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Course Title: Division of Matrimonial Assets: Current Law and Possible Reform

Speakers: Professor Leong Wai Kum – Professor (Faculty of Law), National University of Singapore

Duration: 90 minutes

Course description: Practice in division of matrimonial assets is both lucrative and frustrating. The lack of clarity and outstanding questions within the two major substantive issues, viz. the definition of matrimonial assets and what constitutes the just and equitable proportions of division, make for lively practice. This must also be frustrating. When the Court of Appeal's decision in *AOO v AON* [2011] 4 SLR 1169 affirmed that a husband will be required to behave reasonably even towards an adulterous wife, something is amiss when there is nothing within current approaches to these two major issues that overtly demands that the parties limit themselves to making only reasonable arguments. It is only a matter of time before some changes must be made to better align the law of division of matrimonial assets with its underlying concept of "deferred community of property" which idea is infused with reasonable expectations. This seminar updates us on the current state of the law of these two major issues and, then, by tracing the problems to the 1996 Parliamentary decisions upon amending the statutory provision, suggests what reform might be forthcoming.

About the speakers:



Professor Leong Wai Kum – Professor (Faculty of Law), National University of Singapore

Professor Leong has been teaching Family Law at NUS Law since she began her academic career here in 1976, first as a compulsory Year 2 course and, since the 1980s, as an elective. She has been an active participant in all family law reform exercises throughout her career. In particular, her personal representation to the Select Committee of Parliament on the Amendment Act that led to the 1996 enactment of the current section 112, is published in Parl 3 of 1996. She had suggested changes to the proposed amendment, in particular of the definition of matrimonial assets and of the directive to the court on the proportions of division, although the Committee was not persuaded. Two decades later, the deficiencies in the then proposed amendment continue to trouble us and may need to be rectified.

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