

## **Rules of Court (Amendment) Rules 1999**

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**No. S 346**

### **SUPREME COURT OF JUDICATURE ACT CHAPTER 322**

### **RULES OF COURT (AMENDMENT) RULES 1999**

In exercise of the powers conferred on us by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any other written law, we, the Rules Committee, hereby make the following Rules:

#### **Citation and commencement**

1. This/These may be cited as the and shall come into operation on \*.

#### **Citation and commencement**

1. These Rules may be cited as the Rules of Court (Amendment) Rules 1999 and shall come into operation on .

## **Amendment of Order 84**

2. Order 84 of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended by renumbering Rule 1 as paragraph (1) of that Rule and by inserting, immediately thereafter the following paragraphs:

“(2) Where the plaintiff has notice, before the commencement of proceedings under this Rule, that —

- (a) proceedings for divorce between the same parties have been commenced in the Syariah Court;
- (b) a decree or order for divorce between the same parties has been made by the Syariah Court; or
- (c) a divorce between the same parties has been registered under section 102 of the Administration of Muslim Law Act (Cap.3),

the plaintiff shall file together with the application —

- (i) a Syariah Court commencement certificate; or
- (ii) the parties’ written consent to the commencement of civil proceedings and the Syariah Court certificate of attendance.

(3) Where either party to any proceedings under this Rule has notice, after the commencement of such proceedings, that —

- (a) proceedings for divorce between the same parties have been commenced in the Syariah Court;
- (b) a decree or order for divorce between the same parties has been made by the Syariah Court; or
- (c) a divorce between the same parties has been registered under section 102 of the Administration of Muslim Law Act (Cap. 3),

that party shall file a notice of proceedings in the Syariah Court in Form 192AA.

(4) In this Rule —

“Syariah Court certificate of attendance” means the certificate of attendance issued by the Syariah Court under section 35A(7) of the Administration of Muslim Law Act (Cap. 3) in the form prescribed by the Muslim Marriage and Divorce Rules 1999 (G.N. No. S 331/99);

“Syariah Court commencement certificate” means the certificate of commencement issued by the Syariah Court under section 35A(4) of the Administration of Muslim Law Act (Cap. 3) in the form prescribed by

the Muslim Marriage and Divorce Rules 1999.”.

### **New Orders 84A and 84B**

3. The principal Rules are amended by inserting, immediately after Order 84, the following Orders:

#### **“ORDER 84A**

#### **PROCEEDINGS FOR DISPOSITION OR DIVISION OF PROPERTY ON DIVORCE PURSUANT TO SECTION 17A(2)(c) OF THE SUPREME COURT OF JUDICATURE ACT**

#### **Application and interpretation (O. 84A, r. 1)**

1.—(1) This Order applies to proceedings for the disposition or division of property on divorce commenced in the High Court pursuant to section 17A(2)(c) of the Supreme Court of Judicature Act (Cap. 322), subject to the following Rules of this Order.

(2) In this Order —

“Act” means the Supreme Court of Judicature Act;

“property” means matrimonial assets as defined in section 112(10) of the Women’s Charter (Cap. 353);

“Syariah Court certificate of attendance” means the certificate of attendance issued by the Syariah Court under section 35A(7) of the Administration of Muslim Law Act (Cap. 3) in the form prescribed by the Muslim Marriage and Divorce Rules 1999 (G.N. No. S 331/99);

“Syariah Court commencement certificate” means the certificate of commencement issued by the Syariah Court under section 35A(4) of the Administration of Muslim Law Act in the form prescribed by the Muslim Marriage and Divorce Rules 1999.

#### **Applications for disposition or division of property on divorce (O. 84A, r. 2)**

2.—(1) An application for the disposition or division of property on divorce pursuant to section 17A(2)(c) of the Act must be made by originating summons and must be filed together with —

- (a) a Syariah Court commencement certificate; or
- (b) the parties' written consent to commencement of civil proceedings and the Syariah Court certificate of attendance.

(2) Order 28, Rule 3(2), (3), (4) and (5) shall not apply to an application under this Rule.

(3) The plaintiff shall file an affidavit setting out the full particulars of his property and the evidence in support of his application and the affidavit shall be filed and a copy thereof shall be served on the defendant not later than 7 days after the service of the originating summons (whether or not such defendant has entered an appearance).

(4) The defendant shall also file an affidavit setting out the full particulars of his property and the evidence that he wishes to adduce in respect of the application and the affidavit shall be filed and a copy thereof shall be served on the plaintiff not later than 2 months after being served with a copy of the affidavit by the plaintiff.

(5) No further affidavit shall be received in evidence without the leave of the court.

### **Application of the Women's Charter (Matrimonial Property Plan) Rules 1998 (O. 84A, r. 3)**

**3.** The Women's Charter (Matrimonial Property Plan) Rules (G.N. No. S 579/98) shall apply, with the necessary modifications, to an application under this Order as if —

- (a) the originating summons filed under this Order were a petition under Part X of the Women's Charter (Cap. 353); and
- (b) the plaintiff and defendant in the originating summons filed under this Order were, respectively, the petitioner and respondent to a petition under Part X of the Women's Charter.

“ORDER 84B

### REGISTRATION OF SYARIAH COURT ORDERS

### **Powers under section 53 of Administration of Muslim Law Act exercisable by Judge or Registrar (O. 84B, r. 1)**

1. The powers conferred on the District Court by section 53 of the Administration of Muslim Law Act (Cap. 3) (referred to in this Order as the Act) may be exercised by a District Judge in Chambers and the Registrar.

**Application for registration (O. 84B, r. 2)**

2. An application under section 53(2) of the Act for the registration in the District Court of any order obtained in the Syariah Court (referred to as a Syariah Court order) must be made by an ex parte originating summons.

**Evidence in support of application (O. 84B, r. 3)**

3. An application for the registration of a Syariah Court order must be supported by an affidavit —

- (a) exhibiting —
  - (i) the Syariah Court order sought to be registered or a verified or certified or otherwise duly authenticated copy thereof; and
  - (ii) where the Syariah Court order is not in the English language, an English translation thereof in accordance with Order 92, Rule 1;
- (b) stating the name and the usual or last known place of residence of —
  - (i) the person who has obtained the Syariah Court order; and
  - (ii) the person against whom the Syariah Court order has been made, so far as known to the deponent; and
- (c) stating to the best of the information or belief of the deponent —
  - (i) that the person applying for the registration of the Syariah Court order is entitled to enforce the Syariah Court order;
  - (ii) that at the date of the application the Syariah Court order has not been complied with; and
  - (iii) the amount in respect of which the Syariah Court order remains unsatisfied, if applicable.

**Security for costs (O. 84B, r. 4)**