



THE STATUTES OF THE REPUBLIC OF SINGAPORE

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

(CHAPTER 168)

(Original Enactment: Ordinance 8 of 1921)

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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]

Short title

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

*This Act will be repealed on the coming into force of section 19(1) of the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169).

Interpretation**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;

“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;

[Deleted by Act 27 of 2014 wef 01/10/2014]

“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;

[S 635/2014 wef 30/03/1987]

“prescribed” means prescribed by rules made by the Minister.

[S 635/2014 wef 30/03/1987]

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 Family 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 Family Court, and that court shall have power to enforce the order accordingly.

[Act 27 of 2014 wef 01/10/2014]

Transmission of maintenance orders made in Singapore

4. Where a Family 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.

[Act 27 of 2014 wef 01/10/2014]

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

5.—(1) Where an application is made to a Family 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.

[Act 27 of 2014 wef 01/10/2014]

(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 Family Court which made the order for the purpose of taking further evidence, the Family 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.

[Act 27 of 2014 wef 01/10/2014]

(5) The confirmation of an order made under this section shall not affect any power of a Family 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.

[Act 27 of 2014 wef 01/10/2014]

(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 Family 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 Family 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 Family Court shall issue such a summons and cause it to be served upon such person.

[Act 27 of 2014 wef 01/10/2014]

(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 Family 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.

[Act 27 of 2014 wef 01/10/2014]

(5) If the person against whom the summons was issued appears at the hearing and satisfies the Family 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.

[Act 27 of 2014 wef 01/10/2014]

(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 Family 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.

[Act 27 of 2014 wef 01/10/2014]

(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.

Power of Minister to make regulations for facilitating communications between courts

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.

Mode of enforcing orders

8. An order which has been registered or confirmed by a Family Court (or any other court in Singapore) shall be enforceable as if the order had been made under Part VIII of the Women's Charter (Cap. 353).

[Act 27 of 2014 wef 01/10/2014]

Proof of documents signed by officers of court

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.

Depositions to be evidence

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.

Extension of this Act

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

LEGISLATIVE HISTORY
MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT)
ACT
(CHAPTER 168)

This Legislative History is provided for the convenience of users of the Maintenance Orders (Facilities for Enforcement) Act. It is not part of the Act.

1. Ordinance 8 of 1921 — Maintenance Orders (Facilities for Enforcement) Ordinance 1921

Date of First, Second and Third Readings : Date not available.

Date of commencement : 8 April 1921

2. Ordinance 22 of 1922 — Maintenance Orders (Facilities for Enforcement) Amendment Ordinance 1929

Date of commencement : 29 September 1929

3. Ordinance 20 of 1929 — Maintenance Orders (Amendment) Ordinance 1929

Date of commencement : 22 November 1929

4. Ordinance 63 of 1935 — Statute Law Revision Ordinance

Date of commencement : 31 December 1935

5. 1936 Revised Edition — Reciprocal Enforcement of Maintenance Orders (Chapter 47)

Date of operation : 1 September 1936

6. Ordinance 18 of 1940 — Reciprocal Enforcement of Maintenance Orders (Amendment) Ordinance 1940

Date of commencement : 8 May 1940

7. Ordinance 8 of 1955 — Revised Edition of the Laws (Miscellaneous Amendments) Ordinance 1955

Date of commencement : 4 February 1955

8. 1955 Revised Edition — Reciprocal Enforcement of Maintenance Orders (Chapter 19)

Date of operation : 1 July 1956

9. Ordinance 38 of 1959 — Laws of Singapore (Miscellaneous Amendments) Ordinance 1959

Date of commencement : 3 June 1959

10. Ordinance 72 of 1959 — Transfer of Powers (No. 2) Ordinance 1959

Date of commencement : 20 November 1959

11. 1970 Revised Edition — Reciprocal Enforcement of Maintenance Orders Act (Chapter 26)

Date of operation : 1 March 1971

12. 1985 Revised Edition — Maintenance Orders (Facilities for Enforcement) Act (Chapter 168)

(G.N. No. S 635/2014 — Rectification Order)

Date of operation : 30 March 1987

13. Act 27 of 2014 — Family Justice Act 2014

Date of First Reading : 8 July 2014
(Bill No. 21/2014)

Date of Second and Third Readings : 4 August 2014

Date of commencement : 1 October 2014