

**THE SYARIAH COURT OF THE REPUBLIC OF SINGAPORE**  
**REGISTRAR'S CIRCULAR NO 11 OF 2020**  
**SUPPORTING AFFIDAVITS FOR SPECIFIC APPLICATIONS**

1. An application to vary an order of Court providing for “no order” on the ancillary matters in divorce proceedings:

(i) This applies where parties have had their divorce registered by talak (other than *talak ba'in kubra*, also known as irrevocable divorce) and, because they had indicated their intention to reconcile (rujuk) or remarry (as the case may be), were granted “no order” on the ancillary matters in the divorce proceedings. If the parties did not proceed to register the revocation of divorce or remarriage, they are required to apply to vary the Court order so that a determination on the ancillary matters can be made.

(ii) Where there is a dependent child of the parties, rule 9B of the Muslim Marriage and Divorce Rules applies with the necessary modifications. The applicant must, unless the Court otherwise directs, file together with the summons for variation application and the supporting affidavit –

(a) an agreed parenting plan in Form 11; or

(b) a proposed parenting plan in Form 12.

(iii) Where there is an HDB matrimonial asset to be divided, rule 9C of the Muslim Marriage and Divorce Rules applies with the necessary modifications. The applicant must, unless the Court otherwise directs, file together with the summons for variation application and the supporting affidavit –

(a) an agreed matrimonial property plan in Form 13 and the particulars of arrangements for housing in Form 14, together with the applicant's relevant CPF statement and any additional CPF information; or

(b) a proposed matrimonial property plan in Form 15 and the particulars of arrangements for housing in Form 14, together with the applicant's relevant CPF statement and any additional CPF information.

2. An application for child-related orders:

(i) In an application to vary the existing court order(s), or in an application for interim court order(s) on custody, care and control and/or access, the applicant must demonstrate by way of affidavit why it would be in the best interests and welfare of the child for the order(s) to be varied and/or granted.

(ii) The affidavit in support of the summons must include the following information and supporting documents (where relevant):

- (a) the name, current age and date of birth of the child;
- (b) a copy of the child's birth certificate;
- (c) a copy of the Decree and the Order of Court, as well as every subsequent Order of Court relating to custody, care and control and access of the child (if any);
- (d) a table of past variations of custody, care and control and access (if any);
- (e) a copy of an Order of Court granted by the Family Justice Courts, or information on any pending proceedings in the Family Justice Courts (if any);
- (f) the applicant's proposed care plan for the child, including the proposed shelter and education-related arrangements;
- (g) if the applicant intends to move overseas with the child after the order is varied and has applied for relocation, to state the proposed care plan and the proposed access arrangements for the parent left behind;
- (h) if the applicant is an undischarged bankrupt, an explanation how that party intends to financially to provide for the child; and
- (i) the applicant's explanation why the proposed variation or proposed order in the interim application, instead of the status quo, would be in the best interests and welfare of the child.

(iii) The applicant must file an affidavit on the above matters (where relevant) even if the other party consents to the application.

3. An application for substituted service:

In any application for substituted service, the applicant must persuade the Court with relevant information and supporting documents that the proposed mode of service will bring the originating process or document (collectively "document") in question to the notice of the person to be served (referred to as "the respondent").

(i) Substituted service by way of prepaid AR registered post:

- (a) An application for substituted service need not be made if the document is sent by prepaid AR registered post to the respondent, the respondent returns

the Acknowledgment of Service, signed by him or her, in accordance with rule 33(9) of the Muslim Marriage and Divorce Rules, and the acknowledgement of service is filed in Court by the applicant. Conversely, if the respondent fails to return the acknowledgement of service and/or it is not filed in Court by the applicant, an application for substituted service must be made notwithstanding the document has already been to the respondent by prepaid AR registered post.

(b) The supporting affidavit must contain information, if any, on the reasons for the applicant's belief that the respondent is currently residing at the particular address in respect of which the applicant is applying for substituted service by way of prepaid AR registered post.

*Example: relevant search results from Inland Revenue of Singapore, the Singapore Land Authority, the Housing and Development Board, or the Accounting and Corporate Regulatory Authority, or that the applicant is also residing at the same address and sees the respondent every day.*

(c) If the address is a local address, two reasonable attempts at personal service by the process server must be made and details of the dates, times and outcomes of the personal service must be included in the supporting affidavit.

(d) If the response to the attempt at personal service is that the process server is told the respondent "is overseas", information is required as to what date the respondent will be back in the country. If it appears from the response that the respondent is permanently overseas, information is required as to the reasons for the applicant's belief that the documents will nevertheless come to the respondent's attention if sent by registered post to that address.

(e) If the address is an overseas address, the supporting affidavit must contain information on the reasons for the applicant's belief that the respondent is not ordinarily resident in Singapore.

(f) For avoidance of doubt, substituted service by prepaid AR registered post is deemed to be effective when the postal service has delivered the document or attempted to deliver the document (in cases where no one is present or willing to accept the document).

(ii) Substituted service by way of advertisement:

(a) The supporting affidavit must contain information on the applicant's attempts to locate the respondent by contacting the respondent, the respondent's relatives, friends and colleagues/employer(s) (if any), in order to discover the address at which the respondent is currently residing such as:

(1) Details of the applicant's last contact with the respondent, including the date, the mode of contact (i.e. telephone, letter, e-mail or meeting), and the contents of any communication made, whether written or oral;

(2) Details of the applicant's knowledge of the respondent's relatives and friends, and those person(s)' knowledge of his or her whereabouts ("the respondent's contacts"), including their names, addresses and their relationship to the respondent and whether they live in Singapore or overseas;

(3) Details of the applicant's attempts to contact the respondent's contacts, including the number of attempts, the dates and mode of the attempts (i.e. telephone, letter, e-mail or meeting), and the contents of any communication made, whether written or oral;

(4) The name and address of the respondent's last known employer (if any), and the results of enquiries the applicant has made as to the respondent's whereabouts, including the date of the enquiries, the mode of the enquiries (i.e. telephone, letter, e-mail or meeting), and the contents of any communication made, whether written or oral; and

(5) Details of the respondent's nationality and the country in which the respondent is ordinarily resident.

(b) If the local address at which the respondent is currently residing (not being the matrimonial home) is discovered by the applicant, personal service by the process server on the respondent must be attempted at that address. Two reasonable attempts at personal service must be made and details of the dates, times and outcomes of the personal service must be included in the supporting affidavit.

(c) If the response to the attempt at personal service is that the process server is told the respondent "is overseas", information is required as to what date the respondent will be back in the country. If it appears from the response that the respondent is permanently overseas, information is required as to the reasons for the applicant's belief that the documents will come to the respondent's attention if served by way of advertisement in Singapore.

(d) If the advertisement is to be placed in an overseas newspaper, the reasons for the applicant's belief as to why the respondent is thought to be in that particular country, the name of the overseas newspaper, its language and its circulation.


(e) The supporting affidavit must also contain details on the respondent's literacy and in what language.

(iii) Substituted service by way of email or any other electronic means:

The supporting affidavit must contain relevant information and supporting documents showing that the electronic mail account or other electronic means to which the document will be sent belongs to the person to be served and that it is currently active.

4. Court users and members of the public who wish to seek clarification on this matter may call 63548371 or email [MCCY\\_Syariah@mccy.gov.sg](mailto:MCCY_Syariah@mccy.gov.sg). For general information on court processes and procedures, they may visit our website at [www.syariahcourt.gov.sg](http://www.syariahcourt.gov.sg).

Dated this 13<sup>th</sup> day of February 2020

  
SHHRINAH ABDOL SALAM  
REGISTRAR  
SYARIAH COURT

