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The following Act was passed by Parliament on 21st November 2005 and assented to by the President on 7th December 2005:—

REPUBLIC OF SINGAPORE

No. 42 of 2005.

I assent.

(LS)

S R NATHAN,
President.
7th December 2005.

An Act to amend certain statutes of the Republic of Singapore.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1.—(1) This Act may be cited as the Statutes (Miscellaneous Amendments) (No. 2) Act 2005 and shall, with the exception of section 20(e), come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) Section 20(e) shall be deemed to have come into operation on 1st July 2005.

PART I**AMENDMENTS RELATING TO CERTAIN
COURT PROCEEDINGS****Amendment of Interpretation Act**

2. The Interpretation Act (Cap. 1, 2002 Ed.) is amended by inserting, immediately after section 41, the following Part:

“PART VA**PROVISIONS RELATING TO COURT PROCEEDINGS****Process for making applications to Court in civil proceedings**

41A.—(1) Where any written law which provides for an application in any civil proceedings to be made to a Court —

- (a) does not prescribe the process by which the application is to be made; or
- (b) prescribes that the application is to be made by way of a petition, a motion, an originating motion or a summons in chambers,

that written law shall, in relation to any such application that is made thereunder on or after 1st January 2006, be deemed to require that the application shall be made —

- (i) by way of an originating summons, if it commences the proceedings; or
- (ii) by way of a summons, if it is made in proceedings that are pending.

(2) Where pursuant to subsection (1) an application is made to a Court under any written law by way of an originating summons or a summons —

- (a) the application shall be made in accordance with the Rules of Court;
- (b) the Court may give to the parties to the application such directions as the Court thinks just and expedient for the purpose of facilitating the progress of the application as an application made by originating summons or summons, as the case may be; and
- (c) any provision in that written law which relates to the practice and procedure for making such an application and which is inconsistent with this section or with the Rules of Court shall, to the extent of the inconsistency, have no effect in relation to that application.

(3) Subsections (1) and (2) shall not apply to —

- (a) petitions of appeal; or
- (b) such other class or classes of applications to or proceedings in the Court as may be prescribed under subsection (7).

(4) Nothing in this section shall prevent any relief obtainable by way of an application to a Court under any written law from being included as one of the reliefs sought in a writ of summons by which an action is commenced before the Court.

(5) For the avoidance of doubt, any application that —

- (a) was made to a Court before 1st January 2006 under any written law to which subsection (1) applies; and
- (b) is pending before the Court on or after that date,

shall, unless otherwise ordered by the Court, continue to proceed in accordance with the provisions of the relevant written law and the practice and procedure as were in force and applicable in relation to that application immediately before that date, until the application is finally disposed of by the Court.

(6) In this section, “Court” means —

- (a) the Court of Appeal or a Judge of Appeal;

- (b) the High Court or a Judge thereof;
- (c) a District Court;
- (d) a Magistrate's Court; and
- (e) such other court as may be prescribed.

(7) The Minister charged with the responsibility for law may, by order published in the *Gazette*, prescribe —

- (a) the class or classes of applications to or proceedings in the Court to which this section shall not apply; and
- (b) any other court in relation to which this section shall apply.

Renaming of prerogative orders or writs

41B. As from 1st January 2006, the prerogative orders or writs issuable by the High Court as listed in the first column below shall be referred to by the corresponding expressions as set out in the second column and, in all written laws, the expressions as set out in the second column shall be construed accordingly:

<i>First column</i>	<i>Second column</i>
(a) mandamus	Mandatory Order
(b) certiorari	Quashing Order
(c) prohibition	Prohibiting Order
(d) writ of habeas corpus	Order for Review of Detention.”.

Amendment of Subordinate Courts Act

3. The Subordinate Courts Act (Cap. 321, 1999 Ed.) is amended by inserting, immediately after section 69, the following Part:

“PART VI

SUPPLEMENTAL

Conversion of pending petitions to writs of summons and originating summonses

70.—(1) Where —

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- (a) under any written law any civil action or application may be commenced in or made to a District Court, a Magistrate's Court or the registrar (referred to in this section as the Court); and
 - (b) the provisions under any written law by virtue of which such an action or application was required to be commenced or made by way of a petition have been amended such as to require that any such action or application shall, as from the date appointed for the coming into operation of the amendment, be commenced or made by way of a writ of summons or an originating summons,

then, if any such action or application that has been commenced or made before that date by way of a petition is still pending before the Court on or after that date, the Court may, if it thinks just and expedient, order that the action or application (referred to in this section as a pending action or application) shall be converted to and be continued as an action or application commenced or made by way of a writ of summons or an originating summons, as is appropriate.

(2) The Senior District Judge, with the concurrence of the Chief Justice, may, where he considers it necessary or expedient to improve efficiency in the administration of justice, by order direct that any class or description of pending actions or applications before the Court shall be converted to and be continued as actions or applications commenced or made by way of a writ of summons or an originating summons, as is appropriate.

(3) Where pursuant to subsection (1) or (2) any pending action or application has been converted to an action or application commenced or made by way of a writ of summons or an originating summons —

- (a) the action or application shall be continued in accordance with the provisions of the relevant written law and the practice and procedure as are in force and applicable in relation to that action or application at the time of the conversion; and
- (b) the Court may give to the parties to the action or application such directions as to the conduct and costs of the action or application as it thinks just and expedient for the purpose of

facilitating the conversion of the action or application to an action or application commenced or made by way of a writ of summons or an originating summons (as the case may be) and its continuance as such.”.

Amendment of Supreme Court of Judicature Act

4. The Supreme Court of Judicature Act (Cap. 322, 1999 Ed.) is amended by inserting, immediately after section 81, the following sub-heading and section:

“Supplemental

Conversion of pending petitions and motions to writs of summons, originating summonses and summonses

82.—(1) Where —

- (a) under any written law any civil action or application may be commenced in or made to the Court of Appeal, a Judge of Appeal, the High Court, a Judge or the Registrar (referred to in this section as the Court); and
- (b) the provisions under any written law by virtue of which such an action or application was required to be commenced or made by way of a petition, a motion or an originating motion have been amended such as to require that any such action or application shall, as from the date appointed for the coming into operation of the amendment, be commenced or made by way of a writ of summons, an originating summons or a summons,

then, if any such action or application that has been commenced or made before that date by way of a petition, a motion or an originating motion is still pending before the Court on or after that date, the Court may, if it thinks just and expedient, order that the action or application (referred to in this section as a pending action or application) shall be converted to and be continued as an action or application commenced or made by way of a writ of summons, an originating summons or a summons, as is appropriate.

(2) The Chief Justice may, where he considers it necessary or expedient to improve efficiency in the administration of justice, by

order direct that any class or description of pending actions or applications before the Court shall be converted to and be continued as actions or applications commenced or made by way of a writ of summons, an originating summons or a summons, as is appropriate.

(3) Where pursuant to subsection (1) or (2) any pending action or application has been converted to an action or application commenced or made by way of a writ of summons, an originating summons or a summons —

- (a) the action or application shall be continued in accordance with the provisions of the relevant written law and the practice and procedure as are in force and applicable in relation to that action or application at the time of the conversion; and
- (b) the Court may give to the parties to the action or application such directions as to the conduct and costs of the action or application as it thinks just and expedient for the purpose of facilitating the conversion of the action or application to an action or application commenced or made by way of a writ of summons, an originating summons or a summons (as the case may be) and its continuance as such.”.

Amendments to certain written laws to change process for making applications to court thereunder

5. The Acts specified in the first column of the First Schedule are amended in the manner set out in the second column thereof.

Amendments to certain written laws to rename prerogative orders or writs referred to therein

6. The Acts specified in the first column of the Fourth Schedule are amended in the manner set out in the second column thereof.

Amendments to change certain expressions used in relation to court proceedings

7. The Acts specified in the first column of the Fifth Schedule are amended in the manner set out in the second column thereof.

Referential amendments
8.—(1) Where —

- (a) by virtue of section 5, the process for commencing an action in or making an application to a court under any Act specified in the first column of the First Schedule has been changed by the amendment to that Act as set out in the second column of that Schedule; and
- (b) on or after the date appointed for the coming into operation of the amendment there still exists a provision in a written law which mentions such an action or application by reference to the process that was applicable thereto before that date (however that provision may be expressed),

that provision shall, as from that date, be read with the necessary modifications as if it referred to the process that is applicable as from that date in respect of that action or application.

(2) As from 1st January 2006, if any of the expressions as listed in the first column below appears in any written law, that expression shall be read as the corresponding expression as set out in the second column opposite thereto:

<i>First column</i>	<i>Second column</i>
(a) guardian ad litem (in adoption cases)	guardian in adoption
(b) guardian ad litem (in other cases)	litigation representative
(c) nisi	interim
(d) order absolute	final order
(e) subpoena ad testificandum	subpoena to testify
(f) subpoena duces tecum	subpoena to produce documents
(g) viva voce	orally
(h) writ of subpoena	subpoena.

Savings

9. Where, by virtue of section 5, the process for commencing an action in or making an application to a court under any Act specified in the first

column of the First Schedule has been changed by the amendment to that Act as set out in the second column of that Schedule, such change shall not affect any action or application that —

- (a) was commenced or made under that Act before the date appointed for the coming into operation of the amendment; and
- (b) is pending before the court on that date,

and such a pending action or application shall, unless otherwise ordered by the court, continue to proceed in accordance with the provisions of the relevant written law and the practice and procedure as were in force and applicable in relation to that action or application immediately before that date, until the action or application is finally disposed of by the court.

PART II

AMENDMENTS TO OTHER WRITTEN LAWS

Amendment of Architects Act

10. Section 20(1) of the Architects Act (Cap. 12, 2000 Ed.) is amended by deleting paragraph (b) and substituting the following paragraph:

- “(b) the paid-up capital of the corporation is not less than the amount prescribed by the Minister by notification in the *Gazette*.”.

Amendment of Building Maintenance and Strata Management Act 2004

11. The Building Maintenance and Strata Management Act 2004 (Act 47 of 2004) is amended —

- (a) by deleting the words “in accordance with Division 7 of Part V” in the definition of “subsidiary management corporation” in section 2(1) and substituting the words “under the Land Titles (Strata) Act (Cap. 158)”; and
- (b) by deleting the words “free from any encumbrances (except those created by statute and subsisting easements)” in section 34(1)(a) and substituting the words “as provided in section 23 of the Land Titles (Strata) Act (Cap. 158)”.

Amendment of Companies Act

12. The Fourth Schedule to the Companies Act (Cap. 50, 1994 Ed.) is amended —

- (a) by deleting the words “of any denomination” in regulation 36; and
- (b) by deleting regulation 40 and substituting the following regulation:

“40. The company may from time to time by ordinary resolution do one or more of the following:

- (a) increase the share capital by such sum as the resolution shall prescribe;
- (b) consolidate and divide all or any of its share capital;
- (c) subdivide its shares or any of them, so however that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived;
- (d) cancel the number of shares which at the date of the passing of the resolution in that behalf have not been taken or agreed to be taken by any person or which have been forfeited and diminish the amount of its share capital by the number of the shares so cancelled.”.

Amendment of Companies (Amendment) Act 2005

13. The Schedule to the Companies (Amendment) Act 2005 (Act 21 of 2005) is amended by deleting items (1) and (11).

Amendment of Computer Misuse Act

14. The Computer Misuse Act (Cap. 50A, 1998 Ed.) is amended —

- (a) by deleting the words “a person authorised in writing by the Commissioner of Police under section 15(1)” in section 14 and substituting the words “an authorised person within the meaning of section 125A of the Criminal Procedure Code (Cap. 68)”;
- (b) by repealing section 15; and
- (c) by deleting the words “section 15” in section 15A(2) and substituting the words “sections 125A and 125B of the Criminal Procedure Code (Cap. 68)”.

Amendment of Criminal Procedure Code

15. The Criminal Procedure Code (Cap. 68, 1985 Ed.) is amended by inserting, immediately after section 125, the following sections:

“Power to access computer

125A.—(1) A police officer or an authorised person, investigating a seizable offence, may at any time —

- (a) access, inspect and check the operation of a computer that he has reasonable cause to suspect is or has been used in connection with the seizable offence; or
- (b) use or cause to be used any such computer to search any data contained in or available to such computer.

(2) The police officer or authorised person may also require any assistance he needs to gain such access from —

- (a) any person whom he reasonably suspects of using the computer in connection with a seizable offence or having used it in this way; or
- (b) any person having charge of, or otherwise concerned with the operation of, such computer.

(3) Any person who obstructs the lawful exercise of the powers under subsection (1) or who fails to comply with a requirement under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) An offence under subsection (3) shall be a seizable offence.

(5) A person who had acted in good faith under subsection (1) or in compliance with a requirement under subsection (2) shall not be liable in any criminal or civil proceedings for any loss or damage resulting from the act.

(6) In this section and section 125B —

“authorised person” means a person authorised in writing by the Commissioner of Police for the purposes of this section, section 125B or both;

“computer” has the same meaning as in the Computer Misuse Act (Cap. 50A).

Power to access decryption information

125B.—(1) For the purposes of investigating a seizable offence, the Public Prosecutor may by order authorise a police officer or an authorised person to exercise, in addition to the powers under section 125A, all or any of the powers under this section.

(2) The police officer or authorised person referred to in subsection (1) shall be entitled to —

(a) access any information, code or technology which has the capability of retransforming or unscrambling encrypted data into readable and comprehensible format or text for the purposes of investigating the seizable offence;

(b) require —

(i) any person whom he reasonably suspects of using a computer in connection with a seizable offence or having used it in this way; or

(ii) any person having charge of, or otherwise concerned with the operation of, such computer,

to provide him with such reasonable technical and other assistance as he may require for the purposes of paragraph (a); and

(c) require any person whom he reasonably suspects to be in possession of decryption information to grant him access to such decryption information necessary to decrypt data required for the purposes of investigating the seizable offence.

(3) Any person who obstructs the lawful exercise of the powers under subsection (2)(a) or who fails to comply with a requirement under subsection (2)(b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Where a person is convicted of an offence under subsection (3) and it is shown that the encrypted data contains evidence relevant to the planning, preparation or commission of a specified serious offence, he shall, in lieu of the punishment prescribed under subsection (3) —

- (a) be liable to be punished with the same punishment prescribed for that specified serious offence except that the punishment imposed shall not exceed a fine of \$50,000 or imprisonment for a term not exceeding 10 years or both; or
- (b) be liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 10 years or to both where the specified serious offence is punishable on conviction with death or imprisonment for life.

(5) For the purposes of subsection (4) and subject to subsection (6), “specified serious offence” means an offence under any of the following written laws:

- (a) any written law which provides for any offence involving the causing of death or bodily harm;
- (b) any written law relating to actions or the threat of actions prejudicial to national security;
- (c) any written law relating to radiological or biological weapons;
- (d) Arms and Explosives Act (Cap. 13);
- (e) Chemical Weapons (Prohibition) Act (Cap. 37B);
- (f) Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65);
- (g) Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124);
- (h) Kidnapping Act (Cap. 151);
- (i) Maritime Offences Act (Cap. 170B);
- (j) Official Secrets Act (Cap. 213);
- (k) Protected Areas and Protected Places Act (Cap. 256);
- (l) Statutory Bodies and Government Companies (Protection of Secrecy) Act (Cap. 319);
- (m) Strategic Goods (Control) Act (Cap. 300);
- (n) Terrorism (Suppression of Financing) Act (Cap. 325);
- (o) United Nations (Anti-Terrorism Measures) Regulations (Cap. 339, Rg 1); and

(p) such other written law as the Minister may by order specify.

(6) No offence shall be treated as a specified serious offence unless the maximum punishment prescribed for that offence, whether for a first or subsequent conviction, is —

- (a) imprisonment for a term of 5 years or more;
- (b) imprisonment for life; or
- (c) death.

(7) In proceedings against any person for an offence under this section, if it is shown that that person was in possession of decryption information at any time before the time of the request for access to such information, that person shall be presumed for the purposes of those proceedings to have continued to be in possession of that decryption information at all subsequent times, unless it is shown that the decryption information —

- (a) was not in his possession at the time the request was made; and
- (b) continued not to be in his possession after the request was made.

(8) A person who had acted in good faith or in compliance with a requirement under subsection (2) shall not be liable in any criminal or civil proceedings for any loss or damage resulting from the act.

(9) In this section —

“data” means representations of information or of concepts that are being prepared or have been prepared in a form suitable for use in a computer;

“decryption information” means information, code or technology or part thereof that enables or facilitates the retransformation or unscrambling of encrypted data from its unreadable and incomprehensible format to its plain text version;

“encrypted data” means data which has been transformed or scrambled from its plain text version to an unreadable or incomprehensible format, regardless of the technique utilised for such transformation or scrambling and irrespective of the medium in which such data occurs or can be found for the purposes of protecting the content of such data;

“plain text version” means original data before it has been transformed or scrambled to an unreadable or incomprehensible format.”.

Amendment of Interpretation Act

16. Section 2(1) of the Interpretation Act (Cap. 1, 2002 Ed.) is amended by deleting the definition of “States of Malaya” and substituting the following definition:

“ “States of Malaya” means —

- (a) the States of Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang, Perak, Perlis, Selangor and Trengganu; and
- (b) every Federal Territory which before its establishment was part of the territory of any State referred to in paragraph (a),

which constitute part of Malaysia;”.

Amendment of Land Titles (Strata) Act

17. The Land Titles (Strata) Act (Cap. 158, 1999 Ed.) is amended —

- (a) by deleting the words “the Building Maintenance and Strata Management Act 2004” in the definition of “management corporation” in section 3(1) and substituting the words “this Act”;
- (b) by deleting the words “section 23” in the 2nd line of section 6(1) and substituting the words “section 22”;
- (c) by deleting the words “126 and” in section 6(5) and substituting the words “125A, 126, 126A and”;
- (d) by inserting, immediately after the words “common property” in the 3rd line of section 12(6), the words “, free from any encumbrances (except those created by statute and subsisting easements),”;
- (e) by deleting the words “owner developer” in the 6th line of section 12A(1) and substituting the word “proprietor”;
- (f) by deleting the words “with the revised schedule of strata units for the staged development that has been last accepted under

section 11 of the Building Maintenance and Strata Management Act 2004” in the 8th to the last lines of section 12A(1) and substituting the words “for the staged development”;

- (g) by deleting the words “with the revised schedule of strata units” in section 12A(2);
- (h) by inserting, immediately after the words “the Registrar shall” in the 4th and 5th lines of section 12A(3), the words “, upon registering a strata title application containing the revised share values for the lots shown in the amended strata title plan,”;
- (i) by inserting, immediately after the words “land-register and subsidiary” in the 6th and 7th lines of section 12A(3), the word “strata”;
- (j) by inserting, immediately after subsection (3) of section 12A, the following subsection:

“(3A) Upon registration of a strata title application for a staged development under subsection (3) —

- (a) those parts described in the amended strata title plan as common property shall be additional common property and, together with the common property in all preceding stages of the staged development, form the common property of the staged development; and
- (b) without any resolution under section 25 or further assurance, the subsidiary proprietors of lots within that staged development shall hold all that common property as follows:
 - (i) as tenants-in-common in accordance with their respective share values; and
 - (ii) if there is a subsisting registered mortgage, charge, lease or sub-lease or any other encumbrance on the lot of a subsidiary proprietor, the undivided share or shares in those parts forming the additional common property shall be held by the subsidiary proprietor of the said lot subject to the same mortgage, charge, lease or sub-lease or any other such subsisting encumbrance.”;

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- (k) by deleting the words “126 or” in section 14 and substituting the words “125A, 126, 126A or”;
 - (l) by deleting the words “special resolution” in section 23(1) and substituting the words “90% resolution as defined under that Act”;
 - (m) by deleting the words “and such subsisting easements created or implied under this Act” in section 23(4) and substituting the words “(except those created by statute and subsisting easements not created or implied under this Act)”;
 - (n) by deleting the words “lodgment of an instrument of vesting in the approved form by the public authority for registration with the Registrar” in section 24(1) and substituting the words “registration by the Registrar of an instrument of vesting in the approved form lodged by the public authority”;
 - (o) by deleting the words “a certified or office copy of the minute” in section 80(1) and (2) and substituting in each case the words “a certified copy”;
 - (p) by deleting paragraphs (a) and (b) of section 81(2) and substituting the following paragraphs:
 - “(a) within 14 days after the passing of a resolution referred to in subsection (1), give notice of the resolution in one or more newspapers circulating in Singapore; and
 - (b) within 30 days after the passing of the resolution, lodge an application with the Registrar to terminate the strata subdivision.”;
 - (q) by deleting subsection (4) of section 81 and substituting the following subsection:
 - “(4) Upon registration of an application under subsection (2)(b) to terminate the strata subdivision, the Registrar shall cancel the relevant folios of the subsidiary strata land-register and enter a notification of the cancellation of the strata subdivision of the building and a memorial of the vesting of the parcel in the subsidiary proprietors as tenants-in-common in the relevant folio of the land-register comprising the parcel.”;

- (r) by inserting, immediately after the words “section 39(2)” in the last line of section 81(13), the words “of the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004)”;
- (s) by deleting the words “Section 60(3)” in section 119(4) and substituting the words “Section 60A”;
- (t) by deleting the word “prescribed” in section 122(1) and (4) and substituting in each case the word “approved”;
- (u) by deleting the words “building erected on the same parcel of land together with the registered proprietor of the land on which the said flats are erected” in the 4th, 5th and 6th lines of section 126(1) and substituting the words “development together with the registered proprietor of the land on which the said development is erected”;
- (v) by deleting the word “building” in section 126(2) and substituting the word “development”;
- (w) by deleting subsection (5) of section 126 and substituting the following subsection:

“(5) Where the registered proprietors of the flats who altogether own not less than 25% of the total number of flats comprised in the development have agreed in writing to accept the transfer of all the estate and interest of the registered proprietor in the land on which the development is erected, all the remaining registered proprietors of the flats in the same development shall be deemed to have accepted the transfer and deemed to have applied for the issue of subsidiary strata certificates of title for the flats.”;
- (x) by deleting the words “a building or buildings” in section 126(9)(a) and substituting the words “the development”;
- (y) by deleting the word “building” wherever it appears in section 126(11) and substituting in each case the word “development”;
- (z) by inserting, immediately after the words “Registry of Deeds” wherever they appear in section 127(4), the words “or the Land Titles Registry”;

- (za) by deleting the words “, except section 21(1), (2) and (5) of that Act,” in section 128(1); and
- (zb) by deleting the words “126 or” in the 2nd line of section 128(2) and substituting the words “125A, 126, 126A or”.

Amendment of Probate and Administration Act

18. The Probate and Administration Act (Cap. 251, 2000 Ed.) is amended —

- (a) by deleting the words “greater value than \$250,000” in section 35(1) and substituting the words “a value which exceeds the District Court limit”;
- (b) by inserting, immediately after subsection (3) of section 35, the following subsection:

“(4) In this section, “District Court limit” has the same meaning as in sections 26(a) and 27 of the Subordinate Courts Act (Cap. 321).”; and

- (c) by deleting subsection (1) of section 62 and substituting the following subsections:

“(1) Where any person dies leaving property in Singapore not exceeding \$50,000 in value (without deduction for debts), the Public Trustee, after satisfying himself that no application for letters of administration is pending, may, if he thinks fit, by writing signed by him declare that he undertakes to administer such property.

(1A) For the purpose of subsection (1), the amount of \$50,000 shall not include —

- (a) the value of any property which the deceased possessed or was entitled to as trustee and not beneficially; and
- (b) in the case of a person who dies on or after 17th September 2005, any moneys payable by an appointed insurer pursuant to the Dependents’ Protection Insurance Scheme or any other equivalent scheme maintained by the Central Provident Fund Board under the Central Provident Fund Act (Cap. 36).”.

Amendment of Professional Engineers Act

19. Section 20(1) of the Professional Engineers Act (Cap. 253, 1992 Ed.) is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) the paid-up capital of the corporation is not less than the amount prescribed by the Minister by notification in the *Gazette*.”.

Amendment of Securities and Futures Act

20. The Securities and Futures Act (Cap. 289, 2002 Ed.) is amended —

- (a) by deleting the words “section 23” in section 143(1)(a) and substituting the words “section 32”;
- (b) by deleting the words “section 24” in section 144(1)(a) and substituting the words “section 34”;
- (c) by deleting the words “sections 73, 76 and 76A” in sections 241(9) and 242(6) and substituting in each case the words “sections 76 and 76A, and Division 3A of Part IV,”;
- (d) by deleting the words “Part II or III” in section 310(2) and substituting the words “Part II, III or IIIA”; and
- (e) by deleting “5(16), 6(16), 9(9), 11(2), 14(3), 21(3), 22(7), 23(6), 25(3) and (4), 29(7), 32(3), 33(7), 36(10), 39(2), 42(3), 43(3), 44(7), 45(3) and (4), 50(13), 51(8), 54(2), 57(3), 63(3), 64(7),” in section 333(2)(a) and substituting “8(12), 14(11), 22, 29(3), 32(7), 43, 44(10), 46(2), 50(2), 51(2), 52(2), 54(9), 56(2), 70, 78(4), 79(2), 81A(10), 81W(8), 81ZA(3), 81ZB(2), 81ZC(2), 81ZD(3), 81ZJ(10), 81ZL(2),”.

Amendment of Trade Marks Act

21. The Trade Marks Act (Cap. 332, 2005 Ed.) is amended —

- (a) by deleting the definition of “Convention country” in section 2(1) and substituting the following definition:

“ “Convention country” means —

(a) in section 10 and paragraph 13 of the Third Schedule, a country or territory, other than Singapore, which is —

(i) a party to the Paris Convention; or

(ii) a member of the World Trade Organisation;
and

(b) in any other provision of this Act, a country or territory which is —

(i) a party to the Paris Convention; or

(ii) a member of the World Trade Organisation;”;

(b) by deleting subsections (3) and (4) of section 12 and substituting the following subsections:

“(3) If it appears to the Registrar that the requirements for registration are not met or that additional information or evidence is required to meet those requirements, the Registrar shall inform the applicant and give him an opportunity, within such period as may be prescribed, to make representations, to amend the application or to furnish the additional or any other information or evidence.

(4) If the applicant responds within the period referred to in subsection (3) but fails to satisfy the Registrar that those requirements are met, or to amend the application or furnish the additional information or evidence so as to meet them, the Registrar may refuse to accept the application.

(4A) If the applicant fails to respond within the period referred to in subsection (3), the application shall be treated as withdrawn.”;

(c) by deleting the word “and” at the end of section 108(2)(h);

(d) by deleting the full-stop at the end of paragraph (i) of section 108(2) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(j) for the restoration of any application which is treated as withdrawn and the conditions for such restoration.”;

- (e) by deleting the words “deemed to be” in paragraph 6(3) of the First Schedule and substituting the words “treated as”;
- (f) by deleting sub-paragraph (3) of paragraph 7 of the First Schedule and substituting the following sub-paragraphs:

“(3) If the applicant responds within the specified period but fails to satisfy the Registrar that those requirements are met, or to file regulations that have been amended so as to meet those requirements, the Registrar may refuse the application.

(3A) If the applicant fails to respond within the specified period, the application shall be treated as withdrawn.”;

- (g) by deleting the words “deemed to be” in paragraph 7(3) of the Second Schedule and substituting the words “treated as”; and
- (h) by deleting sub-paragraph (3) of paragraph 8 of the Second Schedule and substituting the following sub-paragraphs:

“(3) If the applicant responds within the specified period but fails to satisfy the Registrar that those requirements are met, or to file regulations that have been amended so as to meet those requirements, the Registrar may refuse the application.

(3A) If the applicant fails to respond within the specified period, the application shall be treated as withdrawn.”.

FIRST SCHEDULE

Section 5

AMENDMENTS TO CHANGE PROCESS FOR
MAKING APPLICATIONS TO COURT UNDER
CERTAIN WRITTEN LAWS

<i>First column</i>	<i>Second column</i>
(1) Administration of Muslim Law Act (Chapter 3, 1999 Ed.)	In section 113 — (a) delete the word “petition” and substitute the words “affidavit supporting the application”; and (b) delete the word “Petition” in the section heading and substitute the word “Application”.
(2) Banking Act (Chapter 19, 2003 Ed.)	In section 50(c), delete the words “present a petition” and substitute the word “apply”.
(3) Bankruptcy Act (Chapter 20, 2000 Ed.)	(a) In section 2(1) — (i) insert, immediately after the definition of “bankrupt”, the following definition: “ “bankruptcy application” means an application to the court for a bankruptcy order;”; (ii) delete the definition of “bankruptcy petition”; (iii) insert, immediately after the definition of “creditor”, the following definition: “ “creditor’s bankruptcy application” means a bankruptcy application made under section 57 by a creditor or by 2 or more creditors jointly;”; (iv) delete the definition of “creditor’s petition”; (v) delete paragraph (b) of the definition of “debtor” and substitute the following paragraph:

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- “(b) in relation to a bankruptcy application, means the individual debtor to whom, or a firm, or each of the partners in the firm, to which, the application relates;”; and
- (vi) delete the definition of “debtor’s petition” and substitute the following definition:
- ““debtor’s bankruptcy application” means a bankruptcy application made under section 58 by a debtor against himself or by all or a majority of the members of a firm against the firm;”.
- (b) In section 33, delete subsection (1) and substitute the following subsection:
- “(1) The court may —
- (a) on making a bankruptcy order; and
- (b) on the application of the creditor who applied for the bankruptcy order,
- appoint a person other than the Official Assignee to be the trustee of the bankrupt’s estate.”.
- (c) In Part VI, delete the word “*petitions*” in the sub-heading and substitute the word “*applications*”.
- (d) In section 57(3), delete the words “verified by affidavit” and substitute the words “supported by an affidavit”.
- (e) In section 58, delete subsection (2) and substitute the following subsection:
- “(2) A debtor’s bankruptcy application shall be in the prescribed form and shall be supported by an affidavit to which is exhibited —

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- (a) where the debtor is an individual, a statement of his affairs containing such particulars of his assets, creditors, debts and other liabilities as may be prescribed;
- (b) where the debtor is a firm, a statement of —
 - (i) the firm's affairs containing such particulars of its assets, creditors, debts and other liabilities as may be prescribed; and
 - (ii) the affairs of each of the partners in the firm by whom the application is made containing such particulars of his assets, creditors, debts and other liabilities as may be prescribed; and
- (c) a statement containing such other information as may be prescribed.”.
- (f) In section 59, delete the words “a bankruptcy petition presented to it” and substitute the words “a bankruptcy application made”.
- (g) In section 61(1), delete the footnote thereto.
- (h) In section 63 —
 - (i) delete the words “the petitioner” in subsection (1) and substitute the words “the applicant for a bankruptcy order”;
 - (ii) delete the words “his petition” in subsection (1) and substitute the words “his application”;
 - (iii) delete the word “petitioning” in subsection (1)(b);
 - (iv) delete the words “a petitioner” in subsection (2) and substitute the words “an applicant for a bankruptcy order”;
 - (v) delete the words “the petition” in subsection (2) and substitute the words “the application”; and

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- (vi) delete the word “petitioner” in the section heading and substitute the words “applicant for bankruptcy order”.
- (i) In section 68 (including section heading), delete the word “petitions” and substitute in each case the word “applications”.
- (j) In section 70 —
- (i) delete the words “Where any petitioner” and substitute the words “Where any applicant for a bankruptcy order”;
 - (ii) delete the words “his petition” and substitute the words “his application”;
 - (iii) delete the words “as petitioner” and substitute the words “as applicant”; and
 - (iv) delete the words “creditor’s petition” in paragraph (a) and substitute the words “creditor’s bankruptcy application”.
- (k) In section 90(1)(a), delete the word “petitioner” and substitute the words “applicant for the bankruptcy order”.
- (l) In section 148(4), delete the words “petitioner’s debt” and substitute the words “applicant’s debt”.
- (m) In section 148(6), delete the words “A petition” and substitute the words “An application”.
- (n) In section 154, delete paragraph (a) and substitute the following paragraph:
- “(a) application or copy of an application in bankruptcy;”.
- (o) In the following sections, delete the word “petition” wherever it appears and substitute in each case the word “application”:
- Sections 9(1), 45(3)(a)(i) and (b)(i), 53(3), 56, 57(2), 58(1)(b), 60(1) and (2), 61(1) and the section heading, 64(1), (2) and the section heading, 65(1)(a) and (b), (2), (4), (5) and (6), 66 and the section heading, 67(2) (penultimate and last lines), 69

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(penultimate and last lines) and the section heading, 71, 72 and the section heading, 73(1) and (5), 74(1), 77(1) and (3), 81(2)(b) (last line), 87(2), 88(2)(b), 92(2), 97(2), (3) (2nd and penultimate lines) and (4), 100(1)(a), 104(2), 106(4), 110(11), 122(1), 132(b) and (c), 135(c) and (e)(i), 136(f), 137(d), 139(b), 140(1) and (2), 142(1), 143(1)(a), 144(a) and (b), 147(2), 148(1), (2) (3rd line), (3) (1st line), (4) and (6) (last line), 152(3) and 164(3)(c)(iv).

- (p) In the following sections, delete the word “presented” wherever it appears and substitute in each case the word “made”:

Sections 9(1), 45(3)(a)(i) and (b)(i), 57(1), 58(1), 60(1) and (2), 61(1), 65(1)(a) and (4), 66, 67(2), 68, 71, 73(5)(a), 77(3)(a), 97(2), 106(4)(a), 110(11), 148(6), 152(3) and 164(3)(c)(iv).

- (q) In the following sections, delete the word “present” wherever it appears and substitute in each case the word “make”:

Sections 56, 57(1)(b)(i) and (2) and the section heading, 58 (section heading) and 148(1) and (2).

- (r) In the following sections, delete the words “creditor’s petition” wherever they appear and substitute in each case the words “creditor’s bankruptcy application”:

Sections 57(1), (3) and (4) and the section heading, 62, 65(1) (1st line) and the section heading, 81(2)(a) and 148(3) (2nd line).

- (s) In the following sections, delete the words “debtor’s petition” wherever they appear and substitute in each case the words “debtor’s bankruptcy application”:

Sections 58(1) (1st line) and the section heading, 67(1), (2) (1st line) and the section heading and 81(1) and (2)(b) (1st line).

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- (t) In the following sections, delete the word “presentation” wherever it appears and substitute in each case the word “making”:

Sections 58(1)(b), 60(1)(c) and (2)(a)(iii) and (b), 73(1), 74(1), 77(1), 87(2), 97(2), 100(1)(a), 104(2), 132(b) and (c), 135(c) and (e)(i), 136(f), 137(d), 139(b), 140(1) and (2), 142(1), 143(1)(a), 144(a) and (b) and 148(12).

- (u) In the following sections, delete the word “petitioning” wherever it appears and substitute in each case the word “applicant”:

Sections 61(1)(b) and (d), 62(a)(i) and (b) and 65(2)(a) and (d).

- (v) In the following sections, delete the word “petitioner” wherever it appears and substitute in each case the word “applicant”:

Sections 65(5), 148(3) and 164(3)(c)(iv).

- (w) In the following sections, delete the word “presenting” wherever it appears and substitute in each case the word “making”:

Sections 64(2) and 65(5)(b).

- (x) In the following sections, delete the words “a petition” and substitute in each case the words “an application”:

Sections 69 (1st line), 97(3) (3rd line) and 148(2) (penultimate line), (3) (3rd line) and (12).

- (4) Bills of Sale Act
(Chapter 24, 1985 Ed.)

In section 4(1)(b), delete the word “petition” in the 18th line and substitute the word “application”.

- (5) Business Trusts Act
(Chapter 31A, 2005 Ed.)

In section 46 —

- (a) delete the word “petition” in subsections (1) and (3) and substitute in each case the word “application”; and
- (b) delete the word “petitioner” in subsection (4) and substitute the word “applicant”.

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(6) Charities Act (Chapter 37, 1995 Ed.)	In section 32(1) — <ul style="list-style-type: none"> (a) delete the words “a petition” and substitute the words “an application”; and (b) delete the word “presented” and substitute the word “made”.
(7) Chit Funds Act (Chapter 39, 1985 Ed.)	In section 53(1)(a), delete the word “petition” and substitute the word “application”.
(8) Civil Law Act (Chapter 43, 1999 Ed.)	In section 3 — <ul style="list-style-type: none"> (a) delete the words “or petitioner” wherever they appear in paragraphs (a), (b) and (c); (b) delete the words “. <i>By motion</i>” in the sub-heading to paragraph (f); and (c) delete the word “motion” in paragraph (f) and substitute the word “summons”.
(9) Companies Act (Chapter 50, 1994 Ed.)	<ul style="list-style-type: none"> (a) In section 25(2)(c), delete the word “petition” and substitute the word “application”. (b) In section 130L — <ul style="list-style-type: none"> (i) delete the words “presentation of the petition” in paragraph (b) and substitute the words “the making of an application”; and (ii) delete the words “a petition had been presented” in the 16th line and substitute the words “an application had been made”. (c) In section 149(5)(a)(i), delete the words “the presentation of the winding up petition” and substitute the words “the filing of the winding up application”. (d) In section 216(3), delete the words “a petition duly presented” and substitute the words “an application duly made”.

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(e) In section 227B —

- (i) delete the words “, by way of petition,” in the 6th line of subsection (1) and substitute the words “(referred to in this section as an application for a judicial management order)”;
- (ii) delete the words “When a petition is presented to the Court, notice of the petition” in subsection (4) and substitute the words “When an application for a judicial management order is made to the Court, notice of the application”;
- (iii) delete the word “petitioner” in subsection (4)(b)(i) and substitute the word “applicant”;
- (iv) delete the word “petition” in the last line of subsection (4)(b)(ii) and substitute the word “application”;
- (v) delete the words “a petition” in subsection (5) and substitute the words “an application for a judicial management order”;
- (vi) delete subsection (6) and substitute the following subsection:

“(6) On hearing the application for a judicial management order, the Court may dismiss the application or adjourn the hearing conditionally or unconditionally or make an interim order or any other order that it thinks fit.”;
- (vii) delete subsection (9) and substitute the following subsection:

“(9) The costs and expenses of any unsuccessful application for a judicial management order made under this section shall, unless the Court otherwise orders, be borne by the applicant and, if the Court considers that the application is frivolous or vexatious, it may make such orders,

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as it thinks just and equitable, to redress any injustice that may have resulted.”; and

- (viii) delete paragraph (b) of subsection (10) and substitute the following paragraph:

“(b) from appointing, after the making of an application for a judicial management order and on the application of the person applying for the judicial management order, an interim judicial manager, pending the making of a judicial management order, and such interim judicial manager may, if the Court sees fit, be the person nominated in the application for a judicial management order. The interim judicial manager so appointed may exercise such functions, powers and duties as the Court may specify in the order.”.

- (f) In section 227C —

- (i) delete the words “presentation of a petition” and substitute the words “making of an application”; and
- (ii) delete the word “petition” and substitute the word “application”.

- (g) In section 227D(1)(b), delete the word “petition” and substitute the word “application”.

- (h) In section 227R —

- (i) delete the words “by petition” in subsection (1);
- (ii) delete the words “a petition” in subsection (2) and substitute the words “an application”; and

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- (iii) delete the word “petitioner” wherever it appears in subsection (3)(b) and substitute in each case the word “applicant”.
- (i) In section 227S(2), delete the word “petition” and substitute the words “apply to”.
- (j) In section 227T(2) —
 - (i) delete the words “petition in bankruptcy” and substitute the words “application for a bankruptcy order”; and
 - (ii) delete the words “a petition” and substitute the words “an application”.
- (k) In section 241 —
 - (i) delete the words “on petition of the Minister” in the 7th line of subsection (1) and substitute the words “by the Minister”;
 - (ii) delete the words “a winding up petition had been duly presented” in subsection (1)(c) and substitute the words “a winding up application had been duly made”;
 - (iii) delete the words “a petition” in subsection (1)(d) and substitute the words “an application”;
 - (iv) delete the word “presented” in subsection (1)(d) and substitute the word “made”; and
 - (v) delete the word “petition” in subsection (2) and substitute the word “application”.
- (l) In section 253 —
 - (i) delete the word “petition” in subsection (1) and substitute the word “application”;
 - (ii) delete the words “present a petition” in subsection (2)(a) and substitute the words “make a winding up application”;

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- (iii) delete the words “presentation of the petition” in subsection (2)(a)(ii) and substitute the words “making of the winding up application”; and
- (iv) delete paragraphs (b) and (c) of subsection (2) and substitute the following paragraphs:
 - “(b) a winding up application shall not, if the ground of the application is default in lodging the statutory report or in holding the statutory meeting, be made by any person except a contributory or the Minister nor before the expiration of 14 days after the last day on which the meeting ought to have been held;
 - (c) the Court shall not hear the winding up application if made by a contingent or prospective creditor until such security for costs has been given as the Court thinks reasonable and a prima facie case for winding up has been established to the satisfaction of the Court; and”.
- (m) In section 254(4) —
 - (i) delete the words “presentation of a petition” and substitute the words “making of an application”; and
 - (ii) delete the words “the petition” and substitute the words “the winding up application”.
- (n) In section 255 —
 - (i) delete the words “presentation of the petition” in subsection (1) and substitute the words “making of a winding up application”; and

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- (ii) delete the words “presentation of the petition” in subsection (2) and substitute the words “making of the application”.
- (o) In section 256 —
 - (i) delete the word “petition” in subsections (1) and (4) (including the marginal note thereto) and substitute in each case the word “application”; and
 - (ii) delete the word “petitioner” wherever it appears in subsections (2), (3) and (4) and substitute in each case the word “applicant”.
- (p) In section 257 —
 - (i) delete the word “petition” in the 1st line of subsection (1) and substitute the word “application”;
 - (ii) delete the words “a petition” in the 8th line of subsection (1) and substitute the words “an application”;
 - (iii) delete the word “petition” wherever it appears in subsections (2) and (3) and substitute in each case the words “winding up application”;
 - (iv) delete the word “petitioner” in subsection (2) and substitute the words “person making the winding up application”;
 - (v) delete the word “presented” in subsection (3) and substitute the word “made”; and
 - (vi) delete the word “petition” in the marginal note and substitute the words “winding up application”.
- (q) In section 258, delete the words “presentation of a winding up petition” and substitute the words “making of a winding up application”.
- (r) In section 261 —
 - (i) delete the word “petition” and substitute the word “application”; and

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- (ii) delete the word “Petition” in the marginal note and substitute the words “Winding up application”.
- (s) In section 262 —
 - (i) delete the word “petitioner” in subsections (1), (2) and (5) and substitute in each case the words “applicant for the winding up order”; and
 - (ii) delete the word “petition” in subsection (4) and substitute the word “application”.
- (t) In section 267, delete the words “presentation of a winding up petition” and substitute the words “making of a winding up application”.
- (u) In section 312, delete the words “a petition has been presented” and substitute the words “an application has been made”.
- (v) In section 328(1)(a), delete the words “a petitioner” and substitute the words “the applicant for the winding up order”.
- (w) In section 329(2) —
 - (i) delete the words “presentation of the bankruptcy petition” and substitute the words “making of the application for a bankruptcy order”; and
 - (ii) delete the words “presentation of the petition” in paragraph (a)(i) and (ii) and substitute in each case the words “making of the winding up application”.
- (x) In section 335(2) —
 - (i) delete the words “a petition” in the 7th line and substitute the words “an application”; and
 - (ii) delete the word “presented” in the 8th line and substitute the word “made”.

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	<p>(y) In section 353(1), delete the words “presentation of a petition” and substitute the words “making of an application”.</p> <p>(z) In the Second Schedule, delete the word “petition” wherever it appears in items 56 and 118 and substitute in each case the word “application”.</p> <p>(za) In the Eleventh Schedule, delete sub-paragraph (u) and substitute the following sub-paragraph:</p> <p style="padding-left: 40px;">“(u) power to make or defend an application for the winding up of a company;”.</p>
(10) Conveyancing and Law of Property Act (Chapter 61, 1994 Ed.)	<p>(a) In section 4(1), delete the words “by summons” and substitute the words “by originating summons”.</p> <p>(b) In section 74(2), delete the words “in chambers”.</p>
(11) Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A, 2000 Ed.)	In section 24(5), delete the words “the presentation of the petition” in paragraph (b) of the definition of “the relevant time” and substitute the words “the making of the application”.
(12) Finance Companies Act (Chapter 108, 2000 Ed.)	<p>(a) In section 36(c), delete the words “present a petition” and substitute the word “apply”.</p> <p>(b) In section 54(1)(a), delete the word “petition” and substitute the word “application”.</p>
(13) Financial Advisers Act (Chapter 110, 2002 Ed.)	<p>In section 66 —</p> <p>(a) delete the word “petition” in subsection (1) and substitute the word “apply”; and</p> <p>(b) delete the words “present a petition” in subsection (2) and substitute the word “apply”.</p>

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(14) Housing and Development Act (Chapter 129, 2004 Ed.)	In section 58(2), delete the words “by summons” and substitute the words “by originating summons”.
(15) Housing Developers (Control and Licensing) Act (Chapter 130, 1985 Ed.)	<p>(a) In section 18(2)(d), delete the words “present a petition” and substitute the word “apply”.</p> <p>(b) In section 20(c), delete the words “present a petition” and substitute the word “apply”.</p>
(16) Insurance Act (Chapter 142, 2002 Ed.)	<p>(a) In section 42 —</p> <p>(i) delete the word “petition” in subsection (1) and substitute the word “apply”; and</p> <p>(ii) delete the words “present a petition” in subsection (2) and substitute the word “apply”.</p> <p>(b) In section 43 —</p> <p>(i) delete the words “a petition” in subsection (2) and substitute the words “an application”; and</p> <p>(ii) delete the word “petition” in subsection (7) and substitute the word “apply”.</p> <p>(c) In section 46(13) —</p> <p>(i) delete the words “a petition presented” in paragraph (b)(ii) and substitute the words “an application made”; and</p> <p>(ii) delete the words “a petition” in paragraph (d)(ii) and substitute the words “an application”; and</p> <p>(iii) delete the words “the petition is presented or the application” in the penultimate line of paragraph (d) and substitute the words “the application referred to in subparagraph (ii) or (iii)”.</p>
(17) Jurong Town Corporation Act (Chapter 150, 1998 Ed.)	In section 48(2), delete the words “by summons” and substitute the words “by originating summons”.

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(18) Land Acquisition Act (Chapter 152, 1985 Ed.)	In section 40(2), delete the words “by summons supported by affidavit” in the 6th and 7th lines.
(19) Legal Aid and Advice Act (Chapter 160, 1996 Ed.)	<p>In Part II of the First Schedule, delete item 3 and substitute the following item:</p> <p>“3. Any application under the Parliamentary Elections Act (Cap. 218) or the Presidential Elections Act (Cap. 240A).”.</p>
(20) Legal Profession Act (Chapter 161, 2001 Ed.)	<p>(a) In section 2(1), delete the definition of “Malayan practitioner” and substitute the following definition:</p> <p>““Malayan practitioner” means any person entitled to practise before a High Court in any part of West Malaysia;”.</p> <p>(b) In section 13(3), delete the word “petition” and substitute the words “application for admission”.</p> <p>(c) Repeal section 15 and substitute the following section:</p> <p>“Admission of Malayan practitioners</p> <p>15.—(1) A Malayan practitioner who is a qualified person but who does not qualify under subsection (2) may be admitted as an advocate and solicitor without being required to serve any period of pupillage or to attend any course of instruction if he passes such examinations as may be prescribed by the Board.</p> <p>(2) A Malayan practitioner who is a qualified person and who has been in active practice in any part of West Malaysia for a continuous period of not less than 3 years in the 4 years immediately preceding his application for admission may be admitted as an advocate and solicitor without being required to serve any period of pupillage or to attend any course of instruction or to pass any examination.”.</p>

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- (d) Repeal sections 17 to 20 and substitute the following sections:

“Applications for admission under sections 11(1) and 15(1)

17.—(1) This section shall apply to every person who proposes to apply to be admitted as an advocate and solicitor by virtue of section 11(1)(a) or 15(1).

(2) An application for admission by such person shall be made to the court by an originating summons supported by an affidavit referred to in subsection (4).

(3) The applicant shall file his application in the Registrar’s office accompanied by a notice intimating that he has so applied, which notice shall be posted and continue to be posted at the Supreme Court for 6 months before the applicant is admitted as an advocate and solicitor.

(4) Every applicant shall, not less than 12 days before his application is to be heard, file an affidavit exhibiting the following documents:

- (a) in the case of a person applying for admission by virtue of section 11(1)(a), a certificate signed by the Secretary of the Board certifying that the applicant has satisfied the relevant requirements under this Act to be a qualified person;
- (b) in the case of a person applying for admission by virtue of section 15(1), true copies of any documentary evidence showing that he is a Malayan practitioner;
- (c) 2 recent certificates as to his good character;
- (d) a certificate of diligence from each master with whom the applicant served his pupillage in cases where the applicant is required to serve a period of pupillage or in the absence thereof

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such other evidence as the court may require that he has served the pupillage with diligence; and

(e) a certificate signed by the Secretary of the Board that the applicant has —

(i) satisfactorily served the period of pupillage or articles (or has been exempted therefrom under section 14(5));

(ii) attended the courses of instruction and kept the dining terms (or has been exempted therefrom under section 12(2)); and

(iii) passed any examination that may be required in his case under the provisions of this Act.

(5) The affidavit and certificates referred to in this section shall be in the form prescribed by the Board.

Applications for admission under section 15(2)

18.—(1) This section shall apply to every person who applies to be admitted as an advocate and solicitor by virtue of section 15(2).

(2) An application for admission by such person shall be made to the court by originating summons supported by an affidavit referred to in subsection (4).

(3) The applicant shall file his application in the Registrar's office not less than one month before it is to be heard.

(4) The affidavit supporting the application shall exhibit —

(a) a true copy of the order of court admitting and enrolling the applicant as a Malayan practitioner;

(b) a certificate issued by another Malayan practitioner who shall be of

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not less than 7 years' standing that to his personal knowledge the applicant has been in active practice in West Malaysia for a continuous period of not less than 3 years in the 4 years immediately preceding the application; and

- (c) a recent certificate issued by the secretary or other officer of the body charged with responsibility for investigating allegations of professional misconduct or breaches of professional discipline in those parts of Malaysia where the applicant has practised that at the date of the certificate no disciplinary proceedings are pending or contemplated against the applicant and that his professional conduct is not under investigation.

(5) The affidavit and certificates referred to in this section shall be in the form prescribed by the Board.

Service of documents and objections

19.—(1) A copy each of every application and affidavit required to be filed under section 17 or 18 together with true copies of each document exhibited thereto shall, within 5 days of the document being filed in the Registrar's office, be served on the Attorney-General, the Board and the Society.

(2) If the Attorney-General, the Board or the Society intends to object to any application, there shall be served on the applicant not less than 3 clear days or such shorter period as the court may allow a notice of objection in which shall be set out in brief terms the grounds of objection.

(3) Any such notice of objection shall be filed in the Registrar's office at any time before the day fixed for the hearing of the application.

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(4) It shall not be necessary for the Attorney-General, the Board or the Society to be represented at the hearing of any application unless the Attorney-General, the Board or the Society, as the case may be, intends to object to that application.

Caveats and misrepresentations

20.—(1) Any person may enter a caveat against the admission of any applicant and upon such a caveat being entered, no application for the admission of the applicant shall be heard except after not less than 3 clear days' notice has been given to the person entering the caveat.

(2) Every caveat under this section shall be entered in the Registrar's office and shall contain the full name, occupation and address of the caveator, a brief statement of the grounds of his objection and an address for service.

(3) If at any time after the admission of any applicant as an advocate and solicitor it is shown to the satisfaction of the court that any application, affidavit, certificate or other document filed by an applicant contains any substantially false statement or a suppression of any material fact, or that any such certificate was obtained by fraud or misrepresentation, the name of the applicant shall be struck off the roll.”.

(e) In section 21 —

- (i) delete the words “originating motion verified by an affidavit” in subsection (3) and substitute the words “originating summons supported by an affidavit”; and
- (ii) delete the word “motion” in subsection (4) and substitute the word “summons”.

(f) In section 22 —

- (i) delete subsection (3) and substitute the following subsection:

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“(3) Every application under this section shall be made by summons if the applicant has filed an originating summons, and otherwise by originating summons.”; and

(ii) delete the words “in chambers” in subsection (5).

(g) In section 23 —

(i) delete the word “Petitions” in subsection (1) and substitute the word “Applications”; and

(ii) delete the word “petition” in subsection (2) and in the section heading and substitute in each case the word “application”.

(h) In section 24 —

(i) delete the word “petitioner” in subsection (2) and substitute the words “applicant for admission”; and

(ii) delete the word “petitioner” in subsection (5) and substitute the word “applicant”.

(i) In section 49(6), delete the word “motion” and substitute the words “originating summons”.

(j) In section 80 —

(i) delete the words “a summons” in subsection (1) and substitute the words “an originating summons”; and

(ii) delete the word “respondent” in subsections (2) and (3) and substitute in each case the word “solicitor”; and

(iii) delete the word “respondent’s” in subsection (3) and substitute the word “solicitor’s”.

(k) In section 82A(10), delete the word “motion” and substitute the word “summons”.

(l) In section 83(3), delete the word “petitioning” and substitute the words “applying to”.

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- (m) In section 98(5) —
 - (i) delete the words “by motion” and substitute the words “by summons”; and
 - (ii) delete the words “notice of the motion” and substitute the word “summons”.
- (n) In section 100(2), delete the word “motion” and substitute the word “summons”.
- (o) In section 102 —
 - (i) delete the word “motion” in subsection (2) and substitute the word “summons”; and
 - (ii) delete the words “Notice of the motion” in subsection (3) and substitute the words “The originating summons”; and
 - (iii) delete the word “motion” in subsection (3)(a) and substitute the word “application”.
- (p) In section 103(1), delete the word “summons” and substitute the words “originating summons”.
- (q) In section 113 —
 - (i) delete the words “summons, motion or petition” in the 3rd and 4th lines of subsection (2) and substitute the words “application by originating summons”; and
 - (ii) delete the words “summons, motion or petition” wherever they appear in subsections (3) and (6) and substitute in each case the word “application”; and
 - (iii) delete the words “by summons, motion or petition” in subsection (8).
- (r) In section 120 —
 - (i) delete the words “a petition of course” in subsection (1) and substitute the words “an application made by originating summons or, where there is a pending action, by summons”; and
 - (ii) delete the words “in chambers” in subsection (2).

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- (s) In section 121 —
 - (i) delete the words “petition of course” in subsection (1) and substitute the words “application under section 120(1)”; and
 - (ii) insert, immediately after “\$25” in subsection (1), the words “or such other sum as may be prescribed”; and
 - (iii) insert, immediately after “\$150” in subsection (2), the words “or such other sum as may be prescribed”.
- (t) In section 123 —
 - (i) delete the word “petitions” and substitute the words “applications made under section 120(1)”; and
 - (ii) delete the word “Petitions” in the section heading and substitute the word “Applications”.
- (u) In section 124 —
 - (i) delete the words “a petition of course” in subsection (1) and substitute the words “an application made under section 120(1)”; and
 - (ii) delete the word “petition” in subsection (2) and substitute the word “application”.
- (v) Repeal section 135 and substitute the following section:

“Rules Committee to prescribe certain fees and costs

135. The Rules Committee may, from time to time, make rules to prescribe —

 - (a) the fees payable under sections 21(7), 24(5) and 25(1)(e); and
 - (b) the costs referred to in section 121(1) and (2).”.

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|---|--|
| <p>(22) Limited Liability Partnerships Act 2005 (Act 5 of 2005)</p> | <ul style="list-style-type: none"> (a) delete the words “by petition to the High Court praying the court” in the 4th and 5th lines of subsection (1) and substitute the words “to the High Court by originating summons”; (b) delete the word “petitioner” in the 6th line of subsection (1) and substitute the word “applicant”; (c) delete the words “Every petition under this section shall be accompanied by such affidavit” in subsection (2) and substitute the words “Every application under this section shall be supported by an affidavit”; and (d) delete subsection (4) and substitute the following subsection: <ul style="list-style-type: none"> “(4) A copy of every application under this section and of the affidavit in support thereof shall be served on the Attorney-General, who may apply to intervene in the application if he thinks necessary.”. |
| <p>(22) Limited Liability Partnerships Act 2005 (Act 5 of 2005)</p> | <ul style="list-style-type: none"> (a) In section 34(6)(a)(i), delete the words “presentation of the winding up petition” and substitute the words “filing of the winding up application”. (b) In paragraph 2 of the Fifth Schedule — <ul style="list-style-type: none"> (i) delete the word “petition” in sub-paragraph (1) and substitute the word “application”; and (ii) delete the words “petition if presented” in sub-paragraph (2)(a) and substitute the words “application if made”. (c) In paragraph 3(4) of the Fifth Schedule — <ul style="list-style-type: none"> (i) delete the words “presentation of a petition” and substitute the words “making of an application”; and (ii) delete the words “the petition” and substitute the words “the winding up application”. |

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- (d) In paragraph 4(1) and (2) of the Fifth Schedule, delete the words “presentation of the petition” and substitute in each case the words “filing of the application”.
- (e) In paragraph 5 of the Fifth Schedule —
 - (i) delete the word “petition” in sub-paragraphs (1) and (4) and substitute in each case the word “application”; and
 - (ii) delete the word “petitioner” wherever it appears in sub-paragraphs (2), (3) and (4) and substitute in each case the word “applicant”.
- (f) In paragraph 6 of the Fifth Schedule —
 - (i) delete the word “petition” in the 1st line of sub-paragraph (1) and substitute the word “application”;
 - (ii) delete the word “petition” wherever it appears in sub-paragraphs (1) (penultimate line) and (2) and in the paragraph heading and substitute in each case the words “winding up application”; and
 - (iii) delete the word “petitioner” in sub-paragraph (2) and substitute the words “person making the winding up application”.
- (g) In paragraph 7 of the Fifth Schedule, delete the words “presentation of a winding up petition” and substitute the words “filing of a winding up application”.
- (h) In paragraph 8 of the Fifth Schedule —
 - (i) delete the word “petition” in sub-paragraph (3) and substitute the word “application”; and
 - (ii) delete the word “petition” in the paragraph heading and substitute the words “winding up application”.
- (i) In paragraph 9 of the Fifth Schedule —
 - (i) delete the word “petitioner” in sub-

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paragraphs (1), (2) and (5) and substitute in each case the word “applicant”; and

(ii) delete the word “petition” in subparagraph (4) and substitute the word “application”.

(j) In paragraph 15 of the Fifth Schedule, delete the words “presentation of a winding up petition” and substitute the words “filing of a winding up application”.

(k) In paragraph 59 of the Fifth Schedule, delete the words “a petition has been presented” and substitute the words “an application has been made”.

(l) In paragraph 76(1)(a) of the Fifth Schedule, delete the words “a petitioner” and substitute the words “the applicant for the winding up order”.

(m) In paragraph 89(2) of the Fifth Schedule —

(i) delete the words “a petition” and substitute the words “an application”; and

(ii) delete the word “presented” and substitute the word “made”.

(23) Mental Disorders and
Treatment Act
(Chapter 178, 1985 Ed.)

In section 14 —

(a) delete the word “petition” and substitute the words “originating summons”; and

(b) delete the marginal note and insert the following section heading:

“Application to court for order”.

(24) Merchant Shipping Act
(Chapter 179, 1996 Ed.)

In section 88(6) —

(a) delete the words “by summons” and substitute the words “by originating summons”; and

(b) delete the words “the summons” and substitute the words “the application”.

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(25) Mutual Assistance in Criminal Matters Act (Chapter 190A, 2001 Ed.)	In paragraph 14(5) of Part II of the Schedule, delete the words “presentation of the petition” in paragraph (b) of the definition of “relevant time” and substitute the words “making of the application”.
(26) Parliamentary Elections Act (Chapter 218, 2001 Ed.)	<p>(a) In section 90 —</p> <p>(i) delete the words “on an election petition” and substitute the words “on an application made to an Election Judge”; and</p> <p>(ii) delete the section heading and substitute the following section heading:</p> <p style="text-align: center;">“Application for avoidance of election on certain grounds”.</p> <p>(b) Delete the words “ELECTION PETITIONS” in the heading to Part IV and substitute the words “APPLICATIONS FOR AVOIDANCE OF ELECTION”.</p> <p>(c) In section 92 —</p> <p>(i) delete the word “tried” in subsection (1) and substitute the word “heard”;</p> <p>(ii) delete the words “trial of an election petition under this Act” in subsection (4) and substitute the words “hearing of an application under section 90”; and</p> <p>(iii) delete the word “petitioner” in subsection (7) and substitute the word “applicant”.</p> <p>(d) In section 93 —</p> <p>(i) delete the word “presented” and substitute the word “made”; and</p> <p>(ii) delete the words “present petition” in the section heading and substitute the words “make application under section 90”.</p> <p>(e) In section 94 —</p> <p>(i) delete the word “petitioner” and substitute the word “applicant”; and</p>

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- (ii) delete the words “election petition” and substitute the words “application under section 90”.
- (f) In section 96 —
 - (i) delete the word “trial” in section (1)(b) and substitute the word “hearing”; and
 - (ii) delete the words “by an election petition” in subsection (2) and substitute the words “by such an application”.
- (g) In section 97 —
 - (i) delete the word “presented” wherever it appears in subsections (1), (2), (3) and (4) and substitute in each case the word “made”;
 - (ii) delete the words “election petition” in subsections (3)(b) and (4) (4th line) and substitute in each case the word “application”;
 - (iii) delete the words “the petition” wherever they appear in subsection (3)(b) and substitute in each case the words “the application”; and
 - (iv) delete the word “presentation” in the section heading and substitute the words “making application”.
- (h) In section 99, delete subsection (3) and substitute the following subsection:

“(3) On a scrutiny, any tendered vote that is proved to be a valid vote shall be added to the poll if any party to the application under section 90 applies for that vote to be so added.”.
- (i) In section 100 —
 - (i) delete the words “election petitions” in subsection (1) and in the section heading and substitute in each case the words “applications under section 90”; and

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- (ii) insert, immediately after the words “subsection (1)” in subsection (2), the words “and shall be amendable by rules made under that subsection”.
- (j) In section 101, delete the words “On an election petition” and substitute the words “On the making of an application under section 90”.
- (k) In the following sections, delete the words “election petition” and substitute in each case the words “application under section 90”:
- Sections 30(6), 49(6) and (11), 50(4), 92(1) and (9), 93, 96(2) (1st line) and 97(1), (2), (3) (1st line) and (4) (1st line).
- (l) In the following sections, delete the words “trial of an election petition” and substitute in each case the words “hearing of an application under section 90”:
- Sections 86, 92(8), 95(1), 96(1) and 99(1).
- (m) In the following sections, delete the word “petition” and substitute in each case the word “application”:
- Sections 92(4) (last line) and (6) and 93(a).
- (n) Repeal the Fourth Schedule and substitute the new Fourth Schedule as set out in the Second Schedule to this Act.
- (27) Presidential Elections Act (Cap 240A, 1999 Ed.)
- (a) In section 71 —
- (i) delete the words “on an election petition” and substitute the words “on an application made to an Election Judge”; and
- (ii) delete the section heading and substitute the following section heading:
- “Application for avoidance of election on certain grounds”.**
- (b) Delete the words “ELECTION PETITIONS” in the heading to Part V and substitute the words “APPLICATIONS FOR AVOIDANCE OF ELECTION”.

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- (c) In section 72 —
- (i) delete the word “tried” in subsection (1) and substitute the word “heard”;
 - (ii) delete the words “trial of an election petition under this Act” in the 1st line of subsection (3) and substitute the words “hearing of an application under section 71”; and
 - (iii) delete the word “petitioner” in subsection (3)(b) and substitute the word “applicant”.
- (d) In section 73 —
- (i) delete the word “presented” and substitute the word “made”; and
 - (ii) delete the words “present petition” in the section heading and substitute the words “make application under section 71”.
- (e) In section 74, delete the words “A petitioner shall be entitled to claim in an election petition” and substitute the words “A person making an application under section 71 shall be entitled to claim in the application”.
- (f) In section 76 —
- (i) delete the word “trial” in subsection (1)(b) and substitute the word “hearing”; and
 - (ii) delete the words “by an election petition” in subsection (2) and substitute the words “by such an application”.
- (g) In section 77 —
- (i) delete the word “presented” wherever it appears in subsections (1), (2), (3) and (4) and substitute in each case the word “made”;
 - (ii) delete the words “election petition” in subsections (3)(b) and (4) (4th line) and substitute in each case the word “application”;

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- (iii) delete the words “the petition” wherever they appear in subsection (3)(b) and substitute in each case the words “the application”; and
 - (iv) delete the word “presentation” in the section heading and substitute the words “making application”.
 - (h) In section 79, delete subsection (3) and substitute the following subsection:

“(3) On a scrutiny, any tendered vote that is proved to be a valid vote shall be added to the poll if any party to the application under section 71 applies for that vote to be so added.”.
 - (i) In section 80, delete the words “On an election petition” and substitute the words “On the making of an application under section 71”.
 - (j) In the following sections, delete the words “election petition” and substitute in each case the words “application under section 71”:

Sections 12(6), 32(7) and (11A), 33(4), 72(1) and (6), 73, 76(2) (1st line) and 77(1), (2), (3) (1st line) and (4) (1st line).
 - (k) In the following sections, delete the words “trial of an election petition” and substitute in each case the words “hearing of an application under section 71”:

Sections 68, 72(5), 75(1), 76(1) and 79(1).
 - (l) In the following sections, delete the word “petition” and substitute in each case the word “application”:

Sections 72(3)(a) and (b) and 73(a).
- (28) Probate and Administration Act (Chapter 251, 2000 Ed.)
- (a) In section 2, delete the definition of “probate action” and substitute the following definitions:

“ “probate action” means a cause or matter in which a probate application is contested by any person, and includes any

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application to alter or revoke the grant of any probate or letters of administration;

“probate application” means an application for a grant of probate or letters of administration, and “probate applicant” shall be construed accordingly;”.

- (b) In section 3(2)(a), delete the word “petition” and substitute the words “probate application”.
- (c) In section 7(1), delete the words “petitioner for a grant of probate or of letters of administration” and substitute the words “probate applicant”.
- (d) In section 33(2), delete the word “petitioner” and substitute the words “probate applicant”.
- (e) In section 39, delete the words “on the application by motion of the Public Trustee or of any person” and substitute the words “on an application made by originating summons by the Public Trustee or by any person”.

(29) Public Trustee Act
(Chapter 260, 1985 Ed.)

In section 5(1), delete the words “The Public Trustee may, on his own application, or on the application of any other person by summons,” and substitute the words “The Public Trustee may, on his own application or on the application of any other person made by originating summons or summons, as appropriate,”.

(30) Residential Property Act
(Chapter 274, 1985 Ed.)

In section 24(8), delete the words “summons in chambers” and substitute the words “originating summons”.

(31) Securities and Futures Act
(Chapter 289, 2002 Ed.)

In section 81L(4), delete the words “presentation of a petition” in paragraph (d) of the definition of “specified event” and substitute the words “making of an application”.

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(32) Sedition Act (Chapter 290, 1985 Ed.)	<p>In section 10 —</p> <p>(a) delete subsection (7) and substitute the following subsection:</p> <p>“(7) The owner of any prohibited publication delivered or seized under this section may, at any time within 14 days after the delivery or seizure, apply to the Court by originating summons for the discharge of the prohibition order, and if the Court, on the hearing of the application, decides that the prohibition order ought not to have been made, it shall discharge the order and shall order the prohibited publication delivered by or seized from the applicant to be returned to him.”; and</p> <p>(b) delete the words “a petition” in subsection (8) and substitute the words “an application under subsection (7)”.</p>
(33) Trade Unions Act (Chapter 333, 2004 Ed.)	<p>In section 45, delete the words “upon an ex parte motion” and substitute the words “upon an ex parte application by originating summons”.</p>
(34) Trust Companies Act 2005 (Act 11 of 2005)	<p>(a) In section 12 —</p> <p>(i) delete the word “petition” in subsection (1) and substitute the word “apply”; and</p> <p>(ii) delete the words “present a petition” in subsection (2) and substitute the word “apply”.</p> <p>(b) In section 24 —</p> <p>(i) delete the word “petition” in subsections (1) and (2) and substitute in each case the word “application”; and</p> <p>(ii) delete the word “petitions” in the section heading and substitute the words “probate applications”.</p>
(35) Trustees Act (Chapter 337, 2005 Ed.)	<p>(a) In section 63(4), delete the word “motion” and substitute the words “originating summons”.</p>

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	<p>(b) In section 79 —</p> <p>(i) delete the word “petition” in subsection (1) and substitute the words “originating summons”; and</p> <p>(ii) delete the word “Petition” in the section heading and substitute the word “Application”.</p>
(36) Women’s Charter (Chapter 353, 1997 Ed.)	Repeal Part X and substitute the new Part X as set out in the Third Schedule.
(37) Hindu Endowments Act (Chapter 364, 1994 Ed.)	<p>(a) In section 32(1), delete the words “a petition” and substitute the words “an application by originating summons”.</p> <p>(b) In section 33(1) and (2), delete the word “petition” and substitute in each case the word “application”.</p>
(38) Jewish Synagogue Ordinance (Chapter 365, 1985 Ed.)	<p>In section 7, delete subsection (2) (including the marginal note thereto) and substitute the following subsection:</p> <p>“New trustees</p> <p>(2) In the event of the number of trustees at any time falling below three, the High Court, on an application made by originating summons by the remaining trustees or by any of the members of the Jewish community, may appoint suitable persons being members of the Jewish community residing in Singapore to be trustees under this Ordinance.”.</p>
(39) Kwong-Wai-Shiu Hospital Ordinance (Chapter 366, 1985 Ed.)	<p>In section 6 —</p> <p>(a) delete subsection (3) (including the marginal note thereto) and substitute the following subsection:</p> <p>“Application to court</p> <p>(3) An application for such leave shall be made to the court by originating summons</p>

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supported by an affidavit, setting out the facts and reasons for which the said body corporate desires to sell, exchange or mortgage, or otherwise alienate or encumber the lands, and the application shall seek a decree of the court as in a suit relating to charities.”;

(b) delete the word “petition” wherever it appears in subsection (4) and substitute in each case the word “application”; and

(c) delete the words “prayer of the petition” wherever they appear in subsection (5) and substitute in each case the word “application”.

(40) Ngee Ann Kongsi
(Incorporation) Ordinance
(Chapter 370, 1985 Ed.)

In section 20 —

(a) delete subsection (2) and substitute the following subsection:

“(2) An application for such leave shall be made to the court by originating summons supported by an affidavit setting out the facts and reasons for which the Corporation desires to sell, exchange, mortgage or otherwise alienate or encumber or purchase the immovable property, and the application shall seek a decree of the court as in a suit relating to charities.”;

(b) delete the word “petition” wherever it appears in subsection (3) and substitute in each case the word “application”; and

(c) delete the words “prayer of the petition” wherever they appear in subsection (4) and substitute in each case the word “application”.

SECOND SCHEDULE

First Schedule, item (26)(n)

NEW FOURTH SCHEDULE TO PARLIAMENTARY ELECTIONS ACT

“FOURTH SCHEDULE

Section 100(2)

PARLIAMENTARY ELECTIONS ACT (CHAPTER 218)

PARLIAMENTARY ELECTIONS (APPLICATION FOR AVOIDANCE OF ELECTION) RULES

Citation

1. These Rules may be cited as the Parliamentary Elections (Application for Avoidance of Election) Rules.

Interpretation

2. In these Rules, unless the context otherwise requires —

“application for withdrawal” means an application made to a Judge under rule 22 for leave to withdraw an application under section 90, and “applicant for withdrawal” shall be construed accordingly;

“application under section 90” means an application made to a Judge under section 90 of the Act for the election of a candidate as a Member to be declared to be void on any of the grounds specified in that section;

“defendant” means a person in respect of whose election an application under section 90 has been made;

“Judge” means the Election Judge;

“plaintiff” means a person making an application under section 90;

“Registrar” means the Registrar of the Supreme Court.

Application of Rules of Court

3. Subject to the provisions of these Rules and of the Act, the Rules of Court (Cap. 322, R 5) shall apply, with the necessary modifications, to the practice and procedure in any proceedings under the Act to which these Rules relate.

Manner of making application under section 90

4.—(1) An application under section 90 shall be made by originating summons supported by an affidavit.

(2) In such an application —

- (a) the applicant shall be referred to as the plaintiff; and
- (b) the person in respect of whose election the application is made shall be referred to as the defendant.

(3) The application shall be made by filing it at the office of the Registrar, and the Registrar or the officer of his department with whom the application is filed shall, if required, give a receipt in the following form:

“Received on the day of at the Registry of the Supreme Court, an application touching the election of, Member for purporting to be made by (*insert the name of plaintiff*).

.....,
Registrar
(or as the case may be).”.

Contents and form of supporting affidavit for application under section 90

5.—(1) The affidavit supporting an application under section 90 shall be deposed to by the plaintiff or, where there is more than one plaintiff, by each such plaintiff, and shall state —

- (a) the right of the plaintiff or plaintiffs to apply within section 93; and
- (b) the holding and result of the election, and the facts and grounds relied on to sustain the relief sought.

(2) The affidavit shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively, and no costs shall be allowed for drawing or copying any affidavit not substantially in compliance with this rule, unless otherwise ordered by the Court or a Judge.

(3) The affidavit shall conclude with a statement of the relief sought by the plaintiff or plaintiffs as, for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, as the case may be.

(4) The following form, or one to the like effect, shall be sufficient:

“AFFIDAVIT

I of, Singapore (make oath) (affirm) and say as follows:

1. I am a person who (voted) (had a right to vote) (claims to have had a right to be returned) (was a candidate) at the election held on the day of, 20..., when was a candidate.

2. On the day of, 20..., the Returning Officer returned as being duly elected.

3. *(Here state the facts and grounds relied on in support of the application).*

4. I am therefore seeking a declaration (that the said was not duly elected or returned, and that the election was void) (that the said was duly elected and ought to have been returned, as the case may be).

*Sworn / * Affirmed at Singapore

this day of 20.....

Before me,

.....
A Commissioner for Oaths.”.

Evidence not to be stated in originating summons

6. Evidence need not be stated in the originating summons by which the application under section 90 is made, but the Judge may, upon the defendant’s application by summons, order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual hearing upon such terms as to costs and otherwise as may be ordered.

Where more than one application is made in relation to same election

7. Where more applications than one are made under section 90 relating to the same election or return, all the applications shall be dealt with as one application, so far as the inquiry into the same is concerned.

List of votes objected to where seat claimed by unsuccessful candidate

8.—(1) When a plaintiff claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election or return shall, 6 days before the day appointed for the hearing, file with the Registrar, and also at the address for service (if any) of the plaintiffs and defendants, as the case may be, a list of the votes intended to be objected to, and of the heads of objection to each such vote.

(2) The Registrar shall allow inspection of office copies of the lists to all parties concerned.

(3) No evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Judge, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

List of objections in recriminatory case

9.—(1) The defendant in an application under section 90 complaining of an undue return and claiming the seat for some person may lead evidence to prove that the election of the person was undue, and in that case the defendant shall, 6 days before the day appointed for the hearing, file with the Registrar, and also at the address for service (if any) of the plaintiff, a list of the objections to the election upon which he intends to rely.

(2) The Registrar shall allow inspection of office copies of the lists to all parties concerned.

(3) No evidence shall be given by a defendant of any objection to the election not specified in the list, except by leave of the Judge, upon such terms as to amendments of the list, postponement of the inquiry, and payments of costs, as may be ordered.

Appointment of solicitor by plaintiff

10.—(1) The plaintiff or plaintiffs in an application under section 90 shall file at the office of the Registrar together with the application a written notice, signed by him or them, giving the name of an advocate and solicitor of the Supreme Court whom he or they authorise to act as his or their solicitor or stating that he or they act for himself or themselves, as the case may be, and in either case giving an address within Singapore at which notices may be left (referred to in these Rules as the address for service).

(2) If no such written notice is filed or address for service given, then all notices may be given by leaving them at the office of the Registrar.

(3) Every such written notice shall be stamped with the duty payable thereon under the law for the time being in force.

Appointment of solicitor by defendant

11.—(1) Any person returned as a Member may, at any time, after he is returned, file at the office of the Registrar a written notice, signed by him on his behalf, appointing an advocate and solicitor of the Supreme Court to act as his solicitor in case there should be an application under section 90 against him, or stating that he intends to act for himself, and in either case giving an address within Singapore at which notices addressed to him may be left (referred to in these Rules as the address for service).

(2) If no such written notice is filed or address for service given, all notices and proceedings may be given or served by leaving them at the office of the Registrar.

(3) Every such written notice shall be stamped with the duty payable thereon under the law for the time being in force.

Registrar to keep book with addresses and names of solicitors

12. The Registrar shall cause a book to be kept at his office in which shall be entered all addresses and the names of solicitors given under rule 10 or 11, which book shall be open to inspection by any person during the office hours of the Registrar.

Security by plaintiff for cost, etc., of application under section 90

13.—(1) At the time of the filing of the application under section 90, or within 3 days afterwards, security for the payment of all costs, charges and expenses that may become payable by the plaintiff shall be given on behalf of the plaintiff.

(2) The security shall be to an amount of not less than \$5,000. If the number of charges in any application exceeds 3, additional security to an amount of \$2,500 shall be given in respect of each charge in excess of the first 3.

(3) The security required by this rule shall be given by a deposit of money.

(4) If security required by this rule to be provided is not given by the plaintiff, no further proceedings shall be had on the application under section 90, and the defendant may apply by summons to the Judge for an order directing the dismissal of the application under section 90 and for the payment of the defendant's costs.

(5) The costs of hearing and deciding the defendant's application under paragraph (4) shall be paid as ordered by the Judge, and in default of such order shall form part of the general costs of the application under section 90.

Security by deposit of money

14.—(1) The deposit of money by way of security for payment of costs, charges and expenses payable by the plaintiff in an application under section 90 shall be made by payment to the Returning Officer which shall be vested in and drawn upon from time to time by the Chief Justice for the purposes for which security is required by these Rules.

(2) A receipt shall be given by the Returning Officer for the deposit, which shall forthwith be filed at the office of the Registrar by the plaintiff.

(3) The Registrar shall file the receipt and keep a book open to the inspection of all parties concerned, in which shall be entered from time to time the amount and the application under section 90 to which it is applicable.

Return of money so deposited

15.—(1) Money so deposited shall, if and when the deposit is no longer needed for securing payment of such costs, charges and expenses, be returned or otherwise disposed of as justice may require by order of the Chief Justice.

(2) Such order may be made after a notice of intention to apply and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Chief Justice may require.

(3) Such order may direct payment either to the party in whose name the money is deposited or to any person entitled to receive the money.

Service of notice and copy of application under section 90 on defendant

16.—(1) Notice of the filing of an application under section 90, accompanied by a copy of that application and its supporting affidavit, shall, within 10 days of the filing of the application, be served by the plaintiff on the defendant.

(2) Such service may be effected —

- (a) by delivering the notice and a copy each of the application and its supporting affidavit to the solicitor appointed by the defendant under rule 11;
- (b) by posting the notice and a copy of the application and its supporting affidavit in a registered letter to the address for service given under rule 11 at such time that, in the ordinary course of post, the letter would be delivered within the time mentioned in paragraph (1); or
- (c) if no solicitor has been appointed, nor any address for service given, by a notice published in the *Gazette* stating that an application under section 90 has been filed and that a copy each of that application and its supporting affidavit may be obtained by the defendant on application at the office of the Registrar.

When application under section 90 to be deemed at issue

17. An application under section 90 shall be deemed to be at issue on the expiration of the time limited for the making of such applications.

List of applications under section 90

18.—(1) The Registrar shall make out a list of applications under section 90.

(2) The Registrar shall insert in the list —

- (a) the names of the solicitors of the plaintiffs and defendants appointed under rules 10 and 11, respectively; and
- (b) the addresses for service of the plaintiffs and defendants.

(3) The list may be inspected at the office of the Registrar at any time during office hours, and shall be affixed for that purpose upon a notice board appropriated to proceedings under the Act, and headed “Parliamentary Elections Act (Chapter 218)”.

Time and place of hearing of application under section 90

19. The time and place of the hearing of each application under section 90 shall be fixed by the Judge, and not less than 14 days’ notice thereof shall be given to the plaintiff and defendant by letter directed to the addresses of service of the plaintiff or defendant or, if no such addresses have been given, by notice in the *Gazette*.

Postponement of hearing

20. The Judge may from time to time, by order made on the application of a party to the application under section 90, postpone the beginning of the hearing to such day as he may name; and the order, when made, shall forthwith be published by the Registrar in the *Gazette*.

Adjournment and continuation of hearing

21.—(1) No formal adjournment of the Court for the hearing of an application under section 90 shall be necessary, but the hearing is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded.

(2) In the event of the Judge who begins the hearing being disabled by illness or otherwise, it may be recommenced and concluded by another Judge.

Withdrawal of application under section 90

22.—(1) An application under section 90 shall not be withdrawn without the leave of the Judge; and such leave may be given upon such terms as to the payment of costs and otherwise as the Judge may think fit.

(2) An application for withdrawal shall be made by summons supported by an affidavit.

(3) Where there are more plaintiffs than one, no application for withdrawal shall be made except with the consent of all the plaintiffs.

Affidavits supporting application for withdrawal

23.—(1) An application for withdrawal shall be supported by affidavits filed by all the parties to that application and their solicitors, and by the election agents of all the parties who were candidates at the election, except that the Judge may on cause shown dispense with the affidavit of any particular person if it appears to the Judge on special grounds to be just to do so.

(2) Each affidavit shall state the grounds on which that application for withdrawal is made and —

- (a) that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into in relation to the withdrawal of the application under section 90; or
- (b) if any lawful agreement has been made with respect to the withdrawal of the application under section 90, that agreement.

Copy of application for withdrawal to be given to defendant

24. A copy of an application for withdrawal and its supporting affidavits shall be served by the plaintiff on the defendant, and a notice in the following terms signed by the plaintiff shall be published forthwith in the *Gazette* by the plaintiff at his own expense:

“The Parliamentary Elections Act (Chapter 218).

In the application under section 90 for in which is plaintiff and defendant.

Notice is hereby given that the above plaintiff did on the day of file at the office of the Registrar of the Supreme Court an application for leave to withdraw the application under section 90, and set out below is a copy of the application for leave to withdraw:

(Set out the application here).

And Take Notice that under the Parliamentary Elections (Application for Avoidance of Election) Rules, any person who might have been a plaintiff in respect of the said election may, within 5 days after the date of publication of this notice, give notice, in writing to the Registrar of the Supreme Court of his intention on the hearing of the application to be substituted as a plaintiff in the application under section 90.

(Signed)

.....”

Application to be substituted as plaintiff on withdrawal

25. Any person who might have been a plaintiff in respect of the election to which an application under section 90 relates may, within 5 days after the notice is published by the original plaintiff under rule 24, file a notice in writing, signed by him or on his behalf, with the Registrar, of his intention to apply at the hearing of the application for withdrawal to be substituted for the original a plaintiff, but the want of that notice shall not defeat the application for substitution, if in fact made at the hearing.

Time and place of hearing of application for withdrawal

26.—(1) The time and place of hearing the application for withdrawal shall be fixed by the Judge but shall not be less than one week after the application for withdrawal has been filed at the office of the Registrar as in these Rules provided.

(2) Notice of the time and place appointed for the hearing shall be given to such person (if any) as shall have given notice to the Registrar of an intention to apply to be substituted as plaintiff in the application under section 90, and otherwise in such manner and at such time as the Judge directs.

Substitution of another plaintiff

27.—(1) On the hearing of the application for withdrawal, any person who might have been a plaintiff in respect of the election to which the application under section 90 relates, may apply to the Judge to be substituted as a plaintiff for the original plaintiff so desirous of withdrawing the application under section 90.

(2) The Judge may, if he thinks fit, substitute for the original plaintiff any such person applying under paragraph (1) to be so substituted (referred to hereinafter as the substituted plaintiff); and may further, if the proposed withdrawal is in the opinion of the Judge induced by any corrupt bargain or consideration, by order direct that —

- (a) the security given on behalf of the original plaintiff shall remain as security for any costs that may be incurred by the substituted plaintiff; and
- (b) to the extent of the sum named in the security the original plaintiff shall be liable to pay the costs of the substituted plaintiff.

(3) If no such order is made with respect to the security given on behalf of the original plaintiff, security to the same amount as would be required in the case of a new application under section 90, and subject to the like conditions, shall be given by or on behalf of the substituted plaintiff within 3 days after the order of substitution, and he shall proceed no further with the application under section 90 until the security is given.

(4) Subject to paragraphs (1), (2) and (3), a substituted plaintiff shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original plaintiff.

(5) If an application under section 90 is withdrawn, the plaintiff shall be liable to pay the costs of the defendant.

Abatement of application under section 90 by death

28.—(1) An application under section 90 shall be abated by the death of a sole plaintiff or of the survivor of several plaintiffs.

(2) The abatement of an application under section 90 shall not affect the liability of the plaintiff or of any other person to the payment of costs previously incurred.

Application to be substituted as plaintiff, on abatement

29.—(1) Notice of abatement of an application under section 90, by death of the plaintiff or surviving plaintiff, shall be given by the party or person interested in the same manner as notice of an application for withdrawal, and the time within which application may be made to a Judge to be substituted as a plaintiff in the application under section 90 shall be one calendar month, from the day of the publication of the notice of abatement or such further time as upon consideration of any special circumstances the Judge may allow.

(2) Any person who might have been a plaintiff in respect of the election to which the application under section 90 relates may apply to the Judge to be substituted as a plaintiff therein.

(3) The Judge may, if he thinks fit, substitute as a plaintiff in the application under section 90 any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new application under section 90.

On death, resignation, or notice not to oppose of defendant, application under section 90 to continue

30.—(1) If before the hearing of an application under section 90 a defendant dies or resigns, or files a notice in writing with the Court that he does not intend to oppose the application, the application shall not be abated but shall continue whether or not any person applies to be admitted as defendant as hereinafter provided.

(2) A defendant who does not intend to oppose the application under section 90 shall, not less than 6 days before the day appointed for hearing (exclusive of the day of filing the notice), file a written notice under his hand to that effect at the office of the Registrar.

(3) Notice of the fact that a defendant has died, or resigned, or that he has filed a notice in writing that he does not intend to oppose the application under section 90, shall be published in the *Gazette* by the Registrar.

(4) Any person who might have been a plaintiff in respect of the election to which the application under section 90 relates may apply to the Judge to be admitted as a defendant to oppose the application under section 90 within 10 days after the notice has been published in the *Gazette* or such further time as the Judge may allow.

Defendant not opposing application under section 90 not to appear as party

31. A defendant who has given notice of his intention not to oppose an application under section 90 shall not be allowed to appear or act as a party against the application under section 90 in any proceedings thereon.

Countermanding notice of hearing where application under section 90 abated, etc.

32.—(1) Upon receiving the plaintiff's application for withdrawal, or notice of the defendant's intention not to oppose, or of the abatement of the application under section 90 by death, or of the happening of any of the events mentioned in rule 30, if the application for withdrawal or the notice is received after notice of the hearing has been given, and before the hearing has commenced, the Registrar shall forthwith countermand the notice of the hearing.

(2) The countermand shall be given in the same manner, as near as may be, as the notice of the hearing.

Costs

33. All costs of and incidental to the making of an application under section 90 and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportions as the Judge may determine, regard being had to —

- (a) the disallowance of any costs which may, in the opinion of the Judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections, on the part either of the plaintiff or the defendant; and
- (b) the discouragement of any needless expense by throwing the burden of defraying the costs of and incidental to the application under section 90 on the parties by whom it has been caused, whether the parties are or are not on the whole successful.

Taxation and recovery of costs

34.—(1) Costs shall be taxed by the Registrar upon the order by which the costs are payable in the same manner as costs are taxed in the High Court, but subject to such express directions, either general or specific, as the Judge may give; and costs when taxed may be recovered in the same manner as the costs of an action at law.

(2) The Chief Justice may direct that the whole or any part of any moneys deposited by way of security under rules 13 and 14 may be applied in the payment of taxed costs.

(3) The office fees payable for inspection, office copies and other proceedings under these Rules shall be such as may be prescribed by the Chief Justice.

Notice of appointment of solicitor

35. A solicitor shall, immediately upon his appointment as such, file written notice thereof at the office of the Registrar.

Service of notices on solicitors

36. Service of notices and proceedings upon the solicitors shall be sufficient for all purposes.”.

THIRD SCHEDULE

First Schedule, item (36)

NEW PART X OF WOMEN'S CHARTER

"PART X

CHAPTER 1 — DIVORCE

Interpretation of this Part

92. In this Part, unless the context otherwise requires —

"appointed day" means the date of commencement of item (36) in the First Schedule to the Statutes (Miscellaneous Amendments) (No. 2) Act 2005;

"child of the marriage" means any child of the husband and wife, and includes any adopted child and any other child (whether or not a child of the husband or of the wife) who was a member of the family of the husband and wife at the time when they ceased to live together or at the time immediately preceding the institution of the proceedings, whichever first occurred; and for the purposes of this definition, the parties to a purported marriage that is void shall be deemed to be husband and wife;

"court" means the High Court or a Judge thereof;

"desertion" implies an abandonment against the wish of the person charging it;

"judgment of judicial separation" includes a decree of judicial separation granted in proceedings for judicial separation commenced before the appointed day;

"writ" means a writ of summons for divorce, presumption of death and divorce, judicial separation, nullity of marriage or rescission of a judgment of judicial separation, as the case may be.

Jurisdiction of court in matrimonial proceedings

93.—(1) Subject to subsection (2), the court shall have jurisdiction to hear proceedings for divorce, presumption of death and divorce, judicial separation or nullity of marriage only if either of the parties to the marriage is —

- (a) domiciled in Singapore at the time of the commencement of the proceedings; or
- (b) habitually resident in Singapore for a period of 3 years immediately preceding the commencement of the proceedings.

(2) In proceedings for nullity of marriage on the ground that the marriage is void or voidable, the court may, notwithstanding that the requirements in subsection (1) are not

fulfilled, grant the relief sought where both parties to the marriage reside in Singapore at the time of the commencement of the proceedings.

(3) For the purposes of proceedings for nullity of marriage, “marriage” includes a marriage which is not valid by virtue of any of the provisions of this Act.

Restriction on filing of writ for divorce during first 3 years of marriage

94.—(1) No writ for divorce shall be filed in the court unless at the date of the filing of the writ 3 years have passed since the date of the marriage.

(2) The court may, upon application being made in accordance with the Rules of Court, allow a writ to be filed before 3 years have passed on the ground that the case is one of exceptional hardship suffered by the plaintiff or of exceptional depravity on the part of the defendant, but if it appears to the court at the hearing of the proceedings that the plaintiff obtained leave to file the writ by any misrepresentation or concealment of the nature of the case, the court may, if it grants an interim judgment, do so subject to the condition that no application to make the judgment final shall be made until after the expiration of 3 years from the date of the marriage, or may dismiss the proceedings without prejudice to any proceedings which may be brought after the expiration of the said 3 years upon the same, or substantially the same, facts as those proved in support of the proceedings so dismissed.

(3) In determining any application under this section for leave to file a writ before the expiration of 3 years from the date of the marriage, the court shall have regard to the interest of any child of the marriage and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said 3 years.

(4) The court may, before determining an application under this section, refer the differences between the parties to a Conciliation Officer so that a reconciliation between the parties might be effected.

(5) Nothing in this section shall be deemed to prohibit the filing of a writ based upon matters which have occurred before the expiration of 3 years from the date of the marriage.

Irretrievable breakdown of marriage to be sole ground for divorce

95.—(1) Either party to a marriage may file a writ for divorce on the ground that the marriage has irretrievably broken down.

(2) The court hearing such proceedings shall, so far as it reasonably can, inquire into the facts alleged as causing or leading to the breakdown of the marriage and, if satisfied that the circumstances make it just and reasonable to do so, grant a judgment for its dissolution.

(3) The court hearing any proceedings for divorce shall not hold the marriage to have broken down irretrievably unless the plaintiff satisfies the court of one or more of the following facts:

-
- (a) that the defendant has committed adultery and the plaintiff finds it intolerable to live with the defendant;
 - (b) that the defendant has behaved in such a way that the plaintiff cannot reasonably be expected to live with the defendant;
 - (c) that the defendant has deserted the plaintiff for a continuous period of at least 2 years immediately preceding the filing of the writ;
 - (d) that the parties to the marriage have lived apart for a continuous period of at least 3 years immediately preceding the filing of the writ and the defendant consents to a judgment being granted;
 - (e) that the parties to the marriage have lived apart for a continuous period of at least 4 years immediately preceding the filing of the writ.

(4) In considering whether it would be just and reasonable to grant a judgment, the court shall consider all the circumstances, including the conduct of the parties and how the interests of any child or children of the marriage or of either party may be affected if the marriage is dissolved, and it may make an interim judgment subject to such terms and conditions as the court may think fit to attach; but if it should appear to the court that in all the circumstances it would be wrong to dissolve the marriage, the court shall dismiss the proceedings.

(5) Where the parties to the marriage have lived with each other for any period or periods after it became known to the plaintiff that the defendant had, since the celebration of the marriage, committed adultery, then —

- (a) if the length of that period or of those periods together was 6 months or less, their living with each other during that period or those periods shall be disregarded in determining for the purposes of subsection (3)(a) whether the plaintiff finds it intolerable to live with the defendant; but
- (b) if the length of that period or of those periods together exceeded 6 months, the plaintiff shall not be entitled to rely on that adultery for the purposes of subsection (3)(a).

(6) Where the plaintiff alleges that the defendant has behaved in such a way that the plaintiff cannot reasonably be expected to live with him, but the parties to the marriage have lived with each other for a period or periods after the date of the occurrence of the final incident relied on by the plaintiff and held by the court to support his allegation, that fact shall be disregarded in determining for the purposes of subsection (3)(b) whether the plaintiff cannot reasonably be expected to live with the defendant if the length of that period or of those periods together was 6 months or less.

(7) In considering for the purposes of subsection (3) whether the period for which the defendant has deserted the plaintiff or the period for which the parties to a marriage have lived apart has been continuous, no account shall be taken of any one period (not exceeding 6 months) or of any 2 or more periods (not exceeding 6 months in all) during which the parties resumed living with each other, but no period during which the parties lived with each other shall count as part of the period of desertion or of the period for which the parties to the marriage lived apart, as the case may be.

(8) References in this section to the parties to a marriage living with each other shall be construed as references to their living with each other in the same household.

Rules to provide for agreements to be referred to court

96. Provision may be made by Rules of Court for enabling the parties to a marriage, or either of them, on application made either before or after the filing of the writ for divorce, to refer to the court any agreement or arrangement made or proposed to be made between them, being an agreement or arrangement which relates to, arises out of, or is connected with, the proceedings for divorce which are contemplated or, as the case may be, have begun, and for enabling the court to express an opinion, should the court think it desirable to do so, as to the reasonableness of the agreement or arrangement and to give such directions, if any, in the matter as the court thinks fit.

Intervention of Attorney-General

97.—(1) In the case of any proceedings for divorce —

- (a) the court may, if it thinks fit, direct all necessary papers to be sent to the Attorney-General and he may argue before the court any question in relation to the matter which the court considers it necessary or expedient to be fully argued; and
- (b) any person may, at any time during the progress of the proceedings or before the interim judgment is made final, give information to the Attorney-General on any matter material to the due decision of the case, and the Attorney-General may thereupon take such steps as he considers necessary or expedient.

(2) If the Attorney-General intervenes or shows cause against an interim judgment in any proceedings for divorce, the court may order one or more of the parties to the proceedings to pay the costs of the Attorney-General.

Relief for defendant in divorce proceedings

98. If in any proceedings for divorce the defendant alleges and proves any such fact as is mentioned in section 95(3) (treating the defendant as the plaintiff and the plaintiff as the defendant for the purposes of that subsection), the court may give to the defendant the relief to which he would be entitled if he had filed a writ seeking that relief.

Interim judgment and proceedings thereafter

99.—(1) Every judgment of divorce shall in the first instance be an interim judgment and shall not be made final before the expiration of 3 months from its grant unless the court by general or special order from time to time fixes a shorter period.

(2) Where a judgment of divorce has been granted but not made final, then without prejudice to section 97, any person may show cause why the judgment should not be made final by reason of the material facts not having been brought before the court, and in such a case the court may —

- (a) notwithstanding subsection (1), make the judgment final;
- (b) rescind the interim judgment;
- (c) require further inquiry; or
- (d) otherwise deal with the case as it thinks fit.

(3) Where an interim judgment of divorce has been granted and no application for it to be made final has been made by the party to whom it was granted, then, at any time after the expiration of 3 months from the earliest date on which that party could have made such an application, the party against whom it was granted may make an application to the court and on that application the court may —

- (a) notwithstanding subsection (1), make the judgment final;
- (b) rescind the interim judgment;
- (c) require further inquiry; or
- (d) otherwise deal with the case as it thinks fit.

Proceedings for interim judgment of presumption of death and divorce

100.—(1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may file a writ to have it presumed that the other party is dead and to have the marriage dissolved, and the court, if satisfied that such reasonable grounds exist, may make an interim judgment of presumption of death and of divorce.

(2) In any such proceedings, the fact that for a period of 7 years or more the other party to the marriage has been continually absent from the plaintiff, and the plaintiff has no reason to believe that the other party has been living within that time, shall be evidence that he or she is dead until the contrary is proved.

(3) Section 99 shall apply to a writ and a judgment under this section as it applies to a writ for divorce and a judgment of divorce, respectively.

CHAPTER 2 — JUDICIAL SEPARATION

Judicial separation

101.—(1) A writ for judicial separation may be filed in court by either party to a marriage on the ground and circumstances set out in section 95(3), and that section shall, with the necessary modifications, apply in relation to such a writ as it applies in relation to a writ for divorce.

(2) Where a court grants a judgment of judicial separation, it shall no longer be obligatory for the plaintiff to cohabit with the defendant.

(3) The court may, on an application by writ of the spouse against whom a judgment of judicial separation has been made and on being satisfied that the allegations in the writ are true, rescind the judgment at any time on the ground that it was obtained in the

absence of the plaintiff or, if desertion was the ground of the judgment, that there was reasonable cause for the alleged desertion.

Judicial separation no bar to writ for divorce

102.—(1) A person shall not be prevented from filing a writ for divorce, or the court from pronouncing a judgment of divorce, by reason only that the plaintiff or defendant has at any time been granted a judicial separation upon the same or substantially the same facts as those proved in support of the writ for divorce.

(2) On any such writ for divorce, the court may treat the judgment of judicial separation as sufficient proof of the adultery, desertion or other ground on which it was granted, but the court shall not grant a judgment of divorce without receiving evidence from the plaintiff.

(3) For the purposes of any such writ for divorce, a period of desertion immediately preceding the institution of proceedings for a judgment of judicial separation shall, if the parties have not resumed cohabitation and the judgment has been continuously in force since it was granted, be deemed immediately to precede the filing of the writ for divorce.

Judicially separated spouses not entitled to claim in intestacy of each other

103. If, while a judgment of judicial separation is in force and the separation is continuing, either of the parties whose marriage is the subject of the judgment dies intestate after 1st June 1981, all or any of his or her movable or immovable property shall devolve as if the other party to the marriage had been then dead.

CHAPTER 3 — NULLITY OF MARRIAGE

Writ for nullity of marriage

104. Any husband or wife may file a writ claiming for a judgment of nullity in respect of his or her marriage.

Grounds on which marriage is void

105. A marriage which takes place after 1st June 1981 shall be void on the following grounds only:

- (a) that it is not a valid marriage by virtue of sections 3(4), 5, 9, 10, 11, 12 and 22; or
- (b) where the marriage was celebrated outside Singapore, that the marriage is invalid —
 - (i) for lack of capacity; or
 - (ii) by the law of the place in which it was celebrated.

Grounds on which marriage is voidable

106. A marriage which takes place after 1st June 1981 shall be voidable on the following grounds only:

- (a) that the marriage has not been consummated owing to the incapacity of either party to consummate it;
- (b) that the marriage has not been consummated owing to the wilful refusal of the defendant to consummate it;
- (c) that either party to the marriage did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind or otherwise;
- (d) that at the time of the marriage either party, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder within the meaning of the Mental Disorders and Treatment Act (Cap. 178) of such a kind or to such an extent as to be unfit for marriage;
- (e) that at the time of the marriage the defendant was suffering from venereal disease in a communicable form;
- (f) that at the time of the marriage the defendant was pregnant by some person other than the plaintiff.

Bars to relief where marriage is voidable

107.—(1) The court shall not, in proceedings instituted after 1st June 1981, grant a judgment of nullity on the ground that a marriage is voidable (whether the marriage took place before or after that date) if the defendant satisfies the court that —

- (a) the plaintiff, with knowledge that it was open to him to have the marriage avoided, so conducted himself in relation to the defendant as to lead the defendant reasonably to believe that he would not seek to do so; and
- (b) it would be unjust to the defendant to grant the judgment.

(2) Without prejudice to subsection (1), the court shall not grant a judgment of nullity on the grounds mentioned in section 106(c), (d), (e) or (f) unless it is satisfied that proceedings were instituted within 3 years from the date of the marriage.

(3) Without prejudice to subsections (1) and (2), the court shall not grant a judgment of nullity on the grounds mentioned in section 106(e) or (f) unless it is satisfied that the plaintiff was, at the time of the marriage, ignorant of the facts alleged.

(4) Subsection (1) replaces, in relation to the grounds mentioned in section 106, any rule of law whereby a judgment may be refused by reason of approbation, ratification or lack of sincerity on the part of the plaintiff or on similar grounds.

Marriage governed by foreign law

108. Where, apart from this Act, any matter affecting the validity of a marriage would fall to be determined (in accordance with the rules of private international law) by

reference to the law of a country outside Singapore, nothing in section 104, 105 or 106 shall —

- (a) preclude the determination of the matter as aforesaid; or
- (b) require the application to the marriage of the grounds or bars to relief mentioned in those sections except so far as are applicable in accordance with those rules.

Application of sections 97 and 99 to nullity proceedings

109. Sections 97 and 99 shall apply in relation to proceedings for nullity of marriage as if for any reference in those sections to divorce there were substituted a reference to nullity of marriage.

Effect of judgment of nullity in case of voidable marriage

110.—(1) If the court finds that the plaintiff's case has been proved, it shall grant a judgment of nullity.

(2) A judgment of nullity granted after 1st June 1981 on the ground that a marriage is voidable shall operate to annul the marriage only as respects any time after the judgment has been made final, and the marriage shall, notwithstanding the judgment, be treated as if it had existed up to that time.

Legitimacy of children of annulled marriages

111.—(1) Where a marriage is annulled, any child who would have been the legitimate child of the parties to the marriage if it had been dissolved, instead of being annulled, at the date of the judgment shall be deemed to be their legitimate child, notwithstanding the annulment.

(2) The child of a void marriage born on or after 2nd May 1975 shall be deemed to be the legitimate child of his parents if, at the date of such void marriage, both or either of the parties reasonably believed that the marriage was valid.

CHAPTER 4 — FINANCIAL PROVISIONS CONSEQUENT ON MATRIMONIAL PROCEEDINGS

Power of court to order division of matrimonial assets

112.—(1) The court shall have power, when granting or subsequent to the grant of a judgment of divorce, judicial separation or nullity of marriage, to order the division between the parties of any matrimonial asset or the sale of any such asset and the division between the parties of the proceeds of the sale of any such asset in such proportions as the court thinks just and equitable.

(2) It shall be the duty of the court in deciding whether to exercise its powers under subsection (1) and, if so, in what manner, to have regard to all the circumstances of the case, including the following matters:

-
- (a) the extent of the contributions made by each party in money, property or work towards acquiring, improving or maintaining the matrimonial assets;
 - (b) any debt owing or obligation incurred or undertaken by either party for their joint benefit or for the benefit of any child of the marriage;
 - (c) the needs of the children (if any) of the marriage;
 - (d) the extent of the contributions made by each party to the welfare of the family, including looking after the home or caring for the family or any aged or infirm relative or dependant of either party;
 - (e) any agreement between the parties with respect to the ownership and division of the matrimonial assets made in contemplation of divorce;
 - (f) any period of rent-free occupation or other benefit enjoyed by one party in the matrimonial home to the exclusion of the other party;
 - (g) the giving of assistance or support by one party to the other party (whether or not of a material kind), including the giving of assistance or support which aids the other party in the carrying on of his or her occupation or business; and
 - (h) the matters referred to in section 114(1) so far as they are relevant.

(3) The court may make all such other orders and give such directions as may be necessary or expedient to give effect to any order made under this section.

(4) The court may, at any time it thinks fit, extend, vary, revoke or discharge any order made under this section, and may vary any term or condition upon or subject to which any such order has been made.

(5) In particular, but without limiting the generality of subsections (3) and (4), the court may make any one or more of the following orders:

- (a) an order for the sale of any matrimonial asset or any part thereof, and for the division, vesting or settlement of the proceeds;
- (b) an order vesting any matrimonial asset owned by both parties jointly in both the parties in common in such shares as the court considers just and equitable;
- (c) an order vesting any matrimonial asset or any part thereof in either party;
- (d) an order for any matrimonial asset, or the sale proceeds thereof, to be vested in any person (including either party) to be held on trust for such period and on such terms as may be specified in the order;
- (e) an order postponing the sale or vesting of any share in any matrimonial asset, or any part of such share, until such future date or until the occurrence of such future event or until the fulfilment of such condition as may be specified in the order;

(f) an order granting to either party, for such period and on such terms as the court thinks fit, the right personally to occupy the matrimonial home to the exclusion of the other party; and

(g) an order for the payment of a sum of money by one party to the other party.

(6) Where under any order made under this section one party is or may become liable to pay to the other party a sum of money, the court may direct that it shall be paid either in one sum or in instalments, and either with or without security, and otherwise in such manner and subject to such conditions (including a condition requiring the payment of interest) as the court thinks fit.

(7) Where, pursuant to this section, the court makes an order for the sale of any matrimonial asset and for the division, application or settlement of the proceeds, the court may appoint a person to sell the asset and divide, apply or settle the proceeds accordingly; and the execution of any instrument by the person so appointed shall have the same force and validity as if it had been executed by the person in whom the asset is vested.

(8) Any order under this section may be made upon such terms and subject to such conditions (if any) as the court thinks fit.

(9) Where the court, by any order under this section, appoints a person (including the Registrar or other officer of the court) to act as a trustee or to sell any matrimonial asset and to divide, apply and settle the proceeds thereof, the court may make provision in that order for the payment of remuneration to that person and for the reimbursement of his costs and expenses.

(10) In this section, “matrimonial asset” means —

(a) any asset acquired before the marriage by one party or both parties to the marriage —

(i) ordinarily used or enjoyed by both parties or one or more of their children while the parties are residing together for shelter or transportation or for household, education, recreational, social or aesthetic purposes; or

(ii) which has been substantially improved during the marriage by the other party or by both parties to the marriage; and

(b) any other asset of any nature acquired during the marriage by one party or both parties to the marriage,

but does not include any asset (not being a matrimonial home) that has been acquired by one party at any time by gift or inheritance and that has not been substantially improved during the marriage by the other party or by both parties to the marriage.

Power of court to order maintenance

113. The court may order a man to pay maintenance to his wife or former wife —

(a) during the course of any matrimonial proceedings; or

- (b) when granting or subsequent to the grant of a judgment of divorce, judicial separation or nullity of marriage.

Assessment of maintenance

114.—(1) In determining the amount of any maintenance to be paid by a man to his wife or former wife, the court shall have regard to all the circumstances of the case including the following matters:

- (a) the income, earning capacity, property and other financial resources which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (b) the financial needs, obligations and responsibilities which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (c) the standard of living enjoyed by the family before the breakdown of the marriage;
- (d) the age of each party to the marriage and the duration of the marriage;
- (e) any physical or mental disability of either of the parties to the marriage;
- (f) the contributions made by each of the parties to the welfare of the family, including any contribution made by looking after the home or caring for the family; and
- (g) in the case of proceedings for divorce or nullity of marriage, the value to either of the parties to the marriage of any benefit (for example, a pension) which, by reason of the dissolution or annulment of the marriage that party will lose the chance of acquiring.

(2) In exercising its powers under this section, the court shall endeavour so to place the parties, so far as it is practicable and, having regard to their conduct, just to do so, in the financial position in which they would have been if the marriage had not broken down and each had properly discharged his or her financial obligations and responsibilities towards the other.

Power of court to order security for maintenance

115.—(1) A maintenance order may provide for the payment of a lump sum or such periodical payment as the court may determine.

(2) The court may, in its discretion, when awarding maintenance, order the person liable to pay such maintenance to secure the whole or any part of it by vesting any property in trustees upon trust to pay the maintenance or part thereof out of the income from that property and, subject thereto, in trust for the settlor.

Compounding of maintenance

116. An agreement for the payment, in money or other property, of a capital sum in settlement of all future claims to maintenance, shall not be effective until it has been

approved, or approved subject to conditions, by the court, but when so approved shall be a good defence to any claim for maintenance.

Duration of orders for maintenance

117. Except where an order for maintenance is expressed to be for any shorter period or where any such order has been rescinded, an order for maintenance shall expire —

- (a) if the maintenance was unsecured, on the death of the husband or of the wife, whichever is the earlier, or upon the remarriage of the wife;
- (b) if the maintenance was secured, on the death of the wife or upon the remarriage of the wife.

Power of court to vary orders for maintenance

118. The court may at any time vary or rescind any subsisting order for maintenance, whether secured or unsecured, on the application of the person in whose favour or of the person against whom the order was made, or, in respect of secured maintenance, of the legal personal representatives of the latter, where it is satisfied that the order was based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances.

Power of court to vary agreements for maintenance

119. Subject to section 116, the court may at any time and from time to time vary the terms of any agreement as to maintenance made between husband and wife, whether made before or after 1st June 1981, where it is satisfied that there has been any material change in the circumstances and notwithstanding any provision to the contrary in any such agreement.

Maintenance payable under order of court to be inalienable

120. Maintenance payable to any person under any order of court shall not be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

Recovery of arrears of maintenance

121.—(1) Subject to subsection (3), arrears of unsecured maintenance, whether payable by arrangement or under an order of court, shall be recoverable as a debt from the defaulter and, where they accrued due before the making of a bankruptcy order against the defaulter, shall be provable in his bankruptcy and, where they accrued due before his death, shall be a debt due from his estate.

(2) Subject to subsection (3), arrears of unsecured maintenance which accrued due before the death of the person entitled thereto shall be recoverable as a debt by the legal personal representatives of such person.

(3) No amount owing as maintenance shall be recoverable in any suit if it accrued due more than 3 years before the institution of the suit unless the court, under special circumstances, otherwise allows.

CHAPTER 5 — WELFARE OF CHILDREN**Meaning of “child”**

122. In this Chapter, wherever the context so requires, “child” means a child of the marriage as defined in section 92 but who is below the age of 21 years.

Arrangements for welfare of children

123.—(1) Subject to this section, the court shall not make final any judgment of divorce or nullity of marriage or grant a judgment of judicial separation unless the court is satisfied as respects every child —

- (a) that arrangements have been made for the welfare of the child and that those arrangements are satisfactory or are the best that can be devised in the circumstances; or
- (b) that it is impracticable for the party or parties appearing before the court to make any such arrangements.

(2) The court may, if it thinks fit, proceed without observing the requirements of subsection (1) if —

- (a) it appears that there are circumstances making it desirable that the interim judgment be made final or, as the case may be, that the judgment of judicial separation should be granted without delay; and
- (b) the court has obtained a satisfactory undertaking from either or both of the parties to bring the question of the arrangements for the child before the court within a specified time.

(3) In this section and section 124, “welfare”, in relation to a child, includes the custody and education of the child and financial provision for him.

Custody of children

124. In any proceedings for divorce, judicial separation or nullity of marriage, the court may, at any stage of the proceedings, or after a final judgment has been granted, make such orders as it thinks fit with respect to the welfare of any child and may vary or discharge the said orders, and may, if it thinks fit, direct that proceedings be commenced for placing the child under the protection of the court.

Paramount consideration to be welfare of child

125.—(1) The court may at any time by order place a child in the custody of his or her father or his or her mother or (where there are exceptional circumstances making it undesirable that the child be entrusted to either parent) of any other relative of the child or of any organisation or association the objects of which include child welfare, or to any other suitable person.

(2) In deciding in whose custody a child should be placed, the paramount consideration shall be the welfare of the child and subject to this, the court shall have regard —

- (a) to the wishes of the parents of the child; and
- (b) to the wishes of the child, where he or she is of an age to express an independent opinion.

Orders subject to conditions

126.—(1) An order for custody may be made subject to such conditions as the court may think fit to impose and, subject to such conditions, if any, as may from time to time apply, shall entitle the person given custody to decide all questions relating to the upbringing and education of the child.

(2) Without prejudice to the generality of subsection (1), an order for custody may —

- (a) contain conditions as to the place where the child is to reside, as to the manner of his or her education and as to the religion in which he or she is to be brought up;
- (b) provide for the child to be temporarily in the care and control of some person other than the person given custody;
- (c) provide for the child to visit a parent deprived of custody, or any member of the family of a parent who is dead or has been deprived of custody, at such times and for such periods as the court may consider reasonable;
- (d) give a parent deprived of custody or any member of the family of a parent who is dead or has been deprived of custody the right of access to the child at such times and with such frequency as the court may consider reasonable; or
- (e) prohibit the person given custody from taking the child out of Singapore.

(3) Notwithstanding subsection (1) but subject to any condition imposed under subsection (2)(e), where an order for custody is in force, no person shall take the child who is the subject of the custody order out of Singapore except with the written consent of both parents or the leave of the court.

(4) Subsection (3) does not prevent the taking out of Singapore for a period of less than one month of the child by the person given custody of the child or by any other person who has the written consent of the person given custody of the child to take the child out of Singapore.

(5) Any person who contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Power of court to order maintenance for children

127.—(1) During the pendency of any matrimonial proceedings or when granting or at any time subsequent to the grant of a judgment of divorce, judicial separation or nullity of marriage, the court may order a parent to pay maintenance for the benefit of his child in such manner as the court thinks fit.

(2) The provisions of Parts VIII and IX shall apply, with the necessary modifications, to an application for maintenance and a maintenance order made under subsection (1).

Power of court to vary order for custody

128. The court may at any time vary or rescind any order for the custody of a child on the application of any interested person, where it is satisfied that the order was based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances.

Power of court to vary agreement for custody

129. The court may, at any time and from time to time, vary the terms of any agreement relating to the custody of a child, whether made before or after 1st June 1981, notwithstanding any provision to the contrary in that agreement, where it is satisfied that it is reasonable and for the welfare of the child to do so.

Court to have regard to advice of welfare officers, etc.

130. When considering any question relating to the custody of any child, the court shall, whenever it is practicable, take the advice of some person, whether or not a public officer, who is trained or experienced in child welfare but shall not be bound to follow such advice.

Power of court to restrain taking of child out of Singapore

131.—(1) The court may on the application of the father or mother of a child —

- (a) where any matrimonial proceedings are pending; or
- (b) where, under any agreement or order of court, one parent has custody of the child to the exclusion of the other,

issue an injunction restraining the other parent from taking the child out of Singapore or may give leave for such child to be taken out of Singapore either unconditionally or subject to such conditions or such undertaking as the court may think fit.

(2) The court may, on the application of any interested person, issue an injunction restraining any person, other than a person having custody of a child, from taking the child out of Singapore.

(3) Failure to comply with an order made under this section shall be punishable as a contempt of court.

Power of court to set aside and prevent dispositions intended to defeat claims to maintenance

132.—(1) Where —

- (a) any matrimonial proceedings are pending;
- (b) an order has been made under section 112 and has not been complied with;
- (c) an order for maintenance has been made under section 113 or 127 and has not been rescinded; or
- (d) maintenance is payable under any agreement to or for the benefit of a wife or former wife or child,

the court shall have power on application —

- (i) if it is satisfied that any disposition of property has been made by the husband or former husband or parent of the person by or on whose behalf the application is made, within the preceding 3 years, with the object on the part of the person making the disposition of reducing his or her means to pay maintenance or of depriving his wife or former wife of any rights in relation to that property, to set aside the disposition; and
- (ii) if it is satisfied that any disposition of property is intended to be made with any such object, to grant an injunction preventing that disposition.

(2) In this section —

“disposition” includes a sale, gift, lease, mortgage or any other transaction whereby ownership or possession of the property is transferred or encumbered but does not include a disposition made for money or money’s worth to or in favour of a person acting in good faith and in ignorance of the object with which the disposition is made;

“property” means property of any nature, movable or immovable, and includes money.

CHAPTER 6 — GENERAL PROVISIONS

Procedure

133. Subject to the provisions of this Part, all proceedings under this Part shall be regulated by the Rules of Court.

Evidence

134.—(1) In proceedings under this Part, the parties and the husbands and wives of such parties shall be competent and compellable to give evidence.

(2) No witness whether a party to the proceedings or not shall be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery unless such witness has already given evidence in the same proceedings in disproof of his or her alleged adultery.

Sittings in camera

135. The whole or any part of any proceedings under this Part may be heard, if the court thinks fit, in camera.

Power to rescind interim judgment in certain cases

136. Where the court on granting a judgment of divorce held that the only fact mentioned in section 95(3) on which the plaintiff was entitled to rely in support of his writ was that mentioned in section 95(3)(d), the court may, on an application made by the defendant at any time before the judgment is made final, rescind the judgment if it is satisfied that the plaintiff misled the defendant (whether intentionally or

unintentionally) about any matter which the defendant took into account in deciding to consent to the grant of a judgment.

Appeals

137.—(1) All judgments and orders made by the court in proceedings under this Part shall be enforced, and may be appealed from, as if they were judgments or orders made by the court in the exercise of its original civil jurisdiction.

(2) There shall be no appeal on the subject of costs only.

Power to allow intervention on terms

138. In any case in which any person is alleged to have committed adultery with any party to any proceedings under this Part, or in which the court considers, in the interest of any person not already a party to the proceedings, that that person should be made a party to the proceedings, the court may, if it thinks fit, allow that person to intervene upon such terms, if any, as the court thinks just.

Power to make rules

139.—(1) The Judges of the Supreme Court, or any 3 of them, of whom the Chief Justice shall be one, may make rules to fix and regulate the fees and costs payable upon all proceedings under this Part, and also rules concerning the practice and procedure under this Part as they consider expedient.

(2) Rules made under subsection (1) may prescribe the forms to be used in proceedings under this Part.

(3) All such rules shall be presented to Parliament as soon as possible after publication in the *Gazette*.”.

FOURTH SCHEDULE

Section 6

AMENDMENTS TO CERTAIN WRITTEN LAWS TO
RENAME PREROGATIVE ORDERS AND WRITS
REFERRED TO THEREIN

<i>First column</i>	<i>Second column</i>
(1) Administration of Muslim Law Act (Chapter 3, 1999 Ed.)	In section 56A, delete the words “certiorari, prohibition, mandamus” and substitute the words “any Quashing Order, Prohibiting Order, Mandatory Order”.
(2) Charities Act (Chapter 37, 1995 Ed.)	In section 40(2), delete paragraph (a) and substitute the following paragraph: “(a) an application for a Mandatory Order, a Prohibiting Order or a Quashing Order;”.
(3) Children and Young Persons Act (Chapter 38, 2001 Ed.)	In section 75, delete the words “writ of habeas corpus” and substitute the words “an Order for Review of Detention”.
(4) Civil Law Act (Chapter 43, 1999 Ed.)	In section 4(10), delete the word “mandamus” and substitute the words “Mandatory Order”.
(5) Criminal Procedure Code (Chapter 68, 1985 Ed.)	<p>(a) In section 263(4), delete the words “an order of mandamus” and substitute the words “a Mandatory Order”.</p> <p>(b) Delete the heading to Chapter XXXIII and substitute the following heading: “ORDER FOR REVIEW OF DETENTION”.</p> <p>(c) In section 327 —</p> <p>(i) delete the words “a writ of habeas corpus” in the last line of subsection (1) and substitute the words “an Order for Review of Detention”; and</p> <p>(ii) delete the words “writ of habeas corpus” in the marginal note and substitute the words “Order for Review of Detention”.</p>

<i>First column</i>	<i>Second column</i>
	<p>(d) In section 328, delete the words “in nature of habeas corpus” in the marginal note and substitute the words “for Review of Detention”.</p> <p>(e) In section 335, delete the words “a writ of habeas corpus” and substitute the words “an Order for Review of Detention”.</p>
(6) Extradition Act (Chapter 103, 2000 Ed.)	<p>(a) In section 12, delete the words “a writ of habeas corpus” in subsections (1) and (2)(b) and substitute in each case the words “an Order for Review of Detention”.</p> <p>(b) In section 13, delete the words “a writ of habeas corpus” in paragraph (b) and substitute the words “an Order for Review of Detention”.</p> <p>(c) In section 26, delete the words “a writ of habeas corpus” and substitute the words “an Order for Review of Detention”.</p> <p>(d) In section 27, delete the words “a writ of habeas corpus” in subsections (1) and (2)(b) and substitute in each case the words “an Order for Review of Detention”.</p> <p>(e) In section 28, delete the words “a writ of habeas corpus” in paragraph (b) and substitute the words “an Order for Review of Detention”.</p>
(7) Immigration Act (Chapter 133, 1997 Ed.)	<p>In section 39A(2) —</p> <p>(a) delete paragraph (a) and substitute the following paragraph:</p> <p style="padding-left: 40px;">“(a) an application for a Mandatory Order, a Prohibiting Order or a Quashing Order;”; and</p> <p>(b) delete paragraph (c) and substitute the following paragraph:</p> <p style="padding-left: 40px;">“(c) an Order for Review of Detention; and”.</p>
(8) Industrial Relations Act (Chapter 136, 2004 Ed.)	<p>In section 47(2), delete the words “certiorari, prohibition, mandamus” and substitute the words “any Quashing Order, Prohibiting Order, Mandatory Order”.</p>

<i>First column</i>	<i>Second column</i>
(9) Internal Security Act (Chapter 143, 1985 Ed.)	<p>In section 8A —</p> <p>(a) delete paragraph (a) and substitute the following paragraph:</p> <p>“(a) an application for a Mandatory Order, a Prohibiting Order or a Quashing Order;”; and</p> <p>(b) delete paragraph (c) and substitute the following paragraph:</p> <p>“(c) an Order for Review of Detention; and”.</p>
(10) Prisons Act (Chapter 247, 2000 Ed.)	In section 50, delete the words “writ of habeas corpus” and substitute the words “an Order for Review of Detention”.
(11) Singapore Armed Forces Act (Chapter 295, 2000 Ed.)	In section 96, delete the word “certiorari” and substitute the words “a Quashing Order”.
(12) Supreme Court of Judicature Act (Chapter 322, 1999 Ed.)	<p>In the First Schedule, delete paragraph 1 and substitute the following paragraph:</p> <p>“Prerogative orders</p> <p>1. Power to issue to any person or authority any direction, order or writ for the enforcement of any right conferred by any written law or for any other purpose, including the following prerogative orders:</p> <p>(a) a Mandatory Order (formerly known as <i>mandamus</i>);</p> <p>(b) a Prohibiting Order (formerly known as a prohibition);</p> <p>(c) a Quashing Order (formerly known as <i>certiorari</i>); and</p> <p>(d) an Order for Review of Detention (formerly known as a writ of <i>habeas corpus</i>).”.</p>

FIFTH SCHEDULE

Section 7

AMENDMENTS TO CHANGE CERTAIN
EXPRESSIONS USED IN RELATION TO COURT PROCEEDINGS

<i>First column</i>	<i>Second column</i>
(1) Interpretation Act (Chapter 1, 2002 Ed.)	In section 2A(8), delete the words “decree nisi” in paragraph (a) and substitute the words “interim judgment”.
(2) Accountants Act (Chapter 2, 2005 Ed.)	<p>In section 51 —</p> <p>(a) delete the words “writs of subpoena ad testificandum and of duces tecum” in subsection (8) and substitute the words “subpoenas to testify or to produce documents”; and</p> <p>(b) delete the word “writs” wherever it appears in subsection (9) and substitute in each case the word “subpoenas”.</p>
(3) Adoption of Children Act (Chapter 4, 1985 Ed.)	In section 10(3), delete the words “guardian ad litem” and substitute the words “a guardian in adoption”.
(4) Arbitration Act (Chapter 10, 2002 Ed.)	<p>In section 30 —</p> <p>(a) delete subsection (1) and substitute the following subsection:</p> <p>“(1) Any party to an arbitration agreement may take out a subpoena to testify or a subpoena to produce documents.”;</p>

<i>First column</i>	<i>Second column</i>
	<p>(b) delete the words “writ of subpoena ad testificandum or a writ of subpoena duces tecum” in subsection (2) and substitute the words “subpoena to testify or a subpoena to produce documents”; and</p> <p>(c) delete the word “writ” in subsection (4) and substitute the word “subpoena”.</p>
(5) Architects Act (Chapter 12, 2000 Ed.)	<p>In section 31F, delete subsection (4) and substitute the following subsection:</p> <p>“(4) Any party to the proceedings before a Disciplinary Committee may sue out subpoenas to testify or to produce documents, and such subpoenas shall be served and may be enforced as if they were subpoenas issued in connection with a civil action in the High Court.”.</p>
(6) Bankruptcy Act (Chapter 20, 2000 Ed.)	<p>In section 15, delete the words “viva voce” and substitute the word “orally”.</p>
(7) Community Mediation Centres Act (Chapter 49A, 1998 Ed.)	<p>In section 18(1) —</p> <p>(a) delete the words “writ of subpoena ad testificandum” in paragraph (a) and substitute the word “subpoena”; and</p> <p>(b) delete the words “writ of subpoena duces tecum” in paragraph (b) and substitute the word “subpoena”.</p>
(8) Criminal Procedure Code (Chapter 68, 1985 Ed.)	<p>In section 106, delete the words “order absolute” in the marginal note and substitute the words “final order”.</p>
(9) Dentists Act (Chapter 76, 2000 Ed.)	<p>In section 43 —</p> <p>(a) delete the words “writs of subpoena ad testificandum and of duces tecum” in subsection (8) and substitute the words “subpoenas to testify or to produce documents”; and</p>

<i>First column</i>	<i>Second column</i>
	(b) delete the word “writs” wherever it appears in subsection (9) and substitute in each case the word “subpoenas”.
(10) Economic Development Board Act (Chapter 85, 2001 Ed.)	In section 21(7), delete the word “absolute” and substitute the word “final”.
(11) International Arbitration Act (Chapter 143A, 2002 Ed.)	<p>(a) In section 13 —</p> <p>(i) delete subsection (1) and substitute the following subsection:</p> <p>“(1) Any party to an arbitration agreement may take out a subpoena to testify or a subpoena to produce documents.”;</p> <p>(ii) delete the words “writ of subpoena ad testificandum or a writ of subpoena duces tecum” in subsection (2) and substitute the words “subpoena to testify or a subpoena to produce documents”; and</p> <p>(iii) delete the word “writ” in subsection (4) and substitute the word “subpoena”.</p> <p>(b) In section 14(1), delete the words “a writ of subpoena ad testificandum or a writ of subpoena duces tecum” and substitute the words “a subpoena to testify or a subpoena to produce documents”.</p>
(12) Legal Aid and Advice Act (Chapter 160, 1996 Ed.)	In section 2, delete the words “guardian ad litem” in the definition of “guardian” and substitute the words “litigation representative”.
(13) Legal Profession Act (Chapter 161, 2001 Ed.)	<p>(a) In section 27B —</p> <p>(i) delete the word “absolute” in subsection (4)(c) and substitute the words “a final order pursuant to”;</p>

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- (ii) delete paragraph (d) of subsection (4) and substitute the following paragraph:
 - “(d) a final order has been made against the solicitor pursuant to an order to show cause,”; and
 - (iii) delete the words “to make the order to show cause absolute” in subsection (5) and substitute the words “to make a final order pursuant to an order to show cause”.
- (b) In section 91 —
 - (i) delete the words “writs of subpoena ad testificandum and of duces tecum” in subsection (2)(b) and substitute the words “subpoenas to testify or to produce documents”;
 - (ii) delete the word “writ” in subsections (3) and (6) and substitute in each case the word “subpoena”; and
 - (iii) delete the word “writs” wherever it appears in subsection (4) and substitute in each case the word “subpoenas”.
- (c) In section 98 —
 - (i) delete the word “absolute” in subsection (5) and substitute the words “a final order pursuant to”;
 - (ii) delete the words “order absolute” in subsection (6) and substitute the words “final order”; and
 - (iii) delete the word “absolute” in subsection (7) and substitute the words “a final order”.
- (d) In section 99, delete the words “(whether to show cause or absolute)” and substitute the words “(whether an order to show cause or a final order)”.

<i>First column</i>	<i>Second column</i>
(14) Medical Registration Act (Chapter 174, 2004 Ed.)	<p>In section 43 —</p> <p>(a) delete the words “writs of subpoena ad testificandum and of duces tecum” in subsection (5) and substitute the words “subpoenas to testify or to produce documents”; and</p> <p>(b) delete the word “writs” wherever it appears in subsection (6) and substitute in each case the word “subpoenas”.</p>
(15) Professional Engineers Act (Chapter 253, 1992 Ed.)	<p>In section 31F, delete subsection (4) and substitute the following subsection:</p> <p>“(4) Any party to the proceedings before a Disciplinary Committee may sue out subpoenas to testify or to produce documents, and such subpoenas shall be served and may be enforced as if they were subpoenas issued in connection with a civil action in the High Court.”.</p>
