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Single-income and
Dual-income
Marriages: Identifying
the Applicable
Approach for the
Division of
Matrimonial Assets
WXW v WXX [2025]
SGHC(A) 2

20 February 2025

**LEGAL
UPDATE**

In this Update

In *WXW v WXX* [2025] SGHC(A) 2, the Appellate Division of the High Court clarified that whether a marriage is classified as single-income or dual-income in nature is dependent on the roles undertaken and discharged by the spouses during the marriage. This classification is significant as it determines the applicable approach for the division of matrimonial assets pursuant to s 112 of the Women's Charter.

Our update discusses this decision.

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INTRODUCTION

In *WXW v WXX* [2025] SGHC(A) 2, the Appellate Division of the High Court clarified that whether a marriage is classified as single-income or dual-income in nature is dependent on the roles undertaken and discharged by the spouses during the marriage. This classification is significant as it determines the applicable approach for the division of matrimonial assets pursuant to s 112 of the Women's Charter.

Our update discusses this decision.

BACKGROUND

The Husband and Wife were married for 34 years. They have three adult children.

The Wife worked full-time throughout the marriage. The Husband worked full-time in a bank for the first nine years of the marriage. Since leaving the job, he had not been in full-time employment but had ventured into various businesses and *ad hoc* work, such as operating a home delivery laundry service, running a fried noodles hawker stall and acting as the managing director of a private company with a basic salary of S\$2,200 per month. He claimed to have either received limited to no payment or suffered a loss from all such ventures.

On the facts, the Judge of the Family Division of the High Court ("**Judge**") found that the marriage was single-income in nature. Therefore, the approach in *ANJ v ANK* [2015] 4 SLR 1043 ("**ANJ Approach**"), which is applicable to dual-income marriages, did not apply. Applying the principles in *TNL v TNK and another appeal and another matter* [2017] 1 SLR 609 and case precedents with a similar factual pattern ("**TNL Approach**"), which are applicable to single-income marriages, she ordered that the matrimonial assets be divided in the ratio of 60:40 in the Wife's favour.

The Wife appealed against the Judge's decision. The main issue on appeal was whether the parties were in a single-income or dual-income marriage.

DECISION OF THE APPELLATE DIVISION OF THE HIGH COURT

Finding that the marriage concerned was a dual-income marriage and thus the *ANJ Approach* should be applied, the Appellate Division set aside the Judge's division ratio and ordered that the parties' matrimonial assets be divided in the ratio of 67:33 in favour of the Wife.

The ANJ Approach for dual-income marriages

Under the *ANJ* Approach, the Court first uses a ratio to represent each party's direct financial contributions towards the acquisition of matrimonial assets relative to the other party. Secondly, the Court uses another ratio to represent each party's relative indirect contributions to the wellbeing of the family. Thirdly, the Court derives each party's average percentage contribution to the marriage from the two ratios. Further adjustments to this average ratio may be made after taking into account other relevant circumstances to arrive at a just and equitable division of matrimonial assets.

The TNL Approach for single-income marriages

In *TNL v TNK*, the Court of Appeal held that the "*ANJ* approach should not be applied to single-income marriages" as it tends to unduly favour the working spouse over the non-working spouse. This is because financial contributions are given immense recognition under the first two steps of the *ANJ* Approach, which is both disadvantageous to the non-working spouse and inconsistent with the Courts' philosophy of marriage as an equal partnership.

The *TNL* Approach is used where the *ANJ* Approach is inapplicable. The Approach uses precedent cases to guide the outcome of the case at hand. In long single-income marriages, precedent cases show that Courts tend towards an equal division of matrimonial assets. However, the Court may depart from this when the case has other features e.g., when there is an exceptionally large asset pool.

Determining if a marriage is single-income or dual-income in nature

The Appellate Division clarified that a single-income marriage is one with an arrangement "along more traditional lines, *ie*, where one spouse is the sole income earner and the other plays the role of homemaker". The fact that one spouse earns significantly less than the other or worked intermittently over the course of the marriage alone does not determine whether the marriage is a single-income or dual-income marriage.

Instead, the key enquiry focuses on the roles undertaken and discharged by the spouses during the marriage relative to each other, based on the facts and circumstances of each case.

On the facts of the present case, the Appellate Division held that the marriage was a dual-income one. Firstly, the Husband did not assume a primary homemaking role. Instead, the parties shared the homemaking responsibilities. While the Husband was physically home much more than the Wife and was regularly present to care for the children, the Wife also contributed substantially towards the family's wellbeing. For example, she cared for the children and handled household matters (albeit with the

assistance of domestic helpers), especially on the weekends and when the Husband was incarcerated, and also allowed the Husband's godson to stay in the household.

Moreover, the Husband also had a breadwinning role in the marriage, albeit a relatively unsuccessful one. The Husband had worked full-time for nine years from the start of the marriage and subsequently ventured into businesses and *ad hoc* work. He was able to sustain his personal expenditures and give the children pocket money from his own income without any allowance from the Wife. Therefore, considering the facts and circumstances of the case, the Appellate Division held that the marriage was a dual-income marriage, and thus the *ANJ* Approach should be applied.

KEYPOINT

In a dual-income marriage, if one party was less successful in breadwinning but made substantial contributions in homemaking, the ANJ approach is a fair and appropriate approach that recognises both parties' contributions and guides the court to reach a just outcome.

COMMENTARY

This case provides clarity on how Courts determine whether a marriage is single-income or dual-income in nature. The Court's emphasis on actual marital roles performed by the parties, instead of rigid financial earnings, ensures a fair assessment of marital contributions that is attentive to the idiosyncrasies of relationships. By reaffirming that financial earnings alone do not dictate the classification of marriage, the Court reinforces the philosophy of marriage as an equal co-operative partnership of efforts, where both financial and non-financial contributions are equally valued.

The case also provides invaluable guidance regarding marriages involving a spouse with an irregular work history, such as when he/she engages in entrepreneurship, freelance work, or other non-conventional forms of employment.

It also illustrates that the Court is attentive to unusual patterns of marital contribution, such as where a spouse excels at both breadwinning and homemaking. This demonstrates the Court's recognition of "super-parents", parents who have simultaneously engaged in full-time employment and contributed to housekeeping and childcare. In such cases, the Court will give due recognition to the efforts made by the party in both breadwinning and homemaking.

Despite the differing approaches applicable to single-income and dual-income marriages, it may be worth noting that the Court in *UBM v UBN* [2017] 4 SLR 921 had clarified that the two approaches are not necessarily inconsistent, given that the power to divide matrimonial assets is exercised in broad strokes regardless of the approach. Additionally, adjustments are made where necessary to achieve a just and equitable outcome. This may provide parties with the reassurance that the classification of their marriage alone does not necessarily dictate the outcome of the division of matrimonial assets.

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If you have any questions or comments on this article, please contact:



Hoon Shu Mei
Director, Dispute Resolution

T: +65 6531 2223

E: shumei.hoon@drewnapier.com

Drew & Napier LLC
10 Collyer Quay
#10-01 Ocean Financial Centre
Singapore 049315

www.drewnapier.com

T : +65 6535 0733
T : +65 9726 0573 (After Hours)
F : +65 6535 4906

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