

Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2005

Table of Contents

Enacting Formula

1 Citation and commencement

2 Proceedings transferred to District Court

3 Jurisdiction of District Court

4 Powers of Registrar of Subordinate Courts

5 Modification to certain provisions for purposes of this Order

6 Appeals

7 Fees for proceedings under Women's Charter

8 Fees for proceedings under Guardianship of Infants Act

9 Enforcement of orders

10 Revocation and savings

THE SCHEDULE Modifications to Certain Written Laws

No. S 855

**SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)**

SUPREME COURT OF JUDICATURE (TRANSFER OF MATRIMONIAL, DIVORCE
AND GUARDIANSHIP OF INFANTS PROCEEDINGS TO DISTRICT COURT)
ORDER 2005

In exercise of the powers conferred by section 28A of the Supreme Court of Judicature Act, I, Yong Pung How, Chief Justice, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2005 and shall come into operation on the date of commencement of item (36) in the First Schedule to the Statutes (Miscellaneous Amendments) (No. 2) Act 2005 (Act 42 of 2005).

Proceedings transferred to District Court

2.—(1) Subject to sub-paragraph (2), any proceedings under —

- (a) section 59 and Part X of the Women’s Charter (Cap. 353); or
- (b) the Guardianship of Infants Act (Cap. 122),

commenced in the High Court on or after the date of commencement of item (36) in the First Schedule to the Statutes (Miscellaneous Amendments) (No. 2) Act 2005 (Act 42 of 2005) shall be transferred to and be heard and determined by a District Court.

(2) In matrimonial proceedings under Part X of the Women’s Charter transferred to a District Court under sub-paragraph (1), where —

- (a) an application is made for the division of matrimonial assets;
- (b) the application is contested; and
- (c) the gross value of the matrimonial assets is asserted by any party to the proceedings, in the manner required by the Registrar of the Subordinate Courts, to be of or above the value of \$1.5 million,

the proceedings shall, upon the direction of the Registrar of the Subordinate Courts that the ancillary issues are ready for hearing, be transferred to and be heard and determined by the High Court.

(3) In sub-paragraph (2), “gross value of the matrimonial assets” means the total value of the assets, disregarding any outstanding liabilities attaching thereto or any personal liabilities.

Jurisdiction of District Court

3. For the avoidance of doubt, a District Court shall, subject to paragraph 2(2), have jurisdiction to hear and determine any proceedings referred to in paragraph 2(1) regardless of the monetary amount involved.

Powers of Registrar of Subordinate Courts

4.—(1) For the purpose of any proceedings to be heard and determined by a District Court pursuant to this Order, the Registrar of the Subordinate Courts shall have power to transact all such business and exercise all such authority and jurisdiction as may be transacted and exercised by a District Judge in Chambers under —

- (a) the Women's Charter (Cap. 353) or the Guardianship of Infants Act (Cap. 122), as the case may be, or any rules made under those Acts; or
- (b) the provisions of this Order,

except such business, authority and jurisdiction as the Senior District Judge may, with the concurrence of the Chief Justice, from time to time direct to be transacted or exercised by a District Judge in person.

(2) The Registrar of the Subordinate Courts shall, in relation to any order for the execution of a deed or for the signing of a document made by a District Court in connection with any proceedings heard and determined by it pursuant to this Order, have the same powers as those conferred on the Registrar of the Supreme Court by section 14 of the Act.

Modification to certain provisions for purposes of this Order

5. For the purpose of any proceedings to be heard and determined by a District Court pursuant to this Order, the written laws specified in the first column of the appropriate Part of the Schedule shall be read subject to the modifications set out opposite thereto in the second column thereof.

Appeals

6.—(1) An appeal shall lie to the High Court from a decision of a District Court in any proceedings heard and determined by the District Court pursuant to this Order, regardless of the amount in dispute or the value of the subject-matter.

(2) Except with the leave of the Court of Appeal or a Judge of the High Court, no appeal shall be brought to the Court of Appeal from a decision of the High Court in respect of any appeal heard by the High Court pursuant to sub-paragraph (1), regardless of the amount in dispute or the value of the subject-matter.