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No. S 51

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

**MUSLIM MARRIAGE AND DIVORCE
(AMENDMENT) RULES 2009**

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

Citation and commencement

1. These Rules may be cited as the Muslim Marriage and Divorce (Amendment) Rules 2009 and shall come into operation on 1st March 2009.

Amendment of rule 9

2. Rule 9 of the Muslim Marriage and Divorce Rules (R 1) (referred to in these Rules as the principal Rules) is amended —

- (a) by deleting “9, 10,” in paragraph (3); and
- (b) by inserting, immediately after paragraph (4), the following paragraph:

“(5) A case statement that has been served on the defendant shall not be amended without the leave of the registrar or the Court.”.

Amendment of rule 12

3. Rule 12(2) of the principal Rules is amended by deleting “16, 17,”.

Deletion of rule 28

4. Rule 28 of the principal Rules is deleted.

Deletion of rule 30

5. Rule 30 of the principal Rules is deleted.

Amendment of rule 32

6. Rule 32 of the principal Rules is amended —

- (a) by inserting, immediately after the word “Court” in paragraph (1), the words “or the registrar”; and
- (b) by deleting paragraph (4) and substituting the following paragraph:

“(4) A party dissatisfied with a decision of the Court or the registrar to appoint hakam under section 50(1) of the Act may, before the hakam makes a decree of divorce under section 50(6) of the Act, appeal against the decision —

- (a) to the Court, if the decision was made by the registrar; and
- (b) to the Appeal Board, if the decision was made by the Court.”.

Amendment of First Schedule

7. The First Schedule to the principal Rules is amended —

- (a) by deleting Form 3 and substituting the following Form:

“FORM 3

Rule 6(2)

دفتر فرجراين REGISTER OF DIVORCE		NO.
نام سوامي Name of Husband:	نمبر ڪاڊ فنڪشنل NRIC No.:	صورتنامو Signature:
نام استري Name of Wife:	نمبر ڪاڊ فنڪشنل NRIC No.:	صورتنامو Signature:
فرجراين ڏنل/ٻڌل/ٻڌل (date): The Divorce was pronounced/decreed on (date):		ڏي by:
بيلاڻن ٻارن جو طلاق Number & Nature of Talaq:	نفاذ ڪندڙ Nafkah Eddah:	مشتو Muta'ah:
حفظ ڪيل ٻارن Custody of Children:	ڏي سوامي To husband: ڏي استري To wife:	
شاهدي Witness:	نمبر ڪاڊ فنڪشنل NRIC No.:	صورتنامو Signature:
شاهدي Witness:	نمبر ڪاڊ فنڪشنل NRIC No.:	صورتنامو Signature:
تاريخ ڏکڻ Date of Marriage:	نمبر ڏکڻ ڏکڻ Marriage Certificate No.:	
ڏکڻ ڏکڻ Registered at:	ڏکڻ ڏکڻ AND IS HEREBY REGISTERED ON: ڏکڻ BY:	
SEAL		فرجراين ڏکڻ President, Shariah Court

(b) by deleting Forms 6 to 10 and substituting the following Forms:

“FORM 6

Rule 9(2)

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

MUSLIM MARRIAGE AND DIVORCE RULES

Undang-Undang Pentadbiran Hukum Islam
Undang-Undang Perkahwinan dan Perceraian Islam

IN THE SYARIAH COURT OF THE REPUBLIC OF SINGAPORE

Originating Summons No.
No. Saman Permulaan

BETWEEN/*ANTARA*

[Plaintiff's Name/*Nama Plaintiff*]

(NRIC No.) . . . Plaintiff/*Plaintif*

AND/*DAN*

[Defendant's Name/*Nama Defendant*]

(NRIC No.) . . . Defendant/*Defendan*

Date of Mediation/Pre-Trial Conference :
(*Tarikh Pengantaraan/Perundingan
Sebelum Perbicaraan*)

Time of Mediation/Pre-Trial Conference :
(*Waktu Pengantaraan/Perundingan
Sebelum Perbicaraan*)

You, the abovenamed Defendant, are hereby summoned to appear either in person or with your advocate and solicitor before the Syariah Court, Singapore, at the date and time stated above.

And take Notice that in default of such appearance:

- (1) a warrant of arrest may be issued against you if no reasonable excuse is offered for such failure to appear;
- (2) the Court may proceed to hear the Originating Summons in your absence.

A copy of the Plaintiff's Case Statement is filed together with this Originating Summons.

Anda sebagai Defendan di atas, dengan ini diperintahkan hadir secara perseorangan atau bersama peguam anda di Mahkamah Syariah, Singapura pada tarikh dan waktu yang tersebut di atas.

Dan ambil Perhatian bahawa jika anda gagal menghadirkan diri sebagaimana yang diperintahkan:

- (1) satu perintah/warrant untuk menangkap anda boleh dikeluarkan jika tidak mengemukakan sebab yang munasabah kerana kegagalan menghadirkan diri;*
- (2) mahkamah boleh meneruskan perbicaraan walaupun tanpa kehadiran anda.*

Satu salinan Penyata Kes Plaintiff telah disertakan bersama Saman Permulaan ini.

Dated this day of 20 .
Bertarikh haribulan

(Seal)

Senior President, Syariah Court, Singapore
Presiden Kanan, Mahkamah Syariah, Singapura

NOTICE TO THE DEFENDANT

NOTIS KEPADA DEFENDAN

Take Notice that an Originating Summons has been commenced by the Plaintiff against you for _____.

If you wish to be heard on this matter, you must complete the accompanying Memorandum of Defence in triplicate. Take note that the Memorandum of Defence must be affirmed and filed with the Syariah Court within 21 days of your receiving this Summons. A filed copy must be served on the Plaintiff or Plaintiff's advocate and solicitor. Take note that you have to pay fees on the copy to be filed with the Syariah Court. If you do not agree with the matters stated in the Plaintiff's Case Statement, you may include a cross-application in your Memorandum of Defence.

If you intend to instruct an advocate and solicitor, you should at once give your advocate and solicitor all the documents that you have received.

This Originating Summons is taken out by the abovenamed Plaintiff who resides at [to state address].

Ambil perhatian bahawa Plaintiff telah memulakan Saman Permulaan terhadap anda dalam perkara _____.

Anda dikehendaki mengisi borang Memorandum Pembelaan yang dilampirkan bersama surat saman ini sebanyak tiga salinan. Sila ambil perhatian bahawa borang Memorandum Pembelaan ini hendaklah disahkan secara bersumpah dan difailkan di Mahkamah Syariah dalam tempuh 21 hari dari tarikh anda menerima surat saman ini.

Anda akan dikenakan bayaran ketika memfailkan salinan di Mahkamah Syariah. Satu salinan yang telah difailkan mesti diserahkan kepada Plaintiff atau peguam yang mewakilinya. Jika anda tidak setuju dengan tuntutan yang dikemukakan oleh pihak Plaintiff sebagaimana yang tertera di dalam Penyataan Kes beliau, anda dibenarkan untuk menyertakan permohonan balas (cross application) di dalam Memorandum Pembelaan anda.

Jika anda bertujuan untuk mendapatkan khidmat peguam, anda hendaklah segera menyerahkan semua dokumen-dokumen yang telah anda terima ini kepada peguam anda.

Saman Permulaan ini telah dibuat oleh pihak Plaintiff yang namanya tertera di atas dan beralamatkan di (nyatakan alamat).

To The Defendant/Kepada Defendan

Name>Nama :

Address/Alamat:

ACKNOWLEDGMENT OF RECEIPT OF ORIGINATING SUMMONS

I, the Defendant, acknowledge that I have received a copy of the Originating Summons, the Plaintiff's Case Statement and a copy of Memorandum of Defence Form.

Saya, Defendan, mengakui bahawa saya telah menerima Saman Permulaan, Penyataan Kes Plaintiff dan Borang Memorandum Pembelaan.

Signed (Defendant)

Name :

NRIC No.:

Date :

MEMORANDUM OF SERVICE OF ORIGINATING SUMMONS, ETC.

I, _____, do hereby declare that I did on the _____ day of _____ at _____ A.M./P.M. at _____ serve a copy of this Originating Summons, the Case Statement and Memorandum of Defence Form on the Defendant.

.....
Signature of person authorised to serve Summons.