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**No. S 639**

**ADMINISTRATION OF MUSLIM LAW ACT  
(CHAPTER 3)**

**MUSLIM MARRIAGE AND DIVORCE  
(AMENDMENT) RULES 2018**

In exercise of the powers conferred by section 145 of the Administration of Muslim Law Act, the President of Singapore makes the following Rules:

**Citation and commencement**

**1.** These Rules are the Muslim Marriage and Divorce (Amendment) Rules 2018 and come into operation on 22 October 2018.

**Deletion and substitution of rule 2 and new rule 2A**

**2.** Rule 2 of the Muslim Marriage and Divorce Rules (R 1) (called in these Rules the principal Rules) is deleted and the following rules substituted therefor:

**“Definitions**

**2.—(1)** In these Rules, unless the context otherwise requires —

“additional CPF information” means any information (not contained in a relevant CPF statement) that the Court may require a person to obtain from the Central Provident Fund Board;

“agreed matrimonial property plan” means a plan, signed by both parties to a marriage, setting out the parties’ agreement as to the way in which an HDB matrimonial asset is to be divided;

“arrangements for the welfare of every dependent child of the parties” includes arrangements in relation to —

(a) the custody, care and control of, and access to, the child;

(b) the education of the child; and

(c) any other parental responsibility for the child;

“child of the parties” means any child of the parties to a marriage (including a purported marriage that is annulled), and includes any legally adopted child;

“Court” means the Syariah Court constituted under section 34 of the Act, or a president of the Court, and includes, in any case where the registrar is empowered to act, the registrar;

“dependent child of the parties” means a child of the parties who is below 21 years of age;

“HDB matrimonial asset” means any property, as defined in section 52(14) of the Act, that consists of —

(a) any HDB flat; or

(b) any right or interest arising under an agreement to purchase an HDB flat;

“HDB standard query” means any enquiry that the Court may require a party to make with the Housing and Development Board;

“marriage counselling programme” means a programme or course that provides counselling and other support services, and information on matters relating to marriage, divorce, and reconciliation;

“parenting programme” means a programme or course that provides counselling and other support services, and information on matters relating to how a divorce may affect a child of the parties, and parenting skills;

“person lacking capacity” means a person who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) in relation to matters concerning the person’s property and affairs;

“practice directions” means any practice directions issued by the senior president of the Court under section 34A(7) of the Act;

“president of the Court” means a president of the Court appointed under section 34A(1) of the Act, and includes an ad-hoc president of the Court appointed under section 34A(4) of the Act;

“proposed matrimonial property plan” means a plan setting out the proposal of a party to a marriage as to the way in which an HDB matrimonial asset is to be divided;

“registrar” means the registrar of the Court appointed under section 34B of the Act, and includes a deputy registrar;

“relevant CPF statement” means a statement issued by the Central Provident Fund Board containing such information as the Court may require, relating to —

(a) any account maintained by the Central Provident Fund Board for any person who is a member of the Central Provident Fund; and

(b) the amount withdrawn from any such account (including any accrued interest) for the purpose of any immovable property or for any other purpose;

“senior president of the Court” means a president of the Court designated to be the senior president of the Court under section 34A(1) of the Act;

“solicitor” means an advocate and solicitor of the Supreme Court;

“variation application” means an application under section 52(6) of the Act to vary or rescind an order made under section 52 of the Act.

(2) In these Rules, unless the context otherwise requires —

(a) any reference in Part II to a form by a number or title is to be construed as a reference to the current version of the form bearing that number or title set out on the

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website of the Registry of Muslim Marriages at <http://www.romm.gov.sg>;

- (b) any reference in Part IIA or III to a form by a number or title (other than Form 6) is to be construed as a reference to the current version of the form bearing that number or title set out in the practice directions;
- (c) Form 6 is set out on the website of the Court at <http://www.syariahcourt.gov.sg>;
- (d) any reference to the “relevant Form” for any purpose for which a specific form is required to be used in Part IIA or III is to be construed as a reference to the current version of the relevant form for that purpose set out in the practice directions; and
- (e) any reference in Part IV to a form by a number or title is to be construed as a reference to the current version of the form bearing that number or title set out on the website of the Majlis at <http://www.muis.gov.sg>.

(3) The forms set out in the practice directions may be used with such variations as the circumstances of the particular case require.

### **Jurisdiction and powers of registrar**

**2A.**—(1) The registrar of the Court may exercise, in addition to the jurisdiction and powers specified in section 34B(2)(a) of the Act, all of the jurisdiction and powers that may be exercised by a president of the Court under sections 39, 42, 43, 44, 45, 46, 53B, 54A and 54B of the Act.

(2) The registrar of the Court may exercise all of the powers that may be exercised by a president of the Court under these Rules, except —

- (a) the power mentioned in rule 27 to make a decree of divorce (not being a decree of divorce mentioned in rule 26) or nullity of marriage;
- (b) the power to hear and determine any application made under rule 8E, 8F, 11, 17, 17A, 28 or 36; and

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- (c) the power to hear and determine any appeal under rule 38.”.

### **Amendment of rule 3**

3. Rule 3 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraphs:

“(1) An application to a Kadi or Naib Kadi for solemnization of a marriage under section 95 of the Act must —

- (a) be made in Form 1A;
- (b) be accompanied by a statutory declaration made by each party to the intended marriage and the wali (if any) of the woman to be wedded;
- (c) where the application is made on or after 22 October 2018 and either party to the intended marriage is a person to whom section 94A of the Act applies, be accompanied by the details of the marriage preparation programme attended and completed by both parties to the intended marriage; and
- (d) where the application is made on or after 22 October 2018 and either party to the intended marriage is a minor when the application is made, be accompanied by —
  - (i) the consent required under section 94B(1) of the Act of each appropriate person mentioned in the Fourth Schedule to the Act; or
  - (ii) if the consent of any such appropriate person cannot be obtained, or if any such appropriate person refuses to give that person’s consent —
    - (A) an application to the Kadi or Naib Kadi to dispense with the consent of that person; and
    - (B) any evidence in support of the application mentioned in sub-paragraph (A) (including a statutory declaration by any