

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE
PRACTICE DIRECTIONS
AMENDMENT NO. 4 OF 2013

It is hereby notified for general information that, with effect from 1st July 2013, the Subordinate Courts Practice Directions will be amended as follows:

- (a) the following new paragraph 56A will be inserted immediately after the existing paragraph 56:

New paragraph 56A

- (b) the existing paragraphs 84 and 95 will be deleted and replaced by the following paragraphs 84 and 95:

New paragraphs 84 and 95

- (c) the existing paragraph 156 and the existing Form 59 in Appendix B will be deleted and replaced by the following paragraph and Form respectively:

New paragraph 156
New Form 59 of Appendix B

2. The new paragraphs 56A and 95 implement certain new requirements to be complied with by applicants for a consent judgment or order in proceedings before the Civil or Family Justice Division, where such consent judgment or order involves the disposition or transfer of any property. The new requirements are similar to those stipulated in paragraph 77A of the Supreme Court Practice Directions.

3. The new paragraph 84 stipulates the requirements that parties must comply with when filing cause papers in the Family Justice Division.

4. The new paragraph 156 and Form 59 implement the new procedure for obtaining records of criminal proceedings. The fees payable with respect to such applications are set out in the Criminal Procedure Code (Prescribed Fees) Regulations 2013 and Fees (Subordinate Courts – Criminal Jurisdiction, Protection of Family and Maintenance of Wife and Children) Order 2013, both of which take effect as from 1 July 2013.

Dated this 26th day of June 2013.



JENNIFER MARIE
REGISTRAR
SUBORDINATE COURTS

56A. Consent judgments or orders involving disposition or transfer of property

- (1) In any request or application for a consent judgment or order involving any disposition or transfer of property, the parties must provide the following information to the Court:
 - (a) the identity of the owner of the property subject to disposition or transfer;
 - (b) whether the owner of the property is incapacitated by reason of insolvency from effecting a disposition or transfer of the property;
 - (c) whether the property is subject to any encumbrance which would affect a disposition or transfer thereof; and
 - (d) any other relevant information which ought to be considered by the Court in granting the consent judgment or order.
- (2) The Court may require the information referred to in subparagraph (1) to be provided by way of an affidavit, which should exhibit the relevant searches where applicable.

84. Particulars of Statement of Claim, Statement of Particulars and Counterclaim

Bankruptcy status of both parties

- (1) The Plaintiff must conduct a bankruptcy search on the Defendant.
- (2) If the Plaintiff is a bankrupt, the Plaintiff must obtain the Official Assignee's sanction to commence the action.
- (3) The Plaintiff must state the bankruptcy status of both parties in the Statement of Particulars with the relevant details as specified in paragraph (5) below.
- (4) If the Defendant is a bankrupt and is filing a Counterclaim, the Defendant must obtain and attach the Official Assignee's sanction to file a counterclaim in the Counterclaim with the relevant details as specified in paragraph (7) below.

Statement of Particulars

- (5) The Statement of Particulars to be filed pursuant to rule 7(1)(b) of the Matrimonial Proceedings Rules must state the following information:

Bankruptcy Status

- (a) whether the Plaintiff is a bankrupt and if so, to state whether the Official Assignee's sanction to commence the action has been obtained;
- (b) whether there are pending bankruptcy proceedings filed against the Plaintiff and if so, to state the details of such proceedings, such as the originating summons number, the type of bankruptcy proceedings (e.g. creditor's or debtor's bankruptcy application), the creditor(s), the amount of the Plaintiff's debt, the stage of proceedings, etc.;
- (c) whether the bankruptcy search conducted in relation to the Defendant shows that he is a bankrupt or that there are pending bankruptcy proceedings filed against the Defendant;

Domicile

- (d) where the Plaintiff claims the court has jurisdiction based on domicile and neither the Plaintiff nor the Defendant is a Singapore citizen, to state the basis for claiming domicile in Singapore;

Habitual Residence

- (e) where the Plaintiff claims the court has jurisdiction based on either party's or both parties' habitual residence in Singapore, to state the relevant details of the habitual residence, including the address(es) and duration of residence;

Separation

- (f) where a statement of claim pleads facts that are based on section 95(3)(d) or (e) of the Women's Charter (Cap. 353) (i.e. 3 years' separation with consent and 4 years' separation respectively), the Statement of Particulars must specifically contain the following particulars:
 - (i) the date which the Plaintiff and the Defendant commenced their separation;
 - (ii) the reasons for both parties' intention to commence separation;
 - (iii) the duration of the separation;
 - (iv) the residential address of each party during the period of separation (if known);
and
 - (v) if the parties have been living in separate households under the same roof for the period of the separation, to give details on how the parties have been living in separate households.
- (6) The Statement of Particulars must include the following documents as annexures:
 - (a) a copy of the marriage certificate, including a translation thereof if it is not in the English language;
 - (b) a copy of the Defendant's Consent to Grant Judgment on Three Years' Separation (where relevant);
 - (c) the sanction of the Official Assignee to the Plaintiff's commencement of the action (where relevant);
 - (d) a copy of the bankruptcy search against the Plaintiff showing the results of the search (e.g. whether the search is negative or if it shows that the Plaintiff is a bankrupt or that there are pending bankruptcy proceedings against the Plaintiff); and
 - (e) a copy of the bankruptcy search against the Defendant showing the results of the search (e.g. whether the search is negative or if it shows that the Defendant is a bankrupt or that there are pending bankruptcy proceedings against the Defendant).

Counterclaim

- (7) The Counterclaim to be filed pursuant to rule 18(3) of the Matrimonial Proceedings Rules must state the following information:
 - (a) whether the Defendant is a bankrupt and if so, to state whether the Official Assignee's sanction to file the counterclaim has been obtained; and
 - (b) whether there are pending bankruptcy proceedings filed against the Defendant and if so, to state the details of such proceedings, such as the originating summons number, the type of bankruptcy proceedings (e.g. creditor's or debtor's bankruptcy application), the creditor(s), the amount of the Defendant's debt, the stage of proceedings, etc.
- (8) Where relevant, the sanction of the Official Assignee for the Defendant's filing of the Counterclaim must be included as an annexure to the Counterclaim.

95. Draft Consent Orders

- (1) In any request or application for a consent judgment or order involving any disposition or transfer of property, the parties must provide the following information to the Court:
 - (a) the identity of the owner of the property subject to disposition or transfer;
 - (b) whether the owner of the property is incapacitated by reason of insolvency from effecting a disposition or transfer of the property;
 - (c) whether the property is subject to any encumbrance which would affect a disposition or transfer thereof; and
 - (d) any other relevant information which ought to be considered by the Court in granting the consent judgment or order.
- (2) The Court may require the information referred to in subparagraph (1) to be provided by way of an affidavit, which should exhibit the relevant searches where applicable.
- (3) When an agreement has been reached between the parties on the custody of children, access to them, maintenance, division of matrimonial assets or other ancillary matters subsequent to the granting of an interim judgment (“the agreement”), counsel shall electronically file the draft consent order incorporating the agreement at least 7 working days prior to the Consent Order Hearing (“the hearing”).
- (4) If the parties are required to attend the hearing and the draft consent order has not been electronically filed in the EFS System by the time of the hearing, a hard copy of the draft consent order bearing the signature of both parties or their counsel must be submitted in court for the approval of the Court during the hearing.
- (5) The draft consent orders must be signed —
 - (a) in the case where both parties are represented, by both parties’ counsel; or
 - (b) in the case where any party is unrepresented, by that party personally, except that the signature of that party in person must be witnessed by an advocate and solicitor or a commissioner for oaths not acting for any of the parties in the proceedings.
- (6) The Court hearing the ancillary matters may consider and approve the draft consent order submitted by the parties pursuant to sub-paragraph (3), and grant an order in terms of the same before the hearing date, thus obviating the need for the parties to attend the hearing for the sole purpose of recording the consent order.

- (7) The list of consent orders approved by the Court in the absence of parties will be published on the Family and Juvenile Court website (<http://www.familycourtofsg.gov.sg>) and the Family and Juvenile Court notice board before the day fixed for hearing, to inform the relevant parties that they need not attend Court.
- (8) The document name to be selected for the filing of the draft consent order in the Electronic Filing Service is “*Draft Consent Order for Hearing*”.
- (9) Parties need not submit a further draft consent order for approval after the hearing.
- (10) Counsel need only file the engrossed copy of the consent order after the draft consent order is approved and returned by the Registry.

156. Application for Court Records for Criminal Matters

- (1) This paragraph shall apply only in respect of criminal proceedings.
- (2) An application for a copy of any part of the record of any criminal proceedings shall be made in Form 59 of Appendix B to these Practice Directions.
- (3) On approval of the application, the requisite number of copies of the record of proceedings applied for shall be made available for collection by the applicant for a period of 21 calendar days from the date specified in the notification given to the applicant by the Crime Registry.
- (4) Where the copy of any record of proceedings applied for is not collected by the applicant within the time given by sub-paragraph (3), the copy of the record of proceedings shall be disposed of and the applicant must make a fresh application if he still requires a copy of the relevant record of proceedings.
- (5) The relevant fee prescribed by the Criminal Procedure Code (Prescribed Fees) Regulations 2013 or the Fees (Subordinate Courts – Criminal Jurisdiction, Protection of Family and Maintenance of Wife and Children) Order 2013 (as the case may be) must be paid by the applicant at the time he makes the application.
- (6) The applicant shall be allowed to collect the copy of the record of proceedings applied for only if the fees payable therefor, including any balance fee payable, have been fully paid by him.
- (7) Any application for the waiver or remission of any fee payable for a copy of any record of proceedings may be made to the Registrar of the Subordinate Courts and the grant of such an application shall be in the absolute discretion of the Registrar.

Form 59

REQUEST FOR RECORDS OF CRIMINAL PROCEEDINGS

Name of Applicant / Name of Solicitor and Solicitor's firm NRIC No / UEN: Address of Applicant / Solicitor's firm File ref: Tel: Fax: Email:	Nature of relationship with Accused / Complainant / Respondent / Deceased :
Name of Accused / Complainant / Respondent / Deceased :	NRIC No:
DOCUMENT(S) APPLIED FOR (PLEASE TICK):	
<input type="checkbox"/> Complaint Form	<input type="checkbox"/> Notes of Evidence <i>(Please specify hearing dates)</i>
<input type="checkbox"/> Charge (s)	<input type="checkbox"/> Others: <i>(Please specify)</i>
<input type="checkbox"/> Statement of Facts	
<input type="checkbox"/> Registrar's Certificate	
Reason[s] for application:	
MAC / DAC No(s) : _____ Coroner's Inquiry No.: _____ Others: _____ (Please Specify Case reference No.)	
Court No: [If transferred, to state when and to which court]	
FOR OFFICIAL USE ONLY	
RECEIVED ON: _____	<input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED
NAME / SIGNATURE of DISTRICT JUDGE / MAGISTRATE / DEPUTY REGISTRAR:	REASONS FOR REJECTION:
Application No: _____ Total Fees payable: _____ Minimum Fee Paid? Yes / No Amount: \$ _____ Balance Fees payable: _____ Receipt No: _____ Date of Collection: _____	No of Documents: _____ No of Pages: _____ _____ Name / Signature of Collector

Collection Time: Mondays to Fridays - 9.00 am to 12.30 pm & 2.00 pm to 5.00 pm

Note:

1. All requests for records of criminal proceedings are subject to the approval of the Judge.
2. Once the request has been approved and the applicant has been informed on the availability of the requested documents and the cost (where applicable), the said documents will be available for collection for a period of 21 calendar days. Any documents not collected within the stipulated period will be destroyed and a fresh request must be submitted thereafter if the applicant still requires the documents.
3. Document(s) can only be collected after the stipulated payment has been made.

Prescribed Fees

4. The fees payable are as follows:

Document Type	Fee Amount	Remarks
Registrar's Certificate.	\$20.	Payable upon Application.
All other documents (including a copy of any judgment, sentence, order, deposition or other part of the record of any criminal proceedings.	\$5 for each type of document requested in the application and \$0.50 per page thereof (subject to a minimum of \$15 per document).	Minimum of \$15 per document, payable upon Application. <i>*Any additional amount (based on the number of pages) may be payable before collection of the document(s).</i>
Application for additional copy of record of proceedings or the grounds of decision.	\$0.50 for each page thereof, subject to a minimum of \$10 for each copy of the record of proceedings or grounds of decision.	Minimum of \$10 per document, payable upon Application. <i>*Any additional amount (based on the number of pages) may be payable before collection of the document(s).</i>

Refund of Fees Paid

5. No application for the refund of any fee shall be entertained if the documents applied for do not exist or if the application is frivolous.
6. As refunds will only be made through directly crediting the applicant's bank account, the applicant must submit photocopies of the following:
 - (a) applicant's NRIC or Passport; and
 - (b) applicant's bank statement or savings passbook (*reflecting his name and the account number*).

Payment Modes

- Local Applicants: Cash, NETS or local Solicitor's cheque
[For cheque payment, please make the cheque payable to *Registrar, Subordinate Courts*]
- Overseas Applicants: Bank Draft in Singapore Currency (payable to *Registrar, Subordinate Courts*).
Payment should also include all bank charges.

Signature of Applicant

Date