

**IN THE SYARIAH COURT OF THE REPUBLIC OF SINGAPORE**

**Explanatory Notes for Execution of Documents  
Under Section 53A of Administration of Muslim Law Act 1966 (2020 Rev Ed)  
("AMLA")**

If you are filing a request for the Court to execute any documents, please check if your request falls under Category A or Category B. See the explanation and requirements below for each Category.

1. Category A and Category B Request

Category A Request	Category B Request
<p>An order empowering the registrar or President to sign relevant documents <u>without any notice</u> to the party for whom the registrar or President is signing on behalf of.</p> <p>Example of a Category A Order:</p> <p>(a) <i>The parties shall execute, sign or indorse all necessary documents to effect the [sale/ transfer/ surrender] of the matrimonial [flat/property] at [address].</i></p> <p>(b) <i>The President or registrar of the Syariah Court under section 53A of the Administration of Muslim Law Act 1966 (2020 Rev Ed) is empowered to execute, sign or indorse all necessary documents relating to the [sale/transfer/surrender] of the matrimonial [flat/property] on behalf of either party.</i></p>	<p>An order empowering the registrar or President to sign relevant documents only in the event of a default by a party in signing those documents <u>despite written notice to him/her</u> to sign the relevant documents.</p> <p>Example of a Category B Order:</p> <p>(a) <i>The parties shall execute, sign or indorse all necessary documents to effect the [sale/transfer/surrender] of the matrimonial [flat/property] at [address].</i></p> <p>(b) <i>The President or registrar of the Syariah Court under section 53A of the Administration of Muslim Law Act 1966 (2020 Rev Ed) is empowered to execute, sign or indorse all necessary documents relating to the [sale/transfer/surrender] of the matrimonial [flat/property] on behalf of either party should either party fail to do so within [14 days] of written request being made to the party.</i></p>
<b>Documents to be submitted</b>	
a) Certified true copy (issued by the Court) of the Order of Court	a) As per documents for Category A request; and

<p>empowering the President or registrar of the Syariah Court to sign the relevant documents;</p> <p>b) Original documents for signature; and</p> <p>c) Filing request (praecipe).</p>	<p>b) An affidavit-in-support (affidavit showing, amongst others, other party's receipt of applicant's written request to sign the relevant documents and his/her failure and/or refusal to sign those documents) with relevant enclosures. A sample of the affidavit-in-support can be found on the website.</p>
<p><b>Payment to be made</b></p>	
<p>(i) \$12 (filing of request).</p>	<p>(ii) \$12 (filing of request); and</p> <p>(iii) \$12 (filing of affidavit).</p>
<p>Collection Date: 3 working days from the date of the request for execution of documents. Please note that your request will not be approved if the documents submitted are incomplete or your affidavit-in-support is not satisfactory. In such cases, the Court will require more information from you, or action to be taken by you, and this may include filing a supplementary affidavit.</p>	
<p><b>Note:</b> Option date on HDB's "Option to Purchase" (OTP) should be left blank as the OTP must be signed by all sellers (including via proxy powers) on page 8 of the OTP before the Option is granted to the buyers. Please refer to paragraph 9 of HDB's "Important Notes on Option To Purchase". Accordingly, the OTP submitted to the Court must not be signed by the buyer(s) as the Option has not yet been granted to him/them. The Option date should be inserted on or after the date of signing of the OTP by the President or registrar of the Syariah Court via proxy powers.</p>	

2. Checklist before requesting the execution of documents under section 53A AMLA

<p><b>Checklist Before Requesting for Execution of Documents under section 53A AMLA</b></p>	
<p><b>a</b></p>	<p>Check the Order of Court carefully to confirm that it has either a Category A or Category B Order as set out in Paragraph 1 above.</p>
<p><b>b</b></p>	<p>Check that the address of the subject property is correct.</p>
<p><b>c</b></p>	<p>Check that the time frame for the sale or transfer of the property has not expired. If expired, you will need to apply to vary the Order of Court to obtain an order to extend the time frame for the sale or transfer of the property.</p>
<p><b>d</b></p>	<p>For an order for the sale of the property, check whether you have sole conduct of the sale AND either (i) you have the sole authority to determine the sale price; or (ii) the sale price of the property has been determined and</p>

	<p>incorporated in the Order of Court. If the Order of Court is silent, the presumption is that both parties have joint conduct of sale. Where both parties have joint conduct of the sale, the registrar/President <b>will not</b> exercise the proxy power to sign. If you do not have sole conduct of sale and/or the sole authority to determine the sale price or the sale price has not been determined and incorporated in the Order of Court, you will need to apply for a variation of the Order of Court to obtain these orders. The outcome of such an application will however depend on its merits.</p>
<b>e</b>	<p>For a Category B Order, ensure that due notice has been given to the defaulting party in accordance with the timeframe stipulated in the Order of Court and for the particular document for which the Court's signature is requested. The letter, with the correct attachments of the notice given to the defaulting party, must be exhibited in your affidavit filed together with the Praecipe (Request). The sample letter containing the required notice can be found on in the Syariah Court website at <a href="http://www.syariahcourt.gov.sg">www.syariahcourt.gov.sg</a>.</p>
<b>f</b>	<p>Your affidavit must set out the particulars of when and how notice was provided to the defaulting party. A sample affidavit can be found in the Syariah Court website at <a href="http://www.syariahcourt.gov.sg">www.syariahcourt.gov.sg</a>.</p> <p>You must be able to show to the satisfaction of the Court that the defaulting party was requested to sign the specified documents and failed and/or refused to do so despite being given notice of the request.</p>