

**THE OFFICIAL ASSIGNEE  
PRACTICE CIRCULAR NO. 2 OF 2016**

**MATRIMONIAL PROCEEDINGS INVOLVING BANKRUPTS**

**1 INTRODUCTION**

This Practice Circular seeks to notify all lawyers acting in matrimonial proceedings (this refers to writs for divorce, nullity and judicial separation) involving bankrupts of the need to keep the Official Assignee ("OA") informed of the proceedings and their outcome.

**2 COMMENCEMENT OF MATRIMONIAL PROCEEDINGS**

Before matrimonial proceedings are commenced by a bankrupt, the lawyer acting for the bankrupt is to seek the sanction of the OA for the commencement of the proceedings, and to provide the necessary and relevant information and/or cause papers upon the request of the OA.

Where matrimonial proceedings are commenced against a bankrupt and the bankrupt is named as the defendant, the lawyer acting for the bankrupt must inform the OA of the intention to defend/contest the matrimonial proceedings before filing any memorandum of appearance. The lawyer acting for the bankrupt is to also inform the OA of the date of commencement of the matrimonial proceedings, and furnish copies of the cause papers upon the request of the OA.

If the bankrupt is not represented, the lawyer acting for the other party is to inform the OA of the commencement of the matrimonial proceedings.

**3 UNCONTESTED ANCILLARY MATTERS**

For matrimonial proceedings wherein parties have agreed on ancillary matters, the lawyer acting for the bankrupt is to seek the views of the OA on the draft consent order pertaining to:

- i. any maintenance payable by the bankrupt; and/or
- ii. any proposed division of matrimonial assets, that part of which vests in the OA;

before any order is obtained from the court.

If the bankrupt is not represented, the lawyer acting for the other party is to inform the OA of the proceedings and the terms of the proposed consent order, furnish copies of the cause papers upon the request of the OA, as well as ascertain if the OA has any views thereon before the order is obtained from court.

#### **4 CONTESTED ANCILLARY MATTERS**

For matrimonial proceedings wherein parties have not agreed on ancillary matters (excluding custody, care & control and access), the lawyer acting for the bankrupt must keep the OA informed of all the hearing dates and furnish copies of the relevant cause papers filed.

The lawyer acting for the bankrupt is also to seek the views of the OA on:

- i. any maintenance payable by the bankrupt; and
- ii. any proposed division of matrimonial assets, that part of which vests in the OA,

before any order is obtained from the court.

If the bankrupt is not represented, the lawyer acting for the other party is to inform the OA of the proceedings, the terms of the proposed order and furnish copies of the relevant cause papers filed, as well as ascertain if the OA has any views thereon before the order is obtained from court.

#### **5 VARIATION OF/APPEAL AGAINST ORDERS**

Where the bankrupt seeks to vary or appeal against an order of court in respect of maintenance payable by the bankrupt or the division of matrimonial assets, that part of which vests in the OA, the lawyer acting for the bankrupt must obtain the sanction of the OA before filing the application to vary or appeal against the order.

The lawyer acting for the bankrupt (regardless of whether the application to vary or appeal is filed by the bankrupt) must also furnish copies of the relevant cause papers filed and notify the OA of the hearing dates.

If the bankrupt is not represented, the lawyer acting for the other party is to inform the OA of the proceedings and notify the OA of the hearing dates.

**6 EFFECTIVE DATE**

This Practice Circular shall take effect on 23 March 2016.

**7 CONTACT PERSON**

For any queries on this Practice Circular, please contact Mr Sebastian Chew, Senior Assistant Director, Individual Insolvency & Debt Repayment Scheme Division by email at [oneninlaw@mlaw.gov.sg](mailto:oneninlaw@mlaw.gov.sg).



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(This Practice Circular is also available on our website at [www.mlaw.gov.sg/io](http://www.mlaw.gov.sg/io))