**IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE**

**PRACTICE DIRECTION NO. 7 OF 2003**

# TRANSFER OF MATRIMONIAL PROCEEDINGS TO THE HIGH COURT, EXTENSION OF ELECTRONIC FILING TO MATRIMONIAL PROCEEDINGS, AND ENHANCEMENTS TO ELECTRONIC FILING FOR PROBATE PROCEEDINGS

The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2003 ("the Order") will come into operation on 15 December 2003. The effect of the Order is that, where there is a contested application under Part X of the Women's Charter for the division of matrimonial assets asserted to be worth $1.5 million or more in gross value, the entire cause will be transferred from the District Court to the High Court, upon the direction of the Registrar of the Subordinate Courts that the ancillary issues are ready for hearing.

2 Parties are reminded that in such transferred proceedings, the Court may make the appropriate order as to costs where the gross value of the matrimonial assets is found to be below $1.5 million.

3 Also, with effect from 15 December 2003, the Supreme Court will be extending the Electronic Filing Service to all proceedings transferred to the High Court pursuant to the Order.

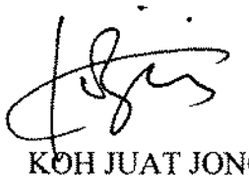
4 This practice direction sets out the procedures to be complied with in respect of the transfer of matrimonial proceedings to the High Court and the electronic filing of the said proceedings. It applies only to such matrimonial proceedings commenced on or after 15 December 2003.

5 In addition, the enhancements to electronic filing for probate and administration proceedings in the Supreme Court, which was announced in Practice Direction No. 3 of 2003 but deferred for implementation in Practice Direction No. 3A of 2003, will be re-introduced on 15 December 2003. Accordingly, this Practice Direction sets out amendments to paragraph 43FFF of the Practice Directions and the introduction of Forms 14 F and 14G therein in respect of the enhancements. It applies to petitions in probate and administration proceedings filed on or after 15 December 2003.

6 This practice direction will take effect on 15 December 2003.

7 This practice direction should be included in *The Supreme Court Practice Directions (1997 Ed.)* immediately before the first page of the table of contents. Instructions for effecting the amendments to *The Supreme Court Practice Directions (1997 Ed.)* are contained in the Appendix hereto.

Dated this 1st day of December 2003.



KOH JUAT JONG
ACTING REGISTRAR
SUPREME COURT

## APPENDIX

### Instructions for Amendment of

### *The Supreme Court Practice Directions (1997 Ed.)*

1. Remove pages iii to iiiB and replace with the pages attached (new pages iii to iiiB).
2. Remove pages 52B to 52H(II) and replace with the pages attached (new pages 52B to 52H(II)).
3. Remove pages 52Q(I) to 52S and replace with the pages attached (new pages 52Q(I) to 52S).
4. Remove pages 52EEE(I) to 52FFF(II) and replace with the pages attached (new pages 52EEE(I) to 52FFF(I)).
5. Remove pages 56 to 58A and replace with the pages attached (new pages 56 to 58D).
6. Remove pages 144I to 144M and replace with the pages attached (new pages 144I to 144M).

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**43D. Documents which must be filed, served, etc., using the electronic filing service**

(1) In pursuance to Order 63A, Rules 1 and 8, the Registrar hereby specifies that all documents to be filed with, served on, delivered or otherwise conveyed to the Registrar in the following proceedings, subject to the exceptions which appear later in this paragraph, must be so filed, served, delivered or otherwise conveyed using the electronic filing service:

(a) any proceedings commenced by a writ of summons on or after 1 March 2000, subject to the provisions in sub-paragraphs (c), (d), (e) and (f);

(b) any proceedings commenced by an originating summons on or after 18 December 2001;

(c) any proceedings for taxation commenced by a bill of costs, including proceedings resulting or arising from such proceedings, filed on or after 18 December 2001;

(d) any proceedings commenced by an originating summons or summons for interpleader relief, including proceedings resulting or arising from such proceedings, filed on or after 18 December 2001;

(e) any notices of appeal under Order 55D, including proceedings resulting or arising from such appeals, filed on or after 18 December 2001;

(f) any notices of appeal under Order 57, including proceedings resulting or arising from such appeals, filed on or after 18 December 2001;

(g) any proceedings commenced by a petition for the admission of advocates and solicitors filed on or after 18 December 2001;

(h) any proceedings for winding up of a company commenced by a petition filed on or after 28 May 2002.

(i) any proceedings commenced by an Admiralty writ *in rem* or *in personam* filed on or after 28 May 2002;

(j) any proceedings commenced by an originating motion filed on or after 28 May 2002;



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(k) any proceedings commenced by an originating petition filed on or after 28 May 2002;

(l) any proceedings commenced by a petition of course filed on or after 28 May 2002;

(m) any proceedings or applications under the Bankruptcy Act or Bankruptcy Rules filed on or after 28 May 2002;

(n) any proceedings for a grant under order 71, Rule 5 of the Rules of Court filed on or after 28 May 2002;

(o) any applications to deposit an instrument creating a power of attorney filed on or after 28 May 2002; and

(p) any proceedings commenced by a petition under Part X of the Women's Charter filed on or after 15 December 2003.

The above documents shall be referred to in this part as "specified documents".

(2) Without affecting the generality of sub-paragraph (1), the following documents when filed in any of the proceedings specified in sub-paragraph (1) are "specified documents":

(a) writs of summons;

(b) originating summonses;

(c) petitions for admission of advocates and solicitors;

(d) memoranda of appearance;

(e) pleadings;

(f) summonses-in-chambers;

(g) summonses for directions;

(h) interpleader summonses;

(i) all affidavits, unless expressly excluded in this paragraph;

(j) orders of Court and judgments;

(k) notices of appeal;

(l) appellant's Cases and respondent's Cases;

(m) bills of costs;

(n) notices of objection;

(o) companies winding up petition;

(p) petitions of course;

(q) admiralty writs;

(r) originating motions;



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(s) originating petitions;

(t) bankruptcy petitions;

(u) originating summonses for bankruptcy;

(v) petitions for grants of probate or letters of administration;

(w) instruments creating a power of attorney;

(x) all documents which pertain to assessment of damages, taking of accounts and inquiries before the Registrar;

(y) all documents which pertain to proceedings falling within the ambit of Orders 45 to 52 of the Rules of Court;

(z) requests for and notifications of setting down;

(aa) notices of motion;

(bb) writs of subpoena;

(cc) praecipes;

(dd) certificates, caveats and declarations;

(ee) letters;

(eea) petitions filed under Part X of the Women's Charter and all documents which pertain to proceedings under the said Part; and

(ff) all other documents not otherwise specifically provided for in the preceding clauses.

(2A) Parties are to note that the documents which are to be filed pursuant to Order 34, Rule 3A(1) of the Rules of Court may, instead of being filed through the electronic filing service, be filed in accordance with the procedure outlined in paragraph 43Y(7).

(3) [Deleted]

(4) The specification in sub-paragraph (1)(e) does not require the filing, service, delivery or conveyance of any specified document at the High Court using the electronic filing service if such filing, service, delivery or otherwise conveyance is not required under Order 55D of the Rules of Court.

(5) [Deleted]

(6) In respect of all proceedings stipulated in sub-paragraph (1), any application which was previously brought by way of a notice for directions, a notice for further directions or a notice under the

summons for directions must be brought by way of a summons in chambers.

(7) Bundles of authorities which are specified documents can be filed, served, delivered or otherwise conveyed using the electronic filing service. A party may also choose not to file bundles of authorities and may instead use these for hearings in a paper form in accordance with the directions contained in this part.

**43E. Preparation and submission of a specified document to the Court**

(1) A specified document must be submitted to the Court in one of 2 ways, as stated in Order 63A, Rule 8:

(a) by electronic transmission; or

(b) via a service bureau.

(1A) With effect from 2 July 2001, submission by electronic transmission shall include filing via internet at the EFS website (www.efs.com.sg).

(a) Currently, the Electronic Filing Service operates on a private EDI (Electronic Data Interchange) network ("EFS FE-Windows"). Migration would involve moving the data from the local front-end database of a law firm to the central database at Singapore Network Services Pte Ltd. Upon migration to this web-based filing system ("EFS FE-Web"), the case files can only be accessed through the EFS FE-Web.

(b) For existing cases created using EFS FE-Windows, registered users must continue filing related documents through the EFS FE-Windows until the migration to the EFS FE-Web is completed. Upon completion of the migration, all documents must be filed via the web.

(c) For new cases that have yet to be filed, registered users have a choice of filing via EFS FE-Windows or EFS FE-Web. Cases filed via EFS FE-Windows cannot be accessed using EFS FE-Web and vice versa. Hence, it is advised that new cases be filed via the EFS FE-Web. If registered users choose to continue filing via EFS FE-Windows, they will



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only have to file via EFS FE-Web upon migration. After migration, EFS FE-Windows will no longer be available.

(2) In all the above cases, a specified document will usually be prepared for submission to Court in the same way.

(a) A *submission* must be created using the computer system provided by the network service provider. This submission can contain more than one document, subject to a number of restrictions. The main restrictions are that:

(i) All the documents in the submission must be filed in relation to the same case. For example, a memorandum of appearance for one case and a defence for another case must be included in different submissions.

(ii) Each submission, with one exception, can only include one specified document to which the Court will assign a case number or a document number. The exception is where a fresh writ of summons is filed with a fresh ex parte summons-in-chambers for an interim injunction.

(iii) All documents in the submission must be processed on the same basis of urgency. For example, documents which are to be processed on the Normal basis and the Urgent basis must be included in separate submissions. In this regard, it should be noted that there are three bases of urgency for submissions to the Court:

I. Normal.

II. Urgent. These submissions will be given a higher priority than Normal submissions. Additional fees as specified in items 71D(1)(*a*), 71D(2)(*a*) and 71D(2A)(a) of Appendix B to the Rules of Court are payable for Urgent submissions.



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III. Immediate. These submissions will be given the highest priority. The approval of the Duty Registrar must be sought before a submission can be submitted as an Immediate submission. Immediate submissions can only be submitted via the service bureau.

(iv) A document cannot be submitted to more than one counter or section of the Court. The counter or section of Court to which the filing party wishes to submit the documents need not be specified. However, if this is specified by the filing party, then all the documents in the submission must be submitted to this 1 counter or section.

(b) Information and data pertaining to the case, the parties to the case and the documents in the submission are then entered into an *electronic template*.

(c) Subject to clause (e), the actual documents can be created using word processing software or otherwise, and these documents must be converted into an electronic format known as the *Portable Document Format* (PDF) using the Adobe Acrobat Exchange (Versions 3.01 and 4.0x) programme.

(d) Subject to clause (e), the documents are attached to the submission, and the submission is sent to the Court.

(e) The Certificate of Making Decree Nisi Absolute (Form 22 of the Matrimonial Proceedings Rules) shall be submitted by entering the relevant information in the appropriate electronic template without attaching the document in the PDF format.

(f) Upon the Court's acceptance of the submission of the documents under clause (e) above, the electronic filing service will auto-generate the document in the PDF format, based on the information furnished by the parties in the electronic template, and a copy of the said document will


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be sent to the party who made the submission. Paragraph 43G of these directions will therefore not apply to submissions made under clause (e) above.

(g) Clause (e) above will not apply to the filing of an amended document and Paragraph 43V of these directions will continue to apply.

**43F. Limits on the size and number of documents submitted using the electronic filing service**

(1) The following limits currently apply to the filing of documents using the electronic filing service:

(a) the total number of documents in a single submissions cannot exceed 99.

(b) The total number of pages in a single document cannot exceed 9,999.

(c) The size of a single transmission cannot exceed 500 mega-bytes.

(2) The limits described above will apply to filing both by electronic transmission and via the service bureau.

(3) When filing by electronic transmission, it is recommended that the size of a single transmission should not exceed 100 mega-bytes. If it does exceed this size, the time taken for the submission may be unacceptably long.

(4) These limits will be reviewed periodically with a view to ascertaining if they should be increased.

(5) In the event that any solicitor wishes to file documents which exceed the limits specified in sub-paragraph 43F(1), he should inform the Registrar at least 14 days before the intended filing date. The solicitor will then be asked to attend before the Registrar for directions on how the documents should be filed.



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**43G. Form of specified documents**

(1) All specified documents shall be in the form prescribed by Order 1, Rule 7 of the Rules of Court, with the modifications specified in this paragraph.

(2) The following directions must be complied with in relation to specified documents to which the Court will assign a case number or a document number:

(a) All such documents shall, as far as possible, be A4 in size, and the first page of the document must be A4 in size.

(b) The title of the document, for example, "STATEMENT OF CLAIM", should appear at the centre top of the page.

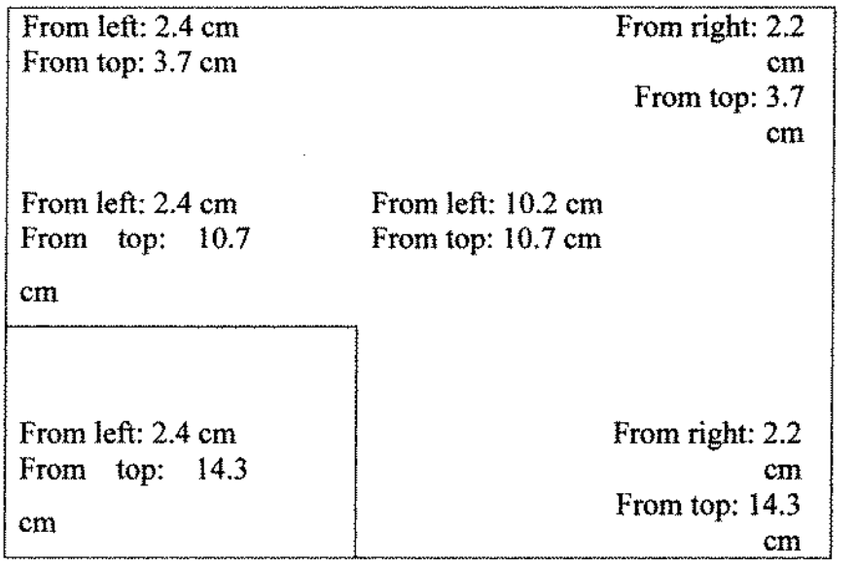
(c) The words, "IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE", should appear immediately below the title of the document.

(d) Two boxes, located at the positions indicated below, should be inserted immediately under the words referred to in clause 43G(2)(c). The smaller box at the lower left hand corner of the larger box may be used to contain the name of the filing law firm or solicitor, and a visible representation of the law firm's or solicitor's signature. The larger box must be left blank:

*(The next page is page 52G(I))*

**WRIT OF SUMMONS**

**IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**




(3) The specified documents to which the Court will assign a case number or a document number (which will be referred to hereinafter in this part as Main Doucments) are the following:

(a) Writs of summons.

(b) Summonses-in-chambers.

(c) Orders of Court.

(d) Judgments.

(e) Notices of appeal under Order 55C of the Rules of Court.

(f) Notices of appeal under Order 56 of the Rules of Court.

(g) Notices of assessment of damages.

(h) Notices of taking of accounts.

(i) Notices of motion.

(j) Notices of inquiry before the Registrar.

(k) Writs of subpoena.

(l) Warrants for committal.

(m) Orders of arrest.

(n) Writs of seizure and sale.

(o) Writs of possession.

(p) Writs of delivery.

(q) Orders of attachment.

(r) Requests for setting down.

(s) Bundles of documents for setting down.

(t) Bundles of documents.

(u) Originating Summonses.

(v) Notices of Appointment to hear Originating Summons.

(w) Writs of Distress.

(x) Interpleader Summonses to execution creditor (Form 33(a)).

(y) Interpleader Summonses to a plaintiff or claimant in a pending action (Form 33(c)).

(z) Directions to Accountant-General for payment into Court.

(aa) Directions to Accountant-General for payment out of Court.

(bb) Notices of Appeal under Order 57 of the Rules of Court.

(cc) Bills of Costs.

(dd) Notices of Objection.

(ee) Petitions for Admission of Advocates and Solicitors.

(ff) Petitions for Winding Up.

(gg) Applications for Reconstruction or Other Scheme.

(hh) Petitions of Course.

(ii) Writs of Summons in Admiralty Action.

(jj) Praecipes for Caveat against Arrest.

(kk) Praecipes for Caveat against Release and Payment Out.

(ll) Warrants of Arrest (Admiralty Action).

(mm) Originating Motions.

(nn) Originating Petitions.

(oo) Bankruptcy Petitions.

(pp) Bankruptcy Orders.

(qq) Originating Summonses Bankruptcy.

(rr) Power of Attorney.

(ss) Deeds of Substitution.

(tt) Supplementary Deeds.

(uu) Deeds of Revocation.

(vv) Deeds of Rectification.

(ww) Petitions for Probate or Letters of Administration.

(xx) Caveats against Grant of Probate.

(yy) Certificates of Making Decree Nisi Absolute (Nullity);

(zz) Certificates of Making Decree Nisi Absolute (Divorce);

(aaa) Certificates of Making Decree Nisi Absolute (Presumption of Death and Divorce).

(4) The following documents are specified documents to which the Court will *not* assign a case number or a document number but which require filing in the form specified at sub-paragraph (2) above:

(a) Applications for Interpleader Summonses by Sheriff.

(b) Interpleader Summonses to Claimant (Form 33(b)).

(c) Certificate for Security for Costs.

(d) Registrar's Certificates (apart from the Registrar's Certificates of service for service of documents via electronic filing service).

(e) Interim Certificates under Order 59 of the Rules of Court.

(f) Warrants of Arrest (Bankruptcy).

For avoidance of doubt, if the documents listed above are related to Main Documents, the directions set out in sub-paragraph (5) below will apply.

(5) If documents which are related to Main Documents (referred to in this sub-paragraph as related documents) are filed, the following directions will apply:

(a) If the related document is filed in the same submission as a Main Document, then the Court's computer system will automatically create a logical link between the Main Document and the related document.

(b) If the related document is filed after the Main Document in a different submission, then the person filing the related

document must include the document number of the Main Document as the Reference Document Number in the electronic template filled in for the submission containing the related document. This is to ensure that the documents related to Main Documents may be easily located in the Court's electronic case file.

(c) Examples of related documents are:

(i) Affidavits filed in support of or in opposition to an application brought by way of summons-in-chambers. If the affidavits are filed in a different submission from the summons-in-chambers, the document number of the summons-in-chambers must be entered as the Reference Document Number of the affidavits in the electronic template of the submission containing the affidavits.

(ii) A notice of appeal filed against a decision made upon application brought by way of summons-in-chambers. The document number of the summons-in-chambers must be entered as the Reference Document Number of the notice of appeal in the electronic template of the submission containing the notice of appeal.

**43GA. Pagination of specified documents**

Every single page of a specified document *must* be paginated so that the pagination on the actual document (which is subsequently converted to PDF) corresponds with the pagination of the specified document in the

*(The next page is page 52I)*

**43W. Form of affidavits**

(1) This paragraph shall apply to affidavits which are specified documents. Paragraphs 24 to 28 of these directions shall not apply to such affidavits save to the extent stated in this paragraph.

(2) Affidavits may be sworn in one of the two ways described in Order 63A, Rule 15.

(3) Affidavits shall have a blank margin not less than 35mm wide on all 4 sides of the page. They shall be printed or typed and must be double-spaced.

(4) The textual portion of the affidavits, as opposed to the exhibits, must be white.

(5) At the top right hand corner of the first page of every affidavit there shall be typed or printed in a single line the following:

(a) the party on whose behalf the affidavit is filed;

(b) the name of the deponent;

(c) the ordinal number of the affidavit in relation to the affidavits filed in the cause or matter by the deponent; and

(d) the date the affidavit is to be filed.

For example, "2nd Deft; Tan Ah Kow; 4th; 15.12.1999".

(e) for affidavits filed in respect of matrimonial proceedings under Part X of the Women's Charter (Cap. 353, 1997 Revised Edition),

(i) the top right hand corner of the first page of every affidavit shall also state whether the affidavit has been filed in respect of a summons-in-chambers, ancillary matters ("AM") or originating summons ("OS") hearing, and if the affidavit is filed in respect of a summons-in-chambers hearing, it shall state the number of the said summons-in-chambers, where the number is available.

For example, "Respondent: Tan Ah Kow: 4th: 15.4.2000: AM hearing"; and

"Respondent: Tan Ah Kow: 4th: 15.4.2000: SIC hearing: SIC no. 1234 of 2000"; and

(ii) the document name that is selected in the electronic filing service for an affidavit for ancillary matters hearing shall be "Affidavit for AM".

(6) Every page of the affidavit (including separators and exhibits) shall be paginated consecutively, and the page number shall be placed at the centre top of the page.

(7) The following directions shall apply to exhibits to affidavits:

(a) Every page of every exhibit must be fully and clearly legible. Where necessary, magnified copies of the relevant pages should be interleaved in appropriate places.

(b) If an affidavit is not sworn electronically within the meaning of Order 63A, Rule 15, paragraph 25(1)(b) must be complied with.

(c) Each exhibit in the affidavit must be separately book-marked.

(i) The book-marking should be effected using the book-marking function provided in the Adobe Acrobat Exchange (Versions 3.01 and 4.0x) programme.

(ii) The names of the book-marks should follow the initials of the deponent of the affidavit, e.g., TAK-1, TAK-2.

(iii) Where a deponent deposes to more than 1 affidavit to which there are exhibits in any 1 action, cause or proceedings, the numbering of the exhibits in all subsequent affidavits shall run consecutively throughout, and not begin again with each affidavit.

(iv) Related documents (e.g., correspondence and invoices) may be collected and collectively exhibited as one exhibit and may be arranged in chronological order, beginning with the earliest at the top.

(d) If the textual portion of the affidavit refers to anything included in the exhibits to the same affidavit, then a link must be created from that reference in the text of the affidavit to the document or documents referred to. This link should be created using the link function provided in the Adobe Acrobat Exchange (Versions 3.01 and 4.0x) programme.

(e) Where a deponent wishes to refer to documents already exhibited to some other deponent's affidavit, he shall not also exhibit it to his own affidavit.

(f) The directions in paragraph 25(5) shall continue to apply in relation to non-documentary exhibits.

(8) If the directions contained in this paragraph are not followed, it will be very difficult during hearings, or on any other occasion when the affidavits are to be referred to, to locate the documents or exhibits referred to in the textual portion of affidavits. In view of this, if the directions set out in this paragraph are not complied with in relation to any affidavit that is a specified document, that affidavit is liable to be rejected when an attempt is made to file it, and, even if not rejected, may be made the subject of an order for costs.

**43X. Swearing affidavits electronically**

(1) Order 63A, Rule 15(3) provides that affidavits may be sworn electronically if certain conditions are met.

(2) In pursuance of sub-paragraph (b) of Order 63A, Rule 15(3), the following forms of jurats should be used for the swearing of affidavits by electronic means:

(a) Where the affidavit is sworn by one deponent and:

(i) the deponent understands English; or

(ii) the affidavit is interpreted to the deponent by a Court interpreter; or

**43EEE. Bankruptcy proceedings**

All specified documents filed with, served on, delivered or otherwise conveyed to the Registrar in respect of the bankruptcy proceedings shall be filed using white-coloured paper regardless of whether the specified documents are filed, served, delivered or otherwise conveyed by electronic transmission or via the service bureau.

**43FFF. Petitions for grants of probate, letters of administration or resealing of grant**

(1) A petition for the grant of probate, letters of administration or resealing of grant under Order 71 Rule 5 of the Rules of Court, filed on or after 15 December 2003, shall be submitted by entering the relevant information in the appropriate electronic template without attaching the document in the PDF format. It shall not be necessary for a petition filed on or after 15 December 2003 to be signed. Any petition filed on or after 15 December 2003 must also be accompanied by a checklist as prescribed in Form 14F of Appendix B, which shall also be duly completed and submitted by the filing party by entering the relevant information in the appropriate electronic template.

(2) The following supporting documents (whichever may be relevant) must be electronically filed in the same submission as related documents, but separately from the petition and checklist:

(a) in all cases, a certified true copy of the death certificate of the deceased;

(b) where there is a will, a certified true copy of the will;

(c) in the case of a resealing of grant, a certified true copy of the foreign grant;

(d) in the case of Muslim estates, a certified true copy of the inheritance certificate; and

(e) any other documents in support of the petition required under the Probate and Administration Act (Cap 251, 1999 Edition), the Rules of Court or by the Court.

The original death certificate, original will and original inheritance certificate and certified true copy of the foreign grant (if any) must

then be submitted to the Probate Counter by 4.30 p.m. on the next working day after the electronic filing of the petition for verification. Where the original will has been retained in the custody of a foreign court, then a certified true copy of the will by that foreign court must be submitted in place of the original. After verification, the original will shall be retained by the Probate Counter in order to comply with Order 71 Rule 47A.

(3) The filing of an uncertified copy of the will in A3 size shall no longer be required.

(4) Order 71 Rule 5(1) of the Rules of Court provides that a petition for the grant of probate, letters of administration or resealing of grant must be verified by an affidavit of the petitioner. For petitions filed on or after 15 December 2003, the affidavit (called the "affidavit verifying petition under Order 71 Rule 5") shall be filed as a separate document from the petition, be in the prescribed format in Form 14G of Appendix B and state that the petitioner

deposes to the truth of the contents of the petition. The affidavit verifying petition should be affirmed and filed in the same submission as the petition. However, if it is impracticable to do so, the affidavit verifying petition may be submitted not later than 7 days after the acceptance of the petition by the Court.

(5) Where a party seeks to substitute the name of the administrator(s) or add in further administrator(s), or rectify any errors in the petition following the grant, an application must be made by way of a summons-in-chambers to amend the petition. The proposed amendments to the petition should be annexed to the summons-in-chambers application. Where the application is granted, the party shall file the amended petition in PDF format within 14 days of the order or such time as may be permitted in the order of court granting leave to amend. The relevant amendments shall also be correspondingly entered into the electronic template by the filing party at the same time that the amended petition is filed, in accordance with sub-paragraph

(6). In the case of a substitution of administrator(s) or addition of further administrator(s), then a fresh affidavit in support of the petition must be filed together with the amended petition, by each of the administrators named in the amended petition. The new grant shall not be extracted until after the filing of the amended petition and affidavits, if any, as well as the entry of the relevant amendments into the electronic template.

(6) If the document which is amended and filed in court ("the amended document") is a document which was originally filed in court by entering the relevant information in an electronic template, then any amendments to the relevant information shall be entered into the electronic template by the solicitor at the same time as the amended document is filed.

(7) In an application for the dispensation of sureties, a supporting affidavit in accordance with paragraph 83A will have to be filed and the necessary consents to dispensation, certificate from the Commissioner of Estate Duty and all other exhibits must be bookmarked and hyperlinked in the affidavit in a manner described in paragraph 43W(7).

(8) The Court may reject any document which does not comply with the above directions.

**43GGG. Instruments creating power of attorney**

(1) With effect from 28 May 2002, a praecipe need not be filed for an application to deposit an instrument creating a power of attorney under Order 60, Rule 6 of the Rules of Court. Instead, the instrument and other supporting documents, if any, are to

*(The next page is page 52GGG).*

52FFF(1) Inserted with effect from 15 December 2003 pursuant to Practice Direction No. 7 of 2003.

granted. In particular, if section 123 of the Women's Charter (Cap. 353) is applicable, the directions set out in paragraph 48 below should be complied with.

**48. Arrangements for the welfare of children**

(1) Section 123 of the Women's Charter (Cap. 353) sets out the restrictions on the making of the decree nisi absolute for divorce or nullity of marriage before proper arrangements for the welfare of the children have been made.

(2) To enable the Court to discharge its duty under section 123, counsel for the petitioner should, *at the hearing of the petition*, inform the Court:

(a) that there are no relevant children to whom the section applies;

(b) the arrangements have or have not been made for the welfare of the children and that if arrangements have been made, they are satisfactory or are the best that can be devised in the circumstances;

(c) whether or not it is impracticable for the party or parties appearing before the Court to make such arrangements; or

(d) whether or not the circumstances make it desirable that the decree nisi should be made absolutely without delay.

(3) The requirement set out in Rule 4 (3) of the Women's Charter (Matrimonial Proceedings) Rules as to the filing of a "Statement As To Arrangements for Children" with the petition in certain circumstances should be complied with.

**49. Additional copies of certain documents**

(deleted)

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Inserted with effect from 15 December 2003 pursuant to Practice Direction No. 7 of 2003.

**50. Transfer of divorce proceedings, matrimonial causes and matters relating to the guardianship of infants to the Family Court of the Subordinate Courts**

(1) The Honourable the Chief Justice had on 12 March 1996 made an order under section 28A of the Supreme Court of Judicature Act (Cap 322) for all proceedings under section 59 and Part X of the Women's Charter (Cap 353, 1997 Revised Edition) and the Guardianship of Infants Act (Cap 122) commenced in the High Court on or after 1 April 1996 to be transferred to and be heard by a District Court ('the 1996 Transfer Order').

(2) Pursuant to the 1996 Transfer Order -

(a) all proceedings under section 59 and Part X of the Women's Charter (Cap 353, 1997 Revised Edition) and the Guardianship of Infants Act (Cap 122) (referred to in this direction as "family proceedings") commenced in the High Court on or after 1 April 1996 shall be transferred to and be heard by a District Court; and

(b) all family proceedings commenced before 1 April 1996 as well as any proceedings ancillary thereto shall continue to be heard and determined by the High Court.

(3) The Honourable the Chief Justice had on 11 November 2003 made an order under section 28A of the Supreme Court of Judicature Act (Cap 322) for all proceedings under section 59 and Part X of the Women's Charter (Cap 353, 1997 Revised Edition) and the Guardianship of Infants Act (Cap 122) commenced in the High Court on or after 15 December 2003 to be transferred to and be heard by a District Court ('the 2003 Transfer Order').

(4) Pursuant to the 2003 Transfer Order -

(a) all family proceedings commenced in the High Court on or after 15 December 2003 shall be transferred to and be heard by a District Court; and

(b) proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) transferred to a District Court as stated in paragraph 4(a) above, in which there is a



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contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a gross value of $1.5 million or more shall, upon the direction of the Registrar of the Subordinate Courts that the ancillary issues are ready for hearing, be transferred to and be heard by the High Court.

(5) A sub-registry of the Registry of the Supreme Court (referred to in this direction as the "sub- registry of the Supreme Court") and sub-registry of the Registry of the Subordinate Courts (referred to in this Direction as the "sub-registry of the Subordinate Courts") has been set up in the Family and Juvenile Court Building (at No. 3 Havelock Square) ("the Family and Juvenile Court").

**50A. Documents to be filed at the Registry of the Supreme Court at the City Hall Building.**

(1) All documents relating to family proceedings which are to be heard and determined by the High Court shall continue to be filed at the Registry of the Supreme Court at the City Hall Building. These include:

(a) all originating processes to commence family proceedings before 1 April 1996;

(b) all subsequent applications and documents in or ancillary to these proceedings, whether the applications and documents are filed before or after 1 April 1996;

(c) all applications and documents to vary any Order of the High Court in the family proceedings, whether the applications and documents are filed before or after 1 April 1996; and

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(d) all applications and documents in or ancillary to proceedings commenced on or after 15 December 2003 involving the division of matrimonial assets with a gross value of $1.5 million or more, which have been transferred to the High Court upon the direction of the Registrar of the Subordinate Courts.

(2) Save for the documents listed in sub-paragraph (1), the Registry of the Supreme Court in the City Hall Building will cease to accept the filing of the processes in relation to family proceedings with effect from 1 April 1996. These processes shall be filed at the sub-registry of the Supreme Court at the Family and Juvenile Court.

(3) For avoidance of doubt, all documents relating to family proceedings that are filed at the Registry of the Supreme Court at the City Hall Building shall bear the title "In the High Court of the Republic of Singapore".

**50B. Forms of orders, including *Mareva* injunctions and *Anton Piller* orders**

(1) The format of all orders made in applications taken out in proceedings by way of a petition under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) that is commenced on or after 14 April 2003 shall comply with Form 24 of the Schedule to the Women's Charter (Matrimonial Proceedings) Rules 2003.

(2) Paragraphs 22A and 23 of this Practice Direction shall be applicable to an application for a *Mareva* injunction and an *Anton Piller* order. The order of court for such application shall contain the text set out in Forms 4-6 of Appendix B of this Practice Direction.

*(The next page is page 58B.)*

## 50C. Appeals on ancillary matters or custody matters from the Family Court to the High Court

(1) Appeals against final orders made by the District Judge in chambers on ancillary matters in divorce proceedings under the Women's Charter or custody proceedings under the Guardianship of Infants Act are governed by Order 55C of the Rules of Court. In practice, the District Judges furnish grounds of decision within 8 weeks of the filing of the notice of appeal although the furnishing of grounds of decision is not a requirement under the Rules.

(2) To facilitate the conduct of appeal hearings before the Judge of the High Court in Chambers, parties are required to file the following documents prior to the appeal hearing:

(i) the appellant shall, within one week from the date of the release of the grounds of decision, file his Submission, the Record of Appeal, and where the Record of Appeal exceeds 1000 pages, a Core Bundle, and serve a copy thereof on every respondent to the appeal or his solicitor; and

(ii) the respondent shall, within one week from the date of the service of the documents referred to in sub-paragraph (2)(i), file his Submission and a supplemental Core Bundle, where necessary, and serve a copy thereof on the appellant or his solicitor.

(3) The Submissions to be filed by parties shall set out as concisely as possible:

(i) the circumstances out of which the appeal arises;

(ii) the issues arising in the appeal;

(iii) the contentions to be urged by the party filing it and the authorities in support thereof; and

(iv) the reasons for or against the appeal, as the case may be.



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(4) The parties shall file together with their Submissions a bundle of authorities relied on by the court below as well as other authorities to be relied on at the hearing of the appeal and serve such bundle of authorities on the other party.

(5) The Record of Appeal shall consist of:

(i) the notice of appeal;

(ii) the certified copy of the grounds of decision;

(iii) the certified copy of the notes of evidence;

(iv) the originating process and all subsequent pleadings;

(v) the affidavits filed or referred to by parties for the hearing and any other documents, so far as relevant to the matter decided and the nature of the appeal; and

(vi) the judgment or order appealed from.

(6) The Core Bundle shall contain a copy of:

(i) the grounds of decision;

(ii) the judgment or order appealed from;

(iii) the documents, including notes of evidence, pleadings and affidavits or portions thereof that are of particular relevance to any question in the appeal or that will be referred to at the appeal; and

(iv) an index of the documents included therein, which shall cross-refer each document to its location in the record of appeal.

(7) If the respondent intends to refer to documents at the appeal that are not included in the Core Bundle filed by the appellant, the respondent shall file a supplemental Core Bundle that contains a copy of the documents, together with an index of the documents which shall cross-refer each document to its location in the record of appeal.

(8) The Core Bundle filed by the appellant shall not exceed 100 pages and the supplemental Core Bundle filed by the respondent shall not exceed 50 pages. In computing the number of pages, the copy of the order appealed from, the grounds of decision and the index of documents shall be excluded. The Judge of the High Court may


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take into consideration, any failure to comply with this direction in deciding the costs to be awarded at the hearing of the appeal.

(9) The Submissions, the Record of Appeal, the Core Bundle and the Respondent's Core Bundle shall be filed at the Registry of the Subordinate Courts at No 1 Havelock Square, Singapore.

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Para 43FFF(1)

**14F.**

## CHECKLIST FOR PETITION

## IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

**IN THE ESTATE OF** deceased

**Date of Filing:**

**Petition for Probate, Letters of Administration and Resealing of Grant under the Probate and Administration Act**

**(A) Petition**

(1) ( ) Relevant Petition Template used

(2) ( ) Value of estate does exceed $3 million

(3) ( ) Affidavit of due execution of Will (Affidavit of person who interpreted contents of Will to testator)

(4) ( ) Appointment of Co-Administrator

(5) ( ) Clearing of parties with Prior Rights

(6) ( ) Delay clause



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(6) ( ) Original Inheritance Certificate (for Muslim estates) *(Original hardcopy to be submitted to Probate Counter by 4:30pm of the next working day)*

(7) ( ) Consent of Co-Administrator

(8) ( ) Renunciation of person(s) with prior rights

(9) ( ) Renunciation of Executor

(10) ( ) Certified true copy of Death Certificate of person(s) with prior rights / beneficiary

(11) ( ) Affidavit of foreign law – Order 71 Rule 16 and Rule 25 (Affidavit to state that Petitioner has the right to Petition under the law of the country of domicile)

(12) ( ) Certified true copy of Power of Attorney

(13) ( ) Certified Order of Court appointing guardian under Order 71 Rule 27(1)(a)

(14) ( ) Nomination by infant under Order 71 Rule 27(1)(b)

(15) ( ) Order 71 Rule 29 – Order of High Court / Affidavit – Grants in cases of mental or physical incapacity

(16) ( ) Order 71 Rule 30 – Certified true copy of resolution

(17) ( ) Order 71 Rule 46 – Certified true copy of Order of Court admitting the Will

(18) ( ) Certified true copy of previous Grants of Probate / Letters of Administration (in applications for Letters of Administration De Bonis Non)



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(19) ( ) Certified true copy of A4 Will

(20) ( ) Affidavit of the Petitioner verifying Petition (to be submitted together with the Petition, or not later than 7 days after acceptance of the Petition by the Court)

(21) ( ) Certified Order of Court for Presumption of Death

I certify that I have checked the Petition and accompanying documents and that they are in order.

**Solicitor for the Petitioner(s) / Petitioner in Person**



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pursuant to Practice Direction No. 7 of 2003