectancy, likelihood of requiring increased expenses in the foreseeable future.
- (d) If the deputy(ies) sought to be appointed is(are) not the applicant(s), then for each of the deputy, a separate affidavit in Form 39C to the Appendix B shall be filed. The supporting affidavit must contain information about the deputy sought to be appointed including but not be limited to the relationship to P, any personal or financial circumstances which will assist the Court in assessing his suitability or otherwise to act as deputy for P. It must also contain the deputy's declaration of his understanding of his responsibilities as a deputy and his undertaking to act in P's best interests and not be in a position of conflict.
- (e) If the plaintiff or applicant and the deputy sought to be appointed is the same person, the information mentioned in sub-paragraph (d) shall be included in the supporting affidavit of the plaintiff or applicant.

(3) **The doctor's affidavit exhibiting the medical report**

- (a) Under Order 40A, rule 3 of the Rules of Court, expert evidence “is to be given in a written report signed by the expert and exhibited in an affidavit sworn to or affirmed by him testifying that the report exhibited is his and that he accepts full responsibility for the report”. The doctor whose medical report is being relied on should affirm or swear to an affidavit and exhibit his medical report and state his qualifications and experience in the area which he is giving the expert evidence on.
- (b) In addition, the doctor should indicate in the affidavit that he is aware that his report is being adduced for the purpose of obtaining a declaration that the person concerned, i.e. P, lacks capacity in relation to matters specified in the application.
- (c) In order to assist the Court, the medical report shall:
  - (i) 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;
  - (ii) contain a clear opinion as to whether P lacks capacity in relation to the matters specified in the application;
  - (iii) be current and shall not be made more than 6 months before the date of the application; and
  - (iv) contain a clear opinion on P's prognosis and likelihood of requiring increased or reduced medical expenses in the foreseeable future.

**116L. Application subsequent to the appointment of deputy**

- (1) An application to vary an order made in mental capacity proceedings shall be made by way of summons supported by affidavit.
- (2) If an application under sub-paragraph (1) is filed more than 6 months from the date of order, the application must be served personally on every defendant and by ordinary service on every relevant person who had initially been served with the originating summons in accordance with Paragraph 116F of these Practice Directions, and proof of service may be given in a manner provided for by Paragraph 116F(4).
- (3) All applications together with the supporting affidavit shall be served on the Public Guardian within 14 days after the date on which the application is filed.

**116M. Application relating to lasting power of attorney**

- (1) The originating summons to be filed for any application relating to a lasting power of attorney shall be in Form 39A of Appendix B.
- (2) If the plaintiff or applicant knows or has reason to believe that the donor lacks capacity, he shall notify the donor in accordance with Order 99, rule 6 of the Rules of Court and Paragraph 116I of these Practice Directions.

#### **116N. Application for statutory wills**

- (1) The application for a statutory will under section 23(1)(i) of the MCA shall be in Form 39A of Appendix B.
- (2) The application shall be accompanied by a supporting affidavit which includes the following information and exhibits:-
  - (a) a copy of the draft will;
  - (b) a copy of the existing will or codicil (if any);
  - (c) any consents to act by proposed executors;
  - (d) details of P's family, preferably in the form of a family tree, including details of the full name and date of birth of each person included in the family tree;
  - (e) a schedule showing details of all of P's assets and properties, with up to date valuations;
  - (f) an up to date report of P's medical condition, life expectancy, likelihood of requiring increased expenses in the foreseeable future, and testamentary capacity; and
  - (g) an explanation as to why it is necessary or desirable for the Court to execute the will on behalf of P.
- (3) The Court may direct that any other material or information is to be filed by the plaintiff and if it does, the material or information is to be set out in a supplementary affidavit.
- (4) The plaintiff must name as a defendant:-
  - (a) any beneficiary under an existing will or codicil who is likely to be materially or adversely affected by the application;
  - (b) any beneficiary under the proposed will or codicil who is likely to be materially or adversely affected by the application;
  - (c) any prospective beneficiary under P's intestacy where P has no existing will; and
  - (d) any donee under a lasting power of attorney executed by P or any Court-appointed deputy of P.
- (5) Once an order is made for a statutory will, the applicant must file a copy of the will for sealing by the Court. The statutory will is considered valid only with the seal of Court.

### **1160. Litigation Representative in mental capacity proceedings**

- (1) Where P is a party to any mental capacity proceedings with a litigation representative, P should be referred to in the proceedings as “P (by A.B., his litigation representative)”.
- (2) The application to be the litigation representative of P shall be in Form 39G to Appendix B. The supporting affidavit must satisfy the Court of the matters set out in Order 99, rule 8(5)(a) of the Rules of Court.
- (3) Under Order 99, rule 8(2) of the Rules of Court, the Court may, on its own motion or on the application of any person (including P), permit P to conduct any mental capacity proceedings without a litigation representative. An application made to permit P to conduct mental capacity proceedings without a litigation representative must be supported by a medical report stating that P does not lack capacity to conduct proceedings himself.
- (4) The Court may either on its own motion, or on the application of any person –
  - (a) direct that a person may not act as litigation representative;
  - (b) terminate a litigation representative’s appointment, or
  - (c) appoint a new litigation representative in place of an existing one.
- (5) An application for any of the orders in sub-paragraph (4) must be supported by affidavit. If the order sought is the substitution of a new litigation representative for an existing one, the evidence must satisfy the Court of the matters set out in Order 99, rule 8(5)(a) of the Rules of Court.

## **116P. Where P ceases to lack capacity or dies**

- (1) Where P ceases to lack capacity or dies, steps may need to be taken to finalise the court's involvement in P's affairs.
- (2) **Application to end proceedings**
  - (a) Where P ceases to lack capacity in relation to the matter or matters to which the proceedings relate, an application may be made by any of the following people to the Court to end the proceedings and discharge any orders made in respect of that person:
    - (i) P;
    - (ii) his litigation representative; or
    - (iii) any other person who is a party to the proceedings.
  - (b) The application should be supported by evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.
- (3) **Applications where proceedings have concluded**
  - (a) Where P ceases to lack capacity after proceedings have concluded, an application may be made to the Court to discharge any orders made (including an order appointing a deputy or an order in relation to a security bond).
  - (b) The affidavit filed in support should exhibit the orders sought to be discharged and contain evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.
- (4) **Procedure to be followed when P dies**

An application for final directions (including discharging an order appointing a deputy or discharging the security bond) may be made following P's death. The application should be supported by an affidavit exhibiting a copy of P's death certificate.
- (5) **Final report by deputy**

The Public Guardian may require a deputy to submit a final report upon P ceasing to lack capacity or P's death. If security has been ordered by the Court, the Court must be satisfied that the Public Guardian either

does not require a final report or is satisfied with the final report provided by the deputy before the said security can be discharged.

**116Q. Applications subsequent to the filing of the originating summons in mental capacity proceedings**

All applications subsequent to the filing of the originating summons in any mental capacity proceedings shall be made by way of Form 39G of Appendix B.

**116R. Form of Order of Court**

An order of Court shall be in Form 39H of Appendix B and shall be signed by the Registrar.

**Form 39A**

**ORIGINATING SUMMONS FOR MENTAL CAPACITY PROCEEDINGS**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.     )  
of 20         )  
(Seal)        )

In the Matter of Section [section no] of the  
Mental Capacity Act (Act 22 of 2008)

And

In the Matter of [*name of person alleged to lack  
capacity*](ID No.:             ), a person alleged  
to lack capacity (“P”)

Between

(ID No.:             )     ... Plaintiff

And

(ID No.:             )     ... Defendant<sup>+</sup>

To THE DEFENDANT(S) [name]  
of [address]<sup>#</sup>

**ORIGINATING SUMMONS**

Let all parties concerned attend before the Judge (or Registrar) on (date/time),  
on the hearing of an application by the plaintiff that:

[Please select the relevant prayer(s) or add prayers as required.]

1. The Plaintiff be permitted to make an application under section [*state  
the sections of the MCA*] of the Mental Capacity Act (Act 22 of 2008)  
(“MCA”) to the Court.

2. The attendance of P at all hearings for this originating summons be dispensed with.
3. The notification of P about this application be dispensed with.
4. The service of this application on [*state names*] be dispensed with.
5. The attendance of Dr [*state name*] at all hearings for this originating summons is dispensed with.
6. It is declared that [*state name*] (NRIC No.: ) has/lacks\* capacity to make decisions about his personal welfare/property and affairs\*, in particular:

*[To set out in detail the matters where P is alleged to have/lack capacity to make decisions on.]*

7. Subject to the powers given to the Deputy/Deputies\* in the following paragraph, [*Name of deputy*], (NRIC No.: ) of [*Address of Deputy*] is/are\* appointed P's Deputy/Deputies\* to make decisions and act on P's behalf in respect of P's personal welfare only/property and affairs only/ personal welfare, property and affairs.\*

8. The Deputy/Deputies\* powers are limited to the following:

*[To state in detail the specific powers sought under sections 22 and/or 23 of the MCA.]*

9. [The Deputies are to act jointly/jointly and severally.\*]

10. In the event the Deputy or any of the Deputies (where two or more deputies are appointed) dies, becomes a bankrupt (for a property and affairs deputy) or lacks mental capacity to act as deputy, the following are appointed to succeed that Deputy in the stated order:

Name	ID Number	Address
(1)		
(2)		

11. [Please specify in detail if any other order is sought.]

*[Any other order sought, apart from the above, to be set out in detail.]*

12. The costs of and incidental to the proceedings be paid out of P's estate.
13. The plaintiff shall have liberty to apply for such further order or directions.
14. Such other orders as the Court may deem fit.

Dated this                      day of                      20 .

Registrar.

*Memorandum to be subscribed on the summons<sup>#</sup>*

1. *If you intend to contest the application or any part of it, you are required to file an affidavit stating the grounds of your objection within 21 days of service after the date on which you were served with this summons.*
2. *If you do not attend personally or by your counsel or solicitor at the time and place stated in this summons, such order may be made as the Court may think just and expedient.*
3. *This summons is filed by [name of firm], the solicitor for the said plaintiff whose address is [address].*

*(or where the plaintiff sues in person)*

*This summons is filed by the said plaintiff who resides at [address] and is (state occupation) and (if the plaintiff does not reside within the jurisdiction) whose address for service [address].*

4. *This summons may not be served more than 6 months after the above date unless renewed by order of the Court.*
5. *Unless otherwise provided in any written law, where the plaintiff intends to adduce evidence in support of an originating summons he must do so by affidavit, and must file the affidavit or affidavits and serve a copy thereof on every defendant not later than 7 days after the service of the originating summons.*

<sup>+</sup> To use "Applicant" if this is an ex parte application.

<sup>#</sup> To delete if this is an ex parte application.

\*Delete where inapplicable.

**Form 39B**

**PLAINTIFF/APPLICANT'S AFFIDAVIT FOR APPOINTMENT OF DEPUTY**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.     )  
of 20         )  
(Seal)        )

In the Matter of Section [section no] of the  
Mental Capacity Act (Act 22 of 2008)

And

In the Matter of [*name of person alleged to lack  
capacity*](ID No.:             ), a person alleged  
to lack capacity ("P")

Between

(ID No.:             )     ... Plaintiff

And

(ID No.:             )     ... Defendant<sup>+</sup>

**AFFIDAVIT**

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

1. I am the Plaintiff/Applicant\* and make this affidavit in support of my application.
2. The facts contained in this affidavit are within my personal knowledge or are based on documents in my possession.
3. My personal particulars are as follows:
  - (a) Name:
  - (b) Date of Birth (Age):

- (c) Identification Number:
- (d) Residential Address:
- (e) Telephone/handphone number:
- (f) Occupation:
- (g) Relationship to P (if any):

4. P's personal particulars are as follows:

- (a) Name:
- (b) Date of Birth (Age):
- (c) Identification Number:
- (d) Residential Address:
- (e) Type of accommodation:
- (f) Marital status:
- (g) Occupation:

5. The particulars of P's children (if there are surviving children) are as follows:

Name	ID No.	Address	Date of Birth (Age)	Nature of Relationship with P	Telephone/ Handphone No.

6. The particulars of relevant persons who may be interested in this application are as follows:

Name	ID No.	Address	Date of Birth (Age)	Nature of Relationship with P	Telephone/ Handphone No.

7. *[If the plaintiff/applicant falls within one of the categories of persons who do not require permission, to state that no permission is required for him to make the application pursuant to the specific provision of the Act. If the plaintiff/applicant is applying for permission, to state so and explain why.]*

8. *[Paragraph to set out whether the consent of P's children and/or other relevant person's consent has been obtained. If so, the consents are to be filed together with this application. If not, the plaintiff/applicant to explain why such consent has not been obtained.]*

9. *[The plaintiff/applicant's statement of belief as to P's incapacity to manage himself/herself and his property and affairs.]*

10. *[Paragraph to set out the nature of P's incapacity to manage himself/herself and his property and affairs, with supporting medical evidence and examples of incapacity. An up to date report of P's present medical condition, life expectancy, likelihood of requiring increased expenditure in the foreseeable future must be exhibited.]*
11. *[Paragraph to set out P's current and future care arrangements and the current and projected monthly expenses of caring for and maintaining P, with supporting documentary evidence of the said expenses.]*
12. *[Paragraph to set out a schedule of P's sources of monthly/annual income and amount of such income.]*
13. *[Paragraph to set out a schedule of P's assets with up to date valuations.]*
14. *[Paragraph to set out the reasons why it is necessary and in the benefit of P to sell, dispose, or otherwise deal with those assets and how the proceeds thereof are to be applied for the P's maintenance and well-being.]*
15. *[Paragraph to set out whether P has received or is going to receive any form of compensation or an award of damages and if so, to give details of such compensation or award.]*
16. *[Paragraph to set out whether P has any outstanding debts or liabilities and if so, to give details of such debts or liabilities.]*
17. *[Paragraph to state whether there is a Lasting Power of Attorney which has been made and registered by P and if so, to provide details. If there is no such Lasting Power of Attorney which has been registered, to state whether the plaintiff is aware that P has made an instrument intended to create a Lasting Power of Attorney.]*
18. *[Paragraph to state whether P has made a will or codicil and if so, to exhibit a copy of the Will.]*
19. *[Paragraph to set out any other relevant facts to support this application.]*
20. There is/is no\* previous or pending application relating to P under the Mental Capacity Act (Act 22 of 2008). *[If there are previous or pending proceedings, to state the Originating Summons number and the status of the application.]*

21. Upon the Court declaring that P has/lacks\* capacity to make decisions about his personal welfare/property and affairs,\* I seek an order in terms of the prayers as set out in my application.

Sworn (or affirmed) by the )  
abovenamed on )  
this day of 20 )  
at Singapore )

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

Before me,

Commissioner for Oaths

*+ To use "Applicant" if this is an ex parte application.*

*\*Delete where inapplicable.*

**Form 39C**

**DEPUTY'S AFFIDAVIT**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.     )  
of 20         )  
(Seal)        )

In the Matter of Section [section no] of the  
Mental Capacity Act (Act 22 of 2008)

And

In the Matter of [*name of person alleged to lack  
capacity*](ID No.:             ), a person alleged  
to lack capacity ("P")

Between

(ID No.:             )     ... Plaintiff

And

(ID No.:             )     ... Defendant<sup>+</sup>

**AFFIDAVIT**

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

1. I am the Deputy proposed to be appointed to make decisions and act on P's behalf in respect of P's personal welfare only/property and affairs only/ personal welfare, property and affairs.\*
2. The facts contained in this affidavit are within my personal knowledge or are based on documents in my possession.
3. My personal particulars are as follows:  
(a) Name:

- (b) Age:
- (c) Identification number:
- (d) Residential Address:
- (e) Telephone/handphone number:
- (f) Occupation:
- (g) Name and address of employer:
- (h) Monthly nett income:
- (i) Relationship to P (if any):

- 4. I am not/am\* an undischarged bankrupt. [*If the proposed Deputy is a bankrupt or is facing bankruptcy action, to state date of bankruptcy order, case details and cause of the bankruptcy action.*]
  
- 5. I have not/have\* been convicted of a criminal offence. [*If the proposed Deputy has been convicted of a criminal offence or is facing criminal prosecution, to state date of conviction, case details and sentence pronounced.*]
  
- 6. I have not/have\* been sued as a defendant in civil proceedings and have had judgment entered against me. [*If the proposed Deputy has been sued or is facing civil claims, to state date of judgment, case details and judgment details.*]
  
- 7. I have not/have\* been appointed as a donee or deputy for someone else. [*To specify the date and details of such appointment and whether such appointment has been revoked or terminated.*]
  
- 8. [*Paragraph to set out any other relevant facts to support this application e.g. why a deputy needs to be appointed for P, why the proposed deputy would be a good choice as deputy, what the proposed deputy would do for P if he is appointed.*]
  
- 9. I declare and undertake as follows:
  - (a) I understand my responsibilities if I am appointed as Deputy. In particular, I understand that I must act with honesty and integrity and ensure that my personal interests do not conflict with my duties as P's deputy, and I will not use my position for any personal benefit.
  
  - (b) I will have regard to the Mental Capacity Act Code of Practice and act in accordance with the principles of the Mental Capacity Act (Act 22 of 2008). In particular, I will act and make decisions for P in P's best interests.

- (c) I will inform the Public Guardian if I have any reason to believe that P no longer lacks capacity and may be able to make his own decisions about the matters for which I am applying to be appointed P's deputy. I understand that if I am appointed P's deputy, I will not have power to make a decision on his behalf in relation to a matter if I know or have reasonable ground for believing that P has capacity in relation to the matter.

Sworn (or affirmed) by the )  
abovenamed on )  
this day of 20 )  
at Singapore )

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

Before me,

Commissioner for Oaths

*+ To use "Applicant" if this is an ex parte application.*

*\*Delete where inapplicable*

**Form 39D**

**CONSENT TO ORIGINATING SUMMONS AND  
DISPENSATION OF SERVICE OF DOCUMENTS**

IN THE HIGH COURT/SUBORDINATE COURTS OF  
THE REPUBLIC OF SINGAPORE\*

OSF. No.     )  
of 20         )  
(Seal)        )

In the Matter of Section [section no] of the  
Mental Capacity Act (Act 22 of 2008)

And

In the Matter of [*name of person alleged to lack  
capacity*](ID No.:             ), a person alleged  
to lack capacity ("P")

Between

(ID No.:             )     ... Plaintiff

And

(ID No.:             )     ... Defendant<sup>+</sup>

**CONSENT**

I/We,\* [*name of relevant person(s)*], of [*state address(es)*] being the [*state  
nature of relationship with P*] of P state as follows:

1. I/We\* understand the nature of the order which is applied for in these proceedings.
2. I/We\* consent to:

[*State the prayers in the Originating Summons which the relevant  
person(s) is/are consenting to.*]

3. I/We\* consent to the dispensation of service of the Originating Summons, supporting affidavit and all subsequent documents filed in these proceedings on me/us.\*

Sworn (or affirmed) by the )  
abovenamed on )  
this day of 20 )  
at Singapore )

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

Before me,

Commissioner for Oaths

<sup>+</sup> To use "Applicant" if this is an *ex parte* application

\*Delete where inapplicable.

## Form 39E

### NOTICE TO RELEVANT PERSONS

#### APPLICATION UNDER MENTAL CAPACITIES ACT (ACT 22 OF 2008)

1. You have been served with an Originating Summons and the supporting affidavit. The plaintiff is making an application for [*state nature of application*].
2. If you consent to the application, you are required to sign a written consent in Form 39D of the Subordinate Courts Practice Directions before a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths. You may file the written consent using the Electronic Filing Service<sup>#</sup> within 21 days after the date on which you were served with this Originating Summons. Alternatively, you may return the completed and signed consent form to the plaintiff's solicitor/plaintiff.\*
3. If you intend to contest the application or any part of it, you are required to file an application in Form 39G of the Subordinate Courts Practice Directions to seek the permission of the Court to be joined as a party to the proceedings. This application must be supported by an affidavit stating your interest in the application and the grounds of your objection. The application must be filed using the Electronic Filing Service<sup>#</sup> within 21 days after the date on which you were served with this Originating Summons.
4. If you do not attend personally or by your solicitor at the time and place stated in the Originating Summons, such order may be made as the Court may think just and expedient.
5. This Originating Summons is filed by [*name of firm*], the plaintiff's solicitor whose address is [*state address*].

(or where the plaintiff acts in person)

This Originating Summons is filed by the plaintiff who resides at [*address*] and (if the plaintiff does not reside within the jurisdiction) whose address for service is [*state address*].

Name and Signature  
Solicitors for the Plaintiff/Plaintiff\*

\* To delete where inapplicable.

<sup>#</sup> To file a document using the Electronic Filing Service, you may use the Lawnet and Crimsonlogic Service Bureau located at 133 New Bridge Road, Chinatown Point #19-01/02, Singapore 059413. Alternatively, you may file the document at the Lawnet Service Bureau at 1, Supreme Court Lane, Level 1, Supreme Court Building Singapore 178879.

**Form 39F**

**CERTIFICATE OF NOTIFICATION**

(Title as in cause or matter.)

**CERTIFICATE OF NOTIFICATION**

I, [*name of person effecting the notification*] (NRIC No.                   ), certify that I have notified the abovenamed P of this Originating Summons on [*date*] at [*address where notification took place*]. The notification complies with Order 99, rule 6 of the Rules of Court and Paragraph 116I of the Subordinate Courts Practice Directions.

Dated this     day of           20

Signature and name of person effecting notification

**Form 39G**

**SUMMONS FOR MENTAL CAPACITY PROCEEDINGS**

(Title as in cause or matter.)

**SUMMONS**

1. Date and Time of Hearing before Judge in Chambers/Registrar\*  
(*to be completed by the court*)  
Date of hearing: [Date]  
Time of hearing: [Time]
  
2. Orders Applied For: [Set out orders applied for.]
  
3. Grounds of application  
[Choose one of the following]
  - (a) The grounds of the application are set out in the affidavit(s) filed in support of this application.
  - (b) The grounds of the application are set out herein.
  
4. Party/Parties\* to be served with this Summons  
[Insert party to be served with summons e.g. spouse, children, parents, etc.]
  
5. Consent\*  
I/We\* hereby consent to this Summons.

Signature: [Signature of consenting party]

[Name and NRIC No. of Party Consenting to this Summons/Name of the Solicitor of Party Consenting to this Summons.\*]:

This Summons is taken out by [*to state name of party filing this summons*]

Signed:

Registrar:

Date:

\*Delete where inapplicable.

**Form 39H**

**ORDER OF COURT FOR MENTAL CAPACITY PROCEEDINGS**

(Title as in cause or matter.)

ORDER OF COURT

1. Date of order
  
2. Nature of Hearing (in Chambers)  
Summons No./Nos\*: [*to state number*]
  
3. Name of Registrar/Judge\* Making the Order  
[*to state name*]
  
4. Parties Present at the Hearing  
[*Choose one or more of the following*]
  - (a) Plaintiff\*
  - (b) Plaintiff's Counsel\*
  - (c) Defendant\*
  - (d) Defendant's Counsel\*
  - (e) P\*
  - (d) P's Litigation Representative\*
  - (e) Other Party (to specify)\*
  
5. Orders Made (By Consent\*)

Signed:

Registrar:

Date:

\*Delete where inapplicable.