

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTIONS

AMENDMENT NO. 2 OF 2021

1. It is hereby notified for general information that the Family Justice Courts Practice Directions will be amended as follows with effect from 16 September 2021: -

(a) The following new paragraph 111A will be inserted after paragraph 111:

[Paragraphs 111A](#)

(b) The existing paragraph 112 will be deleted and replaced with the following paragraph:

[Paragraph 112](#)

(c) The following new subparagraph 116(5A) will be inserted after subparagraph 116(5):

[Paragraphs 116\(5A\)](#)

(d) The following new subparagraph 125(17) will be inserted after subparagraph 125(16):

[Paragraph 125\(17\)](#)

(e) The existing subparagraph 159(13) will be deleted and replaced with the following subparagraph:

[Paragraphs 159\(13\)](#)

(f) The existing subparagraphs 161A(11) and (12) will be deleted and replaced with the following subparagraphs:

[Paragraphs 161A\(11\) and \(12\)](#)

(g) The existing Form 246A will be deleted and replaced with the following new form:

[Form 246A](#)

2. The addition in 1(a) provide for the requirements in connection with the swearing, signing and attestation of affidavits through a live video or television link for purposes of Rule 653A of the Family Justice Rules.
3. The amendment in 1(b) provides for consequential linguistic amendment on effect of non-compliance with the Practice Directions for any affidavit or exhibit filed.
4. The addition in 1(c) clarifies that a party incapacitated by reason of insolvency must provide the Official Assignee's non-objections to the contents of parties' draft consent order, in particular the proposed terms relating to the division of matrimonial assets and maintenance.
5. The addition in 1(d) sets out the timelines expected for submissions for appeals against registrars in the Family Division of the High Court pursuant to Part 18 Division 58 of the Family Justice Rules.
6. The amendment in 1(e) clarifies the details to be included in an applicant's affidavit for Registrar's empowerment applications.
7. The amendment in 1(f) relates to the use of Mobile Infocomm Technology Facilities ("MIT facilities") for Family Division of the High Court matters conducted at the Supreme Court building.

8. The amendment in 1(g) provides for an updated CPF checklist that parties are required to file pursuant to paragraph 116(1)(d) of the Family Justice Courts Practice Directions.

Dated this 27th day of August 2021

A handwritten signature in black ink, appearing to be 'K. Yap', written in a cursive style.

KENNETH YAP
REGISTRAR
FAMILY JUSTICE COURTS

111A. Swearing and signing of affidavits in Singapore before, and completing of attestation by, commissioner for oaths through live video link or live television link

- (1) A remote communication technology referred to in Rule 653A of the Family Justice Rules must be capable of creating a live video link or live television link through which a commissioner for oaths is able to comply with the requirements set out in Rule 653A(3) of the Family Justice Rules.
- (2) For the purposes of Rule 653A(2) of the Family Justice Rules, the deponent and the commissioner for oaths may sign the affidavit electronically by applying a security procedure that results in a secure electronic signature under section 18 of the Electronic Transactions Act (Cap. 88).
- (3) Where an affidavit is made pursuant to Rule 653A of the Family Justice Rules, the affidavit should be made, as far as possible, as if the deponent were appearing before the commissioner for oaths in person, and the attestation must state that the affidavit was sworn or affirmed and signed in Singapore with the deponent appearing before the commissioner for oaths through a live video link or live television link, or that the affidavit was signed by the deponent and/or the commissioner for oaths electronically in Singapore, or both, as the case may be.

112. Effect of non-compliance

Any affidavit or exhibit which does not comply with the Directions contained in this Part may be rejected by the Court and made the subject of an order for costs.

116. Draft Consent Orders

Content of the draft consent order

...

- (5A) If either party is incapacitated by reason of insolvency, the party must provide to the Court a letter from the Official Assignee stating that there is no objection to the proposed terms of the agreement, in particular, the terms relating to the division of matrimonial assets and maintenance. This letter is to be filed together with the duly signed draft consent order.

...

125. Filing of records of appeal and written cases

...

Filing of written submissions for appeals against registrars in the Family Division of the High Court under Part 18 Division 58 of the Family Justice Rules

- (17) The appellant shall, within 7 working days from the date of the filing of the Notice of Appeal, file and serve his submissions. The respondent shall, within 7 working days from the service of the appellant's submissions, file and serve his submissions.

159. Duty Registrar and Duty Magistrate

...

- (13) Counsel shall furnish the following documents to the Duty Registrar when making such applications:

...

- (b) For Category B orders

(i) ...

- (ii) An affidavit stating the details of the written notification(s) sent to the other party and showing the other party's default in signing the relevant documents.

...

161A. Technology Facilities in Supreme Court Building

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Applications to use the Mobile Infocomm Technology Facilities

...

- (11) The MIT facilities are available for use in both open Court and in Chambers.

- (12) Any applicant desiring to use MIT facilities is required to provide details of the type of evidence to be presented and media format in the application form. The applicant must also be prepared to have the presentation material or media available for testing with the MIT facilities at least 5 working days before the first day fixed for the hearing. It is the responsibility of the applicant to provide presentation materials or media format that is compatible with the equipment provided by the Court.

FORM 246A

Para 116

Checklist For Consent Orders For Disposal or Transfer of Properties

Funded With CPF Moneys

How To Use This Checklist:

1. You will have to sign this Checklist if:
 - a) You or the other party are going to apply for a **consent order** (“**Order**”) dealing with changes in ownership (e.g. sell, transfer etc.)¹ of a property (the “**Property**”) under section 112 or 121G of the Women’s Charter ; **and**
 - b) Central Provident Fund (“**CPF**”) moneys have been withdrawn from any CPF account(s) in respect of the Property and/or the Property has been pledged to make up your or the other party’s applicable retirement sum (applicable only if you are aged 55 and above).
2. You do **not** need to sign this Checklist if the order is for the Property to be transferred (other than by way of sale) with **partial or no CPF** refunds.
3. The signed Checklist must be submitted to the courts at the same time as when you are submitting the draft consent order.

Important Notes:

- A. Once the Court has granted the Order, it should be promptly served on the Central Provident Fund Board² (the “**CPF Board**”) before the change in ownership of the Property.
- B. Changes in ownership of any HDB Flats will be subject to HDB rules and regulations.
- C. For more options on the division of CPF-related matrimonial assets, e.g. transferring a property (other than by way of sale) with partial or no refunds, please refer to the CPF Board’s Suggested Clauses in Order of Court available at the Family Justice Courts’ website.

¹ Including sale, surrender, assignment, transfer other than by way of sale, compulsory acquisition and other changes in ownership of the Property.

² Please refer to:

- (a) Regulation 7 of the CPF (Division of Fund-Related Assets in Matrimonial Proceedings) Regulations; and
- (b) Regulation 13 of the CPF (Lifelong Income Scheme) Regulations.

Parties/lawyers are required to serve the sealed copy of the order of court on the CPF Board in the manner stated in the Regulations. Please also refer to the CPF Board’s online service for “Submit court order for division of matrimonial assets”.

Checklist

<p>1. I understand that the required CPF refunds must be made according to CPF laws dealing with refund of CPF moneys <u>at the time of completion of the transaction leading to the change in ownership of the Property</u>.</p>	<input type="checkbox"/>
<p>2. I understand that the <u>transaction leading to the change in ownership</u> of the Property cannot be completed if the required CPF refunds have <u>not</u> been made. If the proceeds are not enough to make the refunds, any shortfall must be topped up in <u>one lump sum in cash</u> on the date of completion of the Property transaction.</p>	<input type="checkbox"/>
<p>3. I understand that the total amount to be refunded upon sale of the Property, or transfer of the Property other than by way of sale with full CPF refunds, will generally be:</p> <p>a) the total amount(s) of CPF moneys used to buy the Property together with accrued interest; and</p> <p>b) any amount(s) for which the Property is pledged (if applicable) in order to withdraw any Retirement Accounts savings³.</p> <p><i>Notes:</i></p> <p>i) <i>If the Property is sold at or above market value and the sales proceeds after paying the outstanding housing loan (and HDB resale levy if applicable) are not enough to refund (a) plus (b), the shortfall need not be topped up in cash.</i></p> <p>ii) <i>The amount of required CPF refunds may differ depending on the transaction leading to change in ownership of the Property. For information on the required CPF refunds from sale of part share of the Property or other Property transactions not stated here (e.g. surrender, compulsory acquisition etc.), please refer to the CPF Board's website or contact the CPF Board.</i></p>	<input type="checkbox"/>
<p>4. I have checked⁴ and I know the following:</p> <p>a) the total amount(s) of CPF moneys used to buy the Property together with accrued interest;</p> <p>b) any amounts for which the Property is pledged (if applicable) in order to make up the applicable retirement sum; and</p> <p>c) that I have to share CPF information with the other party as required by the Family Justice Act, Family Court Practice Directions and the courts.</p>	<input type="checkbox"/>
<p>5. I know that until the date of <u>the transaction leading to the change in ownership of the Property</u>:</p>	<input type="checkbox"/>

³ The Property may have been pledged under the CPF Act to make up the applicable retirement sum. Please check with the other co-owners and the CPF Board as to whether any CPF refunds need to be made in respect of the pledge.

⁴ Parties should frequently check their updated CPF Information in their CPF account(s) as all such information would be current at the date of viewing. Hence, the amounts may change over time.

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| <p>a) the amount of CPF moneys used for the Property may increase due to more CPF withdrawals being made or decrease due to voluntary housing refunds being made;</p> <p>b) interest will continue to accrue until the date of <u>completion of the transaction leading to the change in ownership</u>; and</p> <p>c) there may be refunds from financiers if excess CPF moneys have been paid to them.</p> <p>As a result, the amount to be refunded may be different on the date of completion of the transaction leading to the change in ownership as compared to the amount calculated as at the date I signed this Checklist</p> | |
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IMPORTANT: Please note that every case depends on its facts and is subject to prevailing laws, including CPF rules and regulations, as may be amended from time to time. If you are in doubt, please contact the CPF Board for clarifications on CPF-related matters.

I have read and I understand this Checklist.

Party's Signature

Name:

NRIC / Passport no.:

Date: