

LAMPIRAN:

SENARAI STATUT

- Akta Pentadbiran Undang-undang Islam Singapura (AMLA - Administration of Muslim Law Act), 1999.

AMLA seksyen 48:

- 1) A married woman may, if entitled in accordance with the Muslim law to a divorce in pursuance of the terms of a written taklik made at or after her marriage, apply to the Court to declare that such divorce has taken place.
- 2) The Court shall:
 - a. examine the written taklik and make such enquiry as appears necessary into the validity of the divorce;
 - b. if satisfied that the divorce is valid in accordance with the Muslim law, confirm the divorce; and
 - c. upon payment of the prescribed fees, cause the divorce to be registered".

AMLA seksyen 52 (3):

- 3) The Court may, at any stage of the proceedings for divorce or nullity of marriage or after making a decree or order for divorce or nullity of marriage, or after any divorce has been registered whether before or after 1st August 1999 under section 102, on the application of any party, make such orders as it thinks fit with respect to —
 - a. the payment of emas kahwin to the wife;
 - b. the payment of a consolatory gift or mutaah to the wife;
 - c. the custody, maintenance and education of the minor children of the parties; and
 - d. the disposition or division of property on divorce or nullification of marriage.

AMLA seksyen 52 (7):

- 7) In making any order under subsection (3) (d), the Court shall have power to order the disposition or division between the parties of any property or the sale of any such property and the division between the parties of the proceeds of such sale in such proportions as the Court thinks just and equitable.

AMLA seksyen 52 (8):

- 8) It shall be the duty of the Court in deciding whether to exercise its powers under subsection (7) 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 property;

- 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 property 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;
- h. the income, earning capacity, property and other financial resources which each of the parties has or is likely to have in the foreseeable future;
- i. the financial needs, obligations and responsibilities which each of the parties has or is likely to have in the foreseeable future;
- j. the standard of living enjoyed by the family before the breakdown of the marriage;
- k. the age of each party and the duration of the marriage;
- l. any physical or mental disability of either of the parties; and
- m. the value to either of the parties of any benefit (such as a pension) which, by reason of the dissolution or annulment of the marriage, that party will lose the chance of acquiring.

AMLA seksyen 52 (9):

- 9) For the purposes of subsection (7), the Court may in particular, but without limiting the generality of subsections (4), (5) and (6), make any one or more of the following orders:
- a. an order for the sale of any property or any part thereof, and for the division, vesting or settlement of the proceeds;
 - b. an order vesting any property 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 property or any part thereof in either party;
 - d. an order for any property, 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 property, 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.

AMLA seksyen 52 (14):

14) For the purposes of this section, “property” means —

- a. any asset acquired before the marriage by one party or both parties to the marriage 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.

AMLA seksyen 120: Property of Muslim married woman

1) The following shall be deemed to be the property of a Muslim married woman:

- a. wages and earnings acquired or gained by her during marriage in any employment, occupation or trade carried on by her and not by her husband;
- b. any money or other property acquired by her during marriage through the exercise of any skill or by way of inheritance, legacy, gift, purchase or otherwise; and
- c. all savings from, and investments of, such wages, earnings and property.

AMLA seksyen 112. Distribution of Muslim estate to be according to Muslim law

- 1) In the case of any Muslim person domiciled in Singapore dying intestate, the estate and effects shall be distributed according to the Muslim law as modified, where applicable, by Malay custom.
- 2) This section shall apply in cases where a person dies partly intestate as well as in cases where he dies wholly intestate.
- 3) In the case of a Malay dying intestate, the court may make an order for the division of the harta sepencarian or jointly acquired property in such proportions as to the court seems fit.

AMLA Seksyen 112 (3):

- 3) "In the case of a Malay dying intestate, the court may make an order for the decision of the harta sepencarian or jointly acquired property in such proportions as to the court seems fit."

– Akta Perlindungan Wanita Seksyen 112.

Power of court to order division of matrimonial assets.

- 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.
- The Singapore Land Titles Act (chapter 157) 1985 Edition (section 76).
- Akta Undang-Undang Keluarga Islam (Wilayah-Wilayah Persekutuan), 1984 seksyen 2:
- 1) "harta sepencarian" ertinya harta yang diperolehi bersama oleh suami isteri semasa perkahwinan berkuat kuasa mengikut syarat-syarat yang ditentukan oleh Hukum Syarak;