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Notification No. B 15 — The Family Justice Reform Bill is published for general information. It was introduced in Parliament on 20 April 2023.

Family Justice Reform Bill

Bill No. 15/2023.

Read the first time on 20 April 2023.

A BILL

intituled

An Act to amend the Family Justice Act 2014, the Guardianship of Infants Act 1934 and the Women's Charter 1961 to reform, update and enhance court processes in the Family Justice Courts, and to make miscellaneous, related and consequential amendments to the Women's Charter 1961 and 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.—(1) This Act is the Family Justice Reform Act 2023.

(2) Sections 2 to 12, 14, 36, 38 and 40 to 44 come into operation on a date that the Minister charged with the responsibility for law appoints by notification in the *Gazette*.

(3) Sections 15 to 18, 26, 28, 29, 30, 32, 34, 35 and 37 come into operation on a date that the Minister charged with the responsibility for family development appoints by notification in the *Gazette*.

(4) Sections 19 to 25, 27, 31, 39 and 45 come into operation on a date that the Minister charged with the responsibility for law, in consultation with the Minister charged with the responsibility for family development, appoints by notification in the *Gazette*.

(5) Sections 13 and 33 come into operation on a date that the Minister charged with the responsibility for family development, in consultation with the Minister charged with the responsibility for law, appoints by notification in the *Gazette*.

PART 1

AMENDMENT OF FAMILY JUSTICE ACT 2014

Amendment of section 2

2. In the Family Justice Act 2014 (called in this Part the Family Justice Act), in section 2(1) —

(a) delete “, unless the context otherwise requires”;

(b) before the definition of “District Judge”, insert —

““alternative dispute resolution process” means a process by which a dispute (or any issue in the dispute) is resolved other than by litigation, including by mediation, arbitration, conciliation or neutral evaluation;”;

(c) after the definition of “Magistrate”, insert —

““mediation” means a process by which one or more mediators (whether court-appointed

mediators or otherwise) assist the parties to a dispute by —

(a) facilitating an amicable settlement of the dispute or any issue in the dispute; and

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(b) where an amicable settlement is reached by the parties — discussing or facilitating the carrying out of any matter pursuant to the settlement;”;
and

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(d) after the definition of “Registrar”, insert —

““relevant proceedings” means any proceedings over which the Family Justice Courts exercise jurisdiction (except criminal jurisdiction);”.

New section 11A

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3. In the Family Justice Act, after section 11, insert —

“Court may prohibit, etc., further applications or documents

11A.—(1) Subsections (2) and (3) apply where an order (called a relevant order) has been made by a Family Justice Court in any relevant proceedings.

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(2) Where a Family Justice Court is satisfied that the filing of any application (called in this subsection Application X1) by a party to vary, suspend, discharge, rescind, set aside or revoke a relevant order, or any document in support of Application X1 (called in this subsection Document X1), will or is likely to —

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(a) be without merit, having regard to the party’s past conduct in the relevant proceedings or any other proceedings before a Family Justice Court involving facts or reliefs that are the same as or similar to those in the relevant proceedings; or

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- (b) where a child is or was a party to or a subject of the relevant proceedings or the proceedings in Application X1 — have an adverse effect on the welfare of the child,

5 the Court may make all or any of the following orders:

- (c) an order prohibiting the party from filing Application X1 or any other application to vary, suspend, discharge, rescind, set aside or revoke the relevant order, without the permission of the Court;
- 10 (d) an order prohibiting the party from filing Document X1 or any other document in support of Application X1 or any other application to vary, suspend, discharge, rescind, set aside or revoke the relevant order, without the permission of the Court;
- 15 (e) an order prohibiting the party from filing any application to amend, vary or discharge an order mentioned in paragraph (c) or (d) without the permission of the Court.

(3) Where a Family Justice Court is satisfied that an application (called in this subsection Application X2) filed by a party on or after the date of commencement of section 3 of the Family Justice Reform Act 2023 to vary, suspend, discharge, rescind, set aside or revoke a relevant order, or any document filed in support of Application X2 (called in this subsection Document X2), will or is likely to be of the nature mentioned in subsection (2)(a) or have the effect mentioned in subsection (2)(b) in relation to a child who is or was a party to or subject of the relevant proceedings or the proceedings in Application X2, the Court may make all or any of the following orders:

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- (a) an order that Application X2 be treated as dismissed or Document X2 be treated as expunged (as the case may be) on a date specified by the Court, if the party does not comply by that date with one or more conditions imposed by the Court;
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- (b) an order staying the proceedings in Application X2 until the specified date mentioned in paragraph (a);
- (c) an order prohibiting the party from filing any other application to vary, suspend, discharge, rescind, set aside or revoke the relevant order, without the permission of the Court; 5
- (d) an order prohibiting the party from filing any document in support of Application X2 or any other application to vary, suspend, discharge, rescind, set aside or revoke the relevant order, without the permission of the Court; 10
- (e) an order prohibiting the party from filing any application to amend, vary or discharge an order mentioned in paragraph (a), (b), (c) or (d) without the permission of the Court. 15

(4) Subsections (5) and (6) apply where any relevant proceedings (whether commenced before, on or after the date of commencement of section 3 of the Family Justice Reform Act 2023) are pending before a Family Justice Court.

(5) Where a Family Justice Court is satisfied that the filing of any application (called in this subsection Application X3) by a party in the relevant proceedings, or any document in support of Application X3 (called in this subsection Document X3), will or is likely to — 20

- (a) impede the just, expeditious or economical resolution or disposal of any matter in the relevant proceedings; or 25
- (b) where a child is a party to or a subject of the relevant proceedings — have an adverse effect on the welfare of the child, 30

the Court may make all or any of the following orders:

- (c) an order prohibiting the party from filing Application X3 or any other application in the

relevant proceedings, without the permission of the Court;

5 (d) an order prohibiting the party from filing Document X3 or any other document in support of Application X3 or any other application in the relevant proceedings, without the permission of the Court;

10 (e) an order prohibiting the party from filing any application to amend, vary or discharge an order mentioned in paragraph (c) or (d) without the permission of the Court.

15 (6) Where a Family Justice Court is satisfied that any application (called in this subsection Application X4) filed by a party on or after the date of commencement of section 3 of the Family Justice Reform Act 2023 in the relevant proceedings, or any document filed in support of Application X4 (called in this subsection Document X4), will or is likely to be of the nature mentioned in subsection (5)(a) or have the effect mentioned in subsection (5)(b) in relation to a child who is a party to or subject of the relevant proceedings, the Court may make all or any of the following orders:

25 (a) an order that Application X4 be treated as dismissed or Document X4 be treated as expunged (as the case may be) on a date specified by the Court, if the party does not comply by that date with one or more conditions imposed by the Court;

(b) an order staying the proceedings in Application X4 until the specified date mentioned in paragraph (a);

30 (c) an order prohibiting the party from filing any other application in the relevant proceedings, without the permission of the Court;

35 (d) an order prohibiting the party from filing any document in support of Application X4 or any other application in the relevant proceedings, without the permission of the Court;

(e) an order prohibiting the party from filing any application to amend, vary or discharge an order mentioned in paragraph (a), (b), (c) or (d) without the permission of the Court.

(7) An order prohibiting the filing of any application or document under subsection (2)(c) or (d), (3)(c) or (d), (5)(c) or (d) or (6)(c) or (d) may be of a general nature or a particular nature. 5

(8) Any application filed by a party, or any document filed in support of such an application, contrary to any order under subsection (2)(c), (d) or (e), (3)(c), (d) or (e), (5)(c), (d) or (e) or (6)(c), (d) or (e), is to be treated as dismissed or expunged — 10

(a) without the Court having to make any further order; and

(b) without the need for any other party to be heard on the merits of that application. 15

(9) To avoid doubt, an order under subsection (2)(c), (d) or (e), (3)(c), (d) or (e), (5)(c), (d) or (e) or (6)(c), (d) or (e) does not prohibit the filing of an application for any permission required by the order.”. 20

New sections 11B and 11C

4. In the Family Justice Act, after section 11A (as inserted by section 3), insert —

“Court may make order without application

11B.—(1) Subject to subsection (2), a Family Justice Court may, in the course of any relevant proceedings commenced on or after the date of commencement of section 4 of the Family Justice Reform Act 2023 and on its own motion, make an order on any issue arising in a cause or matter, including an order of a substantive nature, which the Court has the power to make on the application of any person. 25 30

(2) A Family Justice Court must not make an order of a substantive nature on the basis of subsection (1) unless —

- (a) every person likely to be affected by the order has been given an opportunity to be heard concerning the order; and
- (b) the Court is satisfied that it is in the interests of justice to make the order.

Court may impose restrictions on cross-examination

11C.—(1) Subsection (2) applies where an applicant or a respondent in any relevant proceedings commenced on or after the date of commencement of section 4 of the Family Justice Reform Act 2023 cross-examines or intends to cross-examine a witness in person or by counsel, in the relevant proceedings.

(2) A Family Justice Court may, on its own motion or the application of any party, make any or both of the following orders in the circumstances prescribed by the Family Justice Rules:

- (a) an order that the cross-examination be restricted in scope or duration;
- (b) an order that the cross-examination (or any part of the cross-examination) must be conducted in any manner prescribed by the Family Justice Rules.”.

Amendment of section 23

5. In the Family Justice Act, in section 23, before subsection (3), insert —

“(2C) An order of the General Division of the High Court giving or refusing permission under subsection (2A) or (2B) is final.”.

Amendment of section 26

6. In the Family Justice Act, in section 26 —

(a) replace subsection (3A) with —

“(3A) Where an application may be made to either a Family Court or the Family Division of the High

Court, the application must be made in the first instance to a Family Court.”;

(b) before subsection (7), insert —

“(6B) Where any written law specifies that any provisions of the Criminal Procedure Code 2010 apply to any family proceedings, those provisions apply to the family proceedings in the Family Court with any modifications that may be prescribed by the Family Justice Rules.”;

(c) in subsection (8), delete “, or jurisdiction of a quasi-criminal nature.”;

(d) in subsection (8), replace paragraph (b) with —

“(b) the provisions of the Criminal Procedure Code 2010 apply to those proceedings in the Family Court, with any modifications that may be prescribed by the Family Justice Rules.”; and

(e) replace subsection (9) with —

“(9) Subject to any other written law, a Family Court may, either on its own motion or on the application of any person, order any party to any proceedings in a Family Court, or any child involved in or whose custody or welfare is involved in the proceedings —

(a) to undergo any mediation or other alternative dispute resolution process or counselling, or to participate in any family support programme or activity, as directed by the Family Court; or

(b) to attend any professional clinical or therapeutic intervention sessions as directed by the Family Court.

(10) Where a Family Court orders any party or child to undergo any mediation or other alternative dispute

resolution process under subsection (9), the Family Court also has the following powers:

(a) to conduct the mediation or other alternative dispute resolution process;

(b) to appoint a judicial officer, an officer of the Family Justice Courts or any other person to conduct the mediation or other alternative dispute resolution process.

(11) Despite the provisions of the Administration of Justice (Protection) Act 2016, failure to comply with any order made under subsection (9) on or after the date of commencement of section 6(e) of the Family Justice Reform Act 2023 does not constitute a contempt of court.

(12) Where a person fails to comply with any order made under subsection (9) on or after the date of commencement of section 6(e) of the Family Justice Reform Act 2023 in any proceedings, the Family Court may —

(a) stay the proceedings until the order has been complied with;

(b) order any person responsible for the non-compliance to pay the costs of the proceedings; or

(c) make any other order that the Family Court thinks fit.”.

Amendment of section 27

7. In the Family Justice Act, in section 27 —

(a) in subsections (1) and (3), delete “or, prior to their enactment, the Rules of Court”; and

(b) replace subsection (2) with —

“(2) The remuneration of any assessor for sitting under this section is to be —

- (a) fixed by the agreement of all the parties to the dispute and the assessor or, failing such agreement, by the Family Court; and
- (b) treated as costs in the proceedings unless the Family Court orders otherwise.”.

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New section 29C

8. In the Family Justice Act, after section 29B, insert —

“Satisfaction of judgments and orders for payment of money

29C.—(1) Where a judgment or an order is made, by a Family Court in any family proceedings, under which any sum of money is payable (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise), the Family Court may, as it thinks fit, order the money to be paid either —

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- (a) in a lump sum, whether immediately or within a period fixed by the Family Court; or
- (b) by instalments payable at the times fixed by the Family Court.

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(2) If at any time it appears to the satisfaction of a Family Court that any party to any family proceedings is unable from any cause to pay any sum recovered against the party (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise) or any instalment of the sum, the Family Court may, in its discretion, suspend or stay any judgment or order given or made in the proceedings —

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- (a) for any time and on any terms that the Family Court thinks fit; and
- (b) from time to time until it appears that the cause of inability has ceased.

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(3) Where an order for payment by instalments is made, no enforcement (except under any maintenance enforcement

proceedings) may issue except with the permission of the Family Court.

(4) This section does not apply to —

5 (a) any sum payable (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise) under any judgment or order made by a Family Court before the date of commencement of section 8 of the Family Justice Reform Act 2023;

10 (b) any monthly or periodical sum ordered to be paid under a maintenance order; or

 (c) any maintenance ordered to be paid in maintenance enforcement proceedings.

(5) In subsection (4) —

15 “maintenance enforcement proceedings” means the proceedings in court arising from any application under the Women’s Charter 1961 to enforce any payment or payments required to be made under a maintenance order, including any appeal against any
20 decision made by the court on the application;

 “maintenance order” means —

 (a) an order for maintenance made by the Syariah Court under the Administration of Muslim Law Act 1966;

25 (b) an order for the payment of money in respect of the maintenance of an infant made under the Guardianship of Infants Act 1934;

 (c) an order for maintenance made under the Maintenance of Parents Act 1995;

30 (d) a maintenance order, as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, which is registered or confirmed by the court under that Act;

- (e) an order for the payment of monthly sums or a lump sum for the maintenance of a wife, an incapacitated husband or a child, made or deemed to be made by a court under Part 8 of the Women’s Charter 1961; or 5
- (f) an order for the payment of monthly or periodical sums or a lump sum by way of maintenance or alimony to a wife or former wife or an incapacitated husband or incapacitated former husband, or by way of maintenance for the benefit of any child, under Part 10 of the Women’s Charter 1961.”. 10

Amendment of section 34

9. In the Family Justice Act, in section 34 —

- (a) in the section heading, replace “**civil jurisdiction**” with “**civil or quasi-criminal jurisdiction**”; and 15
- (b) in subsection (1), replace “civil jurisdiction” with “civil or quasi-criminal jurisdiction”.

Amendment of section 35

10. In the Family Justice Act, in section 35 — 20

- (a) after subsection (1), insert —

“(1A) Where any written law specifies that any provisions of the Criminal Procedure Code 2010 apply to any proceedings under the Children and Young Persons Act 1993, those provisions apply to those proceedings, with any modifications that may be prescribed by the Family Justice Rules.”; 25

- (b) in subsection (2), delete “, or jurisdiction of a quasi-criminal nature,”;
- (c) in subsection (2), replace paragraph (b) with — 30

“(b) subject to the Children and Young Persons Act 1993, the provisions of the Criminal

Procedure Code 2010 (except section 240(6) of that Code) apply to the Youth Court and those proceedings with any modifications that may be prescribed by the Family Justice Rules.”;

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(d) in subsection (3), after “such mediation”, insert “or other alternative dispute resolution process”; and

(e) after subsection (3), insert —

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“(4) Where a Youth Court orders any party to undergo any mediation or other alternative dispute resolution process under subsection (3), the Youth Court also has the following powers:

(a) to conduct the mediation or other alternative dispute resolution process;

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(b) to appoint a judicial officer, an officer of the Family Justice Courts or any other person to conduct the mediation or other alternative dispute resolution process.

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(5) Despite the provisions of the Administration of Justice (Protection) Act 2016, failure to comply with any order made under subsection (3) on or after the date of commencement of section 10(e) of the Family Justice Reform Act 2023 does not constitute a contempt of court.

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(6) Where a person fails to comply with any order made under subsection (3) on or after the date of commencement of section 10(e) of the Family Justice Reform Act 2023 in any proceedings, the Youth Court may —

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(a) stay the proceedings until the order has been complied with;

(b) order any person responsible for the non-compliance to pay the costs of the proceedings; or

- (c) make any other order that the Youth Court thinks fit.”.

Amendment of section 45

11. In the Family Justice Act, in section 45, after subsection (6), insert —

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“(7) A person who provides advice to a Family Justice Court under section 11A of the Guardianship of Infants Act 1934, section 12 of the International Child Abduction Act 2010, section 130 of the Women’s Charter 1961 or any other written law as the Minister may by order in the *Gazette* prescribe, shall not be liable to be sued for any advice so provided on or after the appointed date (including in the form of a report) or any act done on or after that date by that person for the purposes or in the course of providing the advice (including in the form of a report), if —

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- (a) the advice was provided, or the act was done, in good faith; and
- (b) the advice or act did not involve any fraud or wilful misconduct on his or her part.

(8) A parenting coordinator appointed by a Family Justice Court to conduct a parenting coordination programme shall not be liable to be sued for any act done on or after the appointed date by the parenting coordinator for the purposes of the parenting coordination programme, if the act —

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- (a) was done in good faith; and
- (b) did not involve any fraud or wilful misconduct on his or her part.

25

(9) A person (called a referrer) who, at the request of a Family Justice Court, refers any party to the proceedings or any child involved in or whose custody or welfare is involved in the proceedings for any professional clinical or therapeutic intervention, shall not be liable to be sued for any act done on or after the appointed date by the referrer for the purposes of the referral, if the act —

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- (a) was done in good faith; and
- (b) did not involve any fraud or wilful misconduct on the part of the referrer.

(10) In this section —

5 “appointed date” means —

- (a) in the case of a person who provides advice to a Family Justice Court under any written law prescribed by order in the *Gazette* for the purposes of subsection (7) — the date prescribed by that order, being a date not earlier than the date of that order; or
- (b) in any other case — the date of commencement of section 11 of the Family Justice Reform Act 2023;

15 “parenting coordination programme” means a family support programme for the purpose of addressing or resolving any disagreement about any parenting matter between spouses or former spouses, arising from any relationship issue or relationship problem between
20 spouses or former spouses, or between a parent and a child.”.

Amendment of section 46

12. In the Family Justice Act, in section 46(3), after paragraph (h), insert —

25 “(ha) prescribing the modes by which the wishes of a child may be determined by the Family Division of the High Court or a Family Court;”.

PART 2

AMENDMENT OF GUARDIANSHIP OF INFANTS ACT 1934

Amendment of section 5A

13. In the Guardianship of Infants Act 1934, in section 5A (as inserted by section 43(3) of the Women’s Charter (Amendment) Act 2022), after subsection (6), insert —

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

(a) must be made in the same manner as an application for a summons is made to a District Court or Magistrate’s Court under the Criminal Procedure Code 2010; and

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(b) is to be dealt with —

(i) as if the relevant application were a complaint for the purposes of that Code; but

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(ii) in accordance with only such provisions of that Code, and with such provisions of any other written law, as may be prescribed by the Family Justice Rules.

20

(8) Despite section 47(1) of the Family Justice Act 2014, an access order made by the General Division of the High Court (whether before, on or after 1 October 2014) may be enforced by a Family Court in accordance with this section as if the access order had been made by the Family Court, except that a Family Court has no power to vary an order of the General Division of the High Court.”.

25

Replacement of section 11

14. In the Guardianship of Infants Act 1934, replace section 11 with —

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“Matters to be considered

11. The court, in exercising the powers conferred by this Act, must have regard primarily to the welfare of the infant, and must consider —

- 5 (a) where the infant has a parent or parents — the wishes of the parent or both of them, as the case may be; and
- (b) where the infant is of an age to express an independent opinion — the wishes of the infant.”.

PART 3

10 AMENDMENT OF WOMEN’S CHARTER 1961

Amendment of section 2

15. In the Women’s Charter 1961 (called in this Part the Women’s Charter), in section 2(1) —

- (a) delete “, unless the context otherwise requires”;
- 15 (b) in the definition of “court”, in paragraph (a), replace “Parts 8 and 10” with “Parts 8, 9, 9A, 10, 10A and 10B”;
- (c) in the definition of “court”, in paragraph (a), insert “and” at the end;
- (d) in the definition of “court”, replace paragraph (b) with —
- 20 “(b) for the purposes of Parts 7 and 10C, means a Family Court;”; and
- (e) in the definition of “court”, delete paragraph (c).

Amendment of section 69

16. In the Women’s Charter, in section 69, delete subsection (9).

25 **Amendment of section 70**

17. In the Women’s Charter, in section 70 —

- (a) in subsection (1), after “welfare of the child”, insert “, which may include an order that the person pay a

monthly sum or lump sum for the maintenance of the child”;

(b) replace subsection (3) with —

“(3) The court, when making any order under subsection (1) that the person pay a monthly sum or lump sum for the maintenance of the child, is to have regard to all the circumstances of the case, including the matters in section 69(4) where appropriate and with the necessary modifications.”; and

(c) in subsection (5), replace “Subsections (4) to (9)” with “Subsections (5) to (8)”.

New section 70A

18. In the Women’s Charter, after section 70, insert —

“Recovery of sums expended to maintain child accepted as member of family

70A.—(1) The court may, on an application by a person maintaining a child by virtue of his or her duty under section 70(1), order the father or mother of the child, or both, to pay to that person an amount specified by the court, being the sum or part of the sum expended by the person in the maintenance of that child.

(2) The court, when making an order under subsection (1), is to have regard to all the circumstances of the case, including the matters in section 69(4) where appropriate and with the necessary modifications.

(3) No sum expended by a person in the maintenance of a child is recoverable in any application under subsection (1) if the sum was expended more than 3 years before the making of the application unless the court, under special circumstances, otherwise allows.

(4) Any sums ordered to be paid by the court under subsection (1) are recoverable as a debt in accordance with the Family Justice Rules.”.

Deletion of sections 71 to 71C and new section 71

19. In the Women’s Charter, replace sections 71 to 71C with —

“Court’s power to make attachment of earnings order for maintenance under section 69 or 70, etc.

5 **71.**—(1) A court may, when making a maintenance order under section 69 or 70 or at any time thereafter, if the court considers just, make an attachment of earnings order under this section to secure payment of any maintenance that will become payable under the maintenance order.

10 (2) A Family Court may make an attachment of earnings order under this section to secure payments payable under a maintenance order made under section 69 or 70 by the General Division of the High Court.

15 (3) No application for an attachment of earnings order under subsection (1) or (2) in respect of a maintenance order, and no application to vary or discharge such an attachment of earnings order, may be made if proceedings under Part 9 for the enforcement of the same maintenance order are pending.

20 (4) Sections 91C to 91K apply, with the necessary modifications, to an attachment of earnings order under subsection (1) or (2).

(5) In this section, “attachment of earnings order” has the meaning given by section 76(1).”.

Deletion of section 74

25 **20.** In the Women’s Charter, delete section 74.

Amendment of section 75

21. In the Women’s Charter, in section 75(1), after “the provisions of this Part”, insert “and Parts 9 and 9A”.

Deletion of sections 76 and 77

30 **22.** In the Women’s Charter as in force immediately before the date of commencement of section 24 of the Family Justice Reform Act 2023, delete sections 76 and 77.

Deletion of section 79

23. In the Women’s Charter as in force immediately before the date of commencement of section 24 of the Family Justice Reform Act 2023, delete section 79.

Replacement of Part 9 and new Part 9A

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24. In the Women’s Charter, replace Part 9 with —

“PART 9

ENFORCEMENT OF MAINTENANCE ORDERS

Division 1 — Preliminary

Interpretation of this Part

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76.—(1) In this Part —

“applicant” means a person who makes a maintenance enforcement application;

“appointed day” means the date of commencement of section 24 of the Family Justice Reform Act 2023;

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“attachment of earnings order” means an order by a court requiring the person to whom the order in question is directed (being a person appearing to the court to be a respondent’s employer) to make payments in satisfaction of the order out of the earnings falling to be paid to the respondent;

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“conciliation session” means a session under section 88;

“consent order” means an order under section 81(1)(d);

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

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(a) by way of wages or salary, including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary by the person paying the wages or salary or payable under a contract of service; or

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(b) by way of pension, including an annuity in respect of past services, whether or not the services were rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or any diminution in the emoluments, of any office or employment;

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

“maintenance arrears” means payments due and payable under a maintenance order, whether secured or unsecured;

“maintenance enforcement application” means an application under section 80;

“maintenance enforcement officer” or “MEO” means an individual appointed under section 77(1), and includes the chief maintenance enforcement officer or “Chief MEO”;

“maintenance enforcement order” means an order mentioned in section 91B(1);

“maintenance enforcement proceedings” means the proceedings in court arising from any application under this Part, including any appeal against any decision made by the court on the application;

“maintenance order” means any of the following orders, whether made before, on or after the appointed day:

(a) an order for the payment of monthly sums or a lump sum for the maintenance of a wife, an incapacitated husband or a child, made or deemed to be made by a court under Part 8;

(b) an order for the payment of monthly or periodical sums or a lump sum by way of

maintenance or alimony to a wife or former wife or an incapacitated husband or incapacitated former husband, or by way of maintenance for the benefit of any child, under Part 10;

- (c) an order for maintenance made by the Syariah Court under the Administration of Muslim Law Act 1966; 5
- (d) an order for the payment of money in respect of the maintenance of an infant made under the Guardianship of Infants Act 1934; 10
- (e) an order for maintenance made under the Maintenance of Parents Act 1995;
- (f) a maintenance order, as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, which is registered or confirmed by the court under that Act; 15

“MEO’s report” means any report prepared for the purposes of section 89(1), (2) or (3);

“payable maintenance” means any amount that has not fallen due but will become due and payable by a respondent, under a maintenance order, by such date or dates as the court may specify in a show-payment order; 20

“referred application” means a maintenance enforcement application referred by the court to an MEO under section 84(1); 25

“regulations” means regulations made under section 91A;

“related attachment of earnings order”, in relation to a maintenance order, means an attachment of earnings order made for the purpose of securing payment of any part of the maintenance payable under the maintenance order, and a “related maintenance order” in relation to an attachment of earnings order is to be construed accordingly; 30

“respondent”, in relation to a maintenance order or a maintenance enforcement application in respect of a maintenance order, means the person liable to make payments under the maintenance order;

5 “show-payment order” means an order under section 81(2)(c) or (4)(a)(i).

(2) In this Part —

(a) a reference to any information includes a reference to a document; and

10 (b) a reference to the submission of any information includes, in relation to information that is contained in a document, a reference to submitting the document.

Appointment of Chief MEO and other MEO

15 **77.**—(1) The Minister may, for the purposes of this Part, appoint any number of individuals that the Minister considers necessary as maintenance enforcement officers, of whom one is to be appointed by the Minister as the chief maintenance enforcement officer.

20 (2) Every appointment under subsection (1) may be on any terms or conditions that may be specified by the Minister.

(3) The Chief MEO is to exercise his or her powers, and to perform his or her functions and duties, under this Part subject to the general or special directions of the Minister insofar as the directions are not inconsistent with this Act.

25 (4) Every MEO (except the Chief MEO) is to exercise his or her powers, and to perform his or her functions and duties, under this Part subject to the general or special directions of the Chief MEO insofar as the directions are not inconsistent with this Act or the general or special directions of the Minister.

30 (5) Every individual appointed under subsection (1) —

(a) has the powers, functions and duties of an MEO; and

(b) is deemed to be a public servant for the purposes of the Penal Code 1871 when exercising the powers or performing the functions or duties of an MEO.

(6) No liability shall lie personally against an MEO or the Chief MEO (as the case may be) for anything that is done or purported to be done, or omitted to be done, in good faith and with reasonable care in —

(a) the exercise or purported exercise of any power under this Part; or

(b) the performance or purported performance of any function or duty under this Part.

(7) Notice of the appointments made under subsection (1) must be published in the *Gazette* or in a manner that brings the appointments to the general notice of the public, which may include publication on a website.

(8) In this section, a reference to the Minister includes a reference to any of the following persons designated by the Minister to exercise the power under subsection (1) (including the power to specify terms and conditions under subsection (2) or to give any general or special directions under subsection (3) or (4)):

(a) a Second Minister, Minister of State or Senior Minister of State for the Ministry under the charge of the Minister;

(b) a Parliamentary Secretary, Senior Parliamentary Secretary or Permanent Secretary to the Ministry under the charge of the Minister.

Enforcement of maintenance orders made by General Division of High Court

78. A maintenance order made by the General Division of the High Court may be enforced by a Family Court in accordance with this Part as if that order had been made by the Family Court, except that a Family Court has no power to vary an order of the General Division of the High Court.

Powers of court relating to witnesses in maintenance enforcement proceedings

5 **79.**—(1) The court may, in any maintenance enforcement proceedings, do all or any of the following despite any provision of the Evidence Act 1893 or any rule of law to the contrary concerning the examination of witnesses:

- 10 (a) dispense with the examination-in-chief or cross-examination (or any part of the examination-in-chief or cross-examination) of a witness;
- (b) pose any question directly to a witness;
- (c) determine the order in which witnesses are to be produced or examined.

15 (2) Subsection (1) does not apply in relation to any maintenance enforcement proceedings in the General Division of the High Court hearing an appeal from any decision of a Family Court.

20 (3) Subsection (1) does not limit any powers of the court in furtherance of a judge-led approach under the Family Justice Rules.

Division 2 — Maintenance enforcement application and court's powers on application

Application for maintenance enforcement order — by and to whom

25 **80.**—(1) Any of the following persons may make an application to the court for enforcement of a maintenance order that the person alleges to have been breached:

- 30 (a) the person who applied for the maintenance order;
- (b) a person who is a payee under the maintenance order for the benefit of a child and who is —
- (i) a person having custody or care and control of the child; or

- (ii) subject to subsection (2) — a trustee of the child;
- (c) without limiting paragraph (b), where the maintenance order was applied for by the person appointed by the Minister under section 69(3)(d) (called the appointed person) — a person who is a payee under the maintenance order and who is the person nominated by the appointed person to receive payment under the maintenance order; 5
- (d) any other person who has a right under any other written law to enforce the maintenance order. 10

(2) Any person wishing to make an application under subsection (1), who is a trustee of a child jointly with one or more other persons, must obtain the consent of all the other trustees. 15

Court orders on maintenance enforcement application

81.—(1) Subject to the provisions of this Part, the court may do one or more of the following on a maintenance enforcement application:

- (a) if the court is satisfied that the maintenance order in question has been breached — make one or more maintenance enforcement orders in respect of the maintenance order in question; 20
- (b) where the maintenance order in question is made by the Family Court under Part 8 or 10 or the Guardianship of Infants Act 1934 and the prescribed circumstances exist — vary, suspend, discharge, rescind, set aside or revoke the maintenance order on the application of the applicant or respondent; 25
- (c) dismiss the maintenance enforcement application; 30
- (d) make a consent order based on the terms of any agreement between the applicant and respondent on —

(i) the following amounts to be paid under the maintenance order in question:

(A) the amount of maintenance arrears (if any) under the maintenance order in question as at the date of the consent order;

(B) the amount of payable maintenance (if any) under the maintenance order in question; and

(ii) any other detail concerning the mode or the date or dates by which the amount of maintenance is to be paid;

(e) where the maintenance order in question is made by the Family Court under Part 8 or 10 or the Guardianship of Infants Act 1934 and the prescribed circumstances exist — make an order to vary, suspend, discharge, rescind, set aside or revoke the maintenance order based on the terms of any agreement between the applicant and respondent;

(f) if the applicant has been absent from a conciliation session on any date fixed for the session — strike out the maintenance enforcement application.

(2) Where the court is satisfied that the maintenance order in question has been breached and no consent order is made on the application and the application is not dismissed under subsection (1)(c) or struck out under subsection (1)(f), the court must make an order —

(a) declaring the amount of maintenance arrears (if any) under the maintenance order as at the date of the declaration;

(b) requiring the respondent to make payment of the maintenance arrears declared under paragraph (a) in a lump sum or in instalments by such mode and on such date or dates as the court may specify;

(c) requiring the respondent to prove any payment of maintenance arrears under paragraph (b) or any payable maintenance, in such manner and on such date or dates as the court may specify; and

(d) subject to subsection (5), specifying a term of imprisonment for the purposes of section 91O in respect of the respondent. 5

(3) To avoid doubt, the court may make an order under subsection (1)(a) or (b) in addition to any order that the court must make under subsection (2). 10

(4) If the court makes a consent order, the court may also do one or both of the following:

(a) make an order —

(i) requiring the respondent to prove, in such manner and on such date or dates as the court may specify — 15

(A) that any maintenance arrears or payable maintenance agreed between the applicant and respondent to be paid has been paid by the date or dates agreed between the applicant and respondent and as recorded in the consent order; and 20

(B) that the maintenance mentioned in sub-paragraph (A) has been paid in the mode specified by the court; and 25

(ii) subject to subsection (5), specifying a term of imprisonment for the purposes of section 91O in respect of the respondent;

(b) make any maintenance enforcement order, except a maintenance enforcement order mentioned in section 91B(1)(b). 30

(5) The term of imprisonment specified under subsection (2)(d) or (4)(a)(ii) must not exceed the following:

(a) for each failure to prove payment of any maintenance arrears in accordance with subsection (2)(c) or (4)(a)(i) (as the case may be) — 6 months;

5 (b) for each failure to prove payment of any payable maintenance in accordance with subsection (2)(c) or (4)(a)(i) (as the case may be) — one month for each month's worth of payable maintenance (or any part thereof).

10 (6) In subsection (5)(b), a reference to each month's worth of payable maintenance is a reference to the total amount of maintenance that is required to be paid by the respondent in a month under the maintenance order in question.

15 (7) The court must not make any order under subsection (2)(d) or (4)(a)(ii) specifying any term of imprisonment if special circumstances exist which render the making of the order inappropriate.

20 (8) The special circumstances to which the court may have regard for the purposes of subsection (7) include the respondent's age and the respondent's state of health and physical condition.

25 (9) Where a show-payment order is made in relation to a maintenance order, no further maintenance enforcement application may be made in relation to the same maintenance order in respect of any maintenance required to be proved to be paid by the respondent under the show-payment order, until the expiry of the latest of the following dates:

(a) every date specified by the court in the show-payment order on which the maintenance is required to be proved to have been paid;

30 (b) in a case where the respondent fails to prove payment of any maintenance on any date mentioned in paragraph (a) — the date of the hearing in which the respondent is required to show good cause for his or her failure to prove such payment.

(10) At any time after the making of an order under subsection (2) or (4)(a), the court may, on the application of a respondent and upon being satisfied that there is good reason to do so, specify in respect of any payment (or any part of the payment) mentioned in that order, one or more of the following: 5

- (a) a different mode of the payment for the purposes of subsection (2)(b) or (4)(a)(i);
- (b) a later date or dates on which the respondent is required to make such payment;
- (c) a later date or dates for proving such payment as required under subsection (2)(c) or (4)(a)(i), as the case may be. 10

Reinstatement of maintenance enforcement application

82. The court may, if it thinks fit, reinstate a maintenance enforcement application struck out under section 81(1)(f) upon an application by the applicant for the reinstatement. 15

Arrears report to designated credit bureau

83.—(1) If the court has declared under section 81(2)(a) the amount of maintenance arrears under a maintenance order, and any of that amount remains in arrears, any of the following persons may lodge a report with a designated credit bureau, stating the amount that remains in arrears as at the date of the report (called in this section an arrears report): 20

- (a) the person to whom or for whose benefit the maintenance is payable; 25
- (b) the caregiver of a person mentioned in paragraph (a);
- (c) an authorised representative of a person mentioned in paragraph (a);
- (d) an MEO.

(2) Subject to subsection (3), the designated credit bureau may provide to a member of the designated credit bureau information in an arrears report in relation to a respondent, either on its own 30

or consolidated with other information pertaining to the credit payment history of the respondent.

5 (3) Where, subsequent to the lodging of an arrears report, the designated credit bureau has received any report updating the amount that remains in arrears in relation to a respondent (called in this section an updating report), any information that the designated credit bureau may provide to its member under subsection (2) may be consolidated with the information in the updating report.

10 (4) Regulations may provide for the following matters:

(a) the information to be submitted in or with an arrears report or updating report;

15 (b) the procedure for the lodging of an arrears report or updating report, including any requirement to file a declaration as to the accuracy of the information in the arrears report or updating report;

(c) the persons who may apply for a copy of an arrears report or updating report;

20 (d) the procedure for a respondent who is the subject of an arrears report or updating report to challenge the accuracy of any information in an arrears report or updating report.

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

25 (a) collects and maintains information about the credit payment history of a person and provides the information to its members for the purpose of enabling its members to assess the creditworthiness of a person; and

30 (b) has been designated by the Minister as a credit bureau for the purposes of receiving an arrears report under subsection (1).

Division 3 — Role of MEO

*Subdivision (1) — Referred applications and
information-gathering by MEO, etc.*

Referral to MEO

84.—(1) The court may, at any time after a maintenance enforcement application is made, refer the application to an MEO in order that the MEO may — 5

- (a) ascertain the facts and circumstances that could be relevant to the referred application;
- (b) conduct conciliation between the parties; 10
- (c) assist the court in matters relating to the referred application; and
- (d) generally perform the functions of an MEO under this Part.

(2) Where the court refers a maintenance enforcement application to an MEO under subsection (1), the court may direct the applicant and respondent — 15

- (a) to provide the MEO with any information that may be prescribed by the regulations within the time specified by the court; and 20
- (b) to attend before an MEO for a conciliation session on any date or dates and at any place or through any electronic means of communication, specified by the MEO.

Referral by MEO for financial assistance 25

85.—(1) An MEO may, in relation to a referred application —

- (a) refer the applicant or respondent (as the case may be) to a social service officer for any financial assistance; and
- (b) disclose to the social service officer any information provided or obtained under section 84(2) or 86 that the MEO thinks is relevant to the referral. 30

(2) In this section, “social service officer” means any individual who is authorised under the Community Care Endowment Fund Act 2005 to make payment out of the Community Care Endowment Fund established by section 3(1) of that Act and includes any other prescribed individual.

Powers of MEO and court to direct, require or order provision of information, etc.

86.—(1) Subject to subsection (5), an MEO may, in relation to a referred application —

- (a) direct the applicant or respondent to provide the MEO with any information; or
- (b) for the purpose of obtaining information from the applicant or respondent, direct the applicant or respondent (as the case may be) to attend an interview with the MEO.

(2) The court may, on its own motion or at the request of an MEO in relation to a referred application, order the applicant or respondent to provide the MEO with any information in the possession, custody or power of the applicant or respondent (as the case may be) that the court considers relevant to the referred application.

(3) Subject to subsection (6), an MEO may, in relation to a referred application, request the court to order a bank to provide the MEO with any information if such conditions as may be prescribed by the regulations in relation to the bank are met.

(4) Subject to subsections (5) and (6), where an MEO requires any information from a third party in relation to a referred application, the MEO may —

- (a) where the third party is a prescribed third party and the conditions prescribed by the regulations in relation to the prescribed third party (if any) are met — direct that prescribed third party to provide the MEO with the information;

(b) where the third party is a prescribed third party, and —

(i) the information is made available to the MEO by the prescribed third party on a prescribed data-sharing platform; and

(ii) the conditions prescribed by the regulations in relation to the prescribed third party (if any) are met,

obtain the information from the prescribed data-sharing platform; or

(c) request the court for an order that the third party provide the MEO with the information.

(5) The MEO must not —

(a) direct the provision of any information under subsection (1)(a);

(b) obtain any information from the applicant or respondent at an interview under subsection (1)(b);

(c) request for an order under subsection (3) or (4)(c) for the provision of any information; or

(d) direct the provision of, or obtain, any information under subsection (4)(a) or (b) by or from a prescribed third party,

unless the MEO has reasonable grounds to believe that the information is relevant to the referred application.

(6) The MEO must not —

(a) request for an order under subsection (3) for the provision of any information; or

(b) direct the provision of, or obtain, any information under subsection (4)(a) or (b) by or from a prescribed third party,

5 unless the information belongs to a category of information that is prescribed by the regulations in relation to the bank or prescribed third party, as the case may be.

(7) The court must not make an order under subsection (3) or (4)(c) for the provision of any information unless the court is satisfied that the MEO who made the request has reasonable grounds to believe that the information is relevant to the referred application.

(8) Any person directed or ordered to provide information to an MEO under subsection (1)(a), (2), (3) or (4)(a) or (c) must do so in the manner and within the time specified by the MEO or the court, as the case may be.

(9) This section applies —

(a) despite any other written law; and

(b) whether or not any person accessing, using or disclosing information under this section is under any obligation (imposed by any written law or otherwise) not to access, use or disclose the information.

(10) This section does not affect the exercise of any right or authority under any other written law or rule of law to access, use or disclose confidential information.

(11) In this section —

“bank” has the meaning given by section 2(1) of the Banking Act 1970;

“prescribed data-sharing platform” means any information system, on which information is made available by one or more prescribed third parties, that may be prescribed by the regulations;

“prescribed third party” means any third party prescribed by the regulations;

“third party”, in relation to a referred application, means a person other than the applicant and respondent, but excludes a bank.

Non-compliance with directions given under section 86(1)

87. Where an applicant or a respondent fails to comply with any direction of an MEO under section 86(1), the court may draw any adverse inference against the applicant or respondent (as the case may be) that the court thinks fit in the determination of the maintenance enforcement application in question.

Subdivision (2) — Conciliation session by MEO

Purpose and scope of conciliation session, etc.

88.—(1) An MEO may conduct a conciliation session on one or more dates with an applicant and a respondent (called in this section the parties) for the purpose of facilitating an agreement between the parties on any issue concerning a maintenance enforcement application.

(2) Without limiting subsection (1), an MEO conducting the conciliation session may make recommendations to the parties as to how to resolve any dispute between them on any issue concerning the application.

(3) If the respondent has been absent from a conciliation session on any date fixed for the session, the court may direct the respondent to attend the conciliation session on a later date specified by the court.

Subdivision (3) — MEO’s report

Submission of MEO’s report

89.—(1) Unless otherwise specified by the court, an MEO must, in relation to a referred application under section 84(1), submit to the court a report containing the following matters and information:

(a) all the information provided to the MEO under section 84(2) or 86 in relation to the maintenance enforcement application;

5 (b) any other matters and information in relation to the maintenance enforcement application as may be prescribed.

(2) Subject to the regulations mentioned in subsection (4), where an MEO thinks that any information ought to be brought to the attention of the parties before submitting a report under subsection (1) in relation to a referred application, the MEO may prepare an interim report containing the information to be provided to the parties.

10 (3) In addition to or instead of a report under subsection (1) or (2), the court may direct an MEO to submit a report containing any other matters relating to the referred application that the court may require.

(4) Regulations may provide for —

20 (a) the circumstances in which an MEO may provide a copy of an interim report mentioned in subsection (2) —

(i) to an applicant only; or

(ii) to an applicant before a copy of the same is provided to a respondent; and

25 (b) where an interim report mentioned in subsection (2) is provided by an MEO to the applicant before the respondent — the time within which a copy of an interim report must be provided to a respondent.

(5) The Family Justice Rules may provide for —

30 (a) the circumstances under which the court may direct an MEO to submit an interim report mentioned in subsection (2);

(b) the manner of submission of any MEO's report and any documentary evidence or other evidence in

support of the information in the report, to the court;
and

- (c) any other information or documents required to be submitted to the court with any MEO's report.

Redaction, significance and sharing of MEO's report, etc.

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90.—(1) If any document to be submitted to the court with an MEO's report contains any matter, information or material that is not relevant to the maintenance enforcement proceedings in question, the MEO may redact the parts of the document containing the matter, information or material.

10

(2) If the court is of the opinion that any redacted part of the document contains any matter, information or material that may be relevant to the maintenance enforcement proceedings in question, the court may direct an MEO to resubmit a copy of the document without the redaction.

15

(3) The court is to give due consideration to an MEO's report in determining what order or orders ought to be made on the maintenance enforcement application, including whether the maintenance order in question ought to be varied.

(4) In any maintenance enforcement proceedings —

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(a) a copy of an MEO's report in relation to the maintenance enforcement application is admissible as evidence of the opinion of the MEO who prepared the report and of the facts upon which the MEO's opinion is based in relation to any matter contained in the report;

25

(b) an MEO who prepared or submitted an MEO's report need not be called as a witness unless the MEO is to be examined by the court or, with the permission of the court, by the applicant or respondent; and

30

(c) the court may, after giving due consideration to an MEO's report, make any order as it thinks fit without any further evidence of the matters in the MEO's report.

(5) Where the court has made a maintenance enforcement order mentioned in section 91B(1)(e) against a respondent, the court may direct an MEO to share such parts of an MEO's report with such persons as the court may specify to facilitate the administration of the maintenance enforcement order.

Reliance on previous MEO's reports in subsequent enforcement proceedings, etc.

91.—(1) This section applies where a maintenance enforcement application (called the previous application) was made in respect of a maintenance order, and —

(a) a maintenance enforcement application is subsequently made in respect of the same maintenance order (called the subsequent maintenance enforcement application); or

(b) any prescribed proceedings involving the same parties as those in the previous application arise subsequently (called the subsequent proceedings).

(2) In a case where subsection (1)(a) applies —

(a) a copy of an MEO's report submitted in relation to the previous application (called a previous report) is admissible in the proceedings in the subsequent maintenance enforcement application as evidence of the opinion of the MEO who prepared the report and of the facts upon which the MEO's opinion is based in relation to any matter contained in the report;

(b) an MEO who prepared the previous report need not be called as a witness unless the MEO is to be examined by the court or, with the permission of the court, by the applicant or respondent; and

(c) the court may, if no evidence has been adduced to prove that there has been a material change in the circumstances of the applicant or respondent since the previous report was submitted by an MEO — make any order that it thinks fit based on the matters in the

previous report, without any further evidence of the matters in the MEO's report.

(3) In a case where subsection (1)(b) applies —

(a) a copy of an MEO's report submitted in relation to the previous application (called a previous report) is admissible in the subsequent proceedings as evidence of the opinion of the MEO who prepared the report and of the facts upon which the MEO's opinion is based in relation to any matter contained in the report; but

(b) the MEO who prepared the previous report is not to be called as a witness or be examined by the court or any of the parties in the subsequent proceedings.

(4) In this section, "prescribed proceedings" means such proceedings in a Family Court or the General Division of the High Court of the class of proceedings prescribed by regulations.

Subdivision (4) — Regulations by Minister

Minister's power to make regulations for purposes of this Division and sections 77 and 83

91A.—(1) The Minister may make regulations —

(a) to prescribe anything that is required or permitted by this Division or section 77 or 83 to be prescribed by regulations made under this section; or

(b) generally for the purposes of this Division or section 77 or 83.

(2) Without limiting subsection (1), regulations may —

(a) provide for the qualifications or experience of persons to be appointed as an MEO;

(b) prescribe the fees payable to an MEO and the persons by whom the fees are so payable;

- (c) provide for the waiver, refund or remission (whether in whole or in part) of any prescribed fee;
- (d) provide for the conduct of any interview by an MEO under section 86(1)(b) and the convening and conduct of any conciliation session, including by using any remote communication technology; and
- (e) prescribe that any act or omission in contravention of any provision of regulations made under this section shall be an offence punishable with a fine not exceeding \$500 or with imprisonment for a term not exceeding 6 months or with both.
- (3) The powers conferred by subsection (1)(b) or (2)(e) do not extend to any matter —
- (a) for which Family Justice Rules may be made under section 179A; or
- (b) for which rules may be made under section 180(1) or (1A).
- (4) Regulations made under subsection (1) —
- (a) must be presented to Parliament as soon as possible after publication in the *Gazette*; and
- (b) may be revoked (wholly or partly) by a resolution of Parliament.
- (5) A resolution under subsection (4)(b) —
- (a) must specify the date from which the regulations are revoked; and
- (b) may only be passed on a motion for which notice is given on or before the first available sitting day of Parliament after the expiry of one month after the date on which the regulations were presented to Parliament.
- (6) If Parliament passes a resolution under subsection (4)(b) —

- (a) the regulations are revoked with effect from the date specified in the resolution;
- (b) the revocation does not affect the validity of anything done before the specified date; and
- (c) the Minister is not prevented from making new regulations. 5

Division 4 — Orders to enforce payment of maintenance

Subdivision (1) — What are maintenance enforcement orders

Meaning of “maintenance enforcement order”

91B.—(1) For the purposes of this Part, each of the following is a maintenance enforcement order: 10

- (a) a warrant directing that maintenance arrears be levied in the manner by law provided for levying fines imposed by a Magistrate’s Court;
- (b) an order sentencing the respondent to imprisonment for maintenance arrears as at the time the maintenance enforcement application in question is made; 15
- (c) an order for attachment of a debt made in accordance with the Family Justice Rules;
- (d) an order requiring the respondent to furnish security against any future default in maintenance payments by means of a banker’s guarantee; 20
- (e) an order requiring the respondent to undergo financial counselling or any other similar or related programme that the court may direct if the court considers it in the interests of the parties in the maintenance enforcement proceedings or their children to do so; 25
- (f) a community service order requiring the respondent to perform unpaid community service;
- (g) an attachment of earnings order. 30

(2) To avoid doubt —

(a) an order mentioned in subsection (1)(d), (e) or (f) may be made on a maintenance enforcement application even though any maintenance arrears as at the time of making of the application have been paid up in part or in whole by the time the order is made; and

(b) an order mentioned in subsection (1)(e) or (f) may be made on a maintenance enforcement application even though the respondent is no longer liable to make any payment under the maintenance order in question by the time the order is made.

Subdivision (2) — Provisions relating to attachment of earnings orders

Amount of payment to be directed under attachment of earnings order

91C. The amount that the court may order in an attachment of earnings order is a sum that seems reasonable to the court, after taking into account the resources and needs of the respondent and the needs of persons for whom the respondent must or reasonably should provide.

Discharge, variation or cessation of attachment of earnings order made

91D.—(1) The court by which an attachment of earnings order has been made may, if it thinks fit, on the application of the respondent or a person entitled to receive payments under the related maintenance order, make an order discharging or varying the attachment of earnings order.

(2) An attachment of earnings order or any such order as varied under subsection (1) need not be complied with until the expiry of 7 days after the date on which a copy of the attachment of earnings order or the order as so varied (as the case may be) is served on the person to whom the attachment of earnings order or the order as so varied (as the case may be) is directed.

(3) An attachment of earnings order ceases to have effect upon the rescission of the related maintenance order.

Duty to comply with attachment of earnings order

91E.—(1) A person to whom an attachment of earnings order is directed must, despite anything in any other written law but subject to the provisions of this Subdivision, comply with the order or, if the order is subsequently varied under section 91D(1), with the order as so varied.

(2) Where, on any occasion on which earnings fall to be paid to a respondent, there are in force 2 or more attachment of earnings orders relating to those earnings, then, for the purpose of complying with subsection (1), the person to whom those orders are directed must —

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

(3) A person who makes a payment pursuant to an attachment of earnings order must give to the respondent a statement in writing specifying the amount of that payment.

(4) A person to whom an attachment of earnings order is directed who, at the time when a copy of the order is served on the person, is not and has not during the period of one month immediately preceding that time been the respondent's employer must forthwith give notice in writing to that effect in the prescribed form to the court which made the order.

Additional powers of court to obtain information relating to attachment of earnings order

5 **91F.**—(1) The court may, when considering whether to make, discharge or vary an attachment of earnings order in respect of a respondent —

(a) order the respondent to give to the court, within the period specified by the order, a statement signed by the respondent of —

10 (i) the name, address and other contact details of the respondent's employer, or of each of the respondent's employers if he or she has more than one;

(ii) any particulars as to the respondent's earnings specified by the order; and

15 (iii) any prescribed particulars specified by the order for the purpose of enabling the respondent to be identified by any employer of his or hers;

(b) order any person appearing to the court to be an employer of the respondent to give to the court, within the period specified by the order, a statement signed by the person or on the person's behalf of any particulars that may be so specified of all earnings of the respondent which fell to be paid by that person during the period specified by the order; and

25 (c) order the Central Provident Fund Board to provide a statement to the applicant stating the following information, if the information is available to the Board based on records kept by the Board:

30 (i) the name and address of the respondent's employer or employers or, if the respondent is unemployed, the respondent's last known employer or employers in the 12 months immediately preceding the date of the order;

- (ii) the contributions (if any) made by the respondent or his or her employer to the respondent's Central Provident Fund account in the 12 months immediately preceding the date of the order. 5

(2) A document purporting to be a statement mentioned in subsection (1)(a), (b) or (c) is to be received in evidence in the proceedings before the court and is presumed to be such a statement without further proof unless the contrary is shown.

(3) In subsection (1)(c), "employer" has the meaning given by section 2(1) of the Central Provident Fund Act 1953. 10

Obligation to notify changes of employment and earnings

91G. While an attachment of earnings order is in force —

- (a) the respondent must from time to time notify in writing the court which made the order of every occasion on which the respondent's employment is terminated or otherwise ends, or the respondent becomes employed or re-employed, not later (in each case) than 7 days after the date on which the respondent did so; 15 20

- (b) the respondent must, on any occasion when the respondent becomes employed or re-employed, include in his or her notification under paragraph (a) particulars of his or her earnings and anticipated earnings from the relevant employment; and 25

- (c) any person who becomes the respondent's employer and knows that the order is in force and by what court it was made must, within 7 days after the date that the person becomes the respondent's employer or acquires that knowledge (whichever is the later), notify that court in writing that the person is the respondent's employer, and include in that notification a statement of the respondent's earnings and anticipated earnings. 30 35

Power of court to determine what are earnings

5 **91H.**—(1) The person to whom an attachment of earnings order is directed, the respondent, or the person in whose favour the order was made, may apply to the court by which the order has been made for a determination as to whether payments to the respondent of a particular class or description specified by the application are earnings for the purposes of that order.

10 (2) Where a determination is made by the court under subsection (1), the person to whom the attachment of earnings order is directed is entitled to give effect to any determination for the time being in force under subsection (1).

15 (3) A person to whom an attachment of earnings order is directed who makes an application under subsection (1) does not incur any liability for failing to comply with the order as regards any payments of the class or description specified by the application which are made by the person to the respondent while the application, or any appeal in consequence of the application, is pending.

20 (4) Subsection (3) does not apply as regards the payments mentioned in that subsection if the person to whom the attachment of earnings order is directed subsequently withdraws the application or abandons the appeal, as the case may be.

Treatment of moneys received under attachment of earnings order

25 **91I.** Any sums received by a person by virtue of an attachment of earnings order are treated as payments made by the respondent, so as to discharge —

- 30 (a) first — any sums for the time being due and unpaid under the related maintenance order (a sum due at an earlier date being discharged before a sum due at a later date); and
- (b) second — any costs incurred in proceedings relating to the related maintenance order which were payable

by the respondent when the attachment of earnings order was made or last varied.

Earnings paid by Government or out of Consolidated Fund

91J.—(1) In relation to earnings falling to be paid by the Government or out of the Consolidated Fund pursuant to an attachment of earnings order, the earnings are to be treated as falling to be paid by the chief officer for the time being of the department, office or other body concerned. 5

(2) If any question arises, in connection with any maintenance enforcement proceedings, as to what department, office or other body is concerned for the purposes of this section, or as to who for those purposes is the chief officer thereof, that question is to be referred to and determined by the Minister charged with the responsibility for finance, but that Minister is not under any obligation to consider a reference under this subsection unless it is made by a court. 10 15

(3) A document purporting to set out a determination of the Minister charged with the responsibility for finance under subsection (2) and to be signed by an official of the Ministry under the charge of that Minister is, in any such proceedings as are mentioned in that subsection, admissible in evidence and presumed to contain an accurate statement of such a determination unless the contrary is shown. 20

Penalties for non-compliance with attachment of earnings order and for giving false notice or statement 25

91K.—(1) Any person who —

(a) fails to comply with section 91E(1) or (4) or 91G, or an order of a court under section 91F(1);

(b) gives a notice mentioned in section 91E(4) or a statement pursuant to an order of a court under section 91F(1), which notice or statement the person knows to be false in a material particular; or 30

(c) recklessly gives a notice mentioned in section 91E(4) or a statement pursuant to an order of a court under section 91F(1), which is false in a material particular, shall, subject to subsection (2), be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) It is a defence for a person charged with failing to comply with section 91E(1) to prove that the person took all reasonable steps to comply with the attachment of earnings order to which the failure relates.

Subdivision (3) — Provisions relating to other maintenance enforcement orders (except imprisonment)

Banker's guarantee

91L.—(1) This section applies where a respondent has been ordered by the court to furnish a banker's guarantee mentioned in section 91B(1)(d).

(2) The banker's guarantee furnished by the respondent —

(a) must be valid for a period specified by the court (not exceeding 3 years), starting on the date the order for security is made; and

(b) must be for an amount specified by the court not exceeding 3 months of maintenance payable under the maintenance order.

(3) The respondent must make the original banker's guarantee available to the person to whom maintenance is owed (called in this section a maintenance claimant) within one month from the date of the order.

(4) Where —

(a) a maintenance claimant makes a demand on the banker's guarantee and no maintenance arrears are owing to the claimant at the time of the demand; or

- (b) the amount paid out under a banker's guarantee to a maintenance claimant exceeds the actual amount of maintenance arrears owing to the claimant at the time the claimant's demand was made on the banker's guarantee,

5

any amount that is payable or paid that is in excess of the amount of maintenance arrears owing (called in this section the excess) must be set off against the amount of any maintenance which becomes payable by the respondent to the maintenance claimant at any time on or after the date of the demand on the banker's guarantee (called in this section future maintenance liability).

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

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(6) Where a refund is not made as required under subsection (5), the respondent may recover the amount due to the respondent under that subsection from the maintenance claimant as if the amount were a civil debt due to the respondent.

20

Financial counselling

91M. Where a court has made a maintenance enforcement order mentioned in section 91B(1)(e) requiring a respondent to attend financial counselling or any other similar or related programme but the respondent fails to comply with the order, any of the following persons may make a complaint to the court regarding the non-compliance:

25

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

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35

Community service orders

91N.—(1) A community service order mentioned in section 91B(1)(f) must not exceed 40 hours.

(2) A court must not make a community service order mentioned in section 91B(1)(f) against a respondent unless the court is satisfied that suitable arrangements can be made for the respondent to perform the community service under the supervision of a community service officer.

(3) Even though a community service order mentioned in section 91B(1)(f) has been made, the court may, upon an application by a community service officer and upon being satisfied that the respondent concerned is medically unfit to comply with the community service order, rescind the order.

(4) The Minister may —

(a) appoint any person to be a community service officer for the purposes of this section;

(b) prescribe by rules under section 180(1) the duration within which community service to be performed under a community service order must be completed; and

(c) make rules under section 180(1), 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 respondent in respect of whom such an order has been made.

*Division 5 — Provisions relating to
imprisonment under this Part*

Imprisonment for breaching show-payment order

910.—(1) Where a court has specified a term of imprisonment under section 81(2)(*d*) or (4)(*a*)(ii) in respect of a respondent, the court may sentence the respondent to imprisonment if — 5

- (*a*) the respondent fails to prove to the satisfaction of the court, by any date specified under section 81(2)(*c*) or (4)(*a*)(i) in respect of an amount to be paid, that the respondent has paid that amount by the date specified in the order under section 81(2)(*b*) or (4)(*a*)(i)(A) (as the case may be) for payment of that amount; and 10
- (*b*) the court is satisfied that the respondent has shown no good cause for his or her failure mentioned in paragraph (*a*). 15

(2) The sentence of imprisonment given under subsection (1) must not exceed the term of imprisonment specified under section 81(2)(*d*) or (4)(*a*)(ii).

(3) To avoid doubt, an exercise of the power under section 81(10)(*b*) or (*c*) by a court in respect of only part of a payment does not affect the court's power to sentence the respondent to imprisonment under subsection (1) in respect of any other part of the payment. 20

(4) For the purposes of determining whether an amount has been paid under subsection (1), any payment of maintenance by the respondent is to be treated as payment towards the satisfaction of — 25

- (*a*) first — any maintenance arrears required to be proved to be paid under section 81(2)(*c*) or (4)(*a*)(i), as the case may be; and 30
- (*b*) second — any payable maintenance required to be proved to be paid under section 81(2)(*c*) or (4)(*a*)(i), as the case may be.

(5) A sentence of imprisonment imposed on a respondent under subsection (1) does not affect or diminish the obligation of the respondent to pay any amount to be paid under the maintenance order that he or she has failed to pay.

5 **Imprisonment for breaching maintenance order**

91P.—(1) The sentence of imprisonment mentioned in section 91B(1)(b) that the court may impose must not exceed —

(a) one month for each month's worth of maintenance arrears (or any part thereof); or

10 (b) in a case where the maintenance order in question requires the payment of maintenance in a lump sum — 6 months.

(2) In subsection (1), a reference to each month's worth of maintenance arrears is a reference to the total amount of maintenance that is required to be paid by the respondent in a

15 month under the maintenance order in question.

(3) To avoid doubt, the court —

(a) may impose a sentence mentioned in section 91B(1)(b) on a respondent in respect of a maintenance enforcement application even though the maintenance arrears as at the time of making of the application have been paid up in part or in whole by the time the sentence is imposed; and

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(b) subject to subsection (4), may impose a sentence of imprisonment mentioned in section 91B(1)(b) and a sentence of imprisonment under section 91O(1) on a respondent in respect of the same maintenance enforcement application.

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(4) The court must not impose a sentence of imprisonment mentioned in section 91B(1)(b) after the date that the court has made a show-payment order in respect of the same maintenance enforcement application.

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(5) A sentence of imprisonment mentioned in section 91B(1)(b) imposed on a respondent does not affect or

diminish the obligation of the respondent to make the payment or payments under the maintenance order which he or she has failed to make.

Illustration

1. A maintenance order was made against *R*, requiring *R* to pay a monthly sum of \$1,000 to *A*, for the maintenance of *R*'s child, on the first day of every month. 5
2. *R* fails to pay any maintenance between 1 February and 1 June (both dates inclusive) which amounts to \$5,000 (being 5 months of the monthly sum of \$1,000 required to be paid under the maintenance order). *A* makes a maintenance enforcement application under section 80 on 5 June. 10
3. *R* also fails to pay the maintenance that is required under the maintenance order to be paid on 1 July.
4. On 15 July, the court hearing the maintenance enforcement application makes the following orders: 15
 - (a) an order under section 81(2)(a), declaring that the maintenance arrears owed by *R* is \$6,000 (being the sum of \$5,000 for maintenance arrears as at the date of the maintenance enforcement application and \$1,000 which is the maintenance required to be paid on 1 July) as at the date of the declaration; 20
 - (b) an order under section 81(1)(a) read with section 91B(1)(b), imposing a term of imprisonment of 2 months for *R*'s breach of the maintenance order by failing to pay maintenance arrears of \$5,000 as at the time the maintenance enforcement application is made;
 - (c) an order under section 81(2)(b), requiring *R* to pay the arrears of \$6,000 in 2 monthly instalments of \$3,000 each by 1 August and 1 September (which is in addition to the payable maintenance of \$1,000 per month required to be paid under the maintenance order on 1 August and 1 September); 25
 - (d) an order under section 81(2)(c), requiring *R* to prove to the court on 4 August and 4 September that *R* has made payment in accordance with the order under section 81(2)(b) and payment of payable maintenance under the maintenance order; 30
 - (e) an order under section 81(2)(d), specifying a term of imprisonment for the purposes of section 91O if *R* fails to prove payment in accordance with the order under section 81(2)(c). 35

5. On 4 August, *R* proves to the court that *R* has made payment of \$4,000 on 1 August (being the sum of one instalment of \$3,000 and the payable maintenance required to be paid under the maintenance order on 1 August).

5 6. On 4 September, *R* fails to prove to the court that *R* has made payment of \$4,000 on 1 September (being the sum of one instalment of \$3,000 and the payable maintenance required to be paid under the maintenance order on 1 September). *R* fails to show good cause for failing to prove the payment. Pursuant to section 91O, the court orders *R* to serve the term of imprisonment specified in the order under section 81(2)(d) made on 15 July for failing on 10 4 September to prove payment of the arrears of \$3,000, and the term of imprisonment specified in that order under section 81(2)(d) for failing on 4 September to prove payment of the payable maintenance of \$1,000.

15 7. After *R* is sentenced to imprisonment for *R*'s failure on 4 September to prove payment, *R* continues to fail to pay any maintenance for which *R* had been so sentenced. *R* also fails to pay any maintenance of \$1,000 required to be paid under the maintenance order on 1 October, 1 November and 1 December.

8. On 3 December, *A* makes a second maintenance enforcement application against *R* for *R*'s failure to pay the following sums:

20 (a) \$4,000 (comprising the maintenance arrears of \$3,000 required to be paid by 1 September under the order made under section 81(2)(b) on 15 July and the maintenance of \$1,000 required to be paid by 1 September under the maintenance order) (called previous arrears);

25 (b) \$3,000 (comprising the maintenance required to be paid under the maintenance order on 1 October, 1 November and 1 December) (called fresh arrears).

30 9. The court may sentence *R* to imprisonment under section 81(1)(a) read with section 91B(1)(b) for the previous arrears and fresh arrears pursuant to this second maintenance enforcement application.

Other orders on sentences of imprisonment

91Q.—(1) Where, at any hearing, a respondent is sentenced to —

35 (a) one or more terms of imprisonment mentioned in section 91B(1)(b);

(b) one or more terms of imprisonment under section 91O; or

(c) a combination of sentences mentioned in paragraphs (a) and (b),

the court imposing the sentences may direct any 2 or more of the sentences to run consecutively in the order that the court directs, and the court may direct any 2 or more of the sentences to run concurrently.

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(2) Unless the court directs otherwise, a sentence of imprisonment mentioned in section 91B(1)(b) or under section 91O takes effect on the day the sentence is passed.

Division 6 — Miscellaneous

10

Recovery of maintenance arrears

91R.—(1) This section applies to maintenance arrears under any maintenance order.

(2) Subject to subsection (4), unsecured maintenance arrears, whether payable by agreement or under an order of court —

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(a) are recoverable as a debt from the defaulter;

(b) where they accrued due before the making of a bankruptcy order against the defaulter — are provable in the defaulter's bankruptcy; and

(c) where they accrued due before the defaulter's death — are a debt due from the defaulter's estate.

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(3) Subject to subsection (4), unsecured maintenance arrears which accrued due before the death of the person entitled to the maintenance are recoverable as a debt in civil proceedings mentioned in subsection (6)(b) by the legal personal representatives of that person.

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(4) Maintenance arrears are not recoverable in any proceedings (whether commenced before, on or after the date of commencement of section 24 of the Family Justice Reform Act 2023) from the defaulter if the amount accrued due more than 3 years before the commencement of the proceedings, unless —

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(a) other proceedings to recover the amount from the defaulter had previously been commenced within 3 years (or any longer period that the court in those proceedings may have allowed) after the amount accrued due; or

(b) the court, under special circumstances, otherwise allows.

(5) Subsection (4) does not apply to any amount owing as maintenance under a maintenance order (as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1975 and which is registered or confirmed by the court under that Act) in respect of which civil proceedings mentioned in subsection (6)(b) have been commenced before the date of commencement of section 24 of the Family Justice Reform Act 2023.

(6) In subsection (4), a reference to proceedings to recover any amount owing as maintenance is a reference to —

(a) proceedings under this Act to enforce the payment of the amount; or

(b) any other civil proceedings to recover the amount.

Immunity and offence relating to access, use or disclosure of information under this Part

91S.—(1) Subject to subsections (2), (3) and (4), any person who —

(a) knowing that any information about any other person was provided or obtained under any provision of section 84(2) or 86, accesses, uses or discloses the information, without the written consent of that other person; or

- (b) accesses, uses or discloses any MEO's report or any information in an MEO's report, without the written consent of the applicant and respondent to whom the MEO's report or the information relates,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) Subsection (1) does not apply in relation to any information or any MEO's report that is publicly available, whether for a fee or otherwise.

(3) No person shall be guilty of an offence under any written law or of any breach of confidence, shall incur any civil liability or shall be liable to any disciplinary action, by virtue merely of doing any of the following in good faith and with reasonable care:

- (a) complying with a direction under section 86(4)(a);
- (b) complying with an order of the court under section 86(3) or (4)(c) or a direction of the court under section 90(5);
- (c) making information available to an MEO on a prescribed data-sharing platform for the purpose of section 86(4)(b);
- (d) accessing or using information provided or obtained under any provision of section 84(2) or 86, or using any MEO's report or any information in an MEO's report, in relation to a maintenance enforcement application for the purpose of —
 - (i) assessing whether financial assistance ought to be provided to the applicant or respondent in the application and, if so, the terms of the financial assistance;
 - (ii) conducting or facilitating a conciliation session under section 88 in relation to that application;

(iii) preparing or assisting in the preparation of an MEO's report, in relation to that application, for submission to the court, or provision to an applicant or a respondent, under section 89 in relation to that application; or

(iv) administering any maintenance enforcement order mentioned in section 91B(1)(e) made by the court against a respondent;

(e) submitting an MEO's report to the court in proceedings in any subsequent maintenance enforcement application under section 91(2) or in any subsequent proceedings under section 91(3).

(4) In addition, where —

(a) a direction under section 86(4)(a) is given to a prescribed third party;

(b) an order of the court under section 86(3) or (4)(c) or a direction of the court under section 90(5) is directed to a bank, a third party or an MEO; or

(c) information is made available by a prescribed third party to an MEO on a prescribed data-sharing platform for the purpose of section 86(4)(b),

no person who is an officer, employee or agent of that prescribed third party, bank, third party or MEO (as the case may be) (called in this subsection the principal), shall be guilty of an offence under any written law or of any breach of confidence, shall incur any civil liability or shall be liable to any disciplinary action, by virtue merely of doing any thing in good faith and with reasonable care, for the purpose of the principal complying with that order or direction, or making the information available to the MEO, as the case may be.

(5) For the purposes of subsection (3)(d)(iii), a person assists in the preparation of an MEO's report only if that person —

(a) is authorised by the Minister (or by any person authorised by the Minister) to provide administrative

support services to enable any MEO to carry out, or otherwise facilitate the carrying out of, an MEO's functions and duties; and

(b) provides the assistance upon the request of an MEO.

(6) Subsections (3) and (4) apply —

(a) despite any other written law; and

(b) whether or not any person accessing, using or disclosing information under those provisions is under any obligation (imposed by any written law or otherwise) not to access, use or disclose the information.

Contempt of court orders under this Part

91T.—(1) Subject to subsection (2), the following provisions do not affect the powers of the court in relation to the punishment for a contempt of court:

(a) section 81(1)(a) read with section 91B(1)(b), in the context of a breach of a maintenance order;

(b) section 91O(1), in the context of a breach of a show-payment order and a failure to show good cause for the breach.

(2) Where a person is sentenced to a term of imprisonment under the provisions mentioned in subsection (1)(a) or (b) in respect of any breach of an order, that breach is not punishable as a contempt of court.

(3) A person cannot be sentenced to imprisonment under the provisions mentioned in subsection (1)(a) or (b) in respect of any breach of an order which has been punished as a contempt of court.

PART 9A

ADDITIONAL PROVISIONS RELATING TO
PART 7, 8 OR 9

Division 1 — Provisions applicable to Parts 8 and 9

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

91U.—(1) If, in the opinion of the Family Court, the matters in question between the parties or any of them would be more conveniently dealt with by the General Division of the High Court, the Family Court may refuse to make an order and in that case there is no appeal from its decision.

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

Division 2 — Provisions applicable to Parts 7, 8 and 9

Appeal

91V.—(1) Subject to the provisions of Parts 7, 8 and 9, an appeal lies from any order or the refusal of any order by a Family Court under those Parts to the General Division of the High Court exercising appellate civil jurisdiction under section 23 of the Family Justice Act 2014.

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

(3) No appeal from any order under Parts 7, 8 and 9 operates as a stay of the order unless the General Division of the High Court or the Family Court so directs.

Costs of proceedings

91W. A court before which any application under this Part or Part 7, 8 or 9 is heard may make any order as to costs that the court thinks fit.”.

Deletion of section 121

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25. In the Women’s Charter, delete section 121.

Amendment of section 126B

26. In the Women’s Charter, in section 126B (as inserted by section 35 of the Women’s Charter (Amendment) Act 2022), after subsection (6), insert —

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“(7) Despite section 47(1) of the Family Justice Act 2014, an access order made by the General Division of the High Court (whether before, on or after 1 October 2014) may be enforced by a Family Court in accordance with this section as if the access order had been made by the Family Court, except that a Family Court has no power to vary an order of the General Division of the High Court.”.

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Deletion of section 132

27. In the Women’s Charter, delete section 132.

Amendment of section 139

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28. In the Women’s Charter, in section 139, after subsection (3), insert —

“(3A) Unless the Family Justice Rules provide otherwise, an application to a Family Court under section 126B (called in this subsection the relevant application) —

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(a) must be made in the same manner as an application for a summons is made to a District Court or Magistrate’s Court under the Criminal Procedure Code 2010; and

(b) is to be dealt with —

(i) as if the relevant application were a complaint for the purposes of that Code; but

(ii) in accordance with only such provisions of that Code, and with such provisions of any other written law, as may be prescribed by the Family Justice Rules.”.

Deletion of section 139

29. In the Women’s Charter, delete section 139.

Amendment of section 139B

30. In the Women’s Charter, in section 139B —

(a) renumber the section as subsection (1) of that section; and

(b) after subsection (1), insert —

“(2) In subsection (1), “court” means any court of law.”.

New Part 10B

31. In the Women’s Charter, after Part 10A, insert —

“PART 10B

COURT’S POWER TO SET ASIDE AND PREVENT
DISPOSITIONS INTENDED TO DEFEAT MAINTENANCE
CLAIMS OR OTHER ORDERS IN MATRIMONIAL
PROCEEDINGS

Interpretation of this Part

139K. In this Part —

“appointed day” means the date of commencement of section 31 of the Family Justice Reform Act 2023;

“maintenance order” means any of the following orders, whether made before, on or after the appointed day:

(a) an order for the payment of monthly sums or a lump sum for the maintenance of a wife, an

incapacitated husband or a child, made or deemed to be made by a court under Part 8;

- (b) an order for the payment of monthly or periodical sums or a lump sum by way of maintenance or alimony to a wife or former wife or an incapacitated husband or incapacitated former husband, or by way of maintenance for the benefit of any child, under Part 10; 5
- (c) an order for maintenance made by the Syariah Court under the Administration of Muslim Law Act 1966; 10
- (d) an order for the payment of money in respect of the maintenance of an infant made under the Guardianship of Infants Act 1934;
- (e) an order for maintenance made under the Maintenance of Parents Act 1995; 15
- (f) a maintenance order, as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, which is registered or confirmed by the court under that Act. 20

Application of this Part

139L. This Part applies where —

- (a) any matrimonial proceedings are pending;
- (b) an order has been made under section 112 and has not been complied with; 25
- (c) an order has been made under section 121E or 121G and has not been rescinded or complied with;
- (d) maintenance is payable under any agreement to or for the benefit of a wife or former wife, an incapacitated husband or incapacitated former husband, or a child; or 30
- (e) a maintenance order has been made and has not been discharged or rescinded.

Power of court to set aside or prevent dispositions

139M.—(1) The court has the power on application —

(a) to set aside any disposition of property by a person (called in this section *A*) — if the court is satisfied that the disposition of property has been made within the preceding 3 years immediately before the date of the making of the application, with the object on the part of *A* to produce the relevant consequence; or

(b) to grant an injunction preventing any disposition of property by *A* — if the court is satisfied that *A* is making the disposition with the object on the part of *A* to produce the relevant consequence.

(2) In a case where a maintenance order has been made and has not been discharged or rescinded, unless the contrary is proved, *A* is presumed to have made, or to be making, a disposition of property with the object on the part of *A* to produce the relevant consequence if the court is satisfied that —

(a) in the case of a disposition mentioned in subsection (1)(a) — the disposition has had the relevant consequence; or

(b) in the case of a disposition mentioned in subsection (1)(b) — the disposition would have (apart from this section) the relevant consequence.

(3) The court must not make an order under subsection (1)(a) setting aside any disposition if the disposition was made for valuable consideration (other than marriage) to a person who, at the time of the disposition, acted in relation to it in good faith and without notice of any object on the part of *A* to produce the relevant consequence.

(4) Where the court makes an order under subsection (1)(a), the court may give any consequential direction that it thinks fit for giving effect to the order, including any direction for the making of any payment or the disposal of any property.

(5) In this section —

“disposition” includes a sale, gift, lease, mortgage or any other transaction whereby ownership or possession of the property is transferred or encumbered;

“property” means property of any nature, movable or immovable, and includes money; 5

“relevant consequence” means —

(a) the reduction of *A*’s means to pay maintenance; or

(b) the deprivation of *A*’s wife, former wife, incapacitated husband, incapacitated former husband or child, of any rights in relation to property, whether or not the rights have accrued to *A*’s wife, former wife, incapacitated husband, incapacitated former husband or child (as the case may be) at the time that the application under subsection (1) is made.”. 10
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New Part 10C

32. In the Women’s Charter, before Part 11, insert —

“PART 10C 20

REPLACEMENT BECAUSE OF DEATH

Interpretation of this Part

139N. In this Part —

“appointed day” means the date of commencement of section 32 of the Family Justice Reform Act 2023; 25

“child” means —

(a) any child below 21 years of age; or

(b) any child who has attained 21 years of age but in respect of whom any of the circumstances in section 69(5) exists; 30

“maintenance order” means any order for the maintenance of a child, made under section 69(2) or 70(1), whether before, on or after the appointed day.

Court’s power to order replacement for deceased applicant in proceedings

139O.—(1) This section applies where the applicant for a maintenance order (called in this section the deceased applicant) dies while the application (whether made before, on or after the appointed day) is pending (called in this section the pending application) before a court.

(2) A court may, upon the application of any person mentioned in subsection (3) and if it thinks it necessary in order to ensure that all matters in the pending application may be effectually and completely determined and adjudicated upon, order that the person be made the applicant in the pending application in place of the deceased applicant.

(3) The persons who may make an application for an order under subsection (2) are as follows:

- (a) any person who is a guardian or has the actual custody of the child for whose maintenance the pending application relates;
- (b) any sibling of the child for whose maintenance the pending application relates and who has attained 21 years of age;
- (c) any person appointed by the Minister.

Court’s power to order replacement for deceased payee, etc.

139P.—(1) Subject to subsection (2), where a person to whom maintenance is payable under a maintenance order dies (called in this section the deceased payee), the court may on the application of any person specified in subsection (3), make the following orders:

(a) an order replacing the deceased payee with any other person that the court thinks fit (called in this section the replacement person) and any other orders incidental to the replacement that the court thinks fit;

(b) an order varying the amount of maintenance payable under the maintenance order, on account of the death of the deceased payee.

5

(2) The court must not make any order under subsection (1)(a) in respect of any maintenance that accrued due to the deceased payee before his or her death.

10

(3) The persons who may make an application under subsection (1) are as follows:

(a) the payer under the maintenance order in question;

(b) any person who is a guardian or has the actual custody of the child for whose maintenance the maintenance order is made;

15

(c) where the child for whose maintenance the maintenance order is made has attained 21 years of age, by the child himself or herself;

(d) where the child for whose maintenance the maintenance order is made is below 21 years of age, any sibling of the child who has attained 21 years of age;

20

(e) any person appointed by the Minister.

(4) Where an order is made under subsection (1)(a) in relation to a maintenance order, the replacement person has all the rights of the deceased payee in relation to the maintenance order.

25

(5) Despite section 78 (or section 71(3) as in force immediately before the date of commencement of section 24 of the Family Justice Reform Act 2023), an application under subsection (1) in respect of a maintenance order is to be made to a Family Court, regardless of whether the maintenance order was made by a Family Court or the General Division of the High Court.”.

30

New section 179A

33. In the Women’s Charter, before section 180, insert —

“Family Justice Rules

5 **179A.**—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules —

(a) to regulate and prescribe the procedure and practice to be followed in respect of any application to the Family Justice Courts under this Act; and

10 (b) to provide for any matter incidental to or relating to the procedure and practice.

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

15 (a) the manner in which any application to the court under this Act is to be made and dealt with, and the provisions of any written law that will apply to any such application;

20 (b) giving effect to sections 65 and 66 and, in particular, providing for the hearing without delay of any application for an order under section 65(5)(a);

(c) prescribing the procedure applicable to attachment of earnings orders, including the notification by the court to persons directed to comply with those orders;

25 (d) prescribing the procedure applicable to the proceedings upon a breach of an order under section 81(2)(c) or (4)(a)(i) by a respondent;

(e) prescribing the procedure applicable to any appeal by an MEO against the Family Court’s refusal to grant a request under section 86(3) and (4)(c);

30 (f) prescribing the procedure for a party to object to the reliance by the court on any previous MEO’s report (or any part of it) under section 91;

- (g) prescribing the procedure applicable to any appeal from a Family Court brought under section 91V;
- (h) prescribing the orders under section 81 that may be made against a respondent despite the absence of the respondent in court; 5
- (i) prescribing how any document may be served on any person for the purposes of proceedings in the Family Justice Courts under this Act;
- (j) prescribing the fees payable in relation to proceedings in the Family Justice Courts under this Act and providing for the waiver, refund or remission of those fees; 10
- (k) prescribing and regulating the costs payable in proceedings in the Family Justice Courts under this Act; 15
- (l) providing for the forms to be used in proceedings in the Family Justice Courts under this Act;
- (m) prescribing anything that is required or permitted under this Act to be prescribed by the Family Justice Rules. 20

(3) The Family Justice Rules may, instead of providing for any matter under subsection (1), refer to any provision made or to be made about the matter by practice directions issued for the time being by the registrar of the Family Justice Courts.

(4) Unless the Family Justice Rules provide otherwise, an application to a Family Court under Part 7, 8, 9, 9A or 10C or section 126B (called in this subsection the relevant application) — 25

(a) must be made in the same manner as an application for a summons is made to a District Court or Magistrate’s Court under the Criminal Procedure Code 2010; and

5 (b) is to be dealt with —

(i) as if the relevant application were a complaint for the purposes of that Code; but

10 (ii) in accordance with only such provisions of that Code, and with such provisions of any other written law, as may be prescribed by the Family Justice Rules.

(5) The powers conferred by this section do not extend to any matter —

15 (a) for which regulations may be made under section 91A; or

(b) for which rules may be made under section 180(1) or (1A).

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

Amendment of section 180

34. In the Women’s Charter, in section 180 —

25 (a) in subsection (1), replace “Subject to sections 79 and 139, the Minister” with “The Minister”;

(b) in subsection (1), after “the provisions of this Act”, insert “(except Part 11)”;

(c) in subsection (1)(a) and (d), after “this Act”, insert “(except Part 11)”;

(d) in subsection (1), delete paragraphs (f), (fa), (g) and (h);

30 (e) in subsection (1)(i), after “to the Minister”, insert “except appeals under section 166”;

(f) in subsection (1)(j), after “under this Act”, insert “(except Part 11)”;

(g) after subsection (1), insert —

“(1A) The Minister may make rules generally for carrying out the provisions of Part 11 and, in particular, may make rules providing for —

(a) the care, detention, discipline, discharge and aftercare, temporary absence, maintenance and education of women and girls detained under Part 11;

(b) the commitment under Part 11 of any woman or girl to the care of a fit individual;

(c) the manner and conditions in and under which the powers conferred by Part 11 are to be exercised by the persons on whom such powers are conferred;

(d) the composition, duties, functions and procedure of Boards of Visitors and Discharge Committees;

(e) the procedure for appeals to the Minister under section 166; and

(f) matters permitted or required to be prescribed under Part 11.

(1B) The powers conferred by subsection (1) or (1A) do not extend to any matter —

(a) for which regulations may be made by the Minister under section 91A; or

(b) for which Family Justice Rules may be made under section 179A.”; and

(h) in subsection (2), after “subsection (1)”, insert “or (1A)”.

Consequential amendments

35. In the Women's Charter —

(a) in the following provisions, delete “made under section 139”:

5 Section 94(2)

Section 96

Section 121B

Section 121D(1)

Section 133; and

10 (b) in section 121G(2), replace “Sections 112(2) to (10), 114 to 121” with “Sections 91R, 112(2) to (10), 114 to 120”.

PART 4

MISCELLANEOUS AMENDMENTS

Miscellaneous amendments to Probate and Administration Act 1934

36. In the Probate and Administration Act 1934 —

(a) in section 4, replace subsection (2) with —

20 “(2) Any person so cited may file a notice of intention to contest or not to contest the citation, but if he fails to file the notice within the time permitted, he shall be deemed to have renounced his right.”;

(b) in section 4(3), replace “appeared” with “filed a notice of intention to contest”;

25 (c) replace section 22 (including the sub-heading above section 22) with —

*“Letters of administration in relation to persons
lacking mental capacity*

Persons who lack mental capacity

22.—(1) No probate or letters of administration are to be granted to a person who lacks mental capacity (within the meaning of the Mental Capacity Act 2008) to make decisions with respect to the management and administration of the person’s property and affairs. 5

(2) Where any such person, if he or she did not lack mental capacity, would be entitled to probate or letters of administration, letters of administration with or without the will annexed may be granted to — 10

(a) the person to whom the care of the estate of the person who lacks mental capacity has been lawfully committed; or 15

(b) any other person that the court thinks fit, for the use and benefit of the person who lacks mental capacity, until that person ceases to lack mental capacity and obtains a grant to himself or herself.”; and 20

(d) in section 39, replace “originating summons” with “originating application”.

Miscellaneous amendments to Women’s Charter 1961

37. In the Women’s Charter 1961 — 25

(a) in section 8 (as replaced by section 5 of the Women’s Charter (Amendment) Act 2022), in the definition of “maintenance order”, in paragraph (a), replace “a monthly allowance” with “monthly sums or a lump sum for the maintenance of a wife, an incapacitated husband or a child”; 30

- (b) in section 8 (as replaced by section 5 of the Women’s Charter (Amendment) Act 2022), in the definition of “maintenance order”, in paragraph (b), replace “periodical sums” with “monthly or periodical sums or a lump sum”;
- 5 (c) in section 17(4), in the definition of “maintenance order”, in paragraph (a), replace “a monthly allowance” with “monthly sums or a lump sum for the maintenance of a wife, an incapacitated husband or a child”;
- (d) in section 17(4), in the definition of “maintenance order”, in paragraph (b), replace “periodical sums” with “monthly or periodical sums or a lump sum”;
- 10 (e) in section 65(11), replace “a seizable offence” with “an arrestable offence”;
- (f) in section 69(1), (1A) and (2), replace “a monthly allowance or a lump sum” with “monthly sums or a lump sum”;
- 15 (g) in section 72(1), replace “a monthly allowance” with “monthly sums”;
- (h) in section 80, delete the definition of “defendant”;
- 20 (i) in the following provisions, replace “defendant” wherever it appears with “respondent”:
- Section 80, definitions of “earnings” and “employer”
 - Section 81(2)
 - Section 82(1), (2) and (3)
 - 25 Section 83(2) and (3)(b)
 - Section 84(2) and (3)
 - Section 85(1)(a), (b) and (c)(i) and (ii)
 - Section 86(a) and (b)
 - Section 87(1) and (2)
 - 30 Section 88(2)
 - Section 94(2)
 - Section 95(3)(a) to (d), (5), (6) and (7)

- Section 98
- Section 101(2)
- Section 102(1)
- Section 106(b), (e) and (f)
- Section 107(1) 5
- Section 136;
- (j) in section 80, in the definition of “maintenance order”,
replace the full-stop at the end with a semi-colon;
- (k) in section 80, after the definition of “maintenance order”,
insert — 10
- ““respondent”, in relation to a maintenance order
or a related attachment of earnings order,
means the person liable to make payments
under the maintenance order.”;
- (l) in the following provisions, replace “defendant’s” 15
wherever it appears with “respondent’s”:
- Section 82(1)
- Section 84(2)(b) and (4)
- Section 85(1)(a)(i) and (ii) and (c)(i) and (ii)
- Section 86(c); 20
- (m) in the following provisions, in the section heading, replace
“**defendant**” with “**respondent**”:
- Section 84
- Section 86
- Section 98; 25
- (n) in section 92, replace the definition of “writ” with —
- ““originating application” means an originating
application for divorce, presumption of death
and divorce, judicial separation, nullity of
marriage or rescission of a judgment of 30
judicial separation, as the case may be.”;

(o) in the following provisions, in the section heading, replace “**writ for divorce**” with “**originating application for divorce**”:

Section 94

5 Section 102;

(p) in the following provisions, replace “writ for divorce” wherever it appears with “originating application for divorce”:

Section 94(1)

10 Section 94A(3)

Section 96

Section 102(2) and (3);

(q) in the following provisions, replace “the writ” with “the originating application”:

15 Section 94(1) and (2)

Section 95(3)(c), (d) and (e)

Section 101(3);

(r) in the following provisions, replace “a writ” with “an originating application”:

20 Section 94(2), (3) and (5)

Section 98

Section 100(1);

(s) in the following provisions, replace “plaintiff” wherever it appears with “applicant”:

25 Section 94(2)

Section 95(3), (5), (6) and (7)

Section 98

Section 100(2)

Section 101(2) and (3)

30 Section 102(1) and (2)

Section 106(f)

Section 107(1)(a), (3) and (4)

Section 136;

- (t) in section 94A(3) and (4)(b), replace “counterclaim” with “cross-application”;
- (u) in the following provisions, replace “a writ for divorce” with “an originating application for divorce”: 5
- Section 94A(4)(a)
- Section 95(1)
- Section 100(3)
- Section 101(1) 10
- Section 102(1);
- (v) in the following provisions, replace “plaintiff’s” with “applicant’s”:
- Section 95(6)
- Section 110(1); 15
- (w) in section 100(3), replace “a writ and” with “an originating application and”;
- (x) in section 101(1), replace “A writ for judicial separation” with “An originating application for judicial separation”;
- (y) in section 101(1), replace “such a writ” with “such an originating application”; 20
- (z) in section 101(3), replace “by writ” with “by an originating application”;
- (za) in section 102(1), replace “the writ for divorce” with “the originating application for divorce”; 25
- (zb) in section 104, in the section heading, replace “**Writ for nullity**” with “**Originating application for nullity**”;
- (zc) in section 104, replace “a writ claiming for a judgment of nullity” with “an originating application for nullity”; and
- (zd) in section 136, replace “his or her writ” with “his or her originating application”. 30

References to permission of court in Family Justice Act 2014 before certain date

38. Despite sections 3, 5 and 8, before the date of commencement of section 29(b) and (c) of the Courts (Civil and Criminal Justice) Reform Act 2021, any reference to an order giving or refusing permission in section 11A, 23(2C) or 29C(3) is to be read as a reference to an order giving or refusing the leave of court.

PART 5

RELATED AND CONSEQUENTIAL AMENDMENTS AND SAVING AND TRANSITIONAL PROVISIONS

Related amendments to Banking Act 1970

39. In the Banking Act 1970, in the Third Schedule —

(a) in Part 1, after item 9, insert —

“

10. Disclosure is necessary for compliance with an order of the General Division of the High Court or a Family Court under section 86(3) of the Women’s Charter 1961 served on the bank.	The chief maintenance enforcement officer, for use by any maintenance enforcement officer in relation to an application under section 80 of the Women’s Charter 1961.	
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”;

(b) in Part 3, after the definition of “approved member”, insert —

““chief maintenance enforcement officer” and “maintenance enforcement officer” have the meanings given by section 76(1) of the Women’s Charter 1961;”.

Consequential amendments to Insolvency, Restructuring and Dissolution Act 2018

40. In the Insolvency, Restructuring and Dissolution Act 2018, in section 401(4) —

- (a) in the definition of “matrimonial proceeding”, replace “means —” with “means any of the following proceedings:”;
- (b) in the definition of “matrimonial proceeding”, in paragraph (a), replace “Part 8, 9 or 10” with “Part 8, 9, 9A or 10”;
- (c) in the definition of “matrimonial proceeding”, in paragraph (a), delete “or” at the end;
- (d) in the definition of “matrimonial proceeding”, after paragraph (a), insert —
- “(aa) a proceeding under Part 10B of the Women’s Charter 1961;”;
- (e) in the definition of “matrimonial proceeding”, before paragraph (b), insert —
- “(ab) a proceeding under Part 10C of the Women’s Charter 1961;”.

Consequential amendment to Maintenance Orders (Reciprocal Enforcement) Act 1975

41. In the Maintenance Orders (Reciprocal Enforcement) Act 1975, in section 8, delete subsections (2) and (3).

Related amendments to Penal Code 1871

42. In the Penal Code 1871 —

- (a) in section 21(1)(c), after “or to preserve order in the court,”, insert “or to conduct mediation or other alternative dispute resolution process under any written law,”;
- (b) in section 228, in the section heading, after “**judicial proceeding**”, insert “**or mediation or other alternative dispute resolution process**”; and
- (c) in section 228, after “sitting in any stage of a judicial proceeding”, insert “or conducting any mediation or other alternative dispute resolution process under any written law,”.

Consequential amendment to Protection from Harassment (Amendment) Act 2019

43. In the Protection from Harassment (Amendment) Act 2019, in section 31, delete paragraph (c).

5 Related amendment to Supreme Court of Judicature Act 1969

44. In the Supreme Court of Judicature Act 1969, in the First Schedule, replace paragraph 21 with —

“Ordering mediation, counselling, attendance at professional clinical or therapeutic intervention sessions or participation in family support programme or activity

21.—(1) Power to order any party to any proceedings, or any child involved in or whose custody or welfare is involved in the proceedings —

(a) to undergo any mediation or other alternative dispute resolution process or counselling, or to participate in any family support programme or activity, directed by the court; and

(b) to attend any professional clinical or therapeutic intervention sessions directed by the court.

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

Power to appoint mediators

21A. Where a court orders any party to any proceedings, or any child involved in or whose custody or welfare is involved in the proceedings, to undergo any mediation or other alternative dispute resolution process, the court also has the following powers:

(a) to conduct the mediation or other alternative dispute resolution process;

(b) to appoint a Judge, a Registrar, an officer of the Supreme Court, or any other person, to conduct the mediation or other alternative dispute resolution process.”.

Saving and transitional provisions

45.—(1) Section 5 does not apply in relation to any order of the General Division of the High Court giving or refusing permission to

appeal from any decision of a Family Court made before the date of commencement of that section.

(2) Despite section 6(a), section 26(3A) of the Family Justice Act 2014 does not apply in relation to any application made in the course of any proceedings commenced before the date of commencement of section 6(a). 5

(3) Despite section 6(c) and (d), section 26(8) of the Family Justice Act 2014 as in force immediately before the date of commencement of section 6(c) and (d) continues to apply in relation to any proceedings in a Family Court commenced before that date as if section 6(c) and (d) had not been enacted. 10

(4) Despite section 7(b), section 27(2) of the Family Justice Act 2014 as in force immediately before the date of commencement of section 7(b) continues to apply in relation to the remuneration of any assessor summoned to assist any Family Court before that date as if section 7(b) had not been enacted. 15

(5) Despite section 9, section 34 of the Family Justice Act 2014 as in force immediately before the date of commencement of section 9 continues to apply in relation to any judgment or order of a Family Court made before that date, as if section 9 had not been enacted. 20

(6) Despite section 10(b) and (c), section 35(2) of the Family Justice Act 2014 as in force immediately before the date of commencement of section 10(b) and (c) continues to apply in relation to any proceedings in a Youth Court commenced before that date as if section 10(b) and (c) had not been enacted. 25

(7) Despite section 14, section 11 of the Guardianship of Infants Act 1934 as in force immediately before the date of commencement of section 14 continues to apply in relation to the exercise of the powers conferred on the court by that Act in any proceedings commenced before that date as if section 14 had not been enacted. 30

(8) Despite section 17, section 70 of the Women's Charter 1961 as in force immediately before the date of commencement of section 17 continues to apply in relation to any application made before that date for an order —

(a) to ensure the welfare of a child accepted as a member of a person's family; or

(b) to recover as a debt any sums expended by a person in maintaining a child who has been accepted as a member of that person's family from the father or mother of the child,

as if section 17 had not been enacted.

(9) Despite section 27, section 132 of the Women's Charter 1961 as in force immediately before the date of commencement of section 27 continues to apply in relation to any application made before that date for an order to set aside any disposition of property or for any injunction preventing any disposition of property as if section 27 had not been enacted.

(10) Despite section 36(a) and (b), section 4(2) and (3) of the Probate and Administration Act 1934 as in force immediately before the date of commencement of section 36(a) and (b) continues to apply in relation to any citation caused to be issued under section 4(1) of that Act before that date as if section 36(a) and (b) had not been enacted.

(11) Despite section 36(d), section 39 of the Probate and Administration Act 1934 as in force immediately before the date of commencement of section 36(d) continues to apply in relation to any application made before that date by the Public Trustee or any person claiming to be interested in property within Singapore left by any person who dies, as if section 36(d) had not been enacted.

(12) As from the date of commencement of section 37(h) to (zd) (called in this subsection the relevant date), despite section 37(h) to (zd), any reference in the Women's Charter 1961 to a matter mentioned in the first column of the following table in relation to any proceedings commenced in the Family Division of the High Court or a Family Court before that date is to be construed as a reference to the corresponding expression in the second column, and any such proceedings are to continue in accordance with the provisions of the relevant written law and the practice and procedure as were in force and applicable in relation to those proceedings immediately before the relevant date:

<i>First column</i>	<i>Second column</i>	
<i>New expression</i>	<i>Old expression</i>	
(a) Applicant	Plaintiff	
(b) Respondent	Defendant	
(c) Originating application	(i) Writ; or (ii) Writ of summons	5
(d) Originating application for divorce	(i) Writ of summons for divorce; or (ii) Writ for divorce	
(e) Originating application for presumption of death and divorce	Writ of summons for presumption of death and divorce	10
(f) Originating application for judicial separation	(i) Writ of summons for judicial separation; or (ii) Writ for judicial separation	
(g) Originating application for nullity	(i) Writ for nullity; or (ii) Writ claiming for a judgment of nullity	15
(h) Originating application for nullity of marriage	(i) Writ of summons for nullity of marriage; or (ii) Writ for nullity of marriage	20
(i) Originating application for rescission of a judgment of judicial separation	Writ of summons for rescission of a judgment of judicial separation.	

(13) Subject to regulations made under subsection (15), despite sections 16, 19, 20, 21, 22, 24, 25 and 35(b), sections 69, 71, 71A, 71B, 71C, 74, 75, 76, 77, 121, 121G(2) and Part 9 of the Women's Charter 1961, as in force immediately before the date of commencement of sections 16, 19, 20, 21, 22, 24, 25 and 35(b), continue to apply as if sections 16, 19, 20, 21, 22, 24, 25 and 35(b) had not been enacted.

(14) Subsection (13) ceases to apply to any class of maintenance orders, and in the circumstances, as may from time to time be prescribed under subsection (15).

(15) The Minister charged with the responsibility for law may, by regulations prescribe —

(a) the classes of maintenance orders and circumstances for the purposes of subsection (14); and

5 (b) such provisions of a saving or transitional nature consequent on the regulations made under paragraph (a) as the Minister may consider necessary or expedient.

10 (16) For a period of 2 years after the date of commencement of any provision of this Act, the Minister charged with the responsibility for law 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.

EXPLANATORY STATEMENT

This Bill seeks to amend the Family Justice Act 2014, the Guardianship of Infants Act 1934, the Women’s Charter 1961 and certain other Acts —

(a) to reform, clarify, update and enhance court processes in the Family Justice Courts, including by implementing changes that are related to the recommendations in the report of the Committee to Review and Enhance Reforms in the Family Justice System dated 13 September 2019;

(b) to establish a new maintenance enforcement process for the enforcement of maintenance orders made or registered under the Women’s Charter 1961, the Guardianship of Infants Act 1934, the Administration of Muslim Law Act 1966, the Maintenance of Parents Act 1995 or the Maintenance Orders (Reciprocal Enforcement) Act 1975; and

(c) to modernise terminology for certain expressions used in connection with proceedings in the Family Justice Courts.

The Bill also makes related and consequential amendments to certain other Acts.

Clause 1 relates to the short title and commencement.

PART 1

AMENDMENT OF FAMILY JUSTICE ACT 2014

Part 1 (clauses 2 to 12) amends the Family Justice Act 2014.

Clause 2 amends section 2(1) —

- (a) to delete the words “, unless the context otherwise requires” which are redundant by virtue of section 2(2A) of the Interpretation Act 1965;
- (b) to insert a new definition for the term “alternative dispute resolution process” to clarify its meaning as it is used in the Act;
- (c) to insert a new definition of “mediation” to clarify its meaning as it is used in the Act; and
- (d) to insert a new definition for the term “relevant proceedings” which is referred to in the new sections 11A, 11B and 11C inserted by the Bill.

Clause 3 inserts a new section 11A to empower a Family Justice Court in certain circumstances to, amongst other things —

- (a) prohibit the filing of any application or document in support of any application unless the permission of the Court has been obtained; or
- (b) treat any application that has already been filed or any document that has been filed in support of any application as dismissed or expunged (as the case may be) unless certain conditions set by the Court have been complied with by the date specified by the Court, and to stay the proceedings in the application until that date.

Clause 4 inserts new sections 11B and 11C.

The new section 11B provides for a Family Justice Court’s power to make any order on its own motion on any issue arising in any cause or matter, including an order of a substantive nature, which the Court has power to make on any person’s application, if certain conditions are met.

The new section 11C provides for a Family Justice Court’s power, in the circumstances prescribed by the Family Justice Rules, to order that any cross-examination of a witness be limited in scope or duration or that any cross-examination be conducted in any manner prescribed by the Family Justice Rules.

Clause 5 amends section 23 by providing that an order of the General Division of the High Court giving or refusing permission under subsection (2A) or (2B) (inserted by section 31(a) of the Protection from Harassment (Amendment) Act 2019) of section 23, is final.

Clause 6 amends section 26 —

- (a) to replace subsection (3A) with a new subsection (3A) which provides that where an application may be made to either a Family Court or the Family Division of the High Court, the application must be made in the first instance to a Family Court;
- (b) to insert a new subsection (6B) to enable modifications to any provisions of the Criminal Procedure Code 2010 (CPC) to be prescribed by the Family Justice Rules where any written law specifies that those provisions of the CPC apply to any family proceedings;
- (c) to limit the scope of subsection (8) to the exercise of criminal jurisdiction by a Family Court;
- (d) to replace paragraph (b) of subsection (8) with a new paragraph (b) which enables modifications to any provisions of the CPC (as they apply to a Family Court exercising criminal jurisdiction) to be prescribed by the Family Justice Rules;
- (e) to replace subsection (9) with a new subsection (9) which clarifies that the power of the Family Court under the new subsection (9) extends to ordering a party or child to undergo any alternative dispute resolution process (apart from mediation) or to attend any professional clinical or therapeutic intervention sessions that the Family Court may specify;
- (f) to insert a new subsection (10) which clarifies that where a Family Court orders a party or child to undergo any mediation or other alternative dispute resolution process, the Family Court has the power to conduct the mediation or other alternative dispute resolution process or to appoint a judicial officer, an officer of the Family Justice Courts or any other person to conduct the same;
- (g) to insert a new subsection (11) which provides that any failure to comply with any order under subsection (9) does not constitute a contempt of court, despite the Administration of Justice (Protection) Act 2016; and
- (h) to insert a new subsection (12) which provides that where a person fails to comply with any order of a Family Court under subsection (9), the Family Court has the power to stay the proceedings in question till the order has been complied with, to order costs against the person responsible for the non-compliance or to make any other order that the Family Court thinks fit.

Clause 7 amends section 27 —

- (a) by deleting the words “or, prior to their enactment, the Rules of Court” in subsections (1) and (3) as the Rules of Court no longer apply to the appointment or remuneration of assessors under section 27; and
- (b) by providing that the remuneration of any assessor sitting under section 27 is to be fixed by the agreement of all the parties to the dispute and the assessor or, failing such agreement, by the Family Court, instead of being at such rate as may be prescribed by the Family Justice Rules or, prior to their enactment, the Rules of Court.

Clause 8 inserts a new section 29C in Division 2 of Part 4, which empowers a Family Court to order that any sum of money payable under a judgment or order be paid either in a lump sum (whether immediately or within a period fixed by the Family Court) or by instalments (payable at the times fixed by the Family Court). Under the new section 29C, a Family Court may also suspend or stay any judgment or order if any party required under the judgment or order to pay any sum is unable to pay the sum or any instalment of the sum. The new section 29C does not apply to any monthly or periodical sum ordered to be paid under a maintenance order or any maintenance ordered to be paid in maintenance enforcement proceedings.

Clause 9 amends section 34 by replacing “civil jurisdiction” with “civil or quasi-criminal jurisdiction”.

Clause 10 amends section 35 —

- (a) to insert a new subsection (1A) to enable modifications to any provisions of the CPC to be prescribed by the Family Justice Rules where any written law specifies that those provisions of the CPC apply to any proceedings under the Children and Young Persons Act 1993;
- (b) to limit subsection (2) to the exercise of criminal jurisdiction by a Youth Court;
- (c) to replace paragraph (b) of subsection (2) with a new paragraph (b) which enables modifications to any provisions of the CPC (as they apply to a Youth Court exercising criminal jurisdiction) to be prescribed by the Family Justice Rules;
- (d) to amend subsection (3) to clarify that the power of a Youth Court under subsection (3) extends to ordering any party in proceedings to undergo any alternative dispute resolution process (apart from mediation);
- (e) to insert a new subsection (4) which clarifies that where a Youth Court orders any party in proceedings to undergo any mediation or other alternative dispute resolution process, the Youth Court has the power

to conduct the mediation or other alternative dispute resolution process or to appoint a judicial officer, an officer of the Family Justice Courts or any other person to conduct the same;

- (f) to insert a new subsection (5) which provides that any failure to comply with any order under subsection (3) does not constitute a contempt of court, despite the Administration of Justice (Protection) Act 2016; and
- (g) to insert a new subsection (6) which provides that where a person fails to comply with any order of a Youth Court under subsection (3), the Youth Court has the power to stay the proceedings in question till the order has been complied with, to order costs against the person responsible for the non-compliance or to make any other order that the Youth Court thinks fit.

Clause 11 amends section 45 by extending the protection in that section to the following persons:

- (a) a person who provides advice to a Family Justice Court under section 11A of the Guardianship of Infants Act 1934, section 12 of the International Child Abduction Act 2010, section 130 of the Women's Charter 1961 or any other written law that the Minister may by order in the *Gazette* prescribe;
- (b) a parenting coordinator appointed by a Family Justice Court to conduct a parenting coordination programme;
- (c) a person who, at the request of a Family Justice Court, refers any party to the proceedings or any child involved in or whose custody or welfare is involved in the proceedings for any professional clinical or therapeutic intervention.

Clause 12 amends section 46(3) by empowering the Family Justice Rules Committee to prescribe the modes by which the wishes of a child may be determined by the Family Division of the High Court or a Family Court.

PART 2

AMENDMENT OF GUARDIANSHIP OF INFANTS ACT 1934

Part 2 (clauses 13 and 14) amends the Guardianship of Infants Act 1934.

Clause 13 amends section 5A (as inserted by section 43(3) of the Women's Charter (Amendment) Act 2022) by inserting —

- (a) a new subsection (7) which provides for the manner in which an application to a Family Court under the section is to be made and dealt with; and

- (b) a new subsection (8) which provides that an access order made by the General Division of the High Court may be enforced by a Family Court in accordance with the section as if the access order had been made by the Family Court.

Clause 14 replaces section 11 with a new section 11 to oblige the court to consider the wishes of an infant where the infant is of an age to express an independent opinion.

PART 3

AMENDMENT OF WOMEN'S CHARTER 1961

Part 3 (clauses 15 to 35) amends the Women's Charter 1961.

Clause 15 amends section 2(1) —

- (a) to delete the words “, unless the context otherwise requires” which are redundant by virtue of section 2(2A) of the Interpretation Act 1965; and
- (b) to amend the definition of “court” arising mainly from the amendments made to Parts 8 and 9 and the insertion of the new Parts 9A, 10B and 10C.

Clause 16 amends section 69 by deleting subsection (9) which is redundant, given that an order under section 69(1), (1A) or (2) is to be enforced as a “maintenance order” under the new Part 9 inserted by clause 24.

Clause 17 amends section 70 —

- (a) to clarify that an order that the court may make under section 70(1) to ensure the welfare of a child may include an order that a person (who has accepted the child as a member of the person's family) pay a monthly sum or lump sum for the maintenance of the child;
- (b) to replace subsection (3) with a new subsection (3) which sets out the matters the court is to have regard to when making an order under subsection (1) for the maintenance of a child; and
- (c) to remove in subsection (5) the reference to subsection (9) of section 69, given that subsection (9) of section 69 is to be deleted by clause 16.

Clause 18 inserts a new section 70A to provide for the power of the court to order the father or mother of a child, or both, to pay to a person who is maintaining the child by virtue of the person's duty under section 70(1), an amount specified by the court. This amount is the sum or part of the sum expended by the person in the maintenance of the child. Any sums ordered under the new section 70A are recoverable as a debt in accordance with the Family Justice Rules.

Clause 19 deletes sections 71 to 71C and enacts a new section 71. Sections 71 to 71C are deleted because their contents are to be re-enacted with changes in the new Part 9.

The new section 71 (which re-enacts section 81 with changes) empowers the court to make an attachment of earnings order when making a maintenance order under section 69 or 70 or at any time thereafter. Subsection (3) provides that where proceedings under the new Part 9 for the enforcement of a maintenance order are pending, no application for an attachment of earnings order under subsection (1) or (2) in respect of the same maintenance order, and no application to vary or discharge such an attachment of earnings order, may be made. Subsection (4) provides that the new sections 91C to 91K in the new Part 9 apply, with the necessary modifications, to an attachment of earnings order under subsection (1) or (2).

Clause 20 deletes section 74 which applies section 121, with the necessary modifications, to any order for the payment of maintenance under Part 8. Section 74 is redundant, given that section 121 is re-enacted in the new Part 9 to apply to all maintenance orders, including those made under Part 8.

Clause 21 amends section 75(1) so that the provisions of the new Parts 9 and 9A also apply to orders made under section 37 of the repealed Minor Offences Ordinance (Cap. 24, 1936 Revised Edition) or under section 2 of the repealed Married Women and Children (Maintenance) Ordinance (Cap. 44, 1955 Revised Edition) and in force on 15 September 1961.

Clause 22 deletes sections 76 and 77. Sections 76 and 77 have been re-enacted with changes in the new Part 9A.

Clause 23 deletes section 79. Section 79 has been re-enacted with changes as part of the new section 179A inserted in Part 12 by clause 33.

Clause 24 deletes Part 9 and re-enacts the new Parts 9 and 9A for the enforcement of maintenance orders. The new Part 9 is intended, generally, to be a consolidation of matters pertaining to the enforcement of the following orders and to apply a new regime to the enforcement of such orders:

- (a) an order for the payment of monthly sums or a lump sum for the maintenance of a wife, an incapacitated husband or a child, made or deemed to be made by a court under Part 8;
- (b) an order for the payment of monthly or periodical sums or a lump sum by way of maintenance or alimony to a wife or former wife or an incapacitated husband or incapacitated former husband, or by way of maintenance for the benefit of any child, under Part 10;
- (c) an order for maintenance made by the Syariah Court under the Administration of Muslim Law Act 1966;

- (d) an order for the payment of money in respect of the maintenance of an infant made under the Guardianship of Infants Act 1934;
- (e) an order for maintenance made under the Maintenance of Parents Act 1995;
- (f) a maintenance order, as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1975, which is registered or confirmed by the court under that Act.

Division 1 (comprising new sections 76 to 79) of the new Part 9 relates to preliminary matters.

The new section 76 defines words, expressions and concepts that are used across the new Part 9.

The new section 77 provides for the appointment of the chief maintenance enforcement officer (or Chief MEO) and other maintenance enforcement officers (or MEO). Subsection (5) provides, among other things, that every individual appointed as an MEO (including the Chief MEO) is deemed to be a public servant for the purposes of the Penal Code 1871 when exercising the powers or performing the functions or duties of an MEO.

The new section 78 provides that a Family Court has the power to enforce maintenance orders made by the General Division of the High Court except the power to vary any such orders.

The new section 79 provides for the powers of the court relating to the examination of witnesses in any maintenance enforcement proceedings. These powers are available despite any provision of the Evidence Act 1893 or any rule of law to the contrary concerning the examination of witnesses.

Division 2 (comprising new sections 80 to 83) of the new Part 9 relates to a maintenance enforcement application and the court's powers on a maintenance enforcement application.

The new section 80 provides for the persons who may make a maintenance enforcement application under the new Part 9.

The new section 81 provides for the orders that the court may or must make on a maintenance enforcement application.

In particular, where the court is satisfied that the maintenance order in question has been breached by a respondent, the court may (in the case where the parties come to an agreement on certain terms) or must (in any other case) make a show-payment order and an order specifying a term of imprisonment for the purposes of the new section 91O. However, the court must not make any order specifying any term of imprisonment for the purposes of the new section 91O if special circumstances exist which render the making of the order inappropriate.

In addition to a show-payment order, the court may make any maintenance enforcement order, except a maintenance enforcement order mentioned in the new section 91B(1)(b) when the court makes a consent order. The court may also, if the prescribed circumstances exist and the maintenance order in question is made by the Family Court under Part 8 or 10 of the Women's Charter 1961 or under the Guardianship of Infants Act 1934, vary, suspend, discharge, rescind, set aside or revoke the maintenance order.

At any time after the making of an order under the new section 81(2) or (4)(a), the court may, on the application of a respondent and upon being satisfied that there is good reason to do so, exercise any of the powers in the new section 81(10)(a), (b) or (c), so that the respondent has more time to make payment or prove payment of any maintenance or may make the payment by a different mode.

Where a show-payment order has been made, the applicant cannot make a further maintenance enforcement application on the same maintenance order in respect of any maintenance required to be proved to be paid by the respondent under the show-payment order, until the expiry of the latest of the dates set out in the new section 81(9).

The new section 82 provides for the reinstatement of a maintenance enforcement application which has been struck out under the new section 81(1)(f), upon an application by the applicant for the reinstatement.

The new section 83 relates to the arrears report that certain persons may lodge with a designated credit bureau where the court has declared under the new section 81(2)(a) the amount of maintenance arrears under a maintenance order and any of that amount remains in arrears.

Division 3 (comprising new sections 84 to 91) of the new Part 9 relates to the role of the MEO.

Subdivision (1) (comprising new sections 84 to 87) relates to a maintenance enforcement application referred by the court to an MEO (referred application) and the gathering by an MEO of information relating to a referred application.

The new section 84 provides for the court's power to refer a maintenance enforcement application to an MEO. When the court makes such a referral, the court may also direct the parties to provide information to the MEO and to attend before an MEO for a conciliation session.

The new section 85 empowers an MEO to refer the applicant or respondent to a social service officer for financial assistance and to disclose to the social service officer any information provided to or obtained by the MEO that the MEO thinks is relevant to the referral.

The new section 86 empowers an MEO, in relation to a referred application, to direct the provision of or obtain any information by or from the applicant or

respondent or any prescribed third party that the MEO has reasonable grounds to believe is relevant to the referred application, where any other requirements under the relevant provisions of the new section 86 are met.

The MEO may also, in relation to a referred application, request the court to order a bank or any third party to provide to the MEO any information. The MEO may request the court to order a bank to provide any information if any other requirements under the relevant provisions of the new section 86 are met. The court must not make any order requested by the MEO unless the court is satisfied that the MEO has reasonable grounds to believe that the information is relevant to the referred application.

The new section 87 provides for the court's power to draw an adverse inference against an applicant or a respondent if the applicant or respondent (as the case may be) fails to comply with any direction of an MEO under the new section 86(1).

Subdivision (2) (comprising the new section 88) relates to a conciliation session conducted by an MEO.

The new section 88 provides for the purpose and scope of a conciliation session conducted by an MEO and the court's powers where a respondent has been absent from the session on any date fixed for the session.

Subdivision (3) (comprising new sections 89, 90 and 91) relates to the MEO's report.

The new section 89 provides for the MEO's obligation to submit to the court an MEO's report containing certain matters and information. Under the new section 89, the MEO may also prepare an interim report containing any information that the MEO thinks ought to be brought to the attention of the parties before submitting the MEO's report to the court. The Minister may make regulations prescribing, among other things, the circumstances under which the MEO may provide a copy of an interim report to the applicant only or provide a copy of the interim report to an applicant before a copy of the same is provided to the respondent.

The new section 90 provides for the redaction, significance and sharing of information in an MEO's report.

In particular —

- (a) the court is to give due consideration to an MEO's report in determining what order or orders ought to be made on the maintenance enforcement application in question, including whether the maintenance order ought to be varied;
- (b) an MEO who prepared or submitted an MEO's report need not be called as a witness unless the MEO is to be examined by the court or, with the permission of the court, by the applicant or respondent; and

- (c) the court may, after giving due consideration to an MEO's report, make any order as it thinks fit without any further evidence of the matters in the MEO's report.

The new section 91 enables the court to rely on any MEO's report (previous report), submitted for the purposes of previous maintenance enforcement proceedings, in any subsequent maintenance enforcement application or in any subsequent prescribed proceedings involving the same parties, as evidence of the opinion of the MEO who prepared the previous report and of the facts upon which the MEO's opinion is based.

Under the new section 91(2), where a previous report is submitted in any subsequent maintenance enforcement application, an MEO who prepared the previous report need not be called as a witness unless the MEO is to be examined by the court or, with the permission of the court, by the applicant or respondent.

Under the new section 91(3), where a previous report is submitted in any subsequent prescribed proceedings involving the same parties, no MEO who prepared the previous report may be called as a witness or be examined by the court or any of the parties in the prescribed proceedings.

Subdivision (4) (comprising the new section 91A) relates to regulations by the Minister.

The new section 91A empowers the Minister to make regulations for the purposes of the new sections 77 and 83 and Division 3 of the new Part 9, and the matters for which the regulations may be made.

Division 4 (comprising new sections 91B to 91N) of the new Part 9 relates to the orders to enforce the payment of maintenance.

Subdivision (1) (comprising the new section 91B) sets out what are maintenance enforcement orders. These orders may be made by the court under the new section 81(1)(a).

The new section 91B provides for those orders which are each a "maintenance enforcement order". A "maintenance enforcement order" is any of those orders in section 71 (prior to its deletion by clause 19) or an attachment of earnings order.

Subdivision (2) (comprising new sections 91C to 91K) contains provisions relating to attachment of earnings orders made under the new section 81(1)(a) read with the new section 91B(1)(g). The new sections 91C to 91K re-enact, with changes, sections 81, 82 to 89 and 91 (prior to their deletion by clause 24).

The new section 91C relates to the amount that the court may order in an attachment of earnings order.

The new section 91D relates to the discharge, variation or cessation of an attachment of earnings order.

The new section 91E requires a person to whom an attachment of earnings order is directed to comply with the order.

The new section 91F sets out the additional powers of the court to obtain information when considering whether to make, discharge or vary an attachment of earnings order.

The new section 91G sets out the obligation of a respondent in respect of whom an attachment of earnings order has been made and that of a person who becomes the respondent's employer who knows that the order is in force, to notify the court of changes in the respondent's employment and earnings.

The new section 91H provides for the court's power to determine whether payments to a respondent of a particular class or description are earnings for the purposes of an attachment of earnings order.

The new section 91I provides for any sum received by virtue of an attachment of earnings order to be treated first, as payment by the respondent in question towards any sums for the time being due and unpaid under the related maintenance order and, second, as payment by the respondent of any costs incurred in proceedings relating to the related maintenance order which are payable by the respondent.

The new section 91J relates to earnings falling to be paid by the Government or out of the Consolidated Fund pursuant to an attachment of earnings order.

The new section 91K provides for the penalties for failing to comply with the new section 91E(1) or (4) or 91G or an order of the court under the new section 91F(1), or for giving false information in a notice under the new section 91E(4) or a statement pursuant to an order of the court under the new section 91F(1).

Subdivision (3) (comprising new sections 91L, 91M and 91N) contains provisions relating to maintenance enforcement orders (other than attachment of earnings orders or sentences of imprisonment).

The new section 91L re-enacts, with changes, section 71A (prior to its deletion by clause 19) and relates to a banker's guarantee mentioned in the new section 91B(1)(d) that the court may order a respondent to furnish.

The new section 91M re-enacts, with changes, section 71B (prior to its deletion by clause 19) and relates to financial counselling or any other similar or related programme mentioned in the new section 91B(1)(e) that the court may order a respondent to attend.

The new section 91N re-enacts, with changes, section 71C (prior to its deletion by clause 19) and relates to a community service order mentioned in the new section 91B(1)(f) that the court may make.

Division 5 (comprising new sections 91O, 91P and 91Q) of the new Part 9 contains provisions relating to sentences of imprisonment under the new Part 9.

The new section 91O relates to the sentence of imprisonment that the court may impose on a respondent for the breach of a show-payment order. Where the court has specified a term of imprisonment under the new section 81(2)(d) or (4)(a)(ii), the court may sentence the respondent to imprisonment under the new section 91O(1) if —

- (a) the respondent fails to prove to the satisfaction of the court by the date specified under the new section 81(2)(c) or (4)(a)(i) (as the case may be) in respect of an amount to be paid, that the respondent has paid that amount by the date specified in the order under the new section 81(2)(b) or (4)(a)(i)(A) (as the case may be) for payment of that amount; and
- (b) the court is satisfied that the respondent has shown no good cause for the respondent's failure mentioned in paragraph (a).

Under the new section 91O(2), the sentence of imprisonment given under the new section 91O(1) must not exceed the term of imprisonment specified under the new section 81(2)(d) or (4)(a)(ii), as the case may be.

Under the new section 91O(4), for the purposes of determining whether an amount has been paid under subsection (1), any payment of maintenance by the respondent is to be treated as payment towards the satisfaction of first, any maintenance arrears required to be proved to be paid under the show-payment order and second, any payable maintenance required to be proved to be paid under the show-payment order.

The new section 91P relates to the sentence of imprisonment mentioned in the new section 91B(1)(b) that the court may impose if the court is satisfied that the maintenance order in question has been breached. The duration of the imprisonment is based on the amount of maintenance arrears as at the time of the making of the maintenance enforcement application in question.

The court may impose a sentence mentioned in the new section 91B(1)(b) on a maintenance enforcement application even though any maintenance arrears as at the time of the making of the application have been paid up in part or in whole by the time the sentence is imposed.

The court may impose a sentence of imprisonment mentioned in the new section 91B(1)(b) and a sentence of imprisonment under the new section 91O(1) on the same maintenance enforcement application, but the court may only impose a sentence mentioned in the new section 91B(1)(b) on or before the date that the court makes any show-payment order on the same maintenance enforcement application.

Under the new sections 91O(5) and 91P(5), a sentence of imprisonment imposed on a respondent does not affect or diminish the obligation of the respondent to make the payment or payments under the maintenance order which the respondent has failed to make.

The new section 91Q relates to the other orders that the court may make where a respondent is liable for one or more terms of imprisonment mentioned in the new section 91B(1)(b) or imposed under the new section 91O.

Division 6 (comprising new sections 91R, 91S and 91T) of the new Part 9 contains miscellaneous provisions for the purposes of the new Part 9.

The new section 91R (which re-enacts section 121 with changes) relates to the circumstances under and the manner in which maintenance arrears may be recovered.

The new section 91S provides for —

- (a) an offence relating to the access, use or disclosure of any information provided or obtained under the new section 84(2) or 86 or any MEO's report or any information in the MEO's report; and
- (b) immunity for certain acts under or in relation to the new Part 9 which are done in good faith and with reasonable care.

The new section 91T provides that a person who is sentenced to imprisonment under the new section 81(1)(a) read with the new section 91B(1)(b) or under the new section 91O(1) in respect of any breach of a maintenance order or a show-payment order (as the case may be), cannot be punished for a contempt of court in respect of the same breach, and vice versa.

The new Part 9A contains additional provisions relating to Part 7 or 8 or the new Part 9.

Division 1 (comprising the new section 91U) of the new Part 9A contains provisions applicable to Part 8 and the new Part 9.

The new section 91U re-enacts section 76 (prior to its deletion by clause 22) and provides for —

- (a) the power of a Family Court to refuse to make an order where the Family Court is of the opinion that the matters in question before the Family Court would be more conveniently dealt with by the General Division of the High Court; and
- (b) the power of the General Division of the High Court to direct the Family Court mentioned in paragraph (a) to rehear or determine the application or any part of an application which the Family Court has refused to make an order on.

Division 2 (comprising new sections 91V and 91W) of the new Part 9A contains provisions applicable to Parts 7 and 8 and the new Part 9.

The new section 91V re-enacts, with changes, section 77 (prior to its deletion by clause 22) and relates to appeals from any order or refusal of any order by a Family Court under Part 7 or 8 or the new Part 9.

The new section 91W re-enacts section 90 (prior to its deletion by clause 24) with an expanded scope and provides for the power of the court before which any application under Part 7 or 8 or the new Part 9 or 9A is heard to make any order as to costs that the court thinks fit.

Clause 25 deletes section 121. Section 121 has been re-enacted with changes as the new section 91R in the new Part 9.

Clause 26 amends section 126B (as inserted by section 35 of the Women's Charter (Amendment) Act 2022) by inserting a new subsection (7) which provides that an access order made by the General Division of the High Court may be enforced by a Family Court in accordance with section 126B as if the access order had been made by the Family Court.

Clause 27 deletes section 132. Section 132 has been rendered unnecessary due to the insertion of the new Part 10B by clause 31.

Clause 28 amends section 139 by inserting a new subsection (3A) which provides for the manner in which an application to a Family Court under section 126B (inserted by section 35 of the Women's Charter (Amendment) Act 2022) is to be made and dealt with. This clause is not to be brought into force if clause 29 is brought into force before section 35 of the Women's Charter (Amendment) Act 2022.

Clause 29 deletes section 139. Section 139 has been re-enacted with changes as part of the new section 179A inserted in Part 12 by clause 33.

Clause 30 amends section 139B to clarify that "court" in section 139B(1) means any court of law.

Clause 31 inserts a new Part 10B (comprising new sections 139K, 139L and 139M) which provides for the court's power to set aside or prevent any disposition intended by any person to defeat maintenance claims or other orders in matrimonial proceedings.

The new section 139K provides for the definitions for the purposes of the new Part 10B.

The new section 139L re-enacts, with changes, section 132(1) (prior to its deletion by clause 27) and provides for the scope of application of the new Part 10B.

The new section 139M provides for the power of the court, on application, to set aside any disposition of property by a person (*A*) or to grant an injunction preventing any disposition of property by *A*, if certain requirements are met, including the requirement that the disposition is made by *A*, or *A* is making the disposition, with the object on the part of *A* to produce the relevant consequence.

Under subsection (2), *A* is presumed to have made, or to be making, a disposition of property with the object on the part of *A* to produce the relevant consequence in certain circumstances.

Clause 32 inserts a new Part 10C (comprising new sections 139N, 139O and 139P) which provides for the replacement of applicants in certain pending applications for certain maintenance orders and payees under certain maintenance orders because of the death of the applicants or payees.

The new section 139N provides for the definitions for the purposes of the new Part 10C. In particular, a “maintenance order” for the purposes of the new Part 10C is an order for the maintenance of a child made under section 69(2) or 70(1), whether made before, on or after the date of commencement of clause 32.

The new section 139O provides for the court’s power to order a person to replace an applicant for a maintenance order if the applicant dies while the application is pending, and the court thinks it necessary in order to ensure that all matters in the pending application may be effectually and completely determined and adjudicated upon.

The new section 139P applies where a person to whom maintenance is payable dies (deceased payee), and empowers the court to make an order replacing the deceased payee with another person (replacement order), any other orders incidental to the replacement and an order varying the amount of maintenance payable under the maintenance order on account of the death of the deceased payee. Under subsection (2), the court must not make any replacement order in respect of any maintenance that accrued due before the death of the deceased payee.

Clause 33 inserts a new section 179A. The new section 179A is an amalgamation of the rule-making powers of the Family Justice Rules Committee (FJR Committee) under section 79 (prior to its deletion by clause 23) and section 139 (prior to its deletion by clause 29).

The general rule-making power under subsection (1) to regulate and prescribe the procedure and practice to be followed in respect of any application to the Family Justice Courts under the Women’s Charter 1961 extends to any new matter or purpose introduced by any new provision inserted into the Women’s Charter 1961 by the Bill or any other written law. Subsection (2) sets out the specific matters under the Women’s Charter 1961 for which rules may be made by the FJR Committee, including new matters introduced by the Bill. Subsection (4) sets out how an application under Part 7, 8, 9, 9A or 10C or section 126B (inserted

by section 35 of the Women's Charter (Amendment) Act 2022) may be made and dealt with.

Clause 34 amends section 180 to separate the rule-making powers under section 180, so that the rule-making powers of the Minister charged with the responsibility for family development and that of the Minister charged with the responsibility for home affairs are contained in subsections (1) and (1A), respectively.

Clause 35 relates to consequential amendments to the Women's Charter 1961.

PART 4

MISCELLANEOUS AMENDMENTS

Part 4 (comprising clauses 36, 37 and 38) relates to miscellaneous amendments to various written laws. The amendments under Part 4 are, generally, made to modernise terminology for certain expressions used in connection with court proceedings in the Family Justice Courts.

Clause 36 relates to miscellaneous amendments to the Probate and Administration Act 1934.

Clause 37 relates to miscellaneous amendments to the Women's Charter 1961.

Clause 38 relates to references in the Family Justice Act 2014 to an order giving or refusing permission. Before the date of commencement of section 29(b) and (c) of the Courts (Civil and Criminal Justice) Reform Act 2021, any such reference is to be read as an order giving or refusing the leave of court.

PART 5

RELATED AND CONSEQUENTIAL AMENDMENTS AND SAVING AND TRANSITIONAL PROVISIONS

Part 5 (comprising clauses 39 to 45) relates to the related and consequential amendments to various written laws (other than the Women's Charter 1961) and the saving and transitional provisions.

Clause 39 amends the Third Schedule to the Banking Act 1970, so that the disclosure of customer information by a bank in Singapore or any of its officers to the Chief MEO, where the disclosure is necessary for compliance with an order of the General Division of the High Court or a Family Court under the new section 86(3) of the Women's Charter 1961, is an exception to the prohibition under section 47(1) of the Banking Act 1970.

Clause 40 amends section 401(4) of the Insolvency, Restructuring and Dissolution Act 2018 to include proceedings under the new Parts 9A, 10B and

10C of the Women’s Charter 1961 as a “matrimonial proceeding” for the purposes of section 401 of that Act.

Clause 41 amends section 8 of the Maintenance Orders (Reciprocal Enforcement) Act 1975 by deleting subsections (2) and (3). This amendment is made because those provisions provide for the enforcement of a maintenance order (as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1975 and which is registered or confirmed by the court under that Act) as if it were an order made under Part 8 of the Women’s Charter 1961. Those provisions are no longer necessary given that the new Part 9 of the Women’s Charter 1961 provides directly for the enforcement of such a maintenance order.

Clause 42 amends the Penal Code 1871 —

- (a) to include, in section 21(1)(c), every officer of a court of justice whose duty it is to conduct mediation or other alternative dispute resolution process under any written law as a “public servant” for the purposes of the Penal Code 1871; and
- (b) to criminalise, as an offence under section 228, the act of intentionally offering any insult or causing of any interruption to any public servant, while such public servant is conducting any mediation or other alternative dispute resolution process under any written law, and to make a consequential amendment to the section heading of section 228.

Clause 43 amends the Protection from Harassment (Amendment) Act 2019 by deleting paragraph (c) of section 31 which amends the Family Justice Act 2014 by excluding section 240(6) of the CPC as a provision which may be modified when applied to proceedings in a Youth Court by section 35(2)(b) of the Family Justice Act 2014. Paragraph (c) of section 31 of the Protection from Harassment (Amendment) Act 2019 is superseded by the amendment of section 35(2)(b) of the Family Justice Act 2014 by clause 10(c).

Clause 44 amends the Supreme Court of Judicature Act 1969 —

- (a) by deleting paragraph 21 of the First Schedule and substituting a new paragraph 21 which clarifies that the power under paragraph 21 extends to ordering any party to any proceedings, or any child involved in or whose custody or welfare is involved in the proceedings, to undergo any alternative dispute resolution process (apart from mediation) or to attend any professional clinical or therapeutic intervention sessions as the court may direct; and
- (b) by inserting a new paragraph 21A in the First Schedule to clarify that where a court orders any party to any proceedings, or any child involved in or whose custody or welfare is involved in the proceedings,

to undergo any mediation or other alternative dispute resolution process, the court has the power to conduct the mediation or other alternative dispute resolution process or to appoint a Judge, a Registrar or an officer of the Supreme Court, or any other person, to conduct the same.

Clause 45 relates to the saving and transitional provisions for the Bill.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
