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## **No. S 375**

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

#### **FAMILY JUSTICE (AMENDMENT) RULES 2017**

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 2017 and come into operation on 10 July 2017.

#### **Amendment of rule 37**

2. Rule 37(2) of the Family Justice Rules 2014 (G.N. No. S 813/2014) (called in these Rules the principal Rules) is amended —

- (a) by deleting the words “and 5” and substituting the words “, 5 and 6”; and
- (b) by deleting the words “and 65” in sub-paragraph (b) and substituting the words “, 65, 68A and 69A”.

#### **Amendment of rule 102**

3. Rule 102(4) of the principal Rules is amended by inserting, immediately after the words “sworn statement” in sub-paragraph (b), the words “confirming the contents of the relevant form, and”.

#### **New rules 131BA and 131BB**

4. The principal Rules are amended by inserting, immediately after rule 131B, the following rules:

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**“Examination of complaint filed using electronic filing service under Division 68A of Part 18**

**131BA.**—(1) Despite section 151(2) of the Criminal Procedure Code (Cap. 68) and rule 131B, where an application under Part VII or VIII of the Act is made by or on behalf of a complainant using the electronic filing service under Division 68A of Part 18 of these Rules, 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 file a written complaint that complies with paragraph (2); and
  - (b) examine that written complaint.
- (2) The written complaint —
- (a) if made by the complainant, must contain a declaration by the complainant that —
    - (i) the matters stated in the written complaint are true and correct; and
    - (ii) 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; or
  - (b) if made on behalf of the complainant, must contain a declaration by an authorised agent of an authorised user that —
    - (i) the authorised agent has verified the identity of the complainant; and
    - (ii) the authorised agent has read the matters stated in the written complaint over to the complainant in a language that the complainant understands,

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and the complainant has confirmed that those matters are true and correct.

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

(a) postpone consideration of the matter until after the Magistrate has examined the complainant in person on oath or affirmation; or

(b) if the written complaint is made by the complainant for an application under Part VIII of the Act, exercise any of the powers under section 151(2)(b) or 153 of the Criminal Procedure Code.

(4) In this rule, “authorised agent” and “authorised user” have the same meanings as in rule 929B.

### **Declaration of service of Court process servers**

**131BB.**—(1) A process server attached to the Family Justice Courts must, as soon as practicable after service of a summons issued under Part VII or VIII of the Act, file a declaration to the Registrar of such service using the electronic filing service under Division 68A of Part 18 of these Rules.

(2) Despite section 119 of the Criminal Procedure Code (Cap. 68), a declaration mentioned in paragraph (1) that has been filed in accordance with that paragraph is admissible in evidence.”.

### **Amendment of rule 444**

5. Rule 444(1) of the principal Rules is amended by deleting the word “certificate” and substituting the words “Grant of Aid”.

### **New Division 68A of Part 18**

6. The principal Rules are amended by inserting, immediately after rule 929, the following Division:

*“Division 68A — Electronic filing service for certain specified proceedings and matters*

**Application**

**929A.**—(1) This Division applies to —

- (a) the following proceedings which are commenced in a Family Court in the same manner as an application for a summons is made under the Criminal Procedure Code (Cap. 68):
  - (i) an application for an order under Part VII, VIII or IX of the Women’s Charter (Cap. 353);
  - (ii) an application to enforce, under section 10 of the Maintenance of Parents Act (Cap. 167B), a maintenance order made under that Act;
  - (iii) an application for a provisional maintenance order under section 4(1) of the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169);
  - (iv) an application to enforce, under section 8 of the Maintenance Orders (Reciprocal Enforcement) Act, a maintenance order registered or confirmed under that Act by a court in Singapore;
  - (v) an application to enforce, under section 53(1) of the Administration of Muslim Law Act (Cap. 3), an order of the Syariah Court; and
- (b) all matters (other than appeals) arising from those proceedings.

(2) To avoid doubt, in the case of proceedings under Part VII, VIII or IX of the Women’s Charter, the matters mentioned in paragraph (1)(b) include —

- (a) any matter relating to bails and bonds under Division 5 of Part VI of the Criminal Procedure Code; and

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(b) any matter relating to warrants of arrests under section 120 of the Criminal Procedure Code.

### **Definitions**

**929B.** In this Division, unless the context otherwise requires —

“authorised agent”, in relation to an authorised user that is a qualifying entity, means a person who is designated under rule 929E(2) by the authorised user as its authorised agent;

“authorised user” means any individual or qualifying entity that is granted access by the Registrar under rule 929E(1) to use the electronic filing system;

“confirmation receipt” means a confirmation that is transmitted to an authorised user, or an authorised agent of an authorised user, after the authorised user or authorised agent has filed any application or document through the electronic filing service;

“court” means a Family Court;

“document” has the same meaning as in section 3(1) of the Evidence Act (Cap. 97);

“electronic filing” means the process by which an authorised user or an authorised agent files any application or document by means of an electronic transmission;

“electronic filing service” means the electronic filing service established under rule 929C;

“electronic filing service provider” means the electronic filing service provider appointed under rule 929D;

“electronic transmission” means electronic transmission by an authorised user or an authorised agent through the electronic filing service;

“identification code” means the identification code of an authorised user or an authorised agent that is to be used in conjunction with the electronic filing service;

“presumed” means presumed until the contrary is proved;

“qualifying entity” means —

- (a) a sole proprietorship;
- (b) an incorporated or unincorporated partnership (including a limited liability partnership and a limited partnership);
- (c) a law corporation;
- (d) a company or other body corporate;
- (e) the Attorney-General’s Chambers;
- (f) a department of the Government;
- (g) a public authority;
- (h) a society registered under the Societies Act (Cap. 311); or
- (i) any other entity that the Registrar may specify in any particular case;

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

### **Establishment of electronic filing service**

**929C.**—(1) The Registrar may, with the approval of the Chief Justice, establish an electronic filing service for the filing of —

- (a) any document initiating any proceedings or matter to which this Division applies; and
- (b) every subsequent application or document relating to those proceedings or that matter.

(2) The court will maintain in electronic form the official case file for any proceedings or matter to which this Division applies, and the electronic documents in that case file are the official court record.

(3) If a court makes an electronic record, document or image of a document that is filed in hard copy, the electronic record, document or image is the official court record.

### **Electronic filing service provider and superintendent**

**929D.**—(1) The electronic filing service is operated by an electronic filing service provider appointed by the Registrar with the approval of the Chief Justice.

(2) The Registrar is the superintendent of any electronic filing service provider appointed under paragraph (1).

### **Authorised user and authorised agent**

**929E.**—(1) Any individual or qualifying entity may be granted access by the Registrar to use the electronic filing system as an authorised user.

(2) An authorised user that is a qualifying entity may designate one or more of its partners, directors, officers or employees as its authorised agent or authorised agents, in accordance with such procedure as the Registrar may require and on such terms and conditions as the Registrar thinks fit.

(3) Any individual designated under paragraph (2) by an authorised user as its authorised agent is to be given access by the administrator of the authorised user to use the electronic filing service.

(4) To avoid doubt, an authorised user who is an individual cannot designate another individual as an authorised agent of the authorised user.

### **Electronic filing**

**929F.**—(1) Subject to paragraphs (5), (6) and (7), every application or document mentioned in rule 929C(1) must be filed by an authorised user or an authorised agent using the electronic filing service in accordance with this Division and such other requirements as may be imposed by the Registrar.

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(2) The requirement in paragraph (1) for the filing of any such application or document is satisfied by the filing of a single copy of the application or document using the electronic filing service in accordance with these Rules.

(3) Despite paragraph (1), the Registrar may allow to be filed any application or document mentioned in rule 929C(1) by any means other than the electronic filing service.

(4) Every application or document mentioned in rule 929C(1) must be in such form as the Registrar may require.

(5) Where a party —

(a) is an authorised user, or is represented by an advocate and solicitor who is an authorised user or an authorised agent; and

(b) intends to tender a document as evidence to the court during a trial,

the party must file, before the commencement of the trial, an electronic reproduction of the document using the electronic filing service, in accordance with this Division and such other requirements as may be imposed by the Registrar.

(6) The court may, in its discretion, allow a party to tender a document as evidence during a trial, even though the party has not complied with paragraph (5).

(7) Paragraph (4) does not apply to any document that is to be tendered to the court as evidence.

(8) Any application or document, which is filed through the electronic filing service by an authorised user using an identification code, is presumed to have been so filed by the authorised user and with the intention of the authorised user to do so.

(9) Any application or document, which is filed through the electronic filing service by an authorised agent of an authorised user using an identification code, is presumed to have been so filed —



(a) on behalf and with the authority of the authorised user;  
and

(b) with the intention of the authorised user to do so.

(10) To avoid doubt, every application or document that is filed with a court or the Registrar using an identification code in compliance with the security procedures of the electronic filing service is treated as a secure electronic record as defined in section 2(1) of the Electronic Transactions Act (Cap. 88).

### **Signing of electronic documents**

**929G.**—(1) Where any application or document is filed using the electronic filing service, any requirement of the written law under which the application or document is filed, relating to the signing by, or the signature of, an authorised user or an authorised agent of an authorised user, is presumed to be complied with if the identification code of the authorised user or authorised agent has been applied to or associated with, directly or indirectly, the application or document or the transmission containing the application or document.

(2) For the purposes of paragraph (1) —

(a) where the identification code of an authorised user is applied to or associated with, directly or indirectly, any application or document, or any transmission containing any application or document, that is in compliance with the security procedures of the electronic filing service —

(i) the application or document is presumed to be signed by the authorised user; and

(ii) the contents of the application or document are presumed to be endorsed by the authorised user;  
or

(b) where the identification code of an authorised agent of an authorised user is applied to or associated with, directly or indirectly, any application or document, or any transmission containing any application or

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document, that is in compliance with the security procedures of the electronic filing service —

- (i) the application or document is presumed to be signed by the authorised agent on behalf and with the authority of the authorised user; and
- (ii) the contents of the application or document are presumed to be endorsed by that authorised user.

(3) To avoid doubt, the application or association of the identification code of an authorised user or an authorised agent of an authorised user, directly or indirectly, to or with any application or document, or any transmission containing any application or document, that is in compliance with the security procedures of the electronic filing service is treated as a secure electronic signature as defined in section 2(1) of the Electronic Transactions Act (Cap. 88).

### **Date of filing**

**929H.**—(1) Where any application or document is filed using the electronic filing service by an authorised user, or an authorised agent of an authorised user, it is presumed to be filed on the date and at the time that the first part of the electronic transmission of the application or document from the authorised user or authorised agent is received in the computer system of the court.

(2) The authorised user or authorised agent may produce a confirmation receipt issued by the electronic filing service provider as evidence of —

- (a) the filing of any application or document by the authorised user or authorised agent; and
- (b) the date and time of filing of the application or document.

(3) If the Registrar is satisfied for any reason that any application or document should be treated as having been filed using the electronic filing service, or issued by the court, at some

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earlier date and time than the date and time mentioned in paragraph (1) —

- (a) the Registrar may cause the electronic filing service to reflect that earlier date and time; and
- (b) that earlier date and time is deemed for the purposes of any proceedings in court to be the date and time on and at which the application or document was filed.

### **Applications and documents to comply with certain matters**

**929I.**—(1) Every application or document must —

- (a) comply with such requirements as may be imposed by the Registrar; and
- (b) contain such information and particulars of parties or other persons as may be required by the Registrar.

(2) The Registrar, or any authorised officer or employee of the court, may reject any application or document if it does not comply with the requirements in this Division or any requirement imposed by the Registrar.

(3) Any application or document rejected under this rule is to be treated as having been filed only on the date on which it is subsequently accepted for filing by the Registrar, or any authorised officer or employee of the court, and not before.

(4) Every document, if not in the English language, must be accompanied by a translation of the document certified by a court interpreter, or a translation verified by the affidavit of a person qualified to translate it, before it may be received, filed or used in the court.

(5) Amendments to any document may be effected in such manner as may be determined by the Registrar.

### **Issuance of orders and other documents by court**

**929J.**—(1) In any proceedings to which this Division applies, a court may transmit or deliver, through the electronic filing

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service or by electronic mail, to any person who is an authorised user or an authorised agent, any order or document that is not required to be served personally.

(2) The order or document is presumed to be transmitted or delivered on the date and at the time that it is transmitted or delivered by the electronic filing service or by electronic mail (as the case may be).

(3) The execution of the printed form of a warrant has the same legal effect as the execution of an original warrant.

### **Affidavits, sworn statements and unsworn statements**

**929K.**—(1) Affidavits, sworn statements and unsworn statements which are filed in the court using the electronic filing service may be used in all proceedings to the same extent and for the same purposes as paper affidavits, sworn statements or unsworn statements filed in the court.

(2) Where an affidavit or sworn statement is to be filed in the court using the electronic filing service, it must comply with the following requirements:

- (a) the affidavit or sworn statement must be sworn in the usual way in which the deponent signs the original paper affidavit or sworn statement;
- (b) a true and complete electronic image of the original paper affidavit or sworn statement must be created;
- (c) the original paper affidavit or sworn statement must be retained by the party who filed it for a period of 7 years after it is filed.

(3) Despite paragraph (2)(c), if the original paper affidavit or sworn statement becomes unavailable within 7 years after it was filed, the court may grant leave for the electronic image of the original paper affidavit or sworn statement filed in the court using the electronic filing service to be used in the proceedings for which it was filed, or in any other proceedings.

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(4) Paragraphs (2)(b) and (c) and (3) apply to unsworn statements to the same extent and in like manner as they apply to affidavits and sworn statements.”.

#### **Amendment of rule 934**

7. Rule 934 of the principal Rules is amended by deleting paragraphs (6), (7) and (8) and substituting the following paragraphs:

“(6) Despite paragraphs (1) and (2), where a Grant of Aid issued to an aided person under the Legal Aid and Advice Act (Cap. 160) is cancelled, the solicitor who acted for the aided person ceases to act in the cause or matter for that person upon receiving a notice of the cancellation of the Grant of Aid.

(7) If the aided person mentioned in paragraph (6), whose Grant of Aid has been cancelled, desires to proceed with the cause or matter without legal aid, and appoints the solicitor mentioned in that paragraph or another solicitor to act on that person’s behalf, rule 931 will apply as if that person had previously sued or defended in person.

(8) Notice that a solicitor has ceased to act for an aided person pursuant to paragraph (6) must be served on that person in the manner prescribed by the Legal Aid and Advice Regulations (Cap. 160, Rg 1).”.

#### **Amendment of rule 935**

8. Rule 935(1) of the principal Rules is amended by deleting sub-paragraph (c) and substituting the following sub-paragraph:

“(c) the Grant of Aid issued to an aided person under the Legal Aid and Advice Act (Cap. 160) is cancelled.”.

#### **New Division 69A of Part 18**

9. The principal Rules are amended by inserting, immediately after rule 936, the following Division:

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*“Division 69A — Change of solicitor for certain specified proceedings and matters*

**Application**

**936A.** This Division applies to all proceedings and matters mentioned in rule 929A.

**Notice of appointment of solicitor**

**936B.**—(1) Where a party, who has acted in person in a cause or matter, appoints a solicitor to act in the cause or matter on the party’s behalf, the change may be made without an order for that purpose.

(2) The solicitor appointed by the party must file a notice of appointment of a solicitor in the relevant Form using the electronic filing service under Division 68A of this Part.

**Notice of change of solicitor**

**936C.**—(1) A party to any cause or matter who sues or is defended by a solicitor may change that solicitor without an order for that purpose.

(2) The new solicitor must file a notice of a change of solicitor in the relevant Form using the electronic filing service under Division 68A of this Part.

**Withdrawal of solicitor who ceased to act for party**

**936D.**—(1) A solicitor who has acted for a party in a cause or matter may cease to act for that party —

- (a) with the consent of that party; or
- (b) with the leave of the Court.

(2) The solicitor must file a notice of ceasing to act in the relevant Form using the electronic filing service under Division 68A of this Part.

(3) Despite paragraphs (1) and (2), where a Grant of Aid issued to an aided person under the Legal Aid and Advice Act (Cap. 160) is cancelled, the solicitor who acted for the

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aided person ceases to act in the cause or matter for that person upon receiving a notice of the cancellation of the Grant of Aid.

(4) If the aided person mentioned in paragraph (3), whose Grant of Aid has been cancelled, desires to proceed with the cause or matter without legal aid, and appoints the solicitor mentioned in that paragraph or another solicitor to act on that person's behalf, rule 936B will apply as if that person had previously sued or defended in person.

(5) Notice that a solicitor has ceased to act for an aided person pursuant to paragraph (3) must be served on that person in the manner prescribed by the Legal Aid and Advice Regulations (Cap. 160, Rg 1).

#### **Notice of intention to act in person**

**936E.**—(1) Where a party, who sues or is defended by a solicitor, intends and is entitled to act in person, the change may be made without an order for that purpose.

(2) The party must file a notice of intention to act in person in the relevant Form using the electronic filing service under Division 68A of this Part.

#### **Party to attend personally**

**936F.** Where a party, who has sued or has been defended by a solicitor, discharges that solicitor, the party must attend personally in Court until a notice of appointment of a solicitor or notice of a change of solicitor (as the case may be) is filed.”.

*[G.N. Nos. S 144/2015; S 301/2016; S 610/2016]*

Made on 5 July 2017.

SUNDARESH MENON  
*Chief Justice.*

JUDITH PRAKASH  
*Judge of Appeal.*

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.*

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