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## No. S 301

### FAMILY JUSTICE ACT 2014 (ACT 27 OF 2014)

#### FAMILY JUSTICE (AMENDMENT) RULES 2016

In exercise of the powers conferred on us by section 46 of the Family Justice Act 2014 and all other powers enabling us under any written law, we, the Family Justice Rules Committee, make the following Rules:

#### **Citation and commencement**

1. These Rules are the Family Justice (Amendment) Rules 2016 and come into operation on 1 July 2016.

#### **Amendment of rule 32**

2. Rule 32(3) of the Family Justice Rules 2014 (G.N. No. S 813/2014) (called in these Rules the principal Rules) is amended by deleting the words “on the child and”.

#### **New rule 87A**

3. The principal Rules are amended by inserting, immediately after rule 87, the following rule:

**“Evidence that husband or former husband is incapacitated from earning a livelihood, etc.**

**87A.**—(1) An application by an incapacitated husband or incapacitated former husband (called in this rule the husband) for maintenance under section 113(1) from his wife or former wife (as the case may be) must be supported by a report given by a registered medical practitioner stating all of the following matters:

- (a) the nature of the physical or mental disability or illness causing the husband to be incapacitated from earning a livelihood;

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- (b) the date on which the husband began to suffer from that physical or mental disability or illness;
  - (c) the extent to which the husband is incapacitated, by that physical or mental disability or illness, from earning a livelihood;
  - (d) the period during which the husband is incapacitated, by that physical or mental disability or illness, from earning a livelihood.

(2) Despite paragraph (1), the Court may, in its discretion, allow the application mentioned in that paragraph to be supported by a report which states the matters mentioned in paragraph (1)(a) to (d), but is given by a foreign doctor, if the Court is satisfied that there is good reason to do so.

(3) The Court may require a report mentioned in paragraph (2) to be accompanied by documentary evidence of the foreign registration of the foreign doctor giving the report.

(4) In this rule —

“foreign doctor” means an individual who is duly authorised or registered to practise medicine in a state or territory other than Singapore by a foreign authority having the function conferred by law of authorising or registering individuals to practise medicine in that state or territory;

“foreign registration”, in relation to a foreign doctor, means the authorisation or registration of the foreign doctor to practise medicine in a state or territory other than Singapore by a foreign authority having the function conferred by law of authorising or registering individuals to practise medicine in that state or territory.”.

#### **Amendment of rule 96**

4. Rule 96(1) of the principal Rules is amended by deleting the words “the period fixed by the Court for making the judgment final” and substituting the words “3 months from the grant of the interim

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judgment or such shorter period as the Court may fix under section 99(1)".

### **New rule 99A**

5. The principal Rules are amended by inserting, immediately before rule 100 in Division 3 of Part 5, the following rule:

#### **“Absence of respondent**

**99A.**—(1) This rule and section 156 of the Criminal Procedure Code (Cap. 68) —

(a) set out different circumstances in which the Court may proceed, in the absence of the respondent, to hear and determine an application for a protection order; and

(b) are independent of each other.

(2) The Court may proceed, in the absence of the respondent, to hear and determine an application for a protection order, if —

(a) the respondent —

(i) does not appear at the time and place mentioned in the summons; or

(ii) without reasonable excuse, does not appear at the time and place to which the application is adjourned;

(b) it appears to the Court on oath or affirmation that the summons was duly served on the respondent a reasonable time before the time appointed in the summons for appearing; and

(c) no sufficient ground is shown for an adjournment.

(3) A summons for an application for a protection order must be endorsed with a statement of the matters set out in paragraph (2).

(4) To avoid doubt, where the Court hears an application for a protection order in the absence of the respondent, the Court may —

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- (a) examine the applicant and any witness called in support of the application; and
  - (b) make a protection order if the Court is satisfied that the requirements for making the order have been met.

(5) Where the Court makes a protection order at a hearing, in the absence of the respondent, of an application for a protection order, the applicant must serve the order on the respondent —

- (a) by delivering it to the respondent personally;
- (b) by sending it by prepaid registered post to the last known address of the place of residence or business of the respondent; or
- (c) by affixing it to a conspicuous part of the last known address of the place of residence of the respondent.

(6) A protection order sent to the respondent by prepaid registered post in accordance with paragraph (5)(b) is to be treated as duly served on the respondent at the time when the order would in the ordinary course of post be delivered.

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

(8) Where a protection order is made in the absence of the respondent, the order must —

- (a) indicate that the order was made in the absence of the respondent; and
- (b) be accompanied by a memorandum stating that the respondent may apply under section 67(1) to revoke a protection order that was made in the absence of the respondent.

(9) Paragraphs (2) to (7) and (8)(a) apply, with the following modifications, to an application under section 67(1) to vary, suspend or revoke a protection order:

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- (a) any reference to an application for a protection order, or to a summons for an application for a protection order, is to be construed as a reference to the application under section 67(1);
  - (b) any reference to a protection order is to be construed as a reference to an order, made pursuant to the application under section 67(1), to vary, suspend or revoke a protection order;
  - (c) any reference to an applicant is to be construed as a reference to the person making the application under section 67(1);
  - (d) any reference to the respondent is to be construed as a reference to the person against whom the application under section 67(1) is made.
- (10) To avoid doubt, in this rule, “protection order” includes any order mentioned in section 65(5)(a), (b) or (c).”.

### **New rule 114A**

6. The principal Rules are amended by inserting, immediately after rule 114, the following rule:

**“Evidence that husband is incapacitated from earning a livelihood, etc.**

**114A.**—(1) An application under section 69(1A) by an incapacitated husband for maintenance from his wife must be supported by a report given by a registered medical practitioner stating all of the following matters:

- (a) the nature of the physical or mental disability or illness causing the husband to be incapacitated from earning a livelihood;
- (b) the date on which the husband began to suffer from that physical or mental disability or illness;
- (c) the extent to which the husband is incapacitated, by that physical or mental disability or illness, from earning a livelihood;

(d) the period during which the husband is incapacitated, by that physical or mental disability or illness, from earning a livelihood.

(2) Despite paragraph (1), the Court may, in its discretion, allow the application mentioned in that paragraph to be supported by a report which states the matters mentioned in paragraph (1)(a) to (d), but is given by a foreign doctor, if the Court is satisfied that there is good reason to do so.

(3) The Court may require a report mentioned in paragraph (2) to be accompanied by documentary evidence of the foreign registration of the foreign doctor giving the report.

(4) In this rule —

“foreign doctor” means an individual who is duly authorised or registered to practise medicine in a state or territory other than Singapore by a foreign authority having the function conferred by law of authorising or registering individuals to practise medicine in that state or territory;

“foreign registration”, in relation to a foreign doctor, means the authorisation or registration of the foreign doctor to practise medicine in a state or territory other than Singapore by a foreign authority having the function conferred by law of authorising or registering individuals to practise medicine in that state or territory.”.

### **Amendment of rule 119**

7. Rule 119(2) of the principal Rules is amended by deleting the words “section 79(1)” and substituting the words “section 79(4)”.

### **New Division 6 of Part 5**

8. The principal Rules are amended by inserting, immediately after rule 131, the following Division:

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*“Division 6 — Additional matters relating to procedure and practice for proceedings under Parts VII and VIII of Act*

**Service of summons**

**131A.**—(1) Despite anything in the Criminal Procedure Code (Cap. 68), a summons issued against a person under Part VIII of the Act (except an application made under section 69 or 70) may be served on that person —

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

(2) Any summons sent by prepaid registered post in accordance with paragraph (1)(d) to the person against whom the summons is issued is to be treated as duly served on that person at the time when the summons would in the ordinary course of post be delivered.

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

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**Examination of complaint**

**131B.**—(1) Despite anything in section 151(2) of the Criminal Procedure Code (Cap. 68), where an application under Part VII or VIII of the Act is made by a complainant who is represented by an advocate and solicitor, the Magistrate to whom the complaint is made may, instead of complying with section 151(2)(a) of that Code —

(a) allow the complainant to submit a written complaint which satisfies all of the following requirements:

(i) the written complaint has been sworn or affirmed by the complainant before a commissioner for oaths or any other person duly authorised to administer oaths and affirmations;

(ii) the written complaint contains a declaration by the complainant that —

(A) the matters stated in the written complaint are true and correct; and

(B) the complainant understands that the complainant commits an offence under section 199 of the Penal Code (Cap. 224) if the complainant makes, in the written complaint, any statement which is false, and which the complainant knows or believes to be false or does not believe to be true, touching any point material to the object for which the written complaint is made or used; and

(b) examine the written complaint.

(2) After examining the written complaint under paragraph (1)(b), the Magistrate may —

(a) exercise any of the powers under section 151(2)(b), 152 or 153 of the Criminal Procedure Code; or

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- (b) postpone consideration of the matter until after the Magistrate has examined the complainant in person on oath or affirmation.

**Relevant provisions of Criminal Procedure Code and other written law**

**131C.** For the purposes of section 79(4)(b)(ii), an application to a Family Court under Part VII or VIII of the Act is to be dealt with —

- (a) in accordance with only the provisions of the Criminal Procedure Code (Cap. 68) set out in the Sixth Schedule; and
- (b) if the application involves the giving of evidence through a live video or live television link, in accordance with section 62A of the Evidence Act (Cap. 97).”.

**Amendment of rule 186**

**9.** Rule 186 of the principal Rules is amended by inserting, immediately after paragraph (4), the following paragraph:

“(5) Despite this rule, the Court may, on its own motion or on the plaintiff’s or applicant’s application, dispense with service of all or any of the documents mentioned in paragraph (1) on all or any of the persons mentioned in that paragraph.”.

**Amendment of rule 189**

**10.** Rule 189 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraphs:

“(3) The Court may direct any party to any proceedings under the Act to serve on the Public Guardian any document filed by any party in those proceedings.

(4) The Registrar may, if the Registrar thinks fit, serve on the Public Guardian a copy of any document filed by any party in any proceedings under the Act.”.

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**Amendment of rule 243**

11. Rule 243(8) of the principal Rules is amended by deleting the words “sealed with the seal of the Family Justice Courts”.

**Amendment of rule 369**

12. Rule 369 of the principal Rules is amended by deleting the words “rule 299 and” in paragraphs (3) and (4).

**Deletion and substitution of rule 608**

13. Rule 608 of the principal Rules is deleted and the following rule substituted therefor:

**“Attendance of prisoner as witness or party**

**608.**—(1) The Court may, on its own motion or on a party’s application, make an order under section 38 of the Prisons Act (Cap. 247) for the production before the Court of a person confined in a prison.

(2) A party’s application under paragraph (1) must be made by ex parte summons supported by an affidavit in Form 124.

(3) Where the Court, on a party’s application under paragraph (1), makes an order for the production of a witness, the costs of conveyance of the witness in safe custody to and from the Court must be paid in the first instance by that party, and are costs in the cause.

(4) An order for the production of a person confined in a prison must be in Form 125.”.

**Deletion and substitution of rule 635**

14. Rule 635 of the principal Rules is deleted and the following rule substituted therefor:

**“Calling of other expert witnesses**

**635.** Where a court expert is appointed in a cause or matter, a party cannot call, without the leave of the Court, any other expert witness to give evidence on the question reported on by the court expert.”.

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**Amendment of rule 671**

**15.** Rule 671 of the principal Rules is amended —

- (a) by deleting the words “Subject to paragraph (2), where” in paragraph (1) and substituting the word “Where”; and
- (b) by deleting paragraph (2) and substituting the following paragraph:

“(2) Despite paragraph (1), the Court may, on such terms as it thinks fit to impose, do either or both of the following:

- (a) allow a person who is not a party to the proceedings to inspect or to be furnished with a copy of the judgment;
- (b) allow reports of the judgment (after the removal from the judgment of all information which may disclose or lead to the disclosure of the identity of any party to the proceedings) to be published in law reports and professional publications.”.

**Amendment of rule 824**

**16.** Rule 824(2) of the principal Rules is amended by deleting the words “in the Registry or” in sub-paragraph (a).

**Amendment of rule 828**

**17.** Rule 828(2) of the principal Rules is amended —

- (a) by inserting, immediately after the words “(called in this Division the Respondent’s Case)”, the words “, and serve a copy of it on the appellant or the appellant’s solicitor”; and
- (b) by deleting the word “him” in sub-paragraphs (a) and (b) and substituting in each case the words “the respondent”.

**Amendment of rule 839**

**18.** Rule 839 of the principal Rules is amended by inserting, immediately after paragraph (4), the following paragraph:

“(5) Without prejudice to the power of the Family Division of the High Court under rule 15 to extend the time prescribed by any provision of this rule, the period for issuing and serving the notice of appeal under paragraph (2) may be extended by a Family Court on application made before the expiration of that period.”.

### **Amendment of rule 841**

**19.** Rule 841 of the principal Rules is amended by deleting the words “Family Justice Courts” and substituting the words “Family Court”.

### **Amendment of rule 898**

**20.** Rule 898(1) of the principal Rules is amended by deleting the words “by a solicitor’s clerk” and substituting the words “or a solicitor’s clerk”.

### **Amendment of Fifth Schedule**

**21.** The Fifth Schedule to the principal Rules is amended —

- (a) by deleting the word “sealing” in item 10 of Part 1 and substituting the word “issuing”;
- (b) by inserting, immediately after item 11 of Part 4, the following item:

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11A	On entering an	\$100	\$200	\$20	\$200	The
	. appearance for each					filed
	party					copy

”; and

- (c) by deleting the words “that is not a judgment, sentence, order or deposition or any other part of the record of proceedings” in item 5 of Part 6 and substituting the words “(including a judgment, a sentence, an order, a deposition or any other part of the record of proceedings)”.

### **New Sixth Schedule**

**22.** The principal Rules are amended by inserting, immediately after the Fifth Schedule, the following Schedule:

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“SIXTH SCHEDULE

Rule 131C(a)

APPLICABLE PROVISIONS OF  
CRIMINAL PROCEDURE CODE (CAP. 68)

<i>First column</i> <i>Applicable provision</i>	<i>Second column</i> <i>Description of applicable provision</i>
1. Section 2	Interpretation
2. Section 3	Service of notices, orders and documents
3. Section 64(1)(a)	When arrest may be made without warrant
4. Section 67	How arrested person to be dealt with
5. Section 68	Person arrested not to be detained more than 48 hours
6. Section 69	Warrant to whom directed
7. Section 70	Arrest of person subject to warrant
8. Section 71	Form of arrest warrant
9. Section 72	Court may endorse on warrant security to be taken
10. Section 73	Notification of content of warrant
11. Section 74	Arrested person to be brought before court without delay
12. Section 75	How to arrest
13. Section 76	No unnecessary restraint
14. Section 77	Search of place entered by person sought to be arrested
15. Section 78	Search of person arrested and his premises
16. Section 79	Power to seize offensive weapons
17. Section 80	Search for name and address
18. Section 81	Detention and search of persons in place searched
19. Section 82	Mode of freeing persons

<i>First column Applicable provision</i>	<i>Second column Description of applicable provision</i>
20. Section 83	Mode of searching women
21. Section 84	Power to pursue and arrest after escape or rescue
22. Section 85	Release of arrested person
23. Section 86	Public assistance in arrests
24. Section 87	Assisting person other than police officer to execute warrant
25. Section 91	Interpretation of Division 5 of Part VI of Criminal Procedure Code
26. Section 92	When person must be released on bail or personal bond
27. Section 94	Conditions of bail or personal bond
28. Section 95(1)(b)	Exceptions to bail or release on personal bond
29. Section 96	Amount of bond
30. Section 97	High Court's powers to grant or vary bail
31. Section 98	Application for bail or release on personal bond in High Court
32. Section 99	Bond to be executed
33. Section 100	Person to be released
34. Section 101	Released person to give address for service
35. Section 102	Withdrawal, change of conditions, etc., of bail
36. Section 103	Liability to arrest for absconding or breaking conditions of bail or personal bond
37. Section 104	Duties of surety
38. Section 105	Surety may apply to have bond discharged
39. Section 106	Security instead of surety

<i>First column Applicable provision</i>	<i>Second column Description of applicable provision</i>
40. Section 107	Procedure on forfeiture of bond
41. Section 108	Appeal from orders
42. Section 115	Form and validity of summons, etc.
43. Section 116(1), (5)(a), (6) and (7)	Service of summons
44. Section 119	Proof of service
45. Section 120	Issue of warrant instead of or in addition to summons
46. Section 121	Service of summons: reciprocal arrangements with Malaysia and Brunei Darussalam
47. Section 149	Death of accused
48. Section 150	Initiation of criminal proceedings
49. Section 151	Examination of complaint
50. Section 152	Dismissal of complaint
51. Section 153	Issue of summons or warrant
52. Section 154	Personal attendance of accused may be dispensed with
53. Section 156	Absence of accused
54. Section 237	Change of judge during trial
55. Section 238(1), (2), (4) and (5)	Power to postpone or adjourn proceedings
56. Section 262	Use of affidavits sworn by witnesses
57. Section 282	Attendance of prisoner as witness
58. Section 283	Power of court to summon and examine persons
59. Section 284	When person bound to give evidence intends to leave Singapore
60. Section 285	Recording of evidence
61. Section 286	Manner of recording evidence

<i>First column Applicable provision</i>	<i>Second column Description of applicable provision</i>
62. Section 288	Interpretation of evidence to accused
63. Section 289	Remarks as to demeanour of witness
64. Section 298(1) to (4), (9), (10) and (11)	Mode of delivering judgment
65. Section 301(1) (including <i>Illustrations</i> )	Judgment not to be altered
66. Section 302	Judgment to be filed with record
67. Section 410	Procedure as to offences committed in court, etc.
68. Section 411	Record of facts constituting offence
69. Section 412	Alternative procedure
70. Section 413	Power to remit punishment
71. Section 414	Refusal to give evidence
72. Section 415	Appeal
73. Section 423	When irregularities do not make proceedings invalid
74. Section 429(1), (3), (14), (17) and (21)	Savings and transitional provisions

[G.N. No. S 144/2015]

Made on 29 June 2016.

SUNDARESH MENON  
*Chief Justice.*

JUDITH PRAKASH  
*Judge.*

VALERIE THEAN  
*Presiding Judge of the  
Family Justice Courts.*

CHIA WEE KIAT  
*Registrar of the  
Family Justice Courts.*

LIM HUI MIN  
*Director of Legal Aid.*

YAP TEONG LIANG  
*Advocate and Solicitor.*

FOO SIEW FONG  
*Advocate and Solicitor.*

[AG/LEGIS/SL/104A/2015/1 Vol. 1]

(To be presented to Parliament under section 46(7) of the Family Justice Act 2014).