

THE SYARIAH COURT OF THE REPUBLIC OF SINGAPORE

REGISTRAR'S CIRCULAR NO 8 OF 2020

REQUEST FOR EXECUTION OF DOCUMENTS UNDER SECTION 53A OF THE
ADMINISTRATION OF MUSLIM LAW ACT

1. A solicitor acting on behalf of a party, or a litigant-in-person in any matter in which he or she is a party (provided that the party files a Notice of Intention to Act In Person if previously represented by a solicitor and the solicitor had remained on record), may tender an instrument to the Court for execution under section 53A of the Administration of Muslim Law Act (Cap. 3, Rev. Ed. 2009) by filing a Request* to the Court Registry. A Request is categorised as Category A or Category B depending on the contents of the Court Order.

2. A 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. A 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 applicant must submit the following documents:

(a) 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 via proxy powers;

(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 of the flats in the vicinity of the matrimonial flat for the last 6 months preceding the date of Request, or a valid valuation report of the matrimonial flat.

5. For **Category B** Request, the applicant must submit the following documents:

(a) As per documents for Category A; and

(b) An affidavit-in-support* with relevant enclosures (showing, amongst other matters, the other party's receipt of applicant's written demand to sign the relevant documents and his or her refusal to sign those documents within the specified or a reasonable timeframe). A sample affidavit for reference is available from the website.


6. The applicant for **Category B** Request must take note that the requirement for the written demand applies in relation to every document in respect of which an execution of the document by the Court via proxy powers is requested.

7. The applicant may collect the documents after 3 working days from the date of the filing of the Request. A Request will not be approved if the documents submitted are incomplete or the affidavit-in-support (for Category B Request) is not adequate. In such cases, the Court will require the applicant to provide more information or take some further action, including filing a supplementary affidavit*.

8. 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.

9. Court users and members of the public who wish to obtain more information on this matter, or general information on court processes and procedures, may visit our website at www.syariahcourt.gov.sg. For further clarification, court users and members of the public may call 63548371 or email MCCY_Syariah@mccy.gov.sg.

Dated this 13th day of February 2020


SHAHRINAH ABDOL SALAM
REGISTRAR
SYARIAH COURT



* Filing fees applies.