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## **No. S 910**

### ADMINISTRATION OF MUSLIM LAW ACT 1966

#### MUSLIM MARRIAGE AND DIVORCE (AMENDMENT NO. 2) RULES 2022

In exercise of the powers conferred by section 145 of the Administration of Muslim Law Act 1966, the President of Singapore makes the following Rules:

#### **Citation and commencement**

1. These Rules are the Muslim Marriage and Divorce (Amendment No. 2) Rules 2022 and come into operation on 30 November 2022.

#### **Amendment of rule 2**

2. In rule 2 of the Muslim Marriage and Divorce Rules (R 1) (called in these Rules the principal Rules) —

(a) in paragraph (1), after the definition of “child of the parties”, insert —

““Corppass” means the identity authentication service known as Singapore Corporate Access, by which an entity authenticates its identity in order to carry out an online transaction with the Government or a public authority;

“Corppass credential” means any username, password or 2-factor authentication detail required to authenticate, using Corppass, the identity of an entity;”;

(b) in paragraph (1), after the definition of “dependent child of the parties”, insert —

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““electronic system” means the electronic filing and case management system established under rule 38A(1);

“entity” means a sole proprietorship, an incorporated or unincorporated partnership (including a limited liability partnership and a limited partnership), a law corporation, a company or other body corporate, a department of the Government or a public authority;”;

(c) in paragraph (1), replace the definition of “HDB standard query” with —

““identification code” means a Singpass credential, a Corppass credential or an SYCPass credential;”;

(d) in paragraph (1), after the definition of “proposed matrimonial property plan”, insert —

““public authority” means a body established or constituted by or under a public Act to perform or discharge a public function;”;

(e) in paragraph (1), after the definition of “senior president of the Court”, insert —

““Singpass” means the identity authentication service known as Singapore Personal Access, by which an individual authenticates the individual’s identity in order to carry out an online transaction with the Government or a public authority;

“Singpass credential” means any username, password or 2-factor authentication detail required to authenticate, using Singpass, the identity of an individual;”;

(f) in paragraph (1), after the definition of “solicitor”, insert —

““SYCPass” means the identification method known as SYCPass, by which an individual presents the individual’s identity in order to access the electronic system;

“SYCPass credential” means any username, password or 2-factor authentication detail required for an individual to present, via SYCPass, the individual’s identity;”;

(g) in paragraph (2)(b), delete “(other than Form 6)”; and

(h) in paragraph (2), delete sub-paragraph (c).

### **Amendment of rule 3**

**3.** In rule 3 of the principal Rules —

(a) in paragraphs (1)(b) and (2), replace “statutory declaration” with “declaration”;

(b) replace paragraph (3) with —

“(3) The declaration mentioned in paragraphs (1)(b) and (2) must provide for a party (*X*) to declare —

(a) whether the parties to the intended marriage are prevented from marrying by the Act or any other law;

(b) if the parties are required to attend and complete a marriage preparation programme — whether the parties have done so; and

(c) if *X* was previously married but has been divorced — whether *X* owes any arrears in respect of any maintenance which is payable under a maintenance order.

(3A) The Kadi or Naib Kadi may in lieu of or in addition to a declaration mentioned in paragraphs (1)(b) and (2), require a statutory declaration to be made by any party to the intended

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marriage or the wali (if any) of the woman to be wedded.”; and

- (c) in paragraph (4), replace “paragraphs (1), (2) and (3)” with “paragraphs (1), (2), (3) and (3A)”.

### **Amendment of rule 9**

4. In rule 9 of the principal Rules —

- (a) in paragraph (1), after “order for divorce”, insert “or nullity of marriage”;
- (b) in paragraph (2), replace “Form 6” with “Form 45A”; and
- (c) in paragraph (3), after “originating summons”, insert “for divorce or nullity of marriage”.

### **Amendment of rule 9C**

5. In rule 9C of the principal Rules —

- (a) replace paragraph (3) with —
- “(3) Before the filing of an agreed matrimonial property plan under paragraph (1)(a), each party to the proceedings must obtain that party’s own relevant CPF statement and additional CPF information within such time and in such manner as the Court may specify.”; and
- (b) delete paragraph (5).

### **New rule 11A**

6. After rule 11 of the principal Rules, insert —

#### **“Service of certain documents on person under disability**

**11A.—**(1) Where in any proceedings a document is required to be served personally on any person and that person is a person under disability, this rule applies.

(2) Subject to this rule, the document must be served —

- (a) in the case of a minor who is not also a person lacking capacity, on his or her father or guardian or, if he or

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she has no father or guardian, on the person with whom he or she resides or in whose care he or she is; and

- (b) in the case of a person lacking capacity, on the person (if any) who is authorised under the Mental Capacity Act 2008 to conduct in the name of the person lacking capacity or on his or her behalf the proceedings in connection with which the document is to be served or, if there is no person so authorised, on the person with whom he or she resides or in whose care he or she is,

and must be served in the manner required by these Rules with respect to the document in question.

(3) Despite anything in paragraph (2), the Court may order that a document which has been, or is to be, served on the person under disability or on a person other than a person mentioned in that paragraph is deemed to be duly served on the person under disability.

(4) Subject to paragraph (5), a judgment or an order requiring a person to do, or refrain from doing any act, a summons for the committal of any person, and an order to attend court issued to any person, must, if that person is a person under disability, be served personally on him or her unless the Court otherwise orders.

(5) Paragraph (4) does not apply to an order for the discovery or production of documents.”.

### **Amendment of rule 18A**

7. In rule 18A of the principal Rules, replace paragraph (1) with —

“(1) The Court may, at any time after the commencement or at the hearing of any proceedings, of its own motion or on an application by any party to the proceedings, make such order or give such direction as the Court thinks fit, for the just, expeditious and economical disposal of the matter.

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(1A) An order under paragraph (1) may be made, and a direction under paragraph (1) may be given —

- (a) where the Court directs all or any of the parties to appear before the Court — in Court; or
- (b) in any other case — through the electronic system.”.

### **New rules 23A and 23B**

8. After rule 23 of the principal Rules, insert —

#### **“Continuation of hearing by another president of Court**

**23A.**—(1) When a president of the Court who has commenced the hearing of an application is unable to complete the hearing, the senior president of the Court may nominate another president of the Court to continue the hearing.

(2) Nothing in this rule prevents the president of the Court so nominated from recalling all or any of the witnesses or taking their evidence afresh.

#### **Continuation of hearing by another member of Appeal Board**

**23B.**—(1) Where one or more members of an Appeal Board who have commenced the hearing of an appeal are unable to complete the hearing, the President of the Majlis may —

- (a) in the case of one or more members not presiding over the Appeal Board — select one or more persons from the panel of persons mentioned in section 55(3) of the Act to continue hearing the appeal; and
- (b) in the case of a member presiding over the Appeal Board — nominate a person from the panel of persons mentioned in section 55(3) of the Act, or a remaining member of the Appeal Board, to continue presiding over the Appeal Board.

(2) Nothing in this rule prevents an Appeal Board reconstituted under paragraph (1)(a) or (b) from recalling all or any of the witnesses or taking their evidence afresh.”.

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**Amendment of rule 32**

9. In rule 32 of the principal Rules —

(a) replace paragraph (3) with —

“(3) The hakam may recommend an appropriate amount of redemption money for the parties’ agreement, and, if the parties agree on that recommended amount, the Court may cause the husband to pronounce a divorce by redemption (khuluk).”;

(b) in paragraph (4), replace “makes a decree of divorce under section 50(6)” with “pronounces a divorce under section 50(6) or (7)”;

(c) delete paragraph (5); and

(d) replace paragraph (6) with —

“(6) No appeal lies against a pronouncement of divorce by the hakam under section 50(6) or (7) of the Act.”.

**Amendment of rule 33**

10. In rule 33 of the principal Rules, after paragraph (6), insert —

“(6A) Personal service of a document under these Rules may also be effected in such other manner as may be agreed between the party serving and the party to be served.”.

**Amendment of rule 35**

11. In rule 35(2) of the principal Rules —

(a) in sub-paragraph (b), delete “or” at the end; and

(b) after sub-paragraph (b), insert —

“(ba) in such other manner as may be agreed between the party serving and the party to be served; or”.

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**Amendment of rule 37**

**12.** In rule 37 of the principal Rules —

(a) in paragraphs (1), (3) and (4), replace “proceedings” with “cause or matter”;

(b) in paragraph (2), replace “or action” (wherever it appears) with “or matter”;

(c) after paragraph (2), insert —

“(2A) Paragraph (2) does not apply in respect of any proceedings for which a party files a notice of intention in accordance with paragraph (5) to act in person.”;

(d) replace paragraph (5) with —

“(5) Where a party represented by a solicitor in any cause or matter intends and is entitled to act in person in any proceedings relating to that cause or matter, the party may make that change without an order by filing a notice of intention to act in person in Form 49, whether or not the solicitor in that cause or matter is subsequently discharged.

(5A) A party filing a notice of intention under paragraph (5) must serve a copy of the notice of intention on every other party to the cause or matter and the solicitor representing the party in that cause or matter, and paragraph (3)(b) applies to the notice of intention as it applies to a notice of change of solicitor, except that the notice of intention must contain an address for service of the party giving notice.”; and

(e) in paragraph (6), after “proceedings” (wherever it appears), insert “or cause or matter”.

**New Part IIIA**

**13.** In the principal Rules, after rule 38, insert —

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“PART IIIA  
ELECTRONIC SYSTEM

**Electronic system**

**38A.**—(1) An electronic filing and case management system is established for the Court.

(2) The purposes of the electronic system are as follows:

- (a) to facilitate the submission of forms and documents;
- (b) to facilitate the service, transmission or delivery of documents;
- (c) to facilitate the conduct of proceedings before the Court by electronic means.

**Authentication**

**38B.**—(1) Subject to paragraph (3), an individual must authenticate the individual’s identity using Singpass in order to access the electronic system to carry out an online transaction involving the individual.

(2) Subject to paragraph (3), a person who is authorised by an entity to carry out through the electronic system an online transaction involving the entity, must authenticate the identity of the entity using Corppass in order to access the electronic system to carry out that transaction for the entity.

(3) The Registrar may, on application by an individual who is unable to authenticate the individual’s identity using Singpass, issue the individual with SYCPass credentials to enable the individual to access the electronic system using SYCPass to carry out an online transaction involving the individual.

(4) An individual who is issued SYCPass credentials under paragraph (3) —

- (a) must ensure the confidentiality and security of the SYCPass credentials; and

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(b) must not —

- (i) divulge the SYCPass credentials to any other person; or
- (ii) permit any other person to use the SYCPass credentials.

(5) An individual must not facilitate the use, by any other person, of the individual's Singpass credentials or SYCPass credentials to access the electronic system.

(6) An entity must not facilitate the use, by any unauthorised person, of the Corppass credentials of the entity to access the electronic system.

### **Electronic filing**

**38C.**—(1) Where an application or a document is required to be filed with, served on, delivered or otherwise conveyed to the Court under these Rules, it must be so filed, served, delivered or otherwise conveyed through the electronic system in accordance with this Part.

(2) For the purpose of paragraph (1), any requirement for the filing, service, delivery or conveyance of an application or a document is satisfied by the filing, service, delivery or conveyance of a single copy of the application or document using the electronic system in accordance with these Rules.

(3) Despite anything in paragraph (1), the Court may allow an application, a document, a part of a document or any class of documents to be filed, served, delivered or otherwise conveyed other than by using the electronic system.

(4) Every application or document mentioned in paragraph (1) must —

- (a) be in such form as set out in the practice directions; or
- (b) where the application or document is composed in the electronic system, in the form made available through the electronic system.

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(5) Any application or document that is filed, served, delivered or conveyed through the electronic system by an individual authenticated under rule 38B(1) is deemed to have been so filed, served, delivered or conveyed with the individual's intention to do so.

(6) Any application or document that is filed, served, delivered or conveyed through the electronic system by a person who authenticated an entity's identity under rule 38B(2) is deemed to have been so filed, served, delivered or conveyed on behalf and with the authority of the entity for such purpose and with the intention of the entity to do so.

(7) Any application or document that is filed, served, delivered or conveyed through the electronic system by an individual using SYCPass credentials issued to the individual under rule 38B(3) is presumed until the contrary is proved to have been so filed, served, delivered or conveyed with the individual's intention to do so.

### **Signing of electronic documents**

**38D.**—(1) Where any application or document is filed, served, delivered or otherwise conveyed using the electronic system, any requirement under these Rules relating to signing by or the signature of an individual or entity is deemed to be complied with if the identification code of the individual or entity has been applied to or associated with, directly or indirectly, the application or document or the transmission containing the application or document.

(2) For the purposes of paragraph (1), where the identification code of an individual or entity is applied to or associated with, directly or indirectly, any application or document, or any transmission containing any application or document, that is in compliance with the security procedures of the electronic system —

- (a) the application or document is deemed to be signed by the individual or entity; and

(b) the content of the application or document is deemed to be endorsed by the individual or entity.

(3) To avoid doubt, the application or association of a Singpass credential or a Corppass credential, directly or indirectly, to or with any application or document, or any transmission containing any application or document, that is in compliance with the security procedures of the electronic system is a secure electronic signature within the meaning of the Electronic Transactions Act 2010.

### **Date of filing**

**38E.**—(1) Where an application or a document is filed with, served on, delivered or otherwise conveyed to the Court using the electronic system and is subsequently accepted by the Court, the application or document is deemed to be filed, served, delivered or conveyed on the date and at the time that the first part of the electronic transmission of the application or document is received in the electronic system.

(2) Despite paragraph (1), where the filing, service, delivery or conveyance of an application or a document through the electronic system is unsuccessful or delayed because of a failure or inability of the electronic system to transmit or process the application or document, the Court may —

- (a) in the case of an unsuccessful transmission — require the individual or entity who filed, served, delivered or conveyed the application or document (called in this rule the relevant individual or entity) to file, serve, deliver or convey the application or document afresh through the electronic system; and
- (b) in the case of a delayed transmission — cause the electronic system to reflect an earlier date and time than the date and time mentioned in paragraph (1) on the application of the relevant individual or entity.

(3) Where the Court causes the electronic system to reflect an earlier date and time under paragraph (2)(b), that earlier date and time is deemed for all purposes to be the date and time on and at

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which the relevant application or document was filed, served, delivered or conveyed.

(4) If the Court is satisfied for any reason that an application or a document should be treated as having been filed with, served on, delivered or otherwise conveyed to the Court at some earlier date and time, rather than the date and time mentioned in paragraph (1) or (2), the application or document is deemed to be filed, served, delivered or conveyed on the date and at the time that the Court accepts the document, as reflected in the Court's computer system.

### **When time for service begins to run**

**38F.**—(1) Where an application or a document is filed with, served on, delivered or otherwise conveyed to the Court using the electronic system, the time for service of that application or document only begins to run from the time that the Court sends the notification of acceptance of the application or document through the electronic system.

(2) If the Court's notification mentioned in paragraph (1) is sent on a day that is not a working day, the notification is deemed for the purpose of this rule to have been sent on the next working day.

### **Time of service of documents through electronic system**

**38G.**—(1) Where a document that is an originating summons or a document accompanying an originating summons is served from one party to another party using the electronic system, the document is treated as served on the party to be served when that party —

- (a) is given access to that document in the electronic system; and
- (b) indicates acceptance of the service of that document on the electronic system.

(2) Where a document other than an originating summons or a document accompanying an originating summons is served by one party to another party using the electronic system, the

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document is treated as served on the other party when that party is notified, by the party serving or the electronic system, that the document has been served.

### **Issuance of order or document by Court**

**38H.**—(1) Where the Court is required by these Rules to issue any order or document to a person, the Court may do so using the electronic system.

(2) The order or document is presumed to be issued on the date and at the time that it is transmitted or delivered by the electronic system or by electronic mail, as the case may be.

(3) The execution of the printed form of a warrant has the same legal effect as the execution of an original warrant.

### **Affidavits in electronic form**

**38I.**—(1) Affidavits that are filed in the Court using the electronic system may be used in all proceedings to the same extent and for the same purposes as paper affidavits filed in the Court.

(2) Where an affidavit is to be filed in Court using the electronic system, it must comply with the following requirements:

- (a) the affidavit must be affirmed in the usual way in which the deponent signs the original paper affidavit;
- (b) a true and complete electronic image of the original paper affidavit must be created;
- (c) the original paper affidavit must be retained by the party who filed it for a period of 7 years after it is filed.

(3) Despite paragraph (2)(c), if the original paper affidavit subsequently becomes unavailable within 7 years after it was filed, the Court may grant permission for the electronic image of the original paper affidavit filed in Court using the electronic system to be used in the proceedings for which it was filed, or in any other proceedings.

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### **Discrepancy**

**38J.** Where a document was filed using the electronic system, and there is any inconsistency between the information entered into the electronic template of the document and the information contained in the document subsequently generated by the electronic system on the basis of the information entered, the information entered into the electronic template of the document prevails.

### **Applications and documents to comply with certain matters**

**38K.**—(1) Every application or document must —

- (a) comply with such requirements as may be imposed by the Court; and
- (b) contain such information and particulars of parties or other persons as may be required by the Court.

(2) The Court, or any authorised officer or employee of the Court, may reject or return for amendment any application or document if it does not comply with the requirements in this Part or any requirement imposed by the Court.

(3) Any application or document rejected or returned under this rule is to be treated as having been filed only on the date on which it is subsequently accepted for filing by the Court, or any authorised officer or employee of the Court, and not before.

(4) Every document, if not in the English or Malay language, must be accompanied by a translation into the English or Malay language verified by the affidavit of a person qualified to translate it, before it may be received, filed or used in the Court.

(5) An amendment to any document may be effected in such manner as may be determined by the Court.

### **Application for inheritance certificate**

**38L.**—(1) For the purposes of section 115 of the Act, an application for an inheritance certificate must —

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- (a) be made through the electronic system; and
  - (b) be accompanied by a declaration and any other document that the Court may require.
- (2) The declaration in paragraph (1) must —
- (a) provide for a party to declare that the information contained in the application is true, correct and complete; and
  - (b) be made by any of the following persons:
    - (i) where the applicant is an individual claiming to be a beneficiary — by the applicant or a solicitor authorised to act on behalf of the applicant;
    - (ii) where the applicant is a court or an authority under a duty to determine the person entitled to an estate or the shares of 2 or more of such persons — by an individual authorised by the court or authority;
    - (iii) where the applicant is an entity claiming to be a beneficiary — by an individual authorised by the entity.”.

### **New rule 40A**

**14.** After rule 40 of the principal Rules, insert —

**“Stay of enforcement, etc.**

**40A.**—(1) Except to the extent that the Court or the Appeal Board may otherwise direct, an appeal does not operate as a stay of —

- (a) proceedings on the order or decision of the Court against which the appeal is brought; or
- (b) enforcement of an order or a decision of the Court.

(2) Except to the extent that the Appeal Board may otherwise direct, no intermediate act or proceeding is to be invalidated by an appeal.

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(3) On an appeal, interest for such time as enforcement has been delayed by the appeal is to be allowed unless the Court or the Appeal Board otherwise orders.”.

### **New rules 45A, 45B and 45C**

15. After rule 45 of the principal Rules, insert —

#### **“Application for copy of entry in Register of Divorces**

**45A.** An application under section 144(1) of the Act for a copy of an entry in the Register of Divorces must —

- (a) be made in the form and manner determined by the registrar of the Syariah Court; and
- (b) be accompanied by the fee specified in the Third Schedule.

#### **Application for copy of or extract from information or record in Register of Marriages or Register of Revocation of Divorces**

**45B.** An application for a copy of an entry in the Register of Marriages or Register of Revocation of Divorces must —

- (a) be made in the form and manner determined by the Registrar; and
- (b) be accompanied by the fee specified in the Third Schedule.

### **Records**

**45C.** The records required by section 38(3) of the Act to be kept and maintained are to be kept and maintained in such manner and form as the Court may determine.”.

### **Amendment of Third Schedule**

16. In the Third Schedule to the principal Rules, in Part I —

- (a) in the Schedule reference, replace “and 45” with “, 45, 45A and 45B”;

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- (b) in item 8(a), replace “Syariah Court” with “Register of Divorces”;
- (c) in item 8(b), replace “Registry of Muslim Marriages” with “Register of Marriages”; and
- (d) after item 30, insert —
- “31. Service of each document on a party      \$2”.  
through the electronic system

*[G.N. Nos. S 163/2001; S 388/2001; S 101/2002;  
S 527/2002; S 1/2003; S 600/2005; S 51/2009;  
S 222/2010; S 495/2011; S 804/2017; S 639/2018;  
S 802/2022]*

Made on 26 November 2022.

By Command,

TAN KEE YONG  
*Secretary to the Cabinet,  
Singapore.*

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