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The following Act was passed by Parliament on 10th January 2011 and assented to by the President on 25th January 2011:—

REPUBLIC OF SINGAPORE

No. 2 of 2011.

I assent.

S R NATHAN,
President.

25th January 2011.

(LS)

An Act to amend the Women's Charter (Chapter 353 of the 2009 Revised Edition) and to make related amendments to the Central Provident Fund Act (Chapter 36 of the 2001 Revised Edition), the Children Development Co-Savings Act (Chapter 38A of the 2002 Revised Edition) and the Guardianship of Infants Act (Chapter 122 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Women’s Charter (Amendment) Act 2011 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 17

2. Section 17 of the Women’s Charter is amended —

(a) by deleting paragraph (a) of subsection (2) and substituting the following paragraph:

“(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) by deleting the word “and” at the end of subsection (2)(d);

(c) by deleting the full-stop at the end of paragraph (e) of subsection (2) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(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.”;

(d) by inserting, immediately after subsection (2), the following subsections:

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

(2B) The statutory declaration referred to in subsection (2) shall be made by each party to the proposed marriage in the presence of the other party.”; and

(e) by inserting, immediately after subsection (3), the following subsection:

“(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 VIII;
- (b) an order for the payment of periodical sums by way of maintenance or alimony to a wife or for the benefit of any child under Part X;
- (c) an order for maintenance made by the Syariah Court under the Administration of Muslim Law Act (Cap. 3); or
- (d) a maintenance order as defined in section 2 of the Maintenance Orders (Facilities for Enforcement) Act (Cap. 168) or section 2 of the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169);

“marriage preparation programme” has the same meaning as in section 17A(3);

“permanent resident of Singapore” means a person who holds an entry permit under section 10 of the Immigration Act (Cap. 133) or a re-entry permit under section 11 of that Act.”.

New section 17A

3. The Women's Charter is amended by inserting, immediately after section 17, the following section:

“Marriage preparation programme

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

(2) A person to whom this section applies shall 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, together with the other party to the proposed marriage, have attended and completed a marriage preparation programme.

(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.”.

Amendment of section 21

4. Section 21 of the Women's Charter is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) The Minister may, if he 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 solemnization of a marriage between the parties named —

(a) upon proof being made to him 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 his 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.”; and

(b) by inserting, immediately after subsection (4), the following subsection:

“(5) In this section, “maintenance order” has the same meaning as in section 17(4).”.

Amendment of section 50

5. Section 50 of the Women's Charter is amended by inserting, immediately after subsection (3), the following subsections:

“(3A) A court before which any proceedings under Part X are being heard shall, 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 Minister may approve or as the court may direct.

(3B) Notwithstanding 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.

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

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

(3E) Without prejudice to the generality of subsection (3D), the further orders that may be made by a court under that subsection shall include the following orders:

- (a) an order that proceedings shall be stayed until the parties have attended such mediation or counselling 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).”.

Amendment of section 71

6. Section 71 of the Women’s Charter is amended —

- (a) by deleting the word “and” at the end of subsection (1)(b);
- (b) by deleting the full-stop at the end of paragraph (c) of subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(d) order the person to furnish security against any future default in maintenance payments by means of a banker’s guarantee which —

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- (i) shall 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) shall 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.”; and
- (c) by inserting, immediately after subsection (2), the following subsections:

“(2A) The court may make an order under subsection (1)(d), (e) or (f) notwithstanding that 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.

(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; or

(c) an authorised representative of such person.

(2C) The designated credit bureau may, on receipt of the report referred to 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.

(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).

(2E) For the avoidance of doubt, a community service order made by the court under subsection (1)(f) shall be deemed not to be a community service order made under the Criminal Procedure Code 2010 (Act 15 of 2010) and sections 346 to 352 of that Act shall not, except as may be provided in this section, apply to a community service order made under subsection (1)(f).

(2F) An order made by the court under subsection (1) shall 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.”.

New sections 71A, 71B and 71C

7. The Women's Charter is amended by inserting, immediately after section 71, the following sections:

“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, he shall hand the original banker's guarantee to the person to whom maintenance is owed (referred to in this section as a “maintenance claimant”) within one month from the date of the order.

(2) Where —

- (a) a maintenance claimant makes a demand on the banker's guarantee and no maintenance arrears is 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 (referred to in this section as “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 (referred to in this section as “future maintenance liability”).

(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 shall, upon demand by the maintenance defaulter, refund the excess to the maintenance defaulter.

(4) Where a refund is not made as required under subsection (3), the maintenance defaulter may recover the amount due to him under that subsection from the person

liable to make the refund as if the amount were a civil debt due to the maintenance defaulter.

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, where the court has ordered a maintenance defaulter to attend financial counselling or such related programme under the direction or supervision of the Director.

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 him to perform community service under such an order.

(2) Notwithstanding that 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.

- (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 shall be completed; and
 - (c) make rules, 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.”.

Amendment of section 79

8. Section 79 of the Women's Charter is amended —

(a) by deleting the words “All applications” in subsection (1) and substituting the words “Except as otherwise provided in the rules made under subsection (1A), all applications”; and

(b) by inserting, immediately after subsection (1), the following subsection:

“(1A) The committee constituted under section 139 may make rules fixing and regulating the practice and procedure of any part of the proceedings under this Part as it deems fit.”.

New section 79A

9. The Women's Charter is amended by inserting, immediately after section 79 in Part VIII, the following section:

“Service of summons

79A.—(1) Notwithstanding anything in the Criminal Procedure Code 2010 (Act 15 of 2010), a summons issued against a person by a District Court or Family Court under this Part (except an application made under section 69 or 70) may be served on the person concerned —

(a) by delivering it to the person personally;

(b) by addressing it to the person and delivering it to an adult person who is a member of the family at the last known address of the place of residence of that person;

- (c) by addressing it to the person and delivering it to an adult person apparently employed at the last known address of the place of business of that person;
- (d) by sending it by pre-paid registered post to the last known address of the place of residence or business of the person;
- (e) by leaving a copy of the summons at the last known address of the place of residence or business of the person in an envelope addressed to him; and
- (f) where the person's last known address of the place of residence or business cannot be ascertained with reasonable diligence, by publishing a copy of the summons in the *Gazette*.

(2) Any summons sent by pre-paid registered post to any person in accordance with subsection (1)(d) shall be deemed to be duly served on the person to whom the summons is addressed at the time when the summons would in the ordinary course of post be delivered.

(3) In proving service by pre-paid registered post, it shall be sufficient to prove that the cover containing the summons was properly addressed, stamped and posted by pre-paid registered post.”

New section 81A

10. The Women's Charter is amended by inserting, immediately after section 81, the following section:

“Service of attachment of earnings order

81A.—(1) Notwithstanding anything in the Criminal Procedure Code 2010 (Act 15 of 2010), an attachment of earnings order made by a court may be served on the person to whom the order is directed by pre-paid registered post at the last known address of his place of residence or business (including the registered address of his place of business).

(2) Any attachment of earnings order sent by pre-paid registered post to any person in accordance with subsection (1)

shall be 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.

(3) In proving service by pre-paid registered post, it shall be sufficient to prove that the cover containing the attachment of earnings order was properly addressed, stamped and posted by pre-paid registered post.”.

Amendment of section 85

11. Section 85 of the Women's Charter is amended —

(a) by deleting the word “and” at the end of subsection (1)(a)(iii);

(b) by deleting the full-stop at the end of paragraph (b) of subsection (1) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(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 employer to the defendant's Central Provident Fund account in the 12 months immediately preceding the date of the order.”; and

(c) by inserting, immediately after subsection (2), the following subsection:

“(3) In this section, “employer” has the same meaning as in section 2(1) of the Central Provident Fund Act (Cap. 36).”.

New Chapter 4A of Part X

12. Part X of the Women’s Charter is amended by inserting, immediately after section 121, the following Chapter and sections:

“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 same meaning as in section 112(10);

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

(2) This Chapter shall only apply to proceedings, decrees, orders or judgments commenced, made or given, as the case may be, on or after the date of commencement of section 12 of the Women’s Charter (Amendment) Act 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 rules made by the committee constituted under section 139 for an order for financial relief under this Chapter.

Jurisdiction of court

121C. The court shall have 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.

Leave of court required for applications for financial relief

121D.—(1) No application for an order for financial relief shall be made unless the leave of the court has been obtained in

accordance with the rules made by the committee constituted under section 139.

(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.

(3) The court may grant leave under this section notwithstanding that 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.

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

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

(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.

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

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

121F.—(1) Before making an order for financial relief, the court shall 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 shall dismiss the application.

(2) The court shall, 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; and

- (i) the length of time which has elapsed since the date of the divorce, annulment or judicial separation.

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

(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.”.

Amendment of section 130

13. Section 130 of the Women’s Charter is amended by deleting the words “take the advice of some person,” and substituting the words “have regard to the advice of a person,”.

Amendment of section 132

14. Section 132(1) of the Women’s Charter is amended —

(a) by deleting the word “or” at the end of paragraph (c); and

(b) by deleting the comma at the end of paragraph (d) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

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

Related amendments to Central Provident Fund Act

15. Section 27A of the Central Provident Fund Act (Cap. 36) is amended —

- (a) by deleting the word “or” at the end of paragraph (a) of the definition of “order of court”; and
- (b) by inserting, at the end of paragraph (b) of the definition of “order of court”, the word “or”, and by inserting immediately thereafter the following paragraph:
 - “(c) an order made under section 121G of the Women’s Charter, being an order which the court could have made under section 112 of the Women’s Charter;”.

Related amendments to Children Development Co-Savings Act

16. The Children Development Co-Savings Act (Cap. 38A) is amended —

- (a) by inserting, immediately after the words “more children,” in the long title, the words “to enable financial provision to be made for children of parents who have been granted a divorce, a judicial separation or an annulment of marriage through the co-savings scheme established under this Act;”;
- (b) by deleting the word “and” at the end of section 3(1)(a); and
- (c) by deleting the full-stop at the end of paragraph (b) of section 3(1) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:
 - “(c) make financial provision for the children of parents who have obtained a judgment for the dissolution or annulment of their marriage or judicial separation through the transfer of matrimonial assets divided between the parents by a court pursuant to the divorce, annulment or judicial separation proceedings into a child’s bank

account opened under the co-savings scheme referred to in paragraph (b).”.

Related amendment to Guardianship of Infants Act

17. The Guardianship of Infants Act (Cap. 122) is amended by inserting, immediately after section 11, the following section:

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

11A. When considering any question relating to the custody of any child, the court shall, 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 shall not be bound to follow such advice.”.

Saving and transitional provision

18. For a period of 2 years after the commencement of this section, the Minister may, by regulations, prescribe such provisions of a savings or transitional nature consequent on the enactment of any provision of this Act as he may consider necessary or expedient.
