

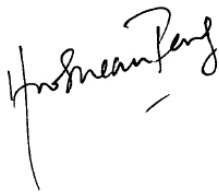
IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

ePRACTICE DIRECTION NO. 3 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**

1. The Subordinate Courts will be implementing a new scheme with effect from 9 November 2009 whereby counsel and parties do not have to attend an open court hearing for certain types of uncontested divorces. The court will decide in chambers without the need for counsel or parties to be present. Where a case comes within the new scheme, the party filing the Request for Setting Down Action for Trial must attach a duly completed Form 21C together with the Affidavit of Evidence in Chief and Draft Consent Order, if any. For cases not within the scheme, a duly completed Form 21D must be attached.
2. This Practice Direction will take effect on 9 November 2009.
3. 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>.
4. 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 27th day of October 2009.



HOO SHEAU PENG
REGISTRAR
SUBORDINATE COURTS

Directions for Amendments

- (1) The existing Part X of the Table of Contents to be removed and the new amended Part X of the Table of Contents substituted therefor.
- (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 existing Paragraph 92A to be removed and the new amended Paragraph 92A substituted therefor.
- (5) The new Paragraph 92B should be inserted immediately after the new amended Paragraph 92A.
- (6) The new Forms 21C and 21D should be inserted immediately after the existing Form 21B.

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

As at 27th October 2009

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.

92A. Affidavit of Evidence in Chief for Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition)

- (1) To facilitate the open court hearings of uncontested matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) commenced on or after 1 April 2006:
 - (a) where the plaintiff is proceeding on the statement of claim, the plaintiff is required to file an Affidavit of Evidence in Chief in the prescribed format in Form 21A of Appendix B to attest to the veracity of the contents found in the statement of claim and statement of particulars; and
 - (b) where the defendant is proceeding on the counterclaim, the defendant is required to file an Affidavit of Evidence in Chief in the prescribed format in Form 21B of Appendix B to attest to the veracity of the contents found in the counterclaim.
- (2) The Affidavit of Evidence in Chief may be filed together with or after the filing of the Request for Setting Down Action for Trial (Form 22 of the Matrimonial Proceedings Rules 2005), but in any event, no later than 10 working days before the open court hearing, except where Paragraph 92B(2) applies, in which case the Affidavit of Evidence in Chief shall be filed together with the Request for Setting Down Action for Trial.

92B. 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

(1) In uncontested matrimonial proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition):

(a) where section 95(3)(d) of the Women's Charter is relied upon;
or

(b) where either section 95(3)(b), (c) or (e) is relied upon and either:-

(i) the defendant has filed a Memorandum of Appearance indicating that the defendant is not contesting the divorce; or

(ii) parties have entered into a draft consent order for some or all of the ancillary matters intended for recording at the uncontested divorce hearing,

the Court may dispense with the attendance of counsel and parties at the uncontested divorce hearing.

(2) For cases falling within sub-paragraphs (1)(a) or (b) above, the party filing the Request for Setting Down Action for Trial on an uncontested basis shall, at the same time, file the:

(a) Affidavit of Evidence in Chief in the prescribed format in either:

(i) Form 21A of Appendix B to attest to the veracity of the contents found in the statement of claim and statement of particulars; or

(ii) Form 21B of Appendix B to attest to the veracity of the contents of the counterclaim,

(b) draft consent order incorporating the terms of the agreement, if any, and

(c) Form 21C of Appendix B.

A copy of Form 21C of Appendix B shall be sent to the other party at the same time by the filing party.

(3) In addition, on the same day of filing the Request for Setting Down Action for Trial or within 3 days thereafter, the filing party shall tender the original Marriage Certificate with a hard copy of the Request for

Setting Down Action for Trial and, where applicable, a certified translation, to the Family Registry.

- (4) Where the documents are in order, the court may proceed to grant the relevant orders without requiring the attendance of the parties.
- (5) Notwithstanding the above, the Court has the discretion to fix the matter for open court hearing and require the attendance of parties.
- (6) This procedure shall be complied with by counsel acting for the party filing the Request for Setting Down Action for Trial in all applicable cases unless an application for exemption is submitted citing special grounds (for example where parties wish to make any further application related to the grant of an interim judgment, including applications for abridgment of time).
- (7) If a case does not fall under sub-paragraphs (1)(a) or (b) above or if parties are applying for an exemption under sub-paragraph (6) above, the party filing the Request for Setting Down Action for Trial on an uncontested basis shall, at the same time, file Form 21D of Appendix B.

Form 21C

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

Date

To: Registrar
Family and Juvenile Court, Singapore

DIVORCE SUIT NO. _____ OF _____
TITLE AS IN ACTION

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

1. We refer to the above divorce which will be heard on an uncontested basis.
2. We confirm as follows (please tick the applicable paragraphs):
Grounds of Divorce:
 - (a) (i) The divorce is based on the ground of 3 years separation with the written Consent of the other party or
 - (ii) The ground for the divorce is:-
 - unreasonable behaviour
 - 2 years' desertion
 - 4 years' separation; AND
 - the Defendant has filed a Memorandum of Appearance indicating the Defendant is not contesting the divorce; or
 - there is a Draft Consent Order relating to all or some of the ancillary matters.

Ancillary Matters

- (b) (i) The ancillary matters have not been agreed and Prayers (___) to (___) of the Statement of Claim/Counterclaim are to be adjourned to be heard in Chambers. We request for:-
 - o ___ weeks to file and exchange the Affidavit of Assets and Means; or
 - o a mediation session for parties to attend.
- (ii) There are no ancillary matters to be adjourned to be heard in Chambers.
- (iii) All of the ancillary matters have been agreed and the Draft Consent Order has been filed on _____(date).
- (iv) Some of the ancillary matters have been agreed and the Draft Consent Order has been filed on _____(date) and Prayers (___)

to (___) of the Statement of Claim/Counterclaim are to be adjourned to be heard in Chambers. We request for:-

- ___ weeks to file and exchange the Affidavit of Assets and Means; or
 - A mediation session for parties to attend.
3. We confirm that parties will not be making any further applications (e.g. abridgment of time, cost, withdrawal or amendment of pleadings etc.).
 4. The original Marriage Certificate and, where applicable, the certified translation will be sent to Registry within the next 3 days.
 5. Parties understand that the Court may not make the required orders as requested if any of the papers are not in order, in which case a hearing will be scheduled.

Signature

Name of Solicitor for the Plaintiff/Defendant*

Name of Law Firm

cc Solicitor for the Defendant/Plaintiff or Defendant-in-person/Plaintiff-in-person*

*Delete where inapplicable

Form 21D

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

Date

To: Registrar
Family and Juvenile Court, Singapore

DIVORCE SUIT NO. _____ OF _____
TITLE AS IN ACTION

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

1. We refer to the above divorce which will be heard on an uncontested basis.
2. *We confirm that the above case is to proceed for Uncontested Divorce Hearing in Open Court as it does not fall under Paragraph 92B(1)(a) or (b) of the Subordinate Courts Practice Directions (2006 Ed.).

(or)

*Parties wish to apply for an exemption pursuant to Paragraph 92B(6) of the Subordinate Courts Practice Directions (2006 Ed.).

- (a) The special grounds in support of our client's application for exemption are as follows:-
- (b) The supporting documents (if any) are as follows and attached herein:-
- (c) Please approve the aforesaid application and fix the matter for Hearing in Open Court.

Signature

Name of Solicitor for the Plaintiff/Defendant*

Name of Law Firm

cc Solicitor for the Defendant/Plaintiff or Defendant-in-person/Plaintiff-in-person*

*Delete where inapplicable

For official use: Approved/Not approved

Signed:

Date:

Uncontested Divorces – Dispensation of Attendance by Parties and Counsel

Note for counsel and parties

The Subordinate Courts will be implementing a new scheme wef 9 November 2009 whereby counsel and parties do not have to attend an open court hearing for certain types of uncontested divorces. The court will decide in chambers without the need for counsels or parties to be present.

2. The Hon Chief Justice in his Keynote Address at the 18th Subordinate Courts Workplan held on Friday 27 February 2009 observed that the formality of granting interim judgment in open court for uncontested divorces had been around for many years. As couples may already have gone through some form of counseling and/or mediation a further appearance in court just to hear the court's decision would seem rather wasteful in terms of time, resources and legal fees.

Cases within the Scheme

3. Under the scheme, attendance of parties and counsel for certain categories of uncontested divorces will be dispensed with, where it is clear that both parties have given their consent to the divorce or are not contesting the divorce or have agreed to some/all of the ancillary matters:

- i) the ground of divorce is 3 years separation with the other party's written consent;
- ii) the ground of divorce is unreasonable behaviour, 2 years' desertion or 4 years' separation *and* the defendant has filed a Memorandum of Appearance indicating that he is not contesting the divorce or there is a Draft Consent Order on all or some of the ancillary matters.

Cases not within the Scheme

4. The cases excluded from the scheme are those based on adultery or where no consent has been given (either for the divorce and/or ancillary matters) and writs for nullity. Cases within the scheme (see paragraph 3 above), will be excluded, where parties wish to make further applications related to the grant of an interim judgment, for example for abridgement of time.

Procedure for Setting Down Cases for Trial

5. Where a case comes within the new scheme, the party filing the Request for Setting Down Action for Trial must attach a duly completed Form 21C together with the AEIC and DCO, if any. For cases under paragraph 4 above, a duly completed Form 21D must be attached.

Procedure for Exemption

6. Where paragraph 3 applies and parties are of the view that the procedure under the new scheme should not apply to their case, they are to apply through Form 21D for exemption citing special grounds when the case is set down for trial.

Consideration in Chambers without presence of counsels or parties

7. The grant of the divorce will be decided by the court in chambers. As at present, the grant of divorce will be decided by the court after carefully considering the facts of the case, the law and going through the relevant documents. However, the court may still require parties and counsel to attend the hearing, if the court decides that the documents require clarification or are not in order. Applications by counsel to deal with these matters may then be made and dealt with at the open court hearing.

8. The date when the court will be deciding the case in chambers (without attendance of counsel and parties) will be annotated on the Request for Setting Down Action for Trial and the outcome will be subsequently uploaded on the court's website so that counsel can proceed to extract the interim judgment.

Continuation of Present Procedure for Uncontested Divorce Hearings in Open Court for relevant cases

9. Cases that do not come under the scheme or where counsel wishes to make other applications related to the grant of the interim judgment, will continue to be heard in open court. There will be no change in open court hearings and all cases will proceed as they do now.

10. The operation of the scheme will be monitored with a review to be carried out after 6 months. The Subordinate Court would like to thank the Law Society and the Legal Aid Bureau for their views and feedback on the scheme.