



THE STATUTES OF THE REPUBLIC OF SINGAPORE

WOMEN'S CHARTER 1961

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Women's Charter 1961

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An Act to provide for monogamous marriages and for the solemnisation and registration of such marriages; to amend and consolidate the law relating to divorce, the rights and duties of married persons, the protection of family, the maintenance of wives, incapacitated husbands and children and the punishment of offences against women and girls; and to provide for matters incidental thereto.

[7/2016]

[15 September 1961]

PART 1

PRELIMINARY

Short title

1. This Act is the Women's Charter 1961.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“brothel” means any place —

- (a) habitually used by any 2 or more women or girls (whether or not at the same time or at different times) for the purpose of prostitution;
- (b) that has been used by any 2 or more women or girls (whether or not at the same time or at different times) for the purpose of prostitution and is likely to be used again for that purpose; or

(c) that —

- (i) has been expressly or implicitly advertised (whether by advertisements in or on the place, newspapers, the Internet or by other means) or represented as being used for the purpose of prostitution; and
- (ii) is likely to be used for the purpose of prostitution;

“club” means any place which is used by an association of 2 or more persons for any purpose or object;

“Conciliation Officer” means a Conciliation Officer appointed under section 48;

“court” —

- (a) for the purposes of sections 13, 17, 20 and 59 and Parts 8 and 10, means the General Division of the High Court or a Family Court;
- (b) for the purposes of Part 7, means a Family Court; and
- (c) for the purposes of Part 9, means the General Division of the High Court or a Family Court, and includes the Syariah Court constituted under the Administration of Muslim Law Act 1966;

“Deputy Registrar” means a Deputy Registrar of Marriages appointed under section 26;

“Director-General” means the Director-General of Social Welfare and includes any person who is authorised by the Director-General to perform any of the duties or exercise any of the powers of the Director-General under this Act;

“fit individual” means an individual whom the Director-General, having regard to the character of the individual, thinks competent to provide care and protection to another individual;

“incapacitated former husband”, in relation to a dissolved or an annulled marriage, means a former husband to the marriage who —

(a) during the subsistence of the marriage, was or became —

(i) incapacitated, by any physical or mental disability or any illness, from earning a livelihood; and

(ii) unable to maintain himself; and

(b) continues to be unable to maintain himself;

“incapacitated husband” means a husband who —

(a) during the marriage, is or becomes —

(i) incapacitated, by any physical or mental disability or any illness, from earning a livelihood; and

(ii) unable to maintain himself; and

(b) continues to be unable to maintain himself;

“married woman” means a woman validly married under any law, religion, custom or usage;

“messaging system” means any system that enables the transmission of short text messages, or of any visual communication, voice communication or electronic mail —

(a) from a digital mobile telephone to another digital mobile telephone; or

(b) from an electronic mail address to a digital mobile telephone, and the other way around;

“minor” means a person who is below 21 years of age and who is not married or a widower or widow;

“occupier” of a place means the tenant, subtenant or lessee thereof or any other person in charge of the place, whether or not in actual occupation and whether or not having powers to let or sublet;

“owner” of a place means a person who, for the time being, has power or authority to let, hire, sell or convey the place to another person, or who receives the rent of the place whether on the person’s own account or as an agent or a trustee for any other person;

“place” means any building, house, office, flat, room or cubicle or any part thereof, and any open or enclosed space and includes a ship, boat or any vessel, whether afloat or not, and any vehicle;

“place of assignation” means any place where communication is established with any woman or girl, either directly or through an intermediary, for any immoral purpose;

“place of public resort” means any place to which the public for the time being has access;

“place of safety” means any place of safety established under section 177;

“prostitution” means the act of a female offering her body for sexual penetration for hire, whether in money or in kind;

“Registrar” means the Registrar of Marriages appointed under section 26 and includes an Assistant Registrar of Marriages;

“sexual penetration” means the penetration of the vagina, anus or mouth of a woman or girl by a man’s penis, or the sexual penetration of the vagina or anus of a woman or girl by a part of another person’s body (other than the penis) or by anything else;

“solemnisation” includes the contracting of a marriage or effecting a marriage in accordance with the law, religion, custom or usage of the parties or any of the parties thereto;

“State Marriage Register” means the State Marriage Register maintained under section 27.

[27/2014; 7/2016; 30/2019; 36/2019; 40/2019]

(2) In criminal proceedings for an offence under Part 11 in relation to any place —

- (a) a court may rely on circumstantial evidence to find that the particular place is used as a brothel; and
- (b) a court may make such a finding without direct evidence that the particular place is used as a brothel.

Examples of circumstantial evidence

1. Evidence relating to persons entering and leaving premises (including number, gender and frequency) that is consistent with the use of the premises for prostitution.
2. Evidence of appointments with persons for the purpose of prostitution that are made through the use of telephone numbers or other contact details that are publicly advertised.
3. Evidence of the arrangement of, or other matters relating to, the place or the furniture, equipment or articles in the place, that is consistent with the use of the place for prostitution.

[36/2019]

Application

3.—(1) Except as otherwise provided, this Act applies to all persons in Singapore and also applies to all persons domiciled in Singapore.

(2) Parts 2 to 6 (except for sections 6A, 6B and 6C) and Part 10 and sections 181 and 182 do not apply to any person who is married under, or to any marriage solemnised or registered under, the provisions of the Muslim law or of any written law in Singapore or in Malaysia providing for the registration of Muslim marriages.

[15/2019]

(2A) Nothing in Part 8 entitles an incapacitated husband who is married under the provisions of the Muslim law, or of any written law in Singapore or in Malaysia providing for the registration of Muslim marriages, to obtain any maintenance under that Part.

[7/2016]

(3) Despite subsection (2), sections 4, 5 and 6 apply to any person who contracts or purports to contract any such marriage during the subsistence of a marriage registered or deemed to be registered under the provisions of this Act or which was contracted under a law

providing that or in contemplation of which the marriage is monogamous.

(4) No marriage between persons who are Muslims shall be solemnised or registered under this Act.

(5) For the purposes of this Act, a person who is a citizen of Singapore is deemed, until the contrary is proved, to be domiciled in Singapore.

PART 2

MONOGAMOUS MARRIAGES

Disability to contract marriages

4.—(1) Every person who on 15 September 1961 is lawfully married under any law, religion, custom or usage to one or more spouses shall be incapable during the continuance of that marriage or marriages of contracting a valid marriage under any law, religion, custom or usage with any person other than such spouse or spouses.

(2) Every person who on 15 September 1961 is lawfully married under any law, religion, custom or usage to one or more spouses and who subsequently ceases to be married to that spouse or all the spouses shall, if he or she thereafter marries again, be incapable during the continuance of that marriage of contracting a valid marriage with any other person under any law, religion, custom or usage.

(3) Every person who on 15 September 1961 is unmarried and who after that date marries under any law, religion, custom or usage shall be incapable during the continuance of that marriage of contracting a valid marriage with any other person under any law, religion, custom or usage.

(4) Nothing in this section affects the operation of Part 3 in relation to marriages solemnised in Singapore after 15 September 1961.

Void marriages

5.—(1) Every marriage contracted in Singapore or elsewhere in contravention of section 4 is void.

(2) If any male person lawfully married under any law, religion, custom or usage, during the continuance of that marriage, contracts a union with a woman, that woman shall have no right of succession or inheritance on the death intestate of such male person.

(3) Nothing in this section affects the liability of any person to pay such maintenance as may be directed to be paid by that person under any written law.

[7/2016]

Offence

6. Any person lawfully married under any law, religion, custom or usage who during the continuance of that marriage purports to contract a marriage in Singapore or elsewhere under any law, religion, custom or usage in contravention of section 4 is deemed to commit the offence of marrying again during the lifetime of the husband or wife (as the case may be) within the meaning of section 6A.

[15/2019]

Marrying again during lifetime of husband or wife

6A. Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be guilty of an offence and shall on conviction —

- (a) in a case where the offender concealed from the person with whom the subsequent marriage is contracted the fact of the former marriage, be punished with imprisonment for a term not exceeding 10 years and shall also be liable to a fine not exceeding \$15,000; and
- (b) in any other case, be punished with imprisonment for a term not exceeding 7 years and shall also be liable to a fine not exceeding \$10,000.

Exceptions.—This section does not extend to any person whose marriage, with such husband or wife, has been declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, has been continually absent from such person for a period of 7 years,

and has not been heard of by such person as being alive within that time, provided the person contracting such subsequent marriage, before the marriage takes place, informs the person with whom the marriage is contracted, of the real state of facts so far as the same are within his or her knowledge.

[15/2019]

Cohabitation caused by deceitfully inducing a belief of lawful marriage

6B. Any person (*A*), who by deceit causes any person of the opposite sex (*B*) who is not lawfully married to *A* to believe that *B* is lawfully married to *A* and to cohabit or have sexual intercourse with *A* in that belief, shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding 10 years and shall also be liable to a fine not exceeding \$15,000.

[15/2019]

Marriage ceremony gone through fraudulently without lawful marriage

6C. Any person who dishonestly or fraudulently goes through the ceremony of being married, knowing that he or she is not as a result lawfully married, shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding 7 years and shall also be liable to a fine not exceeding \$10,000.

[15/2019]

Continuance of marriage

7. Every marriage solemnised in Singapore after 15 September 1961, other than a marriage which is void under the provisions of this Act, shall continue until dissolved —

- (a) by the death of one of the parties;
- (b) by order of a court of competent jurisdiction; or
- (c) by a declaration made by a court of competent jurisdiction that the marriage is null and void.

PART 3**SOLEMNISATION OF MARRIAGES****Persons by whom marriages may be solemnised**

8.—(1) A marriage may be solemnised by the Registrar or any other person to whom a licence to solemnise marriages under this section has been granted by the Minister.

(2) The Minister may grant a licence to any suitable person to solemnise marriages in Singapore.

Avoidance of marriages where either party is under minimum age for marriage

9. A marriage solemnised in Singapore or elsewhere between persons either of whom is below 18 years of age is void unless the solemnisation of the marriage was authorised by a special marriage licence granted by the Minister under section 21.

Marriages within prohibited degrees

10.—(1) A marriage solemnised in Singapore or elsewhere between a man and any of the persons mentioned in the first column of the First Schedule, or between a woman and any of the persons mentioned in the second column of that Schedule, is void.

(2) Despite subsection (1) and the First Schedule, the Minister may grant a licence under this section for a marriage to be solemnised, notwithstanding the kindred or affinity of the parties, if the Minister is satisfied that the marriage is valid under the law, religion, custom or usage which would have been applicable to the parties thereto if this Act had not been enacted.

(3) A marriage solemnised under such a licence is valid.

Avoidance of marriages by subsisting prior marriage

11. A marriage solemnised in Singapore or elsewhere between persons either of whom, at the date of the marriage, is married under any law, religion, custom or usage to any other person is void.

Avoidance of marriages of convenience

11A.—(1) A marriage solemnised on or after 1 October 2016, whether in Singapore or elsewhere, is void if —

- (a) a party to the marriage contracts or otherwise enters into the marriage knowing or having reason to believe that the purpose of the marriage is to assist the party or the other party to the marriage to obtain an immigration advantage; and
- (b) any gratification, whether from a party to the marriage or another person, is offered, given or received as an inducement or reward to any party to the marriage for entering into the marriage.

[7/2016]

(2) However, a marriage is not void under subsection (1) if it is proved that both parties to the marriage believed on reasonable grounds, when contracting or entering into the marriage, that the marriage would result in a genuine marital relationship.

[7/2016]

(3) A marriage solemnised on or after 1 October 2016 is deemed to be void under subsection (1) if either party to the marriage is convicted of an offence under section 57C(1) of the Immigration Act 1959 in respect of the marriage.

[7/2016]

(4) In this section, “gratification” and “immigration advantage” have the meanings given by section 57C(6) of the Immigration Act 1959.

[7/2016]

Avoidance of marriages between persons of same sex

12.—(1) A marriage solemnised in Singapore or elsewhere between persons who, at the date of the marriage, are not respectively male and female is void.

(2) Subject to sections 5, 9, 10, 11 and 22, a marriage solemnised in Singapore or elsewhere between a person who has undergone a sex re-assignment procedure and any person of the opposite sex is and shall be deemed always to have been a valid marriage.

- (3) For the purpose of this section —
- (a) the sex of any party to a marriage as stated at the time of the marriage in his or her identity card issued under the National Registration Act 1965 is prima facie evidence of the sex of the party; and
 - (b) a person who has undergone a sex re-assignment procedure is identified as being of the sex to which the person has been re-assigned.
- (4) Nothing in subsection (2) validates any such marriage which had been declared by the High Court before 1 May 1997 to be null and void on the ground that the parties were of the same sex.

Consents

13.—(1) Subject to this section, a marriage licence under section 17 or a special marriage licence under section 21 for the marriage of a minor must not be issued or granted without the consent of a person mentioned in the Second Schedule who is authorised to give such consent.

(2) If the Registrar or, in the case of a proposed marriage by special marriage licence, the Minister is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or by reason of the person being under any disability —

- (a) the necessity for the consent of that person is dispensed with, if there is any other person whose consent is also required; and
- (b) if the consent of no other person is required, the Registrar or the Minister may dispense with the necessity of obtaining any consent, or the court may, on application being made, consent to the marriage, and the consent of the court so given has the same effect as if it had been given by the person whose consent cannot be so obtained.

[27/2014]

(3) If any person whose consent is required refuses his or her consent, the court may, on application being made, consent to the

marriage, and the consent of the court so given has the same effect as if it had been given by the person whose consent is so refused.

[27/2014]

(4) An application to the court under this section is to be heard in chambers.

[27/2014]

(5) When an application is made to the court in consequence of a refusal to give consent, notice of the application must be served upon the person who refused to give consent.

[27/2014]

(6) Despite anything to the contrary in this Part, consent to the marriage of a minor is not necessary if the minor has been previously married.

(7) There shall be no appeal from an order of the court under this section.

[27/2014]

Notice of marriage

14. Whenever any persons desire to marry in Singapore, one of the parties to the intended marriage must sign and give to the Registrar a notice in the prescribed form.

Signature on notice by person unable to write or to understand English language

15. If the person giving the notice under section 14 is unable to write or is insufficiently acquainted with the English language, or both, then it is sufficient if the person places his or her mark or cross thereon in the presence of some literate person who attests the same, which attestation must be in the prescribed form.

Notice to be filed and published

16.—(1) Upon receipt of a notice under section 14, the Registrar must cause the notice to be filed serially by electronic media or other means.

(2) The Registrar must also cause a computer printout or summary of all notices filed during the day to be displayed in an electronic terminal in a conspicuous place in the Registrar's office and keep the

same so displayed until he or she issues a marriage licence under section 17, or until 3 months have elapsed.

Registrar to issue marriage licence on proof of conditions by statutory declaration

17.—(1) The Registrar must, at any time after the expiration of 21 days and before the expiration of 3 months from the date of the notice and upon payment of the prescribed fee, issue a marriage licence in the prescribed form.

(2) The Registrar must not issue a marriage licence until he or she is satisfied by statutory declaration made by each of the parties to the proposed marriage —

- (a) that, where any party to the intended marriage is not a citizen or permanent resident of Singapore, at least one of the parties has been physically present in Singapore for a period of at least 15 days preceding the date of the notice;
- (b) that —
 - (i) each of the parties is 21 years of age or above, or, if not, is divorced or is a widower or widow or has had his or her previous marriage declared null and void, as the case may be; or
 - (ii) if either party is a minor who has not been previously married — the consent of the appropriate person mentioned in the Second Schedule has been given in writing, or has been dispensed with, or the consent of the court has been given in accordance with section 13;
- (c) that neither party is below 18 years of age;
- (d) that there is no lawful impediment to the marriage;
- (e) that neither of the parties to the intended marriage is married under any law, religion, custom or usage to any person other than the person with whom such marriage is proposed to be contracted; and

(f) that, where any party to the intended marriage is a person to whom section 17A applies, both parties have attended and completed a marriage preparation programme.

[2/2011; 27/2014]

(2A) Where one of the parties to the proposed marriage has been previously married but is divorced, the Registrar must not issue a marriage licence unless that party also states, in the statutory declaration mentioned in subsection (2), whether that party owes any arrears in respect of any maintenance which is payable under a maintenance order.

[2/2011; 7/2016]

(2AA) The Registrar must not issue a marriage licence if either party to the proposed marriage makes a false declaration, in the statutory declaration mentioned in subsection (2), that the party has not been previously convicted of either or both of the following offences:

- (a) an offence under section 57C(1) of the Immigration Act 1959;
- (b) an offence under section 6A or an offence under section 494 of the Penal Code 1871 as in force immediately before 1 January 2020.

[7/2016; 15/2019]

(2B) The statutory declaration mentioned in subsection (2) must be made by each party to the proposed marriage in the presence of the other party.

[2/2011]

(3) If any party giving a notice of marriage or making a statutory declaration does not understand the English language, the Registrar must, before issuing the marriage licence, ascertain whether that party is cognizant of the purport of the notice or declaration and, if not, must interpret or cause to be interpreted the notice or declaration to that party into some language which that party understands.

[7/2016]

(4) In this section —

“maintenance order” means —

- (a) an order for the payment of a monthly allowance made or deemed to be made by a court under Part 8;
- (b) an order for the payment of periodical sums by way of maintenance or alimony to a wife or former wife or an incapacitated husband or incapacitated former husband, or by way of maintenance for the benefit of any child, under Part 10;
- (c) an order for maintenance made by the Syariah Court under the Administration of Muslim Law Act 1966; or
- (d) a maintenance order as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1975;

“marriage preparation programme” has the meaning given by section 17A(3);

“permanent resident of Singapore” means a person who holds an entry permit under section 10 of the Immigration Act 1959 or a re-entry permit under section 11 of that Act.

[2/2011; 7/2016]

Marriage preparation programme

17A.—(1) This section applies to a person within the class of persons prescribed by the Minister as persons who must attend a marriage preparation programme.

[2/2011]

(2) A person to whom this section applies must not be issued with a marriage licence under section 17 or a special marriage licence under section 21 unless the person satisfies the Registrar or the Minister (as the case may be) that the person and the other party to the proposed marriage have attended and completed a marriage preparation programme.

[2/2011]

(3) In this section and section 21, “marriage preparation programme” means a marriage preparation programme which satisfies the description specified in the rules made under section 180.

[2/2011]

Marriage to take place within 3 months

18. If the marriage does not take place within 3 months after the date of the notice, the notice and all proceedings consequent thereupon are void, and fresh notice must be given before the parties can lawfully marry.

Caveat

19.—(1) Any person may, on payment of the prescribed fee, enter a caveat with the Registrar against the issue of a licence for the marriage of any person named in the caveat and notice of whose intended marriage has been given to the Registrar.

(2) A caveat entered under this section must contain the name and place of residence of the person entering the caveat and the grounds of objection upon which the caveat is founded and must be signed by the person entering the caveat.

Proceedings if caveat entered

20.—(1) If a caveat is entered in accordance with section 19, the Registrar must not issue a licence for the marriage against which the caveat has been entered unless —

- (a) after examining into the matter of the said objection, the Registrar is satisfied that it ought not to obstruct the issue of the licence for the marriage; or
- (b) the caveat is withdrawn by the person who entered it.

(2) In cases of doubt, it is lawful for the Registrar to refer the matter of any caveat mentioned in subsection (1) to the court which shall decide upon the same.

[27/2014]

(3) Where the Registrar has refused to issue the marriage licence, the person applying for the same has a right of appeal to the court

which is to thereupon either confirm the refusal or direct the issue of the marriage licence.

[27/2014]

(4) The court may examine the allegations contained in the caveat in a summary way and may hear evidence in support of and in opposition to the objection.

[27/2014]

(5) The proceedings under this section are to be before a judge in chambers.

(6) There shall be no appeal from a decision of a judge under this section.

(7) If the Registrar or the court declares the grounds of objection to be frivolous and such as ought not to obstruct the issue of the marriage licence, the person entering the caveat shall be liable for the costs of all proceedings relating thereto and for damages to be recovered by suit by the party against whose marriage the caveat was entered.

[27/2014]

Special marriage licence

21.—(1) The Minister may, if he or she thinks fit, dispense with the giving of notice and with the issue of a marriage licence, and may grant a special marriage licence in the prescribed form authorising the solemnisation of a marriage between the parties named —

- (a) upon proof being made to the Minister by statutory declaration —
 - (i) that there is no lawful impediment to the proposed marriage; and
 - (ii) where any party to the proposed marriage is a person to whom section 17A applies, that both parties to the proposed marriage have attended and completed a marriage preparation programme;
- (b) where one party to the proposed marriage has been previously married but is divorced, upon a statutory declaration being furnished by the party as to whether

that party owes any arrears in respect of any maintenance which is payable under a maintenance order; and

- (c) upon the Minister being satisfied that the necessary consent (if any) to the marriage has been obtained, or that the consent has been dispensed with or given under section 13.

[2/2011]

(2) The Minister may, in his or her discretion, grant a special marriage licence under this section authorising the solemnisation of a marriage although any party to the marriage is below 18 years of age.

(3) If the marriage authorised by a special marriage licence under this section is not solemnised within one month from the date of the licence, the licence becomes void.

(4) The Minister may delegate his or her powers under this section to any person, subject to such conditions as the Minister thinks fit to impose.

(5) In this section, “maintenance order” has the meaning given by section 17(4).

[2/2011]

Requirements for valid marriage

22.—(1) Every marriage solemnised in Singapore is void unless it is solemnised —

- (a) on the authority of a valid marriage licence issued by the Registrar or a valid special marriage licence granted by the Minister; and
- (b) by the Registrar or a person who has been granted a licence to solemnise marriages.

(2) Every marriage must be solemnised in the presence of at least 2 credible witnesses.

(3) A marriage must not be solemnised unless the person solemnising the marriage is satisfied that both the parties to the marriage freely consent to the marriage.

Solemnisation of marriages

23. A marriage solemnised by the Registrar or any person licensed to solemnise marriages may be solemnised according to such form and ceremony as the Registrar or the person solemnising the marriage sees fit to adopt and in some part of the ceremony he or she must request each of the parties to the marriage to declare that the party is willing to take the other party as his or her wedded wife or husband, as the case may be.

Religious ceremony

24.—(1) If the parties to any marriage contracted and solemnised under this Act or under any previous written law relating to Christian or civil marriages desire to add to the marriage so contracted and solemnised the religious ceremony ordained or used by the church or temple of which the parties or one of them are members or is a member, the parties may present themselves for that purpose to a clergyman, minister or priest of such church or temple, having given notice to that clergyman, minister or priest of their intention to do so; and that clergyman, minister or priest, upon the production of a certified copy of the certificate of the marriage, may, if he or she sees fit, read or celebrate the marriage service of the church or temple to which he or she belongs.

(2) Nothing in the reading or celebration of such service under subsection (1) shall be held to supersede or invalidate any marriage so previously contracted and solemnised, nor shall such reading or celebration be entered as a marriage in the State Marriage Register.

[7/2016]

(3) Where a person is under expectation of death and desires to have a religious ceremony of marriage performed between himself or herself and any person, it is lawful for the clergyman, minister or priest of the church or temple to which that person belongs to read or celebrate the marriage service of that church or temple.

(4) The reading or celebration of such service under subsection (3) is not to be deemed to be a solemnisation of marriage for the purposes of this Act and shall not be entered as a marriage in the State Marriage Register.

[7/2016]

PART 4
REGISTRATION

Registration of marriages

25. Every marriage solemnised in Singapore after 15 September 1961 must be registered in accordance with the provisions of this Part.

Appointment of Registrar, Assistant Registrars and Deputy Registrars

26.—(1) The Minister may appoint any public officer either by name or office to be the Registrar of Marriages or an Assistant Registrar of Marriages for the purposes of this Act.

(2) The Minister may appoint by name or office such number of Deputy Registrars as may be necessary for the purposes of this Act.

(3) The Minister may appoint by name or office such other officers as may be necessary for carrying this Part into effect.

(4) The Registrar and every Assistant Registrar and Deputy Registrar appointed under this section are deemed to be public servants within the meaning of the Penal Code 1871.

State Marriage Register

27.—(1) The Registrar must maintain a State Marriage Register containing such records and information as the Registrar may determine on marriages solemnised or registered under this Act.

[7/2016]

(2) The State Marriage Register may be kept in such form as the Registrar may determine.

[7/2016]

(3) Any person may, upon application to the Registrar and upon payment of the relevant prescribed fee, obtain a copy of or extract from any record or information contained in the State Marriage Register (including a copy or extract that is certified by the Registrar to be a true copy or extract).

[7/2016]

(4) The following, if certified by the Registrar to be a true copy or extract, is in any proceedings admissible in evidence as of equal validity with the original document containing the information or the original record, as the case may be:

- (a) a copy of or extract from any information contained in the State Marriage Register;
- (b) a copy of or extract from any record contained in the State Marriage Register (including a copy or extract of any record produced from a microfilm or digital image).

[7/2016]

Registration of marriage solemnised by Registrar

28.—(1) Every marriage solemnised by the Registrar must immediately after the solemnisation thereof be registered by the Registrar in the certificate of marriage.

- (2) The entry of such marriage in the certificate of marriage must —
 - (a) be signed by the Registrar solemnising the marriage, and by the persons married; and
 - (b) be attested by 2 credible witnesses, other than the Registrar solemnising the marriage, present at the solemnisation.

Registration of marriage not solemnised by Registrar

29.—(1) The parties to a marriage which is not solemnised by the Registrar must —

- (a) appear before a Deputy Registrar within one month of the marriage;
- (b) produce to the Deputy Registrar such evidence of the marriage either oral or documentary as the Deputy Registrar may require;
- (c) furnish such particulars as may be required by the Deputy Registrar for the due registration of the marriage; and
- (d) apply in the prescribed form for the registration of the marriage to be effected.

(2) The Deputy Registrar may register a marriage by entering the particulars thereof in a certificate of marriage.

(3) The entry of the marriage in the certificate of marriage must —

- (a) be signed by the Deputy Registrar who made the entry and the parties to the marriage; and
- (b) be attested by 2 credible witnesses present at the solemnisation of the marriage.

(4) The Deputy Registrar registering the marriage must send the certificate of marriage within 3 days of the registration of the marriage to the Registrar.

Registration where parties have not appeared within prescribed time

30. Where the parties to a marriage have not appeared before a Deputy Registrar within the time prescribed by section 29, the marriage may, with the written consent of the Registrar, be registered by a Deputy Registrar on payment of such penalty as may be prescribed.

Copy of entry to be given

31. On the completion of the registration of any marriage, the Registrar or the Deputy Registrar must deliver to the bride a copy of the certificate of marriage duly signed and sealed with his or her seal of office.

Unlawful registers

32. No person other than the Registrar or a Deputy Registrar may —

- (a) keep any book being or purporting to be a register kept in accordance with the provisions of this Act; or
- (b) issue to any person any document being or purporting to be a copy of a certificate of a marriage or a certificate of a marriage registered by the Registrar or a Deputy Registrar.

Legal effect of registration

33. Nothing in this Act shall be construed to render valid or invalid merely by reason of its having been or not having been registered any marriage which otherwise is invalid or valid.

PART 5**PENALTIES AND MISCELLANEOUS PROVISIONS
RELATING TO SOLEMNISATION AND
REGISTRATION OF MARRIAGES****Omission to appear before Deputy Registrar within prescribed time**

34.—(1) Any person who, being required by section 29 to appear before a Deputy Registrar, fails to do so within the prescribed time shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) The Registrar may compound any such offence by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$400.

Contravention of section 32

35. Any person who contravenes section 32 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.

Interference with marriage

36. Any person who uses any force or threat —

(a) to compel a person to marry against his or her will; or

(b) to prevent a person who has attained 21 years of age from contracting a valid marriage,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

False oath, etc., for procuring marriage

37. Any person who for the purpose of procuring any marriage under this Act intentionally makes any false declaration or signs any false notice or certificate required by this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

False allegation in caveat

38.—(1) Any person who enters a caveat against the issue by the Registrar of a marriage licence and makes any false representation in or in support of the caveat knowing or believing such representation to be false or not having reason to believe it to be true shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Any person who enters a caveat against the issue of a marriage licence and pretends or falsely represents himself or herself to be a person whose consent to the marriage is required by law knowing or believing such pretence or representation to be false or not believing it to be true shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

Unauthorised solemnisation of marriage

39. Any person who, not being authorised to do so under this Act, solemnises or purports to solemnise any marriage shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding 10 years and shall also be liable to a fine not exceeding \$15,000.

[7/2016]

Offences relating to solemnisation of marriages

40.—(1) Any person who knowingly and contrary to this Act solemnises or purports to solemnise or officiates at a marriage —

- (a) without first receiving a marriage licence or a special marriage licence;
- (b) otherwise than in the presence of at least 2 credible witnesses other than the person solemnising the marriage; or
- (c) after the expiration of 3 months from the date of the notice of marriage given under section 14,

shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding 3 years and shall also be liable to a fine not exceeding \$5,000.

[7/2016]

(2) The Registrar or any Assistant Registrar who knowingly and contrary to this Act issues any marriage licence —

- (a) without publishing the notice of marriage as required by section 16;
- (b) when a caveat has been entered under section 19 without having first complied with section 20; or
- (c) contrary to section 17,

shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding 3 years and shall also be liable to a fine not exceeding \$5,000.

[7/2016]

(3) Any person who marries or purports to marry or goes through a form of marriage with any person contrary to any of the provisions of Part 3 shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years and shall also be liable to a fine not exceeding \$5,000.

Destroying or falsifying State Marriage Register, etc.

41. Any person who by himself, herself or another —

- (a) wilfully destroys or causes damage to —
 - (i) the State Marriage Register;
 - (ii) any record or information contained in the State Marriage Register; or

- (iii) any certificate of marriage;
- (b) falsely makes any thing that purports to be, or counterfeits —
 - (i) the State Marriage Register;
 - (ii) any record or information contained in the State Marriage Register;
 - (iii) any certificate of marriage; or
 - (iv) any copy of or extract from any record or information contained in the State Marriage Register, or any copy of or extract from any certificate of marriage, that has been certified by the Registrar to be a true copy or extract; or
- (c) wilfully inserts any false entry in —
 - (i) the State Marriage Register;
 - (ii) any record or information contained in the State Marriage Register;
 - (iii) any certificate of marriage; or
 - (iv) any copy of or extract from any record or information contained in the State Marriage Register, or any copy of or extract from any certificate of marriage, that has been certified by the Registrar to be a true copy or extract,

shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding 7 years and shall also be liable to a fine not exceeding \$10,000.

[7/2016]

Consent for prosecution

42. No prosecution for any offence punishable under this Part may be instituted except with the consent of the Public Prosecutor.

[15/2010]

Correction of errors

43.—(1) If the Registrar is satisfied by statutory declaration or otherwise that any entry in the State Marriage Register, or in any record or information contained in the State Marriage Register, is erroneous in form or substance, the Registrar may correct the error.

[7/2016]

(2) If the Registrar is satisfied by statutory declaration or otherwise that any entry in a certificate of marriage is erroneous in form or substance, the Registrar may, in the presence of the persons married or, if those persons are absent, in the presence of 2 credible witnesses, correct the error by ruling through that entry and making the correct entry in the certificate of marriage.

[7/2016]

(3) Where subsection (2) applies —

(a) the Registrar must sign and date the correction made in the certificate of marriage; and

(b) the entry made under subsection (2) must be attested by the witnesses in whose presence it was made.

[7/2016]

44. [*Repealed by Act 7 of 2016*]

45. [*Repealed by Act 7 of 2016*]

PART 6**RIGHTS AND DUTIES OF HUSBAND AND WIFE****Rights and duties**

46.—(1) Upon the solemnisation of marriage, the husband and the wife are mutually bound to cooperate with each other in safeguarding the interests of the union and in caring and providing for the children.

(2) The husband and the wife have the right separately to engage in any trade or profession or in social activities.

(3) The wife has the right to use her own surname and name separately.

(4) The husband and the wife have equal rights in the running of the matrimonial household.

Abolition of wife's dependent domicile

47.—(1) Subject to subsection (2), the domicile of a married woman as at any time on or after 1 June 1981 shall, instead of being the same as her husband's by virtue only of marriage, be ascertained by reference to the same factors as in the case of any other individual capable of having an independent domicile.

(2) Where immediately before 1 June 1981 a woman was married and then had her husband's domicile by dependence, she is to be treated as retaining that domicile (as a domicile of choice, if it is not also her domicile of origin) unless it is changed by acquisition or revival of another domicile either on or after that date.

Conciliation Officers

48.—(1) The Minister may appoint such public officers as he or she thinks fit to be Conciliation Officers for the purposes of this Act and must publish in the *Gazette* the names of the officers so appointed.

(2) Where there are differences between the parties to a marriage, the parties or either of them may refer the differences to a Conciliation Officer for his or her advice and assistance.

(3) A Conciliation Officer may by written notice require any party to a marriage to attend before him or her at any reasonable time and at any convenient place for the purposes of settling differences between the parties to the marriage, and such person is legally bound to attend as required and to answer any questions relating to those differences, truthfully and to the best of his or her ability.

Duty of judge to consider possibility of reconciliation

49.—(1) A court before which —

- (a) proceedings for divorce or judicial separation; or
- (b) proceedings, instituted by a party to a subsisting marriage, under section 59, 65, 66 or 69,

are being heard is to consider, from time to time, the possibility of a reconciliation of the parties.

(2) If, during such proceedings, it appears to the judge from the nature of the case, the evidence in the proceedings or the attitude of the parties that there is a reasonable possibility of a reconciliation of the parties, the judge may do all or any of the following:

- (a) adjourn the proceedings to give the parties the opportunity to consider a reconciliation or to enable anything to be done in accordance with paragraph (b) or (c);
- (b) with the consent of the parties, interview them in chambers, with or without their solicitors, as the judge thinks proper, to assist in a possible reconciliation;
- (c) nominate a Conciliation Officer or some other suitable person or organisation to assist in considering a possible reconciliation.

(3) If, not less than 14 days after an adjournment under subsection (2), either of the parties requests that the hearing be proceeded with, the judge is to resume the hearing, or arrangements must be made for the proceedings to be dealt with by another judge, as the case requires, as soon as practicable.

(4) Where a judge has acted as conciliator under subsection (2)(b) but the attempt to effect a reconciliation has failed, the judge shall not, except at the request of the parties to the proceedings, continue to hear the proceedings, or determine the proceedings, and, in the absence of such a request, arrangements must be made for the proceedings to be dealt with by another judge.

(5) Evidence of anything said, or of any admission made, in the course of an endeavour to effect a reconciliation under this section is not admissible in any court.

Court may refer parties for mediation, etc.

50.—(1) A court before which any proceedings under this Act (other than proceedings under section 104) are being heard may give consideration to the possibility of a harmonious resolution of the matter and for this purpose may, with the consent of the parties, refer

the parties for mediation by such person as the parties may agree or, failing such agreement, as the court may appoint.

[7/2016]

(2) A court before which any proceedings under this Act are being heard may, if the court considers that doing so is in the interests of the parties and their children, at any stage in those proceedings direct or advise any of the parties or their children —

- (a) to attend mediation conducted by such person as every party or child attending the mediation may agree or, failing such agreement, as the court may appoint;
- (b) to attend counselling provided by such person as the court may direct; or
- (c) to participate in such family support programme or activity as the court may direct.

[7/2016]

(3) Despite the provisions of the Administration of Justice (Protection) Act 2016, failure to comply with any direction or advice referred to in subsection (2) does not constitute a contempt of court.

[19/2016]

(3A) A court before which any proceedings under Part 10 are being heard is to, where the proceedings involve such classes of persons (being persons who have children to the marriage) as may be prescribed by the Minister, do either or both of the following:

- (a) order the parties to attend mediation conducted by such person as the court may appoint;
- (b) order the parties or their children or both, at any stage in the proceedings, to attend counselling provided by such person as the court may direct.

[2/2011; 7/2016]

(3B) Despite subsection (3A), the court may, in any case where it considers that it may not be in the interests of the parties or their children to attend mediation or counselling (as the case may be), dispense with an order requiring such mediation or counselling.

[2/2011]

(3C) Where the court has made an order under subsection (3A), the parties concerned must comply with it.

[2/2011]

(3D) Where a person fails to comply with any direction or advice given by the court under subsection (2) in any proceedings under Part 10 or any order made by a court under subsection (3A), the court may make such further orders as it thinks fit.

[2/2011]

(3E) Without limiting subsection (3D), the further orders that may be made by a court under that subsection include the following orders:

- (a) an order that proceedings be stayed until the parties have attended such mediation or counselling, or participated in such family support programme or activity, as may be specified in any advice or direction made by the court under subsection (2) or an order made by the court under subsection (3A); and
- (b) such order as to costs as the court thinks appropriate against the party who fails to comply with any advice or direction made by the court under subsection (2) or an order made by the court under subsection (3A).

[2/2011; 7/2016]

(4) Anything said, any document prepared, and any information provided, by any person for the purposes of or in the course of any mediation, any counselling or any family support programme or activity under this section is not to be admitted in evidence in any court.

[7/2016]

(5) No liability shall lie personally against any person conducting any mediation for the purposes of subsection (1), (2)(a) or (3A)(a), providing any counselling for the purposes of subsection (2)(b) or (3A)(b), or conducting any family support programme or activity for the purposes of subsection (2)(c), who, acting in good faith and with reasonable care, does or omits to do anything for the purposes of that mediation, counselling or family support programme or activity (as the case may be).

[7/2016]

(6) In this section, “family support programme or activity” means any programme or activity carried out for the purpose of addressing or resolving any relationship issue or relationship problem between spouses or former spouses, between siblings or between parent and child.

[7/2016]

Capacity of married women

51. Subject to the provisions of this Act, a married woman shall —

- (a) be capable of acquiring, holding and disposing of, any property;
- (b) be capable of rendering herself, and being rendered, liable in respect of any tort, contract, debt or obligation;
- (c) be capable of suing and being sued in her own name either in tort or in contract or otherwise and shall be entitled to all remedies and redress for all purposes; and
- (d) be subject to the law relating to bankruptcy and to the enforcement of judgments and orders,

in all respects as if she were a feme sole.

Property of woman to be held by her as feme sole

52.—(1) Subject to the provisions of this Act, all property which —

- (a) immediately before 15 September 1961 was the property (including the separate property) of a married woman or held for her separate use in equity;
- (b) belongs at the time of her marriage to a woman married after 15 September 1961; or
- (c) after 15 September 1961 is acquired by or devolves upon a married woman,

belongs to her in all respects as if she were a feme sole and may be disposed of accordingly.

(2) Nothing in subsection (1) —

(a) is to be construed as affecting adversely the right of any married woman to any property which she had immediately before 15 September 1961; or

(b) interferes with or renders inoperative any valid restriction upon anticipation or alienation attached to the enjoyment of any property by virtue of any provision contained in any written law in force immediately before 15 September 1961, or in any instrument executed before that date.

(3) Any instrument executed on or after 15 September 1961, insofar as it purports to attach to the enjoyment of any property by a woman any restriction upon anticipation or alienation which could not have been attached to the enjoyment of that property by a man, is void.

(4) For the purposes of this section relating to restrictions upon anticipation or alienation —

(a) an instrument attaching such a restriction as aforesaid, executed on or after 15 September 1961, pursuant to an obligation imposed before that date to attach such a restriction, is deemed to have been executed before that date;

(b) a provision contained in an instrument made in exercise of a special power of appointment is deemed to be contained in that instrument only and not in the instrument by which the power was created; and

(c) the will of any testator who dies after 15 September 1961, is (despite the actual date of the execution thereof) deemed to have been executed after that date.

Loans by wife to husband

53. Any money or other estate of the wife, lent or entrusted by her to her husband for the purpose of any trade or business carried on by him or otherwise, shall be treated as assets of her husband's estate in the case of his bankruptcy under reservation of the wife's claim to a dividend as a creditor for the amount or value of such money or other estate after, but not before all claims of the other creditors of the

husband for valuable consideration in money or money's worth have been satisfied.

Money and property derived from housekeeping allowance

54. If any question arises as to the right of a husband or wife to money derived from any allowance made by the husband for the expenses of the matrimonial home or for similar purposes, or to any property acquired out of that money, the money or property shall, in the absence of any agreement between them to the contrary, be treated as belonging to the husband and the wife in equal shares.

Gifts by husband to wife

55.—(1) Nothing in this Part gives validity, as against creditors of the husband —

- (a) to any gift by a husband to his wife of any property which, after such gift, continues to be in the order and disposition or reputed ownership of the husband; or
- (b) to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors.

(2) Any money deposited or invested in the manner referred to in subsection (1) may be followed as if this Act had not been passed.

Remedies of married woman for protection and security of property

56.—(1) Every married woman has in her own name against all persons, including her husband, the same civil remedies and also, subject as regards her husband to subsection (3), the same remedies and redress by way of criminal proceedings for the protection and security of her own property as if that property belonged to her as a feme sole.

(2) In any charge or other proceeding under this section, it is sufficient to allege that property to be her property.

(3) No criminal proceedings shall be taken against a husband or wife while they are living together as to or concerning any property

claimed by her or him respectively nor while they are living apart as to or concerning any act done by the husband or wife while they were living together concerning property claimed by the wife or husband respectively unless that property has been wrongly taken by the husband or wife when leaving or deserting or about to leave or desert the wife or husband respectively.

(4) In any action or proceeding by a woman or by a next friend on her behalf, the court before which that action or proceeding is pending has jurisdiction by judgment or order to order payment of the costs of the opposite party out of property which is subject to a restraint on anticipation, and may enforce such payment by the appointment of a receiver and the sale of the property or otherwise as is just.

Wife's antenuptial debts and liabilities

57.—(1) A woman after her marriage continues to be liable for all debts contracted and all contracts entered into or wrongs committed by her before her marriage, including any sums for which she is liable as a contributory, either before or after she has been placed on the list of contributories under and by virtue of the Insolvency, Restructuring and Dissolution Act 2018.

[40/2018]

(2) A woman mentioned in subsection (1) may be sued for any such debt and for any liability in damages or otherwise under any such contract or in respect of any such wrong.

Actions in tort between husband and wife

58.—(1) Subject to this section, each of the parties to a marriage has the like right of action in tort against the other as if they were not married.

(2) Where an action in tort is brought by one of the parties to a marriage against the other during the subsistence of the marriage, the court may stay the action if it appears —

- (a) that no substantial benefit would accrue to either party from the continuation of the proceedings; or

(b) that the question or questions in issue could more conveniently be disposed of on an application made under section 59.

(3) Without affecting subsection (2)(b), the court may, in such an action, either exercise any power which could be exercised on an application under section 59, or give such directions as it thinks fit for the disposal under that section of any question arising in the proceedings.

Questions between husband and wife as to property to be decided in summary way

59.—(1) In any question between husband and wife as to the title to or possession of property, either party may apply by summons or otherwise in a summary way to the court, and the court may make such order with respect to the property in dispute and as to the costs of and consequent on the application as the court thinks fit, or may direct the application to stand over, and any inquiry touching the matters in question to be made in such manner as the court thinks fit.

[27/2014]

(2) The court may, if either party so requires, hear any such application in chambers.

[27/2014]

(3) [*Deleted by Act 27 of 2014*]

(4) An application may be made under this section by either of the parties to a marriage even though their marriage has been dissolved or annulled so long as the application is made within the period of 3 years beginning with the date on which the marriage was dissolved or annulled.

(5) References in this section to a husband or a wife shall be construed accordingly.

Married woman as executrix or trustee

60. A married woman who is an executrix or administratrix, alone or jointly with any other person or persons, of the estate of any deceased person, or a trustee alone or jointly as aforesaid of property subject to any trust, may sue or be sued, and may transfer or join in

transferring any movable or immovable property belonging to the estate or trust without her husband as if she were a feme sole.

Saving of existing settlements and power to make future settlements

61.—(1) Nothing in this Part shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will or other instrument.

(2) No restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property, to be made or entered into by herself, has any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement has any greater force or validity against creditors of that woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.

Legal representative of married woman

62. For the purposes of this Part, the legal personal representative of any married woman has, in respect of her estate, the same rights and liabilities as she would have, and is subject to the same jurisdiction as she would be, if she were living.

Liability for breach of trust

63. The provisions of this Part as to liabilities of married women extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee or an executrix or administratrix either before or after her marriage, and her husband shall not be subject to those liabilities unless he has acted or intermeddled in the trust or administration.

PART 7

PROTECTION OF FAMILY

Interpretation of this Part

64. In this Part, unless the context otherwise requires —

“applicant” means the person who applies for a protection order or, where the application is made by a guardian, relative or person mentioned in section 65(2)(b), or by an individual mentioned in section 65(2)(c), the family member on whose behalf the application is made;

“expedited order” means an order made under section 66(1);

“family member”, in relation to a person, means —

- (a) a spouse or former spouse of the person;
- (b) a child of the person, including an adopted child and a stepchild;
- (c) a father or mother of the person;
- (d) a father-in-law or mother-in-law of the person;
- (e) a brother or sister of the person; or
- (f) any other relative of the person or an incapacitated person who in the opinion of the court should, in the circumstances, in either case be regarded as a member of the family of the person;

“family violence” means the commission of any of the following acts:

- (a) wilfully or knowingly placing, or attempting to place, a family member in fear of hurt;
- (b) causing hurt to a family member by such act which is known or ought to have been known would result in hurt;
- (c) wrongfully confining or restraining a family member against his or her will;

- (d) causing continual harassment with intent to cause or knowing that it is likely to cause anguish to a family member,

but does not include any force lawfully used in self-defence, or by way of correction towards a child below 21 years of age;

“hurt” means bodily pain, disease or infirmity;

“incapacitated person” means a person who is wholly or partially incapacitated or infirm, by reason of physical or mental disability or ill health or old age;

“protected person” means a person who is protected under a protection order;

“protection order” means an order made under section 65;

“relative” includes a person who is related through marriage or adoption;

“shared residence” means the premises at which the parties are, or have been, living together as members of the same household.

[27/2014; 7/2016]

Protection order

65.—(1) The court may, upon satisfaction on a balance of probabilities that family violence has been committed or is likely to be committed against a family member and that it is necessary for the protection of the family member, make a protection order restraining the person against whom the order is made from using family violence against the family member.

(2) An application for a protection order under this section, or for an expedited order under section 66, may be made —

- (a) by the family member concerned, if that family member is not below 21 years of age and is not an incapacitated person;
- (b) by a guardian or relative or person responsible for the care of the family member concerned, or by any person

appointed by the Minister for the purposes of this paragraph, if that family member is below 21 years of age or is an incapacitated person; or

- (c) despite paragraphs (a) and (b), by an individual below 21 years of age who is married or has been previously married, if the family member concerned is —
 - (i) the individual;
 - (ii) the individual's child (including an adopted child or a stepchild) below 21 years of age; or
 - (iii) a relative below 21 years of age whom the individual is responsible for the care of.

[7/2016]

(3) A protection order may be made subject to such exceptions or conditions as may be specified in the order and for such term as may be specified.

(4) The court, in making a protection order, may include a provision that the person against whom the order is made may not incite or assist any other person to commit family violence against the protected person.

(5) A protection order may, where the court is satisfied on a balance of probabilities that it is necessary for the protection or personal safety of the applicant, provide for such orders as the court thinks fit having regard to all the circumstances of the case, including any one or more of the following orders:

- (a) the granting of the right of exclusive occupation to any protected person of the shared residence or a specified part of the shared residence by excluding the person against whom the order is made from the shared residence or specified part thereof, regardless of whether the shared residence is solely owned or leased by the person against whom the order is made or jointly owned or leased by the parties;
- (b) referring the person against whom the order is made or the protected person, or both, or their children to attend counselling provided by such body as the court may direct;

- (c) the giving of any such direction as is necessary for and incidental to the proper carrying into effect of any order made under this section.

[7/2016]

(6) Except so far as the exercise by the person against whom a protection order is made of a right to the shared residence is suspended or restricted, or prohibited or restrained, by virtue of an order made under subsection (5), such order does not affect any title or interest that the person against whom the order is made or any other person might have in the residence.

(7) Where a person against whom a protection order or an expedited order has been made contravenes the order, the court may, in addition to any penalty provided for under subsection (8), make (as the case may be) any one or more of the orders under subsection (5), to commence from such date as is specified in that new order.

(8) Any person who wilfully contravenes a protection order or an expedited order or an order made by virtue of subsection (5), except an order made by virtue of subsection (5)(b), shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(9) Subsection (10) applies to a protection order or an expedited order or an order made by virtue of subsection (5), except an order made by virtue of subsection (5)(b), if the order relates to a vulnerable adult.

[27/2018]

(10) Any person who wilfully contravenes an order mentioned in subsection (9) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both; and

- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$8,000 or to imprisonment for a term not exceeding 18 months or to both.

[27/2018]

(11) An offence under subsection (8) or (10) is deemed to be a seizable offence within the meaning of the Criminal Procedure Code 2010.

[27/2018]

(12) In this section, “vulnerable adult” has the meaning given by section 2 of the Vulnerable Adults Act 2018.

[27/2018]

Expedited order

66.—(1) Where, upon an application for a protection order under section 65, the court is satisfied that there is imminent danger of family violence being committed against the applicant, the court may make the protection order even though —

- (a) the summons has not been served on the respondent or has not been served on the respondent within a reasonable time before the hearing of the application; or
- (b) the summons requires the respondent to appear at some time or place.

(2) An expedited order does not take effect until the date on which notice of the making of the order is served on the respondent in such manner as may be prescribed or, if the court has specified a later date as the date on which the order is to take effect, that later date, and an expedited order ceases to have effect on whichever of the following dates occurs first:

- (a) the date of the expiration of a period of 28 days beginning with the date of the making of the order;
- (b) the date of commencement of the hearing of the application for an order under this section.

(3) Despite subsection (2), the court may extend the duration of the expedited order.

Supplementary provisions with respect to orders under sections 65 and 66

67.—(1) The court, on an application made by the applicant or the person against whom a protection order or an expedited order is made, has power by order to vary, suspend or revoke such order.

(2) [*Deleted by Act 27 of 2014*]

(3) The expiry by virtue of section 66(2) of an expedited order does not prejudice the making of a further expedited order under that section.

PART 8**MAINTENANCE OF WIFE,
INCAPACITATED HUSBAND AND CHILDREN**

[7/2016]

Duty of parents to maintain children

68. Except where an agreement or order of court otherwise provides, it shall be the duty of a parent to maintain or contribute to the maintenance of his or her children, whether they are in his or her custody or the custody of any other person, and whether they are legitimate or illegitimate, either by providing them with such accommodation, clothing, food and education as may be reasonable having regard to his or her means and station in life or by paying the cost thereof.

Court may order maintenance of wife, incapacitated husband and children

69.—(1) The court may, on the application of a wife, and on due proof that her husband has neglected or refused to provide reasonable maintenance for her, order the husband to pay a monthly allowance or a lump sum for the maintenance of that wife.

[7/2016]

(1A) The court may, on the application of an incapacitated husband, and on due proof that his wife has neglected or refused to provide

reasonable maintenance for him, order the wife to pay a monthly allowance or a lump sum for the maintenance of that husband.

[7/2016]

(1B) The court may make an order under subsection (1) or (1A) regardless when the marriage was solemnised, whether before, on or after 1 July 2016.

[7/2016]

(2) The court may, on due proof that a parent has neglected or refused to provide reasonable maintenance for his or her child who is unable to maintain himself or herself, order that parent to pay a monthly allowance or a lump sum for the maintenance of that child.

[27/2014]

(3) An application for the maintenance of a child under subsection (2) may be made by —

- (a) any person who is a guardian or has the actual custody of the child;
- (b) where the child has attained 21 years of age, by the child himself or herself;
- (c) where the child is below 21 years of age, any of his or her siblings who has attained 21 years of age; or
- (d) any person appointed by the Minister.

(4) The court, when ordering maintenance for a wife, an incapacitated husband or a child under this section, is to have regard to all the circumstances of the case including the following matters:

- (a) the financial needs of the wife, incapacitated husband or child;
- (b) the income, earning capacity (if any), property and other financial resources of the wife, incapacitated husband or child;
- (c) any physical or mental disability of the wife, incapacitated husband or child;
- (d) the age of each party to the marriage and the duration of the marriage;

- (e) the contributions made by each of the parties to the marriage to the welfare of the family, including any contribution made by looking after the home or caring for the family;
- (f) the standard of living enjoyed —
 - (i) by the wife before her husband neglected or refused to provide reasonable maintenance for her;
 - (ii) by the incapacitated husband before his wife neglected or refused to provide reasonable maintenance for him; or
 - (iii) by the child before a parent neglected or refused to provide reasonable maintenance for the child;
- (g) in the case of a child, the manner in which the child was being, and in which the parties to the marriage expected the child to be, educated or trained; and
- (h) the conduct of each of the parties to the marriage, if the conduct is such that it would in the opinion of the court be inequitable to disregard it.

[7/2016]

(5) The court shall not make an order under subsection (2) for the benefit of a child who has attained 21 years of age or for a period that extends beyond the day on which the child will attain that age unless the court is satisfied that the provision of the maintenance is necessary because —

- (a) of a mental or physical disability of the child;
- (b) the child is or will be serving full-time national service;
- (c) the child is or will be or (if an order were made under subsection (2)) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or
- (d) special circumstances, other than those stated in paragraphs (a), (b) and (c), exist which justify the making of the order.

(6) An order under subsection (2) ceases to be in force on the day on which the child attains 21 years of age unless the order is expressed to continue in force for a period ending after that day.

(7) An order under subsection (2) may direct payment to the person having custody or care and control of the child or the trustees of the child.

(8) When ordering the payment of maintenance under this section or at any time after the making of the order, the court may, if it considers just, order the person liable to pay the maintenance to secure the whole or any part of it by vesting any property belonging to the person in trustees upon trust to pay the maintenance or any part of it out of the income from the property, and subject thereto, in trust for the settlor.

(9) The court has the powers conferred by section 85 in respect of proceedings relating to maintenance under this section.

Duty to maintain child accepted as member of family

70.—(1) Where a person has accepted a child who is not his or her child as a member of the person's family, it shall be the person's duty to maintain that child while he or she remains a child, so far as the father or the mother of the child fails to do so, and the court may make such orders as may be necessary to ensure the welfare of the child.

(2) The duty imposed by subsection (1) ceases if the child is taken away by his or her father or mother.

(3) Any sums expended by a person maintaining that child are recoverable as a debt from the father or mother of the child.

(4) An application for an order under subsection (1) may be made by —

- (a) any person who is a guardian or has the actual custody of the child;
- (b) where the child has attained 21 years of age, the child himself or herself;
- (c) where the child is below 21 years of age, any of his or her siblings who has attained 21 years of age; or

(d) any person appointed by the Minister.

(5) Subsections (4) to (9) of section 69 apply, with the necessary modifications, to the making of an order under this section.

Enforcement of maintenance order

71.—(1) If any person fails to make one or more payments required to be made under a maintenance order, the court which made the order may do all or any of the following:

- (a) for every breach of the order by warrant direct the amount due to be levied in the manner by law provided for levying fines imposed by a Magistrate's Court;
- (b) sentence the person to imprisonment for a term not exceeding one month for each month's allowance remaining unpaid;
- (c) make a garnishee order in accordance with the Family Justice Rules made under section 79;
- (d) order the person to furnish security against any future default in maintenance payments by means of a banker's guarantee which —
 - (i) must be valid for such period (not exceeding 3 years) as the court may determine, starting from the date the order for security is made; and
 - (ii) must be for an amount not exceeding 3 months of maintenance payable under the maintenance order;
- (e) if the court considers it in the interests of the parties in the maintenance proceedings or their children to do so, order the person to undergo financial counselling or such other similar or related programme as the court may direct;
- (f) make a community service order requiring the person to perform any unpaid community service for up to 40 hours under the supervision of a community service officer.

[2/2011; 27/2014; 7/2016]

(2) A sentence of imprisonment ordered under subsection (1)(b) does not affect or diminish the obligation of the person against whom

the maintenance order is made to make the payment or payments under the maintenance order which that person has failed to make, except that the court may, if it thinks fit, reduce the amount of any such payments.

[7/2016]

(2A) The court may make an order under subsection (1)(d), (e) or (f) even though any arrears of maintenance which gave rise to the proceedings in which the order is made have been paid up in part or in whole by the time the order is made.

[2/2011]

(2B) If a person fails to make one or more payments payable under a maintenance order and an order is made by the court under subsection (1) stating the amount of arrears, any of the following persons may lodge a report to a designated credit bureau regarding the unpaid arrears stated on the order of court:

- (a) the person to or for whom the maintenance is payable;
- (b) the caregiver of such person;
- (c) an authorised representative of such person.

[2/2011]

(2C) The designated credit bureau may, on receipt of the report mentioned in subsection (2B), provide the information, either on its own or consolidated with other information pertaining to the credit payment history of the maintenance defaulter, to the members of the credit bureau.

[2/2011]

(2D) In this section, “designated credit bureau” means an entity that —

- (a) collects and maintains information about the credit payment history of a person and provides such information to its members for the purpose of enabling its members to assess the creditworthiness of a person; and
- (b) has been designated by the Minister as a credit bureau for the purposes of receiving a report lodged under subsection (2B).

[2/2011]

(2E) To avoid doubt, a community service order made by the court under subsection (1)(f) is deemed not to be a community service order made under the Criminal Procedure Code 2010 and sections 346 to 352 of that Act do not, except as may be provided in this section, apply to a community service order made under subsection (1)(f).

[2/2011]

(2F) An order made by the court under subsection (1) is to state the name, Singapore identity card number, contact number and address of the person who has defaulted on any maintenance payment and the complainant, except where the court determines it would be inappropriate to do so in any particular case.

[2/2011]

(3) A maintenance order made by the General Division of the High Court may be enforced by a Family Court in accordance with subsection (1) as if that order had been made by the Family Court, except that a Family Court shall have no power to vary an order of the General Division of the High Court.

[27/2014; 40/2019]

Banker's guarantee

71A.—(1) Where a person has been ordered by the court under section 71(1)(d) to furnish a banker's guarantee, that person must hand the original banker's guarantee to the person to whom maintenance is owed (called in this section a maintenance claimant) within one month from the date of the order.

[2/2011; 7/2016]

(2) Where —

- (a) a maintenance claimant makes a demand on the banker's guarantee and no maintenance arrears are owing to the claimant at the time of the demand; or
- (b) the amount paid out under a banker's guarantee to the maintenance claimant exceeds the actual amount of maintenance arrears owing to the maintenance claimant at the time the maintenance claimant's demand was made on the banker's guarantee,

such amount as is payable or paid that is in excess of the amount of maintenance arrears owing (called in this section the excess) shall be

set off against the amount of any maintenance which becomes payable by the maintenance defaulter to the maintenance claimant at any time on or after the date of the demand on the banker's guarantee (called in this section future maintenance liability).

[2/2011]

(3) Where there is no future maintenance liability against which the excess may be offset, the maintenance claimant who made the demand on the banker's guarantee giving rise to that excess must, upon demand by the maintenance defaulter, refund the excess to the maintenance defaulter.

[2/2011]

(4) Where a refund is not made as required under subsection (3), the maintenance defaulter may recover the amount due to the maintenance defaulter under that subsection from the person liable to make the refund as if the amount were a civil debt due to the maintenance defaulter.

[2/2011; 7/2016]

Financial counselling

71B. Where a court has made an order under section 71(1)(e) requiring a maintenance defaulter to attend financial counselling or any other related programme but the maintenance defaulter fails to comply with the order, any of the following persons may make a complaint to the court regarding such non-compliance:

- (a) the person who is to have provided the financial counselling or conducted such related programme ordered by the court;
- (b) the Director-General, where the court has ordered a maintenance defaulter to attend financial counselling or such related programme under the direction or supervision of the Director-General.

[2/2011; 30/2019]

Community service orders

71C.—(1) A court shall not make a community service order under section 71(1)(f) against a maintenance defaulter unless the court is

satisfied that suitable arrangements can be made for the maintenance defaulter to perform community service under such an order.

[2/2011; 7/2016]

(2) Even though a community service order has been made under subsection (1), the court may, upon an application by a community service officer and upon being satisfied that the maintenance defaulter concerned is medically unfit to comply with the community service order, rescind the order.

[2/2011]

(3) The Minister may —

- (a) appoint any person to be a community service officer for the purposes of this section;
- (b) prescribe the duration within which community service to be performed under a community service order must be completed; and
- (c) make rules under section 180, not inconsistent with the provisions of this Part, to make further provisions for the manner in which a community service order may be performed, including the imposition of additional requirements and the service of any instructions or notice on a maintenance defaulter in respect of whom such an order has been made.

[2/2011; 27/2014]

Rescission and variation of order

72.—(1) On the application of any person receiving or ordered to pay a monthly allowance under this Part and on proof of a change in the circumstances of that person, or that person's wife, incapacitated husband or child, or for other good cause being shown to the satisfaction of the court, the court by which the order was made may rescind the order or may vary it as it thinks fit.

[7/2016]

(2) Without affecting the extent of the discretion conferred upon the court by subsection (1), the court may, in considering any application made under this section, take into consideration any change in the general cost of living which may have occurred between the date of

the making of the order sought to be varied and the date of the hearing of the application.

Power of court to vary agreement for maintenance of child

73. The court may, at any time and from time to time, vary the terms of any agreement relating to the maintenance of a child, whether made before or after 1 June 1981, despite any provision to the contrary in that agreement, where it is satisfied that it is reasonable and for the welfare of the child to do so.

Application of section 121

74. Section 121 applies, with the necessary modifications, to any order for the payment of maintenance under this Part.

Application of Act to orders made under repealed Minor Offences Ordinance, etc.

75.—(1) All orders made under section 37 of the repealed Minor Offences Ordinance (Cap. 24, 1936 Revised Edition) or under section 2 of the repealed Married Women and Children (Maintenance) Ordinance (Cap. 44, 1955 Revised Edition) and in force on 15 September 1961 are deemed to have been made under this Part by a court, and the provisions of this Part apply to the same accordingly.

[27/2014]

(2) Upon an application to vary any order made under section 37 of the repealed Minor Offences Ordinance (Cap. 24, 1936 Revised Edition) or under section 2 of the repealed Married Women and Children (Maintenance) Ordinance (Cap. 44, 1955 Revised Edition), the court may make under section 72 any order which it could have made upon an application under section 69 or under section 2 of the repealed Married Women and Children (Maintenance) Ordinance (Cap. 44, 1955 Revised Edition).

Power of Family Court to refuse order where proceedings more convenient in General Division of High Court

76.—(1) If in the opinion of the Family Court the matters in question between the parties or any of them would be more

conveniently dealt with by the General Division of the High Court, the Family Court may refuse to make an order and in that case there shall be no appeal from its decision.

[27/2014; 40/2019]

(2) The General Division of the High Court has power, by order in any proceedings in the General Division of the High Court relating to or comprising the same subject matter as the application refused or any part thereof under subsection (1), to direct the Family Court to rehear or determine the same.

[27/2014; 40/2019]

Appeal

77.—(1) Subject to the provisions of this Part and Part 7, an appeal shall lie from any order or the refusal of any order by a Family Court under this Part and Part 7 to the Family Division of the High Court exercising appellate civil jurisdiction under section 23 of the Family Justice Act 2014.

[27/2014]

(2) All appeals brought under this section shall be by way of rehearing and the General Division of the High Court has the like powers and jurisdiction on the hearing of such appeals as the Appellate Division of the High Court has on the hearing of appeals from the General Division of the High Court under the Supreme Court of Judicature Act 1969.

[40/2019]

(3) No appeal made under the provisions of this Part and Part 7 from any order shall operate as a stay of such order unless the General Division of the High Court or the Family Court so directs.

[27/2014; 40/2019]

78. [Repealed by Act 27 of 2014]

Procedure

79.—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules regulating and prescribing the procedure and practice to be followed for the purposes of this Part and Part 7 and any matters incidental to or relating to any such procedure or practice.

[7/2016]

(2) Without limiting subsection (1), Family Justice Rules may be made for the following purposes:

- (a) prescribing the procedure for applications to the Family Court under this Part and Part 7, including the manner in which any such application is to be made and dealt with, and the provisions of any written law that will apply to any such application;
- (b) giving effect to sections 65 and 66 and, in particular, providing for the hearing without delay of any application for an order under section 65(5)(a);
- (c) prescribing how any document may be served on any person;
- (d) prescribing the procedure applicable to appeals from the Family Court brought under section 77;
- (e) prescribing the fees payable in relation to proceedings under this Part and Part 7.

[7/2016]

(3) The Family Justice Rules may, instead of providing for any matter under this Part or Part 7, refer to any provision made or to be made about the matter by practice directions issued for the time being by the registrar of the Family Justice Courts.

[7/2016]

(4) Unless the Family Justice Rules provide otherwise, an application to a Family Court under this Part or Part 7 (called in this subsection the relevant application) —

- (a) must be made in the same manner as an application for a summons is made to a District Court or Magistrate's Court under the Criminal Procedure Code 2010; and
- (b) is to be dealt with —
 - (i) as if the relevant application was a complaint for the purposes of that Code; but
 - (ii) in accordance with only such provisions of that Code, and with such provisions of any other written

law, as may be prescribed by the Family Justice Rules.

[7/2016]

(5) A court before which any application under this Part or Part 7 is heard may make such order as to costs as it thinks fit.

[7/2016]

(6) All Family Justice Rules referred to in this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

[7/2016]

79A. [*Repealed by Act 7 of 2016*]

PART 9

ENFORCEMENT OF MAINTENANCE ORDERS

Interpretation of this Part

80. In this Part, unless the context otherwise requires —

“defendant”, in relation to a maintenance order or a related attachment of earnings order, means the person liable to make payments under the maintenance order;

“earnings”, in relation to a defendant, means any sums payable to the defendant —

- (a) by way of wages or salary, including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary by the person paying the wages or salary or payable under a contract of service;
- (b) by way of pension, including an annuity in respect of past services, whether or not the services were rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or any diminution in the emoluments, of any office or employment;

- (c) if the defendant is a self-employed person, by way of payments received from self-employment;

“employer” means a person by whom, as a principal and not as an employee or agent, earnings fall to be paid to a defendant, and references to payment of earnings are to be construed accordingly;

“maintenance order” means —

- (a) an order for the payment of a monthly allowance made or deemed to be made by a court under Part 8;
- (b) an order for the payment of periodical sums by way of maintenance or alimony to a wife or former wife or an incapacitated husband or incapacitated former husband, or by way of maintenance for the benefit of any child, under Part 10;
- (c) an order for maintenance made by the Syariah Court under the Administration of Muslim Law Act 1966;
- (d) an order for maintenance made under the Maintenance of Parents Act 1995; and
- (e) a maintenance order, as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, which is registered or confirmed by the court under that Act.

[27/2014; 7/2016]

Power of court to make attachment of earnings order

81.—(1) A court may, when ordering the payment of maintenance under Part 8 or at any time thereafter, if the court considers just, make an attachment of earnings order to secure payment of the maintenance.

(2) A Family Court may make an attachment of earnings order to secure payments the defendant is required to make under a maintenance order made by the General Division of the High Court.

[27/2014; 40/2019]

Service of attachment of earnings order

81A.—(1) Despite anything in the Criminal Procedure Code 2010, an attachment of earnings order made by a court may be served on the person to whom the order is directed by prepaid registered post at the last known address of his or her place of residence or business (including the registered address of his or her place of business).

[2/2011]

(2) Any attachment of earnings order sent by prepaid registered post to any person in accordance with subsection (1) is deemed to be duly served on the person to whom the order is directed at the time when the order would in the ordinary course of post be delivered.

[2/2011]

(3) In proving service by prepaid registered post, it is sufficient to prove that the cover containing the attachment of earnings order was properly addressed, stamped and posted by prepaid registered post.

[2/2011]

Nature of attachment of earnings order

82.—(1) An attachment of earnings order requires the person to whom the order in question is directed, being a person appearing to the court to be the defendant's employer, to make out of the earnings falling to be paid to the defendant payments in satisfaction of the order.

(2) The amount to be prescribed in an attachment of earnings order is such sum as to the court seems reasonable after taking into account the resources and needs of the defendant and the needs of persons for whom the defendant must or reasonably should provide.

(3) An attachment of earnings order must contain, so far as they are known to the court making the order, such particulars as may be prescribed for the purpose of enabling the defendant to be identified by the person to whom the order is directed.

(4) An attachment of earnings order or any variation thereof does not come into force until the expiration of 7 days from the date when a copy of the order is served on the person to whom the order is directed.

(5) An attachment of earnings order must designate the officer to whom the payments under the order are to be made.

Effect of attachment of earnings order

83.—(1) When an attachment of earnings order is made, all other proceedings for the enforcement of the related maintenance order begun before the making of the attachment of earnings order must be suspended.

(2) The court by which an attachment of earnings order has been made may, if it thinks fit, on the application of the defendant or a person entitled to receive payments under the related maintenance order, make an order discharging or varying the attachment of earnings order.

(3) An attachment of earnings order ceases to have effect —

- (a) upon the issue of a warrant directing that the amount due under the related maintenance order must be levied in the manner provided by law for levying fines;
- (b) upon the making of an order sentencing the defendant to imprisonment for failure to comply with the related maintenance order;
- (c) upon the making of a garnishee order under section 71(1)(c); and
- (d) upon the rescission of the related maintenance order.

(4) Where an attachment of earnings order ceases to have effect under subsection (3), the court making the order must give notice of the cessation to the person to whom the order was directed.

Duty of defendant and employer to comply with attachment of earnings order

84.—(1) A person to whom an attachment of earnings order is directed must, despite anything in any other written law but subject to the provisions of this Part, comply with the order or, if the order is subsequently varied under section 83, with the order as so varied.

(2) Where, on any occasion on which earnings fall to be paid to a defendant, there are in force 2 or more attachment of earnings orders relating to those earnings, then, for the purpose of complying with this Part, the employer must —

- (a) deal with those orders according to the respective dates on which they came into force disregarding any later order until all earlier orders have been dealt with; and
- (b) deal with any later order as if the earnings to which it relates were the residue of the defendant's earnings after the making of any payment under this Part pursuant to any earlier order.

(3) An employer who, pursuant to an attachment of earnings order, makes a payment under this Part must give to the defendant a statement in writing specifying the amount of that payment.

(4) A person to whom an attachment of earnings order is directed who, at the time when a copy of the order is served on the person, has on no occasion during the period of one month immediately preceding that time been the defendant's employer must forthwith give notice in writing to that effect in the prescribed form to the court which made the order.

Additional powers of court in attachment of earnings order proceedings

85.—(1) Where proceedings relating to an attachment of earnings order are brought in any court, the court may, either before or at the hearing —

- (a) order the defendant to give to the court, within such period as may be specified by the order, a statement signed by him or her of —
 - (i) the name and address of the defendant's employer, or of each of the defendant's employers if he or she has more than one;
 - (ii) such particulars as to the defendant's earnings as may be so specified; and

- (iii) such prescribed particulars as may be so specified for the purpose of enabling the defendant to be identified by any employer of his or hers;
- (b) order any person appearing to the court to be an employer of the defendant to give to the court, within such period as may be specified by the order, a statement signed by the person or on the person's behalf of such particulars as may be specified by the order of all earnings of the defendant which fell to be paid by that person during such period as may be so specified; and
- (c) order the Central Provident Fund Board to furnish a statement to the person who took out the proceedings stating the following information, if such information is available to the Board based on records kept by the Board:
 - (i) the name and address of the defendant's employer or employers or, if the defendant is unemployed, the defendant's last known employer or employers in the 12 months immediately preceding the date of the order; and
 - (ii) the contributions (if any) made by the defendant or his or her employer to the defendant's Central Provident Fund account in the 12 months immediately preceding the date of the order.

[2/2011]

(2) A document purporting to be such a statement as is mentioned in subsection (1) is, in any such proceedings as are so mentioned, to be received in evidence and be deemed to be such a statement without further proof unless the contrary is shown.

(3) In this section, "employer" has the meaning given by section 2(1) of the Central Provident Fund Act 1953.

[2/2011]

Obligation of defendant and employer to notify changes of employment and earnings

86. While an attachment of earnings order is in force —

- (a) the defendant must from time to time notify in writing the court which made the order of every occasion on which the defendant leaves any employment, or becomes employed or re-employed, not later (in each case) than 7 days from the date on which the defendant did so;
- (b) the defendant must, on any occasion when the defendant becomes employed or re-employed, include in his or her notification under paragraph (a) particulars of his or her earnings and anticipated earnings from the relevant employment; and
- (c) any person who becomes the defendant's employer and knows that the order is in force and by what court it was made must, within 7 days of the person becoming the defendant's employer or of acquiring that knowledge (whichever is the later), notify that court in writing that the person is the defendant's employer, and include in that notification a statement of the defendant's earnings and anticipated earnings.

Power of court to determine what are earnings

87.—(1) The court by which an attachment of earnings order has been made must, on the application of the person to whom the order is directed or of the defendant or of the person in whose favour the order was made, determine whether payments to the defendant of a particular class or description specified by the application are earnings for the purposes of that order; and the person to whom the order is directed is entitled to give effect to any determination for the time being in force under this subsection.

(2) A person to whom an attachment of earnings order is directed who makes an application under subsection (1) does not incur any liability for failing to comply with the order as regards any payments of the class or description specified by the application which are made

by the person to the defendant while the application, or any appeal in consequence thereof, is pending.

(3) Subsection (2) does not apply as regards such payments if that person subsequently withdraws the application or abandons the appeal, as the case may be.

Payment of money under attachment of earnings order

88.—(1) The court to whom an employer pays any sum pursuant to an attachment of earnings order is to pay that sum to the person entitled to receive payments under the related maintenance order as is specified by the attachment of earnings order.

(2) Any sums received by virtue of an attachment of earnings order by the court are deemed to be payments made by the defendant, so as to discharge first any sums for the time being due and unpaid under the related maintenance order (a sum due at an earlier date being discharged before a sum due at a later date) and secondly any costs incurred in proceedings relating to the maintenance order which were payable by the defendant when the attachment of earnings order was made or last varied.

Earnings paid by Government or out of Consolidated Fund

89.—(1) In relation to earnings falling to be paid by the Government or out of the Consolidated Fund, the earnings shall be treated as falling to be paid by the chief officer for the time being of the department, office or other body concerned.

(2) If any question arises, in connection with any proceedings relating to an attachment of earnings order, as to what department, office or other body is concerned for the purposes of this section, or as to who for those purposes is the chief officer thereof, that question is to be referred to and determined by the Minister for Finance but that Minister is not under any obligation to consider a reference under this subsection unless it is made by a court.

(3) A document purporting to set out a determination of the Minister for Finance under subsection (2) and to be signed by an official of the Ministry of Finance is, in any such proceedings as are mentioned in that subsection, admissible in evidence and deemed to

contain an accurate statement of such a determination unless the contrary is shown.

Costs of proceedings

90. A court before which proceedings relating to an attachment of earnings order are brought may make such order as to costs as it thinks fit.

Penalties for non-compliance with attachment of earnings order and for giving false notice or statement

91.—(1) Any person who —

- (a) fails to comply with section 84(1) or (4) or section 86, or an order of a court under section 85(1);
- (b) gives such a notice as is mentioned in section 84(4) or a statement pursuant to an order of a court under section 85(1), which notice or statement the person knows to be false in a material particular; or
- (c) recklessly gives such a notice or statement which is false in a material particular,

shall, subject to subsection (2), be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) It is a defence for a person charged with failing to comply with section 84(1) to prove that the person took all reasonable steps to comply with the attachment of earnings order to which the failure relates.

PART 10

Chapter 1

DIVORCE

Interpretation of this Part

92. In this Part, unless the context otherwise requires —

“child of the marriage” means any child of the husband and wife, and includes any adopted child and any other child (whether or not a child of the husband or of the wife) who was a member of the family of the husband and wife at the time when they ceased to live together or at the time immediately preceding the institution of the proceedings, whichever first occurred; and for the purposes of this definition, the parties to a purported marriage that is void are deemed to be husband and wife;

“desertion” implies an abandonment against the wish of the person charging it;

“judgment of judicial separation” includes a decree of judicial separation granted in proceedings for judicial separation commenced before 1 April 2006;

“writ” means a writ of summons for divorce, presumption of death and divorce, judicial separation, nullity of marriage or rescission of a judgment of judicial separation, as the case may be.

[27/2014]

Jurisdiction of court in matrimonial proceedings

93.—(1) Subject to subsection (2), the court has jurisdiction to hear proceedings for divorce, presumption of death and divorce, judicial separation or nullity of marriage only if either of the parties to the marriage is —

- (a) domiciled in Singapore at the time of the commencement of the proceedings; or

- (b) habitually resident in Singapore for a period of 3 years immediately preceding the commencement of the proceedings.

(2) In proceedings for nullity of marriage on the ground that the marriage is void or voidable, the court may, even though the requirements in subsection (1) are not fulfilled, grant the relief sought where both parties to the marriage reside in Singapore at the time of the commencement of the proceedings.

(3) For the purposes of proceedings for nullity of marriage, "marriage" includes a marriage which is not valid by virtue of any of the provisions of this Act.

Restriction on filing of writ for divorce during first 3 years of marriage

94.—(1) No writ for divorce is to be filed in the court unless at the date of the filing of the writ 3 years have passed since the date of the marriage.

(2) The court may, upon application being made in accordance with the Family Justice Rules made under section 139, allow a writ to be filed before 3 years have passed on the ground that the case is one of exceptional hardship suffered by the plaintiff or of exceptional depravity on the part of the defendant, but if it appears to the court at the hearing of the proceedings that the plaintiff obtained leave to file the writ by any misrepresentation or concealment of the nature of the case, the court may —

- (a) if it grants an interim judgment, do so subject to the condition that no application to make the judgment final may be made until after the expiration of 3 years from the date of the marriage; or
- (b) dismiss the proceedings without prejudice to any proceedings which may be brought after the expiration of the said 3 years upon the same, or substantially the same, facts as those proved in support of the proceedings so dismissed.

[27/2014]

(3) In determining any application under this section for leave to file a writ before the expiration of 3 years from the date of the marriage, the court is to have regard to the interest of any child of the marriage and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said 3 years.

(4) The court may, before determining an application under this section, refer the differences between the parties to a Conciliation Officer so that a reconciliation between the parties might be effected.

(5) Nothing in this section is deemed to prohibit the filing of a writ based upon matters which have occurred before the expiration of 3 years from the date of the marriage.

Parenting programme

94A.—(1) Every prescribed party must complete a parenting programme within the time prescribed by rules made under section 180.

[7/2016]

(2) For the purposes of subsection (1), different times may be prescribed for different prescribed parties.

[7/2016]

(3) No writ for divorce, and no counterclaim in proceedings for divorce, is to be filed in the court by a prescribed party, unless the prescribed party —

(a) has completed a parenting programme;

(b) is an excluded party; or

(c) is allowed by the court under subsection (4) to do so.

[7/2016]

(4) Despite subsection (3)(a) and (b), even though a prescribed party has not completed a parenting programme and is not an excluded party, a court may —

(a) upon the application of the prescribed party, and on such terms as the court thinks fit, allow the prescribed party to file in the court a writ for divorce; and

- (b) upon the application of the prescribed party or on the court's own motion, and on such terms as the court thinks fit, allow the prescribed party to file in the court a counterclaim in proceedings for divorce.

[7/2016]

(5) A court hearing any proceedings for divorce may, if the court considers that doing so is in the interests of the parties to the marriage and any child of the marriage, at any stage in those proceedings order either or both of the parties to the marriage to complete a parenting programme.

[7/2016]

(6) Where any party who is required or ordered under this section to complete a parenting programme fails to do so, the court may make such orders as the court thinks fit.

[7/2016]

(7) Without limiting subsection (6), the orders which the court may make under that subsection include the following orders:

- (a) a stay of the proceedings for divorce until the defaulting party in that subsection completes the parenting programme;
- (b) such order as to costs as the court thinks appropriate against the defaulting party in that subsection.

[7/2016]

(8) Anything said, any document prepared, and any information provided, by any person for the purposes of or in the course of participating in a parenting programme is not to be admitted in evidence in any court.

[7/2016]

(9) The Minister may —

- (a) determine the form, contents and duration of a parenting programme; and
- (b) appoint any person to conduct a parenting programme.

[7/2016]

(10) Each person appointed under subsection (9)(b) to conduct a parenting programme is to determine whether any person who attends that programme has completed that programme.

[7/2016]

(11) Any person who is dissatisfied with a determination under subsection (10) may appeal to the Minister, whose decision is final.

[7/2016]

(12) The Minister may designate the following persons to consider and determine, in his or her place, any appeal under subsection (11):

(a) any Minister of State or Senior Minister of State, for his or her Ministry;

(b) any Parliamentary Secretary or Senior Parliamentary Secretary, for his or her Ministry,

and any reference in that subsection to the Minister includes a reference to the Minister of State or Senior Minister of State, or the Parliamentary Secretary or Senior Parliamentary Secretary, so designated for that appeal.

[7/2016]

(13) No liability shall lie personally against any person appointed under subsection (9)(b) to conduct a parenting programme who, acting in good faith and with reasonable care, does or omits to do anything for the purposes of that parenting programme.

[7/2016]

(14) In this section —

“excluded party” means a prescribed party who is exempted, by rules made under section 180, from subsection (1);

“parenting programme” means a programme —

(a) which provides information on matters relating to marriage, divorce and how divorce may affect a child of a marriage; and

(b) the form, contents and duration of which are determined by the Minister under subsection (9)(a);

“prescribed party” means a party to a marriage who is prescribed, by rules made under section 180, for the purposes of this section.

[7/2016]

Irretrievable breakdown of marriage to be sole ground for divorce

95.—(1) Either party to a marriage may file a writ for divorce on the ground that the marriage has irretrievably broken down.

(2) The court hearing such proceedings must, so far as it reasonably can, inquire into the facts alleged as causing or leading to the breakdown of the marriage and, if satisfied that the circumstances make it just and reasonable to do so, grant a judgment for its dissolution.

(3) The court hearing any proceedings for divorce is not to hold the marriage to have broken down irretrievably unless the plaintiff satisfies the court of one or more of the following facts:

- (a) that the defendant has committed adultery and the plaintiff finds it intolerable to live with the defendant;
- (b) that the defendant has behaved in such a way that the plaintiff cannot reasonably be expected to live with the defendant;
- (c) that the defendant has deserted the plaintiff for a continuous period of at least 2 years immediately preceding the filing of the writ;
- (d) that the parties to the marriage have lived apart for a continuous period of at least 3 years immediately preceding the filing of the writ and the defendant consents to a judgment being granted;
- (e) that the parties to the marriage have lived apart for a continuous period of at least 4 years immediately preceding the filing of the writ.

(4) In considering whether it would be just and reasonable to grant a judgment, the court is to consider all the circumstances, including the conduct of the parties and how the interests of any child or children of

the marriage or of either party may be affected if the marriage is dissolved, and it may make an interim judgment subject to such terms and conditions as the court may think fit to attach; but if it should appear to the court that in all the circumstances it would be wrong to dissolve the marriage, the court must dismiss the proceedings.

(5) Where the parties to the marriage have lived with each other for any period or periods after it became known to the plaintiff that the defendant had, since the celebration of the marriage, committed adultery, then —

- (a) if the length of that period or of those periods together was 6 months or less, their living with each other during that period or those periods is to be disregarded in determining for the purposes of subsection (3)(a) whether the plaintiff finds it intolerable to live with the defendant; but
- (b) if the length of that period or of those periods together exceeded 6 months, the plaintiff is not entitled to rely on that adultery for the purposes of subsection (3)(a).

(6) Where the plaintiff alleges that the defendant has behaved in such a way that the plaintiff cannot reasonably be expected to live with the defendant, but the parties to the marriage have lived with each other for a period or periods after the date of the occurrence of the final incident relied on by the plaintiff and held by the court to support the plaintiff's allegation, that fact is to be disregarded in determining for the purposes of subsection (3)(b) whether the plaintiff cannot reasonably be expected to live with the defendant if the length of that period or of those periods together was 6 months or less.

(7) In considering for the purposes of subsection (3) whether the period for which the defendant has deserted the plaintiff or the period for which the parties to a marriage have lived apart has been continuous, no account is to be taken of any one period (not exceeding 6 months) or of any 2 or more periods (not exceeding 6 months in all) during which the parties resumed living with each other, but no period during which the parties lived with each other counts as part of the period of desertion or of the period for which the parties to the marriage lived apart, as the case may be.

(8) References in this section to the parties to a marriage living with each other shall be construed as references to their living with each other in the same household.

Rules to provide for agreements to be referred to court

96. Provision may be made by the Family Justice Rules made under section 139 for enabling the parties to a marriage, or either of them, on application made either before or after the filing of the writ for divorce, to refer to the court any agreement or arrangement made or proposed to be made between them, being an agreement or arrangement which relates to, arises out of, or is connected with, the proceedings for divorce which are contemplated or have begun (as the case may be), and for enabling the court to express an opinion, should the court think it desirable to do so, as to the reasonableness of the agreement or arrangement and to give such directions (if any) in the matter as the court thinks fit.

[27/2014]

Intervention of Attorney-General

97.—(1) In the case of any proceedings for divorce —

- (a) the court may, if it thinks fit, direct all necessary papers to be sent to the Attorney-General, and the Attorney-General may argue before the court any question in relation to the matter which the court considers it necessary or expedient to be fully argued; and
- (b) any person may, at any time during the progress of the proceedings or before the interim judgment is made final, give information to the Attorney-General on any matter material to the due decision of the case, and the Attorney-General may thereupon take such steps as he or she considers necessary or expedient.

(2) If the Attorney-General intervenes or shows cause against an interim judgment in any proceedings for divorce, the court may order one or more of the parties to the proceedings to pay the costs of the Attorney-General.

Relief for defendant in divorce proceedings

98. If in any proceedings for divorce the defendant alleges and proves any such fact as is mentioned in section 95(3) (treating the defendant as the plaintiff and the plaintiff as the defendant for the purposes of that subsection), the court may give to the defendant the relief to which the defendant would be entitled if he or she had filed a writ seeking that relief.

Interim judgment and proceedings thereafter

99.—(1) Every judgment of divorce is in the first instance an interim judgment and must not be made final before the expiration of 3 months from its grant unless the court by general or special order from time to time fixes a shorter period.

(2) Where a judgment of divorce has been granted but not made final, then without prejudice to section 97, any person may show cause why the judgment should not be made final by reason of the material facts not having been brought before the court, and in such a case the court may —

- (a) notwithstanding subsection (1), make the judgment final;
- (b) rescind the interim judgment;
- (c) require further inquiry; or
- (d) otherwise deal with the case as it thinks fit.

(3) Where an interim judgment of divorce has been granted and no application for it to be made final has been made by the party to whom it was granted, then, at any time after the expiration of 3 months from the earliest date on which that party could have made such an application, the party against whom it was granted may make an application to the court and on that application the court may —

- (a) notwithstanding subsection (1), make the judgment final;
- (b) rescind the interim judgment;
- (c) require further inquiry; or
- (d) otherwise deal with the case as it thinks fit.

Proceedings for interim judgment of presumption of death and divorce

100.—(1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may file a writ to have it presumed that the other party is dead and to have the marriage dissolved, and the court, if satisfied that such reasonable grounds exist, may make an interim judgment of presumption of death and of divorce.

(2) In any such proceedings, the fact that for a period of 7 years or more the other party to the marriage has been continually absent from the plaintiff, and the plaintiff has no reason to believe that the other party has been living within that time, is evidence that the other party is dead until the contrary is proved.

(3) Section 99 applies to a writ and a judgment under this section as it applies to a writ for divorce and a judgment of divorce, respectively.

Chapter 2

JUDICIAL SEPARATION

Judicial separation

101.—(1) A writ for judicial separation may be filed in court by either party to a marriage on the ground and circumstances set out in section 95(3), and that section applies, with the necessary modifications, in relation to such a writ as it applies in relation to a writ for divorce.

(2) Where a court grants a judgment of judicial separation, it is no longer obligatory for the plaintiff to cohabit with the defendant.

(3) The court may, on an application by writ of the spouse against whom a judgment of judicial separation has been made and on being satisfied that the allegations in the writ are true, rescind the judgment at any time on the ground that it was obtained in the absence of the plaintiff or, if desertion was the ground of the judgment, that there was reasonable cause for the alleged desertion.

Judicial separation no bar to writ for divorce

102.—(1) A person is not prevented from filing a writ for divorce, or the court from pronouncing a judgment of divorce, by reason only that the plaintiff or defendant has at any time been granted a judicial separation upon the same or substantially the same facts as those proved in support of the writ for divorce.

(2) On any such writ for divorce, the court may treat the judgment of judicial separation as sufficient proof of the adultery, desertion or other ground on which it was granted, but the court must not grant a judgment of divorce without receiving evidence from the plaintiff.

(3) For the purposes of any such writ for divorce, a period of desertion immediately preceding the institution of proceedings for a judgment of judicial separation is, if the parties have not resumed cohabitation and the judgment has been continuously in force since it was granted, deemed immediately to precede the filing of the writ for divorce.

Judicially separated spouses not entitled to claim in intestacy of each other

103. If, while a judgment of judicial separation is in force and the separation is continuing, either of the parties whose marriage is the subject of the judgment dies intestate after 1 June 1981, all or any of his or her movable or immovable property devolves as if the other party to the marriage had been then dead.

Chapter 3**NULLITY OF MARRIAGE****Writ for nullity of marriage**

104. Any husband or wife may file a writ claiming for a judgment of nullity in respect of his or her marriage.

Grounds on which marriage is void

105. A marriage which takes place after 1 June 1981 is void on the following grounds only:

- (a) that it is not a valid marriage by virtue of sections 3(4), 5, 9, 10, 11, 12 and 22;
- (aa) where the marriage was solemnised on or after 1 October 2016, that it is not a valid marriage by virtue of section 11A; or
- (b) where the marriage was celebrated outside Singapore, that the marriage is invalid —
 - (i) for lack of capacity; or
 - (ii) by the law of the place in which it was celebrated.

[7/2016]

Grounds on which marriage is voidable

106. A marriage which takes place after 1 June 1981 is voidable on the following grounds only:

- (a) that the marriage has not been consummated owing to the incapacity of either party to consummate it;
- (b) that the marriage has not been consummated owing to the wilful refusal of the defendant to consummate it;
- (c) that either party to the marriage did not validly consent to it, whether in consequence of duress, mistake, mental disorder or otherwise;
- (d) that at the time of the marriage either party, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder within the meaning of the Mental Health (Care and Treatment) Act 2008 of such a kind or to such an extent as to be unfit for marriage;
- (e) that at the time of the marriage the defendant was suffering from venereal disease in a communicable form;
- (f) that at the time of the marriage the defendant was pregnant by some person other than the plaintiff.

[21/2008]

Bars to relief where marriage is voidable

107.—(1) The court shall not, in proceedings instituted after 1 June 1981, grant a judgment of nullity on the ground that a marriage is voidable (whether the marriage took place before or after that date) if the defendant satisfies the court that —

(a) the plaintiff, with knowledge that it was open to him or her to have the marriage avoided, so conducted himself or herself in relation to the defendant as to lead the defendant reasonably to believe that the plaintiff would not seek to do so; and

(b) it would be unjust to the defendant to grant the judgment.

(2) Without prejudice to subsection (1), the court shall not grant a judgment of nullity on the grounds mentioned in section 106(c), (d), (e) or (f) unless it is satisfied that proceedings were instituted within 3 years from the date of the marriage.

(3) Without prejudice to subsections (1) and (2), the court shall not grant a judgment of nullity on the grounds mentioned in section 106(e) or (f) unless it is satisfied that the plaintiff was, at the time of the marriage, ignorant of the facts alleged.

(4) Subsection (1) replaces, in relation to the grounds mentioned in section 106, any rule of law whereby a judgment may be refused by reason of approbation, ratification or lack of sincerity on the part of the plaintiff or on similar grounds.

Marriage governed by foreign law

108. Where, apart from this Act, any matter affecting the validity of a marriage would fall to be determined (in accordance with the rules of private international law) by reference to the law of a country outside Singapore, nothing in section 105, 106 or 107 —

(a) precludes the determination of the matter as aforesaid; or

(b) requires the application to the marriage of the grounds or bars to relief mentioned in those sections except so far as are applicable in accordance with those rules.

Application of sections 97 and 99 to nullity proceedings

109. Sections 97 and 99 apply in relation to proceedings for nullity of marriage as if for any reference in those sections to divorce there were substituted a reference to nullity of marriage.

Effect of judgment of nullity in case of voidable marriage

110.—(1) If the court finds that the plaintiff's case has been proved, it shall grant a judgment of nullity.

(2) A judgment of nullity granted after 1 June 1981 on the ground that a marriage is voidable operates to annul the marriage only as respects any time after the judgment has been made final, and the marriage shall, despite the judgment, be treated as if it had existed up to that time.

Legitimacy of children of annulled marriages

111.—(1) Where a marriage is annulled, any child who would have been the legitimate child of the parties to the marriage if it had been dissolved, instead of being annulled, at the date of the judgment is deemed to be their legitimate child, despite the annulment.

(2) The child of a void marriage born on or after 2 May 1975 is deemed to be the legitimate child of his or her parents if, at the date of such void marriage, both or either of the parties reasonably believed that the marriage was valid.

Chapter 4**FINANCIAL PROVISIONS
CONSEQUENT ON MATRIMONIAL
PROCEEDINGS****Power of court to order division of matrimonial assets**

112.—(1) The court has power, when granting or subsequent to the grant of a judgment of divorce, judicial separation or nullity of marriage, to order the division between the parties of any matrimonial asset or the sale of any such asset and the division between the parties of the proceeds of the sale of any such asset in such proportions as the court thinks just and equitable.

(2) It is the duty of the court in deciding whether to exercise its powers under subsection (1) and, if so, in what manner, to have regard to all the circumstances of the case, including the following matters:

- (a) the extent of the contributions made by each party in money, property or work towards acquiring, improving or maintaining the matrimonial assets;
- (b) any debt owing or obligation incurred or undertaken by either party for their joint benefit or for the benefit of any child of the marriage;
- (c) the needs of the children (if any) of the marriage;
- (d) the extent of the contributions made by each party to the welfare of the family, including looking after the home or caring for the family or any aged or infirm relative or dependant of either party;
- (e) any agreement between the parties with respect to the ownership and division of the matrimonial assets made in contemplation of divorce;
- (f) any period of rent-free occupation or other benefit enjoyed by one party in the matrimonial home to the exclusion of the other party;
- (g) the giving of assistance or support by one party to the other party (whether or not of a material kind), including the giving of assistance or support which aids the other party in the carrying on of his or her occupation or business; and
- (h) the matters referred to in section 114(1) so far as they are relevant.

(3) The court may make all such other orders and give such directions as may be necessary or expedient to give effect to any order made under this section.

(4) The court may, at any time it thinks fit, extend, vary, revoke or discharge any order made under this section, and may vary any term or condition upon or subject to which any such order has been made.

(5) In particular, but without limiting subsections (3) and (4), the court may make any one or more of the following orders:

- (a) an order for the sale of any matrimonial asset or any part thereof, and for the division, vesting or settlement of the proceeds;
- (b) an order vesting any matrimonial asset owned by both parties jointly in both the parties in common in such shares as the court considers just and equitable;
- (c) an order vesting any matrimonial asset or any part thereof in either party;
- (d) an order for any matrimonial asset, or the sale proceeds thereof, to be vested in any person (including either party) to be held on trust for such period and on such terms as may be specified in the order;
- (e) an order postponing the sale or vesting of any share in any matrimonial asset, or any part of such share, until such future date or until the occurrence of such future event or until the fulfilment of such condition as may be specified in the order;
- (f) an order granting to either party, for such period and on such terms as the court thinks fit, the right personally to occupy the matrimonial home to the exclusion of the other party;
- (g) an order for the payment of a sum of money by one party to the other party.

(6) Where under any order made under this section one party is or may become liable to pay to the other party a sum of money, the court may direct that it must be paid either in one sum or in instalments, and either with or without security, and otherwise in such manner and subject to such conditions (including a condition requiring the payment of interest) as the court thinks fit.

(7) Where, pursuant to this section, the court makes an order for the sale of any matrimonial asset and for the division, application or settlement of the proceeds, the court may appoint a person to sell the asset and divide, apply or settle the proceeds accordingly; and the execution of any instrument by the person so appointed has the same

force and validity as if it had been executed by the person in whom the asset is vested.

(8) Any order under this section may be made upon such terms and subject to such conditions (if any) as the court thinks fit.

(9) Where the court, by any order under this section, appoints a person (including the Registrar or other officer of the court) to act as a trustee or to sell any matrimonial asset and to divide, apply and settle the proceeds thereof, the court may make provision in that order for the payment of remuneration to that person and for the reimbursement of that person's costs and expenses.

(10) In this section, "matrimonial asset" means —

(a) any asset acquired before the marriage by one party or both parties to the marriage —

(i) ordinarily used or enjoyed by both parties or one or more of their children while the parties are residing together for shelter or transportation or for household, education, recreational, social or aesthetic purposes; or

(ii) which has been substantially improved during the marriage by the other party or by both parties to the marriage; and

(b) any other asset of any nature acquired during the marriage by one party or both parties to the marriage,

but does not include any asset (not being a matrimonial home) that has been acquired by one party at any time by gift or inheritance and that has not been substantially improved during the marriage by the other party or by both parties to the marriage.

Power of court to order maintenance

113.—(1) The court may order a man to pay maintenance to his wife or former wife, or order a woman to pay maintenance to her incapacitated husband or incapacitated former husband —

(a) during the course of any matrimonial proceedings; or

- (b) when granting or subsequent to the grant of a judgment of divorce, judicial separation or nullity of marriage.

[7/2016]

(2) The court may make an order under this section regardless when the marriage was solemnised, whether before, on or after 1 July 2016.

[7/2016]

Assessment of maintenance

114.—(1) In determining the amount of any maintenance to be paid by a man to his wife or former wife, or by a woman to her incapacitated husband or incapacitated former husband, the court must have regard to all the circumstances of the case including the following matters:

- (a) the income, earning capacity, property and other financial resources which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (b) the financial needs, obligations and responsibilities which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (c) the standard of living enjoyed by the family before the breakdown of the marriage;
- (d) the age of each party to the marriage and the duration of the marriage;
- (e) any physical or mental disability of either of the parties to the marriage;
- (f) the contributions made by each of the parties to the marriage to the welfare of the family, including any contribution made by looking after the home or caring for the family; and
- (g) in the case of proceedings for divorce or nullity of marriage, the value to either of the parties to the marriage of any benefit (for example, a pension) which, by reason of the dissolution or annulment of the marriage that party will lose the chance of acquiring.

[7/2016]

(2) In exercising its powers under this section, the court is to endeavour to place the parties, so far as it is practicable and, having regard to their conduct, just to do so, in the financial position in which they would have been if the marriage had not broken down and each had properly discharged his or her financial obligations and responsibilities towards the other.

Power of court to order security for maintenance

115.—(1) A maintenance order may provide for the payment of a lump sum or such periodical payment as the court may determine.

(2) The court may, when awarding maintenance, order the person liable to pay such maintenance to secure the whole or any part of it by vesting any property in trustees upon trust to pay the maintenance or part thereof out of the income from that property and, subject thereto, in trust for the settlor.

Compounding of maintenance

116. An agreement for the payment, in money or other property, of a capital sum in settlement of all future claims to maintenance, is not effective until it has been approved, or approved subject to conditions, by the court, but when so approved is a good defence to any claim for maintenance.

Duration of orders for maintenance

117. Except where an order for maintenance is expressed to be for any shorter period or where any such order has been rescinded, an order for maintenance expires —

- (a) if the maintenance was unsecured —
 - (i) on the death of either spouse or former spouse;
 - (ii) in the case of maintenance payable to a former wife — upon her remarriage; or
 - (iii) in the case of maintenance payable to an incapacitated former husband — upon his remarriage; or

- (b) if the maintenance was secured —
- (i) in the case of maintenance payable to a wife — on her death;
 - (ii) in the case of maintenance payable to a former wife — on her death or upon her remarriage;
 - (iii) in the case of maintenance payable to an incapacitated husband — on his death; or
 - (iv) in the case of maintenance payable to an incapacitated former husband — on his death or upon his remarriage.

[7/2016]

Power of court to vary orders for maintenance

118. The court may at any time vary or rescind any subsisting order for maintenance, whether secured or unsecured, on the application of the person in whose favour or of the person against whom the order was made, or, in respect of secured maintenance, of the legal personal representatives of the latter, where it is satisfied that the order was based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances.

Power of court to vary agreements for maintenance

119. Subject to section 116, the court may at any time and from time to time vary the terms of any agreement as to maintenance made between husband and wife, whether made before or after 1 June 1981, where it is satisfied that there has been any material change in the circumstances and despite any provision to the contrary in any such agreement.

Maintenance payable under order of court to be inalienable

120. Maintenance payable to any person under any order of court is not assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

Recovery of arrears of maintenance

121.—(1) Subject to subsection (3), arrears of unsecured maintenance, whether payable by arrangement or under an order of court, are recoverable as a debt from the defaulter and, where they accrued due before the making of a bankruptcy order against the defaulter, are provable in the defaulter's bankruptcy and, where they accrued due before the defaulter's death, are a debt due from the defaulter's estate.

[7/2016]

(2) Subject to subsection (3), arrears of unsecured maintenance which accrued due before the death of the person entitled thereto are recoverable as a debt by the legal personal representatives of such person.

(3) No amount owing as maintenance is recoverable in any suit if it accrued due more than 3 years before the institution of the suit unless the court, under special circumstances, otherwise allows.

Chapter 4A

FINANCIAL RELIEF CONSEQUENTIAL ON FOREIGN MATRIMONIAL PROCEEDINGS

Interpretation and application of this Chapter

121A.—(1) In this Chapter, unless the context otherwise requires —

“applicant” means the person who applies for an order for financial relief;

“country” includes a territory;

“judicial or other proceedings” includes acts which constitute the means by which a divorce, an annulment of marriage or a legal separation may be obtained in a country and which are done in compliance with the law of that country;

“matrimonial asset” has the meaning given by section 112(10);

“order for financial relief” means an order made under section 121G of a description mentioned in that section.

[2/2011]

(2) This Chapter only applies to proceedings, decrees, orders or judgments commenced, made or given (as the case may be) on or after 1 June 2011.

[2/2011]

Applications for financial relief after overseas divorce, etc.

121B. Where —

- (a) a marriage has been dissolved or annulled, or the parties to a marriage have been legally separated, by means of judicial or other proceedings in a foreign country; and
- (b) the divorce, annulment or judicial separation is entitled to be recognised as valid in Singapore under Singapore law,

either party to the marriage may apply to the court in the manner prescribed in the Family Justice Rules made under section 139 for an order for financial relief under this Chapter.

[2/2011; 27/2014]

Jurisdiction of court

121C. The court has jurisdiction to hear an application for an order for financial relief only if —

- (a) one of the parties to the marriage was domiciled in Singapore on the date of the application for leave under section 121D or was so domiciled on the date on which the divorce, annulment or judicial separation obtained in a foreign country took effect in that country; or
- (b) one of the parties to the marriage was habitually resident in Singapore for a continuous period of one year immediately preceding the date of the application for leave under section 121D or was so resident for a continuous period of one year immediately preceding the date on which the divorce, annulment or judicial separation obtained in a foreign country took effect in that country.

[2/2011]

Leave of court required for applications for financial relief

121D.—(1) No application for an order for financial relief is to be made unless the leave of the court has been obtained in accordance with the Family Justice Rules made under section 139.

[2/2011; 27/2014]

(2) The court shall not grant leave unless it considers that there is substantial ground for the making of an application for such an order.

[2/2011]

(3) The court may grant leave under this section even though an order has been made by a court of competent jurisdiction in a foreign country requiring the other party to the marriage to make any payment or transfer any matrimonial asset to the applicant or a child of the marriage.

[2/2011]

(4) Leave under this section may be granted subject to such conditions as the court thinks fit.

[2/2011]

Interim orders for financial provision

121E.—(1) Where leave is granted under section 121D and it appears to the court that the applicant or any child of the marriage is in immediate financial need, the court may make an interim order for —

(a) a man to make financial provision for his wife or former wife (as the case may be) or any child of the marriage;

(aa) a woman to make financial provision for her incapacitated husband or incapacitated former husband (as the case may be) or for any child of the marriage; or

(b) a parent to make financial provision for any child of the marriage.

[2/2011; 7/2016]

(2) An interim order under subsection (1) may be made for such term, being a term beginning not earlier than the date of the grant of leave and ending with the date of the determination of the application for an order for financial relief, as the court thinks reasonable.

[2/2011]

(3) An interim order under subsection (1) may be made subject to such conditions as the court thinks fit.

[2/2011]

Duty of court to consider whether Singapore is appropriate forum for application

121F.—(1) Before making an order for financial relief, the court is to consider whether in all the circumstances of the case, it would be appropriate for such an order to be made by a court in Singapore, and if the court is not satisfied that it would be appropriate, the court must dismiss the application.

[2/2011]

(2) The court is to, in particular, have regard to the following matters:

- (a) the connection which the parties to the marriage have with Singapore;
- (b) the connection which those parties have with the country in which the marriage was dissolved or annulled or in which judicial separation was obtained;
- (c) the connection which those parties have with any other foreign country;
- (d) any financial benefit which the applicant or a child of the marriage has received, or is likely to receive, in consequence of the divorce, annulment or judicial separation, by virtue of any agreement or the operation of the law of a foreign country;
- (e) in a case where an order has been made by a court of competent jurisdiction in a foreign country requiring the other party to the marriage to make any payment or transfer any property for the benefit of the applicant or a child of the marriage, the financial relief given by the order and the extent to which the order has been complied with or is likely to be complied with;
- (f) any right which the applicant has, or has had, to apply for financial relief from the other party to the marriage under

- the law of any foreign country, and if the applicant has omitted to exercise that right, the reason for that omission;
- (g) the availability in Singapore of any matrimonial asset in respect of which an order made under section 121G in favour of the applicant could be made;
 - (h) the extent to which any order made under section 121G is likely to be enforceable;
 - (i) the length of time which has elapsed since the date of the divorce, annulment or judicial separation.

[2/2011]

Orders for financial relief

121G.—(1) On an application by a party to a marriage for an order for financial relief, the court may make any one or more of the orders which it could have made under section 112, 113 or 127(1) in the like manner as if a decree of divorce, nullity or judicial separation in respect of the marriage had been granted in Singapore.

[2/2011]

(2) Sections 112(2) to (10), 114 to 121 and 127(2) apply, with the necessary modifications, and as appropriate, to an order made under subsection (1).

[2/2011]

(3) Upon the court making a secured order under subsection (1) or at any time thereafter, the court may make any order which the court could have made if the secured order had been made under section 112, 115 or 127.

[2/2011]

Chapter 5

WELFARE OF CHILDREN

Meaning of “child”

122. In this Chapter, wherever the context so requires, “child” means a child of the marriage as defined in section 92 but who is below 21 years of age.

Arrangements for welfare of children

123.—(1) Subject to this section, the court shall not make final any judgment of divorce or nullity of marriage or grant a judgment of judicial separation unless the court is satisfied as respects every child —

- (a) that arrangements have been made for the welfare of the child and that those arrangements are satisfactory or are the best that can be devised in the circumstances; or
- (b) that it is impracticable for the party or parties appearing before the court to make any such arrangements.

(2) The court may, if it thinks fit, proceed without observing the requirements of subsection (1) if —

- (a) it appears that there are circumstances making it desirable that the interim judgment be made final or (as the case may be) that the judgment of judicial separation should be granted without delay; and
- (b) the court has obtained a satisfactory undertaking from either or both of the parties to bring the question of the arrangements for the child before the court within a specified time.

(3) In this section and section 124, “welfare”, in relation to a child, includes the custody and education of the child and financial provision for him or her.

Orders on welfare of children

124. In any proceedings for divorce, judicial separation or nullity of marriage, the court may, at any stage of the proceedings, or after a final judgment has been granted, make such orders as it thinks fit with respect to the welfare of any child and may vary or discharge the said orders, and may, if it thinks fit, direct that proceedings be commenced for placing the child under the protection of the court.

[7/2016]

Paramount consideration to be welfare of child

125.—(1) The court may at any time by order place a child in the custody, or in the care and control, of the child's father or mother or (where there are exceptional circumstances making it undesirable that the child be entrusted to either parent) of any other relative of the child or of any organisation or association the objects of which include child welfare, or of any other suitable person.

[7/2016]

(2) In deciding in whose custody, or in whose care and control, a child should be placed, the paramount consideration is to be the welfare of the child and subject to this, the court is to have regard —

- (a) to the wishes of the parents of the child; and
- (b) to the wishes of the child, where he or she is of an age to express an independent opinion.

[7/2016]

Orders subject to conditions

126.—(1) An order for custody may be made subject to such conditions as the court may think fit to impose and, subject to such conditions (if any) as may from time to time apply, entitles the person given custody to decide all questions relating to the upbringing and education of the child.

- (2) Without limiting subsection (1), an order for custody may —
- (a) contain conditions as to the place where the child is to reside, as to the manner of his or her education and as to the religion in which he or she is to be brought up;
 - (b) provide for the child to be temporarily in the care and control of some person other than the person given custody;
 - (c) provide for the child to visit a parent deprived of custody, or any member of the family of a parent who is dead or has been deprived of custody, at such times and for such periods as the court may consider reasonable;
 - (d) give a parent deprived of custody or any member of the family of a parent who is dead or has been deprived of

custody the right of access to the child at such times and with such frequency as the court may consider reasonable; or

- (e) prohibit the person given custody from taking the child out of Singapore.

(2A) An order for the care and control of a child may be made subject to such conditions as the court may think fit to impose.

[7/2016]

(2B) Without limiting subsection (2A), an order for the care and control of a child may —

- (a) contain conditions as to the place where the child is to reside;
- (b) provide for the child to visit a parent who does not have custody or care and control of the child, or any member of the family of a parent who is dead or does not have custody or care and control of the child, at such times and for such periods as the court may consider reasonable;
- (c) give a parent who does not have custody or care and control of the child, or any member of the family of a parent who is dead or does not have custody or care and control of the child, the right of access to the child at such times and with such frequency as the court may consider reasonable; or
- (d) prohibit the person given care and control of the child from taking the child out of Singapore.

[7/2016]

(3) Despite subsections (1) and (2A), where an order for custody, or an order for care and control, is in force, a person must not take the child who is the subject of the order out of Singapore, except with the written consent of both parents or the leave of the court.

[7/2016]

(4) Subsection (3) does not prevent the taking out of Singapore for a period of less than one month of the child by the person given custody, or care and control, of the child or by any other person who

has the written consent of the person given custody, or care and control, of the child to take the child out of Singapore.

[7/2016]

(5) Any person who contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Power of court to order maintenance for children

127.—(1) During the pendency of any matrimonial proceedings or when granting or at any time subsequent to the grant of a judgment of divorce, judicial separation or nullity of marriage, the court may order a parent to pay maintenance for the benefit of his or her child in such manner as the court thinks fit.

(2) The provisions of Parts 8 and 9 apply, with the necessary modifications, to an application for maintenance and a maintenance order made under subsection (1).

Power of court to vary order for custody, etc.

128. The court may at any time vary or rescind any order for the custody, or the care and control, of a child on the application of any interested person, where it is satisfied that the order was based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances.

[7/2016]

Power of court to vary agreement for custody, etc.

129. The court may, at any time and from time to time, vary the terms of any agreement relating to the custody, or the care and control, of a child, regardless when the agreement was made, despite any provision to the contrary in that agreement, where it is satisfied that it is reasonable and for the welfare of the child to do so.

[7/2016]

Court to have regard to advice of welfare officers, etc.

130. When considering any question relating to the custody, or the care and control, of any child, the court is to, whenever it is

practicable, have regard to the advice of a person, whether or not a public officer, who is trained or experienced in child welfare but is not bound to follow such advice.

[2/2011; 7/2016]

Power of court to restrain taking of child out of Singapore

131.—(1) The court may, on the application of the father or mother of a child —

- (a) where any matrimonial proceedings are pending; or
- (b) where, under any agreement or order of court, one parent has custody, or care and control, of the child to the exclusion of the other,

issue an injunction restraining the other parent from taking the child out of Singapore or may give leave for such child to be taken out of Singapore either unconditionally or subject to such conditions or such undertaking as the court may think fit.

[7/2016]

(2) The court may, on the application of any interested person, issue an injunction restraining any person, other than a person having custody, or care and control, of a child, from taking the child out of Singapore.

[7/2016]

Power of court to set aside and prevent dispositions intended to defeat claims to maintenance

132.—(1) Where —

- (a) any matrimonial proceedings are pending;
- (b) an order has been made under section 112 and has not been complied with;
- (c) an order for maintenance has been made under section 113 or 127 and has not been rescinded;
- (d) maintenance is payable under any agreement to or for the benefit of a wife or former wife, an incapacitated husband or incapacitated former husband, or a child; or

- (e) an order has been made under section 121E or 121G and has not been rescinded or complied with,

the court has power on application —

- (f) to set aside any disposition of property, if it is satisfied that the disposition of property has been made within the preceding 3 years, with the object on the part of the person making the disposition of —
- (i) reducing that person's means to pay maintenance; or
 - (ii) depriving that person's wife, former wife, incapacitated husband or incapacitated former husband of any rights in relation to that property; and
- (g) if it is satisfied that any disposition of property is intended to be made with any such object, to grant an injunction preventing that disposition.

[2/2011; 7/2016]

(2) In this section —

“disposition” includes a sale, gift, lease, mortgage or any other transaction whereby ownership or possession of the property is transferred or encumbered but does not include a disposition made for money or money's worth to or in favour of a person acting in good faith and in ignorance of the object with which the disposition is made;

“property” means property of any nature, movable or immovable, and includes money.

Chapter 6

GENERAL PROVISIONS

Procedure

133. Subject to the provisions of this Part, all proceedings under this Part are regulated by the Family Justice Rules made under section 139.

[27/2014]

Evidence

134.—(1) In proceedings under this Part, the parties and the husbands and wives of such parties are competent and compellable to give evidence.

(2) No witness whether a party to the proceedings or not shall be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery unless such witness has already given evidence in the same proceedings in disproof of his or her alleged adultery.

135. [*Repealed by Act 27 of 2014*]

Power to rescind interim judgment in certain cases

136. Where the court on granting a judgment of divorce held that the only fact mentioned in section 95(3) on which the plaintiff was entitled to rely in support of his or her writ was that mentioned in section 95(3)(d), the court may, on an application made by the defendant at any time before the judgment is made final, rescind the judgment if it is satisfied that the plaintiff misled the defendant (whether intentionally or unintentionally) about any matter which the defendant took into account in deciding to consent to the grant of a judgment.

Appeals

137.—(1) All judgments and orders made by the court in proceedings under this Part are to be enforced, and may be appealed from, as if they were judgments or orders made by the court in the exercise of its original civil jurisdiction.

(2) There shall be no appeal on the subject of costs only.

Power to allow intervention on terms

138. In any case in which any person is alleged to have committed adultery with any party to any proceedings under this Part, or in which the court considers, in the interest of any person not already a party to the proceedings, that that person should be made a party to the proceedings, the court may, if it thinks fit, allow that person to intervene upon such terms (if any) as the court thinks just.

Family Justice Rules

139.—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules regulating and prescribing the procedure and the practice to be followed for the purposes of this Part and any matters incidental to or relating to any such procedure or practice.

[27/2014]

(2) Without limiting subsection (1), Family Justice Rules may be made for the following purposes:

- (a) fixing and regulating the fees and costs payable in proceedings under this Part; and
- (b) providing for the forms to be used in proceedings under this Part.

[27/2014]

(3) The Family Justice Rules may, instead of providing for any matter, refer to any provision made or to be made about that matter by practice directions issued for the time being by the registrar of the Family Justice Courts.

[27/2014]

(4) All Family Justice Rules made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

[27/2014]

PART 11

OFFENCES AGAINST WOMEN AND GIRLS

Offences relating to prostitution

140.—(1) Any person who —

- (a) sells, lets for hire or otherwise disposes of or buys or hires or otherwise obtains possession of any woman or girl with intent that she is to be employed or used for the purpose of prostitution either within or without Singapore, or knowing or having reason to believe that she will be so employed or used;

- (b) procures any woman or girl to have either within or without Singapore carnal connection except by way of marriage with any male person, or for the purpose of prostitution either within or without Singapore;
- (c) by threats or intimidation procures any woman or girl to have carnal connection except by way of marriage with any male person either within or without Singapore;
- (d) brings into Singapore, receives or harbours any woman or girl knowing or having reason to believe that she seeks entry into, or has entered, Singapore or has been procured for the purpose —
 - (i) of having carnal connection either within or without Singapore, except by way of marriage with any male person; or
 - (ii) of prostitution either within or without Singapore, and with intent to aid such purpose;
- (e) knowing or having reason to believe that any woman or girl has been procured by threats or intimidation for the purpose of having carnal connection except by way of marriage with any male person, either within or without Singapore, receives or harbours her with intent to aid such purpose;
- (f) knowing or having reason to believe that any woman or girl has been brought into Singapore in breach of section 142(1) or has been sold or purchased in breach of paragraph (a) receives or harbours her with intent that she may be employed or used for the purpose of prostitution either within or without Singapore;
- (g) detains any woman or girl against her will on any premises with the intention that she is to have carnal connection except by way of marriage with any male person, or detains any woman or girl against her will in a brothel;

- (h) detains any woman or girl in any place against her will with intent that she may be employed or used for the purpose of prostitution or for any unlawful or immoral purpose;
 - (i) has carnal connection with any girl below 16 years of age except with a girl who is his spouse and with his spouse's consent; or
 - (j) attempts to do any act in contravention of this section,
- shall be guilty of an offence.

[7/2016; 15/2019; 36/2019]

(1A) A person who is guilty of an offence under subsection (1) —

- (a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but
- (b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable on conviction to a fine not exceeding \$150,000.

[36/2019]

(1B) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after 7 August 2020) on at least one other earlier occasion of an offence under subsection (1).

[36/2019]

(2) Any male person who is a repeat offender in relation to an offence under subsection (1)(a), (b), (c), (d), (e) or (f) shall, in addition to any term of imprisonment awarded in respect of such offence, be liable to caning.

[36/2019]

(3) For the purposes of this section, it is presumed until the contrary is proved that —

- (a) a person who takes or causes to be taken into a brothel any woman or girl has disposed of her with the intent or knowledge mentioned in subsection (1)(a);

- (b) a person who receives any woman or girl into a brothel has obtained possession of her with the intent or knowledge mentioned in subsection (1)(a);
- (c) a person has detained a woman or girl in any brothel or place against her will if, with intent to compel or induce her to remain therein, that person —
 - (i) withholds from that woman or girl any wearing apparel or any other property belonging to her or any wearing apparel commonly or last used by her;
 - (ii) where wearing apparel or any other property has been lent or hired out or supplied to that woman or girl, threatens her with legal proceedings if she takes away such wearing apparel or property; or
 - (iii) threatens that woman or girl with legal proceedings for the recovery of any debt or alleged debt or uses any other threat whatsoever.

(4) Despite section 79 of the Penal Code 1871, a reasonable mistake as to the age of a girl is not a defence to a charge of an offence under subsection (1)(i).

[15/2019]

Traffic in women and girls

141.—(1) Any person who buys, sells, procures, traffics in, or brings into or takes out of Singapore for the purpose of such traffic, and whether or not for the purpose of present or subsequent prostitution, any woman or girl, shall be guilty of an offence.

[7/2016; 36/2019]

- (1A) A person who is guilty of an offence under subsection (1) —
 - (a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but
 - (b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable on conviction to a fine not exceeding \$150,000.

[36/2019]

(1B) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after 7 August 2020) on at least one other earlier occasion of an offence under subsection (1).

[36/2019]

(2) No person shall be charged with an offence under this section if the person satisfies the Director-General that the woman or girl brought into or taken out of Singapore by the person or intended to be brought into or taken out of Singapore by the person was so brought into or taken out of Singapore or is intended to be so brought into or taken out of Singapore for the purpose of her marriage or adoption and that such marriage or adoption can be solemnised or made and has been or will be solemnised or made under the laws and customs for the time being in force in Singapore.

[30/2019]

Importation of woman or girl by false pretences

142.—(1) Any person who by or under false pretence, false representation or fraudulent or deceitful means made or used either within or without Singapore brings into, or takes out of, or assists in bringing into, or assists in taking out of, Singapore any woman or girl —

- (a) with intent that she is to be employed or used for the purpose of prostitution either within or without Singapore;
- (b) knowing or having reason to believe that she will be so employed or used; or
- (c) whether or not for the purpose of present or future prostitution,

shall be guilty of an offence.

[7/2016; 36/2019]

- (2) A person who is guilty of an offence under subsection (1) —
- (a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but
 - (b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding

10 years and shall also be liable on conviction to a fine not exceeding \$150,000.

[36/2019]

(3) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after 7 August 2020) on at least one other earlier occasion of an offence under subsection (1).

[36/2019]

Permitting girl below the age of 16 to use premises for sexual penetration

143.—(1) Any person who is the owner or occupier of any premises, or who has, or acts or assists in, the management or control of any premises, induces or knowingly permits a girl below 16 years of age to resort to or be on those premises for the purpose of engaging in sexual penetration except by way of marriage with any male person shall be guilty of an offence.

[36/2019]

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but

(b) where the person is a repeat offender, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both.

[36/2019]

(3) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after 7 August 2020) on at least one other earlier occasion of an offence under subsection (1).

[36/2019]

Permitting mental defective to use premises for sexual penetration

144.—(1) Subject to subsection (2), any person who is the owner or occupier of any premises or who has, or acts or assists in, the management or control of any premises, induces or knowingly

permits a woman who is a mental defective to resort to or be on those premises for the purpose of engaging in sexual penetration except by way of marriage with any male person shall be guilty of an offence.

[36/2019]

(2) A person shall not be guilty of an offence under this section because he or she induces or knowingly permits a woman who is a mental defective to resort to or be on any premises for the purpose mentioned, if the person does not know and has no reason to suspect her to be a mental defective.

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but

(b) where the person is a repeat offender, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both.

[36/2019]

(4) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after 7 August 2020) on at least one other earlier occasion of an offence under subsection (1).

[36/2019]

Causing or encouraging prostitution of, girl below the age of 18 or sexual penetration with, or indecent assault on, girl below the age of 16

145.—(1) Any person who causes or encourages the prostitution of a girl below 18 years of age, or the commission of unlawful sexual penetration of or an indecent assault on, a girl below 16 years of age, being in either case a girl for whom that person is responsible, shall be guilty of an offence.

[15/2019; 36/2019]

(1A) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but

- (b) where the person is a repeat offender, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both.

[36/2019]

(1B) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after 7 August 2020) on at least one other earlier occasion of an offence under subsection (1).

[36/2019]

(2) Where a girl has become a prostitute, or has engaged in unlawful sexual penetration, or has been indecently assaulted, a person is deemed for the purposes of this section to have caused or encouraged it, if the person knowingly allowed her to consort with or to enter or continue in the employment of, any prostitute or person of known immoral character.

(3) The persons who are to be treated for the purposes of this section as responsible for a girl are (subject to subsection (4)) —

- (a) any person who is her parent or legal guardian;
- (b) any person who has actual possession or control of her, or to whose charge she has been committed by her parent or legal guardian or by a person having the custody of her; and
- (c) any other person who has the custody, charge or care of her.

(4) In subsection (3) —

“legal guardian”, in relation to any girl, means any person who is for the time being her guardian, having been appointed according to law by deed or will or by order of a court of competent jurisdiction;

“parent”, in relation to any girl, does not include a person deprived of the custody of her by order of a court of competent jurisdiction but (subject to that), in the case of a girl who has been adopted under the Adoption of Children Act 1939, or any enactment thereby repealed, means her adopters and, in the case of a girl who is illegitimate (and has

not been so adopted), means her mother and any person who has been adjudged to be her putative father.

(5) If, on a charge of an offence against a girl under this section, the girl appears to the court to have been below 16 or 18 years of age (as the case may be) at the time of the offence charged, she shall be presumed for the purposes of this section to have been so, unless the contrary is proved.

[15/2019]

Persons living on or trading in prostitution, etc.

146.—(1) Any person who knowingly lives wholly or in part on the earnings of the prostitution of another person (being a woman or girl) shall be guilty of an offence.

[7/2016; 36/2019]

(1AA) A person who is guilty of an offence under subsection (1) —

- (a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but
- (b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable on conviction to a fine not exceeding \$150,000.

[36/2019]

(1A) Any person who knowingly solicits, receives or agrees to receive any gratification as an inducement or reward for providing any service, and who by providing that service does or will aid the prostitution of another person (being a woman or girl), shall be guilty of an offence.

[7/2016; 36/2019]

(1B) A person who is guilty of an offence under subsection (1A) —

- (a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but
- (b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding

10 years and shall also be liable on conviction to a fine not exceeding \$150,000.

[36/2019]

(1C) A person is a repeat offender in relation to an offence under subsection (1) or (1A) if the person has been convicted or found guilty (whether before, on or after 7 August 2020) on at least one other earlier occasion of an offence under subsection (1) or (1A).

[36/2019]

(2) Any male person who is a repeat offender in relation to an offence under subsection (1) or (1A) shall, in addition to any term of imprisonment imposed in respect of such offence, be liable to caning.

[36/2019]

(3) Where any person is proved to live with or be habitually in the company of any prostitute or is proved to have exercised control, direction or influence over the movements of any prostitute in such a manner as to show that the person is aiding, abetting or compelling her prostitution with any other person or generally, the person is, in the absence of proof to the contrary, deemed to be knowingly living on the earnings of prostitution.

(4) In this section, “gratification” includes —

- (a) money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable or immovable;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever, whether in whole or in part; and
- (d) any other service, favour or advantage of any description whatsoever.

[7/2016]

Remote communication service used for offering or facilitating provision of sexual services, etc.

146A.—(1) A person in or outside Singapore who, in the course of business, uses a remote communication service with a Singapore link to —

- (a) offer or facilitate the provision by a woman or girl to another person of sexual services in Singapore in return for payment or reward; or
- (b) organise, manage or supervise the provision of sexual services referred to in paragraph (a), which may include inviting others to receive or participate in providing those services,

shall be guilty of an offence and shall be liable on conviction —

- (c) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but
- (d) where the person is a repeat offender, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both.

[7/2016; 36/2019]

(1A) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after 7 August 2020) on at least one other earlier occasion of an offence under subsection (1).

[36/2019]

(1B) However, where a person is charged with an offence under subsection (1), it is a defence for the person charged to prove, on a balance of probabilities, that the person did not know, and could not with reasonable diligence have ascertained, that the remote communication service in question had a Singapore link.

[36/2019]

(2) To avoid doubt, the reference in subsection (1) to the provision by a woman or girl to another person of sexual services in return for payment or reward includes, but is not limited to, a reference to the prostitution of the woman or girl.

[7/2016]

(3) In subsection (1), “remote communication service” means —

- (a) any website, web service or Internet application;
- (b) any service using voice telephony;
- (c) any service using a messaging system; or

- (d) any other kind of electronic or other technology for facilitating communication.

[7/2016]

(4) For the purposes of this section, a remote communication service has a Singapore link if any person physically present in Singapore is capable of having access to any matter communicated using the remote communication service; and in determining whether a person who is physically present in Singapore is capable of having such access, it is to be assumed that the person will not falsify or conceal the person's identity or location.

[36/2019]

(5) For the purposes of subsection (4), access includes —

- (a) access that is subject to a precondition, such as the use of a password;
- (b) access by way of push technology; and
- (c) access by way of a standing request.

[36/2019]

(6) Where an offence under this section is committed by a person outside Singapore, the person may be dealt with in respect of that offence as if it had been committed in Singapore.

[36/2019]

Suppression of places of assignation

147.—(1) Any person who keeps, manages or assists in the management of a place of assignation shall be guilty of an offence.

[36/2019]

(1A) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but
- (b) where the person is a repeat offender, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both.

[36/2019]

(1B) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty

(whether before, on or after 7 August 2020) on at least one other earlier occasion of an offence under subsection (1).

[36/2019]

(2) Any person who keeps, manages or assists in the management of a club or a place of public resort which is used as a place of assignation shall be guilty of an offence.

[36/2019]

(3) A person who is guilty of an offence under subsection (2) —

(a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but

(b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable to a fine not exceeding \$150,000.

[36/2019]

(4) A person is a repeat offender in relation to an offence under subsection (2) if the person has been convicted or found guilty (whether before, on or after 7 August 2020) on at least one other earlier occasion of an offence under subsection (2).

[36/2019]

Suppression of brothels

148.—(1) Any person who keeps, manages or assists in the management of a brothel shall be guilty of an offence.

[36/2019]

(2) Any person who is the tenant, lessee, occupier or person in charge of any place which is used as a brothel shall, unless the person proves that the person has no knowledge and could not, with reasonable diligence, have ascertained that the place is used as a brothel, be guilty of an offence.

[36/2019]

(3) Any person who being the tenant, lessee, occupier or person in charge of any place lets such place or any part thereof shall, despite such letting, be guilty of an offence if the place or any part thereof is used as a brothel, unless the person proves that, when entering into the letting of that place or part thereof, the person had no knowledge

and could not with reasonable diligence have ascertained that the place or part thereof is to be used as a brothel.

[36/2019]

(4) Any person who, being the owner of a place or the agent of an owner of a place, lets the place or any part thereof shall, despite such letting, be guilty of an offence if the place or part thereof is used as a brothel, unless the person proves that, when entering into the letting of that place or part thereof, the person had no knowledge and could not with reasonable diligence have ascertained that the place or part thereof is to be used as a brothel.

Examples of reasonable diligence

1. An owner of an apartment or an agent of the owner verifies the identity of a prospective tenant and purpose of the tenancy through personal inspection of the prospective tenant's documents of identity (such as the NRIC, passport or work permit) and has a face-to-face interview with the prospective tenant, before entering into the tenancy agreement or allowing the prospective tenant to start occupying the apartment.
2. A flat-owner who is not resident in Singapore engages an agent to verify the identity of a prospective tenant of the flat and purpose of the tenancy through personal inspection of the prospective tenant's documents of identity (such as the NRIC, passport or work permit) and a face-to-face interview with the prospective tenant, and then verifies with the agent that those steps were carried out, before the flat-owner authorises the entry into the tenancy agreement for the flat or the occupation of the flat by the prospective tenant.

[36/2019]

(5) A person who is guilty of an offence under this section shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but
- (b) where the person is a repeat offender, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both.

[36/2019]

(5A) A person is a repeat offender in relation to an offence under subsection (1), (2), (3) or (4) if the person has been convicted or found guilty (whether before, on or after 7 August 2020) on at least one

other earlier occasion of an offence under subsection (1), (2), (3) or (4), regardless of the subsection.

[36/2019]

(6) In any proceedings under this Part, any evidence given by any police officer not below the rank of sergeant that any place has been used as a brothel or a place of assignation is, until the contrary is proved, deemed to be sufficient evidence of the fact.

Notice to owner and occupier

149.—(1) Where the Director-General has reason to believe that a place is being used as a brothel or as a place of assignation, the Director-General may serve or cause to be served a notice in the prescribed form on the owner of the place, as well as the occupier thereof.

[30/2019]

(2) If the owner or occupier is not otherwise known, service must be made on the person inscribed in the books kept under any written law for the time being in force as the owner or occupier of the place; and if the name of the owner or occupier is not inscribed in those books or if the name of the owner or occupier cannot by the exercise of due diligence be found, then the notice may be served by affixing it to the principal outer door or upon the outside of any door or window or any conspicuous part of the place.

(3) Every occupier (*A*) receiving a notice under this section must forthwith inform the owner or the person from whom *A* rents the place (*B*) of the fact of receipt of the notice, and *B* must in like manner inform the owner or the person from whom *B* rents the place and so on till the notice is brought to the knowledge of the owner, each tenant being responsible for bringing the notice to the knowledge of the tenant's immediate lessor.

(4) Any occupier who refuses or omits to inform the owner or the person from whom the occupier rents the premises that a notice under this section has been received shall be liable to prosecution under section 225C of the Penal Code 1871.

(5) If, in proceedings under this Part, it is proved that the notice under subsection (1) has been served on the owner or occupier of a

place, it shall be presumed that the place is so kept, managed or used to the knowledge or with the permission of the owner or occupier of the place.

Termination of tenancy of places on conviction for permitting use as brothel, etc.

150.—(1) Upon the conviction of the occupier of any place for any offence under section 147(1) or (2) or 148(1), (2) or (3) in respect of the place, the owner of the place must within one month require the person so convicted to deliver up possession of the place to the owner, and in the event of the person so convicted failing within one month of being so required to deliver up possession as aforesaid, the owner of the place is entitled to terminate the lease or contract of tenancy but without prejudice to the rights or remedies of any party to the lease or contract accrued before the date of such termination.

[36/2019]

(2) Where the owner of any place has terminated the lease or contract of tenancy in accordance with subsection (1) and the occupier has not delivered up possession of the place after such termination, a Magistrate's Court may, on the application of the owner, make a summary order for the delivery of possession of the place to the owner.

(3) If the occupier disobeys any order made by a Magistrate's Court under subsection (2), the occupier shall be liable to the penalty prescribed in that behalf in section 188 of the Penal Code 1871.

Demolition of structural contrivances for facilitating running of place of assignation or of brothel

151. Whenever it appears to a court, upon the trial of any offence under section 147(1) or (2) or 148(1), (2), (3) or (4), that the place in or in respect of which the offence is alleged to have been committed is a place of assignation or a brothel, and that the same is fitted or provided with any means or contrivances such as staircases, doors and partitions, ladders, planks, platforms, posts, palings, fences, locks, bars, bolts or any other things which appear to it to have been specially erected or constructed for the purpose of facilitating the

carrying on of a place of assignation or of a brothel at the place, the court is to order the demolition of such means or contrivances.

[36/2019]

Authority of courts to issue arrest and search warrants

152. If any court has reason to believe that any place is used by a woman or girl for the purpose of prostitution and that any other person residing in or frequenting the house is living wholly or in part on the immoral earnings of that woman or girl, the court may issue a warrant authorising the Director-General or any public officer nominated by the Minister or any police officer not below the rank of sergeant to enter and search the place and to arrest such person.

[30/2019]

Trials in private in certain cases

153.—(1) When any person is charged with or convicted of having committed any offence under this Part, or of having committed or attempted to commit or attempted to cause the commission of any offence under section 354, 354A, 375, 376, 376A, 376B, 376C, 376D, 376E, 376F, 376G or 377B of the Penal Code 1871 in respect of any woman or girl, the court conducting a preliminary inquiry into, or trying the offence, or hearing any appeal or special case or any point reserved in relation to the offence, may order that all proceedings before it are to be dealt with in private.

[40/2019]

[Act 25 of 2021 wef 01/04/2022]

(2) Whenever any such order is made, the court is not to be deemed an open court, and the court must order that no person is to have access to or be or remain in the court except such persons as are necessary for the purpose of the proceedings.

(3) The court must order proceedings before it to be dealt with in private in any case where the girl in respect of whom an offence referred to in subsection (1) is alleged to have been committed has not attained 16 years of age.

[Act 25 of 2021 wef 01/04/2022]

(4) A person must not publish or broadcast any information or picture referred to in the following paragraphs:

- (a) the name or address of any woman or girl in respect of whom an offence referred to in subsection (1) is alleged to have been committed;
- (b) any particulars given, in any proceedings in any court relating to an offence referred to in subsection (1), which identify, or are calculated to lead to the identification of, any woman or girl in respect of whom that offence is alleged to have been committed;
- (c) the name and address of any witness, in any proceedings in any court relating to an offence referred to in subsection (1), which may lead to the identification of any woman or girl in respect of whom that offence is alleged to have been committed;
- (d) the particulars of any evidence given by any witness, in any proceedings in any court relating to an offence referred to in subsection (1), which may lead to the identification of any woman or girl in respect of whom that offence is alleged to have been committed;
- (e) any picture of, or any picture including a picture of —
 - (i) any woman or girl in respect of whom an offence referred to in subsection (1) is alleged to have been committed; or
 - (ii) any witness in any proceedings in any court relating to an offence referred to in subsection (1).

[7/2016]

(5) If any information or picture is published or broadcast in contravention of subsection (4) —

- (a) in the case of the publication of the information or picture as part of a newspaper or periodical publication, every proprietor, editor, publisher or distributor of the newspaper or periodical publication;
- (b) in the case of the publication of the information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes the information or picture; or

- (c) in the case of the broadcast of the information or picture, every person who transmits or provides the programme in which the information or picture is broadcast, and every person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

[7/2016]

- (6) In this section —

“broadcast” means sounds or visual images —

- (a) broadcast by wireless telegraphy, or by means of a high frequency distribution system over wire or other paths provided by a material substance, and intended for general reception;
- (b) broadcast through the Internet or any website, web service or Internet application, whether or not intended for general reception; or
- (c) broadcast through any messaging system;

“publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means, including (to avoid doubt) through —

- (a) the Internet or any website, web service or Internet application; or
- (b) any messaging system.

[7/2016]

[Act 25 of 2021 wef 01/04/2022]

Trial of offences

154.—(1) All offences under this Part are triable by a District Court.

[15/2010]

(2) No prosecution is to be instituted in respect of any such offence without the consent of the Director-General or the Public Prosecutor or his or her deputy.

[15/2010; 30/2019]

(3) Any District Court may, despite anything in the Criminal Procedure Code 2010, impose the full punishment prescribed by this Part in respect of any offence.

(4) Prosecutions in respect of offences committed under this Part may, with the authorisation of the Public Prosecutor, be conducted by the Director-General or any public officer of such department that the Minister is charged with responsibility for authorised in writing in that behalf by the Director-General.

[15/2010; 25/2012; 30/2019]

Detention pending judicial proceedings

155.—(1) Any court inquiring into or trying an offence punishable under this Part or under section 312, 313, 317, 354, 370, 371, 372, 373, 373A, 375, 376, 376A, 376B, 376C, 376D, 376E, 376F, 376G or 377B of the Penal Code 1871 or defined in section 321, 322, 339, 340, 350, 351, 360, 361 or 362 of the Penal Code 1871 may order any woman or girl in respect of whom the offence is alleged to have been committed to be detained temporarily until the determination of the proceedings against the person accused.

[51/2007; 15/2019]

(2) Where an order is made under subsection (1), the Director-General must receive such woman or girl and must put her in a place of safety and detain her there until the determination of the proceedings.

[30/2019]

(3) Despite the determination of the proceedings against the accused person, the Director-General may, by warrant under his or her hand, order the detention in a place of safety of any woman or girl referred to in this section whom the Director-General considers is in need of protection, and thereupon such arrangements must be made for her welfare as the Director-General considers necessary.

[30/2019]

(4) In exercising his or her powers under subsection (3), the Director-General must not contravene section 161.

[30/2019]

Director-General may examine women and girls and person in charge of them

156.—(1) If the Director-General has reasonable cause to believe that —

- (a) any woman or girl has been brought into Singapore either after having been purchased or by fraud, misrepresentation or any false pretence whether or not for the purpose of prostitution or of being sent from Singapore;
- (b) the custody of any woman or girl has been acquired either after having been purchased or by fraud, misrepresentation or any false pretence whether or not for the purpose of prostitution or of being sent from Singapore;
- (c) any woman or girl has been purchased either within or without Singapore for the purpose of being used, trained or disposed of as a prostitute; or
- (d) any woman or girl is being detained against her will for the purpose of prostitution or of being sent from Singapore for immoral purposes,

the Director-General, or any person authorised in that behalf by him or her in writing, may require the woman or girl and any person who appears to have the custody or control of her to appear before him or her at any reasonable time and at any convenient place.

[30/2019]

(2) The Director-General may examine the woman or girl as to her reasons for entering or being in Singapore and may examine the person respecting the woman or girl, and the woman or girl and the person is legally bound to answer such questions truthfully to the best of their ability.

[30/2019]

(3) The Director-General may also require any person in whose custody or under whose control the woman or girl appears to be to furnish the Director-General with copies of her and the person's

photograph and to furnish security to the satisfaction of the Director-General that she —

- (a) will not leave Singapore without the previous consent in writing of the Director-General;
- (b) will not be trained or disposed of as a prostitute or for immoral purposes;
- (c) will not, whether by way of adoption, marriage or otherwise, be transferred to the care and custody of any other person without the previous consent in writing of the Director-General; and
- (d) will be produced before the Director-General whenever he or she requires it.

[30/2019]

(4) In default of such photographs and security being given, the Director-General may by warrant under his or her hand order the woman or girl to be removed to a place of safety and there detained until she can be returned to the place from where she was brought or until other proper provision can be made for her welfare.

[30/2019]

(5) Where the Director-General has reason to believe that the woman or girl may be sent from Singapore, the Director-General may issue an order for her to be detained in a place of safety until the determination of any inquiry or until after such arrangement has been made for her welfare as the Director-General considers necessary.

[30/2019]

Inspection

157.—(1) The Director-General or any officer generally or specially authorised in that behalf in writing by the Director-General may at any time visit and inspect the place where any woman or girl in respect of whom security has been furnished under section 156 lives or is believed to live or to be.

[30/2019]

(2) The Director-General or any authorised officer may inquire into the condition and circumstances of the woman or girl and for the

purposes of the inquiry the Director-General or officer may require any person to answer any question he or she may think proper to ask.

[30/2019]

(3) Any person who —

(a) obstructs or hinders or attempts to obstruct or hinder the Director-General or any authorised officer in the exercise of the powers conferred by this section; or

(b) refuses to answer to the best of the person's knowledge and belief any question which the person is legally bound to answer and which is asked of the person by any officer appointed or authorised under this Part,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

[30/2019]

Security on departure of woman or girl from Singapore

158.—(1) Whenever the Director-General is of opinion that it is in the interests of any woman or girl as is referred to in section 156 that she should be permitted to leave Singapore, the Director-General may grant permission upon being supplied with such photographs of the woman or girl as the Director-General may require and upon security being given to the Director-General's satisfaction that the person in whose custody or control she appears to be will bring her before such public officer within such period and at such destination as may be specified in the bond.

[30/2019]

(2) The giving of such further security does not relieve any person who furnished the security required by section 156 from any obligation under the conditions of the bond entered into under that section, other than the condition relating to departure from Singapore, unless the public officer in the territory where such woman or girl then resides obtains fresh security conditioned in the manner specified in that section.

(3) A certificate under the hand of the public officer referred to in subsection (1) that such woman or girl has not been brought before

the public officer is in any legal proceedings conclusive evidence to that effect, unless the court requires that officer to be called as a witness.

Woman or girl below the age of 21 trained or used for immoral purposes, etc.

159.—(1) If the Director-General has reasonable cause to believe that any woman or girl below 21 years of age is being trained or used for immoral purposes or lives in or frequents any brothel or is habitually in the company of prostitutes or brothel keepers or procuresses or persons employed or living in brothels or persons directly interested in the business carried on in brothels or by prostitutes, the Director-General may, by warrant under his or her hand, order the woman or girl to be removed to a place of safety and there temporarily detained until an inquiry has been held by the Director-General.

[30/2019]

(2) If the Director-General after holding such inquiry is satisfied that the woman or girl comes within subsection (1), the Director-General may, by warrant under his or her hand, order the woman or girl to be detained in a place of safety.

[30/2019]

Director-General may order detention or commitment of woman or girl in certain cases

160.—(1) Any woman or girl —

- (a) whose lawful guardian requests the Director-General in writing to detain her in a place of safety or to commit her to the care of a fit individual;
- (b) whom the Director-General considers is in need of protection and whose lawful guardian cannot be found;
- (c) whom the Director-General believes to have been ill-treated and is in need of protection; or
- (d) whom the Director-General considers to be in moral danger,

may, by warrant under the hand of the Director-General, be ordered to be removed to a place of safety and there detained, or to be committed to the care of a fit individual, until the Director-General has held an inquiry as to the circumstances of the case.

[7/2016; 30/2019]

(2) Every such inquiry must be completed within a period of one month from the date of the woman's or girl's admission into the place of safety or commitment to the care of the fit individual, as the case may be.

[7/2016]

(3) If, after holding such inquiry, the Director-General is satisfied that the woman or girl is in need of protection, the Director-General may by warrant under his or her hand order that the woman or girl be detained in a place of safety, or committed to the care of a fit individual, for such period as the Director-General may determine.

[7/2016; 30/2019]

(4) Where a girl has been detained in a place of safety, or committed to the care of a fit individual, at the request of the girl's lawful guardian, the girl may be detained or committed for such period as the Director-General determines is necessary for the girl's rehabilitation, despite any request made by the girl's lawful guardian for the girl's early release.

[7/2016; 30/2019]

Period of detention or commitment of woman or girl

161.—(1) A woman or girl must not be detained under this Part, except for the purpose of an inquiry, after such arrangements have been made for her welfare as the Director-General considers necessary or after she attains 21 years of age or marries.

[7/2016; 30/2019]

(2) A woman or girl must not be committed under section 160(3) to the care of a fit individual, and a woman or girl who has been so committed ceases to be in the care of a fit individual, after the woman or girl attains 21 years of age or marries.

[7/2016]

Marriage not to be contracted without consent of Director-General

162. No woman or girl detained under the provisions of this Part or in respect of whom security has been furnished under section 156(3) may contract any form of marriage without the previous consent in writing of the Director-General.

[30/2019]

Women and girls in urgent need of refuge

163.—(1) Any woman or girl may on her own application be received by the Director-General into a place of safety, or be committed by the Director-General to the care of a fit individual, if the Director-General is satisfied that the woman or girl is in urgent need of refuge.

[7/2016; 30/2019]

(2) Where the situation warrants it, the person in charge of any place of safety may receive into that place of safety any woman or girl who makes an application to that person.

(3) Where the person in charge of a place of safety receives any woman or girl into that place of safety in accordance with subsection (2), that person must, within 48 hours of the admission of the woman or girl, produce her before the Director-General with a full report of the circumstances.

[30/2019]

(4) A woman or girl must not be received under this section into a place of safety, or committed under subsection (1) to the care of a fit individual, after the woman or girl attains 21 years of age or marries.

[7/2016]

(5) A woman or girl who has been received under this section into a place of safety, or committed under subsection (1) to the care of a fit individual, ceases to be in the care of the place of safety or fit individual (as the case may be), after the woman or girl attains 21 years of age or marries.

[7/2016]

Transfer of women or girls from one place of safety to another place of safety within Singapore, etc.

164.—(1) Whenever an order has been made under section 155(3), 156 or 159 for the detention of a woman or girl in a place of safety and it appears to the Director-General to be expedient in the interests of the woman or girl that she should be transferred from such place of safety to another place of safety within Singapore, it is lawful for the Director-General to issue an order that she be so transferred.

[7/2016; 30/2019]

(2) Where an order has been made under section 160 for the detention of a woman or girl in a place of safety, and it appears to the Director-General that the taking of one of the following courses of action is expedient in the interests of the woman or girl, the Director-General may order the taking of that course of action:

- (a) the transfer of the woman or girl from that place of safety to another place of safety within Singapore;
- (b) the discharge of the woman or girl from that place of safety, and the commitment of the woman or girl to the care of a fit individual.

[7/2016; 30/2019]

(3) Where an order has been made under section 160 for the commitment of a woman or girl to the care of a fit individual, and it appears to the Director-General that the taking of one of the following courses of action is expedient in the interests of the woman or girl, the Director-General may order the taking of that course of action:

- (a) the transfer of the woman or girl from the care of that fit individual to the care of another fit individual;
- (b) the withdrawal of the woman or girl from the care of that fit individual, and the detention of the woman or girl in a place of safety within Singapore.

[7/2016; 30/2019]

(4) Where a woman or girl is detained in a place of safety in Singapore on the request in writing of her lawful guardian under section 160(1)(a), she must not be transferred or discharged from that

place of safety under subsection (2), unless her lawful guardian has given approval in writing for that transfer or discharge.

[7/2016]

(5) Where a woman or girl is committed to the care of a fit individual on the request in writing of her lawful guardian under section 160(1)(a), she must not be transferred or withdrawn from the care of that fit individual under subsection (3), unless her lawful guardian has given approval in writing for that transfer or withdrawal.

[7/2016]

Removal of women or girls to Malaysia, Brunei Darussalam or Hong Kong by order of Minister

165.—(1) Whenever an order has been made under section 155(3), 156, 159 or 160 for the detention of a woman or girl in a place of safety and it appears to the Minister to be expedient in the interests of the woman or girl that she should be removed from such place of safety and transferred to a place of safety established in Malaysia, Brunei Darussalam or Hong Kong under the provisions of any law for the time being in force in Malaysia, Brunei Darussalam or Hong Kong (as the case may be) for the protection of women and girls, it is lawful for the Minister to issue an order that she be removed to such place of safety established in Malaysia, Brunei Darussalam or Hong Kong.

(2) No woman or girl admitted into a place of safety in Singapore on the request in writing of her lawful guardian under section 160(1)(a) may be so removed from such place of safety except with the approval in writing of her lawful guardian.

(3) The order for removal under this section must be addressed to the person in charge of the place of safety in which the woman or girl is detained and must direct such person to deliver her to the person mentioned in that order for removal at such place in Malaysia, Brunei Darussalam or Hong Kong and in such manner as may be specified in that order for the purpose of the transfer; and the woman or girl must be delivered up and must be transferred accordingly.

(4) The Minister may direct that any condition, not inconsistent with the provisions of this Part, which may be prescribed by the provisions of any law for the time being in force in Malaysia, Brunei

Darussalam or Hong Kong for the reception of women and girls from Singapore into Malaysia, Brunei Darussalam or Hong Kong, and the detention therein of such women and girls must be observed.

(5) Any woman or girl removed under this Part to a place of safety in Malaysia, Brunei Darussalam or Hong Kong may, if she so desires, on being discharged from such place of safety, be returned to Singapore.

Appeal

166. An appeal shall lie from any order made by the Director-General under this Part to the Minister whose decision is final and is not to be questioned in any court.

[30/2019]

Women and girls may be received into and detained in Singapore

167.—(1) Whenever the government of Malaysia, Brunei Darussalam or Hong Kong makes a representation to the Minister that it is expedient that any woman or girl whose detention in a place of safety has been ordered by the authority empowered by the law of such territory should be removed to Singapore for detention in a place of safety within Singapore, and satisfies the Minister that provision will be made for the payment of all expenses that may be incurred in the reception, maintenance and detention of, or otherwise in relation to, the woman or girl, the Minister, if it appears to him or her that there is sufficient accommodation for the woman or girl in a place of safety within Singapore, may by warrant under the Minister's hand in the prescribed form direct the woman or girl, when brought into Singapore, to be received therein and conveyed to a place of safety specified in such warrant and to be there detained until discharged in due course of law or until further order.

(2) The representation mentioned in subsection (1) must be delivered under the hand of the Minister or the officer for the time being charged with the responsibility for making such a representation on behalf of the government concerned.

(3) Every warrant purporting to be issued pursuant to this Part and to be under the hand of the Minister is to be received in evidence in

every court without further proof and is evidence of the facts therein stated, and all acts done pursuant to that warrant are deemed to have been authorised by law.

Women and girls so received to be subject to local law

168. Any woman or girl received into Singapore under section 167 shall be dealt with in Singapore in like manner as if her detention in a place of safety had been ordered by the Director-General by warrant under his or her hand, and shall be subject to all laws and regulations in force in Singapore.

[30/2019]

Women and girls detained to be subject to rules

169.—(1) Every woman or girl detained under this Part is to be subject to such rules as are made under section 180.

[27/2014]

(2) Every woman or girl detained or ordered to be detained under this Part who leaves any place in which she is detained otherwise than in accordance with such rules may be arrested and taken back to such place by any police officer or by any officer duly authorised thereto either specially or generally by the Director-General.

[30/2019]

(3) Any person who —

(a) induces or assists any woman or girl detained under this Part to leave or escape from the place in which she is detained; or

(b) receives or harbours such woman or girl knowing or having reason to believe that she has escaped from a place of safety,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Director-General may cause persons to be photographed

170.—(1) Whenever the Director-General, after inquiry, has reason to believe that a breach of any of the provisions of this Part is about to

be or has been committed by any person, the Director-General may direct that the person be photographed, and his or her finger impressions taken.

[30/2019]

(2) The person so directed must submit to be photographed and to have his or her finger impressions taken at such time and place and in such manner as the Director-General may think fit and in default of so doing shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

[30/2019]

(3) Any person whose finger impressions and photograph have been taken under subsection (1) may apply on the expiry of 5 years from the date when such finger impressions and photograph were taken for the return of such finger impressions and photograph and the Director-General must, unless the person has in such period of 5 years been convicted of any offence under this Part, deliver to the person the sheet upon which his or her finger impressions have been made together with the negative and all copies of any photograph taken of him or her, or, if no such application is received within 3 months from the period specified in this subsection, must destroy such sheet and every such negative and photograph.

[30/2019]

Power to summon and examine persons in certain circumstances

171.—(1) The Director-General may summon any person who he or she has reason to believe can give any information —

- (a) regarding any woman or girl in respect of whom he or she has reasonable cause to believe that an offence under this Part is or may be committed or who he or she has reasonable cause to believe is or may be liable to be dealt with under section 156, 159 or 160; or
- (b) regarding any place which he or she has reasonable cause to believe is being used as a brothel, a place of assignation or for the purpose of prostitution.

[30/2019]

(2) The person so summoned must attend at the time and place specified in the summons and must produce all documents in the person's custody, possession or control relating to the woman or girl or place (as the case may be) and must answer truthfully all questions which the Director-General may put to the person respecting the woman or girl or place or in any way relating to the matter being inquired into, and where the inquiry relates to any woman or girl, the person must also, if so required by the Director-General, produce the woman or girl, unless the person is able to satisfy the Director-General that he or she is unable to do so.

[30/2019]

(3) The Director-General is deemed to be a public servant within the meaning of the Penal Code 1871 and may administer oaths to and examine on oath any person summoned before him or her for the purposes of this Part.

[30/2019]

(4) Any person summoned who fails to attend at the time and place specified in the summons or to do any of the other acts referred to in subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

(5) The Director-General is not compellable in any judicial proceedings to answer any questions as to the grounds of his or her decision or belief in any case dealt with by him or her under this Part or as to anything which came to his or her knowledge in any inquiry made by him or her as Director-General.

[30/2019]

(6) The Director-General may, during or after such inquiry as is referred to in subsection (2), arrest or cause to be arrested any person whom the Director-General has reasonable cause to believe to be liable to prosecution for any offence under this Part committed in respect of the woman or girl or place, and may seize and detain any article, book, document or account which the Director-General may have reason to believe to relate to such offence.

[30/2019]

Record of evidence

172. The Director-General must, at any inquiry held by him or her, take down and record the evidence taken by the Director-General upon such inquiry and of his or her decision thereon and must furnish to the General Division of the High Court a copy of the record if ordered to do so by the General Division of the High Court suppressing in such copy the name of any person from whom information has been derived if he or she thinks it expedient to do so.

[30/2019; 40/2019]

Power of search

173.—(1) The Director-General, or any public officer, being either a police officer not below the rank of sergeant, an immigration officer within the meaning of the Immigration Act 1959 or a public officer of such department that the Minister is charged with responsibility for, and being generally or specially authorised for that purpose in writing by the Director-General, may enter, and for that purpose use force if necessary, and search —

(a) any place where the Director-General, person or officer has reasonable cause to believe that an offence under this Part has been or is being committed; and

(b) any person in that place,

and may remove any woman or girl who is or may be liable to be dealt with under section 156, 159 or 160 to a place of safety to be there detained until her case is inquired into, except that no woman may be searched other than by a woman.

[25/2012; 30/2019]

(2) Any person who refuses to be searched or refuses the Director-General, person or officer access to such place or otherwise obstructs or hinders him or her in effecting an entrance to such place or in removing any such woman or girl shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

[30/2019]

Power of arrest and seizure

174.—(1) The Director-General, or any public officer, being either a police officer not below the rank of sergeant, an immigration officer within the meaning of the Immigration Act 1959 or a public officer of such department that the Minister is charged with responsibility for, and being generally or specially authorised for that purpose in writing by the Director-General, may arrest or cause to be arrested any person reasonably believed to be liable to prosecution for an offence under section 140(1), 141(1), 142(1), 143(1), 144(1), 145(1), 146(1) or (1A), 146A(1), 147(1) or (2) or 148(1), (2), (3) or (4) and may seize, and for that purpose use force if necessary, and detain any article, book, document or account which he or she may have reason to believe to relate to such offence.

[25/2012; 30/2019; 36/2019]

(2) Where any person is arrested by the Director-General or any person mentioned in subsection (1), the Director-General or person making the arrest must comply with sections 68 and 85 of the Criminal Procedure Code 2010 as if he or she were a police officer.

[15/2010; 30/2019]

(3) Any person who obstructs or hinders the Director-General or any person mentioned in subsection (1) in the arrest of any such suspected person or in the seizure or detention of any such article, book, document or account shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

[30/2019]

Presumption arising out of warrants

175.—(1) Every warrant or summons purporting to be issued pursuant to this Part and to be under the hand and seal of the Director-General is to be received in evidence in any court without further proof and is prima facie evidence of the facts therein stated.

[30/2019]

(2) All acts done pursuant to such warrant or summons are deemed to have been authorised by law.

Appointment of officers

176. The Minister may, by notification in the *Gazette*, appoint such officers as the Minister thinks fit for the purposes of this Part and may by that notification confer upon those officers all or any of the powers conferred and duties imposed upon the Director-General by this Part.

[30/2019]

Minister may establish places of safety

177. The Minister may, by order in the *Gazette*, establish such places of safety as may be necessary for the purposes of this Part.

Restriction on publication of information on place of safety or resident of place of safety

177A.—(1) A person must not, without the Director-General's approval, publish or broadcast any information or picture that identifies, or is likely to lead to the identification of —

- (a) the location of a place of safety; or
- (b) any resident of a place of safety as a resident of the place of safety.

[7/2016; 30/2019]

(2) If any information or picture is published or broadcast in contravention of subsection (1) —

- (a) in the case of the publication of the information or picture as part of a newspaper or periodical publication, every proprietor, editor, publisher or distributor of the newspaper or periodical publication;
- (b) in the case of the publication of the information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes the information or picture; or
- (c) in the case of the broadcast of the information or picture, every person who transmits or provides the programme in which the information or picture is broadcast, and every person having functions in relation to the programme

corresponding to those of the editor of a newspaper or periodical publication,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

[7/2016]

(3) This section does not apply to any of the following:

- (a) the publication in the *Gazette* (in electronic or other form) of any order under section 177;
- (b) the publication under the Revised Edition of the Laws Act 1983 of any revised edition of subsidiary legislation (in electronic or other form) which relates to any order under section 177;
- (c) the publication of any order under section 177, any revised edition of subsidiary legislation referred to in paragraph (b), or any copy of any such order or revised edition of subsidiary legislation, on —
 - (i) any legislation website maintained by the Government; or
 - (ii) any website licensed by the Government to maintain a collection of subsidiary legislation made under this Act.

[7/2016]

(4) In this section —

“broadcast” means sounds or visual images —

- (a) broadcast by wireless telegraphy, or by means of a high frequency distribution system over wire or other paths provided by a material substance, and intended for general reception;
- (b) broadcast through the Internet or any website, web service or Internet application, whether or not intended for general reception; or
- (c) broadcast through any messaging system;

“publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means, including (to avoid doubt) through —

- (a) the Internet or any website, web service or Internet application; or
- (b) any messaging system.

[7/2016]

Boards of Visitors

178.—(1) The Minister may, by notification in the *Gazette*, appoint for every place of safety a Board of Visitors to advise and make recommendations to the Director-General on such matters as he or she may refer to it.

[30/2019]

(2) A Board of Visitors may be appointed for one or more places of safety as the Minister thinks fit.

(3) A Board of Visitors consists of such number of persons as the Minister may determine.

(4) Every person appointed under subsection (1) may enter at reasonable times any place of safety and make such inquiry or examination therein as appears to the person necessary and must also make such report as the Minister may require.

(5) Despite subsection (1), the Minister may direct a Board of Visitors —

- (a) to visit any place which is established for the purposes of care and reception of women and girls and which is not a place of safety; and
- (b) to make such inquiry or examination therein as appears to the Board necessary and also to make such report as the Minister may require.

(6) Any person who refuses admittance to any place of safety or any place referred to in subsection (5) to any member of a Board of Visitors, the Director-General or any officer deputed by the Director-General for the purpose or who offers any hindrance or

obstruction to any such persons after his or her identity is reasonably established shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[30/2019]

Discharge Committees

179.—(1) The Minister may appoint for every place of safety a Discharge Committee which must advise and make recommendations to the Director-General on the discharge and aftercare of women and girls in such place of safety.

[30/2019]

(2) A Discharge Committee may be appointed in respect of one or more places of safety as the Minister thinks fit.

(3) A Discharge Committee consists of such number of persons as the Minister may determine.

(4) The Discharge Committee must review all cases of women and girls when they have been detained for 6 months, and may, after such review, recommend to the Director-General that any woman or girl be discharged or released on licence.

[30/2019]

(5) The Director-General, on the advice of the Discharge Committee, has power to order the discharge or the release on licence of any woman or girl who has been detained in a place of safety for 6 months and on such conditions as may be stated by the Director-General in that order.

[30/2019]

(6) Any woman or girl released from a place of safety on licence by order of the Director-General, who breaks the conditions of her licence, must be brought before the Director-General, who has power to order the return of the woman or girl to the place of safety from which she was released, to be detained there for such further period as the Director-General considers necessary, except where the woman or girl concerned, by reason of any act or omission committed while on licence, renders herself liable to prosecution for any offence, in which case she must be brought before the appropriate court.

[30/2019]

PART 12
MISCELLANEOUS

Rules

180.—(1) Subject to sections 79 and 139, the Minister may make rules generally for carrying out the provisions of this Act and, in particular, may make rules providing for —

- (a) the forms to be used for the purposes of this Act;
- (b) the practice and procedure for the maintaining of the State Marriage Register and certificates of marriage;
- (c) the supply and custody of registers and certificates;
- (d) the preparation and submission of returns under this Act;
- (e) the making of searches and the giving of certified copies;
- (f) the care, detention, discipline, discharge and aftercare, temporary absence, maintenance, and education of women and girls detained under Part 11;
- (fa) the commitment under Part 11 of any woman or girl to the care of a fit individual;
- (g) the manner and conditions in and under which the powers conferred by Part 11 are to be exercised by the persons on whom such powers are conferred;
- (h) the composition, duties, functions and procedure of Boards of Visitors and Discharge Committees;
- (i) the procedure for appeals to the Minister; and
- (j) matters required to be prescribed under this Act.

[27/2014; 7/2016]

(2) All rules made under this section must be presented to Parliament as soon as possible after publication in the *Gazette* and if a resolution is passed, pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of one month from the date when such rules are so presented, annulling the rules or any part thereof as from a specified date, the rules or such part thereof (as the case may

be) shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

[27/2014]

(3) Any person who contravenes any rules made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

[27/2014]

Protection from personal liability

180A.—(1) No liability shall lie personally against the Director-General, or any person appointed by and acting under the direction of the Director-General, who, acting in good faith and with reasonable care, does or omits to do anything —

- (a) in the enforcement or purported enforcement of Parts 7 and 11; or
- (b) in the discharge or purported discharge of —
 - (i) any function or duty of the Director-General under this Act;
 - (ii) any direction given by the Director-General under this Act; or
 - (iii) any order made by a court under this Act.

[7/2016; 30/2019]

(2) No liability shall lie personally against any person appointed by a court, or pursuant to an order of a court, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any order made by a court under this Act.

[7/2016]

(3) No liability shall lie personally against any person who, acting in good faith and with reasonable care, does or omits to do anything in a place of safety in the discharge or purported discharge of —

- (a) any direction given by the Director-General under this Act; or

(b) any order made by a court under this Act.

[7/2016; 30/2019]

(4) No liability shall lie personally against any person appointed by the Minister for the purposes of section 65(2)(b), who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of the person's function of making an application for a protection order under section 65 or an expedited order under section 66.

[7/2016]

(5) No liability shall lie personally against any officer appointed by the Minister under section 176, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any duty imposed upon the Director-General by Part 11.

[7/2016; 30/2019]

(6) No liability shall lie personally against any member of the Board of Visitors appointed by the Minister under section 178, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of —

(a) any function or duty of the Board of Visitors under this Act; or

(b) any direction given by the Minister under section 178(5).

[7/2016]

(7) No liability shall lie personally against any member of the Discharge Committee appointed by the Minister under section 179, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any function or duty of the Discharge Committee under this Act.

[7/2016]

Marriages solemnised before 15 September 1961 deemed to be registered under this Act

181.—(1) Nothing in this Act affects the validity of any marriage solemnised under any law, religion, custom or usage prior to 15 September 1961.

(2) Such marriages, if valid under the law, religion, custom or usage under which they were solemnised, are deemed to be registered under the provisions of this Act.

(3) Every such marriage, unless void under the law, religion, custom or usage under which it was solemnised, shall continue until dissolved —

- (a) by the death of one of the parties;
- (b) by order of a court of competent jurisdiction; or
- (c) by a declaration made by a court of competent jurisdiction that the marriage is null and void.

Voluntary registration of marriages solemnised under religion or custom

182.—(1) Despite section 181, the parties to a marriage which has been solemnised under any law, religion, custom or usage may, if the marriage has not been registered, apply to the Registrar in the prescribed form for the registration of the marriage.

(2) The Registrar may require the parties to the marriage to appear before him or her and to produce such evidence of the marriage, either oral or documentary, as he or she may require, and to furnish such other particulars as may be required by him or her.

(3) The Registrar may, on being satisfied of the truth of the statements contained in the application, register the marriage by entering the particulars thereof in the certificate of marriage.

(4) The entry of the marriage in the certificate of marriage must be signed by the Registrar and the parties to the marriage.

(5) The Registrar must not register a marriage under this section if he or she is satisfied that the marriage is void under the provisions of this Act.

Recognition of marriages contracted in Embassies, etc., in Singapore

183.—(1) Nothing in this Act prevents the solemnisation in Singapore of a marriage in any foreign Embassy, High Commission or Consulate in Singapore.

(2) A marriage contracted in any foreign Embassy, High Commission or Consulate in Singapore is recognised as valid for all purposes of the law of Singapore if all the following requirements are satisfied:

- (a) it was contracted in a form required or permitted by the law of the country whose Embassy, High Commission or Consulate it is, or in a form permitted under this Act;
- (b) each of the parties had, at the time of the marriage, capacity to marry under the law of the country of his or her domicile or under the law of the country of the intended domicile of the parties after marriage;
- (c) in the case where either of the parties is a citizen of or is domiciled in Singapore, both parties had capacity to marry under this Act.

Validity of customary marriages contracted on or after 15 September 1961 and before 2 June 1967

184.—(1) To avoid doubt, every marriage contracted or effected on or after 15 September 1961 and before 2 June 1967 in accordance with the law, religion, custom or usage of the parties or any of the parties thereto shall be valid if the marriage is not contracted or effected in contravention of sections 4 and 10.

(2) This section does not apply to any such marriage which has been declared to be null and void by an order of the High Court prior to 2 May 1975.

Saving for petitions presented before 1 June 1981

185.—(1) The Women's Charter (Amendment) Act 1980 (including the repeals and amendments made by it) does not have effect in relation to any petition for divorce or judicial separation, for

a decree of nullity or for a decree of presumption of death and dissolution of the marriage presented before 1 June 1981.

(2) Without prejudice to any provision of this Act, neither collusion nor any other conduct on the part of the petitioner which has at any time been a bar to relief in matrimonial proceedings constitutes a bar to the grant of a decree nisi of divorce, a decree of judicial separation, a decree of nullity or a decree of presumption of death and dissolution of the marriage, whether the marriage took place, or the proceedings were instituted, before or after 1 June 1981, and the court is not required to dismiss an application for a decree nisi of divorce to be made absolute on the ground of collusion between the parties in connection with the presentation or prosecution of the petition for divorce or the obtaining of the decree nisi or on the ground of any conduct on the part of the petitioner.

Savings for proceedings before 1 May 1997

186.—(1) Nothing in section 12 affects any proceedings under the Women's Charter commenced before 1 May 1997 or any decree, order or judgment made or given (whether before or after that date) in any such proceedings.

(2) Nothing in Part 7 affects proceedings instituted under the repealed sections 68 and 69 of the Women's Charter (Cap. 353, 1985 Revised Edition) before 1 May 1997 and those sections in force immediately before that date continue to apply to the proceedings as if the Women's Charter (Amendment) Act 1996 had not been enacted.

(3) Section 112 does not apply to the hearing of any proceedings which has begun before 1 May 1997 under the repealed section 106 of the Women's Charter (Cap. 353, 1985 Revised Edition) in force immediately before that date and the repealed section 106 continues to apply to that hearing as if the Women's Charter (Amendment) Act 1996 had not been enacted.

(4) Nothing in this section affects section 16 of the Interpretation Act 1965.

FIRST SCHEDULE

Section 10

KINDRED AND AFFINITY
PROHIBITED DEGREES OF RELATIONSHIP

Mother.	Father.
Daughter.	Son.
Father's mother.	Father's father.
Mother's mother.	Mother's father.
Son's daughter.	Son's son.
Daughter's daughter.	Daughter's son.
Sister.	Brother.
Wife's mother.	Husband's father.
Wife's daughter.	Husband's son.
Father's wife.	Mother's husband.
Son's wife.	Daughter's husband.
Father's father's wife.	Father's mother's husband.
Mother's father's wife.	Mother's mother's husband.
Wife's father's mother.	Husband's father's father.
Wife's mother's mother.	Husband's mother's father.
Wife's son's daughter.	Husband's son's son.
Wife's daughter's daughter.	Husband's daughter's son.
Son's son's wife.	Son's daughter's husband.
Daughter's son's wife.	Daughter's daughter's husband.
Father's sister.	Father's brother.
Mother's sister.	Mother's brother.
Brother's daughter.	Brother's son.
Sister's daughter.	Sister's son.

SECOND SCHEDULE

Sections 13(1) and 17(2)

CONSENTS REQUIRED TO THE MARRIAGE OF A MINOR

PART 1 — WHERE THE MINOR IS LEGITIMATE

*Circumstances**Person or persons whose consent is required*

1. Where both parents are living:
 - (a) if parents living together: both parents;
 - (b) if parents are divorced or separated by order of court or by agreement: the parent to whom the custody of the minor is committed by order of any court or by the agreement, or, if the custody of the minor is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents;
 - (c) if one parent has been deserted by the other: the parent who has been deserted;
 - (d) if both parents have been deprived of custody of minor by order of court: the person to whose custody the minor is committed by order of court.
2. Where one parent is dead:
 - (a) if there is no other guardian: the surviving parent;
 - (b) if a guardian has been appointed by the deceased parent: the surviving parent and the guardian if acting jointly, or the surviving parent or the guardian if the parent or guardian is the sole guardian of the minor.
3. Where both parents are dead: the guardians or guardian appointed by the deceased parents or by the court under the Guardianship of Infants Act 1934.

PART 2 — WHERE THE MINOR IS ILLEGITIMATE

*Circumstances**Person whose consent is required*

1. If the mother of the minor is alive: the mother or, if she has by order of court been deprived of the custody of the

SECOND SCHEDULE — *continued*

- | | |
|----------------------------------------|------------------------------------------------------------------------------------------|
| | minor, the person to whom the custody of the minor has been committed by order of court. |
| 2. If the mother of the minor is dead: | the guardian appointed by the mother, or by the court. |

PART 3 — WHERE THE MINOR IS A TRANSFERRED CHILD

*Circumstances**Person whose consent is required*

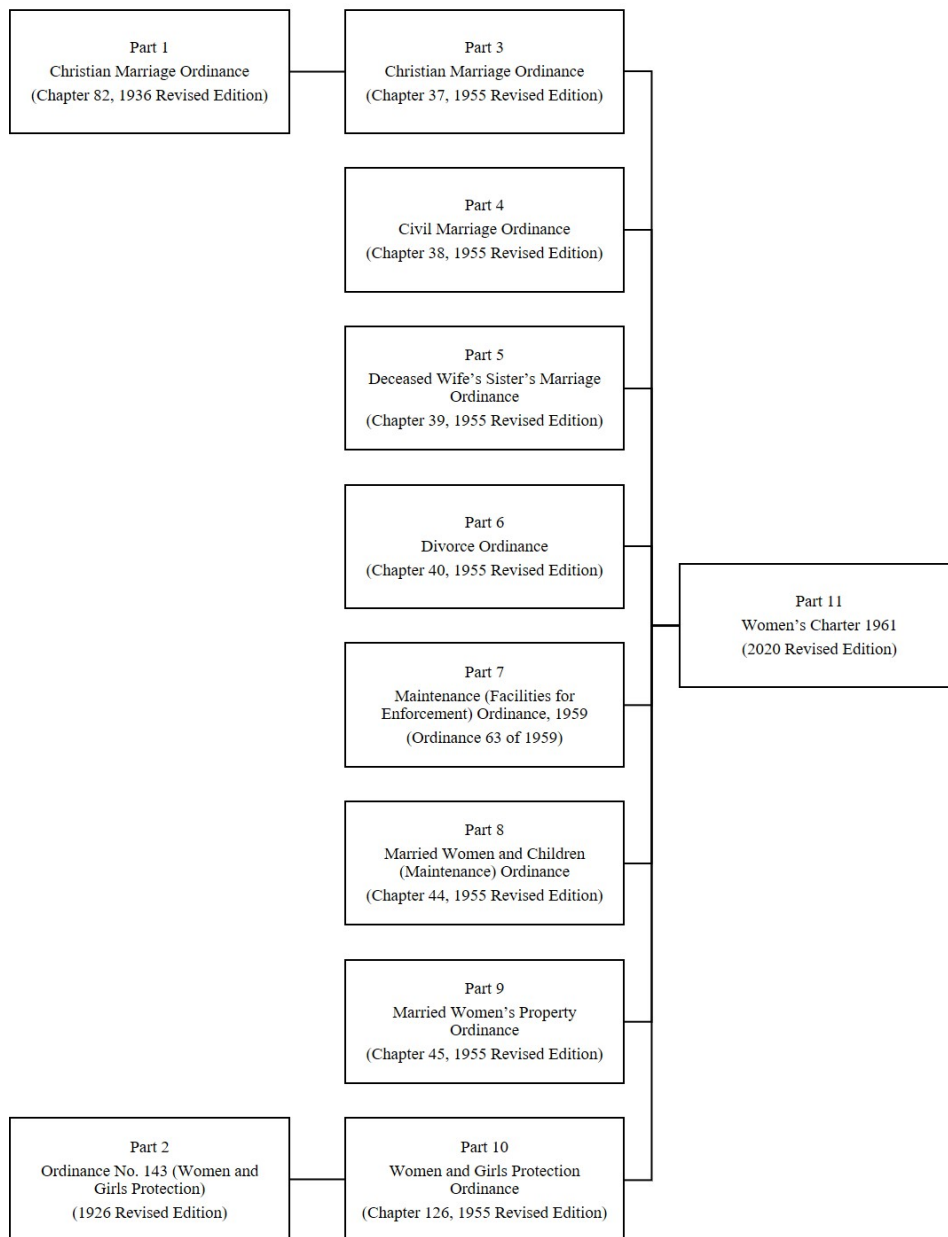
If the father, mother, legal guardian or guardian of the transferred child is not available or does not give his or her consent:

the person whose particulars are registered with the protector under the Children and Young Persons Act 1993 as the person who has the care, custody or control of such transferred child.

LEGISLATIVE HISTORY
WOMEN'S CHARTER 1961

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1

CHRISTIAN MARRIAGE ORDINANCE
(CHAPTER 82, 1936 REVISED EDITION)**1. Ordinance III of 1880 — The Marriage Registrars' Ordinance, 1880**

Bill	:	G.N. No. 178/1880
First Reading	:	20 May 1880
Second Reading	:	1 June 1880
Notice of Amendments	:	13 July 1880
Third Reading	:	13 July 1880
Commencement	:	29 July 1880

2. Ordinance III of 1898 — The Christian Marriage Ordinance 1898

Bill	:	G.N. No. 392/1896
First Reading	:	25 June 1896
Second Reading	:	21 March 1898
Notice of Amendments	:	2 August 1898
Third Reading	:	23 August 1898
Commencement	:	2 April 1899

Note: This Ordinance repealed The Indian Marriage Act 1865 (Indian Act V of 1865) except sections 42 and 44, and The Marriage Registrars' Ordinance, 1880 (Ordinance III of 1880) except sections 25 and 26.

**3. Ordinance XXV of 1903 — The Christian Marriage Ordinance 1898
Amendment Ordinance 1903**

Bill	:	Information not available
First Reading	:	11 September 1903
Second Reading	:	18 September 1903
Third Reading	:	10 October 1903
Commencement	:	10 October 1903

**4. Ordinance VII of 1909 — The Christian Marriage Ordinance 1898
Amendment Ordinance 1909**

Bill	:	G.N. No. 464/1909
First Reading	:	17 May 1909

Second Reading	:	11 June 1909
Notice of Amendments	:	2 July 1909
Third Reading	:	2 July 1909
Commencement	:	15 July 1909

Note: This Ordinance repealed sections 42 and 44 of The Indian Marriage Act 1865 (Indian Act V of 1865), and sections 25 and 26 of The Marriage Registrars' Ordinance, 1880 (Ordinance III of 1880).

5. Ordinance XXVI of 1915 — The Christian Marriage (Amendment) Ordinance 1915

Bill	:	G.N. No. 961/1915
First Reading	:	15 October 1915
Second Reading	:	29 October 1915
Third Reading	:	3 December 1915
Commencement	:	11 December 1915

6. Ordinance 8 of 1920 — Governor's Powers Delegation Ordinance, 1920 (Amendments made by section 2 read with the Schedule to the above Ordinance)

Bill	:	G.N. No. 349/1920
First Reading	:	8 March 1920
Second Reading	:	12 April 1920
Notice of Amendments	:	12 April 1920
Third Reading	:	12 April 1920
Commencement	:	21 April 1920 (section 2 read with the Schedule)

7. 1920 Revised Edition — Ordinance No. 60 (Christian Marriage)

Operation	:	28 November 1921
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8. Ordinance 26 of 1921 — Statute Laws (Revised Edition) Operation Ordinance, 1921

(Amendments made by section 3(a) read with Schedule C to the above Ordinance)

Bill	:	G.N. No. 1854/1921
First and Second Readings	:	22 November 1921
Notice of Amendments	:	22 November 1921

Third Reading	:	22 November 1921
Commencement	:	28 November 1921 (section 3(a) read with Schedule C)

9. Ordinance 32 of 1922 — Statute Laws (Revised Edition) Amendment Ordinance, 1922

(Amendments made by section 4 of the above Ordinance)

Bill	:	G.N. No. 1158/1922
First Reading	:	14 August 1922
Second Reading	:	11 September 1922
Notice of Amendments	:	23 October 1922
Third Reading	:	23 October 1922
Commencement	:	28 November 1921 (section 4)

10. Ordinance 19 of 1925 — Christian Marriage (Amendment) Ordinance, 1925

Bill	:	G.N. No. 1414/1925
First, Second and Third Readings	:	24 August 1925
Commencement	:	7 September 1925

11. 1926 Revised Edition — Ordinance No. 60 (Christian Marriage)

Operation	:	1 August 1926
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12. 1936 Revised Edition — Christian Marriage Ordinance (Chapter 82)

Operation	:	1 September 1936
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PART 2

ORDINANCE NO. 143 (WOMEN AND GIRLS PROTECTION)
(1926 REVISED EDITION)

13. Ordinance XXIII of 1870 — Contagious Diseases Ordinance, 1870

Bill	:	S.S.G.G. No. 42/1870
First Reading	:	3 October 1870
Second Reading	:	11 November 1870
Notice of Amendments	:	28 November 1870
Third Reading	:	1 December 1870

Commencement	:	2 September 1872
		1 November 1872

Note: This Ordinance comes into operation on the dates in the Orders of the Governor in Council (G.N. No. 147/1872 and G.N. No. 177/1872) for the areas specified in those Orders.

14. Ordinance III of 1873 — The Contagious Diseases Amendment Ordinance, 1873

Bill	:	Information not available
First Reading	:	27 May 1873
Second Reading	:	12 June 1873
Notice of Amendments	:	12 June 1873
Third Reading	:	12 June 1873
Commencement	:	12 June 1873

15. Ordinance VIII of 1875 — The Contagious Diseases Amendment Ordinance, 1875

Bill	:	S.S.G.G. No. 18/1875
First Reading	:	4 May 1875
Second and Third Readings	:	6 May 1875
Commencement	:	6 May 1875

16. Ordinance I of 1887 — The Women and Girls' Protection Ordinance 1887

Bill	:	G.N. No. 611/1886
First Reading	:	28 December 1886
Second Reading	:	2 May 1887
Notice of Amendments	:	5 May 1887
Third Reading	:	9 May 1887
Commencement	:	9 May 1887

17. Ordinance XIV of 1888 — The Women and Girls' Protection Ordinance 1888

Bill	:	G.N. No. 660/1888
First Reading	:	19 November 1888
Second Reading	:	28 November 1888

Notice of Amendments	:	12 December 1888
Third Reading	:	19 December 1888
Commencement	:	1 January 1889

18. Ordinance III of 1890 — The Women and Girls’ Protection Ordinance Amendment Ordinance 1890

Bill	:	G.N. No. 741/1889
First Reading	:	14 February 1890
Second Reading	:	20 February 1890
Notice of Amendments	:	27 February 1890
Third Reading	:	6 March 1890
Commencement	:	6 March 1890

19. Ordinance XVII of 1891 — The Women and Girls’ Protection Ordinance Amendment Ordinance 1891

Bill	:	G.N. No. 268/1891
First Reading	:	15 October 1891
Second Reading	:	5 November 1891
Notice of Amendments	:	23 December 1891
Third Reading	:	23 December 1891
Commencement	:	23 December 1891

20. Ordinance XII of 1894 — The Women and Girls’ Protection Ordinance Amendment Ordinance 1894

Bill	:	G.N. No. 296/1894
First Reading	:	18 June 1894
Second Reading	:	19 July 1894
Notice of Amendments	:	9 August 1894
Third Reading	:	6 September 1894
Commencement	:	6 September 1894

21. Ordinance XVI of 1894 — An Ordinance to revive and re-enact Part II of The Women and Girls’ Protection Ordinance 1888

Bill	:	Information not available
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First, Second and Third Readings : 1 November 1894

Commencement : 1 November 1894

22. Ordinance XVII of 1896 — The Women and Girls' Protection Ordinance 1896

Bill : G.N. No. 425/1896

First Reading : 16 July 1896

Second Reading : 24 September 1896

Notice of Amendments : 12 November 1896

Third Reading : 19 November 1896

Commencement : 19 November 1896

23. Ordinance XIII of 1899 — The Women and Girls' Protection Ordinance 1896 Amendment Ordinance 1899

Bill : G.N. No. 440/1899

First Reading : 13 June 1899

Second Reading : 20 June 1899

Notice of Amendments : 22 August 1899

Third Reading : 29 August 1899

Commencement : 1 November 1899

24. Ordinance XVII of 1900 — The Women and Girls' Protection Ordinance 1896 Amendment Ordinance 1900

Bill : G.N. No. 162/1900

First Reading : 27 February 1900

Second Reading : 3 April 1900

Notice of Amendments : 11 September 1900

Third Reading : 18 September 1900

Commencement : 18 September 1900

25. Ordinance III of 1902 — The Women and Girls' Protection Ordinance 1896 Amendment Ordinance 1902

Bill : G.N. No. 1588/1901

First Reading : 21 January 1902

Second Reading : 28 January 1902

Notice of Amendments	:	4 February 1902
Third Reading	:	18 February 1902
Commencement	:	18 February 1902

26. Ordinance IV of 1910 — The Women and Girls Protection Ordinance 1896 Amendment Ordinance 1910

Bill	:	G.N. No. 1251/1909
First Reading	:	26 November 1909
Second Reading	:	11 March 1910
Notice of Amendments	:	1 April 1910
Third Reading	:	15 April 1910
Commencement	:	22 April 1910

27. Ordinance XXVI of 1914 — The Women and Girls Protection Ordinance 1914

Bill	:	G.N. No. 529/1913
First Reading	:	27 June 1913
Second Reading	:	22 August 1913
Notice of Amendments	:	2 October 1914
Third Reading	:	30 October 1914
Commencement	:	9 November 1914

28. 1920 Revised Edition — Ordinance No. 143 (Women and Girls Protection)

Operation	:	28 November 1921
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29. Ordinance 24 of 1925 — Women and Girls Protection (Amendment) Ordinance, 1925

Bill	:	G.N. No. 1283/1925
First Reading	:	24 August 1925
Second Reading	:	5 October 1925
Notice of Amendments	:	5 October 1925
Third Reading	:	26 October 1925
Commencement	:	4 November 1925

30. 1926 Revised Edition — Ordinance No. 143 (Women and Girls Protection)

Operation : 1 August 1926

31. Ordinance 6 of 1926 — The Statute Laws (Revised Edition) Operation Ordinance, 1926

(Amendments made by section 3 read with Schedule B to the above Ordinance)

Bill : G.N. No. 1151/1926
 First and Second Readings : 12 July 1926
 Notice of Amendments : 12 July 1926
 Third Reading : 12 July 1926
 Commencement : 1 August 1926 (section 3 read with Schedule B)

32. Ordinance 15 of 1927 — Women and Girls Protection (Amendment) Ordinance, 1927

Bill : G.N. No. 1325/1927
 First Reading : 22 August 1927
 Second Reading : 10 October 1927
 Notice of Amendments : 10 October 1927
 Third Reading : 31 October 1927
 Commencement : 27 November 1927

PART 3

CHRISTIAN MARRIAGE ORDINANCE
 (CHAPTER 37, 1955 REVISED EDITION)

33. Ordinance 10 of 1940 — Christian Marriage Ordinance, 1940

Bill : G.N. No. 3464/1939
 First Reading : 8 November 1939
 Second Reading : 12 February 1940
 Notice of Amendments : 12 February 1940
 Third Reading : 12 February 1940
 Commencement : 1 January 1941

34. Ordinance 16 of 1941 — Christian Marriage (Amendment) Ordinance, 1941

Bill	:	G.N. No. 308/1941
First Reading	:	3 February 1941
Second and Third Readings	:	28 April 1941
Commencement	:	17 May 1941

35. Ordinance 27 of 1952 — Christian Marriage (Amendment) Ordinance, 1952

Bill	:	G.N. No. S 201/1951
First Reading	:	19 June 1951
Select Committee Report	:	Council Paper No. 111 of 1951
Second Reading	:	17 June 1952
Notice of Amendments	:	17 June 1952
Third Reading	:	17 June 1952
Commencement	:	26 August 1952

36. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952

(Amendments made by section 2 read with item 100 of the Schedule to the above Ordinance)

Bill	:	32/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952
Commencement	:	30 April 1955 (section 2 read with item 100 of the Schedule)

37. 1955 Revised Edition — Christian Marriage Ordinance (Chapter 37)

Operation	:	1 July 1956
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38. Ordinance 31 of 1958 — Legislative Assembly (Presentation of Subsidiary Legislation) Ordinance, 1958

(Amendments made by section 2 read with the Schedule to the above Ordinance)

Bill	:	158/1958
First Reading	:	16 July 1958
Second Reading	:	13 August 1958

Notice of Amendments	:	10 September 1958
Third Reading	:	10 September 1958
Commencement	:	25 September 1958 (section 2 read with the Schedule)

39. G.N. No. S (N.S.) 67/1959 — Singapore Constitution (Modification of Laws) (No. 2) Order, 1959

Commencement	:	21 August 1959
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40. Ordinance 72 of 1959 — Transfer of Powers (No. 2) Ordinance, 1959
(Amendments made by section 2 read with the First Schedule to the above Ordinance)

Bill	:	31/1959
First Reading	:	22 September 1959
Second Reading	:	11 November 1959
Notice of Amendments	:	11 November 1959
Third Reading	:	11 November 1959
Commencement	:	20 November 1959 (section 2 read with the First Schedule)

41. G.N. No. S (N.S.) 177/1959 — Singapore Constitution (Modification of Laws) (No. 3) Order, 1959

Commencement	:	20 November 1959
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42. G.N. No. S (N.S.) 178/1959 — Singapore Constitution (Modification of Laws) (No. 4) Order, 1959

Commencement	:	20 November 1959
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43. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959

Commencement	:	20 November 1959
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PART 4

CIVIL MARRIAGE ORDINANCE
(CHAPTER 38, 1955 REVISED EDITION)

44. Ordinance 9 of 1940 — Civil Marriage Ordinance, 1940

Bill	:	G.N. No. 3464/1939
First Reading	:	8 November 1939
Second Reading	:	12 February 1940

Notice of Amendments	:	12 February 1940
Third Reading	:	12 February 1940
Commencement	:	1 January 1941

45. Ordinance 28 of 1952 — Civil Marriage (Amendment) Ordinance, 1952

Bill	:	G.N. No. S 202/1951
First Reading	:	19 June 1951
Second Reading	:	17 June 1952
Notice of Amendments	:	17 June 1952
Third Reading	:	17 June 1952
Commencement	:	26 August 1952

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

(Amendments made by section 2 read with item 33 of the Schedule to the above Ordinance)

Bill	:	45/1954
First Reading	:	14 December 1954
Second and Third Readings	:	28 January 1955
Commencement	:	4 February 1955 (section 2 read with item 33 of the Schedule)

47. 1955 Revised Edition — Civil Marriage Ordinance (Chapter 38)

Operation	:	1 July 1956
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48. Ordinance 31 of 1958 — Legislative Assembly (Presentation of Subsidiary Legislation) Ordinance, 1958

(Amendments made by section 2 read with the Schedule to the above Ordinance)

Bill	:	158/1958
First Reading	:	16 July 1958
Second Reading	:	13 August 1958
Notice of Amendments	:	10 September 1958
Third Reading	:	10 September 1958
Commencement	:	25 September 1958 (section 2 read with the Schedule)

49. G.N. No. S (N.S.) 67/1959 — Singapore Constitution (Modification of Laws) (No. 2) Order, 1959

Commencement : 21 August 1959

50. G.N. No. S (N.S.) 177/1959 — Singapore Constitution (Modification of Laws) (No. 3) Order, 1959

Commencement : 20 November 1959

51. G.N. No. S (N.S.) 178/1959 — Singapore Constitution (Modification of Laws) (No. 4) Order, 1959

Commencement : 20 November 1959

52. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959

Commencement : 20 November 1959

PART 5

DECEASED WIFE'S SISTER'S MARRIAGE ORDINANCE
(CHAPTER 39, 1955 REVISED EDITION)

53. Ordinance XIII of 1911 — The Deceased Wife's Sister's Marriage Ordinance 1911

Bill : G.N. No. 579/1911

First Reading : 5 May 1911

Second Reading : 12 May 1911

Third Reading : 21 July 1911

Commencement : 10 April 1914

54. 1920 Revised Edition — Ordinance No. 128 (Deceased Wife's Sister's Marriage)

Operation : 28 November 1921

55. 1926 Revised Edition — Ordinance No. 128 (Deceased Wife's Sister's Marriage)

Operation : 1 August 1926

56. Ordinance 63 of 1935 — Statute Law Revision Ordinance, 1935
(Amendments made by section 2 read with item (n) of the First Schedule to the above Ordinance)

Bill : G.N. No. 3043/1935

First Reading : 20 November 1935

Second Reading : 9 December 1935

Notice of Amendments	:	9 December 1935
Third Reading	:	9 December 1935
Commencement	:	31 December 1935 (section 2 read with item (n) of the First Schedule)

57. 1936 Revised Edition — Deceased Wife’s Sister’s Marriage Ordinance (Chapter 83)

Operation	:	1 September 1936
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58. 1955 Revised Edition — Deceased Wife’s Sister’s Marriage Ordinance (Chapter 39)

Operation	:	1 July 1956
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PART 6
DIVORCE ORDINANCE
(CHAPTER 40, 1955 REVISED EDITION)

59. Ordinance XXV of 1910 — The Divorce Ordinance 1910

Bill	:	G.N. No. 761/1910
First Reading	:	19 August 1910
Second Reading	:	2 September 1910
Notice of Amendments	:	30 September 1910
Third Reading	:	30 September 1910
Commencement	:	1 January 1912

60. Ordinance V of 1911 — The Divorce Ordinance 1910 Amendment Ordinance 1911

Bill	:	G.N. No. 379/1911
First Reading	:	24 March 1911
Second Reading	:	31 March 1911
Third Reading	:	28 April 1911
Commencement	:	1 January 1912

61. 1920 Revised Edition — Ordinance No. 123 (Divorce)

Operation	:	28 November 1921
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62. 1926 Revised Edition — Ordinance No. 123 (Divorce)

Operation	:	1 August 1926
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63. Ordinance 7 of 1933 — Divorce (Amendment) Ordinance, 1933

Bill	:	G.N. No. 2507/1932
First Reading	:	16 January 1933
Second and Third Readings	:	6 March 1933
Commencement	:	1 May 1933

64. Ordinance 63 of 1935 — Statute Law Revision Ordinance, 1935

(Amendments made by section 2 read with item (I) of the First Schedule to the above Ordinance)

Bill	:	G.N. No. 3043/1935
First Reading	:	20 November 1935
Second Reading	:	9 December 1935
Notice of Amendments	:	9 December 1935
Third Reading	:	9 December 1935
Commencement	:	31 December 1935 (section 2 read with item (I) of the First Schedule)

65. 1936 Revised Edition — Divorce Ordinance (Chapter 84)

Operation	:	1 September 1936
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66. Ordinance 39 of 1939 — Divorce (Amendment) Ordinance, 1939

Bill	:	G.N. No. 2075/1939
First Reading	:	28 August 1939
Second and Third Readings	:	16 October 1939
Commencement	:	1 July 1941

67. Ordinance 15 of 1941 — Divorce (Amendment) Ordinance, 1941

Bill	:	G.N. No. 308/1941
First Reading	:	3 February 1941
Second and Third Readings	:	28 April 1941
Commencement	:	1 July 1941

68. Ordinance 25 of 1941 — Divorce (Amendment No. 2) Ordinance, 1941

Bill	:	G.N. No. 745/1941
First Reading	:	28 April 1941
Second Reading	:	9 June 1941

- | | | |
|----------------------|---|----------------|
| Notice of Amendments | : | 9 June 1941 |
| Third Reading | : | 9 June 1941 |
| Commencement | : | 1 October 1941 |
- 69. 1955 Revised Edition — Divorce Ordinance (Chapter 40)**
- | | | |
|-----------|---|-------------|
| Operation | : | 1 July 1956 |
|-----------|---|-------------|
- 70. Ordinance 21 of 1957 — Divorce (Amendment) Ordinance, 1957**
- | | | |
|---------------------------|---|---------------|
| Bill | : | 97/1957 |
| First Reading | : | 24 April 1957 |
| Second and Third Readings | : | 22 May 1957 |
| Commencement | : | 1 August 1957 |
- 71. Ordinance 31 of 1958 — Legislative Assembly (Presentation of Subsidiary Legislation) Ordinance, 1958**
(Amendments made by section 2 read with the Schedule to the above Ordinance)
- | | | |
|----------------------|---|------------------------------------------------------|
| Bill | : | 158/1958 |
| First Reading | : | 16 July 1958 |
| Second Reading | : | 13 August 1958 |
| Notice of Amendments | : | 10 September 1958 |
| Commencement | : | 25 September 1958 (section 2 read with the Schedule) |
- 72. Act 62 of 1959 — State Advocate-General (Transfer of Powers) Ordinance, 1959**
(Amendments made by section 5 read with the Schedule to the above Ordinance)
- | | | |
|---------------------------|---|------------------------------------------------------|
| Bill | : | 22/1959 |
| First Reading | : | 13 August 1959 |
| Second and Third Readings | : | 2 September 1959 |
| Commencement | : | 11 September 1959 (section 5 read with the Schedule) |
- 73. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959**
- | | | |
|--------------|---|------------------|
| Commencement | : | 20 November 1959 |
|--------------|---|------------------|

PART 7

MAINTENANCE (FACILITIES FOR ENFORCEMENT) ORDINANCE, 1959
(ORDINANCE 63 OF 1959)

**74. Ordinance 63 of 1959 — Maintenance (Facilities for Enforcement)
Ordinance, 1959**

Bill	:	27/1959
First Reading	:	14 August 1959
Second Reading	:	2 September 1959
Notice of Amendments	:	2 September 1959
Third Reading	:	2 September 1959
Commencement	:	11 September 1959

PART 8

MARRIED WOMEN AND CHILDREN (MAINTENANCE) ORDINANCE
(CHAPTER 44, 1955 REVISED EDITION)

**75. Ordinance 26 of 1949 — Married Women and Children (Maintenance)
Ordinance, 1949**

Bill	:	G.N. No. S 243/1949
First Reading	:	21 June 1949
Second and Third Readings	:	28 July 1949
Commencement	:	10 August 1949

**76. 1955 Revised Edition — Married Women and Children (Maintenance)
Ordinance (Chapter 44)**

Operation	:	1 July 1956
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PART 9

MARRIED WOMEN'S PROPERTY ORDINANCE
(CHAPTER 45, 1955 REVISED EDITION)

77. Ordinance XI of 1902 — Married Women's Property Ordinance

Bill	:	G.N. No. 151/1902
First Reading	:	28 January 1902
Second Reading	:	4 February 1902
Notice of Amendments	:	15 April 1902
Third Reading	:	22 April 1902

- Commencement : 1 July 1902
- 78. 1920 Revised Edition — Ordinance No. 76 (Married Women’s Property)**
Operation : 28 November 1921
- 79. 1926 Revised Edition — Ordinance No. 76 (Married Women’s Property)**
Operation : 1 August 1926
- 80. 1936 Revised Edition — Married Women’s Property Ordinance
(Chapter 55)**
Operation : 1 September 1936
- 81. 1955 Revised Edition — Married Women’s Property Ordinance
(Chapter 45)**
Operation : 1 July 1956

PART 10

WOMEN AND GIRLS PROTECTION ORDINANCE
(CHAPTER 126, 1955 REVISED EDITION)

- 82. Ordinance 15 of 1930 — Women and Girls Protection Ordinance, 1930**
Bill : G.N. No. 1243/1930
First Reading : 7 July 1930
Second Reading : 25 August 1930
Notice of Amendments : 25 August 1930
Third Reading : 29 September 1930
Commencement : 14 October 1930
- 83. Ordinance 24 of 1932 — Women and Girls Protection (Amendment)
Ordinance, 1932**
Bill : G.N. No. 1966/1932
First Reading : 19 October 1932
Second and Third Readings : 5 December 1932
Commencement : 1 February 1933
- 84. Ordinance 27 of 1935 — Women and Girls Protection (Amendment)
Ordinance, 1935**
Bill : G.N. No. 1218/1935
First Reading : 17 June 1935

Second Reading	:	26 August 1935
Notice of Amendments	:	26 August 1935
Third Reading	:	26 August 1935
Commencement	:	6 September 1935

85. 1936 Revised Edition — Women and Girls Protection Ordinance (Chapter 33)

Operation	:	1 September 1936
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86. Ordinance 13 of 1937 — Women and Girls Protection (Amendment) Ordinance, 1937

Bill	:	G.N. No. 551/1937
First Reading	:	26 April 1937
Second Reading	:	14 June 1937
Notice of Amendments	:	14 June 1937
Third Reading	:	14 June 1937
Commencement	:	26 June 1937

87. Ordinance 46 of 1939 — Women and Girls Protection (Amendment) Ordinance, 1939

Bill	:	G.N. No. 3037/1939
First Reading	:	16 October 1939
Second Reading	:	8 November 1939
Notice of Amendments	:	8 November 1939
Third Reading	:	8 November 1939
Commencement	:	8 December 1939

88. Ordinance 20 of 1941 — Women and Girls Protection (Amendment) Ordinance, 1941

Bill	:	G.N. No. 452/1941
First Reading	:	28 April 1941
Second and Third Readings	:	9 June 1941
Commencement	:	25 June 1941

89. Ordinance 23 of 1949 — Women and Girls Protection (Amendment) Ordinance, 1949

Bill	:	G.N. No. S 49/1949
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First Reading	:	16 February 1949
Second Reading	:	15 March 1949
Select Committee Report	:	Council Paper No. 48 of 1949
Third Reading	:	21 June 1949
Commencement	:	29 June 1949

90. Ordinance 1 of 1954 — Women and Girls Protection (Amendment) Ordinance, 1954

Bill	:	32/1953
First Reading	:	15 December 1953
Second and Third Readings	:	17 March 1954
Commencement	:	27 March 1954

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

(Amendments made by section 2 read with item 5 of the Schedule to the above Ordinance)

Bill	:	45/1954
First Reading	:	14 December 1954
Second and Third Readings	:	28 January 1955
Commencement	:	4 February 1955 (section 2 read with item 5 of the Schedule)

92. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952

(Amendments made by section 2 read with item 8 of the Schedule to the above Ordinance)

Bill	:	32/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952
Commencement	:	30 April 1955 (section 2 read with item 8 of the Schedule)

93. 1955 Revised Edition — Women and Girls Protection Ordinance (Chapter 126)

Operation	:	1 July 1956
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PART 11
WOMEN'S CHARTER 1961
(2020 REVISED EDITION)

94. Ordinance 18 of 1961 — Women's Charter, 1961

Bill	:	126/1961
First Reading	:	22 February 1961
Second Reading	:	22 March 1961
Select Committee Report	:	Sessional Paper No. L.A. 10 of 1961
Third Reading	:	24 May 1961
Commencement	:	15 September 1961

95. Act 9 of 1967 — Women's Charter (Amendment) Act, 1967

Bill	:	46/1966
First Reading	:	26 October 1966
Second Reading	:	5 December 1966
Select Committee Report	:	Parl. 7 of 1967
Third Reading	:	24 May 1967
Commencement	:	2 June 1967

96. Act 14 of 1969 — Statute Law Revision Act, 1969

(Amendments made by section 2 read with the First Schedule to the above Act)

Bill	:	22/1969
First Reading	:	15 October 1969
Second Reading	:	22 December 1969
Notice of Amendments	:	22 December 1969
Third Reading	:	22 December 1969
Commencement	:	2 January 1970 (section 2 read with the First Schedule)

97. 1970 Revised Edition — Women's Charter (Chapter 47)

Operation	:	1 March 1971
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98. Act 21 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act, 1973

(Amendments made by section 2 read with the Schedule to the above Act)

Bill	:	16/1973
First Reading	:	7 March 1973
Second and Third Readings	:	20 March 1973
Commencement	:	6 April 1973 (section 2 read with the Schedule)

99. Act 34 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) (No. 3) Act, 1973

(Amendments made by section 2 read with item (e) of the Schedule to the above Act)

Bill	:	27/1973
First Reading	:	11 July 1973
Second and Third Readings	:	25 July 1973
Commencement	:	24 August 1973 (section 2 read with item (e) of the Schedule)

100. Act 8 of 1975 — Women's Charter (Amendment) Act, 1975

Bill	:	10/1975
First Reading	:	25 February 1975
Second and Third Readings	:	26 March 1975
Commencement	:	2 May 1975

101. Act 26 of 1980 — Women's Charter (Amendment) Act, 1980

Bill	:	23/1979
First Reading	:	15 May 1979
Second Reading	:	7 September 1979
Select Committee Report	:	Parl. 1 of 1980
Third Reading	:	25 June 1980
Commencement	:	1 June 1981

102. 1981 Reprint — Women's Charter (Chapter 47)

Reprint	:	15 August 1981
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103. 1985 Revised Edition — Women’s Charter (Chapter 353)

Operation : 30 March 1987

104. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993
(Amendments made by section 29(5) read with item (16) of the Schedule to the above Act)

Bill : 12/1993

First Reading : 26 February 1993

Second Reading : 12 April 1993

Notice of Amendments : 12 April 1993

Third Reading : 12 April 1993

Commencement : 1 July 1993 (section 29(5) read with item (16) of the Schedule)

105. Act 2 of 1994 — Judicial Committee (Repeal) Act 1994

(Amendments made by section 3 read with item (5) of the Schedule to the above Act)

Bill : 2/1994

First Reading : 17 January 1994

Second and Third Readings : 23 February 1994

Commencement : 8 April 1994 (section 3 read with item (5) of the Schedule)

106. Act 30 of 1996 — Women’s Charter (Amendment) Act 1996

Bill : 5/1996

First Reading : 18 January 1996

Second Reading : 2 May 1996

Select Committee Report : Parl. 3 of 1996

Third Reading : 27 August 1996

Commencement : 1 May 1997

107. 1997 Revised Edition — Women’s Charter (Chapter 353)

Operation : 30 May 1997

108. Act 20 of 2001 — Children and Young Persons (Amendment) Act 2001
(Amendments made by section 48 read with item (6) of the Schedule to the above Act)

Bill : 12/2001

First Reading	:	22 February 2001
Second and Third Readings	:	20 April 2001
Commencement	:	1 October 2001 (section 48 read with item (6) of the Schedule)

109. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005

(Amendments made by section 5 read with item (36) of the First Schedule to the above Act)

Bill	:	30/2005
First Reading	:	17 October 2005
Second and Third Readings	:	21 November 2005
Commencement	:	1 April 2006 (section 5 read with item (36) of the First Schedule)

110. Act 2 of 2007 — Statutes (Miscellaneous Amendments) Act 2007

(Amendments made by section 18 of the above Act)

Bill	:	14/2006
First Reading	:	8 November 2006
Second and Third Readings	:	22 January 2007
Commencement	:	1 March 2007 (section 18)

111. Act 51 of 2007 — Penal Code (Amendment) Act 2007

(Amendments made by section 107 read with item (8) of the Third Schedule to the above Act)

Bill	:	38/2007
First Reading	:	17 September 2007
Second Reading	:	22 October 2007
Third Reading	:	23 October 2007
Commencement	:	1 February 2008 (section 107 read with item (8) of the Third Schedule)

112. 2009 Revised Edition — Women’s Charter (Chapter 353)

Operation	:	31 October 2009
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113. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008

(Amendments made by section 33 read with item 1(53) of the Second Schedule to the above Act)

Bill	:	11/2008
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First Reading	:	21 July 2008
Second and Third Readings	:	15 September 2008
Commencement	:	1 March 2010 (section 33 read with item 1(53) of the Second Schedule)

114. Act 15 of 2010 — Criminal Procedure Code 2010

(Amendments made by section 430 read with item 115 of the Sixth Schedule to the above Act)

Bill	:	11/2010
First Reading	:	26 April 2010
Second Reading	:	18 May 2010
Third Reading	:	19 May 2010
Commencement	:	2 January 2011 (section 430 read with item 115 of the Sixth Schedule)

115. Act 2 of 2011 — Women’s Charter (Amendment) Act 2011

Bill	:	34/2010
First Reading	:	22 November 2010
Second and Third Readings	:	10 January 2011
Commencement	:	1 June 2011 (except sections 2(<i>b</i>), (<i>c</i>), (<i>d</i>) and (<i>e</i>), 3, 4 and 16) 1 September 2011 (sections 2(<i>b</i>), (<i>c</i>), (<i>d</i>) and (<i>e</i>), 3 and 4)

116. Act 25 of 2012 — Statutes (Miscellaneous Amendments) (No. 2) Act 2012

(Amendments made by section 10 of the above Act)

Bill	:	23/2012
First Reading	:	10 September 2012
Second and Third Readings	:	15 October 2012
Commencement	:	28 March 2013 (section 10)

117. Act 27 of 2014 — Family Justice Act 2014

(Amendments made by section 76 of the above Act)

Bill	:	21/2014
First Reading	:	8 July 2014
Second Reading	:	4 August 2014

Notice of Amendments	:	4 August 2014
Third Reading	:	4 August 2014
Commencement	:	1 October 2014 (section 76 except section 76(j), (m), (u), (x), (zb), (zc), (zd), (zf), (zh) and (zi)) 1 January 2015 (section 76(j), (m), (u), (x), (zb), (zc), (zd), (zf), (zh) and (zi))

118. Act 7 of 2016 — Women’s Charter (Amendment) Act 2016

Bill	:	6/2016
First Reading	:	26 January 2016
Second and Third Readings	:	29 February 2016
Commencement	:	1 July 2016 (except sections 6, 7(b) and (d), 20(2), 21, 22, 47 and 48(4)) 1 October 2016 (sections 6, 7(b), 22 and 47) 1 December 2016 (sections 21 and 48(4)) 1 January 2017 (sections 7(d) and 20(2))

119. Act 19 of 2016 — Administration of Justice (Protection) Act 2016
(Amendments made by section 46 of the above Act)

Bill	:	23/2016
First Reading	:	11 July 2016
Second and Third Readings	:	15 August 2016
Commencement	:	1 October 2017 (section 46)

120. Act 27 of 2018 — Vulnerable Adults Act 2018
(Amendments made by section 42 of the above Act)

Bill	:	20/2018
First Reading	:	20 March 2018
Second and Third Readings	:	18 May 2018
Commencement	:	19 December 2018 (section 42)

121. Act 15 of 2019 — Criminal Law Reform Act 2019
(Amendments made by section 189 of the above Act)

Bill	:	6/2019
First Reading	:	11 February 2019

- | | | |
|----------------------|---|------------------------------|
| Second Reading | : | 6 May 2019 |
| Notice of Amendments | : | 6 May 2019 |
| Third Reading | : | 6 May 2019 |
| Commencement | : | 1 January 2020 (section 189) |
- 122. Act 30 of 2019 — Children and Young Persons (Amendment) Act 2019**
(Amendments made by section 75 of the above Act)
- | | | |
|----------------|---|--------------------------|
| Bill | : | 22/2019 |
| First Reading | : | 5 August 2019 |
| Second Reading | : | 3 September 2019 |
| Third Reading | : | 4 September 2019 |
| Commencement | : | 1 July 2020 (section 75) |
- 123. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018**
(Amendments made by section 523 of the above Act)
- | | | |
|---------------------------|---|----------------------------|
| Bill | : | 32/2018 |
| First Reading | : | 10 September 2018 |
| Second and Third Readings | : | 1 October 2018 |
| Commencement | : | 30 July 2020 (section 523) |
- 124. Act 36 of 2019 — Women’s Charter (Amendment) Act 2019**
- | | | |
|---------------------------|---|-----------------|
| Bill | : | 29/2019 |
| First Reading | : | 7 October 2019 |
| Second and Third Readings | : | 4 November 2019 |
| Commencement | : | 7 August 2020 |
- 125. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019**
(Amendments made by section 28(1) read with item 165 of the Schedule to the above Act)
- | | | |
|----------------------|---|-------------------------------------------------------------------|
| Bill | : | 32/2019 |
| First Reading | : | 7 October 2019 |
| Second Reading | : | 5 November 2019 |
| Notice of Amendments | : | 5 November 2019 |
| Third Reading | : | 5 November 2019 |
| Commencement | : | 2 January 2021 (section 28(1) read with item 165 of the Schedule) |

126. 2020 Revised Edition — Women's Charter 1961

Operation : 31 December 2021

127. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021

Bill : 18/2021

First Reading : 26 July 2021

Second and Third Readings : 14 September 2021

Commencement : 1 April 2022

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
WOMEN'S CHARTER 1961

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2009 Ed.
—	131—(3) [<i>Deleted by Act 19 of 2016</i>]
—	140—(5) [<i>Deleted by Act 15 of 2019</i>]