

Family Justice Courts Practice Directions

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Part I - Preliminary

1. Introduction

Citation

(1) These Practice Directions may, with effect from 1 January 2015, be cited as the Family Justice Courts Practice Directions.

Applicability

(2) These Practice Directions shall apply to all proceedings in the Family Courts and the Family Division of the High Court unless otherwise stated.

(3) For the avoidance of doubt, these Practice Directions shall, unless otherwise stated, apply to all proceedings in the Family Courts and the Family Division of the High Court with effect from 1 January 2015 regardless of the commencement date of the proceedings.

Citation of Legislation in Proceedings

(4) Where legislation is cited in these Practice Directions, the citation shall, unless the context otherwise requires, be read to refer to the edition of that legislation currently in force.

Updating

(5) Any addition or amendment to these Practice Directions will be notified on the Family Justice Courts' website at <http://www.familyjusticecourts.gov.sg>. The Practice Directions will be updated on the date the addition or amendment takes effect.

(6) The complete and updated Practice Directions can be downloaded from the Family Justice Courts' website at <http://www.familyjusticecourts.gov.sg>.

Forms

(7) The Forms in Appendix A to these Practice Directions shall be used, where applicable, with such variations as the circumstances of the particular case require.

Registrar's Circulars

(8) Registrar's Circulars can be found at the Family Justice Courts website at <http://www.familyjusticecourts.gov.sg>.

2. Calculation of time

The provisions in the Family Justice Rules shall apply to the calculation of time in these Practice Directions. In particular:

(a) The following definition of “working day” in rule 3 of the Family Justice Rules is applicable in these Practice Directions.
“Working day” means any day other than a Saturday, Sunday or public holiday.

(b) The provisions of Part 1 Division 3 of the Family Justice Rules shall also apply to the calculation of time.

Part II - Commencement of Proceedings

3. Documents to be filed at the Registry of the Family Justice Courts

(1) Subject to paragraph (4), all documents filed on or after 1st October 2014 relating to the proceedings pursuant to the following legislation are to be filed in the Family Justice Courts Registry:

(a) section 53 of Administration of Muslim Law Act (Cap. 3);

(b) the Adoption of Children Act (Cap. 4);

(c) the Children and Young Persons Act (Cap. 38);

(d) the Guardianship of Infants Act (Cap. 122);

(e) the Inheritance (Family Provision) Act (Cap. 138);

(f) International Child Abduction Act (Cap. 143C);

(g) Intestate Succession Act (Cap. 146);

(h) the Legitimacy Act (Cap. 162);

(i) section 10 of Maintenance of Parents Act (Cap. 167B);

(j) the Maintenance Orders (Facilities for Enforcement) Act (Cap. 168);

(k) the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169);

(l) the Mental Capacity Act (Cap. 177A);

(m) the Mental Health (Care and Treatment) Act (Cap. 178A);

(n) the Probate and Administration Act (Cap. 251)

(o) the Status of Children (Assisted Reproduction Technology) Act 2013

(p) section 17A(2) of the Supreme Court of Judicature Act (Cap. 322)

(q) the Voluntary Sterilization Act (Cap. 347)

(r) sections 13, 17, 20, 59, Parts VII, VIII, IX and X of Women’s Charter (Cap. 353).

(2) Subject to paragraph (4) and (5), all proceedings filed after 1 January 2015 under the Probate and Administration Act will be filed in the Family Justice Courts.

(3) All documents shall have the title “In the Family Justice Courts of the Republic of Singapore”.

(4) Documents relating to the following proceedings which are to be heard and determined by the General Division of the High Court shall continue to be filed at the Legal Registry of the Supreme Court. These include:

- (a) all proceedings in paragraph (1) commenced in the High Court before 1st October 2014;
- (b) all contested ancillary applications under Part X of the Women’s Charter transferred to be heard in the High Court pursuant to the Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2007 prior to 1st October 2014;
- (c) all appeals filed in the High Court before 1st October 2014 relating to any proceedings referred to in paragraph (1) above;
- (d) all applications and documents relating to proceedings under the Mental Disorders and Treatment Act or the Mental Capacity Act filed in the High Court before 1st October 2014;and
- (e) all applications and documents relating to contentious proceedings under Probate and Administration Act filed in the High Court before 1 January 2015.

(5) Documents relating to contested proceedings filed under Probate and Administration Act filed before 1 January 2015 shall continue to be filed in the State Courts. Documents relating to uncontested proceedings filed under Probate and Administration Act filed before 1 January 2015 shall be filed in the Family Justice Courts.

4. Contact information to be provided in cause papers and documents filed in the Family Justice Courts Registry

- (1) This Paragraph shall apply to all cause papers and documents that are not filed using the Electronic Filing Service (EFS).
- (2) Occasionally when members of the staff of the Family Justice Courts have to contact lawyers having conduct of an action or charge of a matter, they have sometimes encountered difficulties for reasons such as changes to the constitution of the law firm, changes to the telephone numbers and telephone receptionists in law firms being unable to identify the lawyer concerned.
- (3) To facilitate the contacting of lawyers having conduct of an action or charge of a matter by members of the staff of the Family Justice Courts, the following information shall be inserted on backing sheets of all cause papers and documents filed in the Registry in the format set out:

“(Name of lawyer(s) having conduct of action or charge of matter.)

(Name of law firm.)

(Address of law firm.)

Tel: (Contact telephone number.)

Email: (Email address.)

Ref: (File reference of law firm.)”

(4) The information is to be inserted as a block near the bottom right hand corner of the backing sheets.

5. Identification numbers to be stated in cause papers

Parties named in the title of the documents

(1) Where a party to any proceedings in the Family Justice Courts first files a document in such proceedings, he shall state his identification number (in brackets), in the title of the document immediately below or after his name. Thereafter, all documents subsequently filed in the proceedings by any party shall include this identification number in the title of the documents.

Parties not named in the title of the documents

(2) Where a party to any proceedings in the Family Justice Courts first files a document in such proceedings, and the name of the party does not appear in the title of the document but does appear in the body of the document, then the identification number of the party should be stated (in brackets), below or after the first appearance of his name in the document. Thereafter, all documents subsequently filed in the proceedings by any party shall include this identification number in parentheses immediately below or after the first appearance of the name of the party to which it applies in the subsequent document.

Documents filed by two or more parties

(3) Sub-paragraphs (1) and (2) shall apply, with the necessary modifications, to documents which are filed by more than one party.

Identification numbers for non-parties

(4) If any person (living or dead), any entity or any property is in part or in whole the subject matter of any proceedings, or is affected by any proceedings, but is not a party thereto, and the name of such person, entity or property is to appear in the title of the documents filed in the proceedings, the party filing the first document in the proceedings must state the identification number of such person, entity or property (in brackets) immediately below or after the name of the same. Thereafter, all documents subsequently filed in the proceedings by any party shall include this identification number (in brackets) immediately below or after the name of the person, entity or property to which it applies. If the party filing the first document in the proceedings is unable, after reasonable enquiry, to discover the identification number of the person, entity or property, he may state immediately below or after the name of the same “(ID No. not known)”. All documents subsequently filed by any party shall then contain these words (in brackets) below or after the name of this person, entity or property.

Special cases

(5) The following Directions shall apply in addition to the Directions contained in sub- paragraphs (1) to (4):

(a) where a party is represented by a litigation representative or guardian in adoption or deputy, sub-paragraphs (1) to (3) shall apply to the litigation representative or guardian in adoption or deputy as if he or she was a party to the proceedings, and the identification numbers of the party, the litigation representative and/or guardian in adoption and/or deputy must be stated below or after the name of each, as appropriate;

(b) where parties are involved in any proceedings as the personal representatives of the estate of a deceased person, sub-paragraphs (1) to (3) shall apply to the deceased person as if he were a party; and

(c) where more than one identification number applies to any party, person, entity or property, all the identification numbers shall be stated in any convenient order.

Identification numbers

(6) When entering the identification number in the Electronic Filing Service, the full identification number should be entered, including any letters or characters that appear in, at the beginning of, or at the end of the number. Descriptive text which is required to be entered into the actual document, such as “Japanese Identification Card No.”, should not be entered into the electronic form.

Guidelines for the selection of identification numbers

(7) The following guidelines should be followed in deciding on the appropriate identification number.

(a) Natural person with Singapore identity card

For a natural person who is a Singapore citizen or permanent resident, the identification number shall be the number of the identity card issued under the National Registration Act (Cap. 201). The 7 digit number as well as the letters at the front and end should be stated. For example: “(NRIC No. S1234567A)”.

(b) Natural person with FIN number

For a natural person, whether a Singapore citizen or permanent resident or not, who has not been issued with an identity card under the National Registration Act, but has been assigned a FIN number under the Immigration Regulations (Cap. 133, Rg 1), the identification number shall be the FIN number. The number should be preceded by the prefix “FIN No.”

(c) Natural person: birth certificate or passport number

For a natural person, whether a Singapore citizen or permanent resident or not, who has not been issued with an identity card under the National Registration Act or assigned a FIN number, the identification number shall be the birth certificate or passport number. The number should be preceded by either of the following, as appropriate, “(Issuing country) BC No.” or “(Issuing country) PP No.”

(d) Natural person: other numbers

For a natural person who is not a Singapore citizen or permanent resident and has not been assigned a FIN number and does not have a birth certificate or passport number, the identification number shall be the number of any identification document he may possess. Both the number as well as some descriptive words which will enable the nature of the number given and the authority issuing the identification document to be ascertained, should be stated. For example: “Japanese Identification Card No.”

(e) Deceased person

For a deceased natural person, the identification number shall be as set out in sub-paragraph (7)(a) to (d) above. However, if such numbers are not available, the identification number shall be the death registration number under the Registration of Births and Deaths Rules (Cap. 267, R 1) or the equivalent foreign provisions, where the death is registered abroad. The number as well as the following words should be stated: “(Country or place of registration of death) Death Reg. No.”

(f) No identification numbers exist

Where the appropriate identification numbers referred to in sub-paragraph (7)(a) to (e) do not exist in respect of any party, person, entity or property, the following words should be stated immediately below or after the name of that party, person, entity or property concerned: “(No ID No. exists)”.

Inability to furnish identification number at the time of filing a document

(8) If a party who wishes to file a document is unable at the time of filing to furnish the necessary identification numbers

required by this Paragraph, the party may indicate “(ID Not Known)” at the time of filing. However, when the necessary identification numbers have been obtained, the party must furnish the necessary identification numbers to the Registry through the Electronic Filing Service.

Meaning of document

(9) For avoidance of doubt, the words “document” and “documents” when used in this Paragraph include all originating processes filed in the Family Justice Courts.

Non-compliance

(10) Any document which does not comply with this Paragraph may be rejected for filing by the Registry.

Part III – Judge-Led Approach in Resolving Family Disputes

6. Judicial Case Management

Introduction

(1) The overarching purpose of case management with the Family Justice Courts is to facilitate the just resolution of disputes according to law as inexpensively and as efficiently as possible with the least acrimony.

(2) The purpose of this Practice Direction is to state the purposes and principles of the Case Management philosophy within the framework of the Judge-Led Approach in proceedings.

Purposes

(3) Parties to a proceeding and their lawyers are required to conduct all proceedings in a way that is consistent with the overarching purpose and ideology governing Family Justice Courts proceedings.

Principles

(4) In giving effect to the overarching purpose, the Court, the parties and the parties’ lawyers will necessarily have regard to how the interests of justice will be served either generally or in any particular proceeding.

Key elements

(5) To achieve the principles set out in paragraph (4), the parties and the parties’ lawyers may expect that each case commenced in the Family Justice Courts may be placed in different tracks bearing in mind the main issues of the case. Possible tracks assigned are;

(a) Child track in which the main issues relate to custody, care and control and access

(b) International track in which the main issues may involve abduction of a child, relocation issues and issues of appropriate jurisdiction

(c) High conflict track in which the main issues are financial and the ascertainment of value and extent of the matrimonial assets amenable for division

(d) Violence track in which the issue is one of physical and mental abuse.

(6) A case may be assigned to one or more tracks.

(7) Each case will be allocated to a Judge (assigned Judge) who is then responsible for managing the case until final disposition.

(8) The assigned Judge will make orders about the way in which the case should be managed or prepared for hearing including referrals to mediation or other modes of alternative dispute resolution.

(9) The parties and the parties' lawyers may expect the assigned Judge to have regard to:

- (a) identifying and narrowing the issues in dispute as early as possible;
- (b) ascertaining the degree of difficulty or complexity of the issues determined to be in dispute;
- (c) setting a hearing date early;
- (d) minimising unnecessary interlocutory steps by permitting only interlocutory steps that are directed to identifying, narrowing or resolving the issues really in dispute between the parties; and
- (e) exploring options for alternative dispute resolution as early as practicable.

(10) The parties and their lawyers are obliged to cooperate with, and assist, the Court in achieving the overarching purpose and, in particular, in identifying the real issues in dispute as early as possible and in dealing with those issues efficiently.

Interlocutory applications

(11) Where parties have included a claim for an interim relief, that claim may be heard on the return date fixed by the assigned Judge or a date for its later hearing may be set on the return date and directions for preparations made.

(12) If a claim for interlocutory relief is to be contested, parties or their lawyers should advise the assigned Judge as soon as possible and to give an estimate of the likely hearing time.

(13) Parties wishing to make urgent applications should contact the Court and to inform of urgency to be placed before the assigned Judge

(14) If a claim is made for discovery/interrogatories, parties and lawyers should expect that, with a view to eliminating or reducing the burden of discovery, the assigned Judge:

- (a) will not order discovery as a matter of course, even where the parties consent, unless discovery is necessary for the determination of issues in the proceeding;
- (b) will fashion any order for discovery to suit the issues in a particular case; and
- (c) will expect the following questions to be answered:
 - (i) Is discovery necessary to facilitate the just resolution of the proceeding as quickly, inexpensively and efficiently as possible?
 - (ii) If discovery is necessary, for what purpose?
 - (iii) Can those purposes be achieved —
 - (A) by a means less expensive than discovery?
 - (B) by discovery only in relation to particular issues?

(iv) Where there are many documents, should discovery be given in a non- standard form, e.g. initially on a limited basis, with liberty to apply later for particular discovery or discovery on a broader basis?

(v) Whether discovery should be given by the use of categories or by electronic format or in accordance with a discovery plan?

(vi) Should discovery be given in the list of documents by categories and by a general description rather than by identification of individual documents?

(15) In determining whether to make any order for discovery, the Court will have regard to the issues in the case and the order in which they are likely to be resolved, the resources and circumstances of the parties, the likely benefit of discovery and the likely cost of discovery and whether that cost is proportionate to the nature and complexity of the proceeding.

Case conferences

(16) Case conferences will as needed be set to monitor progress in preparation, resolve emerging procedural and other issues and to make any necessary directions or orders.

Communications with Court

(17) It is never appropriate to contact the assigned Judge directly. The assigned Judge will inform parties and their lawyers of preferred modes of communication but in all cases, the general approach is through emails to the generic email address of the Family Justice Courts.

(18) All communications with Court should be confined to routine procedural, administrative or procedural matters. Communications should never, unless this is invited, contain information or allegations which are material to the substantive issues in the litigation or which are intended to influence any decision of substance to be made by the assigned Judge.

7. Guidance on Direct Judicial Communications in International Family Proceedings Affecting Children

Explanatory Note

Singapore society has become increasingly international. In cases involving children, a further complication arises where parents and children reside in more than one jurisdiction. In such cases, direct judicial communications may be beneficial. This Practice Direction is issued to facilitate such communications.

Direct judicial communications refer to communications that take place between sitting judges of different jurisdictions when there are concurrent related proceedings involving the same parties.

It has now been recognised and firmly established in some foreign jurisdictions such as England & Wales, Australia, New Zealand, Canada and United States of America that direct judicial communications are key mechanisms to assist practitioners and judges in resolving cases with an international element in the best interests of children and of justice in general. These communications will often result in considerable time savings and better use of available resources, and are done with the overriding objective of securing the best interests of the child. Direct judicial communication does not aim to inhibit parties' right to adduce expert evidence on the foreign law, but should be seen as another tool to be made available for parties involved in multiple proceedings in different jurisdictions.

Introduction

(1) This Practice Direction is issued to assist judges and practitioners dealing with family proceedings affecting children in which direct judicial communications may be beneficial. It is not intended to change the current rules or procedure or to affect the substantive rights of the parties, but is simply intended to facilitate cooperation in international cases, where appropriate.

(2) The Liaison Judges of Singapore are appointed by the Chief Justice, and it is part of their role to receive and, when necessary, channel incoming judicial communications and initiate or facilitate outgoing communications. The current appointees are the Presiding Judge of the Family Justice Courts and a Judge/Judicial Commissioner of the Family Division of the High Court. Further details of the Liaison Judges can be found on the Family Justice Court's website at <https://www.familyjusticecourts.gov.sg>.

(3) Matters which may be the subject of direct judicial communications include, for example:

(a) scheduling the case in the foreign jurisdiction:

(i) to make interim orders, eg, support, measure of protection;

(ii) to ensure the availability of expedited hearings;

(b) establishing whether protective measures are available for the child or other parent in the jurisdiction to which the child would be returned in the case of a child abduction case and, in an appropriate case, ensuring the available protective measures are in place in that jurisdiction before a return is ordered;

(c) ascertaining whether the foreign court can accept and enforce undertakings offered by the parties in the initiating jurisdiction;

(d) ascertaining whether the foreign court can issue a mirror order (ie, same order in both jurisdictions);

(e) confirming whether orders were made by the foreign court;

(f) verifying whether findings about domestic violence were made by the foreign court;

(g) verifying whether a transfer of jurisdiction is appropriate.

(4) "Central Authority" in this Practice Direction is the Authority appointed under section 5 of the International Child Abduction Act (Cap 143C).

(5) For the avoidance of doubt, all references to "parties" or their "representatives" shall, where a child is to be separately represented, include the Child Representative as appointed by the Court under the Family Justice Rules.

Overarching Principles

(6) Every judge engaging in direct judicial communications must respect the law of his or her jurisdiction.

(7) When communicating, each judge seised of the matter should maintain his or her independence in reaching his or her own decision on the matter at issue.

(8) Communications must not compromise the independence of the judge seised in reaching his or her own decision on the matter at issue. Any discussion about the merits of the case should be avoided.

(9) For the avoidance of doubt, parties remain entitled under the *Rules of Court* to call upon expert witnesses to prove or disprove the foreign law. The Court will take into account all the available evidence before arriving at a decision.

Procedure and Safeguards

(10) Either party to the proceeding may raise with the judge the desirability and need for direct judicial communications.

(11) A judge seised of the matter may, if he or she determines it desirable, initiate direct judicial communication through the Liaison Judges.

(12) Before deciding whether to engage in direct judicial communications, the judge should consider:

- (a) whether there is a question of foreign law or procedure to clarify with a judge in the foreign jurisdiction,
- (b) whether the question can be answered or dealt with by the Central Authority in Singapore or the Central Authority in the foreign jurisdiction, and if so, the judge may consider having the Central Authority address the issue or obtain the information, and
- (c) whether the question can be answered or dealt with by any judge in the foreign jurisdiction (other than the judge hearing the proceeding).

(13) The following are commonly accepted procedural safeguards.

- (a) Except in special circumstances, parties are to be notified of the nature of the proposed communication;
- (b) A record is to be kept of communications and it is to be made available to the parties;
- (c) Any conclusions reached between the judges should be in writing and made available to parties;
- (d) Parties or their representatives should have the opportunity to be present in certain cases, for example via conference call facilities.

(14) The above commonly accepted procedural safeguards should be adopted subject to Singapore's legislation and rules.

(15) In special or urgent circumstances where parties were not notified in advance of the nature of the proposed communications, the judge should provide written reasons to the parties as to why there was no notification as soon as practicable.

(16) If any party objects to the proposed communications, the judge should direct submissions be lodged from all parties, and if necessary, should direct an oral hearing, before ruling on the matter, giving short reasons for such ruling.

Initiating the Communication

(17) In considering whether the use of direct judicial communications is appropriate, the judge should have regard to speed, efficiency and cost-effectiveness.

(18) Judges should consider the benefit of direct judicial communications and at what stage of the proceeding it should occur. The timing of the communication is for the judge who initiates it to consider.

(19) The initial communication should ordinarily take place between our Liaison Judge and the Liaison Judge of the other jurisdiction, if any, in order to ascertain the identity of the judge seised in that jurisdiction. If no Liaison Judge has been appointed in the other jurisdiction, the Central Authority of Singapore or the party within jurisdiction is to assist in providing the identity of the judge in the other jurisdiction.

(20) When making contact with a judge in another jurisdiction, the initial communication should normally be in writing sent to the email address to FJCOURTS_Family_Registry@fjcourts.gov.sg, subject to provisions set out in this Practice Direction in relation to written communications, and should in particular identify:

- (a) the name and contact details of the initiating judge;

- (b) the nature of the case (with due regard to confidentiality concerns);
- (c) the issue(s) on which communication is sought;
- (d) whether the parties before the judge initiating the communication have consented to judicial communication;
- (e) when the communication may occur (with due regard to time differences);
- (f) any specific questions which the judge initiating the communication would like answered;
- (g) any other pertinent matters.

(21) The time and place for communications between the courts should be to the satisfaction of both courts.

(22) Personnel other than judges in each court may communicate fully with each other to establish appropriate arrangements for the communication without the necessity for participation of counsel unless otherwise directed by either of the courts.

The Form of Communications and Language Difficulties

(23) Judges should use the most appropriate technological facilities in order to communicate as efficiently and as swiftly as possible.

(24) The initial method and language of communication should, as far as possible, respect the preferences, if any, indicated by the intended recipient in the list of members of the Liaison Judges. Further communications should be carried out using the initial method and language of communication unless otherwise agreed by the judges concerned.

(25) Where two judges do not understand a common language, and translation or interpretation services are required, such services could be provided by the court or the Central Authority in the country from which the communication is initiated.

Written Communications

(26) Written communications, particularly in initiating the contact, are valuable as they provide for a record of the communication and help alleviate language and time zone barriers.

(27) Where the written communication is provided through translation, it is good practice also to provide the message in its original language.

(28) Communications should always include the name, title and contact details of the sender.

(29) Communications should be written in simple terms, taking into account the language skills of the recipient.

(30) As far as possible, appropriate measures should be taken for the personal information of the parties to be kept confidential.

(31) Written communications should be transmitted using the most rapid and efficient means of communication and, in those cases where it is necessary for confidential data to be transmitted, secured means of communication should be employed.

(32) Written communications should always be acknowledged as soon as possible with an indication as to when a response will be provided.

(33) All communications should be typewritten.

(34) Ordinarily, communications should be in writing, save where the paragraph (35) applies.

Oral Communications

(35) Oral communications are encouraged where judges involved come from jurisdictions which share the same language.

(36) Where the judges do not speak the same language, one or both of them, subject to an agreement between the two judges concerned, should have at their disposal a competent and neutral interpreter who can interpret to and from their language.

(37) Where necessary, personal information concerning the parties should be anonymised for the purpose of oral communication.

(38) Oral communications can take place by either telephone or video conference and in those cases where it is necessary that they deal with confidential information, such communications should be carried out using secured means of communication.

(39) If both judges involved in the communication agree, the parties or their representative may be permitted to be present during the oral communication. If one party or representative is to be present, then the other party or representative should be permitted to be present.

(40) Subject to the agreement of both judges involved in the oral communications-

(a) such oral communications may be conducted in the presence of the parties or their representatives by way of video conference or by conference telephone call;

(b) the parties or their representatives may be permitted to speak during the communication, but if one party or representative wishes to speak, then the other party or representative should be permitted a chance to answer.

Post Communications

(41) A written record of the communications should be sent to the parties as soon as practicable.

(42) Any correspondence or email or written communications between the judges should be preserved for the record.

Keeping Central Authority informed of judicial communications

(43) Where appropriate, the judge engaged in direct judicial communications may consider informing his or her Central Authority that a judicial communication will take place.

Part IV – Processes relating to Children

8. Child Representative

(1) The Court may on its own motion, or either party may make an application for the court to appoint a Child Representative pursuant to rule 30 of the Family Justice Rules.

(2) Upon the making of an order for the appointment of a Child Representative, the Registrar will select a member from the Child Representative panel and send a letter of request of acceptance of the appointment by email to the selected member. The member may choose to decline such an appointment. If no response is received within 3 working days of the email, the member is deemed to have declined the appointment.

(3) All members on the Child Representative panel shall inform the Court of any changes to their email addresses.

(4) Upon acceptance of the appointment, the Child Representative will receive a letter from the Registrar confirming the appointment, providing the contact details of the parties and a date of a case conference. The following documents may be enclosed with the letter:

(a) an Information Sheet on Child Representative, which the Child Representative is to give to the parties at the earliest possible opportunity together with any further explanation which the Child Representative deems fit, in compliance with Family Justice Rules and paragraph (7) below;

(b) a Child Representative Practice Note, which the Child Representative is to read carefully and adhere to;

(c) a Child Representative Checklist, which will be used at the case conference; and

(d) a Questionnaire to the parties, which the Child Representative might use to obtain information from the parties.

(5) Within 7 days from the receipt of the confirmation of appointment as described in paragraph (4) above, the Child Representative shall serve file and serve a Notice of Address for Service on Child Representative (Form 187 of Appendix A to these Practice Directions) on the parties to the proceedings.

(6) The unique role of the Child Representative is to ascertain the wishes of the child, keep the child informed and do the necessary to protect the child's best interest. The Child Representative is also duty bound to ensure that the Court is apprised of all matters relevant to the interest of the child.

(7) Upon accepting the appointment referred to in paragraph (4) above, the Child Representative should act expeditiously in fulfilment of his/her duties as set out in rule 31 of the Family Justice Rules, including the following:

(a) providing the parties and/or solicitors with information about the role of the Child Representative and informing them of the requirements in respect of their communications with the Child Representative and any contributions towards the costs of the Child Representative which the Court may have ordered; and

(b) developing and implementing a plan for engaging the child and involving the child in the decision making process in consultation with any other professional who may be working with the child.

(8) In the event that the Child Representative wishes the Court to make any orders which the Child Representative is of the view necessary for the fulfilment of his/her duties, it shall be done by way of an inter-partes Summons under the proceedings.

(9) In the event that the Child Representative suspects that the child is a victim of abuse, the Child Representative must immediately inform Child Protection Services of the Ministry of Social and Family Development. The Child Representative must also inform the Court by way of letter at the earliest opportunity. The Judge may in his/her discretion call for a case conference.

(10) Where there are any matters which the Child Representative is of the view should only be shared in confidence with the Court in the best interest of the child, the Child Representative should write to court requesting for a case conference with the Judge presiding over the matter. The Judge may in his/her discretion call for a case conference only with the Child Representative. If there are any urgent issues relating to the safety of the child, the Child Representative must write to court immediately requesting for urgent audience.

(11) The Child Representative shall file in Court and serve on parties a Written Submission in Form 188 of Appendix A within the time frame directed by the Court.

(12) All correspondence to Court from the Child Representative or the parties shall be copied to the other party and the Child Representative (unless the Child Representative has been discharged) including that in paragraph (10) above.

8A. Parenting Coordinator

(1) The Court may, on its own motion or on the application of any party to the action or proceedings, order the parties to the proceedings to participate in a parenting coordination programme to be carried out by a Parenting Coordinator appointed by the Court, pursuant to rule 34C of the Family Justice Rules.

(2) Upon the making of an order for the parties to participate in the parenting coordination programme, the Registrar will select a Parenting Coordinator from the Court's panel of Parenting Coordinators and send a 'Notice of Acceptance/Non-Acceptance by Parenting Coordinator' (Form 188A of Appendix A to these Practice Directions) to the selected member by email together with a copy of the Court's order. The member may choose to accept or decline such an appointment by returning to the Registrar the completed 'Notice of Acceptance/Non-Acceptance by Parenting Coordinator' by email. If no response is received within 3 working days of the email, the member is deemed to have declined the appointment.

(3) All members on the Parenting Coordinators' panel shall inform the Court of any changes to their email addresses within seven (7) working days of such change.

(4) Upon acceptance of the appointment, the Parenting Coordinator will receive a notification email from the Registrar providing the names and contact details of the parties and their respective solicitors, if any. The following documents will be enclosed with the notification:

- (i) the Parenting Coordinator Checklist; and
- (ii) the Co-Parenting Questionnaire.

(5) Within 10 days from the receipt of the above notification, the Parenting Coordinator shall contact the parties to arrange the first parenting coordination session. The Parenting Coordinator shall also send the Co-Parenting Questionnaire for the parties' completion and return at or before the first parenting coordination session. Notwithstanding that the parties may be represented by solicitors, the Parenting Coordinator shall contact the parties directly and vice-versa throughout the course of the parenting coordination programme. The parties shall endeavour to provide the Parenting Coordinator with documents necessary to facilitate the parenting coordination programme, including but not limited to the documents filed in Court.

(6) Pursuant to rule 34F(2) of the Family Justice Rules, either party to the proceedings or the Parenting Coordinator may apply for the termination of the parenting coordination programme. The application is made by filing a summons together with a supporting affidavit, and is to be served on all parties concerned within 3 working days.

9. Examination of children

(1) Applicants for the leave of the Court for a child to be examined or assessed under rule 35 of the Family Justice Rules must draft their applications in the prescribed format in Form 189 in Appendix A to these Practice Directions, with the appropriate modifications to suit the individual case.

(2) A draft Letter of Instruction to Expert Witness in the prescribed format in Form 190 in Appendix A to these Practice Directions, together with the relevant Schedules, must be annexed to the application.

(3) If parties are unable to agree on the expert to be appointed, the Court may consider appointing an expert from the panel of doctors in the Institute of Mental Health.

10. 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 interim judgment final for

divorce or nullity of marriage or the granting of a judgment of judicial separation 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 should, at the hearing of the proceedings, inform the Court —

- (a) whether there are relevant children to whom the section applies;
- (b) whether arrangements have or have not been made for the welfare of the children and that if arrangements have been made, whether 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 agreements; and
- (d) whether or not the circumstances make it desirable that the interim judgment should be made final or as the case may be, that the judgment of judicial separation should be granted without delay.

10A. Service on the Immigration and Checkpoints Authority (“ICA”) with Court Orders or Injunctions restraining or prohibiting the taking of child out of jurisdiction

(1) This Paragraph applies to parents and/or parties who intend to seek assistance from the ICA to stop a child from being taken out of jurisdiction.

(2) In proceedings under the Women’s Charter, the Guardianship of Infants Act or the International Child Abduction Act, a Court may grant an order or injunction restraining one or both parent(s) or any other party from taking the child out of jurisdiction without an Order of Court or the consent of the other or both parent(s)/parties.

(3) Any parent and/or party (hereinafter referred to as “the requestor”) who has been granted an order referred to in sub-paragraph (2) and who intends to seek assistance from the ICA to stop the child from being taken out of jurisdiction must file, prior to notifying the ICA, an undertaking in the prescribed Form 190A of Appendix A to these Practice Directions signed personally by the requestor. The filing is to be done in the eLitigation system using the document code “Other Supporting Document”.

(4) The copy of the extracted court order referred to in sub-paragraph (2) and Form 190A that has been filed pursuant to sub-paragraph (3) are to be sent to the ICA via an e-mail not exceeding 5MB in size to the email address set out below (and copied to the other party or the party’s solicitors via email or ordinary mail, whichever applicable) during the ICA’s working hours only and at least one working day in advance before the ICA is to act on the court order:-

ICA’s E-mail address: ICA_FJC_Notification@ica.gov.sg ICA’s working hours are:-

- Mondays to Fridays: 8am to 5pm
- Public Holiday Eves: 8am to 12pm
- Saturdays, Sundays and Public Holidays: Closed.

(5) The ICA will not provide assistance to stop the child from being taken out of jurisdiction if any party fails to comply with the filing and e-mail requirements provided in this Paragraph.

Part V – Alternate Dispute Resolution

11. Mediation and/or Counselling Directed by Court

(1) In any proceedings before the Court, it may direct that parties attend mediation and/or counselling (pursuant to section 50 of the Women’s Charter (Cap. 353) or section 26(9) of the Family Justice Act 2014 (Act 27 of 2014)) to encourage parties to resolve the matter amicably and assist parties in reaching an agreement or to narrow the issues in contention. Sub-paragraphs (2) to (10) below apply to private mediations ordered by the Court, and sub-paragraphs (11) to (19) below apply to mediations and/or counselling conducted by the Court.

(1A) It is the professional duty of advocates and solicitors to advise their clients about mediation. Mediation should be considered at the earliest possible stage in order to facilitate an amicable resolution of the dispute.

Court Ordered Private Mediation

(2) With effect from 1 January 2019, the Court will no longer conduct mediation in relation to proceedings (including divorce proceedings, applications pursuant to section 121B of the Women’s Charter (Cap. 353) and proceedings for a grant of probate or letters of administration in respect of the estate and effects of a deceased person) which meet the following criteria:

(a) there is a contested issue relating to assets where the gross value of all known assets is S\$2 million or above; and

(b) there are no contested child issues (i.e. disputes relating to the custody, care and control of and/or access to any child).

(2A) With effect from 1 July 2020, the Court will no longer conduct mediation where there is an application filed in the Family Justice Courts pursuant to the International Child Abduction Act (Cap. 143C).

(3) The Registrar or the Judge may order that parties in proceedings which meet the criteria attend private mediation conducted, at parties’ election, by the Singapore Mediation Centre or the Law Society Mediation Scheme (collectively referred to as “Assigned Private Mediator(s)”), unless parties have agreed upon a mediator (“Agreed Private Mediator”). The Registrar or the Judge may also make any orders necessary, including any orders relating to the choice of mediator (if parties are unable to agree) and pertaining to the payment of the mediation and its related fees.

(4) For mediations conducted by the Assigned Private Mediator(s), the parties and/or counsel shall provide the Registrar or the Judge with the necessary information for the Assigned Private Mediator(s) to contact them to arrange for the mediation. The Registrar or the Judge will give directions and timelines for parties to agree on a mediation date and to exchange case information, documents and mediation briefs. The Registrar or the Judge will fix a return date for parties and/or counsel to update the Court on the outcome of the private mediation.

(5) For mediations conducted by the Agreed Private Mediators, the parties or their counsel shall inform the Registrar or the Judge of the identity of their Agreed Private Mediator, the management of the mediation and the agreed date for mediation. The Registrar or Judge may make any order necessary for the timely and efficacious disposal of the case, including fixing return dates for the parties or their counsel to update the court, and/or re-directing the case to the Assigned Private Mediator(s).

(6) Parties and their counsel must personally attend all mediation sessions, unless otherwise stated by the private mediator.

(7) For nullity, divorce and judicial separation proceedings in which interim judgment or judgment of judicial separation has been granted, if the dispute is resolved at private mediation, the parties and/or counsel may file the draft consent order for the Court’s approval in accordance with the requirements in Paragraph 116 of these Practice Directions. Alternatively, the

parties may request to attend before the Court for the privately mediated agreement to be recorded as a consent order by the Registrar or the Judge upon confirmation of the terms by the parties and/or counsel.

(8) Where interim judgment or judgment of judicial separation has not been granted, if the dispute is resolved at private mediation, the parties and/or counsel shall inform the Court accordingly on the return date given by the Registrar or the Judge pursuant to sub-paragraphs (4) or (5) above, as the case may be, and directions will be given for the setting down of the divorce on an uncontested basis on an expedited basis.

(9) For all other proceedings not covered by sub-paragraphs (7) and (8) above, parties and/or counsel may either file the draft consent order in accordance with Paragraph 116 of these Practice Directions, or have it recorded as a consent order by the Registrar or the Judge upon the confirmation of the terms by the parties and/or counsel.

(10) If the dispute is not resolved at the private mediation, the Registrar or the Judge will give the necessary directions at the return date to enable the case to proceed accordingly.

Mediation conducted by the Court

(11) For child-related proceedings, a Family Dispute Resolution Conference (“FDR Conference”) will be called to crystallise the issues of contention. All parties together with their counsel (if any) will have to attend the FDR Conference. At the FDR Conference, directions may be given in relation to the filing and exchanging of relevant documents and/or proposals. Parties will also be directed to attend mediation and/or counselling, whichever is appropriate.

(12) For non-child related proceedings, the Registrar or the Judge may direct parties to attend mediation and/or counselling, whichever is appropriate.

(13) Counsel is not expected to attend any counselling sessions directed by the Court. However, parties and counsel must personally attend all mediation sessions.

(14) For all mediation sessions, (whether child-related or otherwise) the parties and their counsel are to prepare a Summary for Mediation in the prescribed format in Form 191 in Appendix A to these Practice Directions prior to the mediation for submission and discussion during the mediation, together with all relevant documents as may be directed by the Court.

(15) Any consensus reached during counselling sessions will be recorded as a draft agreement. A copy of the draft will be given to the parties who are advised to consult their counsel (if any).

(16) For nullity, divorce, judicial separation proceedings, where interim judgment or judgment of judicial separation has been granted, any agreement will be recorded as a consent order by the Judge-Mediator at a mediation session or any other Judge sitting as a Judge in Chambers upon confirmation of the terms by the parties and/or counsel. Where interim judgment or judgment of judicial separation has not been granted, the agreement will be formally recorded by the Judge and directions will be given for the setting down of the divorce on an uncontested basis on an expedited basis.

(17) For all other proceedings not covered by sub-paragraph (16) above, any agreement reached will be recorded as a consent order by the Judge-Mediator at a mediation session or any other Judge sitting as a Judge in Chambers upon the confirmation of the terms by the parties and/or counsel.

(18) Mediation will be conducted on a without prejudice basis. All communications made in the course of mediation will be treated in strict confidence and will not be admissible in any court unless otherwise stipulated by law. If the dispute is not resolved at the mediation session, the District Judge or Registrar will give the necessary directions to enable the case to proceed to trial, and the case will be heard by a Judge other than the District Judge or Registrar conducting the mediation.

(19) Where there is a disagreement between the parties on the terms of the agreement which were recorded at mediation, either party may write in for a clarification before the Judge-Mediator.

12. Mandatory Counselling & Mediation

(1) Section 50(3A) of the Women's Charter (Cap. 353) provides for mandatory counselling / mediation sessions at the Family Justice Courts. The first phase, beginning in September 2011, was for divorcing parents with any child or children below 8 years of age. The second phase, involving divorcing parents with any child or children below 14 years of age, was implemented for cases filed from 1st July 2013. The final phase was implemented for cases filed from 1 October 2014 and extended to all divorcing parents with any child or children below 21 years of age.

(2) Notice(s) of attendance for mandatory counselling/mediation sessions with location details will be sent to the plaintiff and defendant in the divorce proceedings. Attendance by the parties is compulsory. Attendance by the parties' respective counsel, if any, is required only when specifically stated in the notification.

(3) Counsel and parties are required to attend a Family Dispute Resolution Conference ("FDR Conference") for a preliminary discussion of the issues relating to the child or children of the marriage. The purpose is to crystallise the issues on matters relating to the child or children and to agree on mutually convenient dates for the parties to attend counselling / mediation. Any unresolved issue relating to the divorce (including any ancillary issues such as the question of maintenance or the division of matrimonial assets) may also be discussed.

(4) Counsel and parties are expected to come prepared to discuss all issues relating to or impacting the child or children.

(5) After the FDR Conference, the parties alone will attend an Intake and Assessment Session with their assigned Family Counsellor.

(6) Subsequent counselling sessions involving only the parties, may be fixed by the assigned Family Counsellor and the parties.

(7) A Mediation date will be given to the parties and counsel at the FDR Conference if appropriate for the case. It is important that parties attend on the dates given and use the opportunity to discuss and resolve the issues with the help of a Judge-Mediator and/or Family Counsellor. Counsel and parties are to prepare a Summary for Mediation in Form 191 in Appendix A to these Practice Directions prior to the mediation for submission and discussion during the mediation together with all relevant documents as may be directed by the Court.

(8) Any consensus reached during counselling sessions will be recorded as a draft agreement. A copy of the draft will be given to the parties who are advised to consult their counsel (if any). Where interim judgment has been granted, the agreement will be recorded as a consent order by the Judge-Mediator at a subsequent mediation session upon confirmation of the terms.

(9) Where interim judgment or judgment for judicial separation has been granted, any agreement reached by the parties at any time may be recorded as a consent order by the Judge-Mediator at a mediation session or any other Judge sitting as a Judge in Chambers upon confirmation of the terms by the parties and/or counsel. Where interim judgment or judgment of judicial separation has not been granted, the agreement will be formally recorded by the Judge and directions will be given for the setting down of the divorce on an uncontested basis on an expedited basis.

(10) Under section 50(3B) of the Women's Charter (Cap. 353), the court may dispense with the attendance of the parties at mediation/counselling if it deems that it is not in the interest of the parties concerned to do so (e.g. where family violence has been committed or where Child Protection Services is involved in the case).

(11) Counsel should advise his/her client of the consequences of non-attendance under section 50(3D) and (3E) of the Women's Charter (Cap. 353).

(12) Mediation will be conducted on a without prejudice basis. All communications made in the course of mediation will be

treated in strict confidence and will not be admissible in any court unless otherwise stipulated by law. If the dispute is not resolved at the mediation session, the District Judge or Registrar will give the necessary directions to enable the case to proceed to trial, and the case will be heard by a Judge other than the District Judge or Registrar conducting the mediation.

(13) Where there is a disagreement between the parties on the terms of the agreement which were recorded at mediation, either party may write in to court for a clarification before the Judge-Mediator.

13. Counselling

- (1) The Court may direct that parties attend counselling pursuant to section 26(9) of the Family Justice Act.
- (2) Counselling is conducted to help parties manage difficult emotions related to a divorce or any other familial relationship, and facilitating a parenting agreement that preserves significant relationships and supports children’s psychological adjustment to the separation. Counselling may also be directed after orders are made to assist with the emotional aspects of dealing with the outcome of the orders particularly in cases involving the relocation of a child.
- (3) Counsel may attend a counselling session if the assigned counsellor considers it appropriate.
- (4) The counsellor may request that the child be included in the counselling sessions, either alone or together with the parents depending on the case, if the counsellor is of the view that it would be in the interest of the child to be involved.
- (5) Any request for a change or vacation of the counselling appointment shall be made at least 3 working days before the appointed date.
- (6) Counselling sessions will be conducted on a without prejudice basis. Any consensus reached during counselling sessions will be recorded as a draft agreement. A copy of the draft agreement, recorded by the counsellor and signed by the parties, will be given to the parties to seek further advice from their respective counsel (if any). The draft agreement and all communications made in the course of counselling will be treated in strict confidence and shall not be admissible in any court.

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

14. Particulars of Statement of Claim

Bankruptcy status of both parties

- (1) The Plaintiff must conduct a bankruptcy search on the Defendant.
- (2) (deleted)
- (3) The Plaintiff must state the bankruptcy status of both parties in the Statement of Particulars with the relevant details as specified in sub-paragraph (5) below.
- (4) (deleted)

Statement of Particulars

- (5) The Statement of Particulars to be filed pursuant to rule 44(1)(b) of the Family Justice Rules must state the following information:

Bankruptcy Status

- (a) whether the Plaintiff is a bankrupt;
- (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 in Form 192 of Appendix A to these Practice Directions (where relevant);
- (c) 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
- (d) 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).

(7) The bankruptcy search must be conducted for the year in which the Writ for Divorce is filed as well for the years that the search indicates that there were bankruptcy proceedings against the Plaintiff or Defendant.

Counterclaim

(8) The Counterclaim to be filed pursuant to rule 56(4) of the Family Justice Rules must state the following information:

(a) whether the Defendant is a bankrupt; 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.

15. Request for simplified hearing track for divorce proceedings where parties have agreed on ancillary matters

(1) Where parties to any divorce proceedings, having reached an agreement on the ancillary matters, agree to proceed with the divorce proceeding on an uncontested basis, they may request that the divorce proceedings be dealt with on a simplified hearing track.

(2) The simplified hearing track is available where —

(a) the parties have reached an agreement through a Collaborative Family Practice process (CFP), whether conducted by the Singapore Mediation Centre or through private mediators using the CFP; or

(b) the parties have negotiated privately and reached an agreement with or without the assistance of counsel.

(3) For the purpose of subparagraph (2)(a), the Collaborative Family Practice (CFP) is a process in which a trained counsel, i.e. the collaborative counsel, represents a party only in negotiations aimed exclusively at settlement. The CFP aims to achieve a consensual solution for family law related disputes without resort to litigation. Where the negotiations fail, the collaborative counsel will then withdraw from acting for the party concerned in order that that party may engage a new counsel to pursue the case through litigation.

(4) Where —

(a) the negotiations lead to a settlement;

(b) the parties agree to proceed with an uncontested divorce and also file a draft consent order in respect of to the ancillary matters; and

(c) the requisite documents are in order,

the Court will fix the divorce proceedings filed pursuant to the settlement, for hearing on an uncontested basis upon the filing of the divorce proceedings.

How to apply for simplified uncontested divorce proceedings (5) When filing the divorce proceedings, the applicant must select "Simplified" as the type of filing.

(6) The following documents must be filed together with the Writ for Divorce:

(a) Statement of Claim (the orders sought for the ancillary issues as agreed must be typed into the template fields for the ancillary prayers);

(b) Statement of Particulars with the following annexures:-

(i) the draft Interim Judgment with agreed ancillary issues in compliance with subparagraph 116(5) of these Practice Directions;

(ii) the bankruptcy searches of both parties, conducted in accordance with Paragraph 14(7) above;

(iii) the consent from Defendant to the simplified uncontested divorce in Form 193 of Appendix A;

(iv) a copy of the Marriage Certificate;

(v) CPF Checklist for Consent Orders, in compliance with Paragraph 116(1)(d) of these Practice Directions, if applicable.

(c) Request for Setting Down Trial for Action (in Form 29 of Appendix A to these Practice Directions); and

(d) Plaintiff's Affidavit of Evidence in Chief.

(7) If the divorce is to be granted based on a Claim and Counterclaim, the following documents must be filed by the Defendant within 3 working days from the filing of the Writ:

(a) Counterclaim; and

(b) Defendant's Affidavit of Evidence in Chief.

(8) In the event that subparagraph (7) is not complied with, the Court may proceed to make the appropriate orders or directions notwithstanding the failure, such as adjourning the divorce hearing or granting the interim judgment only on the claim.

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 information required to complete the proposed Matrimonial Property Plan in Form 14 may be obtained via the online service provided by HDB at "My HDBPage" found at www.hdb.gov.sg.

(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 Retirement Sum or any part thereof in his / her CPF Retirement Account and if yes, the amount of pledged Retirement Sum and the accrued interest (this is applicable to CPF members aged 55 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 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 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.

17. Status conferences

(1) Status conferences will be conducted for matrimonial proceedings under Part X of the Women's Charter before the case is set down for hearing.

(2) Status conferences are conducted for the purposes of ensuring that cases are dealt with and disposed of without delay and to assign time frames for the disposition of cases.

(3) At the status conference, the matters to be considered include the following:

(a) service of the writ and the affidavit of service;

(b) filing of all necessary documents;

- (c) the likelihood of settlement;
- (d) ages of the child / children of the marriage;
- (e) directions for parties to exchange a list of relevant information on the ancillary issues;
- (f) directions for parties to attend mandatory counselling and mediation at the at the Family Justice Courts;
- (g) the dates of the mediation and counselling sessions;
- (h) the date of setting down; and
- (i) the necessity (if any) to transfer the proceedings to the Family Division of the High Court for hearing and determination.

(4) To facilitate a more effective and expedient processing of cases and to reduce the number of court attendances, a Registrar's Notice ("the First Status Conference Notice") in the format as set out in Form 198 in Appendix A to these Practice Directions will be sent to the plaintiff within 6 weeks directing the plaintiff either —

- (a) to set down the case for hearing by a stipulated date if the pleadings are closed; or
- (b) to inform the Court of the status of the matter if the pleadings are not closed, for which purpose —
 - (i) the requisite information shall be given in Form 199 in Appendix A to these Practice Directions and shall be sent to the Court within 7 days of the First Status Conference Notice; and
 - (ii) upon receipt of Form 199, the Court will consider the reasons stated in the form and may make the appropriate directions for the matter.

(5) If the plaintiff fails to set down and to reply to the First Status Conference Notice in accordance with sub-paragraph (4) above, a Second Status Conference Notice in Form 200 in Appendix A to these Practice Directions shall be sent directing the plaintiff to set down the matter by a stipulated date, failing which the plaintiff is to attend a Status Conference.

(6) Where a case is set down for hearing before a status conference, the status conference will be vacated.

18. Uncontested Matrimonial Proceedings in Chambers

(1) In uncontested matrimonial proceedings under section 95 and section 101, Part X of the Women's Charter (Cap 353), the Court may dispense with the attendance of counsel and parties at the uncontested divorce hearing.

(2) The party filing the Request for Setting Down Action for Trial on an uncontested basis shall, at the same time, file the following:

- (a) where the plaintiff is proceeding on the statement of claim, the Affidavit of Evidence in Chief in Form 201 in Appendix A to these Practice Directions to attest to the veracity of the contents found in the statement of claim and statement of particulars;
- (b) where the defendant is proceeding on the counterclaim, the Affidavit of Evidence in Chief in Form 202 in Appendix A to these Practice Directions to attest to the veracity of the contents of the counterclaim;
- (c) where there is a Private Investigator's (PI) report to be adduced as evidence, the Affidavit of Evidence in Chief of the PI exhibiting the PI report;

(d) the draft consent order, in compliance with Paragraph 116(5) of these Practice Directions, incorporating the terms of the agreement, if any;

(e) CPF Checklist for Consent Orders, in compliance with Paragraph 116(1)(d) of these Practice Directions, if applicable; and

(f) Form 203 in Appendix A to these Practice Directions, a copy which shall be sent to the other party at the same time by the filing party.

(3) Where the documents are in order, the court may proceed to grant the relevant orders in chambers without requiring the attendance of the parties.

(4) Notwithstanding the above, the Court has the discretion to fix the matter for open court hearing and require the attendance of parties.

(5) 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).

(6) If parties are applying for an exemption under sub-paragraph (5) above, the party filing the Request for Setting Down Action for Trial on an uncontested basis shall, at the same time, file Form 204 instead of Form 203 in Appendix A to these Practice Directions.

19. Uncontested Matrimonial Proceedings in open court hearings

(1) In uncontested matrimonial proceedings under sections 105 and 106, Part X of the Women's Charter (Cap 353), the party filing the Request for Setting Down Action for Trial on an uncontested basis shall, at the same time, file the following:

(a) where the plaintiff is proceeding on the statement of claim, the Affidavit of Evidence in Chief in Form 201 in Appendix A to these Practice Directions to attest to the veracity of the contents found in the statement of claim and statement of particulars;

(b) where the defendant is proceeding on the counterclaim, the Affidavit of Evidence in Chief in Form 202 in Appendix A to these Practice Directions to attest to the veracity of the contents of the counterclaim;

(c) where there is a Private Investigator's (PI) report to be adduced as evidence, the Affidavit of Evidence in Chief of the PI exhibiting the PI report;

(d) the draft consent order, in compliance with Paragraph 116(5) of these Practice Directions, incorporating the terms of the agreement, if any;

(e) CPF Checklist for Consent Orders, in compliance with Paragraph 116(1)(d) of these Practice Directions, if applicable; and

(f) Form 204 in Appendix A to these Practice Directions, a copy of which shall be sent to the other party at the same time by the filing party.

(2) For the open court hearings of uncontested matrimonial proceedings under section 105 and 106, Part X of the Women's Charter or pursuant to Paragraphs 18(4) and 18(5) above, there is no need for the plaintiff to be made to confirm every paragraph of the statement of claim and statement of particulars. Counsel will only need to put to the plaintiff in the witness box the questions which will prove the following matters:

- (a) the marriage;
- (b) the particulars of the children (if any);
- (c) the ground on which the action is founded; and
- (d) the reliefs claimed.

(3) For this purpose and to facilitate the proceedings, counsel should supply a copy each of the statement of claim and statement of particulars to their respective clients.

(4) If parties have reached an ancillary matters agreement, and intend to have it recorded at the open court hearing, counsel shall file the draft consent order, in compliance with Paragraph 116(5) of these Practice Directions, incorporating the terms of the said agreement at least 7 working days prior to the open court hearing. The document name selected for the draft consent order in the Electronic Filing Service shall be “Draft Consent Order”.

(5) Notwithstanding the adoption of this simplified procedure, counsel will still be expected to bring to the attention of the Court any specific matters in connection with or arising from the proceedings of which the Court should be aware. In particular, if section 123 of the Women’s Charter is applicable, the Directions set out in Paragraph 10 of these Practice Directions shall be complied with.

20. Documents for use in trials of contested matrimonial proceedings under Part X of the Women’s Charter (Cap 353)

(1) This Paragraph shall apply to trials of contested matrimonial proceedings. For matrimonial proceedings filed before 1 April 2006, any reference in this Paragraph to the plaintiff and defendant shall be read as a reference to the petitioner and respondent respectively.

(2) To improve the conduct of contested matrimonial proceedings and to reduce the time taken in the presentation of cases in Court, the following documents shall be prepared by the respective solicitors of the parties:

- (a) a bundle of documents (an agreed bundle where possible);
- (b) a bundle of authorities; and
- (c) an opening statement.

Bundle of documents

(3) Documents to be used at trial should be consolidated into bundles paginated consecutively throughout at the top right hand corner. An index of contents of each bundle in the manner and form set out in Form 205 of Appendix A must also be furnished. No bundle of documents is necessary in cases where parties are not relying on any document at the trial.

(4) It is the responsibility of solicitors for all parties to agree and prepare an agreed bundle as soon as possible. The scope to which the agreement extends must be stated in the index sheet of the agreed bundle.

(5) In cases where certain documents cannot be agreed upon, these should be separately bundled as the plaintiff’s bundle, the defendant’s bundle or such other party’s bundle as the case may be.

(6) The documents in the bundles should —

- (a) be firmly secured together with plastic ring binding or plastic spine thermal binding. The rings or spines should be red for plaintiffs and blue for defendants with a transparent plastic cover in front and at the back;

(b) have flags to mark out documents to which repeated references will be made in the course of the hearing. Such flags shall bear the appropriate indicium by which the document is indicated in the index of contents. Flags shall be spaced out evenly along the right side of the bundle so that as far as possible they do not overlap one another; and

(c) be legible. Clear legible photocopies of original documents may be exhibited instead of the originals provided the originals are made available for inspection by the other parties before the hearing and by the Judge at the hearing.

(7) Where originals and copies of documents are included in one bundle, it should be stated in the index which documents are originals and which are copies.

(8) Only documents which are relevant or necessary for the trial shall be included in the bundles. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary documents, the Court will have no hesitation in making a special order for costs against the relevant person.

(9) A core bundle should (unless clearly unnecessary) also be provided containing the most important documents upon which the case will turn or to which repeated reference will have to be made. The documents in this bundle should normally be paginated but should also be cross-referenced to copies of the documents included in the main bundles. The bundle supplied to the Court should be contained in a loose-leaf file which can easily have further documents added to it if required.

(10) The bundles of documents including the agreed bundle and core bundle, if applicable, shall be filed and served on all relevant parties at least 3 days before trial.

Bundle of authorities

(11) The requirements set out in Paragraph 90(9) to (11) shall, with the necessary modifications, be complied with in respect of proceedings falling within this Paragraph.

Opening statements

(12) The requirements set out in Paragraph 90(12) shall, with the necessary modifications, be complied with.

Timeline for tendering documents

(13) Paragraphs 90(13) and 90(14) shall apply, with the necessary modifications, to proceedings to which this Paragraph applies.

21. Affidavit of Assets and Means

(1) The Affidavit of Assets and Means ("AOM") to be filed pursuant to rule 89 of the Family Justice Rules shall be in Form 206 in Appendix A to these Practice Directions.

(2) The list of documents to be produced by each of the parties and exhibited to the AOM shall, where relevant, be as follows:

(a) the party's payslips for the last 6 months before the filing of the AOM;

(b) the party's evidence of employment, as well as evidence confirming his or her salary (eg. a letter from the party's employer or a copy of an employment contract);

(c) the party's Notice of Assessment of Income for the past 3 years before the filing of the AOM;

(d) if the party is an undischarged bankrupt, the Statement of Affairs and the latest Income and Expenditure Statement filed with the Official Assignee;

(e) the party's updated Central Provident Fund ("CPF") statements (which must be dated not more than 2 weeks before the filing of the AOM), showing contributions made by the party towards the purchase of any immoveable property and the balances in the party's CPF accounts (if any);

(f) the party's updated CPF Investment Account statements (which must be dated not more than 2 weeks before the filing of the AOM);

(g) the party's Central Depository (Pte) Ltd ("CDP") statements (if any);

(h) a copy of an updated search result made with the Accounting and Corporate Regulatory Authority ("ACRA") in respect of any businesses owned by the party (which must be dated not more than 2 weeks before the filing of the AOM);

(i) a copy of any valuation report or transaction search in respect of any immoveable properties owned by the party;

(j) a copy of any tenancy agreement, hire purchase agreement, insurance policy or any letter from any insurance company showing the surrender value of any insurance policy of the party;

(k) the party's list of monthly expenses for himself or herself and / or the parties' child(ren) such as utilities bills, telephone bills, school fees, etc.;

(l) documents and receipts to prove the monthly expenses of the party and / or the parties' child(ren);

(m) the party's updated bank passbooks and / or bank statements (including sole and joint accounts) showing the party's banking transactions and account balances for the last 3 months before the filing of the AOM; and

(n) any other documents referred to or supporting the information in the AOM.

(3) In complex cases, parties may apply for further discovery under rule 63 of the Family Justice Rules of documents which are necessary and proportionate to the complexity and value of the case.

22. Documents required for the extraction of Certificate of Making Decree Nisi Absolute and Decree Nisi for matrimonial proceedings filed before 15 December 2003

(1) For matrimonial proceedings filed before 14 April 2003, solicitors are required to submit the following documents when making an application for the Decree Nisi to be made Absolute:

(a) three copies of the Certificate of Making Decree Nisi Absolute (one of which is to be stamped);

(b) one stamped copy of the affidavit on application to search the court records (applicable only if the decree nisi was granted before 15 February 2003);

(c) one stamped copy of the Notice of Application to Make Decree Nisi Absolute;

(d) one copy of the Parenting Plan (where applicable);

(e) one copy of the Order of Court granting leave to make Decree Nisi Absolute out of time (where applicable);

(f) one copy of the Decree Nisi; and

(g) one copy each of the Orders of Court on all ancillary matters (where applicable).

(2) The documents referred to in sub-paragraph (1)(a) to (e) above must be original documents, and not photocopies.

(3) The documents referred to in sub-paragraph (1)(f) and (g) above may be photocopies.

(4) For matrimonial proceedings filed on or after 14 April 2003 but before 15 December 2003, solicitors are required to submit the following documents when making an application for the Decree Nisi to be made Absolute:

(a) three copies of the Certificate of Making Decree Nisi Absolute (one of which is to be stamped);

(b) one copy of the Order of Court granting leave to make the Decree Nisi Absolute out of time (where applicable);

(c) one copy of the Decree Nisi; and

(d) one copy each of the Orders of Court on all ancillary matters (where applicable).

(5) The documents referred to in sub-paragraph (4)(a) and (b) above must be original documents, and not photocopies.

(6) The documents referred to in sub-paragraph (4)(c) and (d) above may be photocopies.

(7) When seeking approval of a draft Decree Nisi signed by only one party, solicitors are required to submit the following documents:

(a) one copy of the draft Decree Nisi signed by the relevant party / relevant party's solicitor; and

(b) one copy of the draft consent order recorded by the Court at the Decree Nisi hearing (where applicable).

(8) The documents listed in sub-paragraph (7)(a) and (b) may be photocopies. Upon approval and return of the draft Decree Nisi, two copies of the Decree Nisi in terms of the approved draft (one of which is to be stamped) must be submitted to the Family Registry for processing.

(9) When seeking the extraction of Decrees Nisi and Orders of Court endorsed with the signatures of all the relevant parties / relevant parties' solicitors, solicitors are required to submit the following documents:

(a) one copy of the draft Decree Nisi / Order of Court signed by all relevant parties / relevant parties' solicitors; and

(b) two copies (one of which is to be stamped) of the Decree Nisi / Order of Court (in terms of the draft Decree Nisi / Order of Court signed by all relevant parties / relevant parties' solicitors).

(10) The document listed in sub-paragraph (9)(a) above may be a photocopy.

(11) This Paragraph is only applicable to matrimonial proceedings filed before 15 December 2003.

Part VII – Proceedings under Part VII and VIII of Women's Charter

23. Alternative dispute resolution

(1) Pursuant to section 26(9) of the Family Justice Act, the court may direct parties to attend mediation for maintenance matters or counseling for family violence matters to encourage and assist parties in reaching a resolution or to narrow the issues in contention.

(2) Parties must personally attend and be prepared to discuss their cases during the mediation or the counseling session. Parties in maintenance proceedings should bring the documents set out at paragraph 25 to facilitate discussion during the mediation.

(3) Mediation and counseling will be conducted on a without prejudice basis. All communications made in the course of these sessions will be treated in strict confidence and will not be admissible in any court. As such, the mediation notes will not be made available to the parties.

(4) If the dispute is not resolved at the session, the matter will be referred back to the Mentions Court before a District Judge who will give the necessary directions to enable the case to proceed to trial.

23A. Offer to Resolve in maintenance applications

(1) A complainant in proceedings filed under section 69 or section 72 of the Women's Charter (Cap. 353) may make an Offer to Resolve. The contents of the Offer shall be confidential and without prejudice save as to costs. To utilise this platform, both parties must have SingPass accounts and enter valid email addresses for the purpose of receiving notifications.

(2) A complainant may log in to iFAMS to make an Offer to Resolve as soon as the complaint is filed, and prior to the first Court date.

(3) Upon receiving an email notification that an Offer has been made via iFAMS, the recipient should log in to iFAMS to view the Offer. The Offer will state a validity period and the recipient may: (a) accept the Offer or make a counter-offer within the validity period; (b) reject the Offer, or (c) allow the Offer to lapse. Each party may make up to 3 Offers.

(4) At the first Court date, parties can inform the mediator if they have reached a settlement through the Offer to Resolve platform. Parties may, if they so desire, then proceed to record a consent order before the Duty Judge. Where there is no settlement, and parties proceed to mediation, consent may be given by parties to the mediator to refer to their respective Offers made on the platform to facilitate the mediation.

(5) Where there is dispute as to when an Offer was made through the Offer to Resolve platform, the time and date on the Offer sent shall be conclusive of when it was made.

(6) All Offers sent through this platform will reflect the following email address: do-not-reply@ifams.gov.sg.

24. Pre-hearing matters

(1) The applicant and respondent in family violence and maintenance proceedings under Part VII and VIII of the Women's Charter must inform the District Judge presiding over the Mentions Court of all relevant matters that may affect the hearing of the case including, but not limited to, the following matters:

a) Applications for discovery for maintenance cases;

b) Applications for stay of proceedings for maintenance cases;

c) Applications to strike out the whole or parts of affidavits which:-

(i) had been exchanged between the parties in the proceedings; or

(ii) where such affidavits had been used in other proceedings, are being referred to and intended to be used in the proceedings;

d) The number and identity of the witnesses that will be called to give evidence and who had agreed to give evidence for the party concerned;

e) Challenges to expert reports; and

f) Related proceedings which are pending in any Court including that of the Syariah Court.

(2) All applications under Part 5, Divisions 3 and 4 of the Family Justice Rules, other than for the main applications in family violence and maintenance proceedings and applications for discovery, shall be made via the portal of the electronic filing service known as the Integrated Family Application Management System (“IFAMS”) under “Other applications”.

(3) An application for discovery under rule 102(4) of the Family Justice Rules is to be made via the IFAMS portal under “Applications for discovery”.

(4) The applicant and respondent in family violence and maintenance proceedings are to make their own arrangements for the witnesses they intend to call to give evidence at the hearing of their application, including applying for a Summons to a Witness where necessary.

(5) An application by a party for a Summons to a Witness to give evidence must be made via the IFAMS portal under “Application for summons to give evidence”.

(6) The party applying for a Summons to a Witness to give evidence must provide the reasons for the application. Any application which does not comply with the directions in this part may be rejected. The approval of such applications shall be at the discretion of the Court.

24A. Service of summons under Part VIII of Women’s Charter (except an application made under section 69 or 70)

(1) The prior written consent of the party referred to in rule 131A(5)(a) of the Family Justice Rules shall be in Form 207 of Appendix A to these Practice Directions. This Form can be submitted in its physical form or by using the QR Code provided for this purpose which is made available at the Court premises and also found at www.familyjusticecourts.gov.sg.

(2) In the event of any change to the party’s details in Form 207, such as email address; mobile telephone number; or if there is a change in the party’s position with regard to his or her consent for service of the summons; it shall be for the party to notify the Court of the changes within seven (7) days of such change by email sent to:

FJCOURTS_MAINTPOS@FJCourts.gov.sg. The said email must make reference to the relevant case numbers and be copied to the other party in the proceedings. If there is revocation of consent, the date of revocation shall be taken to be the date of the email unless it is otherwise specified to take effect on a later date.

(3) The party will thereafter receive an acknowledgement from the Family Justice Courts.

25. Documents and affidavits in respect of maintenance proceedings under Part VIII of Women’s Charter (Cap. 353)

(1) The list of documents to be provided by each of the parties under rule 102 of the Family Justice Rules is as follows:

(a) for fresh applications for a maintenance order under section 69 or for the rescission or variation of a maintenance order under section 72 of the Women’s Charter:

- (i) the party's list of monthly expenses for himself or herself;
- (ii) the party's list of monthly expenses for the parties' children;
- (iii) documents and receipts to prove the monthly expenses;
- (iv) documents to prove the parties' respective debts;
- (v) the party's payslips and CPF statements for the last 6 months;
- (vi) the party's evidence of employment (eg. employer's letter or employment contract);
- (vii) the party's Notice of Assessment of Income for the past 3 years;
- (viii) the party's updated bank passbooks and / or updated bank statements (including sole and joint accounts); and
- (ix) the party's bank deposit slips to show payment / non-payment of maintenance.

(b) for applications to enforce a maintenance order under section 71 of the Women's Charter:

- (i) the computation of arrears of maintenance;
- (ii) the parties' updated bank passbooks and / or updated bank statements (especially for the period when the maintenance was not paid);
- (iii) the respondent's list of monthly expenses for himself or herself;
- (iv) the respondent's list of monthly expenses for the parties' children;
- (v) the respondent's documents and receipts to prove the monthly expenses;
- (vi) the respondent's documents to prove their respective debts;
- (vii) the respondent's payslips and CPF statements for the last 6 months;
- (viii) the respondent's evidence of employment (e.g. employer's letter or employment contract); and
- (ix) the respondent's Notice of Assessment of Income for the past 3 years.

(2) Affidavits to be filed under rules 100 and 114 of the Family Justice Rules should contain only facts relevant to the application and shall, as far as possible, be in Form 209 in Appendix A to these Practice Directions. Parties may depart from the standard form to meet their case as necessary.

(3) The Court may, in its discretion, allow an unsworn statement prepared in accordance with the standard form, to be filed in lieu of an affidavit. Parties may depart from the standard form to meet their case as necessary.

25A. Appointment of Maintenance Record Officer

(1) In any maintenance proceedings, the Court may on its own motion, appoint a maintenance record officer pursuant to rule 114B of the Family Justice Rules.

(2) Upon the making of an order for the appointment of a maintenance record officer, unless the Court orders otherwise, the parties to the proceedings shall prepare an additional set of documents as set out in Paragraph 25 of these Practice

Directions and such other documents as the Court may direct.

(3) The documents referred to in sub-paragraph (2) above shall be submitted to the Court prior to the hearing of the application and in accordance with such directions as the Court may give.

(4) Upon the appointment of the maintenance record officer, the officer shall contact the parties directly to make the necessary arrangements and appointments for the purpose of preparing a report under rule 114B(1) of the Family Justice Rules. The parties shall keep to the appointments to avoid any postponement of the hearing of the application.

(5) A request by a maintenance record officer under rule 114B(3) of the Family Justice Rules must be made in Form 209A of Appendix A of these Practice Directions and served on the party against whom production of the documents is sought and the other party.

(6) Unless the Court directs otherwise, a copy of the report under rule 114B(1) of the Family Justice Rules shall be prepared and be submitted to the Court and the parties not less than 7 working days before the hearing of the application.

(7) A party who intends to examine the maintenance record officer under rule 114B(6) of the Family Justice Rules shall give the officer and the Court a written request in Form 209B of Appendix A of these Practice Directions at least 5 working days before the date of hearing.

25B. Referral for assessment

Notwithstanding that an application under Part VIII of the Women's Charter has not been made, an applicant may, with his consent, be referred by the Family Justice Courts Registry for an assessment to ascertain the financial circumstances of the applicant or the respondent or both prior to the making of such application.

26. Hearing of maintenance proceedings in chambers

(1) Maintenance proceedings may be adjourned to Chambers for the hearing of the application under the following conditions:

(a) Parties are legally represented;

(b) Parties consent to the application being hearing in chambers; and

(c) Parties had agreed that the matter can be heard without cross-examination of parties concerned.

(2) Notwithstanding the above, the Court may, if the Court deems it necessary, direct any party or witness to attend the hearing.

(3) Where both the applicant and respondent are unrepresented or only one is represented, the maintenance proceedings will be conducted as a trial in Court.

Part VIIA – Electronic Filing Service under Division 68A of Part 18 of the Family Justice Rules

26A. Application

(1) The Practice Directions in this Part apply only in relation to proceedings under rule 929A of the Family Justice Rules.

(2) All applications which have been specifically provided under rule 929A of the rules must be e-filed.

(3) Any application which is not e-filed in accordance with the directions contained in this Part may be rejected.

(4) The directions in this Part must be read in conjunction with Part 18 Division 68A of the Family Justice Rules.

26B. Establishment of Electronic Filing Service and appointment of network service provider

(1) In exercise of the powers conferred by rules 929C and 929D of the Family Justice Rules, the Registrar, with the approval of the Chief Justice, hereby establishes an Electronic Filing Service known as the Integrated Family Application Management System ("IFAMS").

(2) IFAMS is accessible at:

(a) <https://ifams.gov.sg> for a party who acts in person or an advocate and solicitor appointed to act on a party's behalf.

(b) <https://ifams.gov.sg/FSA> for individuals designated as authorised agents by any qualifying entity as defined in Rule 929B which are authorised users of the electronic filing system.

26C. Authorised users and authorised agents

(1) Under rule 929E(1) of the Family Justice Rules, any individual may access IFAMS as an authorised user using his Singapore Personal Access ("SingPass") ID. The identification code of an authorised user who is an individual shall be the authorised user's SingPass ID.

(2) Under rule 929E(2) of the Family Justice Rules, the qualifying entities granted access to IFAMS as authorised users by the Registrar are as follow:

(a) Law firms and law corporations as defined in section 2 of the Legal Profession Act (Cap 161);

(b) Designated Family Service Centres ("FSCs");

(c) Designated Divorce Support Specialist Agencies ("DSSAs");

(d) Designated Family Violence Specialist Centres ("FVSCs"); and

(e) Such other entity as the Registrar may authorise from time to time.

(3) In the case of law firms and law corporations, only advocates and solicitors can be designated as authorised agents to access the electronic filing system.

(4) For the purpose of rule 929E of the Family Justice Rules, the identification code of an authorised user which is a qualifying entity or its authorised agent shall be the authorised user's CorpPass ID or such other ID that may be issued by the Registrar to the authorised user.

(5) Authorised users shall be responsible for all transactions conducted and liable for all fees and charges incurred by any of their designated authorised agents in IFAMS.

26D. Electronic filing of written complaints

(1) All complaints are to be e-filed through the IFAMS portal. For the avoidance of doubt, the written complaints shall be e-filed in the following manner:

(a) Advocates and solicitors acting for complainants shall file a written complaint which complies with the requirements of rule 131B(1)(a) of the Family Justice Rules.

(b) Complainants acting in person who access the system as authorised users using their SingPass shall file a written complaint which complies with the requirements of rule 131BA(2)(a) of the Family Justice Rules.

(c) Written complaints filed by an authorised user described under paragraph 26C(2)(b) to (e) of these Practice Directions on behalf of a complainant shall comply with the requirements of rule 131BA(2)(b) of the Family Justice Rules.

26E. Documents

(1) All documents must be e-filed using the Portable Document Format (PDF).

(2) The proper document type must be selected and a clear and appropriate document description must be entered. The document description should not be abbreviated.

(3) It is not necessary for documents to have a cover page or backing sheet.

(4) Every page of a document must be paginated consecutively so that the pagination on the actual document corresponds with the pagination of the Portable Document Format (PDF) document in the electronic case file, and the page number must be inserted at the top right hand corner of the page.

(5) Under rule 929F(5) and rule 929F(6) of the Family Justice Rules, a party must file, before the commencement of the trial, an electronic reproduction of the document in IFAMS unless the Court allows the document to be tendered during the trial. For the purposes of these rules, the Mentions Court will determine whether a party should file the documents in IFAMS before the trial or otherwise.

26F. Documents which cannot be converted into electronic format

(1) If a document cannot be converted in whole or in part into an electronic format for any reason, the hard copy of the document must be tendered to the Court.

(2) A document which is not wholly converted into an electronic format without good reason may be rejected as the Court sees fit.

26G. Amendment of documents

Where a document is required to be amended, a fresh copy of the document must be produced and e-filed, regardless of the number and/or length of the amendments sought to be made.

26H. Limits on size and number of documents submitted using electronic filing

service

(1) The following limits shall apply to the filing of documents:

- (a) the total number of pages in a single document must not exceed 999; and
- (b) the size of a single transmission must not exceed 4 mega-bytes.

(2) The resolution for scanning, unless otherwise directed by the Court, must be no more than 200 DPI.

(3) In the event that any party wishes to file documents which exceed the limits specified in sub-paragraph (1), he may make multiple submissions.

26I. Bundles of Authorities

(1) In all proceedings under this part, any party to the proceedings or his counsel shall submit their own bundle of authorities. In this regard, the following shall be complied with:

(a) The bundle of authorities to be prepared by each party should:

- (i) contain all the authorities, cases, statutes, subsidiary legislation and any other materials relied on;
- (ii) be properly bound with plastic ring binding or plastic spine thermal binding in accordance with the requirements set out in Paragraph 90(8)(c) of these Practice Directions;
- (iii) be paginated consecutively at the top right hand corner of each page (for which purpose the pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle); and
- (iv) contain an index of the authorities in that bundle and be appropriately flagged for easy reference.

(b) Only authorities which are relevant or necessary for the trial shall be included in the bundles. No bundle of authorities is necessary in cases where parties are not relying on any authority at the trial. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary authorities, the Court will have no hesitation in making a special order for costs against the relevant person.

(c) The bundle of authorities shall be submitted to the Court and served on all relevant parties at least 3 working days before trial.

(2) Bundles of authorities should not be filed electronically.

26J. Change of Solicitors

(1) A party must file through the IFAMS portal a notice of appointment of solicitor, a notice of change of solicitor, a notice of ceasing to act or a notice of intention to act in person, as the case may be.

(2) In the case of a solicitor who ceased to act for a party with that party's consent, the solicitor must also file the party's consent in Form 179A of Appendix A to these Practice Directions.

(3) Despite anything in Part 18 Division 69A of the Family Justice Rules or the filing of any of the applicable notices in this paragraph, parties may be directed by the Court to attend mediation or counselling at the first mention for any application

under this part. Parties are therefore required to attend the first mention for any application, unless the Court otherwise directs that their presence is dispensed with.

(4) Where a solicitor files a notice of ceasing to act, he is to inform the client of the date and time of the next mention or hearing date and that the client is to attend Court for the said mention or hearing, as the case may be.

(5) The Director of Legal Aid or a solicitor assigned to act for an aided person under the Legal Aid and Advice Act (Cap. 160) need not file the notice of appointment or the notice of ceasing to act as the Grant of Aid or cancellation of Grant of Aid will be filed with the Family Justice Courts Registry.

26K. Request for Court Records

(1) An application for a copy of any part of the record of any proceedings by authorised users for a case registered in IFAMS or migrated to IFAMS must be made via the IFAMS portal under “Request for Court records”.

(2) An application for a copy of the document mentioned in paragraph (1) by an applicant who is not an authorised user must be made in Form 211 in Appendix A to these Practice Directions.

(3) The party making any of the aforementioned request shall provide the reasons for the request and documents in support of the request, where applicable. Any requests which does not comply with the directions in this part may be rejected. The approval of such requests shall be at the discretion of the Court.

(4) Upon approval of the request, parties will be notified of the outcome of the request or receive directions by the Court as the case may be, where appropriate.

(5) 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.

26L. Other Requests

(1) The following requests relating to or in connection with proceedings under this part for a case registered via the IFAMS must be made via the IFAMS portal:

- (a) Requests for permission to leave jurisdiction;
- (b) Requests to cancel a warrant of arrest;
- (c) Requests to change Court appointments;
- (d) Requests to restore or reinstate a struck-off case; and/or
- (e) Requests to withdraw an application.

(2) The party making any of the aforementioned requests should provide the reasons for the request and documents in support of the request, where applicable. Any request which does not comply with the directions in this part may be rejected. The approval of such requests shall be at the discretion of the Court.

(3) Upon consideration of the request by the Court, parties will be notified of the outcome or given directions by the Court as the case may be, where appropriate.

26M. Showing proof of payment

(1) Where an order for enforcement of maintenance arrears provides for a party to show proof of payment via the IFAMS portal, the party required to show proof of payment may do so via the IFAMS portal under “Show proof of payment of maintenance”.

(2) The Court will notify the party required to show proof of payment through either one or more of the following modes of communication - letter, electronic mail or mobile phone text message if the proof of payment is satisfactory. The notification of the Court’s acceptance of proof of payment will not be communicated orally over the telephone.

(3) If the proof of payment via IFAMS is for any reason unsatisfactory, the Court may reject the proof of payment and notify the party required to show proof of payment, by the modes of communication specified in sub-paragraph (2) above.

(4) For the avoidance of doubt, if the proof of payment via IFAMS is rejected, or if the party required to show proof of payment does not receive any notification from the Court exempting him from attending Court on the acceptance of the proof of payment, the party must attend personally at the Maintenance Mediation Chambers, Level 2 of the Family Justice Courts to show proof of payment on or before the date specified in the Order of Court.

26N. Payment in and Out of Court

Where an appeal is to be filed under Part 18 Division 59 of the rules against an order made for proceedings to which rule 929A applies, the application for payment in and out of Court of the security deposit is to be made via the IFAMS portal under “Payment of money into Court” or “Payment of money out of Court”, as the case may be.

Part VIII - Adoption of Children

27. Commencement Documents

Filing of commencement documents

(1) Solicitors are requested to file all applications for adoption orders in the Family Justice Courts.

(2) All applications for adoption orders filed on or after 1 January 2006 shall be made by originating summons in the prescribed format in Form 37 of Appendix A to these Practice Directions.

(3) The applicants shall file the following documents, together with the originating summons:

(a) the Statement in Form 38 of Appendix A to these Practice Directions, through the Electronic Filing Service by entering the relevant information in the appropriate electronic template (for which purpose the applicants must ensure that the particulars contained in the infant’s birth certificate correspond with those in the Statement, in particular, paragraph 8(c) of the Statement);

(b) an affidavit in support of the originating summons; and

(c) the consent in the prescribed form of every person or body who is a parent or guardian of the infant, or who

has actual custody of the infant, or is liable to contribute to the support of the infant (which consent is to be filed separately from the affidavit in support of the originating summons).

Contents of the affidavit in support of the originating summons

(4) The affidavit in support of the originating summons must —

(a) contain the following information (where applicable):

- (i) an averment by the applicant(s) as to the truth of the contents of the Statement;
- (ii) the grounds in support of the prayer to dispense with the consent and / or service of documents on the natural parent(s) and / or grandparent(s) (if any) of the infant; and

(b) exhibit the following documents:

(i) a clear copy each of —

- (A) the birth certificate or other means of identification of the infant;
- (B) the identity card or other means of identification of the applicant(s);
- (C) the marriage certificate of the applicants;
- (D) the consents of all relevant persons, where applicable; and
- (E) all other documents for proving the averments in the originating summons and Statement;

(ii) where the applicants are not Singapore citizens — valid documentary proof of their residency status in Singapore (e.g. Employment Pass; Work Permit; Dependant's Pass; or any other evidence of permanent residency status);

(iii) where the infant to be adopted is not a Singapore citizen — valid documentary proof of the infant's residency status in Singapore (e.g. Dependant's Pass or any other evidence of permanent residency status); and

(iv) where the infant to be adopted was procured through an adoption agency —

- (A) a declaration by the applicants as to the fees and expenses paid to the adoption agency;
- (B) a detailed breakdown of the fees and expenses paid; and
- (C) documentary evidence of the said fees and expenses.

28. Amendment of Originating Summons and Statement

(1) Where the Court makes an order granting the applicants leave to amend the originating summons, and where the amendments relate to the particulars of the applicants and / or infant or any information which also appear in the Statement, the applicants shall within 7 working days amend the Statement by amending the information in the appropriate electronic template. The applicant(s) shall also file an affidavit averring to the truth of the contents of the amended statement. The amended originating summons, Statement and the affidavit in support shall be served on the guardian in adoption.

(2) Where the Court makes an order granting the applicants leave to amend the Statement, the applicants shall within 7

working days amend the Statement by amending the information in the appropriate electronic template. The applicant(s) shall also file an affidavit averring to the truth of the contents of the amended Statement. The amended Statement and the affidavit in support shall be served on the guardian in adoption.

29. Dispensation of Consent and / or Service

(1) To ensure that adoption hearings are conducted more expeditiously, the applicants shall generally not be required to file separate summonses for orders such as dispensation of service of documents, dispensation of consent of the natural parents or guardian, etc. Such prayers are to be set out in the originating summons and shall be listed for hearing together with Prayer 1 (the prayer to appoint a guardian in adoption) of the said originating summons.

(2) Paragraph 79 of these Practice Directions shall apply to prayers for substituted service or dispensation of service of documents on a person whose consent is required, save for the case where the person whose consent is required consents to the summons for substituted service or dispensation of service.

(3) Before the Court dispenses with the consent of a person whose consent is required under section 4 of the Adoption of Children Act (Cap. 4) (hereafter referred to as “the person whose consent is required”), on the basis that the person cannot be found, the applicants shall make recent attempts to locate the person whose consent is required by contacting the person’s relatives, friends and employer(s) (if any), in order to discover the person’s whereabouts. The affidavit in support of the originating summons must also include the matters set out in Paragraph 79(5)(a) to (e) of these Practice Directions.

(4) Where the natural parent(s) of the infant is / are below 21 years of age, the written consent of his / her parents or guardians (“the natural grandparents”) as adapted from the prescribed format in Form 39 of Appendix A to these Practice Directions is required. Where the applicants are unable to obtain the said consent(s), they shall apply to dispense with the consent of the natural grandparent(s) of the infant, and aver in an affidavit why the natural parents’ / grandparents’ consent(s) ought to be dispensed with and the recent efforts made to obtain the said consent(s).

(5) Where the particulars of the natural father of the infant are not stated on the infant’s birth certificate, the natural mother of the infant shall file an affidavit stating whether she is aware of the identity of the natural father and if so, to give brief reasons as to why his identity was not disclosed in the infant’s birth certificate. If the natural mother is unaware of the natural father’s identity, she shall aver in her affidavit why this is so.

(6) It shall not be necessary to apply for the dispensation of consent of the natural parent(s) of the infant and for the dispensation of service of documents on the natural parent(s) if the identity of the natural parent(s) is unknown.

30. Submission of supporting documents

(1) The original birth certificate and the original translation of the birth certificate (if any) of the infant shall be submitted to the Adoption Counter of the Family Registry at least 7 working days prior to the hearing of the prayer for the appointment of the guardian in adoption accompanied with a cover letter in the prescribed format in Form 210 in Appendix A to these Practice Directions.

(2) The written consent of the guardian in adoption to be appointed as the guardian in adoption shall be filed at least 7 working days prior to the hearing of the prayer for the appointment of the guardian in adoption.

Part IX – Youth Courts

31. Application and Appeals

Application

(1) The directions in this Part apply to any proceedings or any matter before the Youth Courts which relates to any —

- (a) pre-trial or plead guilty procedure;
- (b) procedure in respect of bails and bonds under Division 5 of Part VI of the Criminal Procedure Code (Cap. 68);
- (c) procedure under section 370 of the Criminal Procedure Code;
- (d) procedure for the search of premises or persons and the seizure of property (including any procedure under section 35(7) of the Criminal Procedure Code for the release of any property seized, or prohibited from being disposed of or dealt with under section 35(1) of the Code);
- (e) procedure for an inquiry to determine the order or orders to be made in respect of any property produced before the Court for which there are competing claims;
- (f) procedure for the surrender and return of travel documents under sections 112 and 113 of the Criminal Procedure Code;
- (g) procedure for issuing summonses to persons to appear before the Court under section 115 of the Criminal Procedure Code;
- (h) procedure for appeal under Division 1 of Part XX of the Criminal Procedure Code;
- (i) procedure for the taking of evidence under section 21 of the Mutual Assistance in Criminal Matters Act (Cap. 190A); and
- (j) application for the issue of a warrant under section 10(1) or 24(1) of the Extradition Act (Cap. 103).

(2) The directions in this Part must be read in conjunction with the Criminal Procedure Code (Electronic Filing and Service for Criminal Proceedings in the State Courts) Regulations 2013.

Appeals

(3) Skeletal arguments must be filed at least 10 days before the hearing. Hard copies of the bundles of authorities and skeletal arguments shall be tendered to the Youth Courts Registry at the same time as they are filed. Skeletal arguments filed in breach of this timeline will be stamped “Late Submission”. Paragraph 127(1) to (4) apply to skeletal arguments filed for appeals against Youth Court orders.

32. Magistrate’s complaints (Private summonses)

(1) Framing of criminal charges

Solicitors representing the complainants (save in maintenance cases) are to frame and submit the charges when the complaints are filed. This will facilitate the immediate issuance of the summons if it is so ordered by the Duty Magistrate.

(2) Infringement of copyright/trademarks

Magistrate's complaints involving infringement of copyright/trademarks must be sworn by authorised representatives. A letter of authorization to that effect must be attached to the complaint.

(3) Service of summons by solicitors' clerks

(a) Solicitors are informed that any summons issued pursuant to Section 153 Criminal Procedure Code 2010 must be served at least 7 days before the return date of the summons if such service is undertaken by the firm's clerk. This is because the authorization to serve will lapse 7 days before the return date.

(b) If the summons is already served on the respondent 7 days before the mention date, the attached summons must be returned to the Youth Court Registry immediately after service. Failure to do so will result in the summons not being listed for mention.

(c) If the summons cannot be served on the respondent 1 week before the mention date, the authorization to serve will lapse. In order to obtain further authorization for the firm's clerk to serve the summons on the respondent or to obtain an extension of the return date, the solicitor must appear before the Duty Magistrate *not later than 5 days before the return date*. Failure to comply with this may result in the complaint being struck off the list.

33. Application for Court Records for Youth Court matters and non-electronically filed cases

(1) This paragraph shall apply only in respect of Youth Courts proceedings.

(2) An application for a copy of any part of the record of any proceedings for a case registered via the Integrated Criminal case filing and Management System ("ICMS") must be made via the ICMS portal under "Request for Court Records".

(3) Applications for all other cases must be made in Form 211 in Appendix A to these Practice Directions.

(4) On approval of an application that has been e-filed via the ICMS, the record of proceedings will be available for online downloading via the ICMS portal or collection depending on the delivery mode chosen.

(5) Upon approval of an application for all other cases, and for ICMS cases where the mode of collection chosen is at the counter, 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 Youth Courts Registry or Family Justice Courts Registry (as the case may be).

(6) Where the copy of any record of proceedings applied for is not collected by the applicant within the time given by sub-paragraph (5), 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.

(7) The relevant fee prescribed by the Criminal Procedure Code (Prescribed Fees) Regulations 2013, or the Family Justice Rules (as the case may be) must be paid by the applicant at the time he makes the application.

(8) The applicant shall be allowed to download or 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.

(9) 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 Family Justice Courts and the grant of such an application shall be in the absolute discretion of the Registrar.

34. Initiation of prosecution

All criminal prosecutions instituted by or on behalf of the Public Prosecutor, a police officer, an officer from a law enforcement agency, or a person acting with the authority of a public body against one or more accused, whether or not represented by an advocate and solicitor must be initiated by electronic filing.

35. Charges

- (1) All new and amended charges must be e-filed prior to the scheduled court session.
- (2) The charges must be in Word Document format (.doc or .docx) or in the Portable Document Format (PDF).
- (3) The charge sheet for each distinct offence must be e-filed separately, and the system will assign and stamp a unique number on each charge sheet.
- (4) The investigation officer or prosecutor framing the charge is not required to sign the charge but must key in “ /s/ ” followed by his name above his personal information in the charge sheet.

36. Checklists

- (1) For every Mention (FM / FFM); Pre-Trial Conference (PTC); Criminal Case Disclosure Conference (CCDC) and Plead Guilty Mention (FM(PG)), there will be a corresponding Mentions Checklist, PTC/CCDC checklist and PG checklist for the court event in the electronic case file.
- (2) Except for the first appearance in court by defence counsel, defence counsel is required to submit the Mentions or PTC checklist indicating the affirmative position of the accused. The submission may be made at any time prior to the commencement of the scheduled court event.
- (3) Prosecutors are required to submit the Mentions or PTC checklists indicating the prosecution’s affirmative position. The submission may be made at any time prior to the commencement of the scheduled court event.
- (4) The PG checklist need not be re-submitted if the position of the prosecution on the charge(s) has been indicated and remains the same.
- (5) For CCDCs, the checklist is only required to be submitted before the scheduled court event by the party applying for an adjournment.

37. Applications

- (1) All applications which have been specifically provided for must be e-filed. These include applications relating to the initiation of any criminal process or criminal matter or which require a direction or court order before the scheduled court session.
- (2) An application which is not e-filed in accordance with the directions contained in this Part shall be rejected.
- (3) The prosecution or defence must notify the party who is unrepresented of its application.

38. Bundles of authorities for Youth Courts proceedings

(1) In all Youth Courts proceedings, counsel shall submit their own bundle of authorities. In this regard, the following shall be complied with:

(a) The bundle of authorities to be prepared by each party should:

(i) contain all the authorities, cases, statutes, subsidiary legislation and any other materials relied on;

(ii) be properly bound with plastic ring binding or plastic spine thermal binding in accordance with the requirements set out in Paragraph 90(8)(c);

(iii) be paginated consecutively at the top right hand corner of each page (for which purpose the pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle); and

(iv) contain an index of the authorities in that bundle and be appropriately flagged for easy reference.

(b) Only authorities which are relevant or necessary for the trial shall be included in the bundles. No bundle of authorities is necessary in cases where parties are not relying on any authority at the trial. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary authorities, the Court will have no hesitation in making a special order for costs against the relevant person.

(c) The bundle of authorities shall be filed and served on all relevant parties at least 3 working days before trial.

(2) Bundles of authorities should not be filed electronically.

39. Documents

(1) Except for the Statement of Facts and Schedule of Offences, all documents must be e- filed using the Portable Document Format (PDF).

(2) The Statement of Facts and the Schedule of Offences may be filed in Word Document Format (.doc or .docx).

(3) The investigation officer or prosecutor putting up the Statement of Facts must key in “ /s/ ” followed by his name.

(4) The proper document type must be selected and a clear and appropriate document title must be entered. The document title should not be abbreviated.

(5) It is not necessary for documents to have a cover page or backing sheet.

(6) Every page of a document must be paginated consecutively so that the pagination on the actual document corresponds with the pagination of the Portable Document Format (PDF) document in the electronic case file, and the page number must be inserted at the centre top of the page.

(7) The prosecution or defence must provide hard copies of documents that are electronically filed to the unrepresented litigant.

40. Documents which cannot be converted into electronic format

(1) If a document cannot be converted in whole or in part into an electronic format for any reason, the hard copy of the document must be tendered to the court.

(2) A document which is not wholly converted into an electronic format without good reason may be rejected as the Court sees fit.

41. Amendment of charges and documents

Where a charge or document is required to be amended, a fresh copy of the charge or document must be produced and e-filed, regardless of the number and length of the amendments sought to be made.

42. Noting of appearances of advocates/prosecutors

(1) To facilitate the contacting of advocates having conduct of matters in the Family Justice Courts, advocates appearing in cases must fill in a Form 212 of Appendix A each and hand it to the court officer before their cases are mentioned.

(2) This practice applies to all Youth Court trials and mentions courts.

(3) The forms will be placed on all bar tables.

43. Limits on size and number of documents submitted using Electronic Filing Service

(1) The following limits shall apply to the filing of documents:

(a) the total number of pages in a single document must not exceed 999;

(b) the size of a single transmission must not exceed 50 mega-bytes.

(2) The resolution for scanning, unless otherwise directed by the court, must be no more than 300 DPI.

(3) In the event that any party wishes to file documents which exceed the limits specified in sub-paragraph (1), he may make multiple submissions.

Part X – International Child Abduction Act

44. Proceedings under the International Child Abduction Act (Cap. 143C)

(1) All documents relating to proceedings under the ICAA which are to be heard and determined by the Family Justice Courts shall be filed at the Family Justice Courts Registry.

(2) All processes to commence proceedings under the ICAA on or after 1 October 2014 shall be filed at registry of Family Justice Courts and shall bear the title “In the Family Justice Courts of the Republic of Singapore”.

(3) An originating summons to commence proceedings under section 8 of the ICAA in the Family Justice Courts shall be in Form 213 in Appendix A to these Practice Directions.

(4) An originating summons to commence proceedings under section 14 of the ICAA in the Family Justice Courts shall be in Form 214 in Appendix A to these Practice Directions.

(5) The plaintiff’s or applicant’s affidavit in support of the originating summons under both section 8 (Form 215 in Appendix A to these Practice Directions) and section 14 (Form 216 in Appendix A to these Practice Directions) shall bear the title “In the Family Justice Courts of the Republic of Singapore”.

(6) All subsequent applications and documents in or ancillary to proceedings under the ICAA shall be filed at the sub-registry of the Family Justice Courts and shall bear the title “In the Family Justice Courts of the Republic of Singapore”.

(7) All applications and supporting documents to vary any order of the Family Justice Courts in proceedings under the ICAA shall be filed at the Family Justice Courts Registry and shall bear the title “In the Family Justice Courts of the Republic of Singapore”.

Service of application on named defendants

(8) Rule 168 of the Family Justice Rules requires the plaintiff to serve the application, together with each affidavit or other document filed in support of the application, on each person named as a defendant in the proceedings.

(9) Service on a named defendant shall be by way of personal service, unless directed otherwise by the Court.

The plaintiff’s supporting affidavit

(10) The affidavit to be filed by the plaintiff or applicant in support of an application under section 8 of the ICAA shall be in Form 215 in Appendix A to these Practice Directions.

(11) The affidavit to be filed by the plaintiff or applicant in support of an application under section 14 of the ICAA shall be in Form 216 in Appendix A to these Practice Directions.

Applications subsequent to the filing of the originating summons in proceedings under the ICAA

(12) All applications subsequent to the filing of the originating summons in any ICAA proceedings shall be made by way of Summons in Form 4 in Appendix A to these Practice Directions.

Form of Order of Court

(13) An order of Court in any ICAA proceedings shall be in Form 32 in Appendix A to these Practice Directions and shall be signed by the Registrar.

Part XI – Mental Capacity Act

45. Proceedings under the Mental Capacity Act (Cap 177A)

(deleted)

46. Documents to be filed

(1) The originating summons, application forms and supporting affidavits for mental capacity proceedings are to be filed in the Family Justice Courts.

(2) The Court may reject any document filed if there are errors or if the document does not comply with the Family Justice Rules, these Practice Directions, or any other directions made by the Court.

(3) Explanatory text in Form 217 in Appendix A to these Practice Directions should be excluded from the originating summons. Also, where a choice is set out in the form (e.g. Deputy / Deputies), the inapplicable choice should be deleted.

47. Where permission is not required to make an application

(1) The definition of “P” in rule 175 of the Family Justice Rules shall be applicable in these Practice Directions. “P” means a person who lacks or, so far as consistent with the context, is alleged to lack capacity (within the meaning of the Mental Capacity Act) and to whom any proceedings under the Mental Capacity Act (Cap. 177A) relate.

(2) If the plaintiff or applicant falls or believes himself to fall within the categories of persons who do not require permission to file an application, this shall be stated in the supporting affidavit. Relevant documents, such as copies of birth certificates or marriage certificates, of the lasting powers of attorney or of the court orders appointing the deputies shall be exhibited to support the averment that no permission is required for an application under the Mental Capacity Act.

48. Where permission is required to make an application

(1) Apart from the categories listed in section 38 of the Mental Capacity Act (Cap. 177A), permission is required for an application to the Court under the Mental Capacity Act.

(2) Where permission is required, that prayer may be included in the main application itself. There is no requirement for a separate application for permission. The grounds upon which the plaintiff or applicant is relying to obtain such permission must be stated clearly in the supporting affidavit. The Court will decide whether to grant such permission based on the grounds relied upon by the plaintiff or applicant.

49. Service of application on named defendants and relevant persons

(1) Rule 179 of the Family Justice Rules requires the plaintiff to serve the application, together with each affidavit or other document filed in support of the application, on each person named as a defendant in the proceedings and on each relevant person.

(2) In a situation where there are no named defendants, the application shall still be served on relevant persons.

(3) Service on a named defendant shall be by way of personal service. Service on relevant persons may be by way of ordinary service pursuant to rule 902 of the Family Justice Rules, unless directed otherwise by the Court.

(4) Where a relevant person resides overseas and the plaintiff or applicant is able to show that an electronic mail account to which the document will be sent belongs to the relevant person to be served and that it is currently active, the Court may permit service on such a relevant person to be carried out by way of electronic email. The grounds upon which the plaintiff or applicant is relying to obtain such permission must be stated clearly in the supporting affidavit,

(5) Subject to the timelines specified under rule 179(2) of the Family Justice Rules, one affidavit of service may be filed in respect of service on all the named defendants and relevant persons in any application. The dates, times and manner of service for each of the named defendants and relevant persons have to be stated clearly in the affidavit of service.

50. Relevant persons

(1) “Relevant persons” are persons who have an involvement in P’s life and/or who are likely to have an interest in the application. Often, P’s immediate family members, by virtue of their relationship to P, are likely to have an interest in being notified that an application has been made to the Court concerning P.

(2) ‘Relevant persons’ for the purposes of Rule 176A and 179 of the Family Justice Rules will therefore often include the following immediate family members:

- (a) P’s spouse;
- (b) P’s children (aged 21 and above);
- (c) P’s parents or guardians; and
- (d) P’s brothers or sisters (aged 21 and above).

(3) However, the presumption that immediate family members are likely to have an interest in an application concerning P may be rebutted where the plaintiff or applicant is aware of circumstances which reasonably indicate that P’s immediate family should not be served. For example, where the family member in question has had little or no involvement in P’s life and has shown no inclination to do so, that family member need not be served. In some cases, P may be closer to persons who are not immediate family members and if so, it will be appropriate to effect service on them instead of the immediate family members.

(4) The plaintiff or applicant should serve the application, the supporting affidavits and the Notice to Relevant Person in Form 222 in Appendix A to these Practice Directions on relevant persons.

(5) Where the plaintiff or applicant decides that a person listed in one of the categories in sub-paragraph (2) ought to be served, and there are other persons in that category (for example, P has three siblings), the plaintiff or applicant should serve on all persons falling within that category unless there is a good reason not to do so. For example, it may be a good reason not to serve on every person in the category if one or more of them has had little or no involvement in P’s life and has shown no inclination to do so.

(6) Apart from immediate family members, other relevant persons who are likely to have an interest in the application concerning P and who should be served the application, the supporting affidavits and the Notice to Relevant Person in Form 222 in Appendix A to these Practice Directions include:

- (a) any other relatives or friends who have a close relationship with P;
- (b) any person who has a legal duty to support P;
- (c) any person who will benefit from P’s estate; and
- (d) any person who is responsible for P’s care.

If there is no such person to the best of the plaintiff’s or applicant’s knowledge, he is to state this in his supporting affidavit.

(7) The details of all relevant persons who should be served are to be listed clearly in the supporting affidavit of the plaintiff

or applicant. Where service would not be effected on relevant persons who should be served, the reason why this is so must be stated in the supporting affidavit.

(8) In cases where P has had severe intellectual disability since early childhood and where P's parents are P's sole caregivers and where P is now no longer a minor and P's parents need to be authorised to continue to look after P's affairs, P's parents would normally be the only relevant persons for the purposes of the application but the applicants must provide sufficient information to enable the Court to reach the conclusion that there are no other relevant persons.

(9) Organisations providing residential accommodation to P

(a) If P resides at an organisation providing residential accommodation (regardless of whether it also provides care or treatment to P), the plaintiff or applicant shall serve the application, the supporting affidavits and the Notice to Relevant Person in Form 222 in Appendix A to these Practice Directions on such an organisation as soon as possible and in any event, not more than 2 working days after the application has been filed. For the purposes of the application, the organisation providing residential accommodation to P shall be considered a relevant person. However, the plaintiff or applicant need not obtain the consent of such an organisation to the application.

(b) If the organisation providing residential accommodation to P wishes to furnish any relevant information for the Court's consideration and determination of the application in the best interests of P, it shall notify the Court within 8 days after the date on which the organisation is served with the application. If such a notification is submitted, the Court may require and direct for the submission of a report and/or attendance of the maker of the report at the hearing of the application.

(c) If an applicant has a strong reason for not serving an affidavit or any other document (other than the originating summons) on the organisation providing residential accommodation to P, the applicant may file a summons to seek dispensation of service of such documents on the organisation in question.

51. Consent of relevant persons

(1) If any relevant person to be served has consented to the application and to dispensation of service, the plaintiff or applicant shall file the consent of the relevant person in Form 221 in Appendix A to these Practice Directions together with the application. The consent given by the relevant person to the application and to dispensation of service must be attested by a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths.

(2) The Court may dispense with the service of the application on the relevant person on the application of the plaintiff or applicant. It should be stated clearly in the supporting affidavit that such relevant persons have given their consent to the application and to the dispensation of service.

52. Notification of P

(1) In all cases of notification, the person effecting notification must provide P with the information required under rule 181 of Family Justice Rules in a way that is appropriate to P's circumstances (for example, using simple language, visual aids or any other appropriate means).

(2) The certificate of notification filed under rule 181(5) of the Family Justice Rules shall be in Form 223 in Appendix A to these Practice Directions.

(3) Under the Mental Capacity Act, notification of P shall be the norm rather than the exception. However, in certain appropriate circumstances, the person required to notify P may apply to Court for an order to dispense with the

requirement to notify P. Such an application would be appropriate where, for example, P is in a permanent vegetative state or a minimally conscious state, or where notification is likely to cause significant and disproportionate distress to P. The reasons for seeking dispensation of notification shall be stated in the supporting affidavit of the plaintiff or applicant.

53. Responding to an application

(1) If a relevant person served with an application wishes to object to the application or any part of it, he must apply to the Court to be joined as a party to the proceedings within 21 days after the date on which he was served with the application. The application to be joined as a party to the proceedings shall be in Form 4 in Appendix A to these Practice Directions and be supported by an affidavit stating his interest in the application and the grounds of his objection.

(2) If a relevant person served with an application consents to the application, his written consent must be attested by a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths and must be in Form 221 in Appendix A to these Practice Directions. The written consent should be filed by the plaintiff or applicant within 21 days after the date on which the relevant person was served with the application.

(3) Where a person who was not served with any application (whether listed as a relevant person or otherwise in the supporting affidavit of the plaintiff or applicant) wishes to be heard in the proceedings, he must apply to be joined as a party to the proceedings in Form 4 in Appendix A to these Practice Directions.

54. Applications involving the appointment of deputies

The prayers

(1) The originating summons to be filed for the appointment of a deputy or deputies shall be in Form 217 in Appendix A to these Practice Directions.

(2) It must be stated clearly in the originating summons whether the declaration sought in respect of P's lack of capacity concerns either P's personal welfare or P's property and affairs or both.

(3) The plaintiff or applicant should ensure that the originating summons, the supporting affidavit and the doctor's affidavit exhibiting the medical report are consistent as to whether P lacks capacity in relation to his personal welfare or his property and affairs or both.

(4) If there is more than one deputy sought to be appointed, the originating summons must state whether the deputies are to act jointly or jointly and severally.

(5) The powers sought for the deputies are to be drafted appropriately to suit the purpose of each application.

(6) Any other specific orders or reliefs that are required on the particular facts of each case are to be included.

The supporting affidavit by the plaintiff or applicant and the deputies

(7) The affidavit to be filed by the plaintiff or applicant and all proposed deputies in support of the application for the appointment of a deputy or deputies shall be in Form 218 in Appendix A to these Practice Directions.

(8) In the case of applications for direct payment of P's hospital and/or nursing home charges from P's funds or P's insurance and where no deputy is to be appointed, the affidavit to be filed by the plaintiff or applicant in support of the application shall be in Form 219 in Appendix A to these Practice Directions.

(8A) If there is more than one plaintiff or applicant or proposed deputy, a single affidavit should be made by all the plaintiffs, applicants or proposed deputies. The plaintiffs, applicants or proposed deputies should not file separate supporting affidavits.

(8B) The following search results must be exhibited in the supporting affidavit:

- (a) Office of the Public Guardian search result showing if P has registered a Lasting Power of Attorney;
- (b) Office of the Public Guardian search result showing if there is a past Mental Capacity Act or Mental Disorders And Treatment Act Order in respect of P; and
- (c) Wills Registry search result showing if P has registered a Will.

The doctor's affidavit exhibiting the medical report

(9) In order to assist the Court, the medical report shall —

- (a) distinguish clearly between observations or conclusions based on information given to the doctor and those that are based on the doctor's examination of P; :
- (b) contain a clear opinion as to whether P lacks capacity in relation to the matters specified in the application;
- (c) be current and shall not be made more than 6 months before the date of the application;
- (d) contain a clear opinion on P's prognosis; and
- (e) the affidavit and medical report to be filed by P's doctor in support of the application for the appointment of a deputy or deputies shall be in Form 224 in Appendix A to these Practice Directions.

(9A) The medical report should be based on a recent examination of P by the doctor making the report and it should contain sufficient information to justify the doctor's opinions and conclusions.

The affidavit by the successor deputy or deputies

(10) If the plaintiff or applicant seeks to apply for the appointment of a successor deputy or deputies, the application must also be accompanied by an affidavit of the proposed successor deputy or deputies in Form 220 in Appendix A to these Practice Directions.

55. Application subsequent to the appointment of deputy

(1) An application to vary an order made in mental capacity proceedings shall be made by way of summons supported by affidavit and served on every party to the proceedings who had initially been served with the originating summons in accordance with Paragraph 49 of these Practice Directions.

(2) If an application under sub-paragraph (1) is filed more than 6 months from the date of the order, the application must be served personally on every party to the proceedings. If such an application is filed 6 months or less from the date of the order, the service on every party to the proceedings may be by way of ordinary service. Service of an application under sub-paragraph (1) on every relevant person shall be by way of ordinary service, unless directed by the Court. Proof of service on the defendant(s) and the relevant person(s) may be given in a manner provided for by Paragraph 49(4) of these Practice Directions.

(3) All applications together with the supporting affidavit shall be served on the Public Guardian within 7 days after the date on which the application is filed.

56. Application relating to lasting power of attorney

(1) Any application relating to a lasting power of attorney shall be filed by way of an originating summons and supported by an affidavit.

(2) If the plaintiff or applicant knows or has reason to believe that the donor lacks capacity, he shall notify the donor in accordance with rule 181 of the Family Justice Rules and Paragraph 52 of these Practice Directions.

57. Application for statutory wills

(1) The application for a statutory will under section 23(1)(i) of the Mental Capacity Act (Cap. 177A) shall be by way of an originating summons.

(2) The application shall be accompanied by a supporting affidavit which includes the following information and exhibits:

(a) a copy of the draft will;

(b) a copy of the existing will or codicil (if any);

(c) any consents to act by proposed executors;

(d) details of P's family, preferably in the form of a family tree, including details of the full name and date of birth of each person included in the family tree;

(e) a schedule showing details of all of P's assets and properties, with up to date valuations;

(f) an up to date report of P's medical condition, life expectancy, likelihood of requiring increased expenses in the foreseeable future, and testamentary capacity; and

(g) an explanation as to why it is necessary or desirable for the Court to execute the will on behalf of P.

(3) The Court may direct that any other material or information is to be filed by the plaintiff and if it does, the material or information is to be set out in a supplementary affidavit.

(4) The application shall also be accompanied by a doctor's affidavit and medical report; both of which must comply with Paragraph 54(9) of these Practice Directions.

(5) The plaintiff must name as a defendant —

(a) any beneficiary under an existing will or codicil who is likely to be materially or adversely affected by the application;

(b) any beneficiary under the proposed will or codicil who is likely to be materially or adversely affected by the application;

(c) any prospective beneficiary under P's intestacy where P has no existing will; and

(d) any donee under a lasting power of attorney executed by P or any Court- appointed deputy of P.

(6) Once an order is made for a statutory will, the applicant must file a copy of the will for sealing by the Court. The statutory will is considered valid only with the seal of Court.

58. Litigation Representative in mental capacity proceedings

(1) Where P is a party to any mental capacity proceedings with a litigation representative, P should be referred to in the proceedings as “P (by A.B., his litigation representative)”.

(2) The application to be the litigation representative of P shall be in Form 4 in Appendix A to these Practice Directions. The supporting affidavit must satisfy the Court of the matters set out in rule 184(5)(a) of the Family Justice Rules.

(3) Under rule 184(2) of the Family Justice Rules, the Court may, on its own motion or on the application of any person (including P), permit P to conduct any mental capacity proceedings without a litigation representative. An application made to permit P to conduct mental capacity proceedings without a litigation representative must be supported by a medical report stating that P does not lack capacity to conduct proceedings himself.

(4) The Court may either on its own motion, or on the application of any person –

- (a) direct that a person may not act as litigation representative;
- (b) terminate a litigation representative’s appointment, or
- (c) appoint a new litigation representative in place of an existing one.

(5) An application for any of the orders referred to in sub-paragraph (4) must be supported by affidavit. If the order sought is the substitution of a new litigation representative for an existing one, the evidence must satisfy the Court of the matters set out in rule 184(5)(a) of the Rules of Court.

59. Where P ceases to lack capacity or dies

(1) Where P ceases to lack capacity or dies, steps may need to be taken to finalise the court’s involvement in P’s affairs.

Application to end proceedings

(2) Where P ceases to lack capacity in relation to the matter or matters to which the proceedings relate, an application may be made by any of the following people to the Court to end the proceedings and discharge any orders made in respect of that person:

- (a) P;
- (b) his litigation representative; or
- (c) any other person who is a party to the proceedings.

(3) The application should be supported by evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.

Applications where proceedings have concluded

(4) Where P ceases to lack capacity after proceedings have concluded, an application may be made to the Court to discharge any orders made (including an order appointing a deputy or an order in relation to security).

(5) The affidavit filed in support should exhibit the orders sought to be discharged and contain evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.

Procedure to be followed when P dies

(6) An application for final directions (including discharging an order appointing a deputy or discharging the security) may be made following P's death. The application should be supported by an affidavit exhibiting a copy of P's death certificate.

Final report by deputy

(7) The Public Guardian may require a deputy to submit a final report upon P ceasing to lack capacity or P's death. If security has been ordered by the Court, the Court must be satisfied that the Public Guardian either does not require a final report or is satisfied with the final report provided by the deputy before the said security can be discharged.

60. Applications subsequent to the filing of the originating summons in mental capacity proceedings

All applications subsequent to the filing of the originating summons in any mental capacity proceedings shall be made by way of Form 4 in Appendix A to these Practice Directions.

61. Order of Court

(1) Unless otherwise specified, an Order of Court shall be in Form 32 in Appendix A to these Practice Directions and shall be signed by the Registrar.

(2) Unless otherwise specified, an Order of Court shall be drawn up and filed in accordance with rule 678 of the Family Justice Rules within 7 days after the date on which the order was made.

(3) Pursuant to section 24(10) of the Mental Capacity Act (Cap. 177A), the Court may require a deputy to give security to the Public Guardian for the due discharge of his functions.

(4) An Order of Court made under Rule 176A of the Family Justice Rules shall be in the form made available in IFAMS and will be sent by the Court either by electronic mail or such other means as deemed appropriate by the Court.

61A. Uncontested applications for certain specified matters

(1) A specified matter application under Rule 176A of the Family Justice Rules shall be made via the IFAMS portal under "Mental Capacity Act Application".

(2) The specified matters to which Rule 176A of the Family Justice Rules apply are the appointment of a Deputy/Deputies to make decisions on P's behalf in relation to one or more of the following matters:

- (a) To consent to medical treatment for P;
- (b) To consent to dental treatment for P.
- (c) To decide where and with whom P is to live;
- (d) To decide on care services for P;
- (e) To decide on travelling arrangements for P;
- (f) To open a bank account for P;

- (g) To close P's bank account;
- (h) To place P's money in fixed deposit accounts in P's bank;
- (i) To terminate GIRO arrangements linked to P's bank account;
- (j) To cancel P's credit cards;
- (k) To pay P's debts;
- (l) To rent out P's property;
- (m) To decide on upgrading or renovation of P's property;
- (n) To lodge a Notice of Death in respect of P's property;
- (o) To apply for a replacement Certificate of Title in respect of P's property;
- (p) To purchase insurance policies for P;
- (q) To place P's monies in a trust for P;
- (r) To apply to and/or communicate with and/or make agreements with any Government agency or agency or entity designated by the Government to administer the matter in question on behalf of P to the extent to which P would have been able to if P had mental capacity, and to receive monies paid to P by any government agency or agency or entity designated by the government in relation to the aforesaid;
- (s) To obtain information relating to P;
- (t) To decide and act for P in relation to Central Provident Fund matters;
- (u) To receive monies paid to P on a regular basis by the Central Provident Fund Board;
- (v) To enter into contracts for P;
- (w) To conduct legal proceedings in P's name or on P's behalf;
- (x) Provided that the total amount received is no more than \$80,000, to do one or more of the following:
 - (i) To withdraw monies from P's bank account;
 - (ii) To surrender, claim, receive and/or administer P's insurance monies;
 - (iii) To sell P's shares;
 - (iv) To sell P's motor vehicle.
- (y) To receive up to \$60,000 of P's monies from the Central Provident Fund Board in addition to monies paid to P on a regular basis by the Central Provident Fund Board.

(3) A medical report filed by P's doctor in support of a specified matter application under Rule 176A is to be filed through the IFAMS portal under "Mental Capacity Act Application". In order to assist the Court, the medical report must be current and shall not be made:-

- (a) more than 6 months before the date of the application; and

(b) more than 3 months after P was last examined by P's doctor.

Part XII – Probate Proceedings

62. Applications for grant of probate or letters of administration

Filing of originating summons and supporting documents

(1) An application for the grant of probate or letters of administration made under rule 208 of the Family Justice Rules shall be made by originating summons with supporting affidavit. The supporting affidavit shall exhibit a Statement in Form 51 in Appendix A of these Practice Directions, a certified true copy of the will and other supporting papers.

(2) Prior to filing the originating summons, the applicant must conduct a litigation search in the record of caveats and the record of probate applications and endorse a certificate in Form 52 in Appendix A to these Practice Directions on the originating summons. The search reports shall be annexed to the originating summons.

(3) For deaths occurring before 1 January 2015, the applicant is required to annex the search reports from the Supreme Court, Family Justice Courts and State Courts. For deaths occurring on or after 1 January 2015, the applicant is required to annex the search reports from the Family Justice Courts. The applicant is required to annex the search reports for the year in which the application for a grant is filed as well as the search reports for the years that the litigation search indicates there were applications or caveats filed with respect to the estate.

(4) The originating summons and the Statement shall be submitted by entering the relevant information in the appropriate electronic form. The following documents shall be submitted at the same time as the originating summons and Statement –

(a) a certified true copy of the death certificate of the deceased or a certified true copy of the Order of Court for presumption of death of the deceased;

(b) where there is a Will, a certified true copy of the Will. (The certified true copy of the Will shall contain the certification “This is a certified true copy of the original Will of [name of deceased] dated [date].” on a covering page that is to be attached to the copy of the Will.); and

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

(5) Once the originating summons, Statement, certified true copy of the death certificate and certified true copy of the Will/foreign grant are filed, an electronic filing checklist will be generated and a provisional reference number will be issued. The following supporting documents (whichever may be relevant) must then be filed using the electronic filing checklist:

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

(b) in relation to deaths occurring on or after 15 February 2008, a Schedule of Assets listing the property comprising the estate of the deceased in accordance with Paragraph 67 of these Practice Directions (if available); and

(c) any other documents in support of the originating summons required under the Probate and Administration Act (Cap. 251), the Family Justice Rules or by the Court.

(The administration oath under section 28 of the Probate and Administration Act may, however, be filed at the same time as the supporting affidavit under rule 208 of the Family Justice Rules as required by Paragraph 63.)

(6) The electronic filing checklist will indicate the status of the documents filed. It will be the means by which the Court indicates whether any further or corrective action is required on the part of the applicant. The provisional reference number allows for the easy referencing and monitoring of the electronic filing checklist during the initial phase of filing.

(7) The original Will, original foreign grant or sealed certified true copy of the foreign grant (if any,) must be submitted to the Probate Counter by 4.30 p.m. of the next working day after the filing of the originating summons for verification. Where the original Will has been retained in the custody of a foreign court, a certified true copy of the Will by that foreign court must be filed and submitted for verification in place of the original.

(8) The Probate Counter will return the original Will, original foreign grant or sealed certified true copy of the foreign grant to the applicant after verifying that the certified true copy of the document in the court file is an exact copy of the original document submitted.

(9) When the Court is satisfied that the originating summons, Statement and the supporting documents have been properly filed and verified, a probate number will be issued in place of the provisional reference number. This probate number will be tied to the same electronic filing checklist.

Rejection of documents

(10) The Court may reject any document through the electronic filing checklist or through any other means if there are errors or if the document does not comply with the Family Justice Rules, the Practice Directions, or any other directions made by the Court.

63. Filing of supporting affidavit

(1) Rule 208(2) of the Family Justice Rules provides that the Statement, which is filed together with an originating summons for the grant of probate or letters of administration, must be verified by an affidavit of the applicant. The supporting affidavit under rule 208 of the Family Justice Rules (hereafter referred to as the “supporting affidavit”) shall be in the prescribed format in Form 225 in Appendix A of these Practice Directions.

(2) The following documents must be exhibited to the supporting affidavit:

(a) the Statement bearing the court seal, which shall be the first exhibit;

(b) the Schedule of Assets referred to in Paragraph 62(5)(b) above (if available) which shall be the second exhibit;
and

(c) other supporting documents referred to Paragraph 62(4) and (5).

(3) Administration oaths, affidavits, consents of co-administrators and renunciations which have been filed are not required to be exhibited to the supporting affidavit.

(4) The supporting affidavit shall be filed using the electronic filing checklist within 14 days after the filing of the originating summons.

64. Amendment of originating summons or statement

(1) Where a party seeks to rectify any error in the originating summons, an application may be made by way of a summons to amend the originating summons. The draft amended originating summons in PDF format shall be annexed to the summons.

(2) Prior to the order for the grant, where a party seeks to rectify, without leave of court, any error in the Statement, and

corresponding amendments are not required to be made to the originating summons, he may do so by amending the information in the electronic form of the Statement. An affidavit stating the reasons for the amendment shall be filed with the amended Statement.

(3) Where it is necessary to amend the information in the Statement after an order is made for the grant, an application must be made by way of summons. The draft amended Statement in PDF format shall be annexed to the summons.

(4) Where an order has been made for the grant of letters of administration and a party seeks to substitute the name of an administrator or add in further administrators, an application must be made by way of a summons for —

- (a) the order to be set aside and for a re-grant where a grant has not been issued, or
- (b) the grant to be revoked and for a re-grant where a grant has been issued.

(5) The draft amended originating summons and the draft amended Statement in PDF format must be annexed to the summons.

(6) When preparing a draft amended originating summons or draft amended Statement in PDF format, the changes to be made to the latest version of the document filed in Court should be indicated by —

- (a) drawing a single line across the words to be deleted; and
- (b) underlining the words to be inserted.

(7) An application by way of summons for the amendment of an originating summons or a Statement must be supported by an affidavit stating the reasons for the amendment.

(8) Where an order-in-terms is made of the application for leave to amend or for setting aside or revocation, the party shall, within 14 days of the order or such time as may be permitted in the order, file the amended originating summons and the amended Statement by entering the date of the order and the relevant amendments in the appropriate electronic forms. A fresh supporting affidavit under rule 208 of the Family Justice Rules verifying the amended Statement must be filed by the applicant within 14 days of the order or within the time directed by the Court.

(9) The new grant shall not be extracted until after the amended originating summons, amended Statement and supporting affidavit have been filed.

65. Affidavits of Foreign Law

(1) Where evidence of the law of a country outside Singapore is required on any application for a grant, the affidavit of any person who practises, or has practised, as a barrister or advocate in that country and who is conversant with its law is to be filed using the electronic filing checklist at the time the checklist is generated.

(2) For an application for a grant of probate, the person making the affidavit of foreign law should state –

- (a) who is entrusted with the administration of the estate by the court having jurisdiction at the place where the deceased died domiciled or who is entitled to administer the estate by the law of the place where the deceased died domiciled; and
- (b) whether the will was properly executed in accordance with section 5 of the Wills Act (Cap. 352).

(3) For an application for a grant of letters of administration, the person making the affidavit of foreign law should state –

- (a) who is entrusted with the administration of the estate by the court having jurisdiction at the place where the

deceased died domiciled or who is entitled to administer the estate by the law of the place where the deceased died domiciled;

(b) who are the beneficiaries of the estate in accordance with the law of the place where the deceased died domiciled; and

(c) the shares of the minor beneficiaries (if any) in accordance with the law of the place where the deceased died domiciled.

(4) For an application for a grant of letters of administration with will annexed, the person making the affidavit of foreign law should state the information required in sub- paragraphs (2) and (3).

66. Filing of schedules of property for non-dutiable estates where death occurred before 15 February 2008

(1) In addition to the procedures and Forms SC1 to SC8 issued by the Commissioner of Estate Duties [which are available on the Inland Revenue Authority of Singapore website (<http://www.iras.gov.sg>)], the following Directions shall apply in cases where the death occurred before 15 February 2008 and no estate duty is payable:

(a) the executor or administrator must first determine, based on the relevant checklist (Form SC2 or SC3), that estate duty is not payable on the estate;

(b) upon confirmation that estate duty is not payable, the executor or administrator shall then file a statutory declaration (Form SC1) together with the checklist (Form SC2 or SC3);

(c) the schedule of property must also be sworn or affirmed before a Commissioner for Oaths and filed together with the statutory declaration (Form SC1) and checklist (Form SC2 or SC3). In cases where the deceased died domiciled in Singapore, Form SC4 shall be used. In cases where the deceased died domiciled outside Singapore, Form SC5 shall be used;

(d) if a supplementary schedule of property needs to be subsequently filed for additional property or value omitted in the original submission, this shall be in Form SC6 or SC7 (for deceased domiciled in and outside Singapore respectively) and sworn or affirmed before a Commissioner for Oaths, provided that the total value of the estate remains non-dutiable; and

(e) if there are any amendments to the schedule of property or supplementary schedule of property, this shall be filed in Form SC8.

(2) All the above Forms SC1 to SC8 must be printed or typed. No supporting documents are to be attached to the above Forms.

67. Filing of schedule of assets for estates where death occurs on or after 15 February 2008

(1) In relation to deaths occurring on or after 15 February 2008, a Schedule of Assets listing the property comprising the estate of the deceased must be filed by entering the relevant information into the electronic form.

(2) A specimen Schedule of Assets can be found in Form 226 in Appendix A of these Practice Directions.

(3) If the Schedule of Assets is filed at the time of the filing of the originating summons or at the time of the filing of the supporting affidavit under rule 208 of the Family Justice Rules (hereafter referred to as the “supporting affidavit”), the

Schedule of Assets may be included as an exhibit to the supporting affidavit. If so included, the supporting affidavit shall include the following averment:

“The contents of the Schedule of Assets exhibited herein as (insert exhibit number) are true and accurate in every particular to the best of my knowledge and belief. The deponent does not know or have any reason to believe that any of the contents of the Schedule of Assets is false.”

(4) If an applicant is unable to file the Schedule of Assets at the time of the filing of the originating summons or at the time of the filing of supporting affidavit, the applicant may subsequently file the Schedule of Assets and an affidavit containing the averment referred to in sub-paragraph (3) above. The affidavit should be filed under the document title “Schedule of Assets – Supplementary Affidavit”.

(5) Prior to the issuance of a grant, an applicant may file an amended Schedule and a supplementary affidavit exhibiting the amended Schedule of Assets. The supplementary affidavit shall provide reasons to explain why an amendment is necessary, and shall also include the averment referred to in sub-paragraph (3) above.

(6) Where the amendments to the Schedule of Assets are sought after the issuance of a grant, the applicant must obtain leave of Court to amend the Schedule of Assets. The application for leave to amend shall be made by way of summons. The draft amended Schedule of Assets in PDF format shall be annexed to the summons. The changes to be made to the latest version of the Schedule of Assets filed in Court should be indicated by —

(a) drawing a single line across the words to be deleted; and

(b) underlining the words to be inserted.

68. Security for grants of letters of administration

(1) A grantee of letters of administration, whether with or without a Will annexed, from a Family Court shall give security for the due administration of the estate by way of an administration bond and 2 sureties in the following circumstances:

(a) where the estate and effects in respect of which the grant is applied for, exclusive of what the deceased was possessed of or entitled to as a trustee and not beneficially, but without deducting anything on account of the debts due or owing from the deceased, exceed the value of \$5 million;

(b) where there is a minority interest in the estate;

(c) where there is a life interest in the estate;

(d) where there are beneficiaries who lack capacity within the meaning of the Mental Capacity Act (Cap. 177A);

(e) where the grantee is a creditor; and

(f) in such other cases as the Registrar thinks fit.

(2) Sureties must not use protected property under section 51 of the Housing and Development Act (Cap. 129) for the purpose of justification.

69. Applications for dispensation of sureties for grants of letters of administration

(1) An application for the dispensation of sureties pursuant to section 29(3) of the Probate and Administration Act (Cap. 251) shall be made by way of a summons supported by an affidavit deposed to by all the administrators and co-administrators (if

any) stating the following:

- (a) the date of the death of the deceased;
- (b) the efforts made to find sureties and/or why sureties cannot be found;
- (c) where death occurred before 15 February 2008, that estate duty has been paid, is not payable, has been postponed or has otherwise been cleared;
- (d) who the beneficiaries are, their shares to the estate, ages, and whether the adult beneficiaries consent to the dispensation;
- (e) whether there are beneficiaries who are minors or beneficiaries who lack capacity within the meaning of the Mental Capacity Act (Cap. 177A), the names of such beneficiaries, the relationship of the administrators and co-administrators (if any) to such beneficiaries and the steps that will be taken to protect the interests of such beneficiaries;
- (f) whether the estate has any creditors for debts not secured by mortgage, the amount of the debt owed to them, and whether these creditors consent to the dispensation; and
- (g) any other information which may be relevant to the application.

(2) In cases where estate duty is payable on the estate, a letter or certificate from the Commissioner of Estate Duties confirming the fact stated in sub-paragraph (1)(c) must be exhibited in the supporting affidavit.

(3) In cases where death occurred before 15 February 2008 and no estate duty is payable on the estate, the administrator(s) must state in the affidavit that no estate duty is payable and that the Schedule of Property Forms have been forwarded to the Court.

(4) The consents in writing of all adult beneficiaries to the dispensation of sureties, duly signed in the presence of a solicitor or any person before whom an affidavit can be sworn or affirmed, shall be filed with the application for dispensation of sureties.

70. Caveat and probate application searches to be conducted when requesting to extract grant

(1) Prior to filing a request to extract a grant, the applicant or his solicitors must conduct a litigation search in the record of caveats and the record of probate applications to ascertain if there are any caveats in force or pending probate applications in respect of the estate of the deceased.

(2) The search reports shall be annexed to the request to extract a grant.

(3) For deaths occurring before 1 January 2015, the applicant is required to annex the search reports from the Supreme Court, Family Justice Courts and State Courts. For deaths occurring on or after 1 January 2015, the applicant is required to annex the search reports from the Family Justice Courts. The applicant is required to annex the search reports for the year in which the request to extract a grant is filed as well as the search reports for the years that the litigation search indicates there were applications or caveats filed with respect to the estate.

(4) The request to extract a grant shall contain the certificate in accordance with rule 237(3) of the Family Justice Rules.

71. Amended grants and re-grants

(1) For a petition for the grant of probate or letters of administration filed before 15 December 2003, where an order has been made for —

(a) the amendment of a grant; or

(b) a grant to be revoked and re-granted,

the grantee shall file 2 copies of a fresh grant for signing and sealing at the Registry.

(2) The fresh grant shall be printed on good quality beige coloured paper (100 gsm). The grantee shall indicate on the fresh grant “Grant (Amendment No. 1)” or “Grant (Re- grant No. 1)” or as appropriate.

(3) The practice of releasing the original grant in the court file for the grantee to make amendments thereon shall be discontinued.

(4) In all cases where an order is made for a grant to be revoked and re-granted, the grantee shall bring into and leave at the Registry the original grant.

Part XIIA – Vulnerable Adults Act

71A. Applications under Vulnerable Adults Act

(1) The directions in this Part apply to any proceedings or applications filed under the Vulnerable Adults Act.

(2) Unless otherwise directed by the Registrar, all applications made under the Vulnerable Adults Act shall be electronically filed through IFAMS. The relevant directions in Part VIIA of these Practice Directions shall apply.

(a) (deleted)

(b) (deleted)

(3) The Court may reject any document filed if there are errors or if the document does not comply with the Family Justice Rules, these Practice Directions or any directions made by the Court.

71B. Forms to be filed

(1) A medical report filed pursuant to rule 295H(1) of the Family Justice Rules shall be in Form 64G in Appendix A to these Practice Directions, with the necessary modifications.

(2) An interlocutory application in the proceedings shall in Form 64H in Appendix A to these Practice Directions.

71C. Application for Court Records

(deleted)

71D. Pre-hearing matters

(1) The applicant and respondent (if any) in the proceedings must inform the Court dealing with a case conference on the matter or the Judge presiding over the case of all relevant matters that may affect the hearing of the case including, but not limited to, the following matters:

- (a) applications relating to the same vulnerable adult in other proceedings;
- (b) related proceedings which are pending in any Court;
- (c) the number and identity of the witnesses that will be called to give evidence and who had agreed to give evidence for the party concerned; and
- (d) challenges to expert reports.

(2) The Court may, in its discretion, allow an unsworn statement to be filed for use at the hearing of the application in lieu of an affidavit.

(3) The applicant and respondent are to make their own arrangements for the witnesses they intend to call to give evidence at the hearing of the application, including applying for a Summons to a Witness where necessary.

Part XIII - General Procedure

72. Originating Summonses

(1) This paragraph applies to originating summonses filed on or after 1 January 2006.

Forms for originating summonses

(2) Solicitors' attention is drawn to rule 327 of the Family Justice Rules which provides that no appearance need be entered to an originating summons.

(3) Where any legislation requires a party to file an originating summons and the form is not provided within the legislation, the originating summons must be filed using either Form 47 (Originating Summons) or Form 48 (*Ex Parte* Originating Summons) of Appendix A of these Practice Directions.

(4) The parties in Form 47 of Appendix A of these Practice Directions shall be stated as "plaintiff" and "defendant", or "appellant" and "respondent" as the case may be.

(5) The party in Form 48 of Appendix A of these Practice Directions shall be stated as "applicant".

Originating summons to be heard in open Court

(6) Rule 506 of the Family Justice Rules provides that all originating summonses shall be heard in Chambers, subject to any provisions in the Family Justice Rules, written law, directions by the Court, or practice directions issued by the Registrar.

(7) In addition to any provisions in the Family Justice Rules or other written law, and subject to any further directions made by the Court, the Registrar hereby directs that the following applications made by originating summonses shall be heard in open Court:

- (a) applications by the Public Trustee or any person interested in a property to appoint a receiver of property pending the grant of probate or letters of administration under section 39 of the Probate and Administration Act (Cap. 251).

73. Endorsements on originating processes and other documents

(1) Where it is necessary to include endorsements on any document, the directions in this paragraph shall apply.

(2) Endorsements are normally made on originating processes and other documents to show the renewal of, amendments to, and authorisation for service of, the document in question. Such endorsements on originating processes and other documents do not require the Registrar's signature. This is because such endorsements are pursuant to either an order of Court or the Family Justice Rules. The Registrar should therefore not be asked to sign such endorsements.

(3) For documents that are filed through the Electronic Filing Service as electronic forms composed online, the following requirements apply:

(a) Solicitors should select the appropriate endorsement and check the accuracy of the electronic form in the preview stage before filing the originating process or other document. The acceptance by the Registry of electronic forms composed online does not affect the regularity of any endorsements on the document.

(b) Where endorsements can be made prior to the filing or issuance of a document, those endorsements shall be incorporated into the document before the document is filed or issued.

(c) Where endorsements must be made on a document which has already been filed or issued, a fresh copy of the document containing the relevant endorsements shall be prepared, and the document must be re-filed or re-issued, as the case may be. An example of this would be renewals of writs of summons.

74. Forms of documents to be filed for proceedings under Chapter 4A of Part X of the Women's Charter (Cap. 353)

(1) An ex-parte originating summons for leave under section 121D of the Women's Charter and rule 40 of the Family Justice Rules to file an application for financial relief under section 121B of the Women's Charter shall be in Form 227 in Appendix A to these Practice Directions.

(2) The plaintiff's affidavit in support of the ex-parte originating summons for leave under section 121D of the Women's Charter and rule 40 of the Family Justice Rules to file an application for financial relief under section 121B of the Women's Charter shall be in Form 228 in Appendix A to these Practice Directions.

(3) The plaintiff's affidavit in support of the originating summons for financial relief under section 121B of the Women's Charter shall be in Form 229 in Appendix A to these Practice Directions.

75. Distribution of applications

All applications in chambers (including summonses and originating summonses) shall be filed without specifying whether the application is to be heard before a Judge in person or the Registrar.

76. Summonses

(1) All interlocutory applications must be made by way of summons.

(2) Ordinary summonses shall be endorsed "*ex parte*" or "by consent" where applicable. When the summons is endorsed "ex

parte”, it must bear a certificate to that effect signed by the solicitors for the applicant. When the summons is endorsed “by consent” and the respondent to the summons is unrepresented, the signature of that respondent with the following endorsement

“I acknowledge that I have considered the terms of the agreement and have also been informed of my right to seek independent legal advice.”

must be witnessed by an advocate and solicitor or a commissioner for oaths not acting for any of the parties in the proceedings.

(3) After the filing of any “ *ex parte* ” or “by consent” summons, the application will be examined by the Judge or Registrar as the case may be. If he is satisfied that the application is in order and all other requirements have been complied with, he may make the order(s) applied for on the day fixed for the hearing of the application without the attendance of the applicant or his solicitor.

(4) Summonses that are filed using the Electronic Filing Service will be routed to the inbox of the applicant solicitor’s Electronic Filing Service account. Where the summons is filed through the service bureau, it may be collected at the service bureau.

(5) Enquiries by telephone will not be entertained.

(6) Where a summons is filed in a matter for which a trial date has been fixed, the summons must be filed using the Electronic Filing Service with a special request informing the Registry of Family Justice Courts of the trial date(s).

77. Supporting Affidavits for Specific Applications

Originating Summons for leave to file Writ under section 94 of the Women’s Charter

(1) The affidavit supporting an application for leave under section 94 Women’s Charter must include the following information:

- (a) The date and place of registration of marriage, exhibiting a copy of the marriage certificate;
- (b) The age of the child (ren), if any, exhibiting a copy of the birth certificate(s);
- (c) The grounds upon which the applicant is seeking leave, i.e. exceptional hardship suffered by the applicant or exceptional depravity by the respondent;
- (d) Particulars of exceptional hardship or exceptional depravity including,
 - (i) If violence is alleged, to exhibit the police reports, medical reports, Personal Protection Orders, Domestic Exclusion Orders, and status of ongoing related family proceedings (if any); and
- (e) Possibility of reconciliation between parties, including any attempts at reconciliation after each incident, and the period of each reconciliation attempt.

Summons for leave to file additional Ancillary Matters Affidavits

(2) An application for leave of court to file an additional affidavit in the ancillary matters shall be made by way of summons filed in the divorce suit, and supported with an affidavit demonstrating why a reply to the last round of affidavits is relevant and necessary to the resolution of the ancillary matters.

(3) The summons shall set out:

(a) The title and date of the affidavit to which the applicant wishes to respond; and

(b) The specific paragraphs of that affidavit which the applicant wishes to respond to.

(4) The supporting affidavit must exhibit a draft of the proposed additional affidavit.

(5) The supporting affidavit shall include the following information:

(a) the new matters raised in the specific paragraphs which the applicant wishes to respond to;

(b) whether the applicant had an earlier opportunity to address the court on these new matters raised; and

(c) the reasons why the applicant's response would be relevant and material for the just disposition of the case.

Summons to vary child-related orders

(6) An application to vary child-related orders shall be made by way of summons filed in the suit in which the original order was made.

(7) In an application to vary the existing court order(s) on custody, care and control and/or access, the applicant must demonstrate by way of affidavit why it would be in the best interests and welfare of the child for the orders to be varied.

(8) The affidavit in support of the summons shall include the following (where relevant):

(a) the names, current ages and dates of birth of each child;

(b) the existing orders relating to custody, care and control and access;

(c) a table of past variations of custody, care and control and/or access (if any);

(d) the applicant's proposed care plan for the child, including the proposed shelter and education-related arrangements;

(e) if the applicant intends to move overseas with the child after the order is varied, to state the proposed care plan and the proposed access arrangements for the parent left behind;

(f) if the applicant is an un-discharged bankrupt, an explanation how that party intends to financially provide for the child; and

(g) the applicant's explanation why the proposed variation, instead of the status quo, would be in the best interests and welfare of the child.

(9) The applicant must file an affidavit that includes the matters set out in sub-paragraphs (7) and (8) above, even if the other party consents to the variation.

Summons to vary maintenance orders made under Part X of Women's Charter

(10) Any application for variation of maintenance shall be by way of summons filed in the original suit under which the order was made.

(11) The summons shall set out :

(a) the date of the Order of Court sought to be varied, including the specific Paragraph(s) in the said Order of Court;

(b) the original quantum of maintenance and the quantum of maintenance now sought to be ordered (e.g. “the Plaintiff seeks a decrease in the monthly maintenance sum from \$600 to \$500”.)

(12) The affidavit in support of the summons shall include the following :

(a) The grounds on why a variation of maintenance is sought, including supporting documentary evidence (e.g. if a variation of maintenance is sought because of the termination of the applicant’s employment, the letter of termination should be exhibited in the affidavit);

(b) List of Expenses of the applicant and the child(ren) (where applicable), including supporting documentary evidence;

(c) A copy of the Order of Court to be varied;

(d) Copies of the applicant’s IRAS Notices of Assessment for the three years immediately preceding the filing of the application for variation of maintenance;

(e) Copies of the applicant’s pay slips for the six months immediately preceding the filing of the application for variation of maintenance; and

(f) Copies of the applicant’s bank statements for the three months immediately preceding the filing of the application for variation of maintenance.

78. Personal service of processes and documents

(1) The attention of solicitors is drawn to rule 898(1) of the Family Justice Rules which provides:

“Personal service must be effected by a process server of the Court or by a solicitor or a solicitor’s clerk whose name and particulars have been notified in the relevant Form to the Registrar for this purpose.” [emphasis added]

(2) Solicitors are required to notify the Registry of the particulars, and any change thereof, of such clerks who have been authorised by them to serve processes and documents (“authorised process servers”) by submitting a request to authorise user through the Electronic Filing Service. Where such authorised process servers are no longer so authorised, solicitors are to revoke or delete the authorisation immediately by submitting a request through the Electronic Filing Service. Solicitors’ clerks do not require the authorisation of the Registrar to effect personal service of processes and documents.

(3) In view of the alternative modes providing for personal service to be effected by a solicitor or a solicitor’s clerk, Court process servers will not be assigned to effect personal service of processes and documents unless there are special reasons.

(4) If it is felt that there are special reasons requiring personal service by a Court process server, a Request for such service should be filed through the Electronic Filing Service, setting out the special reasons. The approval of the Duty Registrar should then be obtained for such service. Once approval has been obtained, the documents for service should be presented at the counter designated for this purpose. A process server will then be assigned to effect service and an appointment for service convenient to both the litigant and the assigned process server will be given.

(5) On the appointed date, the person accompanying the process server should call at the Registry. The amount required for the transport charges of the process server (a record of which will be kept) should be tendered, or, alternatively, the process server in question should be informed that transport for him will be provided. The Registry will then instruct the process server to effect service.

(6) Under no circumstances should any payment be made directly to the process server.

79. Substituted and Dispensation of Service

(1) In any application for substituted service, the applicant should persuade the Court that the proposed mode of substituted service will bring the document in question to the notice of the person to be served.

Application for substituted service by way of posting on the front door at the defendant's last known address in Singapore ("the address")

(2) The applicant should, where appropriate, consider other modes of substituted service, such as AR registered post or electronic means (including electronic mail or Internet transmission) in addition to or in substitution of substituted service by posting on doors or gates of residential and business premises.

(3) Two reasonable attempts at personal service should be made before an application for an order for substituted service is filed. In an application for substituted service, the applicant shall file a supporting affidavit stating the dates, times and outcomes of the said attempts and why he or she believes that such attempts made were reasonable.

(4) If there is no response for both attempts at personal service (i.e. the door was locked and no one came to the door during both attempts), the plaintiff needs to state in the affidavit —

(a) the evidence that the defendant is currently residing at the address (for example, relevant search results from the Inland Revenue Authority of Singapore, the Singapore Land Authority, the Housing & Development Board or the Accounting and Corporate Regulatory Authority); and

(b) the grounds for the plaintiff's belief that the defendant is currently residing at the address, for example, that the plaintiff is also residing at the same address, and sees the defendant every day.

(5) If the plaintiff is not able to state both of the matters set out in sub-paragraph (4)(a) and (b) above in the affidavit, he or she should make attempts to locate the defendant by contacting the defendant's relatives, friends, and employer(s) (if any), in order to discover the address at which the defendant is currently residing. The affidavit should then include the following matters:

(a) details of the plaintiff's last contact with the defendant, including the date, the mode of contact (i.e. over the telephone, a letter, or a meeting), and the contents of any communications made, whether written or oral;

(b) details of the plaintiff's knowledge of the defendant's relatives and friends, and those person(s)' knowledge of his / her whereabouts ("the defendant's contacts"), including their names, addresses and their relationship to the defendant and whether they live in Singapore or overseas;

(c) details of the plaintiff's attempts to contact the defendant's contacts, including the number of such attempts made, the dates and mode of the said attempts (i.e. whether by telephone, letter, or meeting), and the contents of any communications made, whether written or oral;

(d) the name and address of the defendant's last known employer (if any), and the result of enquiries the plaintiff has made of that employer as to the defendant's whereabouts, including the date of such enquiries, the mode of the said enquiries (i.e. whether by telephone, letter, or meeting), and the contents of any communications made, whether written or oral;

(e) details of the defendant's nationality.

(6) If the local address at which the defendant is currently residing (not being the matrimonial home) is discovered by the plaintiff pursuant to paragraph (5) above, personal service on the defendant should be attempted at that address in

accordance with paragraph (3). Details of the dates, times and outcomes of the personal service are required in the affidavit.

(7) If the response to the attempt at personal service is that the process server is told that the defendant “is overseas”, evidence is required in the affidavit as to what date the defendant will be back in the country.

(8) If it appears from the response to the attempt at personal service that the defendant is permanently overseas, evidence is required in the affidavit as to how the documents will come to the defendant’s attention by being posted on the front door.

(9) If the response to the attempt at personal service is that the defendant has “moved away”, and the plaintiff is alleging that the defendant is evading service, evidence is required in the affidavit to support the plaintiff’s belief that the defendant is evading service.

Application for substituted service by way of prepaid AR registered post / ordinary post

(10) An application for substituted service need not be made where an originating process is sent by prepaid AR registered post to the defendant, and the defendant returns the acknowledgement of service, signed by him, in accordance with rule 48(5) and rule 49(3) of the Family Justice Rules. In such a situation, the originating process would be deemed to be duly served on the defendant by registered post.

(11) On an application for substituted service by way of prepaid AR registered post / ordinary post, the plaintiff must state the following matters in the affidavit—

(a) the grounds for the plaintiff’s belief that the defendant is currently resident at the particular address in respect of which the plaintiff is applying for substituted service by way of prepaid AR registered post / ordinary post;

(b) if the application for substituted service by way of prepaid AR registered post / ordinary post is to an overseas address, that the defendant is not ordinarily resident in Singapore;

(12) For the avoidance of doubt, substituted service by prepaid AR registered post is deemed to be effective when the postal service has delivered the document, or attempted to deliver the document (in cases where no one is present or willing to accept the document).

Application for substituted service by way of email

(13) If substituted service is by electronic mail, it has to be shown that the electronic mail account to which the document will be sent belongs to the person to be served and that it is currently active.

Application for substituted service by way of advertisement

(14) Before an application for substituted service by way of advertisement can be granted, the plaintiff should make attempts to locate the defendant by contacting the defendant’s relatives, friends, and employer(s) (if any), in order to discover the address at which the defendant is currently residing.

(15) The affidavit must include the following:

(a) the matters set out in sub-paragraph (5)(a) to (e) above;

(b) details of the defendant’s literacy, and in what language;

(c) if the advertisement is to be placed in an overseas newspaper, the grounds for the plaintiff’s belief as to why the defendant is thought to be in that particular country.

(16) An application for substituted service by advertisement (in one issue of the Straits Times if the person to be served is

literate in English, or one issue of the Straits Times and one issue of one of the main non-English language newspapers where his language literacy is unknown) should only be considered as a last resort and should contain evidence that the person to be served is literate in the language of the newspaper in which the advertisement will be placed.

Application for dispensation of service

(17) Before an application for dispensation of service can be granted, the plaintiff should make attempts to locate the defendant by contacting the defendant's relatives, friends, and employer(s) (if any), in order to discover the address at which the defendant is currently residing.

(18) The affidavit must include the following:

- (a) the matters set out in sub-paragraph (5)(a) to (e) above;
- (b) an explanation as to why advertisement would not be effective in bringing the divorce proceedings to the defendant's notice (for example, that it is not known which country the defendant is currently residing in).

(19) For the avoidance of doubt, posting on the Notice Board of the Registry of the Family Justice Courts is not available as a proposed mode of substituted service.

80. Discovery, inspection and interrogatories in respect of ancillary relief or financial relief under Women's Charter

(1) Inspection of documents

- (a) The notice to be served on a party requiring him to produce any document or documents for inspection under rule 65(1) of the Family Justice Rules shall be in Form 231 in Appendix A to these Practice Directions.
- (b) The notice to be served by a party (on whom a notice under rule 65(1) of the Family Justice Rules has been served) under rule 65(2) of the Family Justice Rules shall be in Form 232 in Appendix A to these Practice Directions.

(2) Request or application for discovery and interrogatories

- (a) In any application for discovery, inspection and interrogatories in respect of ancillary relief, the particular rule, paragraph and sub-paragraph (where applicable) of the Family Justice Rules under which the application is being taken out shall be stated in the application.
- (b) A request for discovery under rule 63(4) of the Family Justice Rules shall be in Form 233 in Appendix A to these Practice Directions, and a notice under rule 63(5) of the Family Justice Rules in response to the request for discovery shall be in Form 234 in Appendix A to these Practice Directions.
- (c) An application for discovery under rule 63(1) to (3) of the Family Justice Rules shall be in Form 237 in Appendix A to these Practice Directions.
- (d) A request for interrogatories under rule 69(1) of the Family Justice Rules shall be in Form 235 in Appendix A to these Practice Directions, and a notice under rule 69(3) of the Family Justice Rules in response to the request for interrogatories shall be in Form 236 in Appendix A to these Practice Directions.
- (e) An application for interrogatories under rule 69(5) to (6) of the Family Justice Rules shall be in Form 238 in Appendix A.
- (f) If more than 5 items are listed in the request (under rule 63(4) or 69(1) of the Family Justice Rules) or

application (under rule 63(1) to (3) or rule 69(5) to (6) of the Family Justice Rules) for discovery or interrogatories, the request or application, as the case may be, shall comply with the following requirements:

(i) The various items under the request or application shall be organised by theme or type (for example, all items relating to bank accounts to be grouped together, all requests relating to companies to be grouped together, all items relating to a particular property to be grouped together). Each group of items under a particular theme or type shall be preceded by a heading.

(ii) If there are more than 5 sub-items within each item (for example, if bank statements in relation to more than 5 accounts with the same bank are requested), the sub-items shall be organised in either chronological, numerical, or alphabetical order, or alternatively, by themes (for example, all the sub-items relating to housing loan accounts to be listed together, all the sub-items relating to fixed deposits to be listed together).

(iii) The time-frame requested for each discovery item shall be stated (where relevant) (for example, if bank statements for a certain bank account are requested, to state which year(s) and / or month(s) the statements are requested for).

(iv) The relevant paragraphs and pages in the affidavit(s) relating to the item shall be stated for each item and sub-item, where applicable. (v) If discovery of bank, trading or investment account statements are being requested, then the relevant account numbers (if known) shall be set out.

(g) A request (under rule 63(4) of the Family Justice Rules) or application (under rule 63(1) to (3) of the Family Justice Rules) for discovery and a request (under rule 69(1) of the Family Justice Rules) or application (under rule 69(5) to (6) of the Family Justice Rules) for interrogatories have to be filed through the separate prescribed templates in the Electronic Filing Service.

81. Applications for electronic discovery

(1) This Part provides an opt-in framework for requests and applications for the giving of discovery and inspection of electronically stored documents, and the supply of electronic copies of such documents. A party that seeks to rely on this Part must cite the relevant paragraph(s) in any request or application made hereunder.

Location of electronically stored documents

(2) Electronically stored documents may reside in storage management systems, folders or directories in storage locations, electronic media or recording devices, including folders or directories where temporarily deleted files are located (for example, the Recycle Bin folder or Trash folder). Electronically stored documents or parts thereof may also reside in the unallocated file space or file slack on an electronic medium or recording device as deleted files or file fragments which may be recovered through the use of computer forensic tools or techniques.

Definition of metadata information

(3) Metadata information refers to the non-visible and not readily apparent information embedded in or associated with electronically stored documents and may include both application metadata, which is created by the application software used to create the electronic documents, and system metadata, which is created by the operating or storage system. Examples of application metadata include hidden columns or text, formatting and display codes, formulae, prior edits and editorial comments; examples of system metadata include data relating to creation, modification and access of the electronic document, its size, file format and storage location, and other document profile information like title, author, subject and keywords or tags. Metadata information may be stored internally within the electronically stored document or externally in a separate file or database. Externally stored metadata information shall be discoverable as separate

documents.

Time to consider electronic discovery issues during general discovery

(4) Parties are encouraged to collaborate in good faith and agree on issues relating to the discovery and inspection of electronically stored documents within the framework for discovery set forth in Part 18 Division 19 of the Family Justice Rules. Such issues may include the scope and/or any limits on documents to be given in discovery, whether parties are prepared to make voluntary disclosures, and the giving of discovery in stages according to an agreed schedule, as well as the format and manner in which copies of discoverable documents shall be supplied.

(5) Parties may, immediately after the close of pleadings, agree on an electronic discovery protocol which may take the form set forth in Appendix B Part 1. Parties may include the agreed electronic discovery protocol in the summons for directions. The Court shall consider the adequacy of the agreed electronic discovery protocol and may make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of the cause or matter. The agreed electronic discovery protocol, as amended by such order or direction of the Court as the case may be, shall form part of the order under the summons for directions to be extracted for the action.

(6) If parties are unable to agree on an electronic discovery protocol, the party seeking discovery of electronically stored documents may apply for an order. The application must include a draft electronic discovery protocol and must be supported by affidavit providing an account of the parties' attempts to collaborate in good faith to reach agreement on an electronic discovery protocol.

Requests for discovery

(7) A request for discovery of any electronically stored document or class of electronically stored documents may be made before the commencement of proceedings, or at any time to any party to a cause or matter, or any person who is not a party to the proceedings. Unless the request specifies that discovery of externally stored metadata information of the requested electronically stored documents is required, the party providing discovery shall not be required to discover externally stored metadata information.

(8) A class of electronically stored documents may be described by specifying or describing a search term or phrase to be used in a reasonable search for electronically stored documents. A request for the giving of discovery by reasonable search must specify or describe limits on the scope of the search; such limits shall include at least the following:

(a) specifying or describing physical or logical storage locations, media or devices; and

(b) specifying the period during which the requested electronically stored documents were created, received or modified.

(9) A request shall not be made for the discovery of deleted files or file fragments containing information which may be recovered through the use of computer forensic tools or techniques unless:

(a) a request is made for the discovery of the electronic medium or recording device on which a forensic inspection is to be conducted; and

(b) a request is made for inspection of the said electronic medium or recording device in compliance with sub-paragraph (21) to (27).

Applications for discovery

(10) An application for discovery of any electronically stored document or class of electronically stored documents which includes externally stored metadata information must be supported by an affidavit showing that a request for externally stored metadata information of the requested electronically stored document or class of electronically stored documents

had been made previously.

(11) An application for discovery of any electronically stored document or class of electronically stored documents which specifies or describes a search term or phrase to be used in a reasonable search for electronically stored documents must specify or describe limits on the scope of the search to be conducted.

(12) An application for the discovery of a computer database, electronic medium or recording device may be made together with an application for inspection of the said computer database, electronic medium or recording device in accordance with sub- paragraph (21) to (27).

(13) Upon the hearing of an application for an order for discovery of electronically stored documents, the Court shall have regard to the matters set forth in sub-paragraph (15).

(14) Nothing in this paragraph shall prevent the party giving discovery from reviewing the discoverable electronically stored documents or the results of any reasonable search for the purpose of identifying privileged documents. However, such review for the purpose of identifying privileged documents shall not extend to the deletion, removal or alteration of metadata information.

Matters to which regard shall be had in determining whether discovery or inspection is necessary

(15) Rules 468 and 474 of the Family Justice Rules states that an order for discovery and production of documents for inspection shall not be made unless such order is necessary either for disposing fairly of the cause or matter or for saving costs. The matters to which regard shall be had, in determining whether an application for discovery or inspection (including the supply of copies) of electronically stored documents is necessary either for disposing fairly of the cause or matter or for saving costs, shall include:

(a) the number of electronic documents involved; (b) the nature of the case and complexity of the issues; (c) the value of the claim and the financial position of each party; (d) the ease and expense of retrieval of any particular electronically stored document or class of electronically stored documents, including —

(i) the accessibility, location and likelihood of locating any relevant documents,

(ii) the costs of recovering and giving discovery and inspection of any relevant documents,

(iii) the likelihood that any relevant documents will be materially altered in the course of recovery, or the giving of discovery or inspection; and

(e) the significance of any particular electronically stored document or class of electronically stored documents which are likely to be located to the issues in dispute.

Form of list

(16) The following matters shall be included in any list of documents made pursuant to the giving of discovery in accordance with this Part in which electronic documents are enumerated:

(a) the name of the electronic file constituting or containing the electronic document; and

(b) the file format (and its version) of the electronic document.

(17) Where the party giving discovery objects to the production of certain discoverable electronically stored documents solely on the ground that the internally stored metadata information is protected by privilege, he must state in the list of documents whether he objects to the production of the electronic documents without the internally stored metadata information. If he does not object to the production of the electronic documents without the internally stored metadata information, he must enumerate the electronic documents in Part 1 of Schedule 1 to the list of documents. In any event, he

must enumerate such documents in a separate section in Part 2 of Schedule 1 to the list of documents and shall state that he objects to the production of the whole or part of the internally stored metadata information of these documents.

(18) Reasonable efforts shall be made to remove duplicated documents from the list of documents. A document shall be considered a duplicate of another if the contents of both (including metadata information) are identical. The use of a hashing function to identify duplicates shall be deemed to be reasonable effort.

(19) If copies of electronic documents are supplied in one or more read-only optical disc(s) or other storage medium, the party giving discovery shall provide a further list, at the time when such copies are supplied, stating the following:

(a) the storage format (and its version) of the optical disc or storage medium; and

(b) if there are multiple optical discs or storage media, a list of electronic documents stored on each optical disc or storage medium.

(20) An index of documents enumerated in a list of documents referred to in sub-paragraph (16) or (19) above shall be provided in an electronic, text searchable and structured format. In the absence of parties' agreement, this index or load file shall be provided in a delimited text file in the Comma Separated Value (or 'CSV') file format.

Inspection of electronically stored documents

(21) A party required to produce electronically stored documents for inspection under Part 18 Division 19 of the Family Justice Rules shall provide reasonable means and assistance for the party entitled to inspection to inspect the electronically stored documents in their native format.

(22) Where an inspection is carried out under rule 470, 471 or 472(1) of the Family Justice Rules and the inspecting party wishes to take copies of electronically stored documents produced for inspection, his request to take copies shall comply with the protocol set forth in sub-paragraphs (28) to (33).

Inspection of computer databases and electronic media or recording devices

(23) No request or application for the inspection of any computer database, electronic medium or recording device shall be made unless discovery of the computer database, electronic medium or recording device has been given.

(24) A request may be made for the inspection of an electronic medium or recording device (for which discovery has been given) for the purpose of recovering deleted electronic documents through the conduct of a forensic examination of the unallocated file space or file slack of the electronic medium or recording device using computer forensic tools or techniques.

(25) Where an application under rule 472(2) is made for the inspection of computer databases, electronic media or recording devices for which discovery has been given, the party seeking inspection shall include in his application an inspection protocol, which may take the form found in Appendix B Part 2, in order to ensure that the party entitled to inspection has access only to electronic documents that are necessary and is not allowed to trawl through the entire database, electronic media or recording device.

(26) Upon the hearing of an application for an order for the inspection of computer databases, electronic media or recording devices, the Court shall have regard to the matters set forth in sub-paragraph (15). The Court shall have the power to review the adequacy of an inspection protocol and may make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of the cause or matter.

(27) Nothing in this paragraph shall prevent the party producing computer databases, electronic media or recording devices for inspection from reviewing the discoverable electronically stored documents or the results of any reasonable search for the purpose of identifying privileged documents. However, such review for the purpose of identifying privileged documents

shall not extend to the deletion, removal or alteration of metadata information.

Supply of copies of electronically stored documents

(28) Copies of discoverable electronically stored documents shall generally be supplied in the native format in which the requested electronic documents are ordinarily maintained and in one or more read-only optical disc(s).

(29) Metadata information internally stored in the native format of discoverable electronically stored documents shall not be deleted, removed or altered without the agreement of the parties or an order of Court. Where the party giving discovery objects to the production for inspection of certain discoverable electronically stored documents solely on the ground that the internally stored metadata information is protected by privilege, but does not object to the production of the electronic documents without the internally stored metadata information, copies of such documents may be supplied in a reasonably usable format with all or such of the metadata information over which privilege is claimed removed.

Requests for the supply of copies

(30) A request for copies of discoverable electronically stored documents may specify the format and manner in which such copies are to be supplied. If the party giving discovery does not agree with the specified format or manner or both, he may either:

(a) propose a reasonably usable format and/or storage medium and/or a reasonable manner in which he intends to supply copies of the requested electronic documents; or

(b) in default of agreement, supply copies of the requested electronic documents in accordance with sub-paragraph (1).

(31) The party giving discovery shall not be required to supply copies of electronically stored documents in more than one format.

(32) The file format versions set forth in Appendix B Part 3 shall be deemed to be reasonably usable formats for the purpose of this paragraph.

Applications for the supply of copies

(33) Applications for the supply of copies of discoverable electronically stored documents shall specify the format and manner in which copies of such electronic documents are to be supplied.

Restriction on use of privileged document, inspection of which has been inadvertently allowed

(34) Rule 479 of the Family Justice Rules applies to the giving of discovery or inspection of electronically stored documents, including the supply of copies, as it would to the giving of discovery or inspection of any other document.

Costs

(35) Except for orders made in respect of third party or pre-action discovery, the costs of complying with an order for the giving of discovery or inspection of electronically stored documents shall generally be borne by the party giving discovery; and disbursements incurred in providing copies shall be reimbursed by the party requesting for copies.

(36) The Court may invoke its inherent powers under rules 958 and 959 of the Family Justice Rules to make or give such further orders or directions incidental or consequential to any order as may be necessary, to order the party entitled to discovery to bear the whole or a portion of the costs of compliance with such order for the giving of discovery or inspection of electronically stored documents, and the supply of copies, if such order is necessary to prevent injustice or to prevent an abuse of the process of the Court.

82. Applications for discovery or interrogatories against network service providers

(1) This Paragraph applies to an application made under rule 467(1) or rule 495(1) of the Family Justice Rules —

(a) by or on behalf of an owner or exclusive licensee of copyright material against a network service provider for information relating to the identity of a user of the network service provider's primary network who is alleged to have infringed the copyright in the material in relation to an electronic copy of the material on, or accessible through, the network service provider's primary network; or

(b) by or on behalf of the performer of a performance against a network service provider for information relating to the identity of a user of the network service provider's primary network who is alleged to have made an unauthorised use of the performance in relation to an electronic recording of the material on, or accessible through, the network service provider's primary network.

(2) An application referred to in sub-paragraph (1) shall —

(a) be made in Form 47 of Appendix A to these Practice Directions; and

(b) when made in accordance with sub-paragraph (2)(a), be fixed for hearing within 5 days from the date of filing of the application.

(3) The onus shall lie on the applicant to highlight the nature of the application to the Registry and to request that the application be fixed for hearing within 5 days.

(4) In sub-paragraph (1)(a), the words "electronic copy", "material", "network service provider" and "primary network" have the same meanings as in section 193A(1) of the Copyright Act (Cap 63).

(5) In sub-paragraph (1)(b), the words "electronic recording", "network service provider", "performance" and "primary network" have the same meanings as in section 246(1) of the Copyright Act (Cap 63).

83. Ex parte applications for injunctions

(1) Rule 516 of the Family Justice Rules provides that an application for the grant of an injunction may be made *ex parte* in cases of urgency. However, the cases of *Castle Fitness Consultancy Pte Ltd v Manz* [1989] SLR 896 'The Nagasaki Spirit' (No. 1) [1994] 1 SLR 434 take the position that an opponent to an *ex parte* application, especially where the application seeks injunctive relief, should be invited to attend at the hearing of the application.

(2) In view of this, any party applying *ex parte* for an injunction (including a *Mareva* injunction) must give notice of the application to the other concerned parties prior to the hearing. The notice may be given by way of facsimile transmission or the use of any other electronic means (including electronic mail or Internet transmission), or, in cases of extreme urgency, orally by telephone. Except in cases of extreme urgency or with the leave of the Court, the party shall give a minimum of two hours' notice to the other parties before the hearing. The notice should inform the other parties of the date, time and place fixed for the hearing of the application and of the nature of the relief sought. If possible, a copy of the originating process, the *ex parte* summons and supporting affidavit(s) should be given to each of the other parties in draft form as soon as they are ready to be filed in Court. At the hearing of the *ex parte* application, in the event that some or all of the other parties are not present or represented, the applicant's solicitors should inform the Court of:

(a) the attempts that were made to notify the other parties or their solicitors of the making of the application;

(b) what documents were given to the other parties or their solicitors and when these documents were given; and

(c) whether the other parties or their solicitors consent to the application being heard without their presence.

(3) The Directions set out in sub-paragraph (2) need not be followed if the giving of the notice to the other parties, or some of them, would or might defeat the purpose of the *ex parte* application. However, in such cases, the reasons for not following the Directions should be clearly set out in the affidavit prepared in support of the *ex parte* application.

84. Mareva injunctions

(1) Applicants for *Mareva* injunctions are required to prepare their orders in accordance with the following forms in Appendix A:

(a) Form 239: Worldwide *Mareva* injunction; and

(b) Form 240: Mareva injunction limited to assets within the jurisdiction.

When composing the summons electronic form online through the Electronic Filing Service, these Forms shall be prepared in Portable Document Format (PDF) and attached to the summons electronic form for an Order of Court in Form 4 or 118 of Appendix A to these Practice Directions.

(2) These forms, inevitably, are complicated, but their language and layout are intended to make it easier for persons served with these orders to understand what they mean. These standard form orders should be used save to the extent that the Judge hearing a particular application considers there is a good reason for adopting a different form. Any departure from the terms of the prescribed forms should be justified by the applicant in his supporting affidavit(s).

(3) The applicant should undertake not to inform any third party of the proceedings until after the return date.

(4) Wherever practicable, applications should be made sufficiently early so as to ensure that the Judge has sufficient time to read and consider the application in advance.

(5) On an *ex parte* application for a *Mareva* injunction, an applicant may be required, in an appropriate case, to support his cross-undertaking in damages by a payment to be made into Court, a bond to be issued by an insurance company with a place of business within Singapore, a written guarantee to be issued from a bank with a place of business within Singapore or a payment to the applicant's solicitor to be held by the solicitor as an officer of the Court pending further order.

85. Documents in support of ex parte applications for injunctions (including Mareva injunctions)

(1) Without prejudice to the requirements stated in Paragraphs 83 and 84 of these Practice Directions, in order to assist the Court hearing *ex parte* applications for injunctions (including *Mareva* injunctions), an applicant must include in the affidavit prepared in support of the application the following information under clearly defined headings:

(a) reason(s) the application is taken out on an *ex parte* basis, including whether the applicant believes that there is a risk of dissipation of assets, destruction of evidence or any other prejudicial conduct;

(b) urgency of the application (if applicable), including whether there is any particular event that may trigger the dissipation of assets, destruction of evidence or any other prejudicial conduct;

(c) factual basis for the application, including the basis of any belief that there will be dissipation of assets, destruction of evidence or any other prejudicial conduct, whether there have been any past incidents of the opponent dissipating assets, destroying evidence or engaging in any other prejudicial conduct, and whether there is any evidence of dishonesty or bad faith of the opponent;

(d) factual basis for any reasonable defences that may be relied on by the opponent;

(e) whether the applicant is aware of any issues relating to jurisdiction, *forum non conveniens* or service out of jurisdiction, and, if so, whether any application relating to these issues has been or will be made;

(f) an undertaking to pay for losses that may be caused to the opponent or other persons by the granting of the orders sought, stating what assets are available to meet that undertaking and to whom the assets belong; and : (g) any other material facts which the Court should be aware of.

(2) An applicant must prepare skeletal submissions on the points to be raised at the hearing of the *ex parte* application. At the hearing, the applicant shall give a copy of the skeletal submissions to the Court and to any opponent present. The applicant shall file the skeletal submissions by the next working day.

(3) The Court may also require the applicant to prepare a note of the hearing setting out the salient points and arguments canvassed before the Court and may order such a note to be served together with the court documents on any opponent who is not present at the hearing or within a reasonable time after the service of the court documents.

86. Case conferences

(1) Pre-trial conferences known as case conferences will be conducted for proceedings under:—

(a) Guardianship of Infants Act;

(b) Inheritance (Family Provision) Act;

(c) International Child Abduction Act;

(d) Intestate Succession Act;

(e) Legitimacy Act;

(f) Mental Capacity Act;

(g) Mental Health (Care and Treatment) Act;

(i) Status of Children (Assisted Reproduction Technology) Act 2013;

(j) Section 17A(2) of the Supreme Court of Judicature Act;

(k) Voluntary Sterilization Act

(l) Section 59 and Part X Women's Charter; and

(m) Probate and Administration Act

before a hearing date is given. Notification of the Case Conference shall be Form 241 of Appendix A to these Practice Directions.

(2) At the case conference, the matters to be considered include the following, where applicable:

(a) the service of documents;

(b) the likelihood of settlement of the contested issues;

(c) the ages of the child / children of the marriage;

(d) directions for parties to attend with counsel;

(e) for parties to attend mandatory counselling and mediation at the Family Justice Courts;

(f) the dates of the mediation and counselling sessions;

(g) directions on the conduct of mediation and counselling;

(h) the witnesses who will be called and whether they need interpretation;

(i) the filing of affidavits, reports, summonses and any other necessary documents;

(j) the necessity (if any) for an order for the Central Provident Fund Board to furnish information relating to the utilisation of CPF monies or CPF account balances where there is a claim for the division of a matrimonial property or CPF-related assets;

(k) the necessity (if any) to transfer the proceedings to the Family Division of the High Court for hearing and determination. In determining whether to transfer the case to the Family Division of the High Court, the Family Court will take into account whether:

(i) there is an important question of law;

(ii) the matter is a test case; and/or

(iii) there is any other sufficient reason to transfer the proceedings;

(l) the value of the property in question or matrimonial assets. Generally, in a case where the property in question or matrimonial assets are asserted by any party to the proceedings to be worth a gross value of \$5 million or more, the matter will be transferred to the Family Division of the High Court for hearing and determination;

(m) the number of days required for the hearing and the fixing of hearing dates; and

(n) the administrative arrangements for the next hearing (e.g. whether interpreters are required, etc.).

(3) The principal solicitors having conduct of the case are to personally attend the case conference. They are expected to be thoroughly prepared to discuss all relevant matters as the Registrar conducting the case conference will take a holistic approach to the case and consider all relevant matters relating to the case.

(4) Solicitors should ensure that their clients are fully informed of the option of using alternative dispute resolution before attending the case conference. They are expected to advise their clients and to take instructions on the desirability of referring the dispute for mediation and / or counselling.

(5) The following sub-paragraphs shall apply in matrimonial proceedings under Part X of the Women's Charter where any of the ancillary relief claimed is contested and section 17A(2) of the Supreme Court Judicature Act.

(a) The parties or their counsel attending the case conference shall ensure that all affidavits, reports, Ancillary Matters Fact and Position Sheet in Form 242 in Appendix A to these Practice Directions and any other necessary documents have been filed and all interlocutory applications and appeals therefrom have been dealt with before seeking a date for the hearing of the ancillary matters.

(b) Where the contested ancillary matters include the division of matrimonial assets, the parties or their counsel shall, upon the direction of the court, file the in Form 243 in Appendix A to these Practice Directions stating the

contested issues, the net value of the matrimonial assets as at the date of the Declaration, the status of the proceedings.

(c) At any time before the commencement of the hearing of the contested ancillary matters, where it is necessary to do so, the parties or their counsel may, upon the direction of the court, file another in Form 243 in Appendix A to these Practice Directions.

(6) In proceedings under the Guardianship of Infants Act,

(a) where the parties are or were married under the provisions of Muslim law or are Muslims, both parties shall notify the Family Justice Courts Registry, by way of a letter in the prescribed format in Form 244 in Appendix A to these Practice Directions, a day before each hearing as to whether proceedings involving the same parties have been commenced in the Syariah Court.

87. Attendance at hearings in the Family Justice Courts

(1) For the avoidance of doubt, the general rule is that all hearings in a Family Justice Court shall be heard in camera pursuant to section 10(1) of the Family Justice Act. Members of the public are not entitled to attend such hearings.

(2) Notwithstanding paragraph (1) above, a Family Justice Court may hear any matter in an open and public court to which the public generally may have access, if the Court is satisfied that it is expedient in the interests of justice, or for other sufficient reason to do so. Such matters include but are not limited to:-

(a) trial or hearings for proceedings under section 105 and 106 of the Women's Charter;

(b) uncontested trials or hearings for proceedings under section 95 and 101 of the Women's Charter which were adjourned from chambers to Open Court; and

(c) mentions for proceedings under Part VII and VIII of the Women's Charter.

(3) Subject to any written law, the Court may, in its discretion, permit interested persons, such as instructing solicitors, and parties to the matter, to attend hearings in a Family Justice Court. In exercising its discretion, the Court may consider a broad range of factors including —

(a) the interest that the person seeking permission has in the matter before the Court;

(b) the interests of the litigants;

(c) the reasons for which such permission is sought; and

(d) the Court's interest in preserving and upholding its authority and dignity.

(4) In granting interested persons the permission to attend hearings in a Family Justice Court, the Court may, in its discretion, impose the necessary conditions to be complied with.

88. Electronic filing of documents and authorities for use in Court

(1) Subject to any Directions in this Part to the contrary, in particular Paragraph 90(3), all bundles of documents, bundles of authorities, bundles of pleadings, bundles of affidavits, all other bundles, and all opening statements for proceedings which have been commenced using the Electronic Filing Service must be filed in Court using the Electronic Filing Service.

(2) In the event that it is not possible to file the documents in advance of the hearing, counsel may apply to the Judge or Registrar conducting the hearing for leave to use paper documents during the hearing. The paper documents may be printed on one side or both sides of each paper. The solicitor must explain why it was not possible to file the documents in advance of the hearing, and must give an undertaking to file using the Electronic Filing Service all the documents used at the hearing by the next working day after the hearing. Any document not filed using the Electronic Filing Service will not be included in the Court's case file.

(3) Notwithstanding anything else in this Paragraph, in the event that a party chooses to use bundles of authorities in paper form for a hearing, the directions in this sub-paragraph shall apply:

(a) The party using the paper copy of the bundle of authorities shall bear the onus of producing the bundle at every hearing at which it is required. The Court will neither retain nor undertake to produce for hearings the paper copy of the bundle.

(b) The party using the paper copy of the bundle of authorities should file through the Electronic Filing Service a list of authorities to be used at least one clear day in advance of the hearing. In the event that it is not possible for the party to do so, he must explain to the Judge or Registrar conducting the hearing why it was not possible for him to do so and must also undertake to file the list of authorities using the Electronic Filing Service by the next working day after the hearing.

(c) The Judge or Registrar may, if he so chooses, retain the paper copy of the bundle of authorities for his own reference. The paper copy so retained will not however form part of the Court's record in respect of the proceedings in which it was used.

(4) Counsel must adhere to the following directions when preparing bundles of authorities for use in Court:

(a) The bundle of authorities shall contain all the authorities, cases, statutes, subsidiary legislation and any other materials relied on; (b) The bundle of authorities shall have a table of contents immediately after the first title page. Where the bundle of authorities consists of more than one volume, each volume shall have a table of contents clearly indicating the authorities that are contained in that volume; (c) The items in the table of contents shall be numbered sequentially, and bound in the order in which they are listed;

(d) The table of contents shall contain a concise statement of the relevance of each authority to the specific issues before the Court. The relevance of each authority shall be succinctly expressed and comprise no more than 3 sentences. The statement shall be set out immediately after the name of the case. For example:

Rickshaw Investments Ltd and another v Nicolai Baron von Uexkull [2007] 1 SLR(R) 377

Relevance: Choice of law considerations are relevant even when determining the natural forum to hear a dispute.

(e) be properly bound with plastic ring binding or plastic spine thermal binding in accordance with the requirements set out in paragraph 90(8)(c);

(f) be paginated consecutively at the top right hand corner of each page (for which purpose the pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle); and

(g) be appropriately flagged for easy reference.

(5) The Court may reject bundles of authorities which are not in compliance with sub- paragraph (4) above, and in exercising its discretion as to costs, take such non- compliance into account.

(6) Where electronic bundles of authorities are filed through the Electronic Filing Service, the following shall apply:

- (a) A bookmark should be created in the Portable Document Form (PDF) file for each authority in the bundle.
- (b) The name given to each bookmark should be the same as the table of contents.
- (c) The page number of each printed bundle must correspond to the page number in the Portable Document Format (PDF) version of that bundle. Each separate bundle of documents shall start at page 1 and every page shall be numbered consecutively.

89. Bundle of Documents filed on setting down

(1) Rule 566 of the Family Justice Rules requires a bundle containing certain documents to be filed together with the notice for setting down. The documents in the bundle should be included in the order in which these appear in rule 566(1):

Filing documents when setting down

(1) The party setting down an action for trial must file with the Registrar a notice for setting down an action for trial in Form 119 together with a bundle for the use of the Judge consisting of one copy of each of the following documents:

- (a) the writ;
- (b) the pleadings (including any affidavits ordered to stand as pleadings), any notice or order for particulars and the particulars given; and
- (c) all orders made on the summons for directions.

(2) In addition, parties should endeavour to file a core bundle of documents. This core bundle should comprise only documents that are relevant to the hearing in question, or which will be referred to in the course of the hearing.

(3) These documents must be prepared in an electronic format. If there are other documents, the relevance of which is uncertain, these documents should be included and any objections taken before the trial Judge.

Directions for electronic creation and filing of bundles of documents

(4) The following directions shall apply to the filing of bundles:

- (a) Index pages shall be prepared. Bookmarks should be created in the Portable Document Format (PDF) file for each such reference in the index. There should be as many book-marks in that PDF file as there are references in the index to documents in that PDF file.
- (b) The name given to each bookmark should be the same as the corresponding reference in the index.
- (c) The various PDF documents should be arranged chronologically or in some logical order.
- (d) The page number of each bundle of documents must correspond to the page number in the Portable Document Format (PDF) version of that bundle. Each separate bundle of documents shall start at page 1 and every page shall be numbered consecutively.

(5) For proceedings using the Electronic Filing Service, a bundle of documents may be created online and filed through the Electronic Filing Service. The electronic bundle shall be created in Portable Document Format (PDF). The electronic bundle may contain:

- (a) documents in the electronic case file; and

(b) documents that have been uploaded into the electronic case file by solicitors or other persons given access to the shared folder in the electronic case file.

90. Documents for use in trials

(1) This Paragraph shall apply to trials of —

(a) writ actions; and

(b) originating summonses ordered to be continued as if the cause of action had been begun by writ.

(2) Rule 567 of the Family Justice Rules requires the originals of the affidavits of the evidence-in-chief of all witnesses and a bundle of documents to be filed not less than 5 working days before the trial of an action. This Paragraph prescribes the contents and the format of the bundle of documents. In addition, to improve the conduct of family proceedings and to reduce the time taken in the presentation of cases in Court, the following documents shall also be prepared by the respective solicitors of the parties:

(a) a bundle of authorities; and

(b) an opening statement.

Documents which need not be filed electronically

(3) Paragraphs 88, 89(2) to (6) of these Practice Directions do not apply to the documents that are filed in Court pursuant to the provisions of rule 567(1) of the Family Justice Rules. Such documents may be tendered to the Registry in hardcopy together with an electronic copy stored on a CD-ROM in PDF format and complying with the provisions of this Paragraph.

(4) Any court fees payable, pursuant to Part 19 of the Family Justice Rules, on filing the documents in this Paragraph, shall be payable at the stamp office. Parties should, when making payment at the stamp office, indicate to the cashier the precise number of pages which comprise the documents and comply with the provisions of Paragraph 157 of these Practice Directions.

(5) It is emphasised that payment of the court fees on such documents should be made before the documents are tendered to Court in compliance with rule 567 of the Family Justice Rules. The hardcopy of documents tendered to Court should show, on the front page, the amount of court fees paid on the document.

(6) The electronic copy must tally in all respects with the hardcopy, as it will be uploaded into the case file by the Registry staff and will form part of the electronic case file. The importance of not submitting unnecessarily large electronic files is emphasised. To this end, parties are to adhere as far as possible to the guidelines set out on the Electronic Filing Service website (currently at <http://www.elitigation.sg>), or its equivalent as may be set up from time to time, on the resolution to be used when scanning documents into PDF format.

(7) In the event that parties elect to electronically file such documents, they must nevertheless tender a bundle of these documents to the Family Registry in hard copy. It shall not be necessary to pay any additional court fees in respect of the hard copy in such circumstances.

Bundle of documents

(8) The bundle of documents required to be filed by rule 567 of the Family Justice Rules should be paginated consecutively throughout at the top right hand corner and may be printed on one side or both sides of each page.

(a) An index of contents of each bundle in the manner and form set out in Form 205 in Appendix A to these

Practice Directions must also be furnished. No bundle of documents is necessary in cases where parties are not relying on any document at the trial.

(b) Under rule 567(3) of the Family Justice Rules it is the responsibility of solicitors for all parties to agree and prepare an agreed bundle as soon as possible. The scope to which the agreement extends must be stated in the index sheet of the agreed bundle.

(c) The documents in the bundles should —

(i) be firmly secured together with plastic ring binding or plastic spine thermal binding, and such rings or spines should be red for plaintiffs and blue for defendants with a transparent plastic cover in front and at the back;

(ii) have flags to mark out documents to which repeated references will be made in the course of hearing, and such flags shall —

(A) bear the appropriate indicium by which the document is indicated in the index of contents;
and

(B) be spaced out evenly along the right side of the bundle so that as far as possible they do not overlap one another; and

(iii) be legible (for which purpose clear legible photo-copies of original documents may be exhibited instead of the originals provided the originals are made available for inspection by the other parties before the hearing and by the Judge at the hearing).

(d) Where originals and copies of documents are included in one bundle, it should be stated in the index which documents are originals and which are copies.

(e) Only documents which are relevant or necessary for the trial shall be included in the bundles. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary documents, the Court will have no hesitation in making a special order for costs against the relevant person.

(f) A core bundle should (unless clearly unnecessary) also be provided containing the most important documents upon which the case will turn or to which repeated reference will have to be made. The documents in this bundle should normally be paginated but should also be cross-referenced to copies of the documents included in the main bundles. The bundle supplied to the Court should be contained in a loose-leaf file which can easily have further documents added to it if required.

Bundle of authorities

(9) Bundles of authorities may be filed in compliance with paragraph 88(4), (5) and (6).

(10) Only authorities which are relevant or necessary for the trial shall be included in the bundles. No bundle of authorities is necessary in cases where parties are not relying on any authority at the trial. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary authorities, the Court will have no hesitation in making a special order for costs against the relevant person.

(11) The bundle of authorities shall be filed and served on all relevant parties at least 3 working days before trial.

Opening statements

(12) A proper opening statement is of great assistance to the Court as it sets out the case in a nutshell, both as to facts and law. It is intended to identify both for the parties and the Judge the issues that are, and are not, in dispute. It enables the

Judge to appreciate what the case is about, and what he is to look out for when reading and listening to the evidence that will follow. Opening statements also help to clarify issues between the parties, so that unnecessary time is not spent on trying to prove what is not disputed or irrelevant. The need for brevity is emphasised as opening statements that contain long and elaborate arguments, and citations from and references to numerous authorities, do not serve this purpose.

(a) In the light of these objectives, opening statements will be required in all cases from all parties, except where dispensation has been granted by the trial Judge and in running down actions.

(b) All opening statements must include the following:

(i) the nature of the case generally and the background facts insofar as they are relevant to the matter before the Court and indicating which facts, if any, are agreed;

(ii) the precise legal and factual issues involved are to be identified with cross-references as appropriate to the pleadings. These issues should be numbered and listed, and each point should be stated in no more than one or two sentences. The object here is to identify the issues in dispute and state each party's position clearly, not to argue or elaborate on them;

(iii) the principal authorities in support of each legal proposition should be listed, while the key documents and witnesses supporting each factual proposition should be identified;

(iv) where there is a counterclaim or third party action, the opening statement must similarly address all issues raised therein; and

(v) an explanation of the reliefs claimed (if these are unusual or complicated).

(c) The plaintiff's statement as provided for in sub-paragraph (12)(e) below, should, unless exempted or dispensation has been granted by the trial Judge, be filed and served on all other relevant parties not less than 3 working days before the commencement of the trial for which they are to be used.

(d) The other counsel should each similarly not later than 2 working days before the start of the trial provide to the Court (with copies at the same time to their opponents) a statement which should concisely state the nature of their case on each of the issues to be tried and summarise the propositions of law to be advanced with references to the main authorities to be relied on. The character and length of this document will depend on the circumstances and whether there is any counterclaim or third party proceedings.

(e) In the case of the plaintiff, the statement must include the following:

(i) a summary of essential facts indicating which, if any, are agreed;

(ii) an indication of how these facts are to be proved, identifying relevant witnesses and documents;

(iii) a summary of the issues involved with cross-references as appropriate to the pleadings;

(iv) a summary of the plaintiff's case in relation to each of the issues with references to the key documents relied upon, and a summary of the propositions of law to be advanced with references to the main authorities to be relied on; and

(v) an explanation of the reliefs claimed (if these are unusual or complicated).

(f) In cases where the Court is of the opinion that costs or hearing days have been wasted by a poorly drafted opening statement, the Court will have no hesitation in making a special order for costs against the relevant person.

(g) The following format shall be adhered to when preparing opening statements:

(i) all pages shall be paginated, with the first page (including the cover page) numbered as 'Page 1' so that the page numbers of the hard copy correspond to the page numbers in the Portable Document Format (PDF) version;

(ii) the minimum font size to be used is Times New Roman 12 or its equivalent;

(iii) the print of every page shall be double spaced;

(iv) each page may be printed on one side or both sides; and

(v) every page shall have a margin on all 4 sides, each of at least 35 mm in width.

(h) All opening statements should not exceed 20 pages (including all annexes and appendices, but excluding the cover page and backing page).

(i) Counsel will be at liberty to amend their statements at the trial but in such event will be expected to explain the reasons for the amendments.

Timeline for tendering documents

(13) At the trial of the cause or matter, an adjournment may be ordered if:

(a) the above documents or any of them, save for the opening statement in cases where it is not required or dispensation was granted, were not filed and served within the prescribed time or at all; or

(b) one party seeks to tender any of the above documents or supplements thereto except for supplements to the opening statement at the trial of the cause or matter.

(14) If an adjournment is ordered for any of the reasons set out in sub-paragraph (13) above, the party who has failed to file or serve his documents within the prescribed time or at all or who seeks to tender a document or supplement thereto except for supplements to the opening statement may be ordered by the Court to bear the costs of the adjournment.

91. Hearing in Chambers

In all hearings in chambers before a Judge or Registrar, counsel shall submit their bundles of documents and their own bundle of authorities. Rule 567 of the Family Justice Rules and the requirements of Paragraphs 90(8) to (11) shall, with the necessary modifications, be complied with in this regard, save that the bundles may be submitted at the hearing itself before the Judge or Registrar, as the case may be.

92. Written Submissions and Bundles of Authorities for Special Date Hearings

This paragraph applies only to hearings in the Family Division of the High Court save for hearings of appeals.

(1) Unless otherwise directed by the Court for any contested special date hearing before a Judge in the Family Division of the High Court, each party shall:

(a) submit to the Court and serve on the other party a hard copy of the following documents at least 1 clear day in advance of the hearing

(i) written submissions; and

(ii) bundle of authorities (which are in compliance with the requirements under paragraphs 88(4), 90(9) to (11) of these Practice Directions); and

(b) file a soft copy of his written submissions using the Electronic Filing Service no later than 1 working day after the hearing.

(2) If any party does not intend to rely on written submissions at the contested hearing referred to in sub-paragraph (1) above (e.g., where the hearing does not involve complex issues), the party should seek the Court's approval for a waiver by way of a Request using the Electronic Filing Service at least 7 days before the hearing.

(3) This paragraph does not apply to any hearing before a Judge which is fixed on the normal list. However, parties are encouraged to adhere to the directions set out in sub- paragraph (1) above if the application will be contested. In the event that this is not done, the Judge may adjourn the hearing to enable the filing of written submissions or bundle of authorities if appropriate.

(4) For any special date hearing before a Registrar, any party who wishes to rely on written submissions at the hearing is required to comply with sub-paragraph (1) above.

(5) This paragraph does not apply to any hearings for which specific directions on the filing of written submissions or bundle of authorities are provided for in these Practice Directions.

93. Citation of written judgments and secondary authorities

Citation of written judgments

Counsel who cite a judgment must state the proposition of law that the judgment establishes and the parts of the judgment that support that proposition. Such statements should not excessively add to the length of the submission but should be sufficient to demonstrate the relevance of that judgment to the argument made. Where counsel wish to cite more than two judgments as authority for a given proposition, there must be a compelling reason to do so, and this reason must be provided by counsel in submissions.

Judgments from other jurisdictions can, if judiciously used, provide valuable assistance to the Court. However, where there are in existence local judgments which are directly relevant to the issue, such judgments should be cited in precedence to foreign judgments. Relevant local judgments will be accorded greater weight than judgments from foreign jurisdictions. This will ensure that the Courts are not unnecessarily burdened with judgments made in jurisdictions with differing legal, social or economic contexts. In addition, counsel who cite a foreign judgment must:

(a) draw the attention of the Court to any local judgment that may be relevant to whether the Court should accept the proposition that the foreign judgment is said to establish; and

(b) ensure that such citation will be of assistance to the development of local jurisprudence on the particular issue in question.

(1) The **neutral citation system**

(a) A neutral citation is a court-approved system of citation which is independent of the series of law reports or other publications, and unique to each written judgment.

(b) Each written judgment from a particular level of court is assigned a sequential number, starting from 1 at the beginning of each calendar year.

(2) Specific paragraph citations

- (a) Counsel will be required to make specific citations by referring to the paragraph number of the judgment, and not to the page number of the judgment or report.
- (b) For consistency, square brackets will be used to denote paragraph numbers. The paragraph mark (¶) will no longer be used.

(3) Court designators

SGHCF – Family Division of the High Court

SGFC – Singapore Family Courts

SGYC – Singapore Youth Courts

SGDC – Singapore District Court

(4) Application of the neutral citation system

The application of the system is as follows:

- (a) Cases reported in the Singapore Law Reports shall be cited using their Singapore Law Reports citations, in priority to their neutral citations.
- (b) Unreported decisions shall be cited using their neutral citations.

(5) Example and explanation

ABC Co Pte Ltd v XYZ Co Ltd [2015] SGFC 25, at [3], [8].

Year of the decision [2015]

Level of Court SGFC (Singapore Family Courts)

Sequential Number 25 (twenty-fifth written judgment rendered by the Family Courts in 2015)

Paragraph Number(s) Paragraphs 3 and 8 of the judgment

Citation of secondary authorities in court

(6) Counsel are advised to be more circumspect in their use of secondary authorities such as textbooks, journals, periodicals and other treatises. As far as possible, counsel should rely on primary authorities to support the proposition of law argued for; and

(7) If it necessary to cite secondary authorities, counsel should ensure that the material to be cited is directly relevant to the case before the Court. Counsel are also reminded of their duty to ensure that such material is not cited out of context. The following are specific guidelines for the citation of different types of secondary authorities:

- (a) Textbooks that are generally recognised as leading textbooks in the relevant area of law may be readily cited to the Court.
- (b) If counsel wish to cite academic articles in journals and periodicals in support of a particular proposition of law, they should ensure that they are citing a statement, rather than a critique, of the law. Citation of academic articles should be limited to those written by eminent authors of reputable standing. The articles should also have been

published in established journals and periodicals.

(c) Legal opinions written by other counsel not having conduct of the case before the court should generally not be cited as authority. Such legal opinions are considerably less authoritative than academic articles, as the views expressed in these private opinions have not been subject to the rigorous scrutiny of editorship and public critique.

(8) Counsel's attention is drawn to rule 859 of the Family Justice Rules which gives the Court the power to make an order for costs personally against errant advocates and solicitors, who have wasted or incurred costs unreasonably or improperly. The Court will not hesitate to invoke its powers under rule 859 of the Family Justice Rules in cases where costs have been wasted due to counsel's indiscriminate citation of unnecessary and irrelevant secondary authorities.

94. Submissions and examination by leading and assisting counsel

(1) In the event that a party is represented by more than one counsel at a hearing, whether in Court or in chambers, the making of submissions and the questioning of witnesses may be carried out by one counsel for each party only.

(2) If a party would like submissions on different issues be made or certain portions of the examination, cross-examination or re-examination be conducted by different counsel, an oral application should be made to Court as early as is practicable and by no later than the commencement of the trial or hearing for leave to do so. The following information should be provided to the Court for the purposes of the application:

(a) the issues on which each counsel will be making submissions; and/or

(b) the witnesses to be examined, cross-examined or re-examined by each counsel, or the portions of their evidence for which each counsel will conduct the examination, cross-examination or re-examination.

Nothing in this paragraph detracts from the responsibility of lead counsel to ensure that all counsel making submissions, or having conduct of any portion of the examination, cross-examination or re-examination of witnesses, are adequately supervised and able to handle the tasks assigned to them.

(3) If leave has been granted in accordance with sub-paragraph (2), counsel should ensure that each confines himself to the issues or portions of evidence in respect of which leave was granted and that there is no overlap in the issues or the examination being dealt with by different counsel for the same party. Further, counsel must not repeat, clarify or expand on any submissions or portions thereof that have been made by another counsel for the same party or examine, cross-examine or re-examine witnesses on portions of their evidence dealt with by another counsel for the same party.

(4) If leave of the Court is not sought in accordance with sub-paragraph (2), only one counsel will be allowed to make submissions or conduct examination for a party throughout the hearing.

(5) For hearings in chambers, lead counsel are strongly encouraged to apprise the client of the benefits of allocating certain advocacy tasks to junior assisting counsel, including the potential benefits of reduced legal costs and increased focus by lead counsel on the main advocacy tasks, and to therefore consider obtaining instructions to make an application in accordance with sub-paragraph (2). In this regard, lead counsel are encouraged to consider that giving junior assisting counsel more opportunities for oral advocacy could potentially benefit the client and, at the same time, promote renewal of the Bar.

(6) For civil trials:

(a) Notwithstanding sub-paragraphs (1) and (2), and save where lead counsel is a junior counsel, the junior assisting counsel shall deliver the oral opening statement unless the Court otherwise orders; and

(b) lead counsel are to inform the trial judge at the Judge Pre-Trial Conference ("JPTC"), or if a JPTC has not been

fixed, at the start of the trial, whether their client will be making an application pursuant to sub-paragraph (2) above and, if so, the proposed division of advocacy tasks between lead counsel and junior assisting counsel.

(7) This Paragraph shall apply to all proceedings in the Family Courts, Youth Courts and Family Division of the High Court.

95. Amendment of documents

General requirements for amendment of any document

(1) Except as otherwise provided by the provisions of this Paragraph, where any document (inclusive of any pleading) that has been filed in any proceedings is required to be amended and re-filed in Court, a fresh copy of the document with the amendments included must be prepared, regardless of the number and length of the amendments sought to be made.

(2) The procedure for amending a document is as follows:

(a) A fresh amended copy of the document should be produced.

(b) The number of times the document has been amended shall be indicated (in brackets) after the name of the document. For this purpose, an amended document should be entitled “[document name] (Amendment No. 1)” or “[document name] (Amendment No. 2)”, or as appropriate. For example, a Statement of Claim which is amended for the first time should be filed as “Statement of Claim (Amendment No. 1)”, and a Defence that is amended for the second time should be filed as “Defence (Amendment No. 2)”.

(c) The changes made in the document from the latest version of the document filed in Court should be indicated in the following way:

(i) deletions shall be made by drawing a single line across the words to be deleted; and

(ii) insertions shall be underlined.

Colour scheme for amendments

(3) In addition, the following colours shall be used to indicate the history of the amendments in the specified documents:

(a) black for the first round of amendments;

(b) red for the second round of amendments;

(c) green for the third round of amendments;

(d) blue for the fourth round of amendments; and

(e) brown for subsequent rounds of amendments.

Amendment for third time or more

(4) From the *third* round of amendments onwards, the amended specified document should comprise two versions of the document, i.e. —

(a) a clean version without the amendments shown; followed in the same document by

(b) a version showing the amendments in colour.

(5) Only one amended document consisting of these two versions is required to be filed.

Cases to which the requirements in sub-paragraphs (1) and (2) do not apply

(6) The directions in sub-paragraph (2)(b) above shall not apply to any originating summons or summons that has been amended from an *inter partes* application to an *ex parte* application or *vice versa*.

(7) The directions in sub-paragraphs (2)(c) above shall not apply to any originating process, summons or other electronic form that is composed online through the Electronic Filing Service.

Amendment endorsements on electronic forms

(8) Rule 426(3) of the Family Justice Rules requires that an amended pleading or other document be endorsed with a statement that it has been amended, specifying the date on which it was amended and by whom the order (if any) authorising the amendment was made and the date thereof, and if no such order was made, the number of the Rule in Part 18 Division 14 of the Family Justice Rules in pursuance of which the amendment was made.

(9) Where electronic forms are amended, the amendment endorsement shall take either one of the following forms:

(a) “By order of court made on [date order was made]”; or

(b) “Pursuant to Rule [cite specific rule number]”.

(10) The amendment endorsement shall be appended to the title of the electronic form, after the amendment number as required under sub-paragraph (2)(b) above. Where an electronic form is amended more than once, the endorsement need only cite the basis for the most recent amendment. For example —

(a) “Originating Summons (Amendment No. 3, by order of court made on 1 January 2013)”;

(b) “Writ of Summons (Amendment No. 1, pursuant to r420)”.

(11) The date of the electronic form shall reflect the date on which the document is amended.

Amendments made on original writ or originating summons (where amendments are not numerous or lengthy)

(12) This sub-paragraph applies to writs and originating summonses that have not been filed using the Electronic Filing Service. In addition to the usual endorsement signed by the solicitors pursuant to Paragraph 73 of these Practice Directions, there should be re- sealing of the document as required by rule 426(1), of the Family Justice Rules. The seal will be embossed over the endorsement.

Amendment of case title to add a party

(13) Where leave of Court has been obtained to add a party to the main case title of a matter, for example, an intervener, a garnishee or any party that was previously a non-party, the applicant or his solicitor is to file a Request through the Electronic Filing Service to add that specific party to the main case title.

96. Waiting time for the hearing of matters

The average waiting time between the filing of certain processes or other steps in the proceedings and the date for the hearing of the matter are as set out below. Solicitors are directed to take note of these waiting times and must be ready to proceed at the end of the relevant period. The average waiting times set out below do not apply to special date fixings.

Waiting Time for Trials or Hearings in the Family Justice Courts

Family Courts

S/N	Type of Causes or Matters	Waiting Time
1	Trials	2 to 4 weeks from the last case conference / court mentions
2	Maintenance Cases	3 to 4 weeks from the last court mentions
3	Summons#	4 to 6 weeks from the last case conference
4	Summary Judgment	6 weeks (statutory) from filing date
5	Summons for Directions	4 to 6 weeks from filing date
6	Assessment of Damages	2 to 4 weeks from the last case conference
7	Examination of Judgment Debtor	4 weeks from Request for Examination
8	Non-contentious Probate applications	3 to 4 weeks from filing date
9	Adoption cases	4 weeks from filing date
10	Taxation and review of taxation	3 to 4 weeks from filing date
11	Writs of Execution	4 to 8 weeks from filing date
12	Appeal against the Registrar’s decision	2 to 4 weeks from filing date

Youth Courts

S/N	Type of Causes or Matters	Waiting Time
13	Youth Arrest Cases	4 to 6 weeks from last court mentions
14	Youth Court Trials	4 to 6 weeks from last court mentions

Family Division of the High Court

S/N	Type of Causes or Matters	Waiting Time
15	Case Conferences in Suits: a) where the writ has not been served b) where the writ has been served or memorandum of appearance has been entered	a) 10 weeks from date of writ b) 7 weeks from date of service of writ/memorandum of appearance
16	Trials	8 weeks from the date of setting down
17	Non-contentious Probate Applications	4 weeks from filing date

18	Originating Summons a) Inter partes Originating Summons b) Ex parte Originating Summons	a) 6 weeks from filing date b) 3 weeks from filing date
19	Appeals from Family Courts	4 weeks from receipt of record of proceedings
20	Magistrate’s Appeals	8 weeks from receipt of record of proceedings

The waiting period for applications for discovery or interrogatories against a network service provider under Paragraph 82 of these Practice Directions is 5 days from the date of filing of the Originating Summons.

(*) “Waiting Time” is defined as follows:

For trials, it is the period from the last court mentions/case conference (when parties indicate they are ready) to the date of hearing. For interlocutory matters, the waiting time is usually calculated from the date of filing. In the majority of cases, the matter should be heard within the time frames as indicated above. It is only in exceptional circumstances that the time frame is departed from.

97. Request for urgent hearing dates or urgent hearings prior to the filing of the application through the Electronic Filing Service

Counsel requesting an urgent hearing before the Duty Registrar or Duty District Judge, or an urgent hearing date, in respect of an application that has not yet been filed through the Electronic Filing Service, shall submit a hard copy of the proposed application and any supporting affidavit to the Duty Registrar or Duty District Judge for the Court’s retention and shall give an undertaking to file the application and supporting affidavit using the Electronic Filing Service by the next working day.

98. Requesting a hearing date through the Electronic Filing Service

- (1) When filing applications through the Electronic Filing Service, solicitors may make a request for a preferred hearing date for any interlocutory application to be heard before a Registrar.
- (2) Solicitors should confer with all parties to the application before selecting a preferred hearing date. Every counsel arguing the application should be available to attend the hearing on the date selected.
- (3) In the event that it is not possible to confer with opposing counsel on a preferred hearing date, whether due to the nature or urgency of the application or otherwise, solicitors must select a date when counsel arguing the application for the applicant will be available.
- (4) Solicitors are reminded to satisfy the requirements of subparagraph 76(6) of these Practice Directions.

99. Written Submissions for Contested Inter Partes Applications in Chambers

- (1) To facilitate and expedite the hearing of contested *inter partes* applications before a Registrar in Chambers, District Judge in Chambers and Registrar’s Appeals before a District Judge in Chambers, the applicant and the respondent to the application shall file their Written Submissions no later than 7 days prior to the hearing date fixed by the Court and shall serve a copy thereof on the other party to the application or his solicitor.
- (2) The Written Submissions filed by parties shall set out as concisely as possible:

- (a) the circumstances out of which the application arises;
- (b) the issues arising in the application;
- (c) the contentions to be urged by the party filing it and the authorities in support thereof; and
- (d) the reasons for or against the application, as the case may be.

(3) Sub-paragraphs (1) and (2) applies only in the following matters:

- (a) Application for determination of questions of law or construction of documents under rule 345 of the Family Justice Rules;
- (b) Application to set aside judgment under rule 334 or rule 417 of the Family Justice Rules;
- (c) Application to strike out pleadings and endorsements under rule 405 of the Family Justice Rules;
- (d) Registrar's Appeals under Part 18, Divisions 57 and 58 of the Family Justice Rules of Court; and
- (e) Any other application as may be directed by the Court.

100. Adjournment or vacation of hearing dates and part- heard cases

(1) Where dates have been fixed for the trial of any cause or matter, any request for an adjournment or vacation of the trial dates shall be made to a Judge or Registrar by way of summons with a supporting affidavit even in those cases where counsel for the other party or parties consent to the adjournment.

(2) Subject to any directions of the Judge or Registrar, when a case is adjourned, the Registrar will assign such days as are available for the hearing of the case, and counsel will be expected to take the dates at short notice. Where counsel is unable for any reason to take the dates, he shall apply to the Judge or Registrar for an adjournment in accordance with sub-paragraph (1) above.

(3) In the event that the hearing of a case is not concluded within the number of days allotted, the Court may direct the hearing of the case to continue beyond the allotted time rather than adjourning the case part-heard to another date. Counsel for parties in all cases should therefore be prepared to continue with the hearing of the matter notwithstanding the fact that the time originally allotted may have expired. Subject to any such directions of the Court, all part-heard cases shall be fixed for continued hearing at short notice. Applications for adjournment of such hearing dates may be granted only for good and sufficient reasons.

101. Requests for further arguments before the Judge or Registrar

(1) All requests for further arguments shall be made by way of Request electronic form and filed through the Electronic Filing Service.

(2) The party filing the Request must, either in the Request or a document attached thereto —

- (a) state the party making the request;
- (b) identify the Judge or Registrar who heard the matter in question;
- (c) specify when the order concerned was made;

(d) state the provision of law under which the request is made;

(e) set out the proposed further arguments briefly, together with any supporting authorities; and

(f) include a copy of each of the authorities cited.

(3) A copy of the request must be furnished to all parties concerned.

(4) All requests must be addressed to the Registrar.

102. Absence of parties

Where an application has been struck off by reason of any party being absent, the Registrar may direct that the matter be restored by way of summons.

103. Production of record of hearing

Record of Trials

(1) Pursuant to rule 611 of the Family Justice Rules, the Registrar hereby directs that there shall be audio recording of all trials in action. Such audio recording shall be made using the Digital Audio Recording Transcription System (DART) only.

(2) Pursuant to rule 611(1)(b), the Registrar further directs that in proceedings where no audio recording is made, the notes of hearing shall be taken down by the Judge, judicial officer or court officer, whether by hand or through the use of a computer or electronic device.

(3) The provisions of sub-paragraphs (1) and (2) are subject to any directions made by the Judge or judicial officer hearing the matter, or by the Registrar, whether or not upon application by the parties. Such directions may include the use of alternative means of producing transcripts.

(4) Where the Court makes such directions under sub-paragraph (3):

(a) the transcript of the notes of hearing shall, pursuant to rule 611(1)(b), constitute the official record of hearing; and

(b) the parties shall inform the Family Justice Courts Registry by letter at least 7 working days before the scheduled hearing as to the mode by which the proceedings will be recorded.

(5) The costs of engaging a service provider shall be paid by the parties directly to the service provider.

(6) Requests for certified transcripts of the official record of hearing conducted at the Supreme Court building shall be made by filing the requisite Request electronic form through the Electronic Filing Service at least 7 working days before the scheduled hearing.

Request for Digital Audio Recording and Transcription Service for Hearings other than Trials

(7) Digital audio recording and transcription of proceedings will be made available in the Family Justice Courts, to parties, through one or more designated service providers at the request of parties.

(8) The request for digital audio recording and transcription service shall be subject to the approval and/or directions of the Court hearing the proceedings, the approval of the Registrar, and the availability of the designated service provider to

provide the service.

Applications for Digital Audio Recording and Transcription Service

(9) Any party who intends to use the digital audio recording and transcription service shall write to the Court hearing the proceedings for approval at least 12 working days before the commencement of the proceedings.

(10) Upon written notification of the approval by the Court hearing the proceedings, the requesting party shall submit to the designated service provider at least 8 working days before the commencement of the proceedings the application for digital audio recording and transcription service using the requisite form provided by the designated service provider. The requesting party shall also comply with any direction(s) that may be given by the Court hearing the proceedings, in respect of the party's written request for digital audio recording and transcription service.

(11) The designated service provider shall inform the requesting party whether the application for digital audio recording and transcription service has received final approval by the Registrar.

(12) The cost of engaging the designated service provider for digital audio recording and transcription service shall be paid by the requesting party directly to the designated service provider. The engagement of and payment to the designated service provider are subject to its terms and conditions.

(13) The party or parties engaging the designated service provider shall apply for sufficient copies of the transcript to be furnished to the Court hearing the proceedings and all other parties to the proceedings.

104. Use of electronic and other devices

(1) In order to maintain the dignity of Court proceedings in the Family Justice Courts, court users are strictly prohibited from making any video and/or image recording in all hearings and sessions in Court or in chambers.

(2) Additionally, audio recording during a hearing is strictly prohibited without prior approval of the Judge or Registrar hearing the matter or the person presiding over the session.

(3) Court users are permitted to use notebooks, tablets, mobile phones and other electronic devices to:

- (a) take notes of evidence and for other purposes pertaining to the proceedings in Court or Chambers; or
- (b) communicate with external parties in all hearings in Court,

provided that such use does not in any way disrupt or trivialise the proceedings.

(4) This Paragraph shall apply to all family and juvenile proceedings in the Family Justice Courts.

(5) For the avoidance of doubt, this Paragraph shall also apply to all alternative dispute resolution and counselling sessions conducted in the Family Justice Courts.

(6) The attention of court users is also drawn to section 5 of the Administration of Justice (Protection) Act 2016 (Act No. 19 of 2016).

105. Application for court records and certification of transcripts for family matters

(1) For proceedings in Family Courts or Family Division of the High Court which have been commenced using the Electronic Filing Service, every application for the court records in those proceedings (including notes of evidence, certified transcripts

or grounds of decision) must be made by way of filing the appropriate Request in the Electronic Filing Service to the Registry of the Family Justice Courts.

(2) On approval, copies of the court records will be made available upon payment of an appropriate fee.

(3) Pursuant to rule 612 of the Family Justice Rules, the Registrar hereby directs that transcripts of hearing or notes of hearing may be certified by:

(a) The Judge or judicial officer having conduct of the proceedings;

(b) With the approval of the Court, the personal secretary to the Judge or judicial officer having conduct of the proceedings; or

(c) With the approval of the Court, the service provider.

106. Access to case file, inspection, taking copies of documents and conducting searches

Access by parties to a case file

(1) All parties to a case who are registered users of the Electronic Filing Service may, subject to this paragraph and any directions of the Court, access the online case file made available through the Electronic Filing Service and may inspect, download soft copies or print hard copies of documents accessible to the parties in the online case file.

(2) Where a party to a case is not a registered user and is unable to access the electronic case file through the Electronic Filing Service, the procedure governing file inspection by non-parties to a case in sub-paragraph (5) below shall be followed.

(3) All parties to a case shall have the liberty to make amendments at will to administrative details contained in the electronic case file through the Electronic Filing Service, and for this purpose —

(a) administrative details include the contact details of solicitors, the identities of the solicitors, and the nature of the claim; and

(b) where a party to a case is not a registered user of the Electronic Filing Service, he may attend at the service bureau to seek assistance to amend the administrative details contained in the electronic case file.

(4) The Registry may require parties to a case to provide supporting documents to substantiate proposed amendments to other details of the electronic case file before the amendment is approved (e.g. amendments to add or remove a party to the case have to be supported by an order of court, and amendments to change the name, gender, identification number, or marital status of a party to the case have to be substantiated by documentary proof).

File inspection by non-parties

(5) In order to inspect a case file containing documents that were filed through the Electronic Filing Service, the following procedure should be followed:

(a) A Request should be made to obtain leave to inspect the file, which request should —

(i) be filed using the Electronic Filing Service;

(ii) state the name of the person who is to carry out the search or inspection (and if this person is not a solicitor, his identity card number should also be included in the request, after his name, and a copy of his identity card should be provided);

(iii) state the interest the applicant has in the matter, and the reason for the search or inspection; and

(iv) if the search or inspection is requested for the purpose of ascertaining information for use in a separate suit or matter, clearly state the nature of the information sought and the relevance of such information to the separate suit or matter.

(b) Once approval for inspection has been received from the Court:

(i) Registered users can inspect the case file online through the Electronic Filing Service;

(ii) Parties who are not registered users can inspect the case file by presenting a copy of the approval at the service bureau. After verifying the approval that has been presented, the service bureau will assign a personal computer to the inspecting party for the inspection to be carried out. An inspecting party will usually be allowed only 60 minutes to carry out the inspection. If a longer period is required, the service bureau may impose a charge for use of the computer. The service bureau may impose additional charges for downloading soft copies or printing hard copies of documents from the case file being inspected.

(6) Requests in hard copy may be submitted to inspect case files containing documents which were not filed using the Electronic Filing Service. The Family Registry will only accept requests which are printed or typewritten on paper of good quality and signed by the solicitors concerned. Requests which have any erasure marks on them will be rejected. Requests which are double stamped, that is, if the requests were originally short stamped and later stamped to add up to the correct fee, may be rejected.

(7) Solicitors must communicate to the Registrar in writing the names of their clerks who have their authority to make searches and inspections. Such authority may be in respect of a specific search or inspection or for a specified period.

(8) For the avoidance of doubt, a non-party who has obtained approval to inspect a case file may take and retain a soft copy of any document that is available for inspection. All copies of documents taken in the course of inspection should not be used for purposes other than those stated in the Request to inspect. Solicitors shall be responsible for informing their clients of this.

Obtaining certified true copies of documents

(9) Applications to obtain certified true paper copies of documents should be made by way of filing a Request through the Electronic Filing Service, unless the documents concerned have not been filed through the Electronic Filing Service.

(10) The intended use of the certified true copies should be clearly stated in the Request. The relevance and necessity of the certified true copies in relation to their intended use should also be clearly described.

(11) Once approval is received from the Court, the applicant should present a printed copy of the approved Request at the Records Section. After verifying that the Request presented has been approved, the staff of the Records Section will inform the applicant of any additional fees payable. Where additional fees are payable, these fees should then be stamped on the Request at the Family Justice Courts' Cashier's Office. Upon presentation of this stamped Request, the documents will be furnished to the applicant.

(12) The fees prescribed by Part 19 of the Family Justice Rules will be payable for the above services without prejudice to additional printing charges which may be chargeable by the Court or the service bureau for reproducing the copies in paper form.

Conducting searches of information maintained by the Registry

(13) Rule 889 of the Family Justice Rules provides that the Registry shall maintain information prescribed or required to be kept by the Family Justice Rules and practice directions issued by the Registrar. In addition to any provisions in the Family

Justice Rules, the Registrar hereby directs that the following information shall be maintained by the Registry:

- (a) details of all originating processes in Family Justice Courts, including:
 - (i) details of interlocutory applications;
 - (ii) details of appeals filed therein; and
 - (iii) details of probate proceedings, including wills and caveats filed therein;
- (b) details of writs of execution, writs of distress and warrants of arrest; and
- (c) any other information as may from time to time be deemed necessary.

(14) Searches of this information under rule 891 of the Family Justice Rules may be conducted through the Electronic Filing Service at a service bureau or at the Records Section. The fees prescribed by Part 19 of the Family Justice Rules will be payable for the searches.

(15) An application may be made by any person for a licence to use any information contained in any electronic cause book or register subject to such terms and conditions as the Registrar may determine. Successful applicants will be required to enter into separate technical services agreements with the Electronic Filing Service provider. Applications under this paragraph must be made in writing, identifying the data fields sought and providing details of how the information will be used.

107. Personal Data

(1) For the purposes of the following sub-paragraphs:

- (a) “personal data” shall have the same meaning as defined in the Personal Data Protection Act 2012 (Act No. 26 of 2012); and
- (b) “data subject” means a person whose personal data appears in any document filed in the Registry or an electronic cause book or register maintained by the Registry.

Consent to collection, use or disclosure of personal data

(2) Consent to the collection, use or disclosure of personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar need not be obtained.

(3) Pursuant to rule 889 of the Family Justice Rules, the Registrar may compile and maintain electronic cause books and registers by extracting information, including personal data, contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar.

Access to, and correction of, personal data contained in documents filed with, served on, delivered or otherwise conveyed to the Registrar

(4) A data subject who wishes to access his personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar must comply with the applicable provisions in the Rules of Court and these Practice Directions relating to the access to and inspection of case files.

(5) A data subject shall not be entitled to request information about the ways in which his personal data contained in any document filed with, served on, delivered or otherwise conveyed to the Registrar has been used or disclosed.

(6) A data subject who wishes to correct any error or omission in his personal data in any document filed with, served on,

delivered or otherwise conveyed to the Registrar must comply with the applicable provisions in the Rules of Court and these Practice Directions relating to the amendment of the relevant document.

Access to, and correction of, personal data contained in electronic cause books and registers maintained by the Registry

(7) A data subject who wishes to access his personal data contained in any electronic cause book or register must conduct a search through the Electronic Filing Service at a service bureau or at the Legal Registry and shall pay the fees prescribed by Part 19 of the Family Justice Rules.

(8) A data subject shall not be entitled to request information about the ways in which his personal data contained in any electronic cause book or register has been used or disclosed.

(9) A data subject who wishes to correct any error or omission of his personal data in any electronic cause book or register maintained by the Registry shall comply with the following procedure:

(a) The request to correct the error or omission must be made in writing by the data subject or by his solicitor, together with the reason for the requested correction. The request must clearly identify the record and the personal data to be corrected;

(b) If the data subject is not represented, his identity card number should also be included in the request and a copy of his identity card should be provided; and

(c) The following documents should accompany the request:

(i) recent copy of the record identifying the error or omission; and

(ii) supporting document(s) to substantiate the proposed correction.

(10) Where a correction is made pursuant to a request under sub-paragraph (9), any information that is licensed for use under paragraph 106(15) will be updated accordingly with the corrected personal data.

108. Witnesses

Issuance of subpoenas

(1) An application for a subpoena shall be made by way of filing a subpoena in Form 123 in Appendix A to these Practice Directions. The subpoena is deemed to be issued when it is sealed by an officer of the Registry pursuant to rule 601(2) of the Family Justice Rules. The previous practice of filing a Request to issue a subpoena is discontinued.

Release of witness upon completion of evidence

(2) Every witness will be released by the Court upon completion of his evidence and it is the duty of counsel to apply to the Court if counsel desires the witness to remain. This sub-paragraph shall apply to both civil and criminal proceedings.

108A. Giving of evidence by person outside Singapore through live video or live television link in any court proceedings (other than proceedings in a criminal matter)

(1) Any application for leave for any person outside Singapore to give evidence by live video or live television link in any court proceedings (other than proceedings in a criminal matter) must be made expeditiously and, in any case, unless the Court

otherwise directs, not later than four weeks before the date of commencement of the hearing at which the person is to give evidence.

(2) A party applying for leave for any person outside Singapore to give evidence by live video or live television link must take note of the relevant legislation and requirements in force in the foreign country or territory where the person is giving evidence. Certain countries or territories may impose prohibitions against, restrictions on, or requirements to obtain permission for or relating to, the giving of evidence by a person in that country or territory for court proceedings in a different country or territory. The party applying for leave must make all necessary enquiries, and take all necessary steps, to ensure that the foreign country or territory where the person is giving evidence raises no objection, to the giving of evidence in that country or territory for court proceedings in Singapore. This may be done by any means that the party considers appropriate, including:

- (a) obtaining advice from a foreign lawyer qualified to advise on the laws of the relevant foreign country or territory;
- (b) making enquiries with the relevant authorities; or
- (c) obtaining permission from the relevant foreign country or territory, in accordance with any applicable procedure, for evidence to be given by a person located in that country or territory through a live video or live television link, if such permission is required.

(3) For the avoidance of doubt, the proceedings mentioned in sub-paragraph (1) include all civil proceedings involving the examination of any person.

109. Form of affidavits

Affidavits filed electronically

(1) This sub-paragraph shall apply to affidavits which are to be filed through the Electronic Filing Service.

- (a) When filing affidavits for use during a hearing of an interlocutory application, the summons number of the interlocutory application must be provided in the Electronic Filing Service in addition to the case number of the suit or matter.
- (b) Affidavits shall have a blank margin of not less than 35mm wide on all 4 sides of the page. They shall be printed or typed and must be double-spaced.
- (c) The textual portion of the affidavits, as opposed to the exhibits, must be white.
- (d) 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:
 - (i) the party on whose behalf the affidavit is filed;
 - (ii) the name of the deponent;
 - (iii) the ordinal number of the affidavit in relation to the affidavits filed in the cause or matter by the deponent;
 - (iv) the date the affidavit is filed;
 - (v) 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 contested divorce (“CD”), uncontested divorce (“UD”), summons (“SUM”), ancillary matters (“AM”) or originating summons (“OS”) hearing, and if the affidavit is filed in respect of a summons hearing, it shall state the number of the said summons, where the number is available, for example:

“Defendant: Tan Ah Kow: 4th: 15.4.2013: AM hearing”; and “Defendant: Tan Ah Kow: 4th: 15.4.2013: SUM hearing: SUM no. 1234 of 2013”; and

the document name that is selected in the Electronic Filing Service for an affidavit for ancillary matters hearing shall be “Affidavit for Ancillary Matters Hearing”.

(e) Every page of the affidavit (including separators and exhibits) shall be paginated consecutively, and the page number shall be placed at the top right hand corner of the page. Every reference to an exhibit (or a document in an exhibit) shall include, where appropriate, the page number(s) where the exhibit (or document) can be located.

(f) Sub-paragraph 1(d)(v) is applicable to proceedings under Part X of the Women’s Charter (Cap. 353) filed before 1 April 2006 as if any reference to the defendant were a reference to the respondent.

Affidavits that are not filed electronically

(2) This sub-paragraph applies to affidavits which are not required to be filed through the Electronic Filing Service.

(a) Form of affidavits generally

(i) Affidavits shall be on A4-ISO paper of durable quality with a blank margin not less than 35 mm wide on all 4 sides of the page.

(ii) The paper used shall be white.

(iii) Affidavits shall be produced by printing, lithography or typewriting, and in any case not by carbon copying. A document produced by a photographic or similar process giving a positive and permanent representation free from blemishes will be treated, to the extent that it contains a facsimile of matter produced by one of the above processes, as if it were so produced. Photographic copies which are not clearly legible will be rejected.

(iv) Affidavits shall be printed or typed, double-spaced, on one side or both sides of the paper.

(b) Markings on affidavits

At the top right hand corner of the first page of every affidavit, and also on the backing sheet, there shall be typed or printed in a single line the following:

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

(ii) the name of the deponent;

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

(iv) the date the affidavit is filed;

(v) whether the affidavit has been filed in respect of a contested divorce (“CD”), uncontested divorce (“UD”), summons (“SUM”), ancillary matters (“AM”) or originating summons (“OS”) hearing, for example, “Defendant: Tan Ah Kow: 4th: 15.4.2013: AM hearing”; and

(vi) if the affidavit is filed in respect of a summons hearing, the number of the said summons, where the number is available, for example, “Defendant: Tan Ah Kow: 4th: 15.4.2013: SUM hearing: SUM no. 1234 of 2013”.

(c) Binding of affidavits

Affidavits of 30 pages or less (including exhibits and dividing and backing sheets) may be stapled at the top left hand corner of the paper firmly. Any affidavit (including exhibits, dividing and backing sheets) exceeding 30 pages shall be bound with plastic ring binding or plastic spine thermal binding (the plastic rings or spines to be red for plaintiffs/appellants, and blue for defendants/respondents) with a transparent plastic cover in front and at the back.

(d) Pagination of affidavits

Every page of the affidavit shall be paginated consecutively, and the page number shall be placed at the top right hand corner of the page. Every reference to an exhibit (or a document in an exhibit) shall include, where appropriate, the page number(s) where the exhibit (or document) can be located.

(e) Sub-paragraph 2(b) is applicable to proceedings under Part X of the Women’s Charter (Cap. 353) filed before 1 April 2006 as if any reference to the defendant were a reference to the respondent.

110. Exhibits to affidavits

Non-documentary exhibits

(1) Non-documentary exhibits (e.g., tapes, samples of merchandise, etc.) shall be clearly marked with the exhibit mark in such a manner that there is no likelihood of the exhibit being separated or lost.

(2) Where the exhibit consists of more than one item (e.g., cassettes in a box) each and every such separate item of the exhibits shall similarly be separately marked with enough of the usual exhibit mark to ensure precise identification.

(3) Where it is impracticable to mark on the article itself, such article or the container thereof shall be tagged or labelled with the exhibit mark securely attached to the exhibit in such a manner that it is not easily removable.

(4) Very small non-documentary exhibits shall be enclosed or mounted in a sealed transparent container, tagged or labelled as aforesaid. An enlarged photograph showing the relevant characteristics of such exhibits shall, where applicable, be exhibited in the affidavit.

Exhibits to affidavits filed electronically

(5) The directions in this sub-paragraph shall apply to exhibits to affidavits that are filed through the Electronic Filing Service:

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

(b) Every page of the exhibits, *including dividing sheets or separators between exhibits*, shall be consecutively numbered at the top right hand corner of each page, taking as its first number the number that follows the number of the last sheet of the affidavit.

(c) Each exhibit in the affidavit must be separately book-marked in the Portable Document Format document that is filed. For this purpose —

(i) the names of the book-marks should follow the initials of the deponent of the affidavit, e.g., “TAK-1”,

“TAK-2”; and

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

(d) Related documents (e.g., correspondence and invoices) may be collected together and collectively exhibited as one exhibit arranged in chronological order, beginning with the earliest at the top, paginated in accordance with sub- paragraph (5)(b) above, and the exhibit must have a front page showing the table of contents of the items in the exhibit.

Exhibits to affidavits that are not filed electronically

(6) This sub-paragraph applies to exhibits to affidavits that are not required to be filed through the Electronic Filing Service.

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

(b) All documentary exhibits in an affidavit shall be prefaced by a dividing sheet in a light colour other than white, marked, typed or stamped clearly with an exhibit mark as follows:

“This is the exhibit marked __ [letter of the alphabet or a number] referred to in the affidavit of ____[name of the deponent] and sworn/affirmed before me this __ [date on which the affidavit is sworn or affirmed].

Before me,

SGD

A Commissioner for Oaths”

(c) When there are more than 10 different documentary exhibits in an affidavit, there shall be —

(i) a table of contents of the documentary exhibits inserted before the first of such exhibits enumerating every exhibit in the affidavit in the manner of the example set out below:

Reference in affidavit	Nature of exhibit	Page No.
“TAK-1”	Certificate of marriage	6
“TAK-2”	Certificate of birth	7

(ii) each document shall be flagged by means of a plastic tag, marked in accordance with the exhibit reference and such flags shall run vertically down the right edge of the exhibits evenly spaced out so as not to overlap one another. The table of contents itself shall bear the top most flag, marked “TABLE”; and

(iii) exhibits shall be bound in the sequence in which references are made to them in the affidavit.

(d) Pagination

Every page of the exhibits (but not the dividing sheets mentioned in sub- paragraph (6)(b) above) shall be consecutively numbered at the top right hand corner of each page, taking as its first number the number that follows the number of the last sheet of the affidavit.

(e) Numbering

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

(f) References to exhibits in other affidavits

Where a deponent wishes to refer to a document already exhibited in some other deponent's affidavit, he shall not also exhibit it to his own affidavit.

(g) Related documents

Related documents (e.g., correspondence and invoices) may be collected together and collectively exhibited as one exhibit arranged in chronological order, beginning with the earliest at the top, paginated in accordance with sub- paragraph (6)(d) above, and the exhibit must have a front page showing the table of contents of the items in the exhibit.

111. Swearing or affirming of affidavits, statutory declarations and oaths

(1) Rule 8 of the Commissioners for Oaths Rules (Cap. 322, Rule 3) was amended effective 1 September 1998 to permit an advocate and solicitor who is appointed a commissioner for oaths to take affidavits or statutory declarations, or administer oaths to a deponent in a language or dialect, other than English, spoken or understood by the deponent and in which the advocate and solicitor is proficient in. Given these amendments, advocates and solicitors are requested to encourage their clients to use the services of other advocates and solicitors who are appointed commissioners for oaths and who are proficient in the language or dialect in which the affidavits or statutory declarations are to be sworn or affirmed, or in which the oaths are to be taken. The Family Justice Courts' commissioners for oaths will continue to take affidavits or statutory declarations and administer oaths for legally aided cases and for parties who are acting in person who need to file documents in the Family Justice Courts.

(2) If arrangements for the use of the services of advocates and solicitors who are appointed as commissioners for oaths are not possible, deponents who are blind or illiterate in English may continue to be brought by solicitors to the Family Justice Courts' commissioners for oaths to swear or affirm affidavits and statutory declarations. As the Family Justice Courts' commissioners for oaths are under a duty to ensure that the deponent understands the document being deposed to, they are obliged to interpret the document to intended deponents; this is also the case in relation to blind deponents. This necessary exercise may take a considerable time and may cause long delays for other persons who wish to take affidavits or statutory declarations before the Family Justice Courts' commissioners for oaths.

(3) Accordingly, solicitors who wish to bring illiterate or blind deponents before the Family Justice Courts' commissioners for oaths should first estimate the time that will be taken to interpret the document or documents to be deposed to. If it is estimated that the total time required for interpretation of the documents will be more than 20 minutes, the solicitor must write to the Registrar and arrange for a special appointment for the documents to be sworn or affirmed; the solicitor should not bring the deponent before the duty commissioner for oaths without such an appointment.

(4) If an illiterate or a blind deponent is brought before the duty Family Justice Courts commissioner for oaths and the interpretation of the document or documents takes more than 20 minutes, the commissioner for oaths will refer the solicitor and the deponent to the Registrar for a special appointment to be made for the documents to be deposed to.

(5) Save in exceptional circumstances, the Family Justice Courts will not entertain requests from advocates and solicitors for its commissioners for oaths to swear or affirm affidavits or statutory declarations or administer oaths to a deponent outside the Family Justice Courts' premises. Advocates and solicitors appointed as commissioners for

oaths and who are proficient in the language or dialect in which the affidavits or statutory declarations are to be sworn or affirmed, or in which oaths are to be taken, are instead encouraged to perform this function

112. Effect of non-compliance

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

113. Objections to the contents of affidavits of evidence-in- chief

(1) If, on an application for directions under rule 482, or rule 583 of the Family Justice Rules, or otherwise, orders are made prescribing the time within which objection to the contents of affidavits of evidence-in-chief must be taken, the objections must be taken in accordance with the Directions contained in this Paragraph and not otherwise.

(2) Objections to the contents of affidavits of evidence-in-chief filed pursuant to an order of the Court made under rule 482, or rule 583 of the Family Justice Rules, or otherwise, must be taken by filing and serving a notice in Form 246 of Appendix A.

(3) The notice in Form 246 should set out all the objections to the contents of affidavits of evidence-in-chief that will be raised at the hearing of the cause or matter and all the grounds thereof.

(4) An adjudication on the material objected to in affidavits of evidence-in-chief filed pursuant to an order of the Court should only be sought at the trial or hearing of the cause or matter for which the affidavits of evidence-in-chief were filed, and not before. If an adjudication is sought prior to the trial or hearing of the cause or matter, the application for the adjudication will be adjourned to be dealt with at the trial or hearing of the cause or matter, and the applicant may be ordered to pay the costs of the adjournment.

114. Draft orders of Court

(1) Draft orders for *inter partes* applications

(a) Rules 676(1), (2) and (3) of the Family Justice Rules places the burden of approving the drafts of inter partes judgments and orders on the solicitors themselves. The solicitors should therefore approve the drafts and not submit these drafts to the Registrar for approval.

(b) The Registrar's signature on a judgment or order is only for the purpose of validity and does not in any way affect the regularity or irregularity of the contents of any judgment or order.

(c) Subject to sub-paragraph (d), parties in *inter partes* applications should proceed to engross a final copy of the draft judgment for signature by the Registrar *after* agreeing on the draft. Draft orders of Court for *ex parte* applications (except probate matters) may be submitted with the summons and the supporting affidavit when these are filed.

(d) For draft orders in electronic form that are composed online through the Electronic Filing Service, the process for extracting judgments and orders shall be as follows:

(i) Parties have the option of filing a system-generated order of court through the Electronic Filing Service.

(ii) Before filing the system-generated order of court, the party extracting the order must review and

edit the order of court electronic form to ensure that it accurately reflects the orders made by the Court and obtain the approval of all other parties to the application and provide evidence of such approval when filing the draft order of court, for example, a Portable Document Format (PDF) copy of a draft order of court signed by the solicitors of all parties to the application.

(e) Where parties disagree over one or more terms of the order of court, the party filing the draft order of court shall be responsible for including in the order of court electronic form all versions of the disputed terms by editing the order of court electronic form. All relevant correspondence concerning the dispute must be provided when filing the draft order of court.

(f) The Registry will seal and issue an engrossed order of court once its terms are approved.

(g) Rules 676(4) to (6) of the Family Justice Rules shall continue to apply.

115. Unnecessary extraction of orders of Court

(1) Certain orders are extracted by parties when such orders need not be drawn up under the Family Justice Rules. The attention of solicitors is drawn to rule 677 of the Family Justice Rules in this regard.

(2) To reduce unnecessary documentation and to expedite proceedings, solicitors are requested not to extract orders that need not be drawn up.

116. Draft Consent Orders

Orders relating to 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;

(d) where Central Provident Fund (“CPF”) funds were utilised in the acquisition of the property, the CPF Checklist for Consent Orders in Form 246A in Appendix A to these Practice Directions; and

(e) 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 sub-paragraph (1) to be provided by way of an affidavit, which should exhibit the relevant searches where applicable.

Recording of consent orders

(3) For the convenience of parties and to expedite the recording of consent orders agreed between parties, parties can apply for the grant of a consent order by submitting a draft consent order in the following manner, in addition to seeking such orders at hearings:-

- (a) before any judge sitting in case conference for that case;
- (b) before a duty judge;
- (c) before any Judge-Mediator; or
- (d) via correspondence.

Content of the draft consent order

(4) When an agreement has been reached between the parties on the custody and care of children, access to them, maintenance, division of matrimonial assets or other ancillary matters subsequent to the granting of an interim judgment (“the agreement”), a draft consent order may be prepared for submission to the Court for an order in terms of the agreement.

(5) The draft consent order must be signed —

- (a) in the case where any party is represented, by that parties’ counsel; or
- (b) in the case where any party is unrepresented and another is represented, by that unrepresented party personally and subject to the following requirements:

- (i) the signature of that unrepresented party must be witnessed by an advocate and solicitor or a commissioner for oaths not acting for any of the other parties in the proceedings.
- (ii) the counsel for the represented party or parties shall inform the unrepresented party of his/her right to seek legal advice before the unrepresented party signs the draft consent order.
- (iii) the following endorsement shall be inserted immediately below the unrepresented party’s signature.

“I acknowledge that I have considered the terms of the agreement and have also been informed of my right to seek independent legal advice.”

- (c) in the case where all parties are unrepresented, by the parties personally and their signatures must be witnessed by an advocate and solicitor or a commissioner for oaths.

(6) [deleted]

(7) The document name selected for the filing of the draft consent order in the Electronic Filing Service is “Draft Consent Order”.

Recording a consent order in the manner set out in sub-paragraph (3)(a) to (c)

(8) Counsel shall file the draft consent order incorporating the agreement in the prescribed template in the Electronic Filing Service at least 5 working days prior to the appearance in sub-paragraph (3)(a) to (c) above.

(9) If the draft consent order has not been electronically filed in the Electronic Filing Service by the time of the appearance, a physical 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 appearance before the judge.

Recording a consent order in the manner set out in sub-paragraph (3)(d)

(10) Parties may file a draft consent order and via correspondence to the Court, request for an order in terms in accordance with sub-paragraph (3)(d) above. The Court may consider and approve the draft consent order submitted by the parties,

and grant an order in terms of the same before the next date of appearance in Court. The next date of appearance in Court will then be vacated thus obviating the need for the parties to attend in Court for the sole purpose of recording the consent order. In such a situation, the Court will notify parties of the grant of the consent order through a Registrar's Notice.

Extracting an Order granted by Consent

(11) Parties need not submit a further draft consent order for approval after the hearing.

(12) Counsel need only file the engrossed copy of the consent order after the draft consent order is granted.

117. Judgment Interest

(1) Pursuant to the Chief Justice's directions as provided for under Order 42, Rule 12 of the Rules of Court, unless it has been otherwise agreed between the parties, interest payable after the date of judgment shall be 5.33% per annum until further notice and calculated to the date the judgment is satisfied. The Court retains the discretion under rule 680 of the Family Justice Rules to revise the default rate of interest to such other rate not exceeding the default rate on the facts of the individual case.

Interest on costs

(2) Pursuant to the Chief Justice's directions as provided for under rule 887(1) of the Family Justice Rules, interest payable from the relevant date(s) as stipulated in rule 887(1) shall be 5.33% per annum until further notice and calculated to the date of payment.

Pre-judgment interest

(5) The Chief Justice has directed that solicitors may wish to submit to the Court to consider that the interest rate for the period prior to the date of judgment should be the default interest rate of 5.33% per annum. Solicitors should note that the Court retains the overriding discretion to depart from the default interest rate based on the facts of the individual case.

118. Filing of writs of execution through the Electronic Filing Service

(1) An application for a writ of execution shall be made by way of filing a writ of execution in Form 137, 138, 139, 140 or 164 of Appendix A to these Practice Directions.

(2) The writ of execution is deemed to be issued when it is sealed by an officer of the Registry pursuant to rule 707 of the Family Justice Rules.

(3) The previous practice of filing a Request to issue a writ of execution is discontinued.

119. Sale of immovable property

(1) If an execution creditor wishes to effect the sale of immovable property seized under a writ of seizure and sale, he shall file the requisite electronic form Request for sale to the Bailiff through the Electronic Filing Service stating the following:

(a) the date of registration (and expiry) at the Singapore Land Registry of the order of court/writ of seizure and sale on immovable property;

(b) that a copy of the order of court/writ of seizure and sale on the immovable property has been served on the execution debtor; and

(c) whether the immovable property is subject to any mortgage or charge, and if so, that the mortgagee or chargee consents to the sale.

(2) The Bailiff shall not be required to proceed with the sale if the immovable property is subject to a mortgage or charge and the execution creditor is unable to produce the written consent of the mortgagee or chargee to the sale.

(3) If the Bailiff proceeds with the sale of the immovable property, the Bailiff may appoint any solicitor on his behalf to settle the particulars and conditions of sale.

(4) The Bailiff's instructions to a solicitor appointed to sell the immovable property shall include the following:

(a) that the Bailiff may require more than one valuation report to be submitted by a certified appraiser before proceeding with the sale;

(b) that the sale may be conducted by a licensed auctioneer and the immovable property may be offered for sale by way of private treaty, tender, auction or such other manner as the licensed auctioneer may advise;

(c) that the immovable property shall not be sold at a price below the forced sale value as specified in the valuation report, or if there exists two or more valuation reports, in the latest valuation report; and

(d) that the solicitor shall prepare all necessary conditions of sale, documentation, accounts and particulars on behalf of the Bailiff in accordance with the Bailiff's directions, and shall be entitled to recover his legal fees and disbursements.

120. Writs of execution & writs of distress – movable property

(1) Bailiff to inform execution debtor of the seizure and/or sale

Prior to the seizure and/or sale, the Bailiff will notify the execution debtor, as far as is practicable, of the impending seizure and/or sale.

(2) Execution creditor or his authorised representative to be present at the seizure and/or sale

(a) The execution creditor or his authorised representative must be present with the Bailiff at the appointed date and time of any seizure and/or sale.

(b) If the execution creditor or his authorised representative is absent at the appointed date and time of the seizure and/or sale, the execution creditor shall be deemed to have abandoned the same.

(3) Requests for the Bailiff's ad hoc attendance

(a) If any person requires the Bailiff to attend at any place in connection with any order of court or writ of execution or writ of distress whether during or after office hours for any purpose, that person must file a Request in the appropriate electronic form through the Electronic Filing Service. A Request for attendance made in any other manner will not be acceded to.

(b) The fees payable in respect of any such attendance by the Bailiff shall be as prescribed in the Rules of Court or as determined by the Registrar.

(4) Effecting entry into premises

Where the execution creditor requests the Bailiff to exercise his powers of entry into the premises of the execution debtor, the following conditions shall apply:

(a) save in special circumstances, entry shall only be effected on the second or subsequent appointment or attempt;

(b) the Bailiff may, in any case, refuse to effect the entry without assigning any reason; and

(c) the execution creditor shall at his expense, upon the direction of the Bailiff, engage any security personnel, locksmith or any other person or facility as the Bailiff deems appropriate to assist in effecting entry into the premises and the execution process.

(5) Valuation Report

The execution creditor or his solicitors shall, at the Bailiff's request, furnish a written valuation report of the item(s) that is/are the subject matter of the seizure.

(6) Auctions

(a) Scheduled auctions

If a scheduled auction is not proceeded with, or is abandoned due to the absence of the execution creditor or his authorised representative, the Bailiff may at his discretion release any or all of the items seized.

(b) Sale by auctioneer

Where the value of the property seized is estimated by the Bailiff to not exceed \$2,000, the auction shall be carried out by an authorised auctioneer engaged by the execution creditor, and all costs and expenses incurred in connection with the auction shall be borne by the execution creditor and may be added to the judgment debt.

121. Requests for the Bailiff's Attendance

(1) Where any party requires the bailiffs to:

(a) attend at the place of execution at any time after the first attendance, whether during or after office hours, for the purposes of executing a writ of execution or distress or to arrest a debtor, or any other purpose;

(b) to proceed with the auction of property under seizure; or

(c) to release property under seizure

he or she must do so by filing the requisite Request in Form 247 of Appendix A of these Practice Directions for attendance electronic form to the Bailiff through the Electronic Filing Service. A Request for attendance made in any other manner will not be acceded to.

(2) The fees prescribed by Part 19 to the Family Justice Rules will be payable in respect of any attendance by the bailiffs pursuant to a Request made in Form 247.

122. Examination of Judgment Debtor

(1) A questionnaire in the recommended format as set out in Form 248 or 249 of Appendix A (whichever is appropriate) shall be annexed to the Order for Examination of Judgment Debtor when the said Order is served on the Judgment Debtor. Solicitors may modify the questions according to the circumstances of each case.

(2) If the Judgment Debtor or his solicitor is of the view that any question is unreasonable, he is to contact the solicitor for the Judgment Creditor to ascertain whether the issue can be resolved prior to the hearing.

(3) At the hearing, the answered questionnaire is to be produced to the Registrar and received as evidence upon the Judgment Debtor's confirmation on oath that his answers provided are true and correct. Counsel for the Judgment Creditor may then apply to discharge the Judgment Debtor or proceed with further questioning.

(4) The Judgment Debtor need not attend at the examination hearing if:

(a) he is able to provide his answers to the questionnaire by way of an affidavit or statutory declaration; and

(b) the counsel for the Judgment Creditor agrees to discharge the Order for Examination at the examination hearing.

123. Committal proceedings

An applicant seeking to lift a suspension order under rule 763(3) of the Family Justice Rules to enforce committal orders must prepare his or her own Warrant in accordance with Form 161 in Appendix A to these Practice Directions and bring the same to the hearing.

124. Appeals

(1) Any appeal filed on or after 1st October 2014 against the decision or order of a District Judge of the Family Justice Courts made in any family court proceedings shall be made to the Family Division of the High Court.

(2) Any appeal filed on or after 1st October 2014 against the decision or order of the Registrar or Deputy Registrar or Assistant Registrar of the Family Justice Courts made in any family court proceedings shall be made to a District Judge of the Family Justice Courts.

(3) Any appeal filed on or after 1st October 2014 against the decision or order of the Registrar, Deputy Registrar or Assistant Registrar of the Family Justice Courts made in any Family Division of the High Court proceedings shall be made to the Family Division of the High Court.

(4) Any appeal filed on or after 1st October 2014 against the decision or order of a District Judge of the State Courts made in any family court proceedings shall be made to the Family Division of the High Court, and any appeal filed on or after 1st October 2014 against the decision or order of the Registrar or Deputy Registrar of the State Courts made in any family court proceedings shall be made to a District Judge of the Family Justice Courts.

(5) The appeals counter of the Family Justice Courts Registry is located in the Family Registry of the Family Justice Courts Building at 3 Havelock Square Singapore 059725.

125. Filing of records of appeal and written cases

Filing of records of appeal and written cases for appeals filed to the Family Division of the High Court under Part 18 Division 60 of the Family Justice Rules

(1) In practice, the District Judges may furnish grounds of decision, and if so, within 8 weeks of the filing of the notice of appeal although the furnishing of grounds of decision is not a requirement under the Part 18 Division 60 of the Family Justice Rules.

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

(a) the appellant shall, within 7 working days from the date of the release of the notes of evidence and grounds of decision (if any), 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

(b) the respondent shall, within 7 working days from the date of the service of the documents referred to in subparagraph (2)(a), 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:

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

(b) the issues arising in the appeal;

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

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

(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:

(a) the notice of appeal;

(b) the certified copy of the grounds of decision, if any;

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

(d) the originating process and all subsequent pleadings;

(e) 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

(f) the judgment or order appealed from.

(6) The core bundle shall, if necessary, contain a copy of:

(a) (deleted)

(b) (deleted)

(c) specific documents, from the record of appeal, or portions thereof that are of particular relevance to any question in the appeal or that will be referred to at the appeal; and

(d) 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 Family Division of the High Court may 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 appeals counter of the Registry of the Family Justice Courts.

(10) In order to assist the Judge hearing the appeal, the appellant and the respondent are to tender one hard copy of the record of appeal, submissions and the core bundle, where applicable, as well as any bundle of authorities to be relied upon to the Correspondence Clearance Centre at Level 1, Supreme Court Building not less than 10 days before the hearing of the appeal.

Filing of records of appeal and written cases for appeals filed after 1 October 2014 and before 1 January 2015 on ancillary matters or custody matters or s17A(2) SCJA proceedings from the Family Courts to the Family Division of the High Court under Order 55C of Rules of Court

(11) (deleted)

(12) (deleted)

(13) (deleted)

Filing of records of appeal and written cases for appeals to the Family Division of the High Court under Part 18 Division 59 of the Family Justice Rules

(14) Rules 827 and 828 of the Family Justice Rules apply with regard to the filing and preparation of the Record of Appeal, Appellant's case and Respondent's case.

(15) Where a Record of Appeal exceeds 1000 pages, a core bundle may be filed may be filed and served together with the Record of Appeal.

(16) Sub-paragraphs (6) to (10) shall apply and references to submissions shall be read as Appellant's case and Respondent's case.

126. Appeals before the Family Division of the High Court from tribunal or person under Part 18 Division 55 of the Family Justice Rules

(1) Rule 805(4) of the Family Justice Rules states that it is the appellant's duty to apply to the Judge or other person presiding at the proceedings in which the decision appealed against was given, for the signed copy of any note made by him of the proceedings and to furnish that copy for the use of the Court. For the avoidance of doubt, the onus is on the appellant to file a record of proceedings, comprising the signed copy of the notes of proceedings, and any further grounds of decision, in the Family Division of the High Court.

(2) The appellant and the respondent are to tender one hard copy of the notes of proceedings, grounds of decision and any skeletal arguments or bundles of authorities to be relied upon to the Correspondence Clearance Centre at Level 1, Supreme Court Building not less than 7 days before the hearing of the appeal, to assist the Judge of the Family Division of the High Court.

(3) No affidavits shall be filed in respect of the appeal without the leave of court.

127. Skeletal arguments for appeals before the Family Division of the High Court

(deleted)

128. Use of presentation slides for all proceedings before the Family Division of the High Court

Subject to approval by the Court, parties may utilise presentation slides to assist in oral submissions before the Court. Presentation slides may be projected in the courtroom or hearing chambers when oral submissions are made. Presentation slides shall comply with the following standards:

Typeface

(1) A clear typeface such as Arial or Times New Roman should be used; care should be taken to ensure that the font used is of at least a size equivalent to Arial font size 32. Bold and italicised fonts should be used sparingly.

Colours

(2) There should be sufficient contrast between the slide background and text: it is preferable to use black or dark fonts with a light background. The colours used in slide backgrounds should be muted and preferably monochromatic.

Animation and sounds

(3) Animation of slides or elements within a slide should be avoided; similarly, sounds should not be incorporated in the presentation slides unless they are necessary.

Corporate logos

(4) Corporate logos of the law practice may be displayed on the presentation slides. Care should be taken to ensure that the size and location of corporate logos do not distract from the substance of the presentation slides.

129. Request for waiver or deferment of court fees in Family Division of the High Court

A request for the waiver or deferment of the whole or any part of any appeal court fees under rule 998 of the Family Justice Rules must be supported by an affidavit in Form 250 of Appendix A of these Practice Directions. The affidavit in Form 250 must verify Form 251 of Appendix A of these Practice Directions.

130. Basis of taxation

Every bill of costs to be taxed pursuant to a judgment or order of court must be filed together with a copy of the judgment or order of court. Where an order for taxation is not required under the Family Justice Rules, the bill of costs shall describe succinctly in its heading the basis of taxation. A bill of costs for taxation between a solicitor and his client pursuant to section 120(3) of the Legal Profession Act (Cap 161) must be filed together with a copy of the document signifying the consent of the parties to taxation.

131. Form of bills of costs

The attention of solicitors is drawn to rules 875 and 882 and Part 1 of the Third Schedule of the Family Justice Rules. In addition, solicitors are to abide by the following requirements in relation to the form of bills of costs.

(1) Margins

A blank margin of not less than 10 mm wide must be provided on all four sides for each page of the bill of costs.

(2) Pagination

Every page of a bill of costs must be paginated consecutively at the centre of the top of the page. The attention of solicitors is drawn to Paragraph 146 of these Practice Directions in regard to pagination of documents filed using the electronic filing service.

(3) Format

(a) Party-and-party bills

(i) A bill of costs drawn up for taxation between one party to proceedings and another should be divided into three separate sections as required by rule 875 of the Family Justice Rules.

(ii) Form 252 in Appendix A to these Practice Directions should be used for contentious business in respect of work done for a trial or in contemplation of a trial.

(iii) Form 253 in Appendix A to these Practice Directions should be used for contentious business in respect of, or in contemplation of, work done other than for a trial (such as work done for an appeal or for a specific interlocutory application).

(b) Solicitor-and-own-client bills

(i) A bill of costs drawn up for taxation (pursuant to any written law) between a solicitor and his own client should be drawn up in the same manner described in sub-sub paragraph (a) above save as follows:

(A) A solicitor will be deemed to have indicated that all items included in the bill are in relation to work done or disbursements incurred with the approval of the client.

(B) Any agreement, whether oral or in writing, between the solicitor and his own client relating to the amount of costs payable either as a global sum or in respect of particular items included in the bill should be indicated on the bill.

(C) Any agreement between the solicitor and his own client as to the rate to be used to compute the solicitor's costs should also be indicated in the bill.

(ii) Form 254 in Appendix A to these Practice Directions should be used for non-contentious business.

(c) Specimen bills

Specimen bills illustrating the use of Forms 252, 253 and 254 in Appendix A to these Practice Directions are included in Appendix C for the guidance of solicitors.

(4) Particulars

(a) Sufficient particulars must be included in the bill of costs so as to enable the Registrar to exercise his discretion under paragraph 1(2) in Part 1 of the Third Schedule of the Family Justice Rules.

(b) Without prejudice to sub-paragraph (3), the Registrar may, at the taxation hearing, order the claiming or receiving party to furnish full details in support of the sums claimed under the bill.

(c) Each bill of costs submitted to the Court through the Electronic Filing Service must —

(i) be in Portable Document Format (PDF);

(ii) comply with these Practice Directions; and

(iii) be accompanied by a bill of costs composed online through the Electronic Filing Service.

(d) The information required by the Electronic Filing Service to compose the bill of costs summary includes the costs claimed under Sections 1, 2 and 3 of the bill of costs.

(5) Goods and Services Tax

A party claiming goods and services tax (hereinafter referred to as “GST”) in a bill of costs must comply with the directions set out in this sub-paragraph. A party who fails to comply with the directions set out in this sub-paragraph will be presumed not to be claiming GST in the bill concerned.

(a) GST registration number

(i) The GST registration number allocated by the Comptroller of Goods and Services Tax to the solicitors for the receiving party or parties should appear at the top left hand corner of the first page of the bill of costs.

(ii) The GST registration numbers, if any, allocated to the receiving parties or to any one or more of them, as the case may be, must also appear at the top left hand corner of the first page of the bill of cost.

(iii) The GST registration numbers should be indicated as follows: “GST Reg. No. *(solicitors for plaintiff/solicitors for 1st defendant/2nd defendant/(or as the case may be))* : xxxxx.”

(iv) Where no GST registration number has been allocated to a receiving party, a statement to this effect should be included after the GST registration numbers of the solicitors for the receiving parties, or the receiving parties, as the case may be, in the following manner: “ Solicitors for plaintiff/solicitors for 1st defendant/2nd defendant/(or as the case may be) : no GST Reg. No.”

(b) Input tax allowable

The proportion of input tax for which the receiving parties, or one or more of them, are not entitled to credit should be stated, as a percentage, in parentheses after the GST registration number of the party or parties concerned. For a person who is not liable to be registered within the meaning of the First Schedule to the Goods and Services Tax Act (Cap. 117A), this proportion should be 100%.

(c) Apportionment

(i) The first section of the bill of costs should set out the work done in the cause or matter except for taxation of costs. The amount of costs claimed for work done should be divided into as many parts corresponding with the different rates of GST applicable pursuant to section 16 of the Goods and Services Tax Act, its predecessor and any subsequent amendments thereto. Each part should state the global sum of costs claimed and the applicable GST rate for the relevant period.

(ii) The second section which sets out the work done for and in the taxation of costs should describe the work done, the sum of costs claimed and the applicable GST rate.

(iii) The third section, which sets out the disbursements made in the cause or matter, should first set out the disbursements on which no GST is chargeable by the solicitors for the receiving party or the receiving party as the case may be. For the disbursements on which GST is chargeable, it shall be divided into as many parts corresponding with the number of different rates of GST applicable pursuant to section 16 of the Goods and Services Tax Act, its predecessor and any subsequent amendments thereto. Each part should set out the disbursements on which GST is chargeable by the solicitors for the receiving party or the receiving party, as the case may be and the applicable GST rate. For example, for a matter which commenced in 1998 and concluded with a judgment in March 2003, with regard to disbursements on which GST is chargeable, the first part will set out the disbursements incurred on or before 1 January 2003 and the amount claimed for GST at the rate of 3%, while the second part will set out the disbursements incurred on or after 1 January 2003 and the amount claimed for GST at the rate of 4%. If a claim is made for disbursements incurred on or after 1 January 2004, the second part will set out the disbursements incurred on or after 1 January 2003 and before 1 January 2004, the amount claimed for GST at the rate of 4%, followed by a third part which shall set out the disbursements incurred on or after 1 January 2004 and the amount claimed for GST at the rate of 5% (or the applicable rate pursuant to section 16 of the Goods and Services Tax Act).

(d) Summaries of the GST claimed for work done

The following information as is applicable should be included at the end of the first and of the second sections:

- (i) the global sum of costs claimed for work done during each period for which a different rate of GST applies or no GST applies;
- (ii) the proportion, as a percentage, of input tax for which the receiving parties, or one or more of them, are not entitled to credit;
- (iii) a quantification of the input tax on the costs claimed in the section concerned for which the receiving parties, or one or more of them, are not entitled to credit; and
- (iv) quantifications of the GST claimed at the applicable rate on the costs claimed in the section concerned.

(e) Summary of the GST claimed for disbursements

The following information as is applicable should be included at the end of the third section:

- (i) a summation of the disbursements on which no GST is chargeable by the solicitors for the receiving party or the receiving party, as the case may be;
- (ii) a summation of the disbursements on which GST is chargeable by the solicitors for the receiving party or the receiving party, as the case may be;
- (iii) the proportion, as a percentage, of input tax for which the receiving parties, or one or more of them, are not entitled to credit;
- (iv) a quantification of the input tax on the disbursements on which GST is chargeable by the solicitors for the receiving party for which the receiving parties, or one or more of them, are not entitled to credit; and
- (v) quantifications of the GST claimed at the applicable rates on the disbursements.

(f) Registrar's certificate

The total amount of GST allowed on a bill of costs will be indicated as a separate item in the Registrar's certificate. Solicitors are responsible for ensuring that the GST figures accurately reflect the sums allowed by the Registrar.

132. Registrar's Certificate

(1) There is no necessity for solicitors to collect the taxed bill of costs from the Registry to prepare the Registrar's Certificate.

(2) As the Registrar's Certificate of costs under rule 883 of the Family Justice Rules will be composed online based on the summary in the bill of costs, solicitors should ensure that the information contained in the summary in the bill of costs accurately reflects the information contained in the bill of costs submitted.

(3) Solicitors should also ensure that the amounts claimed for goods and services tax (GST) in the Registrar's Certificate are correct.

(4) The procedure for the preparation of draft orders set out in these Practice Directions shall, with the necessary modifications, apply to the preparation of the Registrar's Certificate.

(5) For the avoidance of doubt —

(a) the Registrar's Certificate shall be filed as a Portable Document Format (PDF) document for bills of costs filed before 30 September 2013; and

(b) for all other cases, the Registrar's Certificate shall be composed online through the Electronic Filing Service.

133. Objections

(1) In any disputed taxation involving party-and-party bills of costs, solicitors presenting the bill for taxation shall observe the following procedure:

(a) the respective solicitors shall confer prior to the date appointed for taxation with a view to resolving, limiting or clarifying the items in dispute; and

(b) any objections in principle or as to quantum of the items claimed in a bill of costs must be indicated by the filing and service of a Notice of Dispute in Form 255 in Appendix A to these Practice Directions at least 7 days before the date fixed by the Registrar for the taxation of the bill of costs.

(2) The Registrar may, in his discretion, make any appropriate orders as to costs if any of the above directions have not been complied with.

(3) The Notice of Dispute shall be filed through the Electronic Filing Service in Portable Document Format (PDF) and be accompanied by a Notice of Dispute summary, the electronic form of which will be composed online through the Electronic Filing Service.

(4) The information required by the Electronic Filing Service to compose the Notice of Dispute summary includes the amounts of costs to be awarded under Sections 1, 2 and 3 of the bill of costs according to the respondent.

134. Amount allowed as disbursement on account of use of electronic transmission

(1) If a document is filed using the Electronic Filing Service, \$0.40 for each page of the document thus filed shall be allowed

as costs between parties to proceedings. Such costs may be claimed by a receiving party from the paying party where the receiving party is entitled to costs for the filing of the document. These costs shall be allowed in addition to all other disbursements and Court fees.

(2) This Paragraph shall apply to the taxation of costs as well as cases where the Court fixes a gross sum in lieu of taxation.

(3) This Paragraph shall not apply to any document filed through the service bureau.

135. Taxations involving the Public Trustee or the Director of Legal Aid

(1) The directions contained in this Paragraph shall be complied with in respect of all taxations in which the Public Trustee or the Director of Legal Aid is involved.

(2) For all taxations in which the Public Trustee or the Director of Legal Aid is involved —

(a) the receiving party must, prior to the filing of the bill of costs in Court through the Electronic Filing Service, send the bill of costs to be filed to the Public Trustee or the Director of Legal Aid, as the case may be;

(b) the Public Trustee or the Director of Legal Aid should then inform the receiving party whether he/she agrees or disagrees with the amounts claimed in the bill of costs;

(c) when filing the bill of costs in Court through the Electronic Filing Service, the receiving party must state whether the Public Trustee or the Director of Legal Aid agrees or disagrees with the amounts claimed in the bill of costs; and

(d) the bill of costs should also be served on the Public Trustee or the Director of Legal Aid, as the case may be, on the same day that the bill of costs is filed.

(3) If the Public Trustee or the Director of Legal Aid (as the case may be), agrees with the amounts claimed in the bill of costs, then —

(a) for solicitor-and-client bills filed pursuant to the Legal Aid and Advice Act (Cap. 160) where the Director of Legal Aid is the respondent, the receiving party and the Director of Legal Aid need not attend at the taxation and the bill will be taxed in their absence, except that if the taxing Registrar disagrees with the quantum of costs agreed on, he may nonetheless direct the attendance of the Director of Legal Aid at a later date.

136. Fixing costs in *lieu* of ordering taxation

(1) The Court may, where appropriate, fix costs at the end of a hearing or trial in lieu of ordering taxation. Counsel should therefore be prepared to make submissions on the entitlement to and quantum of costs at the end of a hearing or trial, whether before or after judgment is delivered.

(2) Counsel should note that the Court may fix costs where costs have been ordered to be in the cause, or on hearing applications for dismissal or striking out pursuant to an unless order, and be prepared to make submissions accordingly.

137. Costs Scheduling

(1) The directions contained in this paragraph shall apply to:

(a) trials in for all writ actions and originating summonses ordered to be continued as if the cause or matter had

been begun by writ; and

(b) originating summonses involving cross-examination of any deponent.

(2) Each party to the proceedings described in sub-paragraph (1) shall be required to file a costs schedule using Form 256 in Appendix A of these Practice Directions. The costs schedule should set out with sufficient particularity the quantum of party-and-party costs and disbursements that the party intends to claim in the event that the party succeeds.

(3) The relevant costs schedule will be taken into account for the purposes of assessing the quantum of costs to be awarded for the proceedings.

(4) The costs schedule for the proceedings described in sub-paragraphs (1)(a) and (b) shall be filed together with the parties' written closing submissions or, where there are no written closing submissions, before the parties' oral closing submissions are presented.

138. Operating hours of the Family Justice Courts

The various courts, offices and counters within the Family Justice Courts have different operating hours. These operating hours may be found the Family Justice Courts' website at <http://www.familyjusticecourts.gov.sg>.

139. Hours for the sittings of the Family Justice Courts

(1) The hours for the sittings of the Family Justice Courts shall be as follows, subject to the presiding Judge's/Magistrate's/Registrar's discretion in any case to conclude a sitting at such earlier or later time as he may direct:

Family Courts

(a) Mentions Courts

Mondays to Fridays - 9:00 a.m. to 1:00 p.m. and

2:30 p.m. to 5:30 p.m.

(b) Hearing Courts and Chambers_

Mondays to Fridays - 9:30 a.m. to 1:00 p.m. and

2:30 p.m. to 5:30 p.m.

Youth Courts

(c) Mentions Courts

Mondays to Fridays - 9:00 a.m. to 1:00 p.m. and

2:30 p.m. to 5:30 p.m.

(d) Hearing Courts and Chambers

Mondays to Fridays - 9:30 a.m. to 1:00 p.m. and

2:30 p.m. to 5:30 p.m.

Family Division of the High Court

(e) Registrar's Chambers

Mondays to Fridays - 9:00 a.m. to 1:00 p.m. and

2:30 p.m. to 5:30 p.m.

(f) Hearing Courts and Chambers

Mondays to Fridays - 10:00 a.m. to 1:00 p.m. and

2:15 p.m. to 5:00 p.m.

140. Application

(1) The directions contained in Paragraphs 140 to 154 shall apply to the filing, service, delivery and conveyance of documents under Part 18 Division 68 of the Family Justice Rules.

(2) All other Paragraphs in these Practice Directions shall also apply to the filing, service, delivery and conveyance of documents under Part 18 Division 68 of the Family Justice Rules, except and to the extent that the contrary is specified.

(3) If anything in this Part has the effect of modifying any other direction, whether expressly or impliedly, then such other direction shall apply in relation to the filing, service, delivery and conveyance of documents under Part 18 Division 68 of the Family Justice Rules with such modification.

(4) Where the words and phrases set out in rule 913 of the Family Justice Rules are used in this Part, they shall have the same meaning as defined in rule 913 of the Family Justice Rules, unless otherwise specified.

141. Establishment of Electronic Filing Service and appointment of network service provider

In exercise of the powers conferred by rules 914 and 915 of the Family Justice Rules, the Registrar, with the approval of the Chief Justice, hereby —

(a) establishes an Electronic Filing Service known as the Integrated Electronic Litigation System or eLitigation and accessible at <http://www.elitigation.sg>; and

(b) appoints CrimsonLogic Pte Ltd as the Electronic Filing Service provider for this service, with the Electronic Litigation Systems Committee of the Singapore Academy of law as its superintendent pursuant to Rule 13A(2) of the Singapore Academy of Law Rules (Cap. 294A, Rule 1).

142. Appointment of agent to establish service bureau

Pursuant to rule 917 of the Family Justice Rules, the Registrar hereby appoints CrimsonLogic Pte Ltd as an agent to establish

a service bureau at 133 New Bridge Road #19-01/02 Chinatown Point Singapore 059413 (or such other address in Singapore as may be deemed suitable), with the Electronic Litigation Systems Committee of the Singapore Academy of Law as its superintendent pursuant to Rule 13A(2) of the Singapore Academy of Law Rules (Cap. 294A, Rule 1).

143. Registered users and authorised users

(1) Under Part 18 Division 68 of the Family Justice Rules, any entity may apply to be a registered user and a registered user may designate one or more of its partners, directors, officers or employees to be an authorised user. Such applications shall be dealt with by the eLitigation Project Director. For the purpose of Part 18 Division 68 of the Family Justice Rules, the identification code of an authorised user shall be his or her SingPass ID.

(2) The following procedures shall apply to applications to become a registered user and for designating authorised users:

(a) The application to become a registered user must be made to the eLitigation Project Director using Form 257 in Appendix A to these Practice Directions. In Form 257, the registered user must nominate at least one authorised user. Form 257 must be accompanied by the following:

(i) a recent business profile report from the Accounting and Corporate Regulatory Authority (ACRA) of the registered user;

(ii) an application form including the subscriber agreement for subscription to the Electronic Filing Service; and

(iii) two sets of GIRO application forms for the electronic payment of filing and hearing fees and electronic filing and other charges.

(b) After the application to become a registered user has been approved, the application forms for subscription to the Electronic Filing Service and GIRO electronic payment will be forwarded to the Electronic Filing Service provider.

(c) After the Electronic Filing Service provider has processed the applications and made arrangements for GIRO electronic payments, the registered user will be provided access to his or her Electronic Filing Service account. The initial authorised user may designate additional authorised users by providing the identification code of each authorised user to be added through the administration module of the Electronic Filing Service.

(3) Registered users approved hereunder shall be deemed to be approved by the Registrar of the Family Justice Courts. Registered users shall be responsible for all transactions conducted and liable for all fees and charges incurred by any of their designated authorised users in the Electronic Filing Service.

(4) The registered user shall be responsible for ensuring that the list of designated authorised users is kept updated at all times through the administration module of the Electronic Filing Service and for updating the eLitigation Project Director of any changes in the list of its advocates and solicitors in accordance with the procedure stated in sub-paragraph (5) below.

(5) A registered user shall submit to the eLitigation Project Director on an annual basis, and in any event by the end of May each year, a list of its advocates and solicitors as at the 1st of May of each year.

(6) Additionally, a registered user may at any time submit to the eLitigation Project Director an updated list of its advocates and solicitors in the event of any significant change in the number of its advocates and solicitors.

144. Documents which must be filed, served, delivered etc., using the Electronic Filing Service

(1) Pursuant to rules 913 and 920 of the Family Justice Rules, the Registrar hereby specifies that all documents to be filed with, served on, delivered or otherwise conveyed to the Registrar in all 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.

(2) It shall not be necessary to use the Electronic Filing Service in respect of the following proceedings:

(a) any petition for divorce

(3) Parties are to note that the documents which are to be filed pursuant to rule 567(1) of the Family Justice Rules may, instead of being filed through the Electronic Filing Service, be filed in accordance with the procedure outlined in Paragraph 90(3)-(7).

(4) In respect of appeals under Part 18 Division 59 of the Family Justice Rules, it shall not be necessary to file, deliver or convey any document at the Family Division of the High Court using the Electronic Filing Service if its filing, service, delivery or conveyance is not required under Part 18 Division 59 of the Family Justice Rules.

(5) Where documents are served using the Electronic Filing Service, a Certificate of Service will be automatically generated and stored in the electronic case file.

(6) Bundles of authorities 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 hardcopies for hearings in accordance with the Directions contained in this Part.

145. Form of documents

(1) It is not necessary for documents that are electronically filed in Court to have a cover page or backing sheet.

(2) Parties are reminded that they must, at all times, ensure that the information stored in the front end system is up-to-date and free from errors as the same information will be reproduced in electronic forms that are generated by the Electronic Filing Service.

(3) Documents generated by the Electronic Filing Service containing out-of-date or wrong information will be rejected by the Registry and the fee payable shall be that stipulated in Part 19 of the Family Justice Rules.

(4) In the event that the Electronic Filing Service fails to automatically generate an information page, parties may undertake the procedure outlined in Paragraph 151(2) of these Practice Directions.

(5) If a document generated by the Electronic Filing Service is in respect of an Originating Summons or Petition for Probate or Letters of Administration where the parties are described as “Petitioner” and “Respondent”, parties should first write to the Family Registry by way of a Request through the Electronic Filing Service to request the convening of a Case Conference in respect of the matter. At the PTC, appropriate directions will be given to change the references to “Petitioner” and “Respondent” in the case title to “Plaintiff” and “Defendant” or such other party description as appropriate.

146. Pagination of documents

Every single page of a document *must* be paginated so that the pagination on the actual document corresponds with the pagination of the document in the electronic case file. This is to facilitate hearings involving documents.

147. Filing documents through service bureau

(1) Solicitors and law firms are encouraged to file documents through the Electronic Filing Service. However, in the event that certain documents cannot be filed through the Electronic Filing Service, solicitors and law firms may file documents through the service bureau. Litigants in person may also file documents through the service bureau.

(2) The operating hours of the service bureau may be found on the Electronic Filing Service website at <http://www.elitigation.sg>.

(3) [Deleted]

(4) Any document which is accepted for filing outside the time periods specified on the Electronic Filing Service website at <http://www.elitigation.sg> will be treated by the service bureau as having been accepted on the following working day.

(5) Documents to be filed through the service bureau must comply with these Practice Directions and all applicable administrative instructions and procedures prescribed by the service bureau with the approval of the superintendent.

(6) Documents filed through the service bureau shall be subject to a Manual Handling Fee as set out in the Electronic Filing Service website at <http://www.elitigation.sg> and additional services made available by the service bureau may be subject to other administrative charges imposed by the service bureau with the approval of the superintendent.

148. Filing of documents to the Family Justice Courts through a Supreme Court service bureau

Pursuant to rule 929(4) of the Family Justice Rules, the Registrar hereby prescribes that any service bureau established or authorised to be established by the Registrar of the Supreme Court may assist in the filing, service, delivery or conveyance of documents pertaining to:-

(a) proceedings in the Family Division of the High Court, and

(b) Family Courts using the Electronic Filing Service if the service bureau, or, if there are more than one, all the service bureaux, established or authorised to be established by the Registrar are unable to provide such services owing to failure of hardware or software, or both.

149. Limits on the size and number of documents submitted using the Electronic Filing Service

(1) The following limits apply to the filing of documents using the Electronic Filing Service:

(a) the total number of documents in a single submission must not exceed 99; and

(b) the size of a single submission must not exceed 500 mega-bytes.

(2) The limits described above apply to filing both online through the Electronic Filing Service and the service bureau.

(3) The resolution for scanning, unless otherwise directed by the Court, must be no more than 300 DPI.

(4) In the event that any solicitor wishes to file documents which exceed the limits specified in sub-paragraph (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 to be given on how the documents should be filed.

(5) If any document should exceed 300 pages, then that document shall be sub-divided, at a convenient page, into parts, for example, Affidavit of Tan Ah Kow Part A, Affidavit of Tan Ah Kow Part B and so on.

150. Documents which cannot be converted into an electronic format

(1) If a document cannot be converted in whole or in part into an electronic format for any reason, the hardcopy of the document must be filed at the Family Registry of the Family Justice Courts.

(2) If the Court receives a document which the filing party says cannot be converted in whole or part into an electronic format, and it can discern no good reason why the document cannot be wholly converted into an electronic format, the document may be rejected.

151. Rejection of documents, back-dating and refund of penalty

(1) Care must be taken to enter correct, complete and accurate information into the electronic form. If the information entered into the electronic form and the actual document differ, the document is likely to be rejected by the Court. If a document is rejected by the Court for any reason, a penalty may nonetheless be payable in respect of the document as specified in Part 19 of the Family Justice Rules. In this regard, solicitors' attention is also drawn to rule 928 of the Family Justice Rules.

(2) In the event however that any document is rejected through no fault of the filing party, a solicitor may —

(a) re-file the document with a request that the date and time of filing or issuance, as the case may be, be back-dated to an earlier date and time, pursuant to rule 922 of the Family Justice Rules; and

(b) request a refund of the penalty by filing the requisite electronic form through the Electronic Filing Service.

(3) Where leave of Court has been obtained to expunge parts of a document or affidavit from the Court record, an applicant or his solicitor must re-file the document or affidavit with the expunged parts redacted and with a request that the date and time of filing or issuance, as the case may be, be back-dated to an earlier date and time, pursuant to rule 922 of the Family Justice Rules.

(4) For the avoidance of doubt, a filing fee will be payable in respect of the re-filed document or affidavit as specified in Part 19 of the Family Justice Rules and the filing fee paid on the earlier filing of that document or affidavit will not be refunded.

152. Hard copies of documents filed electronically

(1) The Registrar may, at his discretion, request for hard copies of any documents filed electronically.

(2) Upon such request, the filing party or his solicitor shall furnish hard copies of the relevant documents at the venue specified by the Registrar —

(a) within the specified time frame; or

(b) within 24 hours of the request, if no time frame is specified.

(3) The Registrar may also direct that any or all documents shall be filed in hardcopy instead of using the Electronic Filing Service for such period or periods as he in his discretion thinks fit.

153. Responsibility for accuracy and completeness of information submitted using the Electronic Filing Service

(1) The solicitor having the conduct of any cause or matter may delegate the task of filing originating processes and documents in Court to an assistant or a suitably experienced law clerk or secretary, provided always that the solicitor shall personally satisfy himself as to the accuracy and completeness of the information submitted to the Court, and shall personally bear responsibility for any errors or deficiencies.

(2) In particular, solicitors should ensure the following:

(a) that the title of the action generated using the Electronic Filing Service is accurate and correct;

(b) where an action is commenced by way of a writ of summons, that at least one nature of claim is selected that adequately represents the subject matter of the action; and

(c) where an action is commenced by way of an originating summons, that either the relevant legislation under which the action is brought is provided or at least one nature of claim is selected that adequately represents the subject matter of the action.

Consolidated, transferred or converted cases in civil proceedings

(3) Where leave of Court has been obtained to consolidate cases or transfer a case from the Supreme Court to the Family Justice Courts or an order is made in a matter commenced by originating summons to continue as if commenced by writ, the applicant or his solicitor must inform the Registry of the order for consolidation or transfer or conversion by way of an appropriate Request through the Electronic Filing Service.

154. Amendment of documents originally filed in Court by entering relevant information in an electronic template

(1) This Paragraph applies to documents that have originally been filed in Court via the Electronic Filing Service.

(2) Where such a document is to be amended, whether pursuant to rule 60 of the Family Justice Rules or, with leave of court, the amended document is to be prepared and filed by entering the relevant amendments in the appropriate electronic template. The amended document need not be filed in PDF format. In this respect, Paragraph 95(2)(c), (4) and (5) of these Practice Directions shall not apply.

155. Filing directions to the Accountant-General for payment into and out of Court

(1) Where monies are sought to be paid into Court pursuant to a judgment or order of the Court, a copy of the judgment or order must be referenced in the draft direction to the Accountant-General for payment in submitted to the Registry for approval.

(2) Where monies are sought to be paid out of Court pursuant to a judgment or order of the Court, pursuant to the acceptance of a payment into Court made under Part 18 Division 16 of the Family Justice Rules, a copy of the judgment or order, or of the notice in Form 92 in Appendix A to these Practice Directions, or of the written consent, must be attached to the draft direction to the Accountant-General for payment out submitted to the Registry for approval.

(3) Every draft direction for payment into or payment out of Court shall contain amounts in a single currency.

(4) Where monies in different currencies are to be paid into or out of Court, separate draft directions must be prepared for each currency in which payment is to be made.

156. Electronic payment of Court fees

- (1) Court fees not paid using the Electronic Filing Service may be paid by electronic means.
- (2) Payment through electronic means includes payment effected by Interbank GIRO (IBG) and NETS. For law firms, payment by IBG would be the most appropriate mode of electronic payment. A law firm using IBG will authorise the Family Justice Court to deduct the fees from its bank account upon lodgement of the prescribed lodgement form. The law firm will receive detailed reports on its IBG payments to facilitate accounting and help with bank reconciliation.

157. Stamping of documents

- (1) Only documents filed in the Family Justice Courts will be stamped at the Family Justice Courts’ stamp office. The amount of stamp fees payable must be indicated on the top right hand corner of the document. In addition, solicitor’s clerks or solicitors must complete and submit the requisition form set out in Form 258 of Appendix A, together with the relevant document(s) to the cashier for stamping.
- (2) Payment should be made with Cash, NETS, local Cashier’s Order and Bank Draft (in Singapore currency). Cashier’s Orders and Bank Drafts should be crossed and made payable to:

“Registrar, Supreme Court/AG”

- (3) The stamp office shall be opened during the following hours:

Monday to Friday	-	9.00 am to 1.00 p.m., and 2.00 p.m. to 4.00 p.m.
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Part XIV – General Matters

158. Weekend / Public Holiday Duty Registrar and Judge at the Family Courts

- (1) The Duty Judge at the Family Courts may hear an urgent application from 9 a.m. to 6 p.m on Saturdays, Sundays and public holidays under the following circumstances:
- (a) where the applicant, being a lawful guardian or parent of a child, is seeking to restrain or enjoin another party from taking the child out of jurisdiction without the consent of the applicant;
 - (b) the child’s departure from Singapore is so imminent that it would be too late for the application to be heard on the next working day; and
 - (c) there is a strong likelihood that the child, once taken out of Singapore, will not return to Singapore.
- (2) To request the urgent hearing of such an application, the applicant should contact the Weekend / Public Holiday Duty Registrar at 97241402 during the hours of 9 a.m. to 6 p.m on Saturdays, Sundays and public holidays.
- (3) The Duty Registrar will only arrange for the hearing of the application before the Duty Judge if the applicant satisfies the Duty Registrar that the case meets all the criteria stipulated in sub-paragraph (1).
- (4) If the applicant is unable to file the application and supporting affidavits via the electronic filing service (EFS) before the hearing, he / she must give a signed written undertaking to the Court to do so in accordance with Form 259 in Appendix A to

these Practice Directions before the application will be heard. The applicant must bring three copies each of the application, the supporting affidavit and the appropriate draft orders of court (Form 260 in Appendix A to these Practice Directions) for the ex parte hearing.

(5) On an ex parte application for an injunction against the permanent removal of a child from Singapore, the Court would require the applicant, to give an undertaking to compensate any party for any loss caused as a result of the application. The Court may require the undertaking as to damages to be supported by —

- (a) making payment into Court;
- (b) furnishing a banker's guarantee; or
- (c) making payment to the applicant's solicitor to be held by the solicitor as an officer of the Court pending further order.

(6) An applicant for an order under section 14 of the Guardianship of Infants Act (Cap 122) must prepare the following documents in accordance with the appropriate forms in Appendix A to these Practice Directions and bring them along to the hearing:

- (a) the Order of Court being sought (Form 261 in Appendix A to these Practice Directions);
- (b) the Writ for Seizure (Form 262 in Appendix A to these Practice Directions);
- (c) the Request for Writ for Seizure (Form 263 in Appendix A to these Practice Directions);
- (d) the applicant's letter of undertaking to indemnify the Family Justice Courts and the Bailiff against any liabilities or claims that may arise from or in connection with the execution of the order granted by the Court to the applicant (Form 264 in Appendix A to these Practice Directions);
- (e) the applicant's letter of undertaking to pay compensation / damages and to serve the documents (Form 265 in Appendix A to these Practice Directions); and
- (f) the applicant's counsel's letter of undertaking to ensure a calm and orderly execution and to pay the costs, expenses and charges of execution should the same not be fully paid by the applicant (Form 266 in Appendix A to these Practice Directions)

(7) The forms in Appendix A to these Practice Directions are intended to make it easier for persons served with the relevant orders to understand what the orders mean. These standard form orders should be used save to the extent that an applicant is of the view that the form should be varied and the Duty Judge hearing a particular application considers that there is a good reason for adopting a different form. Any departure from the terms of the standard forms must be justified by the applicant in his / her supporting affidavit(s).

(8) If an order is granted under section 14 of the Guardianship of Infants Act (Cap 122), the applicant must do the following:

- (a) accompany the Bailiff to the place of execution and identify the child to be seized;
- (b) instruct his / her solicitor (if any) to accompany the Bailiff;
- (c) provide specific address of execution and if the execution is at an airport (whether Singapore Changi or Seletar), solicitor/applicant shall provide the details of flight and terminal number (boundary of seizure at the airport is restricted to public area); and
- (d) engage and pay for the costs of an auxiliary police officer to accompany the Bailiff to the place of execution, subject to the condition that where the person against whom the execution is to be carried out or the child / any

of the children concerned is a female, the auxiliary police officer shall be a female officer.

(9) For the avoidance of doubt, every applicant must comply with Paragraph 83 of these Practice Directions.

159. Duty Registrar and Duty Magistrate

(1) The duties of the Duty Registrar are —

- (a) to hear applications made ex parte or by consent (except probate matters) provided that the summons has been entered in the summonses book;
- (b) to grant approval for any matter pertaining to the administration of the Registry, including giving early or urgent dates and allowing inspection of files;
- (c) to sign documents to effect sale and transfer of matrimonial assets; and
- (d) to sign and certify documents.

(2) The duties of the Duty Magistrate shall include the examination of complainants when they file a Magistrate’s Complaint.

(3) The duty hours shall be as follows:

Mondays to Fridays	-	9:30 a.m. to 1:00 p.m., and 2:15 p.m. to 5:30 p.m.
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(4) Only solicitors (or, where a party is not represented, a litigant in person) shall appear before the Duty Registrar.

(5) Except where the attendance of the advocate and solicitor is required under sub- paragraph (9), the filing of the relevant documents will be sufficient for the Duty Registrar’s disposal of any application or matter. Documents which are filed using the Electronic Filing Service will be returned to the solicitor through the Electronic Filing Service to the inbox of the law firm’s computer system or through the service bureau. Documents which are not electronically filed shall be collected from the relevant Family Registry not earlier than one clear day after the documents have been filed.

(6) All documents which are not required to be filed using the Electronic Filing Service should be duly stamped before presentation to the Duty Registrar for his signature and/or decision.

(7) A solicitor who wishes to attend before a Duty Registrar and to refer him to documents filed using the Electronic Filing Service must either —

- (a) file the document sufficiently far in advance before attending before the Duty Registrar such that the documents are already included in the electronic case file for the Duty Registrar’s reference (and in this regard, solicitors should only attend before the Duty Registrar after they have received notification from the Court that the document has been accepted); or
- (b) attend before the Duty Registrar with the paper documents, if these exist (and in this regard, the Duty Registrar will require the solicitor to give an undertaking to file all the documents by the next working day after the attendance before dealing with the matter).

(8) Solicitors should register at the relevant Family Registry counter prior to attending before the Duty Registrar.

(9) The advocate and solicitor's attendance is compulsory only:

- (a) when he is requesting an early or urgent date for hearing before the Registrar or Judge;
- (b) when an application or document is returned with the direction "Solicitor to Attend"; or
- (c) when so required by any provision of law.

(10) A solicitor may, if he wishes to expedite matters, attend before the Duty Registrar even if his attendance is not ordinarily required.

(11) When dealing with the ancillary matters, the Court may grant orders under section 31 of the Family Justice Act empowering the Registrar to sign the documents to effect the sale and transfer of matrimonial assets. These orders fall into two categories:

- (a) an order empowering the Registrar to sign the relevant documents without further notice to the party whom the Registrar is signing the documents on behalf of ("Category A orders"); and
- (b) an order empowering the Registrar to sign the relevant documents only in the event of a default by a party in signing the relevant documents ("the other party") despite written notification to him/her to sign the relevant documents ("Category B orders").

(12) Applications to obtain the signature of the Registrar pursuant to Category A orders and Category B orders shall be made before the Duty Registrar in the Family Justice Courts. The documents to be signed by the Duty Registrar shall contain the following endorsements:

"Signed on behalf of {insert name of party in default} by Registrar, Family Justice Courts, pursuant to order of court dated {insert date}"

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

(a) For Category A orders

- (i) The sealed copy of the order of court empowering the Registrar to sign the relevant documents; and
- (ii) A duplicate copy of each of the documents to be signed by the Registrar, which will be retained by the Court.

(b) For Category B orders

- (i) The documents set out in sub-paragraph (13)(a)(i) and (ii) above.
- (ii) An affidavit showing the other party's default in signing the relevant documents.

(14) The sealed copy of the order of court empowering the Registrar to sign will be returned after the signing of the documents.

160. Attendance of solicitors in Court

(1) Save in the most exceptional and unforeseen circumstances, and so long as the firm of solicitors remains on record, a member of the firm must attend all proceedings in respect of the cause or matter in which the firm is acting, even if it does not intend to oppose the orders sought by the other side. The practice of asking the opposing solicitor to mention the matter on one's behalf is also not acceptable and should be discouraged.

(2) The court may however allow a solicitor appearing in any cause or matter to mention for counsel for all other parties provided that:

- (a) the solicitor obtains confirmation of his authority to mention on their behalf for the purpose of the hearing; and
- (b) parties have agreed on the order sought.

(3) However, where an adjournment of the hearing date of any cause or matter is sought, solicitors for all parties must attend the hearing.

161. Use of Video or Telephone Conferencing for Hearings

(1) These directions apply to hearings to be conducted by video or telephone conferencing, as directed by the Court.

Guidelines for Video and Telephone Conferencing

(2) A set of guidelines (“Guidelines”) shall govern the scope, use and procedure for the conduct of hearings by video or telephone conferencing. The Guidelines are found on <https://www.familyjusticecourts.gov.sg> and counsel / parties are to abide by and familiarise themselves with the Guidelines for hearings conducted by video or telephone conferencing. The Guidelines may be amended where necessary.

(3) Counsel / parties shall ensure that their equipment meets the required technical specifications and that they are familiar with the applicable platform listed in the Guidelines.

Directions for Hearing by Video and Telephone Conferencing

(4) Where the Court directs that a hearing will be conducted by video or telephone conferencing, a Registrar’s Notice will be sent to the parties in advance of the scheduled hearing.

Conduct of Hearing

(5) The hearing shall proceed as if it were a hearing conducted in person before the Court. Parties must observe all rules of etiquette applicable to Court hearings as prescribed in these Practice Directions and the Registrar’s Circulars.

(6) If the hearing cannot be conducted, or if the Court decides that it is not expedient to deal with the matter by video or telephone conferencing, the Court may either direct that the hearing be adjourned for counsel and/or parties to attend Court personally, or issue any other direction regarding the resolution of the case.

(7) The recording of Court proceedings in video, audio, or any other form is strictly prohibited and will be considered contempt of Court, with consequences of fine and/or imprisonment.

(8) Counsel / parties are to ensure that the hearing is conducted in a private and secure location and not in a public area. No person should be attending at the video or telephone conferencing terminal if the Court is not aware of their presence. The identities of all persons present at the hearing should be disclosed to the Court at the start of the hearing, and permission is to be obtained for their attendance.

(9) In the event of non-compliance with the required technical specifications, prescribed Court etiquette or the applicable Guidelines, the Court may adjourn the hearing and issue further directions to be complied with.

(10) Any reference made to the record of proceedings in these Practice Directions shall refer to the Court’s record of proceedings of the hearing conducted by video or telephone conferencing.

(11) Any queries or requests for assistance pertaining to hearings by video or telephone conferencing may be sent by email

to FJCourts_Family_Registry@fjcourts.gov.sg.

161A. Technology Facilities in Supreme Court Building

Use of the Video Conference Facilities and the Mobile Infocomm Technology Facilities

(1) This Paragraph shall apply only in respect of proceedings in the Family Division of the High Court conducted at the Supreme Court building.

(2) The Video Conference (“VC”) Facilities and the Mobile Infocomm Technology Facilities (“MIT facilities”) may, at the discretion of the Registrar, be used:

- (a) for the hearing of any matter, whether before a Judge or Registrar, in open Court or in Chambers; or
- (b) for any other dispute resolution process.

(3) The Registrar may refuse any request for the use of any of the services described in this Part at any time owing to the unavailability of staff or equipment or for any other reason. The Registrar need not give any reasons for the refusal of such a request.

Applications to use the Video Conference Facilities and Usage of Additional Equipment

(4) A request to use the VC facilities for the hearing of any matter before a Judge or Registrar must be made by filing a Request through the Electronic Filing Service at least 14 working days before the hearing at which those facilities are to be used and Form 266A of Appendix A of these Practice Directions in Portable Document Format (PDF) must be annexed to the Request electronic form.

(5) An application to use the VC facilities for any other dispute resolution process must be made by submitting Form 266A of Appendix A of these Practice Directions to the Registrar through the relevant person-in-charge at the organisation at which the dispute resolution process is carried out at least 14 working days before the dispute resolution proceedings at which it is to be used.

(6) [deleted]

(7) Upon a successful request to use the VC facilities,

- (a) prior arrangements for equipment testing have to be made at least 5 working days before the first day fixed for the hearing, in order to ensure equipment compatibility;
- (b) applicants will be informed of the number for video conferencing during the testing session; and
- (c) as a matter of general practice, the remote site will connect to the number and it is the responsibility of the party requesting the VC to coordinate the booking and calling in from the remote site.

(8) Any person who desires to use audio-visual and computer equipment additional to those provided in a Courtroom will be asked to provide details of such equipment. The applicant must also be prepared to have the equipment available for testing with the audio-visual system of the Courtroom at least 3 working days before the first day fixed for the hearing. It is the responsibility of the applicant to provide equipment that is compatible with the audio-visual system of the Courtroom.

Applications to use the Mobile Infocomm Technology Facilities

(9) A request to use the MIT facilities for the hearing of any matter in open Court or in Chambers before a Judge or Registrar must be made by filing a Request through the Electronic Filing Service at least 14 working days before the hearing at which

the MIT facilities are to be used and Form 266A of Appendix A of these Practice Directions in Portable Document Format (PDF) must be annexed to the Request electronic form.

(10) An application to use the MIT facilities for any other dispute resolution process must be made by submitting Form 266A to the Registrar through the relevant person-in-charge at the organisation at which the dispute resolution process is carried out as soon as practicable, as availability of the resources are on a first-come-first served basis.

(11) The mobile audio-visual equipment is available for use in both open Court and in Chambers while the mobile videoconferencing equipment is only for use in Chambers.

(12) Any applicant desiring to use the mobile audio-visual equipment is required to provide details of the type of evidence presenting 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 audio-visual system 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.

(13) [deleted]

Fees

(14) [deleted]

(15) [deleted]

162. Absence from Court on medical grounds

(1) If —

(a) any party to proceedings;

(b) any witness;

(c) any counsel; or

(d) a Deputy Public Prosecutor or other officer or person appointed by the Attorney- General to assist him or to act as his deputy in the performance of any of the functions or duties of the Public Prosecutor under the Criminal Procedure Code (Cap. 68) or under any other written law,

is required to attend Court and wishes to excuse himself from Court on medical grounds, he must tender or cause to be tendered to the Court an original medical certificate. The medical certificate so tendered must be in the form and contain the information and particulars required by sub-paragraphs (2) to (5).

(2) A medical certificate issued by a Government hospital or clinic may be in the pre- printed form produced by the Ministry of Health, a sample of which appears at Form 267 of Appendix A. A medical certificate issued by a restructured hospital or specialist centre may also be in a pre-printed form similar to the sample which appears at Form 267 of Appendix A. The pre-printed medical certificate must:

(a) be completely and properly filled in;

(b) contain the name of the medical practitioner who issued the medical certificate;

(c) state the name of the hospital or clinic in which the medical practitioner practices;

(d) indicate that the person to whom the certificate is issued is unfit to attend Court, and specify the date(s) on which he is unfit to attend Court;

(e) be signed in full by the medical practitioner and must not be merely initialled; and

(f) be authenticated by a rubber stamp showing the medical practitioner's full name and his designation in the hospital or clinic, as the case may be.

(3) If a medical certificate is not in Form 267 of Appendix A, then the medical certificate should:

(a) be addressed to the Court for which the certificate was intended. It must not merely be addressed to "whomsoever-it-may-concern". Where the patient is unable to furnish the name of the judicial officer concerned, the relevant medical certificate may be addressed to "The District Judge/Magistrate, Family Courts" or "The Registrar, Family Justice Courts", as the case may be;

(b) identify clearly the name of the medical practitioner who issued the certificate;

(c) state the name of the hospital or clinic from which it had been issued;

(d) be signed in full by the medical practitioner and not merely initialled;

(e) be authenticated by a rubber stamp showing the medical practitioner's full name, designation and any other relevant particulars;

(f) contain the diagnosis of the patient concerned, if any (unless the diagnosis cannot or should not normally be disclosed);

(g) contain a statement to the effect that the person to whom the certificate had been issued is medically unfit to attend Court, and specify the date(s) on which the person is unfit to attend Court; and

(h) bear the date on which it was written, and where this differs from the date of consultation this must be clearly disclosed.

(4) If any portion of the information set out in sub-paragraph (3) is not found in the medical certificate proper, such information should be included in a memorandum attached to the medical certificate. This memorandum must similarly:

(a) identify clearly the name of the medical practitioner who issued the memorandum;

(b) contain the name of the hospital or clinic from which it was issued;

(c) be signed in full by the medical practitioner and not merely initialled; and

(d) be authenticated by a rubber stamp showing the medical practitioner's full name and designation.

(5) All information and details in any medical certificate or any memorandum must be clearly and legibly printed.

(6) If the Directions set out in sub-paragraphs (2) to (5) are not complied with, the Court may reject the medical certificate and decline to excuse the absence from Court of the person to whom the medical certificate was issued. The Court may then take any action it deems appropriate.

(7) This Paragraph shall apply to all proceedings in the Family Justice Courts, whether in open Court or in camera.

163. Publication of & Reports and Comments on Court Cases

- (1) This paragraph applies to solicitors, litigants (whether acting by solicitors or in person), the media and all other persons reporting on or commenting about cases which are before any court (“court cases”). All categories of persons mentioned above are collectively referred to as “all concerned”.
- (2) All concerned are reminded that reports or comments in public on court cases must not flout any existing law or order of court or be calculated to affect, or be reasonably capable of affecting, the outcome of any decision by the court.
- (3) All concerned are not to publish, report or comment on publicly any affidavit or statutory declaration which has not been adduced as evidence or referred to in any hearing in open Court or in Chambers or any other court document which has not been served on the relevant party or parties in the court proceedings.
- (4) All concerned are not to publish, report or comment on publicly any statements made in Chambers by anyone which is expressly stated to be confidential or is impliedly confidential. Solicitors may inform their clients of statements made in Chambers when it is necessary for them to render proper advice to their clients.

164. Citation of Case Numbers

(1) All originating processes and summons filed in the Family Justice Courts on or after 2 January 2015 shall bear case numbers in the following format:

Description of Court/Type of Application [Case number]/Year filed

For example:

Case Number Format	Type of Case
HCF/P [Case Number] / [Year filed]	Probate case filed in Family Division of the High Court
HCF/OSF [Case Number] / [Year filed]	Originating summons filed in Family Division of the High Court
FC/P [Case Number] / [Year filed]	Probate case filed in the Family Courts
FC/D [Case Number] / [Year filed]	Originating summons filed in the Family Courts

- (2) Parties are to cite the case number in full in all documents and correspondence which are submitted to the Court.
- (3) Please take note that the court forum prefix will not be shown in the Electronic Queue Management System. Counsel and parties should disregard the court forum prefix when taking their queue numbers.

165. The Electronic Queue Management System

- (1) The Electronic Queue Management System (EQMS) is used for hearings and conferences in the Family Justice Courts except the following:-
- (a) Youth Courts;
 - (b) Mentions in the Family Courts;
 - (c) Trials in the Family Courts; and
 - (d) Open Court Hearings in Family Courts.

(2) When taking queue numbers at the EQMS kiosk, solicitors should indicate they are ready for hearing by taking the queue number for the opposing party.

(3) The Judge or Registrar has the full discretion to manage the queue and call cases in the EQMS in a manner which he or she deems fit.

(4) Senior Counsel will continue to be given the precedence and the right of preaudience according to paragraph 166.

(5) If a hearing or conference is being conducted in the Supreme Court building, solicitors shall use the Electronic Queue Management System as set out in the Supreme Court Practice Directions.

166. Precedence and preaudience of Senior Counsel

(1) By virtue of section 31 of the Legal Profession Act (Cap. 161) and existing custom and usage, Senior Counsel are given precedence and the right of preaudience.

(2) In order to give substance to the principle of precedence and preaudience to Senior Counsel, Senior Counsel who intend to appear before Judges or Registrars for summonses hearings should inform the Registrar in writing not later than two clear days before the scheduled hearing date. Matters involving Senior Counsel will thereafter be listed first, in the order of their precedence. If Senior Counsel do not appear at the time their matters come on for hearing according to the list, they will have to wait for their turn in accordance with their queue numbers given by the Queue Management System in the Family Justice Courts, subject to the Judge's or Registrar's overriding discretion.

(3) All other counsel, including those who appear on behalf of Senior Counsel, will continue to be heard in the order of their queue numbers in accordance with the current practice in the Family Justice Courts, subject to the Judge's or Registrar's overriding discretion.

167. Court dress

Trials in Court

(1) For the Family Division of the High Court,

(a) the attire for male advocates and solicitors appearing in trials or in open Court will be the existing gown worn over an ordinary long-sleeved white shirt with a turn- down collar, a tie of a subdued or sober colour, a dark jacket, dark trousers and black or plain coloured shoes; and

(b) the attire for female advocates and solicitors appearing in trials or in open Court will be the existing gown worn over a long-sleeved white blouse high to the neck, a dark jacket, a dark skirt or dark trousers and black or plain coloured shoes. Conspicuous jewellery or ornaments should not be worn.

(c) when appearing in trials or open Court proceedings that are conducted through a live video or live television link:

(i) if the proceedings are conducted solely through the live video or live television link and do not take place in any courtroom, the attire for an advocate and solicitor will be the same as for trials and open court, except that the gown need not be worn; but

(ii) if one or more Judges hear the proceedings in a courtroom, unless the Court directs otherwise, every advocate and solicitor in the proceedings will wear the usual attire for trials and open Court proceedings.

(2) The attire for Senior Counsel shall be as described in sub-paragraphs (1), save that, for hearings, they may, instead of the existing gown, wear a gown in the design of those worn by the Queen’s Counsel of England and Wales and made of the following material:

(a) silk;

(b) silk and wool mix; or

(c) artificial silk.

(3) For Family Courts and Youth Courts, the attire for appearing in trials or in open Court shall be as per sub-paragraph (4).

Hearings in Chambers

(4) When appearing before the Judge or Registrar in Chambers, the attire for both an advocate and solicitor will be the same as for trials and open Court, save that the gown need not be worn.

Mediations

(5) For mediations:

(a) The attire for male advocates and solicitors will be as in sub-paragraph (4) save that a single-coloured shirt of neutral or subdued shades instead of a white shirt may be worn.

(b) The attire for female advocates and solicitors will be as in sub-paragraph (4) save that a single-coloured blouse or a single-coloured dress of neutral or subdued shades instead of a white blouse may be worn.

168. Requests and other Correspondence

General Correspondence

(1) All Requests relating to or in connection with any family proceedings in the Family Courts and Family Division of the High Court shall be addressed to the Registrar and sent to the Registry of the Family Justice Courts.

(2) For cases which have been commenced electronically, a letter shall be sent to the Court by a law firm only using the Electronic Filing Service. If a letter is sent to the Court by a law firm in any other way, it is liable to be rejected. This sub-paragraph does not apply to litigants in person.

(3) In addition, all letters should be captioned with the number of the cause to which they relate and the names of the parties. For example:

‘DIVORCE WRIT NO. 12345 OF 2015

Between AB and CD’

(4) If the correspondence relates to an interlocutory application or applications, the reference number, hearing date and time of that application or those applications should be stated in the caption below the parties’ names. For example:

“SUMMONS NO. 98765 OF 2015

CASE CONFERENCE ON 1 JANUARY 2015 at 2:30PM”

Request to adjourn, reschedule or vacate a hearing date

(5) A request for a hearing date to be rescheduled shall be made via the electronic filing service as soon as possible and at least 7 working days prior to the hearing date.

(6) Before parties write to the Court to request an adjournment or vacation of any hearing other than a trial, they should seek the consent of the other party or parties to the matter. Unilateral requests made without first seeking the consent or views of the other party or parties to the matter will not be entertained, except in the most exceptional circumstances.

(7) If the consent of all other parties to the matter is obtained, the request should state that all parties have consented to the request for the adjournment or vacation. However, this does not mean that the request will be granted as a matter of course. The Court will still evaluate the merits of the request before making its decision.

(8) If the consent of one or more of the other parties is not obtained, the request should set out the reasons for the other parties' objections, or explain why the consent of one or more of the other parties cannot be obtained. Any relevant correspondence between the parties should also be annexed. The Court will then evaluate the contents of the request and the relevant correspondence before deciding whether the request should be allowed.

(9) Where the reason for rescheduling of the hearing is a conflict of court dates, the following information relating to both court cases must be stated in the request:

(a) the case number;

(b) the date and time of the hearing;

(c) the nature of hearing;

(d) the date when the applicant was informed of the hearing date or agreed to accept the hearing date (e.g. date of Registrar's Notice or date of case conference or Court mentions when the date was taken);

(e) in the event the family proceedings hearing date was fixed earlier, whether the court subsequently giving the same hearing date was informed of the family proceedings hearing already fixed; and

(f) in the event the family proceedings hearing date was fixed later, whether the Family Justice Courts was informed of the earlier hearing date and the reasons for the earlier date.

(10) Compliance with the directions in this Paragraph will facilitate the expeditious location of the relevant cause file.

(11) If a letter is sent to the Court by a law firm without the information specified in sub- paragraph (3) and (4), it is also liable to be rejected.

(12) All correspondence to Court relating to or in connection with any pending matter shall be copied to all other parties in the matter or to their solicitors unless there are good reasons for not so doing. Solicitors are further reminded that the Court should not be copied on correspondence between parties or their solicitors. The Registry has the discretion to reject or refuse to act on any inappropriate or *ex parte* correspondence.

(13) Registrar's Directions and Notices from the Registry will be sent to law firms who are registered users of the Electronic Filing Service through the Electronic Filing Service.

(14) Registered users are to ensure that the inbox of their Electronic Filing Service account(s) are checked and cleared regularly.

169. Request for court interpreters

Family Division of the High Court

- (1) For proceedings in the Family Division of the High Court, any party requiring the services of an interpreter of the Court for himself or any of his witnesses at a hearing is to comply with sub-paragraphs (2) to (10) below.
- (2) The directions set out in sub-paragraphs (3) to (10) below are to be followed in relation to all requests for interpretation services of interpreters from the Supreme Court's Interpreters Section, whether the services are required for hearings in open Court or in Chambers.
- (3) Not less than 7 working days before the day on which the services of an interpreter are required ("scheduled day"), the requesting party must file a Request addressed to the appropriate Head Interpreter through the Electronic Filing Service and attach Form 2 of Appendix A of the Supreme Court Practice Directions in Portable Document Format (PDF) to the Request in electronic form.
- (4) The Request in sub-paragraph (3) must be filed for hearings of matters which have been adjourned or part-heard, even if the services of an interpreter were requested and provided at an earlier hearing of the same matter. In the event that a Request is made in respect of an adjourned or part-heard matter, the Request should also state the date of the earlier hearing in addition to the scheduled day.
- (5) The requesting party shall make payment of any prescribed fee for interpretation services under the Family Justice Rules upon approval of the Request.
- (6) In the event that the services of the interpreter are for any reason not required on any of the scheduled days specified in the Request, the requesting party shall immediately notify the appropriate Head Interpreter either by letter or email. This shall serve as a notice of cancellation.
- (7) Any request for refund of the fee paid under sub-paragraph (5) must be submitted to the Registrar through the Electronic Filing Service within one month from the date on which the reason for the refund arose. The supporting reasons and the amount of refund sought must be clearly specified in the request for refund.
- (8) Unless otherwise decided by the Registrar, the fee paid for any scheduled day may be refunded only if a notice of cancellation under sub-paragraph (6) is given at least 1 clear working day prior to that scheduled day.
- (9) The provision of interpretation services by the Supreme Court's Interpreters Section is subject to the availability of suitable interpreters on the day that the interpretation services are required. Failure to comply with the directions set out in sub-paragraphs (3) to (5) may result in the services of interpreters not being available or provided.
- (10) Engagement of private interpreters (i.e. interpreters not from the Supreme Court's Interpreters Section):
- (a) For the avoidance of doubt, a party may engage the services of a private interpreter for interpretation services in respect of the languages listed in Form 2 of Appendix A of the Supreme Court Practice Directions.
 - (b) If a party requires the services of an interpreter in a language apart from those listed in Form 2 of Appendix A to the Supreme Court Practice Directions, it shall be the duty of the party to engage such an interpreter directly to obtain his or her services for the scheduled hearing.
 - (c) Interpreters who are not from the Supreme Court's Interpreters Section must be sworn in before the Duty Registrar before they may provide interpretation services for proceedings in Court.

Family Courts

- (11) The directions in the following sub-paragraphs below apply to proceedings in the Family Courts.
- (12) Any party requiring the services of an interpreter of the Court for himself or any of his witnesses at a hearing must

inform the Registrar in writing:-

(a) within 7 working days from the date of the case conference or other proceeding at which the hearing date was fixed; or

(b) 2 weeks before the day when the interpreter is required,

whichever is earlier. This practice is to be followed for all fresh and adjourned hearings, whether in open Court or in Chambers.

(13) Where an interpreter is required and the Registrar has not been so informed, any deployment of an interpreter will be subject to availability.

(14) The Request should contain the following information:

(a) the Case number;

(b) the parties to the suit;

(c) the names of witnesses requiring an interpreter;

(d) the Court/Chamber number;

(e) the stage of the proceedings (e.g. fresh or adjourned hearing);

(f) the date and time of hearing (in the event the hearing is fixed for more than 1 day, the date and time on which the interpreter's services are required);

(g) the number of days for which the interpreter's services are required; and

(h) the language/dialect spoken by the witnesses requiring the services of the interpreter.

(15) Where the services of the interpreter requested are no longer required prior to the start of the hearing, such as in the event of a settlement prior to the hearing, the party who has requested the services of the interpreter must inform the Registrar in writing immediately.

(16) For proceedings other than proceedings under Parts VII and VIII of the Women's Charter (Cap. 353), the requesting party must file the request for the services of an interpreter through a "Request for Hearing Administrative Support" through the Electronic Filing Service.

(17) Engagement of private interpreters (i.e. interpreters not from the Family Courts' Interpreters Section):

(a) If a party requires the services of an interpreter in a language apart from Chinese, Malay or Tamil, it shall be the duty of the party to engage such an interpreter directly to obtain his or her services for the scheduled hearing.

(b) Interpreters who are not from the Family Courts' Interpreters Section must be sworn in before the judge hearing the proceeding before they may provide interpretation services for proceedings in Court.

Translation

(18) Requests for translations of documents in Chinese, Malay or Tamil for use in proceedings in the Family Division of the High Court and/or the Family Courts should be sent using the form available at relevant counter at the Family Registry at least 6 weeks before the date the translations are required, unless there are exceptional reasons justifying non-compliance.

(19) In the event that the Family Justice Courts' Interpreters Section is unable to accept a translation request, parties and

counsel should approach a private translation service instead.

170. Authorisation for collection of mail and Court documents

(1) Without prejudice to sub-paragraphs (3) and (4) below, all law firms are required to notify the Registry of the particulars of person(s) authorised to collect Court documents or mail from the Family Justice Courts on their behalf by submitting a request to authorise user through the Electronic Filing Service.

(2) Where such authorised persons are no longer so authorised, law firms are required to revoke or delete the authorisation immediately by submitting a request through the Electronic Filing Service. Until receipt of such notification of revocation or deletion, Court documents and mail shall continue to be released to such authorised persons upon production of evidence of identification.

(3) Any solicitor may collect Court documents and mail on behalf of his firm and any litigant in person may collect documents and mail intended for him in any matter in which he is a party.

(4) A law firm may authorise a courier service-provider to collect Court documents or mail from the Family Justice Courts on their behalf. At the time of collection, the courier service-provider should produce a letter of authorisation which is printed on the law firm's letterhead and addressed to the courier service-provider. The said letter of authorisation should clearly state the case number, the name of the courier service- provider appointed to collect and the Court documents or mail to be collected. An employee or representative of the courier service-provider collecting the Court documents or mail may be requested to provide evidence that will allow the Family Justice Courts to verify that he is an employee or representative from the courier service- provider and will have to acknowledge receipt of the Court documents or mail collected.

Part XV - Litigants in Person

171. The Family Court Friend Scheme

(1) The Court may, at any stage of proceedings, refer an unrepresented litigant to the Community Justice Centre or such other pro-bono agency for the assignment of a Family Court Friend to assist him by providing administrative and emotional support in the conduct of his case such as:

- (a) accompanying and attending court sessions with the unrepresented litigant;
- (b) providing emotional support and offering practical guidance on non-legal issues;
- (c) sharing information on court procedure and processes;
- (d) explaining key information and instructions given by the attending judge.

(2) The Family Court Friend may attend court hearings, including hearings conducted in camera, but will not be allowed to address the court in the place of the unrepresented litigant. The Family Court Friend will also not provide legal advice or draft any legal documentation on the unrepresented litigant's behalf.

(3) The Family Court Friend shall not reveal any information to any third party, any information relating to the proceedings he/she is assigned to.

Appendix A: Forms

All Forms

Appendix A ([Download PDF](#) | [Download Word doc](#))

Appendix B: Discovery and Inspection of Electronic Documents

Part 1: Agreed electronic discovery protocol

(1) Scope of electronic discovery

(a) General discovery of the following class or classes of electronically stored documents shall be given:

[eg Electronic mail, correspondence, letters, etc.]

(b) The party giving discovery shall take reasonable steps to decrypt encrypted files or encrypted storage locations, media or devices in order to identify discoverable electronically stored documents. This may include taking reasonable steps to obtain the decryption code and/or using reasonable technical means to perform decryption of the encrypted files or encrypted storage locations, media or devices.

(c) For the avoidance of doubt, electronically stored documents residing in folders or directories in storage locations, media or devices, including folders or directories where temporarily deleted files are located (for example the Recycle Bin folder or Trash folder) are within the scope of general discovery; deleted files or file fragments containing information which are recoverable through the use of computer forensic tools or techniques during a forensic inspection of the unallocated file space or file slack are **not** within the scope of general discovery.

(d) **Reasonable search.** The search terms or phrases specified in the first column will be used in the conduct of a reasonable search for relevant electronically stored documents. The reasonable search will be limited by the scope described in the second column.

Search term or phrase	Scope
[Specify the keyword(s).]	[Describe the scope of the search by reference to physical or logical storage locations media or devices, the period during which the requested electronically stored document was created, modified or received, etc.]

(2) Format of list

The list of documents shall categorise and list electronically stored documents separately from documents in printed or other form. The list of documents enumerating electronically stored documents shall include the following columns:

[eg description of the electronically stored document, the name of the corresponding soft copy file, the file format (and its

version) of the electronic document, the hash value of the file, etc]

An index of documents enumerated in the list of documents shall be provided in an electronic spreadsheet in the [eg Excel 2007 Binary (.xls), Comma Separated Value (.csv), etc] file format.

(3) Review for privileged material

Nothing in this protocol shall prevent the party giving discovery from reviewing the documents in any list provided hereunder for the purpose of claiming privilege. If the party giving discovery claims privilege over any document or record, he shall list the electronic documents or class of electronic documents over which privilege is claimed in the list of documents.

(4) Inspection and copies

(a) **Arrangements for inspection.** The place for inspection of discoverable electronic documents should be stated separately if it is different from the place for inspection of other discoverable documents. If the party entitled to inspect intends to inspect through or with the assistance of its appointed computer expert, such computer expert shall provide an undertaking of confidentiality to the party giving inspection before he commences his inspection.

(b) **Supply of copies.** During inspection, copies shall not be taken. If copies are required, a request should be made. Electronic copies of discoverable documents will be supplied in their native format and in read-only optical discs upon request. Electronic copies of discoverable documents where privilege is claimed only with respect to their internally stored metadata information will be supplied in the Tagged Image File Format (or TIFF) with privileged metadata information removed. For each of the read-only optical discs supplied, a further list stating the storage format (and its version) of the optical disc and enumerating the list of electronic documents stored therein shall be provided.

(5) Inspection of computer databases and electronic media or recording devices

Parties agree that the protocol for inspection of computer databases and electronic media or recording devices (Appendix M Part 2) shall apply for the inspection of the following:

[List the computer databases, electronic media or recording devices]

(6) Inadvertent disclosure of privileged documents

Notwithstanding compliance with the procedures in this protocol, nothing in this protocol is intended to be or shall be taken to amount to a waiver of privilege.

(7) Discovery and production only if necessary

For the avoidance of doubt, nothing in this protocol shall compel any party to give discovery of any document or produce any document for inspection which is not otherwise discoverable under Order 24, Rules 7 or 13 of the Rules of Court.

Part 2: Protocol for Inspection of Computer Databases and Electronic Media or Recording Devices

(1) Appointment of computer experts

(a) Joint appointment.

The party producing the computer database, electronic medium or recording device for inspection (“**the Producing Party**”) and the party entitled to inspection of the computer database, electronic medium or recording device (“**the Inspecting Party**”), may jointly appoint a computer expert (“**the Joint Expert**”) for the purpose of making a forensic copy of such computer database, electronic medium or recording device (“**the Original Acquired Image**”). The Joint Expert’s role shall be restricted to the acquisition of the Original Acquired Image and the performance of a reasonable search on a copy of the Original Acquired Image in accordance with the terms of this protocol. Before the Joint Expert commences his appointment, he shall provide an undertaking of confidentiality to the Court and to all parties concerned in the inspection. He shall also procure a similar undertaking from each of his employees, representatives, agents or sub-contractors involved in the engagement.

(b) Costs and expenses of Joint Expert.

All costs and expenses relating to the appointment of the Joint Expert under this protocol shall initially be borne equally between the Producing Party and the Inspecting Party. Nothing in this protocol is intended to or shall be taken to prevent any party to the cause or matter from seeking the recovery of such costs and expenses in accordance with the Rules of Court.

(c) Individual appointments.

Nothing in this protocol shall prevent the Producing Party, the Inspecting Party and any other party concerned in the inspection from appointing his own computer expert.

(2) Acquisition of the Original Acquired Image

(a) Where Joint Expert appointed.

The Joint Expert shall acquire the Original Acquired Image under the supervision of all parties concerned in the inspection, their representatives or computer experts. Sufficient copies of the Original Acquired Image shall be made as necessary in order that the Producing Party and each Inspecting Party may be supplied with an electronic copy of the Original Acquired Image. The Joint Expert shall provide sufficient information with the copy of the Original Acquired Image to enable the party’s computer expert to access the copy supplied. The Original Acquired Image shall be sealed and delivered to the custody of the Producing Party, who shall enumerate it in a list of documents to be filed under Order 24 of the Rules of Court.

(b) Where Joint Expert not appointed.

The Producing Party’s computer expert shall be responsible for acquiring the Original Acquired Image under the supervision of all parties concerned in the inspection, their representatives or computer experts. Sufficient copies of the Original Acquired Image under the supervision of all parties concerned in the inspection, their representatives or computer experts. Sufficient copies of the Original Acquired Image shall be made as necessary for the purposes of inspection and reasonable search to be provided under this protocol. The Original Acquired Image shall be sealed and delivered to the custody of the Producing Party, who shall enumerate it in a list of documents to be filed under Order 24 of the Rules of Court.

(c) Original Acquired Image to be produced when ordered by Court.

The party to whose custody the sealed Original Acquired Image has been delivered shall not tamper with or break the seal, and shall produce the Original Acquired Image to the Court or such other person(s) as the Court may direct.

(3) Safeguards for reasonable search

This paragraph applies in situations where a reasonable search is conducted on the contents of a copy of the Original Acquired Image.

Where Joint Expert appointed

(a) Conduct of reasonable search.

The Inspecting Party shall specify or describe the search terms or phrases to be used in a reasonable search to be conducted on the contents of a copy of the Original Acquired Image to the Producing Party and the Joint Expert. If the Producing Party does not object to the search terms or phrases so specified or described, he shall communicate his consent to the Joint Expert and the Inspecting Party. The Joint Expert shall make arrangements for the conduct of the reasonable search on a copy of the Original Acquired Image under the supervision of all parties concerned in the inspection, their representatives or computer experts.

If the Producing Party objects to any or all of the search terms or phrases so specified or described, he shall forthwith inform the Joint Expert. The parties shall resolve such objections before any further steps are taken for the conduct of the reasonable search. The Joint Expert shall not take any further steps for the conduct of the reasonable search until:

- (i) he is informed by the Producing Party of his consent to the original search terms or phrases; or
- (ii) the Inspecting Party specifies or describes a new set of search terms or phrases and to which the Producing Party provides his consent in accordance with this sub-paragraph.

A copy of the documents or records that are the results of the reasonable search ("**the Search Results**") shall be made and released to the Producing Party.

(b) Review for privileged material.

The Producing Party shall be at liberty to review the Search Results for the purpose of claiming privilege. If the Producing Party claims privilege over any document or record from the Search Results, he shall list the electronic documents or records over which privilege is claimed.

(c) Release for inspection.

Thereafter, the Joint Expert shall remove copies of any documents or records over which privilege is claimed from the Search Results ("**the Redacted Search Results**"). The Joint Expert may maintain a separate privilege log which records the documents or records which are thus removed and the reasons given for doing so. For the avoidance of doubt, the privilege log shall not be included in the Joint Expert's report but the Joint Expert shall produce the privilege log to the Court if so directed by the Court. The Redacted Search Results shall be released to the Inspecting Party for inspection together with the list of electronic documents or records over which privilege is claimed.

Where Joint Expert not appointed

(d) Conduct of reasonable search. The Inspecting Party shall specify or describe the search terms or phrases to be used in a reasonable search to be conducted on the contents of a copy of the Original Acquired Image to the Producing Party. If the Producing Party objects to any or all of the search terms or phrases so specified or described, parties shall resolve such objections before any further steps are taken for the conduct of the reasonable search. Upon resolution of any objections or if the Producing Party consents to the specified or described search terms or phrases, he shall make arrangements for his

computer expert to conduct the requested reasonable search on a copy of the Original Acquired Image under the supervision of all parties concerned in the inspection, their representatives or computer experts.

(e) Review for privileged material.

The Producing Party shall be at liberty to review the Search Results for the purpose of claiming privilege. If the Producing Party claims privilege over any document or record from the Search Results, he shall list the electronic documents or records over which privilege is claimed.

(f) Release for inspection.

Thereafter, the Producing Party shall remove copies of any documents or records over which privilege is claimed from the Search Results. The Redacted Search Results shall be released to the Inspecting Party for inspection together with the list of electronic documents or records over which privilege is claimed.

(4) Safeguards for forensic examination

This paragraph applies to the forensic examination of a copy of the Original Acquired Image for the purpose of identifying electronically stored documents thereon or for the recovery of deleted files or file fragments from the unallocated file space or file slack using computer forensic tools or techniques. A Joint Expert shall be appointed for the purpose of such forensic examination.

(a) Conduct of forensic examination. The Inspecting Party shall specify or describe the search terms or phrases to be used in the forensic examination to be conducted on the contents of a copy of the Original Acquired Image to the Joint Expert. The Joint Expert shall not at any time disclose to the Producing Party the search terms or phrases specified or described by the Inspecting Party and shall not include the search terms or phrases in his report. For the avoidance of doubt, the Joint Expert shall disclose the search terms or phrases to the Court if so directed by the Court. The Joint Expert shall make arrangements for the conduct of the forensic examination on a copy of the Original Acquired Image. Neither the Inspecting Party nor the Producing Party, or any of their solicitors, computer experts, employees, representatives or agents shall be present during the conduct of the forensic examination. A copy of the documents or records that are the results of the reasonable search ("the Search Results") shall be made and released to the Producing Party. The Producing Party is not entitled to a copy, and shall not request the Joint Expert for a copy, of the search terms or phrases specified or described by the Inspecting Party.

(b) Review for privileged material.

The Joint Expert and the Producing Party shall jointly review the Search Results for the purpose of permitting the Producing Party to identify electronically stored documents, deleted files or file fragments over which he claims privilege. If the Producing Party claims privilege over any electronically stored documents, deleted files or file fragments from the Search Results, he shall identify them to the Joint Expert. The Producing Party shall list the electronic documents, deleted files or file fragments over which privilege is claimed.

(c) Release for inspection.

Thereafter, the Joint Expert shall remove copies of any electronic documents, deleted files or file fragments over which privilege is claimed from the Search Results ("the Redacted Search Results"). The Joint Expert may maintain a separate privilege log which records the electronic documents, deleted files or file fragments which are thus removed and the reasons provided for the removal. For the avoidance of doubt, the privilege log shall not be included in the Joint Expert's report but the Joint Expert shall produce the privilege log to the Court if so directed by the Court. The Redacted Search Results shall be released to the Inspecting Party for inspection together with the Producing Party's list of electronic documents, deleted files or file fragments over which privilege is claimed.

(5) Inadvertent disclosure of privileged documents

Notwithstanding compliance with the procedures in this protocol, nothing in this protocol is intended to be or shall be taken to amount to a waiver of privilege.

(6) Discovery and production only if necessary

For the avoidance of doubt, nothing in this protocol shall compel any party to give discovery of any document or produce any document for inspection which is not otherwise discoverable under Order 24, Rules 7 or 13 of the Rules of Court.

Part 3 - Reasonably Usable Formats

File Format	Version
<i>Office Documents</i>	
Hypertext Markup Language	HTML 4.01 or ISO/IEC 15445:2000
Extensible Hypertext Markup Language	XHTML 2.0
Rich Text Format (RTF)	RTF 1.9.1
Plaintext Format	
Portable Document Format (PDF)	
Microsoft Office file formats	Word 97 - 2007 Binary File Format (.doc) Specification PowerPoint 97 - 2007 Binary File Format (.ppt) Specification Excel 97 - 2007 Binary File Format (.xls) Specification Excel 2007 Binary File Format (.xlsb) Specification Office Drawing 97 - 2007 Binary Format Specification
<i>Electronic Mail</i>	
Multipurpose Internet Mail Extension (MIME)	RFC 5322
.eml	Mozilla Thunderbird, Windows Mail and Microsoft Outlook Express e-mail messages
.msg	Microsoft Office Outlook e-mail messages
<i>Images</i>	
Joint Photographic Experts Group (JPEG)	ISO/IEC 10918-1
JPEG 2000	ISO/IEC 15444-1:2000
Portable Network Graphics (PNG)	ISO/IEC 15948:2004
Tagged Image File Format	TIFF or ISO 12639:1998
Portable Document Format	PDF 1.7 or ISO 32000-1:2008
<i>Audio</i>	

MPEG-1 Audio Layer 3 (MP3)	ISO/IEC 11172-3
Advanced Audio Coding (AAC)	ISO/IEC 14496-3:2001
Video	
Moving Picture Experts Group (MPEG-1)	ISO/IEC-11172
H.264	ITU-T H.264
MPEG-4 Part 10 or MPEG-4 AVC (Advanced Video Coding)	ISO/IEC 14496-10:2003
Multimedia container formats	
Audio Video Interleave	
QuickTime File Format	
MPEG-4 Part 14	ISO/IEC 14496-10:2003

Appendix C: Sample Bills of Costs

[Sample A - Sample bill of costs for contentious business - trials](#)

[Sample B - Sample bill of costs for contentious business other than trials](#)

[Sample C - Sample bill of costs for non-contentious business](#)