

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**MAINTENANCE ORDERS
(FACILITIES FOR ENFORCEMENT) ACT**

(CHAPTER 168)

**1970 Ed. Cap. 26
Ordinance
8 of 1921**

Amended by
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Maintenance Orders (Facilities for Enforcement) Act

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An Act to facilitate the enforcement in Singapore of maintenance orders made in other parts of the Commonwealth and vice versa.

[8th April 1921]

1. This Act may be cited as the Maintenance Orders (Facilities for Enforcement) Act*.

Short title.

2. In this Act —

“certified copy”, in relation to an order of court, means a copy of the order certified by the proper officer of the court to be a true copy;

Interpretation.

* This Act will be repealed on the coming into force of section 19 (1) of the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169).

“dependants” of any person means such persons as that person is, according to the law in force in the part of the Commonwealth in which a maintenance order was made, liable to maintain;

Cap. 68.

“Magistrate’s Court” and “District Court” mean a Magistrate’s Court and a District Court having powers or jurisdiction under the Criminal Procedure Code;

“maintenance order” means an order other than an order of affiliation for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made, and includes, with reference to Northern Ireland, an order or decree for the recovery or repayment of the cost of relief or maintenance made by virtue of the provisions of any enactment for the time being in force relating to poor relief.

Enforcement in Singapore of maintenance orders made in England and Northern Ireland.

3. Where a maintenance order has been made against any person by any court in England or Northern Ireland, and a certified copy of the order has been transmitted by a Secretary of State to the Minister, the Minister shall send a copy of the order to a District Court for registration; and on receipt thereof, the order shall be registered in the prescribed manner, and shall from the date of the registration be of the same force and effect, and, subject to the provisions of this Act, all proceedings may be taken on that order as if it had been an order originally obtained in the District Court, and that court shall have power to enforce the order accordingly.

Transmission of maintenance orders made in Singapore.

4. Where a Magistrate’s Court or District Court has made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in England or Northern Ireland, the court shall send to the Minister for transmission to a Secretary of State a certified copy of the order.

Power to make provisional orders of maintenance against persons resident in England or Northern Ireland.

5.—(1) Where an application is made to a Magistrate’s Court or District Court for a maintenance order against any person, and it is proved that that person is resident in England or Northern Ireland, the court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that

person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless confirmed by a competent court in England or Northern Ireland.

(2) The evidence of any witness who is examined on any such application shall be put into writing, and the deposition shall be read over to and signed by him.

(3) Where such an order is made, the court shall send to the Minister for transmission to a Secretary of State the depositions so taken and a certified copy of the order, together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing, and such information as the court possesses for facilitating the identification of that person, and ascertaining his whereabouts.

(4) Where any such provisional order has come before a competent court in England or Northern Ireland for confirmation, and the order has by that court been remitted to the Magistrate's Court or District Court which made the order for the purpose of taking further evidence, the Magistrate's Court or District Court shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application. If upon the hearing of such evidence it appears to the court that the order ought not to have been made, the court may rescind the order, but in any other case the depositions shall be sent to the Minister and dealt with in like manner as the original depositions.

(5) The confirmation of an order made under this section shall not affect any power of a Magistrate's Court or District Court to vary or rescind that order:

Provided that on the making of a varying or rescinding order the court shall send a certified copy thereof to the Minister for transmission to a Secretary of State and that in the case of an order varying the original order the order shall not have any effect unless confirmed in like manner as the original order.

(6) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had a

summons been duly served on the person against whom the order is sought to be made.

Power of District Court to confirm provisional orders of maintenance made in England or Northern Ireland against persons resident in Singapore.

6.—(1) Where a maintenance order has been made by a court in England or Northern Ireland, and the order is provisional only and has no effect unless confirmed by a court having jurisdiction in Singapore, and a certified copy of the order together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed has been transmitted to the Minister, and it appears to the Minister that the person against whom the order was made is resident in Singapore, the Minister shall send the documents to a District Court with a requisition that a summons be issued calling upon the person to show cause why that order should not be confirmed, and upon receipt of such documents and requisition the District Court shall issue such a summons and cause it to be served upon such person.

(2) A summons so issued may be served in the same manner as if it had been originally issued under the provisions of the Criminal Procedure Code.

Cap. 68.

(3) At the hearing it shall be open to the person on whom the summons was served to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

(4) If at the hearing the person served with the summons does not appear or, on appearing, fails to satisfy the District Court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modifications as to the court after hearing the evidence may seem just.

(5) If the person against whom the summons was issued appears at the hearing and satisfies the District Court that for the purpose of any defence it is necessary to remit the case to the court which made the provisional order for the

taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(6) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming court, and where on an application for rescission or variation the District Court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(7) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order.

7. The Minister may make regulations as to the manner in which a case can be remitted by a court authorised to confirm a provisional order to the court which made the provisional order, and generally for facilitating communications between such courts.

Power of Minister to make regulations for facilitating communications between courts.

8. An order which has been registered or which has been confirmed by a District Court under this Act shall be enforceable in like manner as if the order had been made under Part VII of the Women's Charter.

Mode of enforcing orders.

Cap. 353.

9. Any document purporting to be signed by a judge or officer of a court in England or Northern Ireland shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the court to sign the document.

Proof of documents signed by officers of court.

10. Depositions taken in a court in England or Northern Ireland for the purposes of this Act shall be received in evidence in proceedings under this Act.

Depositions to be evidence.

11. Where the Minister is satisfied that reciprocal provisions have been made by the legislature of any part of the

Extension of this Act.

Commonwealth outside the United Kingdom for the enforcement within that part of the Commonwealth of maintenance orders made by courts in Singapore, the Minister may, by notification in the *Gazette*, extend this Act to that part of the Commonwealth, and this Act shall thereupon apply in respect of that part of the Commonwealth as though the references to England or Northern Ireland were references to that part of the Commonwealth and the references to a Secretary of State were references to a Minister of that part of the Commonwealth or where there is no Minister to the principal officer representing Her Majesty in that part of the Commonwealth and in respect of Malaysia as if references to a Secretary of State were references to a Minister of Malaysia.