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## BILLS SUPPLEMENT

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**Notification No. B 21** — The Family Justice Bill is hereby published for general information. It was introduced in Parliament on 8th July 2014.

# **Family Justice Bill**

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**Bill No. 21/2014.**

*Read the first time on 8th July 2014.*

## **FAMILY JUSTICE ACT 2014**

**(No.    of 2014)**

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A BILL

*i n t i t u l e d*

An Act relating to the constitution, jurisdiction and powers of the Family Justice Courts and the administration of justice therein, and to make consequential and related amendments to other written laws.

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

PART I  
PRELIMINARY

**Short title and commencement**

1. This Act may be cited as the Family Justice Act 2014 and shall  
5 come into operation on such date as the Minister may, by notification  
in the *Gazette*, appoint.

**Interpretation**

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

10 “District Judge” means a District Judge appointed under  
section 9(1) of the State Courts Act (Cap. 321);

“Family Justice Rules” means the Family Justice Rules made  
under this Act and any other written law by the Family Justice  
Rules Committee constituted under section 46(1);

“family proceedings” means —

15 (a) any civil proceedings under section 53 of the  
Administration of Muslim Law Act (Cap. 3);

(b) any civil proceedings under the Adoption of Children  
Act (Cap. 4);

20 (c) any civil proceedings under the Guardianship of Infants  
Act (Cap. 122);

(d) any civil proceedings under the Inheritance (Family  
Provision) Act (Cap. 138);

(e) any civil proceedings under the International Child  
Abduction Act (Cap. 143C);

25 (f) any civil proceedings for the distribution of an intestate  
estate in accordance with the Intestate Succession Act  
(Cap. 146);

(g) any civil proceedings under the Legitimacy Act  
(Cap. 162);

30 (h) any civil proceedings under section 10 of the  
Maintenance of Parents Act (Cap. 167B);

- (i) any civil proceedings under the Maintenance Orders (Facilities for Enforcement) Act (Cap. 168);
  - (j) any civil proceedings under the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169);
  - (k) any civil proceedings under the Mental Capacity Act (Cap. 177A); 5
  - (l) any civil proceedings under the Mental Health (Care and Treatment) Act (Cap. 178A);
  - (m) any civil proceedings under the Status of Children (Assisted Reproduction Technology) Act 2013 (Act 16 of 2013); 10
  - (n) any civil proceedings under section 17A(2) of the Supreme Court of Judicature Act (Cap. 322);
  - (o) any civil proceedings under the Voluntary Sterilization Act (Cap. 347); 15
  - (p) any civil or quasi-criminal proceedings under the Women's Charter (Cap. 353); and
  - (q) on or after the date specified under section 47(11), any civil proceedings under the Probate and Administration Act (Cap. 251); 20
- “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; 25
- “Judge” means the Chief Justice, a Judge of the High Court or a Judicial Commissioner of the Supreme Court, and includes a Judge of Appeal sitting in the High Court;
- “judicial officer” means a District Judge or Magistrate who is designated as a judge of the Family Court or a judge of the Youth Court, or a Registrar; 30
- “Magistrate” means a Magistrate appointed under section 10(1) of the State Courts Act;



“officer”, in relation to the Family Justice Courts, means a person who is attached to the Family Justice Courts under section 17;

“registered medical practitioner” means a registered medical practitioner under the Medical Registration Act (Cap. 174) who has in force a practising certificate granted under that Act;

“Registrar” means the registrar, the deputy registrar or any assistant registrar of the Family Justice Courts;

“Rules of Court” means the Rules of Court made under the Supreme Court of Judicature Act (Cap. 322) and any other written law by the Rules Committee constituted under section 80(3) of that Act;

“Tribunal for the Maintenance of Parents” means the Tribunal for the Maintenance of Parents established under section 13 of the Maintenance of Parents Act.

(2) In this Act, unless the context otherwise requires, a reference to the general supervisory and revisionary jurisdiction of the High Court shall be construed as a reference to the general supervisory and revisionary jurisdiction of the High Court under section 27 of the Supreme Court of Judicature Act, and includes a reference to all powers exercisable by the High Court under sections 23 to 28 of that Act.

## PART II

### FAMILY JUSTICE COURTS

#### **Family Justice Courts**

**3.** The Family Justice Courts shall consist of —

- (a) the Family Division of the High Court;
- (b) the Family Courts; and
- (c) the Youth Courts.

## **Family Division of High Court**

**4.—**(1) There shall be a division of the High Court known as the Family Division, through which the High Court shall exercise —

- (a) such part of the original and appellate civil jurisdiction of the High Court as is specified in this Act; 5
- (b) such part of the appellate criminal jurisdiction of the High Court as is specified in this Act; and
- (c) the general supervisory and revisionary jurisdiction of the High Court over the Family Courts, the Youth Courts and the Tribunal for the Maintenance of Parents. 10

(2) Subject to this Act, the provisions of the Supreme Court of Judicature Act (Cap. 322) shall apply to the Family Division of the High Court.

## **Family Courts and Youth Courts**

**5.** There shall be within Singapore the following subordinate courts with such jurisdiction as is conferred by this Act or any other written law: 15

- (a) Family Courts;
- (b) Youth Courts.

## **Court houses**

**6.** The President shall appoint a place or places as the court house or court houses for the Family Justice Courts. 20

## **Seals of courts**

**7.** The Family Justice Courts shall have and use as occasion may require a seal or seals of such nature as the Chief Justice may, by notification in the *Gazette*, prescribe. 25

## **Process of courts**

**8.** All writs, summonses, warrants, orders, notices and other mandatory processes issued by the Family Justice Courts shall be

signed by a judicial officer and shall bear the seal of the court issuing the same.

### **Sittings of Family Courts and Youth Courts**

5     **9.**—(1) Subject to subsection (2), every Family Court and every Youth Court shall sit on every day of the year except on Saturdays, Sundays and public holidays.

(2) Notwithstanding subsection (1), a judicial officer may lawfully sit on a Saturday, Sunday or public holiday or during a vacation authorised under section 38 if —

10     (a) the Presiding Judge of the Family Justice Courts, with the concurrence of the Chief Justice, has directed the judicial officer to sit on that day or during that vacation; or

(b) in the opinion of the judicial officer, the business to be despatched is extremely urgent.

15     (3) Every Family Court and every Youth Court shall sit at such times as the Chief Justice may from time to time appoint.

### **Sittings in camera, etc.**

**10.**—(1) Subject to subsection (2), all matters and proceedings in a Family Justice Court shall be heard in camera.

20     (2) A Family Justice Court shall have power to hear any matter or any part thereof in an open and public court to which the public generally may have access, if the Court is satisfied that it is expedient in the interests of justice, or for other sufficient reason to do so.

25     (3) A Family Justice Court may, in any matter or proceeding or any part thereof tried or held or to be tried or held before it, if satisfied that it is expedient in the interests of justice, public safety, public security or propriety, or for other sufficient reason to do so, order that any of the following, which is contained in any court document or intended to be produced before the Court, be removed or be sufficiently redacted:

(a) the name, address or photograph of any witness in that matter or proceeding;

- (b) any evidence or any other thing likely to lead to the identification of any such witness by any person other than a party to that matter or proceeding.

(4) A Family Justice Court may at any time order that no person shall —

5

- (a) publish the name, address or photograph of any witness in any matter or proceeding or any part thereof tried or held or to be tried or held before it, or any evidence or any other thing likely to lead to the identification of any such witness; or

- (b) do any other act which is likely to lead to the identification of any such witness.

10

(5) Any person who acts in contravention of any order under subsection (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

15

(6) Section 8 of the Supreme Court of Judicature Act (Cap. 322) shall not apply to the Family Division of the High Court.

## **Contempt**

**11.—**(1) A Family Court or Youth Court shall have power to punish for contempt of court where the contempt is committed —

20

- (a) in the face of the Court; or
- (b) in connection with any proceedings in the Court.

(2) Where contempt of court is committed in the circumstances mentioned in subsection (1), a Family Court or Youth Court may impose imprisonment for a term not exceeding 6 months or a fine not exceeding \$2,000 or both.

25

(3) A Family Court or Youth Court may discharge the offender or remit the punishment if the Court thinks it just to do so.

(4) In any case where the contempt is punishable as an offence under section 175, 178, 179, 180 or 228 of the Penal Code (Cap. 224), a Family Court or Youth Court may, in lieu of punishing the offender for contempt, refer the matter to the Public Prosecutor with a view to instituting criminal proceedings against the offender.

30

### PART III

#### APPOINTMENTS, POWERS AND DUTIES

##### **Appointment of Presiding Judge of Family Justice Courts**

5     **12.**—(1) For the purposes of the administration of this Act, the President may, on the recommendation of the Chief Justice, appoint a Judge or Judicial Commissioner of the Supreme Court to be the Presiding Judge of the Family Justice Courts for such period as the Chief Justice may recommend.

10    (2) Notwithstanding any other written law, the Presiding Judge of the Family Justice Courts may sit in any Family Court or Youth Court and act as a judge thereof, in which case he shall have all the jurisdiction, power and privileges of such a judge.

15    (3) A Judge or Judicial Commissioner of the Supreme Court may, during the period of his appointment as the Presiding Judge of the Family Justice Courts, continue to sit in the High Court or the Court of Appeal in accordance with the Supreme Court of Judicature Act (Cap. 322).

20    (4) Any person appointed to be the Presiding Judge of the Family Justice Courts shall, although the period of his appointment as such has expired or his appointment as such has been revoked, in relation to any case heard by him as a judge of a Family Court or Youth Court, continue to sit as such a judge for the purpose of giving judgment or otherwise.

##### **Designation of judges of Family Courts**

25     **13.**—(1) A Family Court shall be presided over by a District Judge, or a Magistrate, who is designated by the Chief Justice as a judge of the Family Court.

(2) A person shall be designated as a judge of the Family Court for such period as the Chief Justice may determine.

30    (3) Any person designated as a judge of the Family Court shall, although the period of his designation as such has expired or his designation as such has been revoked, in relation to any case heard by him as a judge of a Family Court, continue to sit as such a judge for the purpose of giving judgment or otherwise.

### **Designation of judges of Youth Courts**

**14.—**(1) A Youth Court shall be presided over by a District Judge, or a Magistrate, who is designated by the Chief Justice as a judge of the Youth Court.

(2) A person shall be designated as a judge of the Youth Court for such period as the Chief Justice may determine. 5

(3) Any person designated as a judge of the Youth Court shall, although the period of his designation as such has expired or his designation as such has been revoked, in relation to any case heard by him as a judge of a Youth Court, continue to sit as such a judge for the purpose of giving judgment or otherwise. 10

### **Appointments and qualifications of registrar, deputy registrar and assistant registrars**

**15.—**(1) The President may, on the recommendation of the Chief Justice, appoint a registrar, a deputy registrar and assistant registrars of the Family Justice Courts. 15

(2) No person shall be appointed to be or to act as the registrar, the deputy registrar or an assistant registrar unless he is a qualified person as defined in section 2 of the Legal Profession Act (Cap. 161).

(3) The registrar, deputy registrar and assistant registrars shall be ex-officio commissioners for oaths. 20

### **Jurisdiction, powers and duties of registrar, deputy registrar and assistant registrars**

**16.—**(1) The registrar, deputy registrar and assistant registrars of the Family Justice Courts shall, subject to this Act and any other written law, have such jurisdiction, powers and duties as may be prescribed by the Family Justice Rules or, prior to their enactment, the Rules of Court. 25

(2) Subject to this Act and any other written law, all powers and duties conferred and imposed on the registrar, whether by this Act or any other written law, may be exercised and performed by the deputy registrar or any assistant registrar. 30

## **Officers of Family Justice Courts**

17. There shall be attached to the Family Justice Courts such commissioners for oaths, interpreters, clerks, bailiffs, process servers, counsellors, social workers, psychologists and other officers as, from  
 5 time to time, may appear to the Chief Justice to be necessary for the administration of justice and the due execution of all powers and duties which are vested in the Family Justice Courts.

## **Powers and duties of certain officers of Family Justice Courts**

18.—(1) The bailiffs and process servers shall —

10 (a) execute all writs, summonses, warrants, orders, notices and other processes of the Family Justice Courts given to them; and

(b) make a return of the same together with the manner of the execution thereof to the court from which the process issued.

15 (2) The bailiffs in executing any writ of seizure and sale or any other writ of execution or of distress may effect an entry into any building, and for that purpose, if necessary, may break open any outer or inner door or window of the building or any receptacle therein, using such force as is reasonably necessary to effect an entry.

20 (3) The bailiffs shall arrest and receive all such persons and property as are committed to the custody of the Family Justice Courts.

## **Solicitor, etc., authorised to act as bailiff**

19.—(1) Subject to such directions as may be given by the Presiding Judge of the Family Justice Courts, the Registrar may authorise a  
 25 solicitor or a person employed by a solicitor to exercise the powers and perform the duties of a bailiff during such period or on such occasion as the Registrar thinks fit and subject to such terms and conditions as the Registrar may determine.

(2) Section 45(2) shall apply to a solicitor or person authorised  
 30 under subsection (1) as it applies to an officer of the Family Justice Courts.

## **Oaths of officers**

**20.**—(1) The registrar, deputy registrar and assistant registrars of the Family Justice Courts and such other officers of the Family Justice Courts as may be required by the Chief Justice shall, before exercising the functions of their respective offices, take and subscribe the appropriate oath of office set out in the Schedule. 5

(2) The oath referred to in subsection (1) may be taken and subscribed before the Presiding Judge of the Family Justice Courts or a Judge or Judicial Commissioner of the Supreme Court.

(3) Where the oath is taken before the Presiding Judge of the Family Justice Courts, he shall — 10

(a) enter in the record of the Family Justice Courts that the oath was duly administered and taken before him; and

(b) transmit a certified copy of the entry to the Registrar of the Supreme Court. 15

## **Appointments and revocations to be published in *Gazette***

**21.** All appointments and revocations made under this Part shall be published in the *Gazette*.

## **PART IV**

### **JURISDICTION**

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#### *Division 1 — Jurisdiction of Family Division of High Court*

### **Original civil jurisdiction of High Court exercisable through Family Division**

**22.**—(1) The part of the civil jurisdiction of the High Court which shall be exercised through the Family Division shall consist of — 25

(a) the jurisdiction conferred on the High Court by sections 17(a), (d), (e) and (f) and 17A of the Supreme Court of Judicature Act (Cap. 322); and

(b) such other jurisdiction relating to family proceedings as is vested in or conferred on the High Court by any written law. 30



(2) For the avoidance of doubt, the Family Division of the High Court shall, when exercising any jurisdiction referred to in subsection (1)(a) or (b), have all the powers of the High Court in the exercise of its original civil jurisdiction.

5 **Appellate civil jurisdiction of High Court exercisable through Family Division**

**23.**—(1) The part of the appellate civil jurisdiction of the High Court which shall be exercised through the Family Division shall consist of —

- 10       (a) the hearing of appeals from Family Courts when exercising jurisdiction of a quasi-criminal or civil nature; and
- (b) the hearing of appeals and special cases from the Tribunal for the Maintenance of Parents.

15       (2) An appeal shall lie to the High Court from any decision of a Family Court exercising jurisdiction of a quasi-criminal or civil nature.

          (3) An appeal to the High Court from a decision of a Family Court —

- (a) may be heard before one Judge or 3 Judges; and
- 20       (b) if heard before 3 Judges, shall be decided in accordance with the opinion of the majority of the Judges composing the High Court.

25       (4) No Judge shall sit in the High Court on the hearing of, or determine any application in proceedings incidental or preliminary to —

- (a) an appeal from a judgment or an order made by him as the Presiding Judge of the Family Justice Courts; or
- (b) any proceedings relating to any judgment, order or direction made by him as the Presiding Judge of the Family Justice Courts.
- 30

## **Appellate criminal jurisdiction of High Court exercisable through Family Division**

**24.—**(1) The part of the appellate criminal jurisdiction of the High Court which shall be exercised through the Family Division shall consist of —

5

(a) the hearing of appeals from Family Courts when exercising criminal jurisdiction; and

(b) the hearing of appeals from Youth Courts.

(2) An appeal shall lie to the High Court from any decision of a Family Court exercising criminal jurisdiction or any decision of a Youth Court.

10

(3) An appeal to the High Court from a decision of a Family Court or Youth Court —

(a) may be heard before one Judge or 3 Judges according to the provisions of the law for the time being in force relating to criminal procedure; and

15

(b) if heard before 3 Judges, shall be decided in accordance with the opinion of the majority of the Judges composing the High Court.

(4) No Judge shall sit in the High Court on the hearing of, or determine any application in proceedings incidental or preliminary to —

20

(a) an appeal against a conviction before him, or a sentence passed by him, as the Presiding Judge of the Family Justice Courts;

25

(b) any application made under section 400 of the Criminal Procedure Code (Cap. 68) in relation to any judgment or order made, or sentence passed, by him as the Presiding Judge of the Family Justice Courts; or

(c) any proceedings relating to any judgment, order or direction made by him as the Presiding Judge of the Family Justice Courts.

30

## **Family Division may exercise entire jurisdiction of High Court**

25. For the avoidance of doubt, the Family Division of the High Court may exercise the entire original and appellate civil and criminal jurisdiction of the High Court under the Supreme Court of Judicature Act (Cap. 322) and under any other written law.

### *Division 2 — Jurisdiction of Family Courts*

#### **Jurisdiction of Family Courts**

26.—(1) A Family Court shall be a court of record.

(2) Subject to subsections (4), (5) and (6), a Family Court shall have —

(a) all the civil jurisdiction of the High Court referred to in section 22(1)(a) and (b);

(b) when exercising any jurisdiction referred to in section 22(1)(a) or (b), all the powers of the High Court in the exercise of the original civil jurisdiction of the High Court; and

(c) such other jurisdiction relating to family proceedings as is conferred on a Family Court by any written law.

(3) Without prejudice to the generality of subsection (2), the jurisdiction of a Family Court to hear and try any civil proceedings which come within the jurisdiction of the Syariah Court constituted under the Administration of Muslim Law Act (Cap. 3) shall be the same as that of the High Court, as if section 17A of the Supreme Court of Judicature Act (Cap. 322) applies to a Family Court with the modification that any reference in that section to the High Court shall be read as a reference to a Family Court.

(4) Notwithstanding subsection (2), the Chief Justice may by order published in the *Gazette* direct that any class or description of family proceedings specified in the order shall be heard and determined by the Family Division of the High Court.

(5) Subject to section 28A of the Supreme Court of Judicature Act and any order made under subsection (1) of that section, the

jurisdiction of a Family Court under subsection (2) shall not include —

- (a) any supervisory jurisdiction or revisionary jurisdiction;
- (b) any jurisdiction relating to the judicial review of any act done or decision made by any person or authority, including the issue of any of the following prerogative orders:
  - (i) a Mandatory Order;
  - (ii) a Prohibiting Order;
  - (iii) a Quashing Order;
  - (iv) an Order for Review of Detention;
- (c) any jurisdiction vested exclusively in the High Court, in a Youth Court, in any State Court, or in any judicial, quasi-judicial or administrative tribunal, by written law; and
- (d) any jurisdiction expressly excluded by written law.

(6) A Family Court shall have jurisdiction to grant relief by way of interpleader, and to order the sale of any property subject to interpleader proceedings, only in either of the following circumstances:

- (a) where a bailiff of the Family Justice Courts is charged with the execution of any process of a Family Justice Court, and claim is made to any money or other movable property taken or intended to be taken in execution of the process, or to the proceeds or value of any such property, by any person other than the person against whom the process is issued;
- (b) where the person seeking relief —
  - (i) is a party to any proceedings before a Family Justice Court; and
  - (ii) is under liability for any debt, money or other movable property for or in respect of which he has been or expects to be sued by 2 or more parties making adverse claims thereto.

(7) The criminal jurisdiction of a Family Court shall be the same as that of a District Court under section 50 of the State Courts Act (Cap. 321) and section 8 of the Criminal Procedure Code (Cap. 68).

5 (8) When a Family Court exercises criminal jurisdiction, or jurisdiction of a quasi-criminal nature, in any proceedings —

(a) the Family Court shall have all the powers of a District Court exercising criminal jurisdiction; and

10 (b) the provisions of the Criminal Procedure Code shall apply to the Family Court and those proceedings with the modification that any reference in the Criminal Procedure Code to a District Court shall be read as a reference to a Family Court.

15 (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 who is a subject of such proceedings, to undergo such mediation or counselling, or to participate in such family support programme or activity, as the Family Court may direct.

### **Assessors to assist Family Court**

20 27.—(1) In any proceedings before a Family Court, the Court may, if it thinks fit on the application of any party, or on its own motion, summon to its assistance, in such manner as may be prescribed by the Family Justice Rules or, prior to their enactment, the Rules of Court, one or more persons of skill and experience in the matter to which the proceedings relate who may be willing to sit with the Court and act as  
25 assessors.

(2) The remuneration of assessors for sitting under this section shall be at such rate as may be prescribed by the Family Justice Rules or, prior to their enactment, the Rules of Court and shall be costs in the proceedings unless otherwise ordered by the Family Court.

30 (3) Where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by any party in such manner as may be prescribed by the Family Justice Rules or, prior to their enactment, the Rules of Court.

### **Examination and assessment of child, etc.**

**28.**—(1) In any proceedings before a Family Court involving the custody or welfare of a child or involving a person, the Court may, on the application of any party to those proceedings or on its own motion, appoint a registered medical practitioner, psychologist, counsellor, social worker or mental health professional to examine and assess the child or person (as the case may be) for the purposes of preparing expert evidence for use in those proceedings.

5

(2) Where a registered medical practitioner, psychologist, counsellor, social worker or mental health professional who is not appointed by the Family Court under subsection (1) examines or assesses the child or person, no evidence arising out of that examination or assessment shall be adduced in those proceedings without the leave of the Court.

10

(3) A registered medical practitioner, psychologist, counsellor, social worker or mental health professional appointed under subsection (1) may make such enquiries relevant to the examination and assessment of the child or person as may be provided for under the Family Justice Rules or, prior to their enactment, the Rules of Court.

15

### **General power to transfer proceedings from Family Court to High Court, and vice versa**

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**29.**—(1) The High Court or a Family Court may, either on its own motion or on the application of any party, order any proceedings in a Family Court to be transferred to the High Court, if it appears to the High Court or Family Court (as the case may be) that those proceedings, by reason of involving some important question of law or of being a test case, or for any other sufficient reason, should be tried in the High Court.

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(2) The High Court may, if it thinks fit, and either on its own motion or on the application of any party, order any proceedings in the High Court to be transferred to a Family Court.

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(3) An order made by the High Court under subsection (1) or (2), or by a Family Court under subsection (1), may be made on such terms as the High Court or Family Court (as the case may be) sees fit.

*Division 3 — Jurisdiction of Registrar*

**Jurisdiction of Registrar**

5     **30.** Any jurisdiction and powers conferred on the Family Division of the High Court or a Family Court by this Act or any other written law may be exercised, to the extent authorised by this Act, the Family Justice Rules or any other written law, by a Registrar.

**Execution of deed, signing of document or indorsement of negotiable instrument**

10    **31.—**(1) If any judgment or order of the Family Division of the High Court or a Family Court is for the execution of a deed, the signing of a document or the indorsement of a negotiable instrument, and the party ordered to execute the deed, sign the document or indorse the instrument is absent, or neglects or refuses to do so —

15       (a) any party interested in having the deed executed, the document signed or the instrument indorsed may prepare a deed, a document or an indorsement of the instrument in accordance with the terms of the judgment or order, and tender the same to a Registrar for execution upon the proper stamp, if any is required by law; and

20       (b) the signature of the Registrar on the deed, document or indorsement, by order of the Family Division of the High Court or the Family Court (as the case may be), shall have the same effect as the execution of the deed, signing of the document or indorsement of the instrument by the party  
25       ordered to execute the deed, sign the document or indorse the instrument.

30       (2) Nothing in this section shall be held to abridge the powers of the Family Division of the High Court or a Family Court to proceed by attachment against any person neglecting or refusing to execute, sign or indorse any such deed, document or instrument.

*Division 4 — Appeals from Family Court*

**General provision relating to appeals from Family Court exercising quasi-criminal or civil jurisdiction**

**32.** Subject to section 23, the Family Justice Rules or, prior to their enactment, the Rules of Court shall regulate and prescribe the procedure on appeals from a Family Court exercising jurisdiction of a quasi-criminal or civil nature to the High Court.

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**Agreement not to appeal from Family Court exercising civil jurisdiction**

**33.** No appeal shall lie from any judgment or order of a Family Court exercising civil jurisdiction if, before the judgment or order is given or made, the parties agree in writing signed by them or their solicitors that the judgment or order shall be final.

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**Appeal from Family Court exercising civil jurisdiction not to operate as stay of execution**

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**34.—(1)** An appeal from a Family Court exercising civil jurisdiction shall not operate as a stay of execution or of proceedings under the judgment or order appealed from, unless the Family Court or the High Court so orders.

**(2)** No intermediate act or proceeding shall be invalidated except so far as the High Court may direct.

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*Division 5 — Jurisdiction of Youth Courts*

**Jurisdiction of Youth Courts**

**35.—(1)** A Youth Court shall have the jurisdiction and powers conferred on it by the Children and Young Persons Act (Cap. 38).

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**(2)** When a Youth Court exercises criminal jurisdiction, or jurisdiction of a quasi-criminal nature, in any proceedings —

**(a)** the Youth Court shall have all the powers of a District Court exercising criminal jurisdiction; and

**(b)** subject to the Children and Young Persons Act, the provisions of the Criminal Procedure Code (Cap. 68) shall apply to the

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Youth Court and those proceedings with the modification that any reference in the Criminal Procedure Code to a District Court shall be read as a reference to a Youth Court.

- 5 (3) Subject to any other written law, a Youth Court may, either on its own motion or on the application of any person, order any party to any proceedings in a Youth Court to undergo such mediation or counselling, or to participate in such family support programme or activity, as the Youth Court may direct.

## PART V

### 10 MISCELLANEOUS PROVISIONS

#### *Division 1 — Administration*

#### **Registry of Family Justice Courts**

- 15 **36.—**(1) There shall be an office of the Family Justice Courts called the Registry of the Family Justice Courts, comprising such departments as the Presiding Judge of the Family Justice Courts, with the concurrence of the Chief Justice, may from time to time determine.

(2) The Registry shall be under the control and supervision of the registrar of the Family Justice Courts.

- 20 (3) The Registry shall be open on every day of the year except on Saturdays, Sundays and public holidays.

(4) Notwithstanding subsection (3), a Registrar may lawfully sit or carry out the business of the Registry on a Saturday, Sunday or public holiday if —

- 25 (a) the Presiding Judge of the Family Justice Courts, with the concurrence of the Chief Justice, has directed the Registrar to do so on that day; or

(b) in the opinion of the Registrar, the business to be despatched is extremely urgent.

- 30 (5) The office hours of the Registry shall be such times as the Presiding Judge of the Family Justice Courts, with the concurrence of the Chief Justice, may from time to time direct.

## **Distribution of business**

**37.** The distribution of business in the Family Justice Courts shall be made in accordance with such directions, which may be of a general or a particular nature, as may be given, with the concurrence of the Chief Justice, by the Presiding Judge of the Family Justice Courts.

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## **Vacations for Family Courts**

**38.** The Chief Justice may authorise vacations for Family Courts not exceeding 15 days in any calendar year.

## **List of touts**

**39.—(1)** The registrar of the Family Justice Courts may publish a list of persons proved to his satisfaction, by evidence of general repute or otherwise, to act as touts or unauthorised advisers to suitors or other persons, and may alter and amend the list.

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(2) The registrar of the Family Justice Courts may, by general or special order, exclude from the precincts of the Family Justice Courts any person whose name is included in the list, except when that person is a party to or a witness in any proceedings in a Family Justice Court, when he shall be allowed to remain for such time as is necessary.

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(3) No person's name shall be included in the list until he has been heard or had an opportunity of being heard against such inclusion.

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(4) An appeal shall lie to a Judge of the Family Division of the High Court in chambers from an order made by the registrar of the Family Justice Courts to include a person's name in the list.

(5) The decision of the Judge of the Family Division of the High Court shall be final.

25

(6) A copy of the list shall be kept hung up in the Registry of the Family Justice Courts and shall be published in the *Gazette*.

(7) A person whose name appears in the list of touts under section 73 of the Supreme Court of Judicature Act (Cap. 322), or the list of touts under section 62 of the State Courts Act (Cap. 321), shall be deemed to be included in the list under this section, and vice versa.

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### **Impounding documents**

**40.**—(1) A Family Court or Youth Court may order any document produced before it in any proceedings to be impounded.

5 (2) The document which has been impounded shall not be delivered out of the custody of the Family Court or Youth Court or inspected except on an order signed by a judicial officer.

10 (3) The Family Court or Youth Court that impounded the document may direct the document to be sent to the Attorney-General, the Commissioner of Stamp Duties or any other officer of the Government.

### *Division 2 — Disabilities and protection of officers*

#### **Disqualification of judicial officers**

**41.**—(1) Except with the approval of the Chief Justice, a judicial officer —

15 (a) shall not be capable of —

- (i) accepting or taking any other office of emolument; or
- (ii) carrying on any business either directly or indirectly; and

20 (b) shall not accept any fees of office, perquisites, emoluments or advantages, other than his salary and allowances.

(2) Without prejudice to the generality of subsection (1), a judicial officer may, with the approval of the Chief Justice —

25 (a) be appointed to any commission of inquiry, committee of inquiry or other judicial, quasi-judicial or administrative tribunal, or hold any office in any institution or society for charitable purposes or for the advancement or encouragement of art, science, education or other knowledge; and

(b) receive an allowance or other honorarium in respect of that appointment or office.

## **Judicial officers not to act where interested**

**42.** No judicial officer shall, except with the approval of the Chief Justice and with the consent of the parties, investigate, try or commit for trial any proceedings to which he is a party or in which he is personally interested.

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## **Officers not to bid at sales under any written law**

**43.** No officer of the Family Justice Courts having any duty to perform in connection with the sale of any property under any written law shall, directly or indirectly, purchase or bid for the property.

## **Misconduct of officers**

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**44.—(1)** Without prejudice to any written law and rules governing the conduct and discipline of public officers, if any officer of the Family Justice Courts is charged —

(a) with extortion or misconduct while acting under colour of the process of the Family Justice Courts; or

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(b) with not duly paying or accounting for any money levied by him under the authority of this Act, the Supreme Court of Judicature Act (Cap. 322), the Family Justice Rules or the Rules of Court,

it shall be lawful for a District Judge designated as a judge of the Family Court or judge of the Youth Court, and nominated by the Presiding Judge of the Family Justice Courts, to inquire into the matter in a summary manner.

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(2) For the purpose of any such inquiry, the District Judge may summon and enforce the attendance of all necessary parties in the like manner as the attendance of witnesses in any case may be enforced.

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(3) On any such inquiry, the District Judge may make such order as he thinks just for the repayment of the money extorted or the due payment of the money levied, and for the payment of damages and costs, and also, if he thinks fit, may impose such fine upon the officer, not exceeding \$100 for each offence, as appears to him to be adequate.

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(4) If it is found by the District Judge that any officer, while employed in carrying out his duties under this Act, the Supreme Court

of Judicature Act, the Family Justice Rules or the Rules of Court or in exercising any of the powers thereof, has wilfully and corruptly exacted or accepted any fee or reward, other than such fees as are for the time being allowed under this Act, the Supreme Court of Judicature Act, the Family Justice Rules or the Rules of Court, that officer shall, in addition to being liable for damages under subsection (3), be incapable of being an officer of the Family Justice Courts.

(5) An appeal shall lie to the Chief Justice from an order made by the District Judge under this section.

(6) The decision of the Chief Justice shall be final.

### **Protection of judicial and other officers**

**45.—**(1) A judicial officer shall not be liable to be sued for any act done by him in the discharge of his judicial duty whether or not within the limits of his jurisdiction, provided that he at the time in good faith believed himself to have jurisdiction to do or order the act complained of.

(2) No officer of the Family Justice Courts charged with the duty of executing any writ, summons, warrant, order, notice or other mandatory process of the court shall be liable to be sued for the execution of or attempting to execute such writ, summons, warrant, order, notice or other mandatory process, or in respect of any damage caused to any property in effecting or attempting to effect execution, unless he knowingly acted in excess of the authority conferred upon him by such writ, summons, warrant, order, notice or other mandatory process of the court.

(3) An officer of the Family Justice Courts shall not be deemed to have acted knowingly in excess of his authority merely by reason of the existence of a dispute as to the ownership of any property seized under any writ or order of execution.

(4) No judicial officer, officer of the Family Justice Courts or court-appointed mediator shall be liable to be sued for an act done by him for the purposes of any court proceedings, or any mediation or other alternative dispute resolution process conducted by him, in the Family

Division of the High Court, a Family Court or a Youth Court, if the act —

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

### *Division 3 — Other matters*

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## **Family Justice Rules**

**46.—**(1) There shall be a Family Justice Rules Committee consisting of —

- (a) the Chief Justice, who shall be the Chairman of the Committee; 10
- (b) a Judge of the Supreme Court to be appointed by the Chief Justice for such period as the Chief Justice may specify in writing;
- (c) the Presiding Judge of the Family Justice Courts;
- (d) the registrar of the Family Justice Courts; 15
- (e) the Director of Legal Aid; and
- (f) 2 practising advocates and solicitors to be appointed by the Chief Justice for such period as the Chief Justice may specify in writing.

(2) The Family Justice Rules Committee may make Family Justice Rules regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the Family Division of the High Court, the Family Courts and the Youth Courts in all causes and matters whatsoever in or with respect to which those Courts respectively have for the time being jurisdiction (including the procedure and practice to be followed in the Registry of the Family Justice Courts) and any matters incidental to or relating to any such procedure or practice. 20 25

(3) Without prejudice to the generality of subsection (2), Family Justice Rules may be made for the following purposes: 30

- (a) prescribing the manner in which, and the time within which, any application which under this Act or any other written law

is to be made to the Family Division of the High Court, a Family Court or a Youth Court shall be made;

(b) prescribing what part of the business which may be transacted and of the jurisdiction and powers which may be exercised by a Judge, or a judge of a Family Court or Youth Court, in court or in chambers may be transacted or exercised by the Registrar (including provisions for appeals against decisions of the Registrar);

(c) regulating and prescribing the procedure to be followed on appeals from a Family Court or Youth Court to the High Court, and the procedure in connection with the transfer of any proceedings from a Family Court to the High Court or from the High Court to a Family Court;

(d) prescribing the scales of allowances, costs and fees to be taken, or paid to any party or witness, in any proceedings in the Family Division of the High Court, a Family Court or a Youth Court, and for regulating any matters relating to the costs of proceedings in such Courts;

(e) enabling proceedings —

(i) to be commenced in a Family Court against the estate of a deceased person (whether by the appointment of a person to represent the estate or otherwise) where no grant of probate or letters of administration has been made;

(ii) purporting to have been commenced in a Family Court by or against a person to be treated, if he was dead at their commencement, as having been commenced by or against, as the case may be, his estate whether or not a grant of probate or letters of administration was made before their commencement; and

(iii) commenced or treated as commenced in a Family Court by or against the estate of a deceased person to be maintained (whether by substitution of parties, amendment or otherwise) by or against, as the case may be, a person appointed to represent the estate or, if

a grant of probate or letters of administration is or has been made, by or against the personal representatives;

- (f) regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given, in any proceedings or on any application in connection with or at any stage of any proceedings; 5
- (g) regulating the joinder of parties and for prescribing in what cases persons absent, but having an interest in a cause or matter, shall be bound by any order made therein, and in what cause or matter orders may be made for the representation of absent persons by one or more parties to a cause or matter; 10
- (h) providing for the appointment of a child representative to represent the interests of a child in any proceedings involving the child, or the custody and welfare of the child, and for the remuneration of the child representative; 15
- (i) regulating the rate of interest payable on all debts, including judgment debts, or on the sums found due on taking accounts between parties, or on sums found due and unpaid by receivers or other persons liable to account to the court, except that in no case shall any rate of interest exceed 8% per annum, unless it has been otherwise agreed between the parties; 20
- (j) prescribing in what cases money due under a judgment or order is to be paid into court;
- (k) providing for the enforcement of any order of the Family Division of the High Court (in the exercise of its original or appellate civil jurisdiction) or of the Family Court; 25
- (l) regulating the modes in which a writ of seizure and sale may be executed, and the manner in which seizure may be made of any property seizable thereunder, and the mode of sale by a bailiff or any other officer of the Family Justice Courts of any property so seized, and the manner in which the right and title of purchasers of the property at any sale by any officer of the Family Justice Courts may be secured to the purchasers; 30



(*m*) regulating the discovery of a judgment debtor's property in aid of the execution of any judgment or order;

5       (*n*) the taking of evidence before an examiner on commission or by letters of request, and prescribing the circumstances in which evidence so taken may be read on the trial of an action;

(*o*) prescribing in what cases and on what conditions a court may act upon the certificate of accountants, actuaries or other scientific persons; and

10       (*p*) amending, altering or adding to the forms set out in, or in any subsidiary legislation made under, any Act referred to in the definition of "family proceedings" in section 2(1).

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

(5) At any meeting of the Family Justice Rules Committee, 5 members shall form a quorum and all questions shall be decided by a majority of votes of the members present and voting.

20       (6) No Family Justice Rules shall be made without the consent of the Chief Justice.

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

### **Savings and transitional provisions**

25       **47.**—(1) Notwithstanding sections 4, 22, 23 and 24, any family proceedings (not being probate proceedings) commenced in the High Court before the appointed date shall, on and after that date, be continued in and dealt with by the High Court as if those sections had not been enacted.

30       (2) Notwithstanding sections 4 and 22, any contentious probate proceedings commenced in the High Court before the date specified under subsection (11) shall, on and after that date, be continued in and dealt with by the High Court as if those sections had not been enacted.

(3) Any non-contentious probate proceedings commenced in the High Court before the date specified under subsection (11) shall, on and after that date, be continued in and dealt with by the Family Division of the High Court.

(4) Any family proceedings (not being probate proceedings) commenced in a District Court or Magistrate's Court before the appointed date shall, on and after that date, be continued in and dealt with by a Family Court. 5

(5) Notwithstanding sections 69(a), (b), (g), (h), (l), (m), (n) and (p) and 72(a), (g) and (i), any contentious probate proceedings commenced in a District Court before the date specified under subsection (11) shall, on and after that date, be continued in and dealt with by a District Court. 10

(6) Sections 69(a), (b), (g), (h), (l), (m), (n) and (p) and 72(a), (g) and (i) shall not apply to any contentious probate proceedings commenced in a District Court before the date specified under subsection (11); instead, the following provisions shall continue to apply to any such contentious probate proceedings as if sections 69(a), (b), (g), (h), (l), (m), (n) and (p) and 72(a), (g) and (i) had not been enacted: 15 20

(a) sections 2 (definitions of "court" and "judge"), 31, 34, 36, 39, 40, 43(2), 45, 50(1), 53, 54, 66(1) and (2) and 67(1) and (2) of the Probate and Administration Act (Cap. 251) as in force immediately before the date specified under subsection (11);

(b) sections 2 (definition of "District Court limit"), 26(a) and 27 of the State Courts Act (Cap. 321) as in force immediately before the date specified under subsection (11). 25

(7) Notwithstanding sections 4 and 23, any appeal from any contentious probate proceedings commenced in a District Court shall, if the appeal is commenced in the High Court before the date specified under subsection (11), be continued in and dealt with by the High Court, on and after that date, as if those sections had not been enacted. 30

(8) Any non-contentious probate proceedings commenced in a District Court before the date specified under subsection (11) shall, on and after that date, be continued in and dealt with by a Family Court.

5 (9) Any family proceedings transferred to a District Court before the appointed date pursuant to an order made by the Chief Justice under section 28A of the Supreme Court of Judicature Act (Cap. 322) shall, on and after that date, be continued in and dealt with by a Family Court.

10 (10) Any proceedings commenced in a Juvenile Court before the appointed date shall, on and after that date, be continued in and dealt with by a Youth Court.

(11) The Minister may, by order published in the *Gazette*, specify a date for the purposes of subsections (2), (3) and (5) to (8), and paragraph (q) of the definition of “family proceedings” in section 2(1).

15 (12) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

20 (13) In this section —

“appointed date” means the date of commencement of Parts I to IV and Divisions 1 and 2 of Part V;

“probate proceedings” means any civil proceedings under the Probate and Administration Act.

25 *Division 4 — Consequential and related amendments to other written laws*

### **Consequential and related amendments to Interpretation Act**

**48.** Section 2(1) of the Interpretation Act (Cap. 1, 2002 Ed.) is amended —

30 (a) by inserting, immediately after the definition of “export”, the following definitions:

“ “Family Court” means a Family Court constituted under section 5 of the Family Justice Act 2014;

“Family Justice Rules” means the Family Justice Rules made under the Family Justice Act 2014 and any other written law by the Family Justice Rules Committee constituted under section 46(1) of that Act;”;

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(b) by deleting the definition of “Rules of Court” and substituting the following definition:

“ “Rules of Court” means the Rules of Court made under the Supreme Court of Judicature Act (Cap. 322) and any other written law by the Rules Committee constituted under section 80(3) of that Act;”;

10

(c) by deleting the full-stop at the end of the definition of “year” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

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“ “Youth Court” means a Youth Court constituted under section 5 of the Family Justice Act 2014.”.

## **Consequential and related amendments to Administration of Muslim Law Act**

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**49.** Section 53 of the Administration of Muslim Law Act (Cap. 3, 2009 Ed.) is amended —

(a) by deleting the words “District Court” wherever they appear in subsections (1), (2), (3), (4) and (6) and substituting in each case the words “Family Court”;

25

(b) by deleting subsection (5) and substituting the following subsection:

“(5) In enforcing a custody order under subsection (2), a Family Court may exercise the powers conferred by section 14 of the Guardianship of Infants Act (Cap. 122).”; and

30

(c) by inserting, immediately after subsection (6), the following subsections:

“(7) 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 any proceedings commenced in a Family Court pursuant to subsection (1) or (2); and

(b) to provide for any matter relating to any such procedure or practice.

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

### **Related amendments to Adoption of Children Act**

**50.** The Adoption of Children Act (Cap. 4, 2012 Ed.) is amended —

(a) by deleting the definition of “court” in section 2 and substituting the following definition:

“ “court” means the High Court or a Family Court;”;

(b) by deleting subsection (1) of section 10;

(c) by deleting subsection (2) of section 10 and substituting the following subsections:

“(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules —

(a) to prescribe any matter which may be prescribed under this Act;

(b) to provide for the manner in which any application to the court is to be made, heard and determined; and

(c) to provide for all matters of procedure and incidental matters under this Act.

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

(d) by deleting the words “any rules made under this section” in section 10(3) and substituting the words “the Family Justice Rules”; and

(e) by deleting the section heading of section 10 and substituting the following section heading:

**“Procedure”.**

### **Related amendments to Central Provident Fund Act**

**51.** The Central Provident Fund Act (Cap. 36, 2013 Ed.) is amended by deleting the words “High Court” in the following provisions and substituting in each case the word “court”:

Sections 2(3)(a) and (4)(d)(i) and 70(10) (paragraph (c)(i) of the definition of “relevant person”).

### **Consequential and related amendments to Children and Young Persons Act**

**52.** The Children and Young Persons Act (Cap. 38, 2001 Ed.) is amended —

(a) by deleting the words “Juvenile Court” wherever they appear in the following provisions and substituting in each case the words “Youth Court”:

Sections 8A(1), 9(1)(a), (2), (3) and (4)(a), 10(1), 30(1), (2), (3) and (4), 32(3), (3A) and (4) and section heading, 33(1), (2)(a) and (b), (3), (4), (5), (6) and (7) and section heading, 34(1) and (2), 39(1), (2) and (3), 40(1), (2), (4) and (5) and section heading, 41(1), 42(1), (2), (3), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14) and section heading, 44(1), (2), (3), (5), (6) and (7) and section heading, 45(1), (2)(b)

and (3), 46(1), (2) and (3) and section heading, 48, 48B(1), 49(1), (2), (3A), (3B), (5), (6), (7), (8), (9) and (10) and section heading, 50(1), (1A), (2), (3) and (4) and section heading, 51(1), (2) and (3) and section heading, 52, 54(2A) and (3), 83, 84(1), (6)(a) and (7) and 85 and section heading;

(b) by deleting the heading to Part III and substituting the following heading:

“YOUTH COURT”;

(c) by deleting subsections (1) and (2) of section 32;

(d) by deleting the words “The presiding Magistrate” in section 32(3) and substituting the words “A judge of a Youth Court”;

(e) by deleting the words “Magistrate’s Court” in the following provisions and substituting in each case the words “District Court”:

Sections 32(4) and 48;

(f) by deleting the words “Juvenile Courts” in section 34(2) and substituting the words “Youth Courts”;

(g) by deleting the words “order the offender to be brought before a District Court to be dealt with” in section 44(1)(k) and substituting the words “deal with the offender, or order the offender to be brought before a District Court to be dealt with,”;

(h) by deleting the words “order the person to be brought before a District Court to be dealt with” in section 44(7)(b) and substituting the words “deal with the person, or order the person to be brought before a District Court to be dealt with,”;

(i) by deleting the words “by the District Court or a Magistrate’s Court” in section 48B(1);

(j) by deleting the words “*Juvenile Court*” in the sub-heading to Part III immediately before section 51 and substituting the words “*Youth Court*”;

(k) by inserting, immediately after the words “undergo such” in section 51(1), the word “mediation,”; and

(l) by repealing section 89 and substituting the following section:

**“Family Justice Rules**

**89.**—(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 the Youth Courts; and

(b) to provide for any matter relating to any such procedure or practice.

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

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

**Consequential amendment to Community Mediation Centres Act**

**53.** Section 18(3) of the Community Mediation Centres Act (Cap. 49A, 1998 Ed.) is amended by deleting the definition of “registrar” and substituting the following definition:

“ “registrar” means —

(a) the Registrar, the Deputy Registrar or an Assistant Registrar of the Supreme Court, in any case where proceedings are taken in the High Court (other than the Family Division thereof) or the Court of Appeal;

(b) the registrar, the deputy registrar or an assistant registrar of the Family Justice Courts, in any case where proceedings are taken in the Family



Division of the High Court, a Family Court or a Youth Court; or

- (c) the registrar or a deputy registrar of the State Courts, in any case where proceedings are taken in a State Court.”.

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### **Consequential and related amendments to Criminal Procedure Code**

**54.** The Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended —

- 10        (a) by inserting, immediately after the words “High Court,” in the definition of “court” in section 2(1), the words “a Family Court, a Youth Court,”; and
- (b) by deleting the words “Juvenile Court” wherever they appear in section 305(2) and substituting in each case the words
- 15        “Youth Court”.

### **Consequential amendment to Diplomatic and Consular Relations Act**

- 55.** Section 5(7) of the Diplomatic and Consular Relations Act (Cap. 82A, 2006 Ed.) is amended by deleting the words “a judge or
- 20        any registrar specially appointed by the Chief Justice for that purpose” and substituting the words “the registrar of the Family Justice Courts”.

### **Consequential amendments to Employment Act**

**56.** Section 75 of the Employment Act (Cap. 91, 2009 Ed.) is amended —

- 25        (a) by deleting the words “Juvenile Court” and substituting the words “Youth Court”; and
- (b) by deleting the words “Juvenile Court” in the section heading and substituting the words “Youth Court”.

## Related amendments to Evidence Act

**57.** The Evidence Act (Cap. 97, 1997 Ed.) is amended —

- (a) by inserting, immediately after the words “Rules of Court” in paragraph (b) of the *illustrations* to section 5, the words “or the Family Justice Rules (as the case may be)”; 5
- (b) by deleting paragraph (b) of section 32(4) and substituting the following paragraph:
  - “(b) in all other proceedings, with such notice requirements and other conditions as may be prescribed in the Rules of Court or the Family Justice Rules.”; 10
- (c) by inserting, immediately after the words “Supreme Court of Judicature Act (Cap. 322)” in the following provisions, the words “, and the Family Justice Rules Committee constituted under the Family Justice Act 2014,”: 15
  - Sections 36A(1) and 62A(9);
- (d) by deleting the words “or the Registrar of the State Courts” in section 45A(4) and substituting the words “, the registrar of the State Courts or the registrar of the Family Justice Courts”; and 20
- (e) by deleting subsection (8) of section 45A and substituting the following subsection:
  - “(8) In this section —
    - “registrar of the Family Justice Courts” includes the deputy registrar or an assistant registrar of the Family Justice Courts; 25
    - “registrar of the State Courts” includes a deputy registrar of the State Courts;
    - “Registrar of the Supreme Court” includes the Deputy Registrar or an Assistant Registrar of the Supreme Court.”. 30

## **Related amendments to Guardianship of Infants Act**

**58.** The Guardianship of Infants Act (Cap. 122, 1985 Ed.) is amended —

(a) by repealing section 2 and substituting the following section:

5                           **“Interpretation**

**2.** In this Act, unless the context otherwise requires,  
                          “court” means the High Court or a Family Court.”;

(b) by deleting the words “or a judge” in the following provisions:

10                       Sections 10, 11, 14, 16(1) and (3), 17, 18(1) and 19(2)  
                          and (3);

(c) by repealing section 13 and substituting the following section:

**“Production of infant**

15                       **13.** The court may, for the purpose of any application  
                          under this Act —

                          (a) direct any person appearing to have the custody  
                              of an infant to produce the infant before the  
                              court or at such other place as the court may  
                              appoint; and

20                       (b) make such order for the temporary custody and  
                              protection of the infant as the court thinks fit.”;

(d) by deleting the word “Sheriff” in section 14 and substituting  
                          the word “bailiff”;

25                       (e) by deleting the words “the judge” in the following provisions  
                              and substituting in each case the words “the court”:

                          Sections 15(1), 16(2) and 19(1);

(f) by deleting the words “a judge” in the following provisions  
                          and substituting in each case the words “the court”:

                          Sections 18(2) and 19(1);

30                       (g) by deleting the words “apply to a judge for his opinion” in  
                              section 20 and substituting the words “apply to the court for  
                              the court’s opinion”;

- (h) by deleting the word “Nothing” in section 21 and substituting the words “Unless the court otherwise orders, nothing”; and
- (i) by deleting the words “, unless in any case the High Court or a judge of the High Court otherwise orders” in section 21.

### **Consequential and related amendments to Inheritance (Family Provision) Act**

5

**59.** Section 2 of the Inheritance (Family Provision) Act (Cap. 138, 1985 Ed.) is amended —

- (a) by inserting, immediately after the definition of “annual income”, the following definition:

10

“ “court” means the High Court or a Family Court;”;  
and

- (b) by deleting the definition of “Registrar” and substituting the following definition:

“ “Registrar” means the registrar of the Family Justice Courts;”.

15

### **Consequential amendment to International Child Abduction Act**

**60.** Section 2(1) of the International Child Abduction Act (Cap. 143C, 2011 Ed.) is amended by deleting the words “Judge thereof” in the definition of “Court” and substituting the words “Family Court”.

20

### **Related amendments to Legal Aid and Advice Act**

**61.** The Legal Aid and Advice Act (Cap. 160, 2014 Ed.) is amended —

25

- (a) by deleting the definition of “judge” in section 2 and substituting the following definition:

“ “judge”, in relation to any proceedings, means the person (however described) who decided those proceedings;”;

30

(b) by inserting, immediately after the words “Rules of Court,” in the following provisions, the words “Family Justice Rules or”:

Sections 10(3) and 17(2);

5 (c) by repealing section 19 and substituting the following section:

**“Rules regulating practice and procedure of court**

**19.** Where it is necessary or convenient to do so for carrying out or giving effect to this Act or any regulations made thereunder —

10 (a) the Rules Committee constituted under section 80(3) of the Supreme Court of Judicature Act (Cap. 322) may make under section 80 of that Act rules regulating the practice and procedure of any of the following  
15 courts in which proceedings may be taken by an aided person:

(i) the Court of Appeal;

(ii) the High Court (other than the Family Division thereof);

20 (iii) any District Court;

(iv) any Magistrate’s Court; and

(b) the Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make under section 46 of that Act  
25 rules regulating the practice and procedure of any of the following courts in which proceedings may be taken by an aided person:

(i) the Family Division of the High Court;

(ii) any Family Court;

30 (iii) any Youth Court.”;

(d) by inserting, immediately after the words “Proceedings in” in paragraph 2 of Part I of the First Schedule, the words “Family Courts,”;

(e) by inserting, immediately after the words “by a” in paragraph 4 of Part I of the First Schedule, the words “Family Court or”; and

(f) by inserting, immediately after the words “In a” in paragraph 4 of Part II of the First Schedule, the words “Family Court or”. 5

## **Related amendments to Legal Profession Act**

**62.** The Legal Profession Act (Cap. 161, 2009 Ed.) is amended —

(a) by deleting the word “or” at the end of section 32(3)(a);

(b) by deleting paragraph (b) of section 32(3) and substituting the following paragraphs: 10

“(b) a judge (however described) of a Family Court or Youth Court, or the registrar, the deputy registrar or an assistant registrar of the Family Justice Courts; or 15

(c) a judge (however described) of a District Court or Magistrate’s Court, or the registrar or a deputy registrar of the State Courts.”;

(c) by inserting, immediately after the words “listed as a tout under” in section 78(1)(e), the words “section 39 of the Family Justice Act 2014,”; and 20

(d) by deleting the definitions of “court” and “Registrar” in section 116(1) and substituting the following definitions:

““court” means the High Court, a Family Court, a District Court or a Magistrate’s Court, and includes the Registrar; 25

“Registrar” means the Registrar of the Supreme Court, the registrar of the Family Justice Courts or the registrar of the State Courts, and includes — 30

(a) the Deputy Registrar or an Assistant Registrar of the Supreme Court;

- (b) the deputy registrar or an assistant registrar of the Family Justice Courts; and
- (c) a deputy registrar of the State Courts;”.

### **Related amendments to Legitimacy Act**

5     **63.** The Legitimacy Act (Cap. 162, 1985 Ed.) is amended —

- (a) by inserting, immediately before the definition of “date of legitimization” in section 2, the following definition:

“ “court” means the High Court or a Family Court;”;

- 10     (b) by deleting the words “High Court” wherever they appear in the following provisions and substituting in each case the word “court”:

Section 4(1) and paragraph (b) of the proviso to paragraph 1 of the Schedule; and

- 15     (c) by deleting subsection (8) of section 4 and substituting the following subsections:

“(8) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules for carrying the provisions of this section into effect.

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

### **Consequential and related amendments to Maintenance of Parents Act**

25     **64.** The Maintenance of Parents Act (Cap. 167B, 1996 Ed.) is amended —

- 30     (a) by deleting the words “District Court” in the following provisions and substituting in each case the words “Family Court”:

Sections 10(1) and (2) and 14(7)(g);

- (b) by deleting the words “Registrar of the Supreme Court” in section 16(1)(b) and substituting the words “registrar of the Family Justice Courts”; and
- (c) by deleting the words “Rules of Court” in section 18(3) and substituting the words “Family Justice Rules”.

5

### **Consequential and related amendments to Maintenance Orders (Facilities for Enforcement) Act**

**65.** The Maintenance Orders (Facilities for Enforcement) Act (Cap. 168, 1985 Ed.) is amended —

- (a) by deleting the definitions of “ “Magistrate’s Court” and “District Court” ” in section 2;
- (b) by deleting the words “District Court” wherever they appear in the following provisions and substituting in each case the words “Family Court”:

10

Sections 3 and 6(1), (4), (5) and (6) and section heading;

15

- (c) by deleting the words “Magistrate’s Court or District Court” wherever they appear in the following provisions and substituting in each case the words “Family Court”:

Sections 4 and 5(1), (4) and (5); and

- (d) by repealing section 8 and substituting the following section:

20

#### **“Mode of enforcing orders**

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

25

### **Consequential and related amendments to Maintenance Orders (Reciprocal Enforcement) Act**

**66.** The Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169, 1985 Ed.) is amended —

- (a) by deleting the words “Magistrate’s Court or District Court” in the following provisions and substituting in each case the words “Family Court”:

30



Sections 4(1), (4), (5) and (6) and 8(4); and

- (b) by deleting subsection (2) of section 8 and substituting the following subsection:

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

### **Related amendments to Mental Capacity Act**

**67.** The Mental Capacity Act (Cap. 177A, 2010 Ed.) is amended —

- (a) by deleting the definition of “court” in section 2(1) and substituting the following definition:

““court” means the High Court or a Family Court;”;

- (b) by deleting the words “Rules of Court” in the following provisions and substituting in each case the words “Family Justice Rules”:

Sections 37(5), 38(2), 39(2)(g) and 40(1) and (3);

- (c) by deleting the words “Rules of Court may be made” in section 39(1) and substituting the words “The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules”;

- (d) by deleting the words “Rules of Court may” in section 39(2) and substituting the words “the Family Justice Rules may”;

- (e) by deleting the words “Rules of Court” in the following provisions and substituting in each case the words “The Family Justice Rules”:

Section 39(3) and paragraph 5 of the Third Schedule;

- (f) by deleting the words “Registrar of the Supreme Court” in section 39(3) and substituting the words “registrar of the Family Justice Courts”; and

- (g) by deleting the section heading of section 39 and substituting the following section heading:

**“Family Justice Rules”.**

**Related amendment to Mental Health (Care and Treatment) Act**

5

**68.** Section 2 of the Mental Health (Care and Treatment) Act (Cap. 178A, 2012 Ed.) is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) In sections 20, 28 and 29, “court” means the High Court or a Family Court.”.

10

**Consequential and related amendments to Probate and Administration Act**

**69.** The Probate and Administration Act (Cap. 251, 2000 Ed.) is amended —

- (a) by deleting the definition of “court” in section 2 and substituting the following definition:

15

“ “court” means the High Court or a Family Court;”;

- (b) by deleting the definition of “judge” in section 2;

- (c) by deleting the definition of “registrar” in section 2 and substituting the following definition:

20

“ “registrar” means the registrar of the Family Justice Courts;”;

- (d) by deleting the words “or a judge or any registrar whom the Chief Justice may specially appoint for that purpose” in section 29(3) and substituting the words “or the registrar”;

25

- (e) by deleting the word “In” in section 29(7) and substituting the words “Subject to subsection (8), in”;

- (f) by inserting, immediately after subsection (7) of section 29, the following subsection:

“(8) A grantee of letters of administration from a Family Court shall not be required to give security for the due administration of the estate unless —

5                   (a) the person for whose use and benefit the grant is made is an infant; or

                  (b) the Family Court thinks fit to require such security.”;

(g) by deleting the words “or a judge” wherever they appear in the following provisions:

10               Sections 31, 39, 40, 43(2), 50(1), 54, 66(1) and (2) and 67(1) and (2);

(h) by repealing section 34;

(i) by deleting subsection (1) of section 35 and substituting the following subsection:

15               “(1) No probate or letters of administration granted by a District Court before the date of commencement of section 69 of the Family Justice Act 2014 shall be invalid by reason of the assets and effects of the deceased being subsequently found to be of a value which exceeds

20               \$3 million.”;

(j) by deleting the words “Registrar of the Supreme Court” in section 35(3) and substituting the words “registrar of the Family Justice Courts”;

(k) by deleting subsection (4) of section 35;

25               (l) by repealing section 36;

(m) by deleting the words “or judge” in the following provisions:

                  Sections 39, 43(2) and 66(1);

(n) by repealing section 45;

30               (o) by deleting the words “Supreme Court” in section 47(1) and (3) and substituting in each case the words “Family Justice Courts”; and

(p) by repealing section 53.

### **Consequential amendment to Probation of Offenders Act**

**70.** Section 9(2) of the Probation of Offenders Act (Cap. 252, 1985 Ed.) is amended by deleting the words “Juvenile Court” in paragraph (c) and substituting the words “Youth Court”.

### **Related amendment to Public Trustee Act**

5

**71.** Section 4(1A) of the Public Trustee Act (Cap. 260, 1985 Ed.) is amended by deleting the words “High Court” in paragraph (b) and substituting the word “court”.

### **Consequential and related amendments to State Courts Act**

**72.** The State Courts Act (Cap. 321, 2007 Ed.) is amended —

10

(a) by deleting the definition of “District Court limit” in section 2 and substituting the following definition:

“ “District Court limit” means \$250,000 or such other amount as may be specified by an order under section 30;”;

15

(b) by deleting paragraph (c) of section 3(1);

(c) by deleting the words “or a Judge” in section 17(2) and substituting the words “, the Presiding Judge of the Family Justice Courts or a Judge or Judicial Commissioner”;

(d) by inserting, immediately after subsection (3) of section 17, the following subsection:

20

“(4) Where the oath is taken before the Presiding Judge of the Family Justice Courts, he shall —

(a) enter in the record of the Family Justice Courts that the oath was duly administered and taken before him;

25

(b) transmit a certified copy of the entry to the Registrar of the Supreme Court; and

(c) transmit a certified copy of the entry to the Presiding Judge of the State Courts.”;

30

(*e*) by inserting, immediately after the words “High Court,” in section 19(3)(*c*), the words “in a Family Court, in a Youth Court,”;

(*f*) by deleting subsection (5) of section 19;

5 (*g*) by deleting paragraph (*a*) of section 26;

(*h*) by deleting paragraph (*e*) of section 26;

(*i*) by repealing section 27;

(*j*) by repealing section 55 and deleting the sub-heading to Part IV immediately before that section; and

10 (*k*) by inserting, immediately after the words “Supreme Court of Judicature Act (Cap. 322)” in section 62(7), the words “, or the list of touts under section 39 of the Family Justice Act 2014,”.

### **Consequential and related amendments to Status of Children (Assisted Reproduction Technology) Act 2013**

15 **73.** The Status of Children (Assisted Reproduction Technology) Act 2013 (Act 16 of 2013) is amended —

(*a*) by deleting the definition of “court” in section 2(1) and substituting the following definition:

20 “ “court” means the High Court or a Family Court;”;  
and

(*b*) by repealing section 14 and substituting the following section:

#### **“Family Justice Rules**

25 **14.—**(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 in respect of proceedings under this Act;

30 (*b*) to provide for the transmission of any order of court with respect to the parenthood of a child to the Registrar-General of Births and Deaths

under the Registration of Births and Deaths Act (Cap. 267); and

- (c) to provide for the costs and fees of such proceedings, and for regulating any matter relating to the costs of such proceedings.

5

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

10

### **Consequential and related amendments to Supreme Court of Judicature Act**

**74.** The Supreme Court of Judicature Act (Cap. 322, 2007 Ed.) is amended —

- (a) by inserting, immediately after the definition of “court” in section 2, the following definitions:

15

““Family Division of the High Court” means the Family Division of the High Court constituted under section 4 of the Family Justice Act 2014;

“Family Justice Rules” means the Family Justice Rules made under the Family Justice Act 2014 and any other written law by the Family Justice Rules Committee constituted under section 46(1) of that Act;”;

20

- (b) by inserting, immediately after the words “State Courts Act (Cap. 321)” in the definition of “subordinate court” in section 2, the words “, a Family Court or Youth Court constituted under the Family Justice Act 2014,”;

25

- (c) by deleting the words “Rules of Court” wherever they appear in the following provisions and substituting in each case the words “Rules of Court or Family Justice Rules”:

30

Sections 10(2), 10A(1) and (2) and 16(1)(a)(i) and (ii) and paragraphs 10 and 12 of the First Schedule;

(d) by inserting, immediately after the words “the Presiding Judge of the State Courts” in section 10(5)(a), (b), (c), (d) and (e), the words “or the Presiding Judge of the Family Justice Courts”;

5 (e) by deleting the words “Rules of Court” in section 17A(5) and (6) and substituting in each case the words “Family Justice Rules”;

(f) by deleting the words “or Rules of Court” in section 18(3) and substituting the words “, Rules of Court or Family Justice Rules”;

10

(g) by deleting the word “and” at the end of section 19(a);

(h) by deleting the full-stop at the end of paragraph (b) of section 19 and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

15 “(c) the hearing of appeals from Family Courts when exercising criminal jurisdiction; and

(d) the hearing of appeals from Youth Courts.”;

(i) by inserting, immediately before paragraph (b) of section 20, the following paragraph:

20 “(a) the hearing of appeals from Family Courts when exercising jurisdiction of a quasi-criminal or civil nature.”;

(j) by deleting the words “District Court” in section 28A(1) and (2)(b) and (c) and section heading and substituting in each case the words “District Court or Family Court”;

25

(k) by deleting the words “section 17(a) to (e)” in section 28A(2)(a)(ii) and substituting the words “section 17(b) or (c)”;

(l) by inserting, immediately after paragraph (a) of section 28A(2), the following paragraph:

30

“(aa) may confer jurisdiction on a Family Court to hear and determine any proceedings specified in the order which, but for the order, the Family

Court would not have jurisdiction to hear and determine;”;

(*m*) by inserting the word “or” at the end of section 34(2)(*c*);

(*n*) by deleting the word “; or” at the end of section 34(2)(*d*) and substituting a full-stop;

5

(*o*) by deleting paragraph (*e*) of section 34(2);

(*p*) by deleting subsection (2A) of section 34 and substituting the following subsection:

“(2A) Subsection (2)(*a*) shall not apply to any case heard and determined by the High Court in the exercise of its original jurisdiction under any written law which requires that case to be heard and determined by the High Court in the exercise of its original jurisdiction.”;

10

(*q*) by inserting, immediately after subsection (3) of section 34, the following subsections:

15

“(4) Subsections (1) and (2) shall not apply to any decision, judgment or order of the Family Division of the High Court.

(5) Except with the leave of the Court of Appeal, or of a Judge of the Family Division of the High Court, no appeal shall be brought to the Court of Appeal from any decision, judgment or order of the Family Division of the High Court involving the exercise of the appellate civil jurisdiction referred to in section 23 of the Family Justice Act 2014.”;

20

25

(*r*) by inserting, immediately after subsection (6) of section 73, the following subsection:

“(7) A person whose name appears in the list of touts under section 39 of the Family Justice Act 2014, or the list of touts under section 62 of the State Courts Act (Cap. 321), shall be deemed to be included in the list under this section, and vice versa.”;

30



(s) by deleting the words “made under this Act” in paragraph 8 of the First Schedule and substituting the words “or Family Justice Rules”; and

(t) by inserting, immediately after paragraph 19 of the First Schedule, the following paragraphs:

**“Examination and assessment of child, etc.**

20. Power, in any proceedings involving the custody or welfare of a child or involving a person —

(a) to appoint a registered medical practitioner, psychologist, counsellor, social worker or mental health professional to examine and assess the child or person (as the case may be) for the purposes of preparing expert evidence for use in those proceedings; and

(b) to prohibit from being adduced in those proceedings any evidence arising out of an examination or assessment of the child or person by any person who is not so appointed.

**Ordering mediation, counselling or participation in family support programme or activity**

21. Power to order any party to any proceedings, or any child who is a subject of those proceedings, to undergo such mediation or counselling, or to participate in such family support programme or activity (that is to say, 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), as the court may direct.”.

**Related amendments to Voluntary Sterilization Act**

**75.** The Voluntary Sterilization Act (Cap. 347, 2013 Ed.) is amended —

(a) by inserting, immediately before the definition of “health institution” in section 2, the following definition:

“ “court” means the High Court or a Family Court;”;  
and

(b) by deleting the words “High Court” in section 3(2)(d) and (e) and substituting in each case the word “court”.

## Consequential and related amendments to Women's Charter

76. The Women's Charter (Cap. 353, 2009 Ed.) is amended —

- (a) by inserting, immediately after the definition of “Conciliation Officer” in section 2, the following definition:

“ “court” —

5

(a) for the purposes of sections 13, 17, 20 and 59 and Parts VIII and X, means the High Court or a Family Court;

(b) for the purposes of Part VII, means a Family Court; and

10

(c) for the purposes of Part IX, means the High Court or a Family Court, and includes the Syariah Court constituted under the Administration of Muslim Law Act (Cap. 3);”;

15

- (b) by deleting the words “High Court” wherever they appear in the following provisions and substituting in each case the word “court”:

Sections 13(2)(b), (3), (4) and (5), 17(2)(b)(ii) and 20(2), (3), (4) and (7);

20

- (c) by deleting the words “made to a judge” in section 13(4) and substituting the word “heard”;

- (d) by deleting the words “a judge” in section 13(7) and substituting the words “the court”;

- (e) by deleting the words “any Judge of the High Court” in section 59(1) and substituting the words “the court”;

25

- (f) by deleting the words “the Judge” in section 59(1) and substituting the words “the court”;

- (g) by deleting the word “he” wherever it appears in section 59(1) and substituting in each case the words “the court”;

30

- (h) by deleting subsections (2) and (3) of section 59 and substituting the following subsection:

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

(i) by deleting the definition of “court” in section 64;

(j) by deleting subsection (2) of section 67;

5 (k) by deleting the words “a District Court or a Magistrate’s Court and that Court” in section 69(1) and substituting the words “the court, and the court”;

(l) by deleting the words “A District Court or a Magistrate’s Court” in section 69(2) and substituting the words  
10 “The court”;

(m) by deleting the words “rules made under this Act” in section 71(1)(c) and substituting the words “Family Justice Rules made under section 79”;

(n) by deleting the words “District Court” wherever they appear  
15 in the following provisions and substituting in each case the words “Family Court”:

Sections 71(3) and 81(2);

(o) by inserting, immediately after the word “rules” in section 71C(3)(c), the words “under section 180”;

20 (p) by deleting the words “a District Court or a Magistrate’s Court, as the case may be,” in section 75(1) and substituting the words “a court,”;

(q) by deleting the words “the District Court or the Magistrate’s Court” wherever they appear in the following provisions and  
25 substituting in each case the words “the Family Court”:

Sections 76(1) and (2) and 77(3);

(r) by deleting the words “District Court or Magistrate’s Court” in the section heading of section 76 and substituting the words “Family Court”;

30 (s) by deleting subsection (1) of section 77 and substituting the following subsection:

“(1) Subject to the provisions of this Part and Part VII, an appeal shall lie from any order or the refusal of any

order by a Family Court under this Part and Part VII to the Family Division of the High Court exercising appellate civil jurisdiction under section 23 of the Family Justice Act 2014.”;

- (*t*) by repealing section 78; 5
- (*u*) by deleting the words “the rules made under subsection (1A)” in section 79(1) and substituting the words “Family Justice Rules made under this section”;
- (*v*) by deleting the words “a District Court or a Magistrate’s Court” in section 79(1) and substituting the words “a Family Court”; 10
- (*w*) by deleting the words “the District Court or the Magistrate’s Court” in section 79(1) and substituting the words “a District Court or Magistrate’s Court”;
- (*x*) by deleting subsections (1A), (2) and (3) of section 79 and substituting the following subsections: 15
  - “(1A) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules regulating and prescribing the procedure and the practice to be followed for the purposes of this Part and Part VII and any matters incidental to or relating to any such procedure or practice. 20
  - (2) Without prejudice to the generality of subsection (1A), Family Justice Rules may be made for the following purposes: 25
    - (*a*) prescribing the procedure for applications to the Family Court under this Part and Part VII;
    - (*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*); 30

(c) prescribing how any document (other than a summons issued under this Part) may be served on any person;

(d) prescribing the procedure applicable to appeals from the Family Court brought under section 77;

(e) prescribing the fees payable in relation to proceedings under this Part and Part VII.

(3) The Family Justice Rules made under this section may, instead of providing for any matter, 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.

(3A) All Family Justice Rules made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.”;

(y) by deleting the words “by a District Court or Family Court” in section 79A(1);

(z) by deleting the definition of “court” in section 80;

(za) by deleting the definition of “court” in section 92;

(zb) by deleting the words “Rules of Court” in the following provisions and substituting in each case the words “Family Justice Rules made under section 139”:

Sections 94(2) and 133;

(zc) by deleting the words “Rules of Court” in section 96 and substituting the words “the Family Justice Rules made under section 139”;

(zd) by deleting the words “rules made by the committee constituted under section 139” in the following provisions and substituting in each case the words “Family Justice Rules made under section 139”:

Sections 121B and 121D(1);

(ze) by repealing section 135;

(zf) by repealing section 139 and substituting the following section:

**“Family Justice Rules**

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

(2) Without prejudice to the generality of subsection (1), Family Justice Rules may be made for the following purposes:

(a) fixing and regulating the fees and costs payable in proceedings under this Part; and

(b) providing for the forms to be used in proceedings under this Part.

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

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

(zg) by deleting the word “prescribed” in section 169(1) and substituting the words “made under section 180”;

(zh) by deleting the words “section 139” in section 180(1) and substituting the words “sections 79 and 139”; and

(zi) by deleting the word “Act” in section 180(2) and (3) and substituting in each case the word “section”.

## THE SCHEDULE

Section 20(1)

### FORMS OF OATHS AND AFFIRMATIONS

#### 1. OATHS OF OFFICE AND ALLEGIANCE OF REGISTRAR

5 I, ....., having been  
appointed to the office of .....,  
do solemnly swear (or affirm) that I will faithfully discharge my judicial duties  
and I will do right to all manner of people after the laws and usages of the  
10 Republic of Singapore without fear or favour, affection or ill-will to the best of  
my ability, and I will be faithful and bear true allegiance to the Republic of  
Singapore.

Taken and subscribed before me at ..... this .....  
day of .....

Officer Administering the Oath

#### 15 2. OATH OF OFFICE OF INTERPRETER

I, ....., having been  
appointed an interpreter of the Family Justice Courts, do solemnly swear (or  
affirm) that I will faithfully interpret, translate and transcribe from the  
..... language into the English language and from  
20 the English language into the ..... language to the best of my  
knowledge, skill and ability and without fear or favour, affection or ill-will.

Taken and subscribed before me at ..... this .....  
day of .....

Officer Administering the Oath

THE SCHEDULE — *continued*3. OATH OF OFFICE OF  
OTHER OFFICER OF FAMILY JUSTICE COURTS

I, ....., having been appointed  
to the office of ..... in the 5  
Family Justice Courts, do solemnly swear (or affirm) that I will not use or  
exercise my office corruptly during the time that I remain therein, neither will I  
take or accept by any means whatsoever any fee or reward from any person or  
persons, but will truly and faithfully and with convenient speed execute the  
duties assigned to me and will make true and faithful returns as to the manner 10  
and time of the execution of all writs, summonses, warrants, orders, notices and  
other mandatory processes given to me.

Taken and subscribed before me at ..... this .....  
day of ..... .

Officer Administering the Oath 15

## EXPLANATORY STATEMENT

This Bill seeks to provide for the constitution, jurisdiction and powers of the  
Family Justice Courts and the administration of justice therein.

The Bill also makes consequential and related amendments to other written laws.

## PART I

## PRELIMINARY

Part I (comprising clauses 1 and 2) relates to preliminary matters.

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

## PART II

## FAMILY JUSTICE COURTS

Part II (comprising clauses 3 to 11) relates to the constitution of the Family  
Justice Courts and certain matters concerning those Courts.



Clause 3 declares that the Family Justice Courts will consist of the Family Division of the High Court, the Family Courts and the Youth Courts.

Clause 4 constitutes the Family Division of the High Court, and requires certain jurisdiction of the High Court to be exercised through its Family Division. The Supreme Court of Judicature Act (Cap. 322) will continue to apply to the Family Division of the High Court, subject to the Bill.

Clause 5 constitutes the Family Courts and the Youth Courts as subordinate courts. The Family Courts will perform functions currently performed by District Courts in the Family and Juvenile Justice Division of the State Courts. The Youth Courts will perform functions currently performed by the Juvenile Courts.

Clause 6 provides for the President to appoint the court house or court houses of the Family Justice Courts.

Clause 7 empowers the Chief Justice to prescribe the seal or seals of the Family Justice Courts.

Clause 8 provides for every mandatory process issued by the Family Justice Courts to be signed by a judicial officer of those Courts and to bear the seal of the issuing court.

Clause 9 provides for when a Family Court, a Youth Court or a judicial officer of the Family Justice Courts will sit. Sittings of the Family Division of the High Court will continue to be governed by section 11 of the Supreme Court of Judicature Act.

Clause 10 provides that matters and proceedings in a Family Justice Court will normally be heard in camera. A Family Justice Court is also given powers to prevent the identification of witnesses in proceedings before the Court.

Clause 11 empowers a Family Court or Youth Court to punish for contempt of court in certain circumstances. The power of the Family Division of the High Court to punish for contempt of court will continue to be governed by section 7 of the Supreme Court of Judicature Act.

### PART III

#### APPOINTMENTS, POWERS AND DUTIES

Part III (comprising clauses 12 to 21) relates to the appointment, powers and duties of various persons involved in the operations of the Family Justice Courts.

Clause 12 provides for the appointment of the Presiding Judge of the Family Justice Courts. The Presiding Judge is a Judge or Judicial Commissioner of the Supreme Court. However, the Presiding Judge may sit in any Family Court or Youth Court and act as a judge thereof. The Presiding Judge is appointed by the

President on the recommendation of the Chief Justice, for such period as the Chief Justice may recommend.

Clause 13 provides for the designation of judges of the Family Courts. A Family Court is presided over by a District Judge or Magistrate designated by the Chief Justice as a judge of the Family Court. The Chief Justice may determine the period for which a person is designated as a judge of the Family Court.

Clause 14 provides for the designation of judges of the Youth Courts. A Youth Court is presided over by a District Judge or Magistrate designated by the Chief Justice as a judge of the Youth Court. The Chief Justice may determine the period for which a person is designated as a judge of the Youth Court.

Clause 15 provides for the appointment and qualifications of the registrar, deputy registrar and assistant registrars of the Family Justice Courts. These persons are appointed by the President on the recommendation of the Chief Justice. A person must be a qualified person under the Legal Profession Act (Cap. 161) before he can be appointed as the registrar, the deputy registrar or an assistant registrar of the Family Justice Courts.

Clause 16 provides for the jurisdiction, powers and duties of the registrar, deputy registrar and assistant registrars of the Family Justice Courts to be prescribed by the Family Justice Rules or, prior to their enactment, the Rules of Court.

Clause 17 provides for the appointment of officers of the Family Justice Courts, such as commissioners for oaths, interpreters, clerks, bailiffs, process servers, counsellors, social workers and psychologists.

Clause 18 sets out certain powers and duties of the bailiffs and process servers of the Family Justice Courts, such as powers and duties relating to the execution of certain processes of the Family Justice Courts.

Clause 19 empowers the registrar, the deputy registrar or an assistant registrar of the Family Justice Courts to authorise a solicitor, or an employee of a solicitor, to act as a bailiff, subject to the directions of the Presiding Judge of the Family Justice Courts.

Clause 20 and the Schedule provide for the taking of oaths of office by the registrar, deputy registrar and assistant registrars, and certain other officers, of the Family Justice Courts. The only oath of office which a District Judge or Magistrate designated as a judge of a Family Court, or as a judge of a Youth Court, is required to take is the oath of office provided for under section 17 of, and the Schedule to, the State Courts Act (Cap. 321).

Clause 21 requires all appointments and revocations made under Part III to be published in the *Gazette*. There is no need to publish a designation made under Part III.

## PART IV

### JURISDICTION

Part IV (comprising clauses 22 to 35) provides for matters relating to the jurisdiction of each constituent of the Family Justice Courts, and of the registrar, deputy registrar and assistant registrars of those Courts (collectively referred to as the Registrar).

Division 1 of Part IV (comprising clauses 22 to 25) deals with the jurisdiction of the Family Division of the High Court.

Clause 22 sets out the part of the civil jurisdiction of the High Court which must be exercised through the Family Division of the High Court. This consists of the jurisdiction conferred on the High Court by sections 17(a), (d), (e) and (f) and 17A of the Supreme Court of Judicature Act, and such other jurisdiction relating to family proceedings as is vested in or conferred on the High Court by any written law. The Family Division of the High Court, when exercising such jurisdiction, has all the powers of the High Court in the exercise of its original civil jurisdiction.

Clause 23 sets out the part of the appellate civil jurisdiction of the High Court which must be exercised through the Family Division of the High Court. This consists of the hearing of appeals from Family Courts when exercising jurisdiction of a quasi-criminal or civil nature, and the hearing of appeals and special cases from the Tribunal for the Maintenance of Parents. An appeal from a decision of a Family Court may be heard before one Judge or 3 Judges and, if heard before 3 Judges, will be decided in accordance with the opinion of the majority of the Judges composing the High Court.

Clause 24 sets out the part of the appellate criminal jurisdiction of the High Court which must be exercised through the Family Division of the High Court. This consists of the hearing of appeals from Family Courts when exercising criminal jurisdiction, and the hearing of appeals from Youth Courts. An appeal from a decision of a Family Court or Youth Court may be heard before one Judge or 3 Judges and, if heard before 3 Judges, will be decided in accordance with the opinion of the majority of the Judges composing the High Court.

Clause 25 clarifies that the Family Division of the High Court may exercise the entire original and appellate civil and criminal jurisdiction of the High Court under the Supreme Court of Judicature Act and under any other written law. However, in practice, the Family Division of the High Court will focus on matters over which the jurisdiction of the High Court must be exercised through the Family Division.

Division 2 of Part IV (comprising clauses 26 to 29) deals with the jurisdiction of the Family Courts.

Clause 26 sets out the jurisdiction of the Family Courts.

- (a) Generally, a Family Court has all the civil jurisdiction of the High Court referred to in clause 22(1)(a) and (b), and such other jurisdiction relating to family proceedings as is conferred on a Family Court by any written law.
- (b) However, the Chief Justice may by order published in the *Gazette* direct that certain types of family proceedings must be heard and determined by the Family Division of the High Court. The jurisdiction of a Family Court also does not include any supervisory or revisionary jurisdiction; any jurisdiction relating to the judicial review of any act done or decision made by any person or authority; any jurisdiction vested exclusively in another court, or in any judicial, quasi-judicial or administrative tribunal, by written law; or any jurisdiction expressly excluded by written law.
- (c) The criminal jurisdiction of a Family Court is the same as that of a District Court.
- (d) A Family Court also has the power to order any party to proceedings in a Family Court, or any child who is a subject of such proceedings, to undergo mediation or counselling, or to participate in a family support programme or activity.

Clause 27 empowers a Family Court to summon appropriate persons to sit with the Court and act as assessors to assist the Court.

Clause 28 empowers a Family Court to appoint, in proceedings involving the custody or welfare of a child or involving a person, a registered medical practitioner, psychologist, counsellor, social worker or mental health professional to examine and assess the child or person for the purposes of preparing expert evidence for those proceedings.

Clause 29 empowers the High Court or a Family Court to order the transfer of any proceedings in a Family Court to the High Court, if there is sufficient reason for those proceedings to be tried in the High Court. The clause also empowers the High Court to transfer any proceedings in the High Court to a Family Court, if the High Court thinks fit.

Division 3 of Part IV (comprising clauses 30 and 31) deals with the jurisdiction of the Registrar.

Clause 30 enables the Registrar to exercise, to the extent authorised by the Bill, the Family Justice Rules or any other written law, any jurisdiction and powers conferred on the Family Division of the High Court or a Family Court.

Clause 31 enables, and sets out the conditions for, the Registrar to execute a deed, sign a document or indorse a negotiable instrument on behalf of a party who

has been ordered by the Family Division of the High Court or a Family Court to do so, but is absent, or neglects or refuses to do so.

Division 4 of Part IV (comprising clauses 32, 33 and 34) deals with certain matters relating to appeals from Family Courts.

Clause 32 provides for the Family Justice Rules or, prior to their enactment, the Rules of Court to regulate and prescribe the procedure on appeals from a Family Court exercising jurisdiction of a quasi-criminal or civil nature to the High Court.

Clause 33 precludes the bringing of an appeal from any judgment or order of a Family Court exercising civil jurisdiction, if the parties have agreed in writing that the judgment or order will be final.

Clause 34 provides that an appeal from a Family Court exercising civil jurisdiction will not operate as a stay of execution or of proceedings under the judgment or order appealed from, unless the Family Court or the High Court so orders.

Division 5 of Part IV (consisting of clause 35) deals with the jurisdiction of the Youth Courts.

Clause 35 provides for a Youth Court to have the jurisdiction and powers conferred on it by the Children and Young Persons Act (Cap. 38). When exercising criminal jurisdiction or jurisdiction of a quasi-criminal nature, a Youth Court has all the powers of a District Court exercising criminal jurisdiction. A Youth Court also has the power to order any party to proceedings in a Youth Court to undergo mediation or counselling, or to participate in a family support programme or activity.

## PART V

### MISCELLANEOUS PROVISIONS

Part V (comprising clauses 36 to 76) contains miscellaneous provisions.

Division 1 of Part V (comprising clauses 36 to 40) deals with certain matters concerning the administration of the Family Justice Courts.

Clause 36 establishes the Registry of the Family Justice Courts and provides for its operating hours.

Clause 37 provides for the distribution of business in the Family Justice Courts in accordance with directions given, with the concurrence of the Chief Justice, by the Presiding Judge of those Courts.

Clause 38 empowers the Chief Justice to authorise vacations for Family Courts not exceeding 15 days in any calendar year. Vacations for the Family Division of the High Court will continue to be provided for under section 12 of the Supreme

Court of Judicature Act. There is no corresponding provision for vacations for Youth Courts, as the Youth Courts exercise criminal jurisdiction.

Clause 39 enables the registrar of the Family Justice Courts to publish a list of touts, and to exclude any person whose name is on that list from the precincts of those Courts, unless that person is a party to or witness in any proceedings in a Family Justice Court.

Clause 40 empowers a Family Court or Youth Court to impound any document produced before it.

Division 2 of Part V (comprising clauses 41 to 45) provides for the disabilities of, and the statutory protection conferred on, judicial officers of the Family Justice Courts and other officers of those Courts.

Clause 41 disqualifies a judicial officer of the Family Justice Courts from holding any other office of emolument, carrying on any business, or accepting any remuneration or perquisites other than his salary or allowance, unless he has the approval of the Chief Justice to do so.

Clause 42 disqualifies a judicial officer of the Family Justice Courts from dealing with a matter in which he is personally interested, except with the approval of the Chief Justice and the consent of the parties.

Clause 43 prohibits an officer of the Family Justice Courts from purchasing or bidding for any property in respect of which he has a duty to perform in connection with the sale of the property.

Clause 44 provides for the conducting of an inquiry into certain types of misconduct by an officer of the Family Justice Courts. The inquiry will be conducted in a summary manner by a District Judge designated as a judge of the Family Court or judge of the Youth Court, and nominated by the Presiding Judge of the Family Justice Courts.

Clause 45 provides for the protection of judicial officers of the Family Justice Courts, and other officers of those Courts, for acts done in the discharge of their duties.

Division 3 of Part V (comprising clauses 46 and 47) deals with other miscellaneous matters under the Bill.

Clause 46 provides for the constitution of the Family Justice Rules Committee, and empowers that Committee to make Family Justice Rules for regulating and prescribing the procedure and practice to be followed in the Family Justice Courts. The Family Justice Rules will replace the Rules of Court (Cap. 322, R 5), the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4) and the Women's Charter (Garnishee Proceedings) Rules (Cap. 353, R 6) for proceedings conducted in the Family Justice Courts.

Clause 47 contains savings and transitional provisions. Among other things, these provisions set out how certain proceedings commenced in the High Court, a District Court, a Magistrate's Court or a Juvenile Court, or transferred to a District Court (pursuant to an order made by the Chief Justice under section 28A of the Supreme Court of Judicature Act), before the date of commencement of certain provisions of the Bill, or the date specified under clause 47(11), are to be continued and dealt with after the relevant date.

Division 4 of Part V (comprising clauses 48 to 76) deals with the consequential and related amendments to be made to the following written laws:

- (a) Interpretation Act (Cap. 1);
- (b) Administration of Muslim Law Act (Cap. 3);
- (c) Adoption of Children Act (Cap. 4);
- (d) Central Provident Fund Act (Cap. 36);
- (e) Children and Young Persons Act;
- (f) Community Mediation Centres Act (Cap. 49A);
- (g) Criminal Procedure Code (Cap. 68);
- (h) Diplomatic and Consular Relations Act (Cap. 82A);
- (i) Employment Act (Cap. 91);
- (j) Evidence Act (Cap. 97);
- (k) Guardianship of Infants Act (Cap. 122);
- (l) Inheritance (Family Provision) Act (Cap. 138);
- (m) International Child Abduction Act (Cap. 143C);
- (n) Legal Aid and Advice Act (Cap. 160);
- (o) Legal Profession Act;
- (p) Legitimacy Act (Cap. 162);
- (q) Maintenance of Parents Act (Cap. 167B);
- (r) Maintenance Orders (Facilities for Enforcement) Act (Cap. 168);
- (s) Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169);
- (t) Mental Capacity Act (Cap. 177A);
- (u) Mental Health (Care and Treatment) Act (Cap. 178A);
- (v) Probate and Administration Act (Cap. 251);
- (w) Probation of Offenders Act (Cap. 252);

- (x) Public Trustee Act (Cap. 260);
- (y) State Courts Act;
- (z) Status of Children (Assisted Reproduction Technology) Act 2013 (Act 16 of 2013);
- (za) Supreme Court of Judicature Act;
- (zb) Voluntary Sterilization Act (Cap. 347);
- (zc) Women's Charter (Cap. 353).

## EXPENDITURE OF PUBLIC MONEY

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

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