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The following Act was passed by Parliament on 4 July 2023 and assented to by the President on 24 July 2023:—

REPUBLIC OF SINGAPORE

No. 21 of 2023.

I assent.

HALIMAH YACOB,
President.
24 July 2023.



An Act to amend the Women's Charter 1961 to better protect against family violence and for other purposes, and to make related amendments to certain other Acts.

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 is the Women’s Charter (Family Violence and Other Matters) (Amendment) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Replacement of Part 7

2. In the Women’s Charter 1961 (called in this Act the principal Act), replace Part 7 with —

“PART 7

PROTECTION AGAINST FAMILY VIOLENCE

Division 1 — Interpretation

Interpretation of this Part

58.—(1) In this Part —

“deputy” has the meaning given by section 2(1) of the Mental Capacity Act 2008;

“Director-General” means the Director-General of Social Welfare;

“donee” has the meaning given by section 2(1) of the Mental Capacity Act 2008;

“emergency order” means an emergency order under section 62(1);

“enforcement officer” —

(a) means an enforcement officer appointed under section 65(4)(a); and

(b) in relation to a function of an enforcement officer under this Part, includes a person authorised under section 65(4)(b) to exercise that function;

“expedited order” means an expedited order under section 61(2);

“family member” has the meaning given by section 58A;

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- “family violence” has the meaning given by section 58B;
- “home”, in relation to a person, means the place or premises at which the person ordinarily resides;
- “protection order” means a protection order under section 60A(1);
- “protector” —
- (a) means a protector appointed under section 65(2)(a); and
 - (b) in relation to a function of a protector under this Part, includes a person authorised under section 65(2)(b) to exercise that function;
- “psychiatrist” means a medical practitioner who is registered as a psychiatrist in the Register of Specialists under the Medical Registration Act 1997;
- “qualified assessor” means a person whom the Director-General reasonably considers to be qualified to conduct an assessment under section 59;
- “registered medical practitioner” has the meaning given by section 2(1) of the Medical Registration Act 1997;
- “specified”, in relation to an order, means specified in the order;
- “support person” means a person prescribed or appointed as a support person under section 65(7) or (8), respectively;
- “vulnerable adult” has the meaning given by section 2(1) of the Vulnerable Adults Act 2018.

(2) For the purposes of this Part, whether a person lacks mental capacity is to be determined in accordance with Part 2 of the Mental Capacity Act 2008.

(3) In this Part, a reference to exercising a function includes a reference to exercising a power or performing a duty.

Who is a family member

58A. *P* is a “family member” of *Q* and vice versa if —

- (a) *P* is the spouse or former spouse of *Q*;
- (b) *P* is a child (including an adopted child or stepchild) of *Q*;
- (c) *P* is the father or mother of *Q*;
- (d) *P* is the father-in-law or mother-in-law of *Q*;
- (e) *P* is a brother or sister of *Q*;
- (f) *P* —
 - (i) is a relative of *Q* (including a relative through marriage or adoption); and
 - (ii) should in the circumstances be regarded as a member of *Q*’s family; or
- (g) *P* —
 - (i) is wholly or partially incapacitated or infirm because of physical or mental disability or ill health or old age; and
 - (ii) should in the circumstances be regarded as a member of *Q*’s family.

What is family violence

58B.—(1) *X* commits “family violence” against *Y* if —

- (a) *X* is a family member of *Y*; and
 - (b) *X* commits physical, sexual, or emotional or psychological abuse against *Y*.
- (2) “Physical abuse” —
- (a) includes conduct or behaviour that —
 - (i) causes, or threatens to cause, personal injury or physical pain to a person; or
 - (ii) threatens a person with the death or injury of the person; and

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- (b) also includes wrongfully confining or restraining a person against the person's will; but
- (c) does not include any force lawfully used —
- (i) in self-defence; or
 - (ii) by way of correction towards a child below 18 years of age.
- (3) “Sexual abuse” includes conduct or behaviour that coerces, or attempts to coerce, a person to engage in sexual activity.
- (4) “Emotional or psychological abuse” means conduct or behaviour that —
- (a) torments, intimidates, harasses or distresses a person; or
 - (b) causes or may reasonably be expected to cause mental harm to a person, including thoughts of suicide or inflicting self-harm.
- (5) Abuse may take the form of —
- (a) a single instance of conduct or behaviour; or
 - (b) a course of conduct or behaviour.
- (6) The conduct or behaviour that constitutes abuse need not be directed at the family member in question, but must be capable of being seen, heard or otherwise perceived (directly or indirectly) by the family member in question.

Illustrations

- (a) *X* spreads false rumours to third parties about *X*'s spouse being promiscuous. *X*'s spouse finds out about the rumours and is distressed. *X* has committed emotional or psychological abuse against *X*'s spouse.
- (b) *X* is prone to smash furniture in *X*'s house when *X* is angry. This behaviour causes *X*'s child to be distressed and in fear of personal injury. *X* has committed physical abuse, as well as emotional or psychological abuse, against *X*'s child.
- (c) *X* repeatedly makes demeaning comments to belittle and humiliate *Y* in front of their children. *X* threatens to stop giving *Y* a monthly

allowance if *Y* contacts *Y*'s family or friends or seeks help. *Y* suffers mental harm as a result. *X* has committed emotional or psychological abuse against *Y*.

Division 2 — Obtaining information about family violence, etc.

Power to assess at-risk persons, etc.

59.—(1) Subject to section 59A, a protector may do all or any of the following to find out whether a person (*Y*) has experienced, is experiencing or is at risk of family violence:

- (a) assess *Y*;
- (b) cause *Y* to be assessed by a qualified assessor;
- (c) direct another person to produce *Y* before a qualified assessor for an assessment.

(2) If a person is to be assessed at his or her home, the protector may direct any other person to leave or remain outside that place for the duration of the assessment.

(3) A qualified assessor who assesses a person under this section must submit a report of the assessment to the protector.

(4) A person commits an offence if the person —

- (a) without reasonable excuse, fails to comply with a direction under subsection (1)(c) or (2); or
- (b) obstructs another person from complying with a direction under subsection (1)(c) or (2).

(5) A person who is guilty of an offence under subsection (4) 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.

(6) In this section and section 59A, “assessment” —

- (a) means an interview and examination; and
- (b) includes the taking of X-rays and a person's blood and other body samples for testing and analysis; but

(c) does not include the administration of medical or dental treatment,
and “assess” has a corresponding meaning.

Consent generally required for assessment

59A.—(1) A person must not be assessed under section 59(1) without his or her consent.

(2) However, a person may be assessed under section 59(1) without his or her consent if —

- (a) a protector reasonably believes that the person lacks the mental capacity to consent and is satisfied that it is in the person’s best interests for the assessment to be done;
- (b) the person is below 18 years of age and a protector reasonably believes that it is in the person’s best interests for the assessment to be done; or
- (c) the court, on an application by a protector, authorises the protector to exercise the powers in section 59(1) in relation to the person.

(3) The court may authorise a protector to exercise the powers in section 59(1) in relation to a person if the court is satisfied, on a balance of probabilities, that it is in the person’s best interests to be assessed under section 59(1).

Power to enter premises for assessment

59B.—(1) If a protector reasonably believes that a person —

- (a) has experienced, is experiencing or is at risk of family violence; and
- (b) is residing at any premises,

the protector may enter the premises, at any time of the day or night and without notice —

- (c) to determine whether the protector should exercise a power under section 59(1)(a) or (b); and

(d) to exercise the power.

(2) When entering the premises, a protector may be accompanied by —

(a) one or more support persons; and

(b) any other person whom the protector considers necessary to assist the protector.

(3) To gain entry into the premises, a protector and the other persons mentioned in subsection (2) may —

(a) break open any door, window, lock, fastener or any other thing; and

(b) use any other reasonable means.

(4) However, the means referred to in subsection (3) may be used only if the protector —

(a) has stated his or her authority and demanded entry; but

(b) is not given and is unable to obtain entry.

Power to obtain information and examine records, etc.

59C.—(1) If a protector reasonably believes that a person (*Z*) has information about whether another person (*Y*) has experienced, is experiencing or is at risk of family violence, the protector may do one or both of the following:

(a) direct *Z* to give the information to the protector —

(i) in writing within the time specified in the direction; or

(ii) in person at the time and place specified in the direction;

(b) at any reasonable time, examine and take copies of —

(i) any health record relating to *Y* that is kept by *Z*;
or

(ii) any record relating to *Y* that is kept by *Z* and compiled in connection with a social services function.

(2) A person who gives a protector information or access to a record under subsection (1) —

(a) is not, by virtue of doing so, to be regarded in any proceedings before any court of law or tribunal or in any other respect —

(i) to have breached any code of professional etiquette or ethics; or

(ii) to have departed from any accepted form of professional conduct; and

(b) to the extent the person has acted in good faith and with reasonable care, incurs no civil or criminal liability in relation to the giving of the information or access to the record.

(3) A person commits an offence if the person —

(a) without reasonable excuse, fails to comply with a direction under subsection (1)(a);

(b) obstructs a person from complying with a direction under subsection (1)(a); or

(c) without reasonable excuse, fails to give a protector access to a health record or other record under subsection (1)(b).

(4) A person who is guilty of an offence under subsection (3) 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.

Family violence notifications to protectors, etc.

59D.—(1) If a person (*Z*) knows or has reason to suspect that another person has experienced, is experiencing or is at risk of family violence, *Z* may make a family violence notification to any of the following persons:

- (a) a protector;
 - (b) a police officer;
 - (c) a person authorised by the Director-General to receive the notification;
 - (d) a person falling within a prescribed class of persons.
- (2) A family violence notification may describe the facts and circumstances on which *Z*'s knowledge or suspicion is based.
- (3) A person who makes a family violence notification —
- (a) is not, by virtue of doing so, to be regarded in any proceedings before any court of law or tribunal or in any other respect —
 - (i) to have breached any code of professional etiquette or ethics; or
 - (ii) to have departed from any accepted form of professional conduct; and
 - (b) to the extent the person has acted in good faith and with reasonable care, incurs no civil or criminal liability in relation to the notification or the provision of any information contained in the notification.
- (4) A person appearing as a witness in any proceedings in any court of law or tribunal or before a person authorised by law to hear evidence must not be compelled —
- (a) to disclose the identity of a person who has made a family violence notification, or any information likely to lead to the disclosure of the person's identity; or
 - (b) to produce any report or document, or any part of a report or document, that is likely to identify, a person who has made a family violence notification.

Disclosure of information to or by protectors

59E.—(1) Subsections (2) and (3) are subject to any express restriction imposed by or under any other written law.

(2) A relevant person may disclose to a protector any information received by the person under or for the purposes of any written law, if the disclosure is to enable or assist the protector to exercise any of his or her functions under this Part.

(3) A protector may disclose to a relevant person any information received by the protector under or for the purposes of this Part, if the disclosure —

(a) is connected with the exercise of any of the protector's functions under this Part; or

(b) is to enable or assist that person to exercise any of that person's functions under any written law.

(4) The following are relevant persons for the purposes of this section:

(a) a Government department;

(b) a statutory body;

(c) a police officer;

(d) a person falling within a prescribed class of persons.

(5) This section does not affect any other power of disclosure.

Division 3 — Protection orders against family violence, etc.

Who may apply for a protection order

60.—(1) A protector may apply for a protection order against any person.

(2) Subject to subsection (3), the following persons may apply for a protection order in relation to family violence against *Y*:

(a) if *Y* is below 18 years of age —

(i) a family member of *Y*;

(ii) *Y*'s guardian; or

(iii) a person responsible for caring for *Y*;

- (b) if *Y* is assessed by a registered medical practitioner, psychiatrist or psychologist to lack the mental capacity to apply for a protection order —
 - (i) a family member of *Y*;
 - (ii) *Y*'s donee or deputy; or
 - (iii) a person responsible for caring for *Y*;
- (c) in any other case — *Y*.

(3) A person who is below 18 years of age may not apply for a protection order under subsection (2) unless the person is married or was previously married.

(4) Family Justice Rules may provide that, for the purposes of any proceedings under this Division or Division 4, an applicant for a protection order in relation to family violence against *Y* may be substituted by another person if —

- (a) the other person is a protector or a person who may apply for a protection order in relation to family violence against *Y* under subsection (2); and
- (b) any other conditions prescribed by those Rules are satisfied.

(5) A reference to the applicant for a protection order in this Division or Division 4 includes a reference to a person substituted pursuant to subsection (4).

Protection orders

60A.—(1) The court may, on an application, make a protection order to restrain *X* from committing family violence against *Y* if the court is satisfied, on a balance of probabilities, that —

- (a) *X* has committed or is likely to commit family violence against *Y*; and
- (b) the protection order is necessary for the protection or personal safety of *Y*.

(2) A protection order may also require *X* not to incite or assist any other person to commit family violence against *Y*.

(3) A protection order has effect —

(a) from the date on which it is made or any later date that may be specified; and

(b) either indefinitely or for a specified period.

(4) A protection order may be varied, suspended or revoked by the court on an application by —

(a) *X*;

(b) the applicant for the protection order; or

(c) a protector.

(5) In deciding whether to vary, suspend or revoke a protection order, the court —

(a) must disregard any consent to the variation, suspension or revocation purportedly given by *Y* if there is reason to believe that the consent was not voluntarily given; and

(b) must consider —

(i) whether there has been any change in the circumstances that required the protection order to be made;

(ii) if a counselling order was made against *X* under section 60E(2) — any report by the person conducting the counselling or other programme that *X* is required to attend; and

(iii) if a mandatory treatment order was made against *X* under section 60F(2) — any report by the appointed psychiatrist.

(6) A person who knowingly contravenes a protection order commits a family violence offence punishable under section 63C.

Domestic exclusion, stay away and no contact orders

60B.—(1) This section applies if the court makes a protection order to restrain *X* from committing family violence against *Y*.

(2) The court may make one or more of the following orders if the court is satisfied, on a balance of probabilities, that the order or orders are necessary for the protection or personal safety of *Y*:

- (a) a domestic exclusion order excluding *X* from *Y*'s home and granting *Y* the right of exclusive occupation in relation to *Y*'s home;
- (b) a stay away order prohibiting *X* from entering and remaining in an area outside *Y*'s home or any other place frequented by *Y*;
- (c) a no contact order prohibiting *X* from visiting or communicating with *Y*.

(3) An order under subsection (2) may be made —

- (a) on the initiative of the court; or
- (b) on an application by —
 - (i) the applicant for the protection order; or
 - (ii) a protector.

(4) An order under subsection (2) may be made —

- (a) when the court makes the protection order against *X*;
or
- (b) at any time while the protection order against *X* has effect.

(5) An order under subsection (2) has effect —

- (a) from the date on which it is made or any later date that may be specified; and
- (b) either indefinitely or for a specified period.

(6) The following supplementary provisions apply in relation to a domestic exclusion order:

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- (a) the order may be made in respect of the whole or any part of *Y*'s home;
 - (b) the order may be made regardless of who has a title or interest in *Y*'s home;
 - (c) except to the extent provided for in the order, the order does not affect any title or interest that the excluded person or any other person might have in *Y*'s home.

(7) An order under subsection (2) may be varied, suspended or revoked by the court —

- (a) on its own initiative; or
- (b) on an application by —
 - (i) *X*;
 - (ii) the applicant for the protection order; or
 - (iii) a protector.

(8) If the protection order against *X* ceases to have effect, an order under subsection (2) also ceases to have effect.

(9) A person who knowingly contravenes an order under subsection (2) commits a family violence offence punishable under section 63C.

Electronic monitoring orders

60C.—(1) This section applies if the court makes a protection order to restrain *X* from committing family violence against *Y*.

(2) The court may make an electronic monitoring order requiring *X* to comply with one or more prescribed electronic monitoring arrangements if the court is satisfied, on a balance of probabilities, that the order is necessary for the protection or personal safety of *Y*.

(3) If the court makes an electronic monitoring order against *X*, the court may also direct a prescribed person to put in place one or more prescribed electronic monitoring arrangements to secure the electronic monitoring of *X*'s whereabouts.

(4) An electronic monitoring order and directions under subsection (3) may only be made on an application by a protector.

(5) An electronic monitoring order and directions under subsection (3) may be made —

(a) when the court makes the protection order against *X*;
or

(b) at any time while the protection order against *X* has effect.

(6) An electronic monitoring order and directions under subsection (3) must be made for a specified period.

(7) An electronic monitoring order and directions under subsection (3) may be varied, suspended or revoked by the court on an application by *X* or a protector.

(8) If the protection order against *X* ceases to have effect, an electronic monitoring order and directions under subsection (3) also cease to have effect.

(9) A person who knowingly contravenes an electronic monitoring order commits a family violence offence punishable under section 63C.

Removal, care and supervision orders; orders against protected persons

60D.—(1) This section applies if —

(a) the court makes a protection order to restrain *X* from committing family violence against *Y*; and

(b) *Y* has attained 18 years of age and is not a vulnerable adult.

(2) The court may make a removal order requiring a protector to remove *Y* from *Y*'s home or any other place, if the court is satisfied, on a balance of probabilities, that the order is necessary for the protection or personal safety of *Y*.

(3) If the court makes a removal order, the court must also make one or both of the following orders:

- (a) a care order committing *Y* to the care of a fit person (being an individual or organisation that a protector thinks is competent to provide care and protection to *Y*) for a specified period;
- (b) a supervision order placing *Y* under the supervision of a protector, or another person appointed by the court, for a specified period.

(4) If the court makes a removal order, the court may also make one or both of the following orders if the court is satisfied, on a balance of probabilities, that the order or orders are necessary for the protection or personal safety of *Y*:

- (a) an order prohibiting *Y* from returning to *Y*'s home or visiting any other place for a specified period;
- (b) an order prohibiting *Y* from visiting or communicating with *X* for a specified period.

(5) If the court makes a care order, the court may order *Y* to undergo medical or dental treatment at a specified medical or dental facility (as the case may be) that is necessary to enable *Y* to be committed to the care of the fit person.

(6) An order under subsection (2), (3), (4) or (5) may only be made in an application for a removal order.

(7) An application for a removal order may only be made by a protector.

(8) An application for a removal order may be made —

- (a) when the court makes the protection order against *X*;
or
- (b) at any time while the protection order against *X* has effect.

(9) In carrying out a removal order —

- (a) a protector may be assisted by one or more support persons; and

(b) a protector and any support person assisting the protector may use any force they consider necessary to —

(i) remove or restrain *Y*; or

(ii) prevent any person from obstructing the removal or restraining of *Y*.

(10) An order under subsection (2), (3), (4) or (5) may be varied, suspended or revoked by the court on an application by —

(a) *Y*;

(b) the applicant for the protection order; or

(c) a protector.

(11) If the protection order against *X* ceases to have effect, an order under subsection (2), (3), (4) or (5) also ceases to have effect.

(12) A contravention of an order under subsection (4) or (5) —

(a) is not an offence or, despite the Administration of Justice (Protection) Act 2016, a contempt of court; but

(b) must be taken into account by the court in deciding whether to vary, suspend or revoke a care order or a supervision order.

Counselling orders

60E.—(1) This section applies if the court makes a protection order to restrain *X* from committing family violence against *Y*.

(2) If the court considers that it may help *X* to avoid committing family violence against current or future family members, the court —

(a) may make a counselling order requiring *X* to attend counselling or other programmes as directed by a protector; and

(b) may also, as part of the counselling order, direct *Y* and the children of *X* or *Y*, or any of them, to attend

counselling or other programmes as directed by a protector.

- (3) A counselling order may be made —
- (a) on the initiative of the court; or
 - (b) on an application by —
 - (i) the applicant for the protection order; or
 - (ii) a protector.
- (4) A counselling order may be made —
- (a) when the court makes the protection order against *X*;
or
 - (b) at any time while the protection order against *X* has effect.
- (5) A counselling order must be made for a specified period but a person must not be subject to one or more counselling orders for longer than 36 months in respect of the same protection order.
- (6) A counselling order may be varied, suspended or revoked by the court —
- (a) on its own initiative; or
 - (b) on an application by —
 - (i) *X*;
 - (ii) the applicant for the protection order; or
 - (iii) a protector.
- (7) If the protection order against *X* ceases to have effect —
- (a) a counselling order does not thereby cease to have effect; but
 - (b) the duration of the counselling order must not be extended.
- (8) A person commits an offence if the person, without reasonable excuse, contravenes a counselling order.

(9) However, a contravention of a direction under subsection (2)(b) is not an offence or, despite the Administration of Justice (Protection) Act 2016, a contempt of court.

(10) A person who is guilty of an offence under subsection (8) shall be liable on conviction to a fine not exceeding \$2,000.

(11) This section does not affect the court's powers under section 139J.

Mandatory treatment orders

60F.—(1) This section applies if the court makes a protection order to restrain *X* from committing family violence against *Y*.

Power to make mandatory treatment orders

(2) The court may make a mandatory treatment order requiring *X* to undergo psychiatric treatment for a specified period, but *X* must not be subject to one or more mandatory treatment orders for longer than 36 months in respect of the same protection order.

(3) A mandatory treatment order may be made —

(a) on the initiative of the court; or

(b) on an application by —

(i) the applicant for the protection order; or

(ii) a protector.

(4) A mandatory treatment order may be made —

(a) when the court makes the protection order against *X*;
or

(b) at any time while the protection order against *X* has effect.

Preliminary grounds

(5) Before making a mandatory treatment order, the court must have reasonable grounds to believe that —

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- (a) *X* is likely to be suffering from a psychiatric condition; and
- (b) the psychiatric condition is likely to be a contributing factor for *X*'s conduct or behaviour that was the basis for making the protection order against *X*.
- (6) Before deciding whether reasonable grounds exist for the purpose of subsection (5), the court —
- (a) may call for a preliminary assessment report by a specified psychiatrist; and
- (b) must consider any matter prescribed by rules made under section 180.
- (7) If the court calls for a preliminary assessment report, the court —
- (a) may order *X* to attend before the specified psychiatrist at the times and places required by the specified psychiatrist; and
- (b) must cause a copy of the report to be extended to *X* or *X*'s advocate.
- (8) There is no appeal against any decision of the court to call for or not to call for a preliminary assessment report.

Calling for formal assessment report

- (9) If the court considers that reasonable grounds exist for the purpose of subsection (5) —
- (a) the court must call for a formal assessment report on *X* by an appointed psychiatrist; and
- (b) subsections (10) to (14) apply to the preparation of the report.
- (10) The court may order *X* to —
- (a) reside in a psychiatric institution for observation for one or more periods (each not exceeding 3 weeks) as the court thinks fit; or

(b) attend before the appointed psychiatrist at a psychiatric institution at the times required by the appointed psychiatrist.

(11) The appointed psychiatrist must assess and report whether —

- (a) *X* is suffering from a psychiatric condition;
- (b) the psychiatric condition is a contributing factor for *X*'s conduct or behaviour that was the basis for making the protection order against *X*;
- (c) the psychiatric condition is susceptible to treatment; and
- (d) *X* is suitable for the treatment.

(12) In assessing whether *X* is a person suitable for treatment for his or her psychiatric condition, the appointed psychiatrist may consider the following factors:

- (a) whether *X* is likely to attend the treatment sessions at the times and places required by the appointed psychiatrist;
- (b) *X*'s physical and mental state;
- (c) *X*'s financial standing and ability to pay all or any part of the cost of the treatment that is reasonable for *X* to pay.

(13) *X* may submit a report by another psychiatrist, engaged by *X*, to the appointed psychiatrist within —

- (a) 3 weeks after the date the court calls for the formal assessment report; or
- (b) any longer period allowed by the court.

(14) Before making the formal assessment report, the appointed psychiatrist must consider any report submitted by *X* under subsection (13).

(15) The court must cause a copy of the formal assessment report to be given to *X* or *X*'s advocate.

Matters to be certified before mandatory treatment order may be made

(16) A mandatory treatment order may only be made if the formal assessment report certifies all the following matters:

- (a) *X* is suffering from a psychiatric condition;
- (b) the psychiatric condition is a contributing factor for *X*'s conduct or behaviour that was the basis for making the protection order against *X*;
- (c) the psychiatric condition is susceptible to treatment;
- (d) *X* is suitable for the treatment.

(17) A mandatory treatment order must not be made if the formal assessment report certifies that the appointed psychiatrist is not satisfied as to any of the matters specified in subsection (16).

(18) The formal assessment report is to be taken to be final and conclusive as to the matters specified in subsection (16).

Contents of mandatory treatment order

(19) A mandatory treatment order may require *X* to reside in —

- (a) a psychiatric institution; or
- (b) a prescribed place that provides psychiatric treatment,

during the whole or a specified part of the period during which *X* is required by the order to undergo psychiatric treatment.

(20) However, the requirement in subsection (19) may be imposed only if it is recommended by the appointed psychiatrist.

(21) A mandatory treatment order may include conditions specified by the court.

Explanation of mandatory treatment order

(22) Before making a mandatory treatment order, the court must explain to *X* in ordinary language —

- (a) the purpose and effect of the order, and in particular the obligations of *X* as specified in subsection (23);
- (b) the consequences that may follow if *X* fails to comply with any of those obligations, or any conditions or requirements of the order; and
- (c) that the court has the power, under subsection (24), to vary or revoke the order on an application by the appointed psychiatrist.

Obligations of person under mandatory treatment order

(23) If the court makes a mandatory treatment order, *X* must, while the order is in force —

- (a) attend the treatment sessions at the times and places required by the appointed psychiatrist;
- (b) comply with all other conditions in connection with *X*'s treatment as the appointed psychiatrist may require; and
- (c) comply with all other conditions or requirements of the order.

Variation and revocation of mandatory treatment order

(24) A mandatory treatment order may be varied or revoked by the court on an application by the appointed psychiatrist.

(25) A variation of a mandatory treatment order may include —

- (a) reducing or extending the period that *X* has to undergo psychiatric treatment; and
- (b) varying the conditions or requirements of the order.

(26) However, the period for which *X* has to undergo psychiatric treatment under a mandatory treatment order must not be extended beyond 36 months after the date the order is first in force.

(27) An application to vary or revoke a mandatory treatment order must be accompanied by the appointed psychiatrist's report on —

- (a) the extent to which *X* has complied with the order; and
- (b) any progress *X* has made in the treatment.

(28) In deciding whether to vary or revoke a mandatory treatment order, the court must consider —

- (a) the report by the appointed psychiatrist; and
- (b) any change of circumstances after the order was made.

If protection order ceases to have effect

(29) If the protection order against *X* ceases to have effect —

- (a) a mandatory treatment order does not thereby cease to have effect; but
- (b) the duration of the mandatory treatment order must not be extended.

Offence

(30) A person commits an offence if the person, without reasonable excuse, contravenes —

- (a) a mandatory treatment order; or
- (b) an order under subsection (7)(a) or (10).

(31) A person who is guilty of an offence under subsection (30) shall be liable on conviction to a fine not exceeding \$2,000.

Regulations

(32) The Minister charged with the responsibility for health may make regulations in relation to the treatment of a person subject to a mandatory treatment order.

(33) However, for the purposes of subsection (19)(b), a prescribed place is to be prescribed by rules made under section 180.

Definitions, etc.

(34) In this section —

“appointed psychiatrist” means a psychiatrist appointed by the Director-General of Health for the purposes of this section;

“specified psychiatrist” means a psychiatrist, or a registered medical practitioner in post-graduate psychiatry training, specified by the court calling for a preliminary assessment report under subsection (6)(a).

(35) To avoid doubt, this section does not apply to any criminal proceedings or affect the application of section 339 of the Criminal Procedure Code 2010 in criminal proceedings.

Division 4 — Expedited orders against family violence, etc.

Court may make expedited orders in pending applications for protection orders

61.—(1) This section applies if there is a pending application for a protection order to restrain *X* from committing family violence against *Y*.

(2) The court may make an expedited order to restrain *X* from committing family violence against *Y* if the court is satisfied, on a balance of probabilities, that there is a danger of *X* committing family violence against *Y* while the protection order application is pending.

(3) An expedited order may also require *X* not to incite or assist any other person to commit family violence against *Y*.

(4) An expedited order may be made —

(a) on the initiative of the court; or

- (b) on an application by —
 - (i) the applicant for the protection order; or
 - (ii) a protector.
- (5) An expedited order may be made even if —
 - (a) the protection order application has not been served on *X*;
 - (b) the protection order application has not been served on *X* within a reasonable time before the hearing of the application; or
 - (c) *X* has been served with the protection order application, but fails to appear at the hearing of the application.
- (6) An expedited order has effect from —
 - (a) the date on which the expedited order is served on *X* in the prescribed manner; or
 - (b) any later date specified in the expedited order.
- (7) An expedited order may be varied, suspended or revoked by the court —
 - (a) on its own initiative; or
 - (b) on an application by —
 - (i) *X*;
 - (ii) the applicant for the protection order; or
 - (iii) a protector.
- (8) Unless it is earlier revoked, an expedited order has effect for 28 days (including the day on which it is served).
- (9) Despite subsection (8), the court may extend the duration of an expedited order.
- (10) The revocation or expiry of an expedited order does not prevent the court from making fresh expedited orders.

(11) A person who knowingly contravenes an expedited order commits a family violence offence punishable under section 63C.

Domestic exclusion, stay away and no contact orders

61A.—(1) This section applies if, in an application for a protection order, the court makes an expedited order to restrain *X* from committing family violence against *Y*.

(2) The court may make one or more of the following orders if the court is satisfied, on a balance of probabilities, that the order or orders are necessary for the protection or personal safety of *Y*:

- (a) a domestic exclusion order excluding *X* from *Y*'s home and granting *Y* the right of exclusive occupation in relation to *Y*'s home;
- (b) a stay away order prohibiting *X* from entering and remaining in an area outside *Y*'s home or any other place frequented by *Y*;
- (c) a no contact order prohibiting *X* from visiting or communicating with *Y*.

(3) An order under subsection (2) may be made —

- (a) on the initiative of the court; or
- (b) on an application by —
 - (i) the applicant for the protection order; or
 - (ii) a protector.

(4) An order under subsection (2) may be made —

- (a) when the court makes the expedited order against *X*;
or
- (b) at any time while the expedited order against *X* has effect.

(5) An order under subsection (2) may be made even if —

- (a) the protection order application has not been served on *X*;

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- (b) the protection order application has not been served on *X* within a reasonable time before the hearing of the application; or
- (c) *X* has been served with the protection order application, but fails to appear at the hearing of the application.
- (6) An order under subsection (2) has effect from —
- (a) the date on which the order is served on *X* in the prescribed manner; or
- (b) any later date specified in the order.
- (7) The following supplementary provisions apply in relation to a domestic exclusion order:
- (a) the order may be made in respect of the whole or any part of *Y*'s home;
- (b) the order may be made regardless of who has a title or interest in *Y*'s home;
- (c) except to the extent provided for in the order, the order does not affect any title or interest that the excluded person or any other person might have in *Y*'s home.
- (8) An order under subsection (2) may be varied, suspended or revoked by the court —
- (a) on its own initiative; or
- (b) on an application by —
- (i) *X*;
- (ii) the applicant for the protection order; or
- (iii) a protector.
- (9) If the expedited order against *X* ceases to have effect, an order under subsection (2) also ceases to have effect.
- (10) A person who knowingly contravenes an order under subsection (2) commits a family violence offence punishable under section 63C.

Division 5 — Emergency orders against family violence, etc.

Protectors may make emergency orders

62.—(1) A protector may make an emergency order to restrain *X* from committing family violence against *Y* if the protector is satisfied that —

- (a) there is a danger that *X* will commit family violence against *Y* in the next 14 days; and
- (b) the emergency order is necessary for the protection or personal safety of *Y*, having regard to —
 - (i) the time needed to obtain a protection order or expedited order; and
 - (ii) all other relevant circumstances.

(2) An emergency order may also require *X* not to incite or assist any other person to commit family violence against *Y*.

(3) An emergency order must be in the prescribed form.

(4) A person who knowingly contravenes an emergency order commits a family violence offence punishable under section 63C.

Emergency orders may include domestic exclusion, stay away and no contact orders

62A.—(1) An emergency order that restrains *X* from committing family violence against *Y* may also include one or more of the following orders if the protector considers it necessary for the protection or personal safety of *Y*:

- (a) a domestic exclusion order excluding *X* from *Y*'s home;
- (b) a stay away order prohibiting *X* from entering and remaining in an area outside *Y*'s home or any other place frequented by *Y*;
- (c) a no contact order prohibiting *X* from visiting or communicating with *Y*.

(2) The following supplementary provisions apply in relation to a domestic exclusion order:

- (a) the order may be made in respect of the whole or any part of *Y*'s home;
- (b) the order may be made regardless of who has a title or interest in *Y*'s home;
- (c) except to the extent provided for in the order, the order does not affect any title or interest that the excluded person or any other person might have in *Y*'s home.

(3) To avoid doubt —

- (a) the orders in subsection (1) have effect as part of the emergency order against *X*; and
- (b) a contravention of any of those orders is a contravention of the emergency order against *X*.

Service and duration of emergency orders

62B.—(1) This section applies if an emergency order is made against *X* to restrain *X* from committing family violence against *Y*.

(2) The emergency order takes effect when it is served on *X*.

(3) The emergency order may only be served in one of the following ways:

- (a) by serving the emergency order on *X* personally;
- (b) by affixing the emergency order in the prescribed manner at *X*'s home.

(4) The person serving the emergency order must explain to *X* —

- (a) what the emergency order requires of *X*; and
- (b) the consequences of contravening the emergency order.

(5) However, failure to comply with subsection (4) does not invalidate the service of the emergency order.

(6) Subject to subsection (7), the emergency order has effect for 14 days (including the day on which it is served).

(7) The emergency order ceases to have effect if —

(a) the court makes a protection order or expedited order restraining *X* from committing family violence against *Y*; or

(b) a protector cancels the emergency order by written notice to *X*.

(8) Subject to section 62C, the expiry or cancellation of the emergency order does not prevent any protector from issuing a fresh emergency order.

Restrictions on power to make emergency orders

62C.—(1) A protector must not make an emergency order to restrain *X* from committing family violence against *Y* if, within the last 3 months, 4 emergency orders have been made to restrain *X* from committing family violence against *Y*.

(2) An emergency order must not require a person to do or not do anything that would cause him or her to contravene any order of the court under Division 3 or 4.

(3) An emergency order is void to the extent that it does not comply with this section.

Division 6 — Supplementary provisions for Divisions 3, 4 and 5

Litigation representative not needed for persons 18 years of age and above

63. If a person has attained 18 years of age and is not under any legal disability apart from his or her age, the person does not need a litigation representative for the purposes of any proceedings under Division 3 or 4.

Orders by court and protectors may be subject to conditions, etc.

63A.—(1) This section applies in relation to —

- (a) an order by the court under Division 3 or 4; and
- (b) an order by a protector under Division 5.

(2) An order —

- (a) may be made subject to specified conditions and exceptions; and
- (b) may include specified directions necessary for carrying out the order.

(3) Any condition, exception or direction specified under subsection (2) has effect as part of the order.

Restriction on publishing identifying information about protected persons

63B.—(1) In this section, “identifying information”, in relation to a person, means any information or image that identifies, or is likely to identify, the person as being or having been protected by a protection order, expedited order or emergency order.

(2) Identifying information in relation to a person must not be published or broadcast unless —

(a) the person —

- (i) has attained 18 years of age;
- (ii) does not lack mental capacity; and
- (iii) has consented to the publication or broadcast; and

(b) subject to subsection (3), the Director-General approves the publication or broadcast.

(3) The Minister may prescribe one or more classes of cases in which the Director-General’s approval is not required.

Offence

(4) If any identifying information is published or broadcast in contravention of subsection (2) —

- (a) in the case of the publication of the identifying information as part of a newspaper or periodical publication — each proprietor, editor, publisher and distributor of the newspaper or periodical publication;
- (b) in the case of the publication of the identifying information otherwise than as part of a newspaper or periodical publication — the person who publishes or distributes the identifying information; or
- (c) in the case of the broadcast of the identifying information — each person who transmits or provides the programme in which the identifying information is broadcast, and each 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.

(5) In proceedings for an offence under subsection (4), the court may, whether or not there is a conviction for the offence, order a person to remove the publication, or cease the broadcast, of any identifying information that is in contravention of subsection (2).

Application to remove contravening publication or broadcast

(6) The court may, on an application, order a person to remove a publication, or cease a broadcast, that contravenes subsection (2).

(7) An application under subsection (6) may be made by —

- (a) a protector; or

(b) the person whose identifying information was published or broadcast.

(8) The court may make an order under subsection (6) even if —

(a) the application is not served on the person against whom the order is sought (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or

(b) where the application has been served on the respondent — the respondent does not appear at the hearing of the application,

so long as the court is satisfied, on a balance of probabilities, that the order is necessary for the protection or personal safety of the person whose identifying information was published or broadcast.

Definitions

(9) In this section —

“broadcast” means sounds or visual images or both —

(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;

“court”, in subsection (5), means a court of competent jurisdiction;

“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.

Punishment for family violence offences

63C.—(1) A person who is guilty of a family violence offence shall be liable on conviction —

- (a) if the offence is aggravated — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 18 months or to both; and
- (b) in all other cases — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) For the purposes of subsection (1), a family violence offence is aggravated if —

- (a) the offence involves the contravention of an order that protects a vulnerable adult; and
- (b) the offender has been convicted of another family violence offence that involves the contravention of the same order or another order that also protects a vulnerable adult.

Family violence offences to be arrestable

63D. A family violence offence is arrestable for the purposes of the Criminal Procedure Code 2010.

Division 7 — Powers of enforcement officers

Purpose for which powers are exercisable

64. An enforcement officer may exercise the powers in this Division to detect and investigate any offence under this Part.

Power to enter premises and make records, etc.

64A.—(1) If an enforcement officer reasonably believes that evidence of an offence under this Part could be found in any

premises, the enforcement officer may do one or both of the following:

- (a) at any time of the day or night and without notice, enter, inspect and search the premises;
- (b) photograph or film, or make a record or sketches of, any part of the premises or any person or thing at the premises.

(2) To gain entry into the premises, the enforcement officer may —

- (a) break open any door, window, lock, fastener or any other thing; and
- (b) use any other reasonable means.

(3) However, the means referred to in subsection (2) may be used only if the enforcement officer —

- (a) has stated his or her authority and demanded entry; but
- (b) is not given and is unable to obtain entry.

Power to inspect, seize, preserve and require production of evidence

64B.—(1) If an enforcement officer reasonably believes that a document or thing could be evidence of an offence under this Part, the enforcement officer may do one or more of the following:

- (a) inspect and make copies of, or take extracts from, the document or thing, even if the person who is in possession or control of the document or thing has not given prior consent;
- (b) seize the document or thing;
- (c) issue a written notice requiring a person whom the enforcement officer reasonably believes to be in possession or control of the document or thing —

- (i) to produce without charge, that document or thing at the time and place stated in the notice; or
 - (ii) to give the enforcement officer, without charge, access to that document or thing;
- (d) take any step that appears to be necessary to preserve or prevent interference with the document or thing.
- (2) Without limiting subsection (1), if an enforcement officer reasonably believes that any information in electronic form could be evidence of an offence under this Part, the enforcement officer may —
- (a) access any equipment (including a computer or mobile telephone) in which the information is stored or from which the information may be accessed;
 - (b) issue a written notice requiring a person having charge of, or otherwise concerned with the operation of, the equipment to help in gaining access to the equipment (whether by disclosing any password or access code or by any other means);
 - (c) copy or extract the information (for example by transferring the information to a disc, tape or other storage device); and
 - (d) if it is not possible to copy or extract the information, seize the equipment.
- (3) If a person refuses to comply with a written notice under subsection (1)(c) or (2)(b), the enforcement officer may report the matter to a Magistrate who may then issue a warrant ordering the person to comply.

Power to require attendance of witnesses

64C.—(1) An enforcement officer may issue a written notice requiring a person within the limits of Singapore, who appears to be acquainted with any of the facts or circumstances of an

offence under this Part, to attend before the enforcement officer at the time and place stated in the notice.

(2) If the person fails to attend as required, the enforcement officer may report the matter to a Magistrate who may then issue a warrant ordering the person to attend.

Power to examine witnesses

64D.—(1) An enforcement officer may require a person whom the officer reasonably believes to be acquainted with any of the facts or circumstances of an offence under this Part, to answer any question to the best of the person's knowledge, information and belief, immediately or at a time and place specified in writing.

(2) The person must state truly what the person knows of those facts and circumstances, except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

(3) The statement of the person must be —

- (a) reduced to writing;
- (b) read over to the person;
- (c) if the person does not understand English, interpreted in a language that the person understands; and
- (d) signed by the person after any necessary correction.

Power to arrest without warrant

64E.—(1) An enforcement officer may arrest, without warrant, a person whom the enforcement officer reasonably believes is committing or has committed a family violence offence.

(2) If the enforcement officer reasonably believes that the person is inside a place, the enforcement officer may enter the place to arrest the person.

- (3) In arresting the person, the enforcement officer —
- (a) must touch or confine the body of the person unless the person submits to arrest by word or action;
 - (b) may, if the person forcibly resists or tries to evade arrest, use all reasonable means to make the arrest;
 - (c) may use handcuffs or any other similar means of restraint on the person to prevent the person from —
 - (i) inflicting bodily injury to himself or herself, or others;
 - (ii) damaging any property;
 - (iii) creating any disturbance; or
 - (iv) escaping from custody; and
 - (d) must not restrain the person more than is necessary.
- (4) After the person is arrested —
- (a) the person must as soon as reasonably practicable be brought to a police station;
 - (b) the person may, if required by a police officer or an enforcement officer, be released on bail or on the person's own bond (with or without surety) to appear before a Magistrate;
 - (c) subject to paragraph (d), the person must not be detained for a longer period than is reasonable under all the circumstances of the case; and
 - (d) the person must, unless earlier released, be brought before a Magistrate's Court within 48 hours of the arrest (excluding the time needed for the journey to the Magistrate's Court).
- (5) A person who appears or is brought before a Magistrate's Court under subsection (4) may —
- (a) be ordered to be detained in custody until he or she can be tried; or

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- (b) if required by the Magistrate, be released on bail, or on the person's own bond (with or without surety), to appear before a Magistrate's Court.

Power to search arrested person; power to seize offensive weapons

64F.—(1) An enforcement officer may exercise the powers under the following provisions of the Criminal Procedure Code 2010 against a person arrested under section 64E as if the officer were a police officer:

- (a) section 78(1) (power to search arrested person, etc.);
- (b) section 79 (power to seize offensive weapons from arrested person).

(2) A search of a woman under subsection (1) must comply with section 83 of the Criminal Procedure Code 2010 (mode of searching women).

Disposal of seized documents or thing

64G.—(1) A document or thing taken into possession or seized under this Part must —

- (a) if the document or thing is produced in any criminal trial, be dealt with in accordance with section 364 of the Criminal Procedure Code 2010 (order for disposal of property by court); or
- (b) in any other case, be returned to the owner or reported to a Magistrate.

(2) A Magistrate is to deal with a document or thing reported under subsection (1)(b) in accordance with section 370 of the Criminal Procedure Code 2010 as if the report was made by a law enforcement officer under that section.

(3) This section does not affect any right to retain or dispose of any property that may exist in law apart from this section.

Division 8 — Administration

Administration of this Part

65.—(1) The Director-General is, subject to the general or special directions of the Minister, responsible for the administration of this Part.

(2) The Director-General may —

- (a) appoint any person with suitable qualifications and experience as a protector under this Part; or
- (b) authorise any person with suitable qualifications and experience to exercise one or more specified functions of a protector under this Part, subject to any conditions or limitations specified by the Director-General.

(3) A person authorised under subsection (2)(b) is to be called an approved welfare officer.

(4) The Director-General may —

- (a) appoint any public officer with suitable qualifications and experience as an enforcement officer under this Part; or
- (b) authorise any public officer with suitable qualifications and experience to exercise one or more specified functions of an enforcement officer under this Part, subject to any conditions or limitations specified by the Director-General.

(5) The Director-General may exercise the functions of a protector or an enforcement officer under this Part.

(6) The Director-General may give general or specific directions to a person appointed or authorised under subsection (2) or (4) on the exercise of the person's functions under this Part.

(7) The Minister may prescribe one or more classes of persons to be support persons for the purposes of this Part.

(8) The Director-General may appoint any person with suitable qualifications and experience to be a support person for the purposes of this Part.

(9) The following persons are taken to be public servants within the meaning of the Penal Code 1871 when exercising their functions under this Part:

- (a) the Director-General;
- (b) a person appointed or authorised under subsection (2) or (4).

Provisions relating to enforcement officers

65A.—(1) The Director-General must issue to each enforcement officer an identification card.

(2) When a person ceases to be an enforcement officer, he or she must return to the Director-General the identification card issued to him or her under subsection (1).

(3) If asked to do so, an enforcement officer must produce his or her identification card for inspection before exercising a function under this Part.

(4) An enforcement officer may carry or have in his or her possession or under his or her control any truncheon, handcuffs or other similar means of restraint for the purposes of exercising his or her functions under this Part.

(5) To avoid doubt, this section applies to and in relation to a person authorised to exercise the functions of an enforcement officer under section 65(4)(b).

Power to record, etc.

65B.—(1) A relevant person may take photographs, or make an audio or video recording of any person, place or thing if the relevant person reasonably believes that the taking of the photographs or the making of the recording is relevant to and necessary for the exercise of the relevant person's functions under this Part.

(2) In this section, “relevant person” means the Director-General, a protector or an enforcement officer.

Offence of obstructing Director-General, etc.

65C.—(1) A person commits an offence if the person refuses to give access to, or obstructs, hinders or delays, any of the following persons in the discharge of their duties or the exercise of their powers under this Part:

- (a) the Director-General;
- (b) a person appointed or authorised under section 65(2) or (4);
- (c) a support person.

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

Division 9 — Transitional provisions

Saving and transitional provisions

66.—(1) The Minister may, by rules made under section 180, prescribe provisions of a saving or transitional nature consequent on the replacement of the former Part 7 with this Part.

(2) Without limiting subsection (1), rules made for the purpose of that subsection may —

- (a) provide that a pending application is deemed, from the appointed date, to be an application for an order under this Part;
- (b) provide that an order made on or after the appointed date in a pending application is deemed to be an order made under this Part;
- (c) provide that an existing order is deemed, from the appointed date, to be an order made under this Part;

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- (d) modify how this Part applies to an existing order or a pending application; or
 - (e) prescribe the persons who may apply to vary, suspend or revoke an existing order.

(3) Family Justice Rules may provide for the substitution of an applicant for the variation, suspension or revocation of an existing order.

(4) In this section —

“appointed date” means the date of commencement of section 2 of the Women’s Charter (Family Violence and Other Matters) (Amendment) Act 2023;

“existing order” means an order under the former Part 7 that is in effect immediately before the appointed date;

“former Part 7” means Part 7 of this Act in force immediately before the appointed date;

“pending application” means an application under the former Part 7 that is pending immediately before the appointed date.”.

Amendment of section 95

3. In the principal Act, in section 95(2) (as replaced by section 29 of the Women’s Charter (Amendment) Act 2022) —

(a) in paragraph (a), delete “and” at the end; and

(b) replace paragraph (b) with —

“(b) if the applicant is relying on section 95A(1)(a), (b) or (c) — the applicant is not relying on his or her own adultery, behaviour or desertion, as the case may be; and

(c) it is just and reasonable to grant the divorce, having regard to all relevant circumstances, including —

(i) the conduct of the parties; and

- (ii) how a divorce would affect the parties and any child of the marriage.”.

Amendment of section 144

4. In the principal Act, in section 144 —

- (a) in the section heading, replace “**mental defective**” with “**woman with mental impairment**”;
- (b) in subsections (1) and (2), replace “a woman who is a mental defective” with “a woman who has a mental impairment”;
- (c) in subsection (2), replace “be a mental defective” with “have a mental impairment”; and
- (d) after subsection (4), insert —

“(5) In this section, “mental impairment” means an impairment of or a disturbance in the functioning of the mind or brain resulting from any disability or disorder of the mind or brain that impairs the ability to make a proper judgment in the giving of consent to sexual penetration.”.

Amendment of section 155

5. In the principal Act, in section 155(3), delete “under his or her hand,”.

Amendment of section 156

6. In the principal Act, in section 156(4), delete “under his or her hand”.

Amendment of section 159

7. In the principal Act, in section 159(1) and (2), delete “under his or her hand,”.

Amendment of section 160

8. In the principal Act, in section 160 —
- (a) in subsection (1), delete “under the hand”; and
 - (b) in subsection (3), delete “under his or her hand”.

New section 160A

9. In the principal Act, after section 160, insert —

**“Giving medical treatment, etc., to women and girls
detained or committed to care under section 160**

160A.—(1) The Director-General may require a woman or girl who is detained in a place of safety, or committed to the care of a fit individual, under section 160 to be produced before a healthcare professional for treatment.

(2) Subject to subsections (4) and (5), the healthcare professional may treat the woman or girl only if there is consent.

(3) Consent may be given —

- (a) in the case of a girl below 21 years of age — by her parent or guardian;
- (b) in the case of a woman or girl who lacks the mental capacity to consent — by her donee or deputy in accordance with the Mental Capacity Act 2008; and
- (c) in any other case — by the woman or girl.

(4) The healthcare professional may treat the woman or girl without consent if a Family Court —

- (a) is satisfied that it is in the best interests of the woman or girl to receive the treatment; and
- (b) authorises the treatment to be administered.

(5) If the woman or girl is below 21 years of age or assessed by a mental capacity assessor to lack the mental capacity to consent, the healthcare professional may treat the woman or girl without consent if —

- (a) one of the following circumstances applies:
- (i) there is no person who can give consent under subsection (3);
 - (ii) the healthcare professional reasonably believes that consent under subsection (3) cannot be obtained within a reasonable time;
 - (iii) the healthcare professional reasonably believes that consent under subsection (3) is being unreasonably withheld; and
- (b) the healthcare professional reasonably believes that it is in the best interests of the woman or girl to receive the treatment.
- (6) Rules made under section 180 may prescribe —
- (a) the classes of persons who are recognised as healthcare professionals for the purposes of this section; and
 - (b) the persons who may be appointed by the Director-General as mental capacity assessors for the purposes of this section.
- (7) In this section —
- “deputy” has the meaning given by section 2(1) of the Mental Capacity Act 2008;
 - “donee” has the meaning given by section 2(1) of the Mental Capacity Act 2008;
 - “treatment” means any medical, psychological or dental treatment, and includes any assessment for the purposes of deciding whether treatment is needed; and “treat” has a corresponding meaning.”.

Deletion of section 165

- 10.** In the principal Act, delete section 165.

Deletion of sections 167 and 168

11. In the principal Act, delete sections 167 and 168.

Amendment of section 175

12. In the principal Act, in section 175(1), replace “and to be under the hand and seal of the Director-General” with “by the Director-General”.

Replacement of section 177A

13. In the principal Act, replace section 177A with —

“Restriction on publishing information, etc., leading to identification of women and girls in places of safety, etc.

177A.—(1) A person must not, without the approval of the Director-General, publish or broadcast any information that identifies, or is likely to lead to the identification of —

- (a) the location of a place of safety; or
- (b) a woman or girl as being or having been a resident of a place of safety.

(2) A person must not, without the approval of the Director-General, publish or broadcast any information that identifies, or is likely to lead to the identification of —

- (a) a woman or girl as being or having been committed to the care of a fit individual under the provisions of this Part;
- (b) an individual as being an individual to whose care a woman or girl is or was committed under the provisions of this Part; or
- (c) the location of a place where a woman or girl is residing or resided while committed to the care of a fit individual under the provisions of this Part.

(3) Subsection (1) does not apply to any of the following:

- (a) the publication in the *Gazette* (in electronic or other form) of an order under section 177;

- (b) the publication under the Revised Edition of the Laws Act 1983 of a revised edition of subsidiary legislation (in electronic or other form) that relates to an order under section 177;
- (c) the publication of an order under section 177, a 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.

Offence

(4) If any information is published or broadcast in contravention of subsection (1) or (2) —

- (a) in the case of the publication of the information as part of a newspaper or periodical publication — each proprietor, editor, publisher and distributor of the newspaper or periodical publication;
- (b) in the case of the publication of the information otherwise than as part of a newspaper or periodical publication — the person who publishes or distributes the information; or
- (c) in the case of the broadcast of the information — each person who transmits or provides the programme in which the information is broadcast, and each 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.

(5) In proceedings for an offence under subsection (4), the court may, whether or not there is a conviction for the offence, order a person to remove the publication, or cease the broadcast, of any information that is in contravention of subsection (1) or (2).

Application to remove contravening publication or broadcast

(6) A Family Court may, on an application by the Director-General, order a person to remove a publication, or cease a broadcast, that contravenes subsection (1) or (2).

(7) A Family Court may make an order under subsection (6) even if —

- (a) the application is not served on the person against whom the order is sought (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or
- (b) where the application has been served on the respondent — the respondent does not appear at the hearing of the application,

so long as the Family Court is satisfied, on a balance of probabilities, that the order is necessary for the protection or personal safety of the woman or girl concerned.

Definitions

(8) In this section —

“broadcast” means sounds or visual images or both —

- (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;
- “information” includes an image;
- “publish”, in relation to any information, means to bring the information 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;
- “resident”, in relation to a place of safety, includes a woman or girl detained or received into a place of safety under the provisions of this Part.”.

Amendment of section 180A

14. In the principal Act, in section 180A(1) —

- (a) in paragraph (c)(ii), delete “7 or”; and
- (b) replace paragraph (e) with —

- “(e) by a person (being a person appointed or authorised under section 65(2)) in the exercise or purported exercise of the functions of a protector under Part 7;
- (ea) by a person (being a person appointed or authorised under section 65(4)) in the exercise or purported exercise of the functions of an enforcement officer under Part 7;
- (eb) by a person (being a person prescribed or appointed as a support person under section 65(7) or (8), respectively) in the exercise or purported exercise of the functions of a support person under Part 7;”.

Consequential amendments

15. In the principal Act —

- (a) in section 2(1), in the definition of “Director-General”, before “means”, insert “, except in Part 7.”;
- (b) in section 77, after subsection (3), insert —
 - “(4) This section does not apply to or in relation to criminal proceedings.”;
- (c) in section 79(2) (as in force immediately before the date of commencement of section 23 of the Family Justice Reform Act 2023), delete paragraph (b);
- (d) after section 91W (as inserted by section 24 of the Family Justice Reform Act 2023), insert —
 - “Division not applicable to criminal proceedings**
 - 91X.** This Division does not apply to or in relation to criminal proceedings.”;
- (e) in section 139E(b), replace “section 56, 65, 66 or 69” with “section 56 or 69 or Division 3 or 4 of Part 7”; and
- (f) in section 179A(2) (as inserted by section 33 of the Family Justice Reform Act 2023), delete paragraph (b).

Related amendments to Children and Young Persons Act 1993

16. In the Children and Young Persons Act 1993 —

- (a) after section 23, insert —
 - “Power to record, etc.**
 - 23A.—(1)** A relevant person may take photographs, or make an audio or video recording of any person, place or thing if the relevant person reasonably believes that the taking of the photographs or the making of the recording is relevant to and necessary for the exercise of the relevant person’s functions under this Act.

(2) In this section, “relevant person” means the Director-General, a public officer or any other person appointed or authorised by the Director-General under section 3(3), or an approved welfare officer.”; and

- (b) in section 111(5), replace “A court may, in addition to any punishment mentioned in subsection (4),” with “In proceedings for an offence under subsection (4), the court may, whether or not there is a conviction for the offence,”.

Related amendments to Vulnerable Adults Act 2018

17. In the Vulnerable Adults Act 2018 —

- (a) in section 2(1), in the definition of “emotional or psychological abuse”, delete “towards another individual”;
- (b) in section 2(1), in the definition of “emotional or psychological abuse”, in paragraph (a), replace “is offensive to the other individual” with “distresses another individual”;
- (c) in section 2(1), in the definition of “emotional or psychological abuse”, in paragraph (b), replace “the other individual” with “another individual”;
- (d) in section 14(10)(a), replace “\$5,000” with “\$10,000”;
- (e) in section 14(10)(b), replace “\$8,000” with “\$10,000”;
- (f) in section 22(7), replace “The court may, in addition to any punishment mentioned in subsection (6),” with “In proceedings for an offence under subsection (6), the court may, whether or not there is a conviction for the offence,”;
- (g) in section 24(2)(a), replace “and” at the end with “or”;
- (h) in section 26(2)(d), delete “found in the premises mentioned in paragraph (a)”;
- (i) in section 28(5), delete “or a place of custody specified by the Minister,”; and

(j) before section 30, insert —

“Power to record, etc.

29A.—(1) A relevant person may take photographs, or make an audio or video recording of any person, place or thing if the relevant person reasonably believes that the taking of the photographs or the making of the recording is relevant to and necessary for the exercise of the relevant person’s functions under this Act.

(2) In this section, “relevant person” means the Director-General, a protector, an approved welfare officer or an authorised officer.”.

Saving and transitional provisions

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