

Family Justice Courts Practice Directions (Amendment No. 5 of 2016)

Part VI – Proceedings for the Dissolution of Marriage under Part X of Women’s Charter

16. Agreed Matrimonial Property Plan and Proposed Matrimonial Property Plan

- (1) Rule 46(3)(b) of the Family Justice Rules provides that the plaintiff shall serve a copy of the agreed matrimonial property plan on the Housing and Development Board (“HDB”) prior to the filing of the agreed matrimonial property plan.
- (2) Where parties have agreed that the HDB matrimonial asset is to be retained by one party (that is, Option 4 or 5 in Form 13 of Appendix A), the party seeking to file the agreed matrimonial property plan shall serve the “Request for Checking of Eligibility” in accordance with Form 194 in Appendix A to these Practice Directions on the HDB in addition to the agreed matrimonial property plan. The agreed matrimonial property plan and Form 194 shall be served on the HDB at —
 - (a) the Branch Office which is in charge of the estate where the HDB flat is located, where the HDB matrimonial asset is an HDB flat; and
 - (b) the Sales Section at HDB Centre, where the HDB matrimonial asset is an Agreement for the Lease of an HDB flat.
- (3) Where the HDB matrimonial asset is an HDB flat, the HDB standard query as required under rule 46(4) of the Family Justice Rules shall be in accordance with Form 195 in Appendix A to these Practice Directions and shall be served on the HDB at the Branch Office which is in charge of the estate in which the HDB flat is located. Where the HDB matrimonial asset is an Agreement for the Lease of an HDB flat, the HDB standard query shall be in accordance with Form 196 in Appendix A to these Practice Directions and shall be served on the HDB at the Sales Section at HDB Centre. The Housing and Development Board shall give the written answers to the standard query within one month of the service of the query.
- (4) The relevant CPF statements referred to in rules 46 and 56 of the Family Justice Rules are statements which show—

- (a) the amount of CPF monies and the amount of accrued interest thereon utilised by the party towards the purchase of any HDB flat (i.e. the Public Housing Scheme - Withdrawal Statement);
 - (b) the amount of CPF monies standing in the party's ordinary, medisave, special and retirement (if any) accounts respectively (i.e. the Statement of Account); and
 - (c) whether the CPF member had pledged the HDB flat in lieu of setting aside the Minimum Retirement Sum or any part thereof in his / her CPF Retirement Account and if yes, the amount of pledged Minimum Retirement Sum and the accrued interest (this is applicable to CPF members aged 55 ~~years~~ and above only).
- (5) The additional CPF information referred to in rules 46 and 56 of the Family Justice Rules are statements which show, amongst other things, whether there is any amount which the CPF member must set aside or top up to his CPF Retirement Account when he/she sells, transfers or otherwise disposes of his/her HDB flat and if yes, the amount (this is applicable to CPF members aged 55 ~~years~~ and above).
- (6) The relevant CPF statements may be obtained in the following manner —
- (a) by using the Statement Request, an online service provided in the CPF website at <http://www.cpf.gov.sg>, (“the CPF website”); or
 - (b) by attending, either personally or through an authorised representative, at any of the CPF Board offices and making a personal request for the relevant CPF statements, for which purpose a party or his authorised representative is to produce, for the CPF Board's verification —
 - (i) the National Registration Identity Card or passport of the party; and
 - (ii) where applicable, the original letter of authorisation signed by the party (i.e. the CPF member) and the National Registration Identity Card or passport of the authorised representative.
- (7) The additional CPF information may be obtained by serving the original copy of Form 197 in Appendix A to these Practice Directions on the CPF Board at the Public Housing Section, Main Novena Square Office of the CPF Board. Solicitors who wish to complete Form 197 on behalf of their clients shall annex a covering letter to Form 197 stating that they are the solicitors representing the CPF member for whom the enquiries are made. The CPF Board shall give the respective parties the written answers to the request for additional CPF information within one month of the service of Form 197.

- (8) The date of the relevant CPF statements obtained must be no earlier than 3 months from the date of the filing of the writ.
- (9) The replies of the HDB and the relevant CPF statements shall be retained by the parties and shown to the Court at the mediation or hearing of the ancillary matters, if necessary.

FORM 197

Para 16

STANDARD QUERY TO THE CENTRAL PROVIDENT FUND BOARD

(Applicable for CPF Members aged 55 ~~years~~ and above only)

Name: _____

Address : _____

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

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

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

The HDB matrimonial asset (“the flat”)	<p>[] <i>(state address)</i> _____ _____</p> <p>[] The CPF member has an agreement for lease with the HDB and has not taken possession of the flat.</p>
Name and address of CPF member’s solicitors	
<p>_____</p> <p>Date</p>	<p>_____</p> <p>Name and Signature of CPF member/solicitors</p>

PART B (To be completed by the CPF Board)

CPF Account Number: _____

<p>Query 1 Were CPF funds used for the purchase of the flat or for financing the purchase of the flat or for the payment of approved upgrading works carried out by HDB? If yes, what is the principal sum utilised and accrued interest on the principal sum utilised?</p>						
<p>Answer: No. <input type="checkbox"/></p>						
<p>Yes, as at (specify date): _____ <input type="checkbox"/></p>						
<table style="width: 100%;"> <tr> <td></td> <td style="text-align: right;"><u>Amount</u></td> </tr> <tr> <td>Principal sum utilised</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>Accrued interest on the principal sum utilised</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		<u>Amount</u>	Principal sum utilised	\$ _____	Accrued interest on the principal sum utilised	\$ _____
	<u>Amount</u>					
Principal sum utilised	\$ _____					
Accrued interest on the principal sum utilised	\$ _____					

Query 2 Did the CPF member pledge the flat to secure withdrawal of any monies from his/her CPF Retirement Account? If yes, what is the amount pledged?

Answer: No.

Yes, as at (specify date): _____

Principal Amount pledged Amount (with interest)
\$ _____

[Applicable for CPF members who turned age 55 years before 1 July 1995]:

Accrued interest on the principal amount pledged: \$ _____

Amount pledged

[Applicable for CPF members who turned age 55 years on or after 1 July 1995] — Amount (without interest)
\$ _____

Query 3 Upon transfer, sale or otherwise disposal of the flat, is there any sum that the CPF member must set aside or top-up to his/her Retirement Account in order to meet the required **Retirement Sum Minimum Sum (MS)**? If yes, what is the amount required to be set aside or topped-up in the CPF member's Retirement Account to meet the **Retirement Sum MS**?

Answer: No.

Yes, as at (specify date): _____

Amount required to be set aside/topped up in the CPF member's Retirement Account Amount
\$ _____

Query 4 Has the CPF member set aside the current Medisave Minimum Sum (MMS)? If no, what is the amount required to be topped up in the CPF member's Medisave Account to meet the MMS?

Answer: Yes.

No, as at (specify date): _____

Amount required to be topped up in CPF
member's Medisave Account

Amount

\$ _____

⊗Notes⊗Notes:

1. Generally, when a CPF member transfers, sells or otherwise disposes of his/her flat bought using CPF savings, he/she is required to refund the principal sum utilised and the accrued interest on the principal sum utilised.

2. ~~(P+I). If the CPF member has attained the age of 55 years and has pledged the flat to withdraw his/her CPF Retirement Account savings in cash, he/she will also need to refund the as well as the pledged amount for which the flat is pledged (beyond the P+I utilised) withdrawn and interest if applicable.~~

1.3. ~~Please note that:~~ The refunds will be first used to top up the CPF member's Retirement Account up to the Retirement Sum MS he/she needs to set aside. Any remaining balance will then be paid to the CPF member.

~~— The refunds will first be used to top up the CPF member's Retirement Account up to the MS he/she needs to~~

~~(a) meet.~~

~~(b) Thereafter, the refunds will be used to top up his/her Medisave Account up to the latest MMS and any remaining balance will generally be paid to the CPF member.~~

2. _____

3.4. On the refund requirements upon the sale of HDB flats, please refer to sections 15 and ~~section~~ 21B of the Central Provident Fund Act (Cap. 36), the Central Provident Fund (New Retirement Minimum Sum Sum Scheme) Regulations (Rg. 31), Central Provident Fund (Revised Retirement Sum Minimum Sum Scheme) Regulations (Rg. 2), Central Provident Fund (Retirement Sum Minimum Sum Scheme) Regulations (Rg. 16) and the relevant regulations of the Central Provident Fund (Approved Housing Schemes) Regulations (Rg. ~~123~~).

4.5. Please obtain fresh statements from the CPF Board on the amount to be refunded into the CPF member's CPF account when the date of sale/transfer/assignment/otherwise disposal of the flat has been finally determined. A CPF member may obtain his/her CPF statements by logging on at www.cpf.gov.sg using his/her SingPass. Please note the information is correct as at the date it is viewed.

~~Please note that the MMMS increases yearly and thus the shortfall (if any) in the MMS may be a higher amount at the date of sale/transfer/assignment/otherwise disposal of the flat.~~

Other comments

Name and designation of CPF Board officer

Date

Signature of CPF Board officer