

Women's Charter (Matrimonial Property Plan) Rules

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WOMEN'S CHARTER
(CHAPTER 353, SECTION 139)

WOMEN'S CHARTER (MATRIMONIAL PROPERTY PLAN) RULES

[1st December 1998]

Citation and application

1.—(1) These Rules may be cited as the Women’s Charter (Matrimonial Property Plan) Rules.

(2) These Rules shall apply only in respect of petitions under Part X of the Act which are filed on or after 1st January 1999.

Definitions

2. In these Rules, unless the context otherwise requires —

“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 if a petition under Part X of the Act in respect of their marriage is granted;

“Central Provident Fund Board” means the Central Provident Fund Board established under the Central Provident Fund Act (Cap. 36);

“CPF standard query” means a list of questions which parties to a marriage are required to ask the Central Provident Fund Board prior to the making and filing of a proposed matrimonial property plan;

“HDB flat” means a residential flat or any other residential property sold under Part IV of the Housing and Development Act (Cap. 129) which has been acquired by the present owner thereof whether directly from the Housing and Development Board or otherwise;

“HDB matrimonial asset” means a matrimonial asset as defined in section 112 of the Act which consists of —

(a) an HDB flat; or

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

“HDB standard query” means a list of questions which parties to a marriage are required to ask the Housing and Development Board prior to the making and

filing of a proposed matrimonial property plan;

“Housing and Development Board” means the Housing and Development Board established under the Housing and Development Act;

“proposed matrimonial property plan” means a plan setting out the proposals of the parties to a marriage as to the way in which an HDB matrimonial asset is to be divided if a petition under Part X of the Act in respect of their marriage is granted.

Filing and service of agreed matrimonial property plan or proposed matrimonial property plan

3.—(1) Where a petition is intended to be filed under Part X of the Act and the petition discloses that there is an HDB matrimonial asset to be divided if the petition is granted, the petitioner shall, at the time the petition is filed, also file with the court —

- (a) an agreed matrimonial property plan in Form 1 set out in the Schedule together with the written replies from the Housing and Development Board and the Central Provident Fund Board under paragraph (4); or
- (b) if the petitioner is unable for any reason to reach an agreement on a matrimonial property plan with the other party to the marriage, the proposed matrimonial property plan in Form 2 set out in the Schedule, with the petitioner’s portion duly completed, together with the written replies from the Housing and Development Board and the Central Provident Fund Board under paragraph (5).

(2) Where, at any time after the filing of the petition under Part X of the Act, it is disclosed that there is an HDB matrimonial asset to be divided if the petition is granted, the petitioner shall file the documents referred to in paragraph (1)(a) or (b) with the court —

- (a) within the time specified by the court; or
- (b) if no time is specified by the court, before the court makes any order under section 112 of the Act.

(3) Where, at the time of filing the petition or after the filing of the petition, a proposed matrimonial property plan is filed instead of an agreed matrimonial property plan, and the parties to the marriage subsequently enter into an agreed matrimonial property plan, the petitioner shall file the agreed matrimonial property plan with the court in Form 1 set out in the Schedule —

- (a) within the time specified by the court; or
- (b) if no time is specified by the court, before the court makes any order under

section 112 of the Act.

(4) Prior to the filing of an agreed matrimonial property plan under paragraph (1)(a), (2) or (3), the petitioner shall serve a copy of the agreed matrimonial property plan on the Housing and Development Board and the Central Provident Fund Board, which shall, within one month of the service, give a written reply to the petitioner as to whether they have any objection to the agreed matrimonial property plan, and if there is any objection, the nature of the objection.

(5) Prior to the filing of a proposed matrimonial property plan under paragraph (1)(b) or (2), the petitioner shall serve —

- (a) the HDB standard query on the Housing and Development Board; and
- (b) the CPF standard query on the Central Provident Fund Board,

and the Housing and Development Board and the Central Provident Fund Board shall, within one month of the service, give a written reply to the petitioner which contains the answers to the standard query.

(6) Where no written reply has been given by the Housing and Development Board or the Central Provident Fund Board within the time specified in paragraph (4) or (5), the petitioner may proceed with the filing of the petition without the written reply.

(7) Unless otherwise directed by the court, a petitioner who has filed the documents under paragraph (1) shall serve a copy of the documents personally on the respondent.

(8) Unless otherwise directed by the court, a petitioner who has filed the documents under paragraph (2) or (3) shall serve a copy of the documents on the respondent.

(9) A respondent who has been served with a proposed matrimonial property plan under paragraph (7) or (8) shall, within 2 months of the service, reply to the proposed matrimonial property plan by filing with the court —

- (a) the proposed matrimonial property plan served on the respondent under paragraph (7) or (8), with the respondent's portion duly completed; and
- (b) the written reply from the Central Provident Fund Board under paragraph (10).

(10) Prior to the filing of a proposed matrimonial property plan under paragraph (9), the respondent shall serve a copy of the CPF standard query on the Central Provident Fund Board which shall, within one month of the service, give a written reply to the respondent which contains the answers to the standard query.

(11) Where no written reply has been given by the Central Provident Fund Board within the time specified in paragraph (10), the respondent may proceed with the filing

of the proposed matrimonial property plan without the written reply.

(12) Unless otherwise directed by the court, the respondent shall serve a copy of all documents filed under paragraph (9) on the petitioner.

(13) Unless otherwise directed by the court, service of any document under paragraphs (8) and (12) shall be effected by delivering the document to the person to be served, or by leaving it at, or by sending it to him by pre-paid registered post to, his last known address.

Amendment of agreed matrimonial property plan

4.—(1) Either party to a marriage may amend or rescind an agreed matrimonial property plan filed with the court under rule 3 (1) (a), (2) or (3) by filing —

- (a) an amended agreed matrimonial property plan; or
- (b) a proposed matrimonial property plan, with the petitioner's or the respondent's portion, as the case may be, duly completed.

(2) Subject to paragraph (4) (b), prior to the filing of an amended agreed matrimonial property plan under paragraph (1) (a), the petitioner or the respondent, as the case may be, shall serve a copy of the amended agreed matrimonial property plan on the Housing and Development Board and the Central Provident Fund Board, which shall, within one month of the service, give a written reply to the petitioner or the respondent, as the case may be, as to whether they have any objection to the proposed amendments, and if there is any objection, the nature of the objection.

(3) Subject to paragraph (4), the written replies of the Housing and Development Board and the Central Provident Fund Board under paragraph (2) shall be filed with the amended agreed matrimonial property plan.

(4) Where —

- (a) no written reply has been given by the Housing and Development Board or the Central Provident Fund Board within the time specified in paragraph (2); or
- (b) the written replies to the CPF standard query and the HDB standard query have previously been filed with the court,

the petitioner or the respondent, as the case may be, may proceed with the filing of the amended agreed matrimonial property plan without filing the written replies.

(5) Subject to paragraph (7) (b), prior to the filing of a proposed matrimonial property plan under paragraph (1) (b), the petitioner or the respondent, as the case may be, shall serve —