

IN THE SYARIAH COURT OF THE REPUBLIC OF SINGAPORE

EXPLANATORY NOTES FOR APPLICATION UNDER S. 53A OF AMLA

1. Please check if your Request falls under Category A or Category B. See explanation below.

2. Your Request falls under **Category A** if the Court Order states:

“The Plaintiff/Defendant shall sign, execute and indorse his/her name on all necessary documents to effect the sale/transfer/surrender of the matrimonial flat at Blk.....”

The President or registrar of the Syariah Court shall exercise the powers under section 53A of the Administration of Muslim Law Act (Cap. 3) and execute, sign or endorse on behalf of the Plaintiff/Defendant and in his/her name on all documents to effect the sale/transfer/surrender of the matrimonial flat.”

3. Your Request falls under **Category B** if the Court Order states:

“The Plaintiff/Defendant shall, upon demand, sign, execute and indorse his/her name on all necessary documents to effect the sale/transfer/surrender of the matrimonial flat at Blk.....”

The President or registrar of the Syariah Court is empowered under section 53A of the Administration of Muslim Law Act (Cap. 3) to execute, sign or indorse all necessary documents relating to the sale/transfer/surrender of the matrimonial flat on behalf of the defaulting party should the-defaulting party fail to do so within 14 days of written request being made to him/her.”

4. For **Category A** Request, the documents to be submitted are:

- a) Filing request (praecipe);
- b) Certified true copy (issued by the Court) of the Order of Court empowering the President or registrar of the Syariah Court to sign the relevant documents;
- c) Original documents for signature, as well as a copy of each document for the Court’s retention; and
- d) Copy of search results on the latest transacted resale HDB flat prices for the last 6 months preceding the date of Request, or a valid valuation report.

5. For **Category B** Request, the documents to be submitted are:

- a) As per documents for Category A; and
- b) An affidavit-in-support with relevant enclosures (affidavit showing, amongst others, other party’s receipt of applicant’s written demand to sign the relevant

documents and his/her refusal to sign those documents within the specified or reasonable timeframe) – see sample affidavit.

6. For applicant under **Category B**, please note that the requirement for the written demand applies to every document in respect of which an execution of the document by the Court via proxy powers is requested.
7. If you were previously represented by a solicitor, and the solicitor remained on record, you are required to file a Notice of Intention to Act In person before filing the Request to the Court.
8. Payment to be made:

Category A: (i) \$12 (filing of praecipe); and (ii) \$12 (Notice of Intention to Act In Person).	Category B: (i) \$12 (filing of praecipe); (ii) \$12 (filing of affidavit); and (iii) \$12 (Notice of Intention to Act In Person).
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9. Collection Date: **3 working days** from the date of the request. Please note that your Request will not be approved if the documents submitted are incomplete or your affidavit-in-support is not adequate. In such cases, the Court will require more information from you, or action to be taken by you, and this may include filing a supplementary affidavit.
10. For HDB's "Option to Purchase" document (OTP), the Option Date must be left **blank** as the OTP must be signed by all sellers (including via proxy powers) on page 8 of the OTP before the Option is granted to the buyers. Please refer to paragraph 9 of HDB's "Important Notes on Option to Purchase". Accordingly, the OTP submitted to the Court must not be signed by the buyer(s) as the Option has not yet been granted to him/them. The Option date should be inserted on or after the date of signing of the OTP by the President or registrar of the Syariah Court via proxy powers.