

## CONTINUING LEGAL EDUCATION

# DIVISION OF MATRIMONIAL ASSETS: COURT OF APPEAL DECISIONS, *GIVING BACK TO FORMER EQUAL MARITAL PARTNERS* AND INTER-SPOUSAL GIFTS

BY

**Professor Leong Wai Kum**  
*NUS, Faculty of Law*

**28 FEBRUARY 2013, THURSDAY**  
**4.30PM – 6.30PM**

**SEMINAR ROOM 4-2, LEVEL 4, BLK B**  
**NUS, FACULTY OF LAW (BUKIT TIMAH CAMPUS)**

### ABOUT THE SEMINAR

The law of division of matrimonial assets is possibly the finest area of the family law in Singapore. The Court of Appeal delivers remarkable judgments that powerfully affirm the ideology of marriage as the spouses' equal co-operative partnership of different efforts for mutual benefit. Its decisions demonstrate that the Women's Charter section 112 empowers the court to *give back* to the spouse who made non-financial contributions her rightful share of wealth she helped acquire. The court is not taking from one to give the other. It is *giving back to each spouse* a just and equitable proportion of the surplus material gains of the marital partnership. It comes as no surprise that a snapshot of the orders made by the Court of Appeal since 1996, including *Lock Yeng Fun v Chua Hock Chye*, *NK v NL* and *Yeo Chong Lin v Tay Ang Choo Nancy*, reveals that just and equitable division revolves around equal division. There is less clarity in interpreting the definition of 'matrimonial asset' in section 112(10). *Wan Lai Cheng v Quek Seow Kee* offered a view of inter-spousal gift that was unnecessarily complicated. It will be suggested that the literal reading of subsection (10) requiring efforts at substantial improvement of pre-marital property or gift to be exerted by 'the other spouse' should be abandoned so that the co-operative character of the marital partnership is similarly infused into the identification of matrimonial asset.

### ABOUT THE SPEAKER

Professor Leong has been teaching Family Law at NUS since 1976. She was happy to contribute towards the revisions of the Women's Charter in 1979 (leading to Act 26 of 1980 that introduced the former section 106) and in 1996 (leading to Act 30 of 1996 that substituted section 106 with the current section 112). The subject of the just and equitable division of matrimonial assets upon divorce is, thus, very close to her heart.

She takes joy in the courts' espousal of the ideology of marriage under the Women's Charter as the spouses' equal co-operative partnership of different efforts for mutual benefit and that the division of matrimonial assets is based on this ideology by way of the 'deferred community of property' concept. Both spouses contribute equally to the acquisition of wealth however they discharge the varied marital roles between them. Upon the termination of the partnership, the surplus wealth is given back to each of them in just and equitable proportions. Professor Leong's *Elements of Family Law in Singapore 2d* (forthcoming LexisNexis, late 2012) discusses the law over three chapters.

### PROGRAMME OUTLINE

4.00pm – 4.30pm: Registration with Tea

4.30pm – 5.30pm: Session 1

'Pure inter-spousal gift' vs 're-gift from inheritance': Analysis of *Wan Lai Cheng v Quek Seow Kee* and suggestion of an easier approach

5.30pm - 5.45pm: Coffee Break

5.45pm – 6.30pm: Session 2

Multi-factorial assessment of just and equitable proportions: Court of Appeal orders since 1996 show this revolves around equal division



**Practice Area: Family**  
**Training Level: General**

**Public CPD Points awarded based on 100% attendance: 2**

# REGISTRATION FORM

**Seminar on Division of Matrimonial Assets: Court of Appeal Decisions,  
Giving Back to Former Equal Marital Partners and Inter spousal Gifts**

**Closing date: 21 February 2013, Thursday**

**Registration fees per person: S\$149.80  
(includes 7% GST, refreshment and materials)**

Registration will be confirmed via email upon receipt of the full payment. The organiser reserves the right to cancel the seminar and in that event, a full refund of fee will be given. Please note that no refund will be given upon cancellation by the registrant. For enquiries, please contact Ms Poova at tel no. (65) 6516 3644 or email [clemail@nus.edu.sg](mailto:clemail@nus.edu.sg)

**Please fax to 6779 0979 or send the Registration Form together with cheque payment payable to "National University of Singapore"**

**Attn: Ms Poova  
National University of Singapore, Faculty of Law  
Eu Tong Sen Building, 469G Bukit Timah Road, Singapore 259776**

Directions to the law school may be found at [http://www.law.nus.edu.sg/about\\_us/location.html](http://www.law.nus.edu.sg/about_us/location.html)

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