

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE
PRACTICE DIRECTIONS
AMENDMENT NO. 4 OF 2014

It is hereby notified for general information that, with effect from 1 April 2014, the State Courts Practice Directions will be amended as follows:

- (a) the existing paragraphs 25 and 25A will be deleted and replaced with the following new paragraphs respectively:

New paragraphs [25](#) and [25A](#)

- (b) the following new paragraph 99A will be inserted immediately after the existing paragraph 99:

New paragraph [99A](#)

- (c) the following new paragraph 101A will be inserted immediately after the existing paragraph 101:

New paragraph [101A](#)

- (d) the following new Form 22A will be inserted immediately after the existing Form 22 in Appendix B:

New [Form 22A](#) in Appendix B

- (e) the existing Form 23B in Appendix B will be deleted and replaced with the following new Form 23B:

New [Form 23B](#) in Appendix B

- (f) the following new Form 24D will be inserted immediately after the existing Form 24C in Appendix B:

New [Form 24D](#) in Appendix B

2. The amendments to paragraphs 25 and 25A of the State Courts Practice Directions arise from the extension of the application of the “Presumption of ADR” for civil suits that was introduced on 28 May 2012. Apart from summonses for directions, the “presumption” and the requirement to file the ADR Form will apply to civil cases that are called for pre-trial conferences 4 months after the writ is filed. Details concerning the type of cases that will be called for such pre-trial conferences may be found in the new paragraphs 25 and 25A.

3. The amendment to Form 23B in Appendix B serves to simplify the Standard Query Form that must be used by parties to divorce proceedings for the purpose of obtaining relevant

information from the Housing and Development Board (HDB) concerning any HDB Flat currently owned by them.

4. The new paragraph 99A and Form 22A in Appendix B provide for an expedited hearing track for uncontested divorce proceedings where the parties have reached an agreement on the ancillary matters.

5. The new Paragraph 101A requires parties to submit a checklist in Form 24D in Appendix B at least 5 clear days before the first status conference for divorce proceedings and the first pre-trial conference for ancillary matters in matrimonial proceedings or proceedings under the Guardianship of Infants Act (Cap. 122).

Dated this 19th day of March 2014.

A handwritten signature in black ink, appearing to read 'Jm', is positioned above the typed name.

JENNIFER MARIE
REGISTRAR
STATE COURTS

25. Overview of Alternative Dispute Resolution (ADR) for civil cases

- (1) ADR should be considered at the earliest possible stage. Court-sponsored ADR services give the parties the opportunity to resolve their disputes faster and more cheaply compared to litigation. These services are collectively termed “Court Dispute Resolution” (CDR) and are provided by the Court for free. CDR sessions are convened under Order 34A of the Rules of Court, which empowers the Court to convene pre-trial conferences for the purpose of the “just, expeditious and economical disposal of the cause or matter”.
- (2) This Part of the Practice Directions focuses on ADR for *civil* disputes only.

Processes used for Court Dispute Resolution sessions

- (3) CDR is provided by the Primary Dispute Resolution Centre of the State Courts (PDRC). There are 2 processes used:
 - (a) Mediation; and
 - (b) Neutral Evaluation.

(Solicitors may refer to the State Courts’ website at <http://www.statecourts.gov.sg> under “Civil Justice Division, Court Dispute Resolution”, for more information on these processes.)
- (4) CDR sessions are conducted on a “without prejudice” basis. All communications at CDR sessions, except terms of settlement or directions given for trial, are confidential pursuant to Order 34A, Rule 7 of the Rules of Court, and shall not be disclosed in any court document or at any court hearing.
- (5) If the parties are unable to resolve their dispute at the CDR session, the Judge will give the necessary directions for the action to proceed to trial. The action will be tried by another Judge other than the Judge conducting the CDR session.

Presumption of ADR for non-injury motor accident (NIMA) claims and personal injury claims

- (6) All *non-injury motor accident claims and personal injury claims filed in court* will be fixed for CDR unless any party opts out of CDR.
- (7) The Court will send a notice to the solicitors fixing the date of the first CDR session approximately 8 weeks after the memorandum of appearance is filed. Where any or all

of the parties wishes to opt out of CDR, he/she should write to PDRC *not less than 2 working days prior to the date of the CDR session*, providing reasons for opting out.

- (8) The Judge will use the process of *Neutral Evaluation and indicate the likely apportionment of liability of the parties at trial*. The parties may then negotiate using the indication as a basis. The procedure and protocols set out in paragraphs 25B and 25C of these Practice Directions apply for these claims.

Presumption of ADR for all other cases

- (9) In all other cases, the Court will fix a Pre-Trial Conference (PTC) approximately 4 months after the filing of the writ if —
- (a) the Defence has been filed;
 - (b) no summons for directions or application for summary judgment, striking out, stay, transfer or consolidation of proceedings has been taken out for the case; and
 - (c) no CDR session has been fixed.

Such cases *shall be automatically referred by the Court for the most appropriate mode of ADR during the PTC, unless the parties opt out of ADR*. The available ADR options are Mediation, Neutral Evaluation and Arbitration under the Law Society's Arbitration Scheme. The procedure for this referral is set out in paragraph 25A of these Practice Directions.

Request for CDR

- (10) A Request for CDR *need not be filed for NIMA and personal injury claims* as the parties would automatically be notified to attend CDR. A Request for CDR need not be filed for all other cases as the Court will refer the cases for CDR during PTCs or at a summons for directions hearing. A Request for CDR may be filed *when the parties wish to attempt CDR at an earlier stage*. The "Request for CDR" must be filed via the Electronic Filing Service.

Request for adjournment of CDR session

- (11) A dedicated time slot is set aside for each CDR session. In order to minimise wastage of time and resources, any request for adjournment of a CDR session shall be made early. A request to adjourn a CDR session —
- (a) for NIMA and personal injury claims shall be made *not less than 2 working days* before the date of CDR; and

- (b) for other cases shall be made *not less than 7 working days* before the date of CDR.
- (12) A request for an adjournment of a CDR session shall be made *only* by filing a “Request for Refixing / Vacation of Hearing Dates” via the Electronic Filing Service. The applicant shall obtain the consent of the other parties to the adjournment, and list the dates that are unsuitable for all the parties.

Sanctions for failure to make early request for adjournment, lateness or absence

- (13) Where any party is absent without valid reason for the CDR session, the Court may exercise its powers under Order 34A, Rule 6 of the Rules of Court to “dismiss such action or proceedings or strike out the defence or counterclaim or enter judgment or make such order as it thinks fit”.
- (14) Where any party is late for the CDR session, this conduct may be taken into account by the Court when making subsequent costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court, which states:

“The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties’ conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”

25A. Presumption of ADR: Pre-Trial Conference and Summons for Directions hearing to consider ADR options

- (1) This paragraph applies to all civil claims (excluding motor accident and personal injury claims) that —
 - (a) are filed on or after 1 April 2014; or
 - (b) have been filed before 1 April 2014, but in respect of which a summons for directions application is heard on or after 1 April 2014.
- (2) To encourage the use of Alternative Dispute Resolution (ADR) at an early stage, the Court will convene a Pre-Trial Conference (PTC) approximately 4 months after the writ is filed for every case where —
 - (a) the Defence has been filed;
 - (b) no Summons for Directions (SFD) or application for summary judgment, striking out, stay, transfer or consolidation of proceedings has been taken out for the case; and
 - (c) no CDR session has been fixed,

except that the parties will not be asked to attend a PTC in the event that they have earlier filed an SFD application.
- (3) Parties may file an SFD application prior to the PTC and file a request to vacate the PTC. Paragraph 18 of these Practice Directions concerning SFDs applies accordingly.
- (4) The solicitors for *all the parties* shall be present at the PTC.
- (5) The Judge hearing the PTC will give the necessary directions to facilitate the management of the case. The Judge may also recommend the appropriate mode of ADR. To facilitate a considered decision on the ADR options, the ADR Form (Form 6A in Appendix B to these Practice Directions) *must be read and completed by the solicitors for all parties and their clients prior to the PTC*. A party who is not represented shall also complete the relevant sections of the ADR Form.
- (6) The parties shall file the ADR Form through the Electronic Filing Service not less than 3 working days before the PTC under the document name “ADR Form”. No court fees will be charged for the filing of the ADR Form.

- (7) Cases are classified under one of the 2 tracks set out in the ADR Form: the Recommended ADR Track or the General Track. Cases falling under the Recommended ADR track are generally lower value claims which benefit most from a faster and quicker resolution through ADR.
- (8) All cases *shall be automatically referred by the Court for the most appropriate mode of ADR during the PTC unless any or all of the parties opt out of ADR*. Any party who wishes to opt out should indicate his/her decision in the ADR Form. For cases falling under the Recommended ADR track, a party may opt out only for the stipulated or other good reasons.
- (9) Where the Judge is of the view that ADR is suitable, and the party/parties have opted out of ADR for unsatisfactory reasons, this conduct may be taken into account by the Court when making subsequent costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court, which states:

“The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”

- (10) The following ADR options are available for the parties:
- (a) Mediation in the Primary Dispute Resolution Centre (PDRC) of the State Courts;
 - (b) Neutral Evaluation in the PDRC;
 - (c) Arbitration under the Law Society's Arbitration Scheme; or
 - (d) Mediation by private mediation service providers.

99A. Request for expedited 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 an expedited hearing track by filing Form 22A to these Practice Directions.
- (2) The expedited 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) Form 22A and the requisite documents are in order,

the Court will place the divorce proceedings filed pursuant to the settlement, on an expedited hearing track.
- (5) Form 22A must be filed together with the Writ of Divorce, the Statement of Claim and the Statement of Particulars. The Memorandum of Appearance as well as the draft consent order for the ancillary matters must also be filed.
- (6) Upon receiving Form 22A, and if the requisite documents are in order, the Court will fix the matter for uncontested hearing on an expedited hearing track.

101A. Status conferences and pre-trial conferences for matrimonial proceedings under Part X of the Women’s Charter (Cap. 353) and pre-trial conferences for proceedings under the Guardianship of Infants Act (Cap. 122)

- (1) Status conferences and pre-trial conferences are conducted as provided in Paragraphs 90 and 101 of these Practice Directions.
- (2) To facilitate a more effective and expedient processing of cases and to reduce the number of status conferences and pre-trial conferences, counsel and/or parties must submit a checklist in Form 24D in Appendix B to these Practice Directions.
- (3) Form 24D must be sent to the Court at least 5 clear days before the first status conference for divorce proceedings and the first pre-trial conference for ancillary matters or for proceedings under the Guardianship of Infants Act (Cap. 122) (as the case may be).
- (4) Both the Plaintiff and the Defendant must file their respective Form 24D, whether through their respective counsel or (if unrepresented) in person.

FORM 22A

**REQUEST FOR EXPEDITED HEARING
UNCONTESTED DIVORCE WITH AGREED ANCILLARY MATTERS
(BY CONSENT OF BOTH COUNSEL/PARTIES)**

Case Number Divorce Suit No: _____ of _____

Plaintiff/Plaintiff's counsel: _____

Defendant/Defendant's counsel: _____

(*delete where applicable)

We, Counsel acting for the Plaintiff/Counsel acting for the Defendant/Plaintiff acting in person/Defendant acting in person* do confirm as follows:

- (a) The parties in these proceedings have undergone the Collaborative Family Practice with Singapore Mediation Centre/private mediators*.
- (b) The parties in these proceedings have resolved the divorce proceedings with agreed ancillary matters.
- (c) The divorce will be proceeding on an uncontested basis with agreed ancillary matters.
- (d) All parties consent to this application.
- (e) All parties confirm that there will not be any further applications for this matter (eg abridgement of time, cost, withdrawal or amendment of pleadings etc).
- (f) Parties also understand that the Court may not make the required orders as requested if any of the papers are not in order, in which case a further hearing (in open court or in chambers) will be scheduled.

Signature: _____
Name of Counsel for the Plaintiff / Plaintiff* : _____

Name of Law Firm: _____
Date: _____

Signature: _____
Name of Counsel for the Defendant
/ Defendant* : _____

Name of Law Firm: _____
Date: _____

Form 23B

**STANDARD QUERY TO HOUSING & DEVELOPMENT BOARD ON HDB
MATRIMONIAL ASSET (HDB FLAT)**

AT -

(state address of HDB matrimonial asset)

(hereinafter called "the flat")

PART 1 – PARTICULARS OF PARTIES (To be completed by party making the enquiry)	
Name of Plaintiff	
NRIC No.	
Name of Defendant	
NRIC No.	
Nature of Writ	Writ for Divorce / Annulment *
Name of Solicitor for Plaintiff/ Defendant (specify the name of the solicitor representing the party who is making the enquiry)	
Solicitor's address (if there is no solicitor, state the address of the party who is making the enquiry)	
Fax No. (HDB's replies will be sent by fax or ordinary post to this address and number.)	
Contact No.	

* Delete where not applicable

PART 2 - PARTICULARS OF FLAT / HOUSEHOLD (to be completed by HDB)

2.1 Name of Flat Owner(s)/Occupier(s)

Role	Name	Relationship with Flat Owner
Flat Owner(s)	1.	Self
	2.	
	3.	
	4.	
Occupier(s)	5.	
	6.	
	7.	
	8.	

2.2 Occupation Period of the Flat

The flat owners are required to meet a X minimum occupation period from ddmccyy (Effective Date of Sale/Purchase Date), excluding any subletting and/or non-occupation period, before they are eligible to sell the flat in the open market.

2.3 Information on the Flat Ownership

- *Direct Purchased Flats : Please refer to the enclosed (a) Sales Order and (b) Mortgage Loan Statement of Account
- *Resale Flats (including those purchased with CPF Housing Grant) : Please refer to the enclosed Mortgage Loan Statement of Account and the below table:

Flat Type	
Mode of Purchase	
Manner of Holding	
Date of Purchase	
Purchase Price	
Amount of CPF Housing Grant Obtained	
Initial Capital Payment	
Conveyancing/Stamp/Registration/Administrative Fees	
Loan Granted	

2.4 Information on Loan Repayment

[A] Payment via CPF from Flat Owner(s)	
Name of Flat Owner(s)	Amount deducted from CPF Ordinary Account
1.	\$
2.	\$
3.	\$
4.	\$
[B] Payment via Cash	
Monthly Mortgage Loan Instalment (total) ([A] + [B])	\$

* Delete where not applicable

PART 3 - ADDITIONAL INFORMATION

3.1 Retention of Flat

If any of the parties wishes to retain the ownership of the existing flat, he/she must meet the prevailing eligibility conditions to take over the ownership of the flat and has the financial means to service the monthly mortgage loan instalments. The details can be found in the HDB InfoWEB at www.hdb.gov.sg under :

Eligibility to Retain Flat :

- “Living in HDB Flats > Change Owners or Occupiers > Retain Flat Ownership > Divorce”

Eligibility to Obtain an HDB Loan :

- “Living in HDB Flats > Change Owners or Occupiers > Transfer Flat Ownership >

Eligibility Criteria > Proposed Owners’ Eligibility to obtain an HDB loan”

3.2 Sale of Flat

If none of the party is eligible to retain the ownership of the flat and that the minimum occupation period of the flat has been met, they may consider selling the flat in the open market. The details can be found in the HDB InfoWEB at www.hdb.gov.sg under “Selling your flat > Am I Eligible > Eligibility > Minimum Occupation Period”.

If the existing flat is bought from the HDB or with a CPF Housing Grant, the resale levy is payable when the party buys or takes over the ownership of another subsidised flat or an Executive Condominium bought directly from the developer/within the minimum occupation period. The details can be found in the HDB InfoWEB at www.hdb.gov.sg under “Selling your flat > Am I Eligible > Considerations > Resale Levy”.

3.3 Surrender of Flat

The parties may have to surrender the flat to HDB if the minimum occupation period of the flat has not been met at the point of divorce and neither party meets the eligibility conditions to retain the flat under an eligibility scheme.

3.4 Creation of Trust for the Children

HDB may allow creation of a trust to enable private individuals to hold the flat in trust for minor children until they reach 21 years old, subject to the following conditions :

- The private individual to be appointed as trustee must be a Singapore citizen or Singapore permanent resident.
- If the trustee is also the remaining co-owner who is able and willing to service the loan, HDB may consider granting a fresh loan for the flat. Otherwise, the existing mortgage loan must be fully discharged.
- The request for creation of trust will be subject to HDB’s approval.

3.5 Purchase of Next Flat Directly from HDB/in the Open Market

If any of the parties wishes to buy another flat, he/she may purchase it either directly from HDB or from the open market, subject to meeting the eligibility conditions as set out in the HDB InfoWEB at www.hdb.gov.sg under :

- “Buying a flat > New Flat”
- “Buying a flat > Resale Flat”

3.6 Rental of Flat Directly from HDB

If the party could not afford to buy a flat and does not have family support, he/she may apply to rent a flat directly from HDB. The details can be found in our HDB InfoWEB at www.hdb.gov.sg under “Renting a flat > Direct from HDB > Public Rental Scheme > Eligibility for renting a flat”.

Signature, name and designation of HDB Officer

Date

Enc.

Form 24D
CHECKLIST FOR CASE CONFERENCE

Divorce Suit/OS No: _____ Date: _____

Party Filing this Summary: Plaintiff/Defendant*

A. MARRIAGE:

State date of marriage	
Length of marriage to writ	

B. CHILDREN ISSUES:

State number of children	Son:	Daughter:
State age of child(ren)	Below 21:	Above 21:
Custody issues	Joint/Sole/No custody order sought/Not discussed*	Agreed/Not Agreed Negotiating/Not discussed*
Care and Control Issues	Joint/Sole/Split care and control*	Agreed/Not Agreed/Negotiating/Not discussed
Any access issues	Yes/No*	Agreed/Not Agreed/Negotiating
Handover venue		Agreed/Not agreed*
Child with special needs/disability	Yes/No*	Brief details:

C. MAINTENANCE ISSUES

Existing maintenance order/Voluntary payments/application pending	Yes/No/Not applicable*	If yes, amount or value:
Is wife seeking maintenance?	Yes/No/Not applicable*	Agreed/Not Agreed/Negotiating
Child(ren) maintenance	Yes/No/Not applicable	Agreed/Not Agreed/Negotiating
State income as reported in Notice of Assessment last year		

D. DIVISION OF MATRIMONIAL HOME

Matrimonial home	HDB flat/Landed property/Private apartment*
Manner of holding	Joint tenant/Tenants in common/Third party interests*
Date of purchase	
Outstanding loan	Yes/No* If yes, loan amount outstanding:
Current value	S\$
Any other relevant information	Agreed/Not Agreed/Negotiating

E. DIVISION OF MATRIMONIAL ASSETS

Other matrimonial assets, specifically known sole/joint immovable property	Yes/No* If yes, approximate value:
Other known sole/joint matrimonial assets this party is seeking division of	Stocks and shares/Jewellery/Savings/CPF funds/Pension/Car/Insurance policies/Others *
Approx value of known matrimonial assets	S\$