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FAMILY JUSTICE ACT 2014 (ACT 27 OF 2014)

FAMILY JUSTICE (AMENDMENT) RULES 2019

In exercise of the powers conferred 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 2019 and come into operation on 18 January 2019.

New Parts 16A and 16B

2. The Family Justice Rules 2014 (G.N. No. S 813/2014) (called in these Rules the principal Rules) are amended by inserting, immediately after rule 286, the following Parts:

“PART 16A

SUPREME COURT OF JUDICATURE ACT — MEASURES FOR DEALING WITH UNMERITORIOUS OR VEXATIOUS PROCEEDINGS

Definitions

286A. In this Part, unless the context otherwise requires —

“Act” means the Supreme Court of Judicature Act (Cap. 322);

“civil restraint order” means —

- (a) an extended civil restraint order;
- (b) a general civil restraint order; or
- (c) a limited civil restraint order;

“Court” means the Family Division of the High Court;

“extended civil restraint order” means an extended civil restraint order made in accordance with section 73C of the Act;

“general civil restraint order” means a general civil restraint order made in accordance with section 73D of the Act;

“limited civil restraint order” means a limited civil restraint order made in accordance with section 73B of the Act.

Application for civil restraint order or order mentioned in section 73A(2), (3), (5) or (6) of Act

286B. An application for a civil restraint order, or for an order mentioned in section 73A(2), (3), (5) or (6) of the Act, must be heard in open Court.

Form and service of civil restraint order

286C.—(1) A limited civil restraint order, an extended civil restraint order and a general civil restraint order must be in Forms 64-1, 64-2 and 64-3, respectively.

(2) A civil restraint order must be extracted by the person applying for the order, and must be served on every party to the legal proceedings in respect of which the order was made.

Application for leave to commence action or make application, or for leave to apply to amend, vary or discharge civil restraint order

286D.—(1) Where an extended civil restraint order or a general civil restraint order is in force against a party, an application by that party for leave to commence an action, and the supporting affidavit for that application, must be served —

- (a) on every intended defendant to the action; and
- (b) if the civil restraint order was made on the application of the Attorney-General — on the Attorney-General.

(2) Where any civil restraint order is in force against a party, an application by that party for leave to make an application, and the supporting affidavit for the application for such leave, must be served —

- (a) on every intended respondent to the application; and
- (b) if the civil restraint order was made on the application of the Attorney-General — on the Attorney-General.

(3) An application for leave to apply to amend, vary or discharge any civil restraint order, and the supporting affidavit for that application, must be served on every party to the application pursuant to which that civil restraint order was made, except the person applying for such leave.

(4) A person served with an application for leave mentioned in paragraph (1), (2) or (3) may file and serve an affidavit in reply within 14 days after the date on which the application is served on the person.

(5) The Court may give other directions for the service of an application for leave mentioned in paragraph (1), (2) or (3), and for the filing and service of affidavits in such an application.

Action commenced or application made without leave, etc.

286E.—(1) Where a party, against whom an extended civil restraint order or a general civil restraint order is in force, commences an action without the leave of the Court under section 73C(2)(a) or 73D(2)(a) (as the case may be) of the Act —

- (a) any other party to the action, or to the application pursuant to which that civil restraint order was made, may inform the Registrar of this in writing; and
- (b) the Registrar may, on being informed of this under sub-paragraph (a), or on the Registrar's own motion, record that the action is treated as struck out pursuant to section 73C(3) or 73D(3) (as the case may be) of the Act.

(2) Where a party, against whom any civil restraint order is in force, makes an application, or applies to amend, vary or discharge that civil restraint order, without the leave of the Court under section 73B(2)(a) or (b), 73C(2)(a) or (b) or 73D(2)(a) or (b) (as the case may be) of the Act —

- (a) any other party to the application made without such leave, or to the application pursuant to which that civil restraint order was made, may inform the Registrar of this in writing; and
- (b) the Registrar may, on being informed of this under sub-paragraph (a), or on the Registrar’s own motion, record that the application is treated as dismissed pursuant to section 73B(3), 73C(3) or 73D(3) (as the case may be) of the Act.

(3) Where a party, against whom any order mentioned in section 73A(2), (3), (5) or (6) of the Act is in force, files any document in the legal proceedings in respect of which that order was made —

- (a) any other party to those legal proceedings, or to the application pursuant to which that order was made, may apply for that document to be struck out; and
- (b) the Court may, on an application under sub-paragraph (a), or on the Court’s own motion, strike out that document.

PART 16B

SUPREME COURT OF JUDICATURE ACT — MEASURES FOR DEALING WITH VEXATIOUS LITIGANTS

Definitions

286F. In this Part, unless the context otherwise requires —

“Act” means the Supreme Court of Judicature Act (Cap. 322);

“application for leave” means an application, by a person against whom an order under section 74(1) of the Act is in force, for leave under section 74(1) of the Act to institute any legal proceedings, or to continue any legal proceedings instituted by that person before the making of that order;

“Court” means the Family Division of the High Court.

Application for order under section 74(1) of Act

286G. An application for an order under section 74(1) of the Act must be heard in open Court.

Form and service of order under section 74(1) of Act

286H.—(1) An order under section 74(1) of the Act must be in Form 64-4.

(2) An order under section 74(1) of the Act must be extracted by the person applying for the order, and must be served on every other party to the legal proceedings in respect of which the order was made.

Application for leave to institute or continue legal proceedings

286I.—(1) Where an order under section 74(1) of the Act is in force against a person, an application by that person for leave under section 74(1) of the Act to institute any legal proceedings, or to continue any legal proceedings instituted by that person before the making of that order, and the supporting affidavit for that application, must be served —

(a) on the Attorney-General; and

(b) on every other party to the legal proceedings to be instituted or continued.

(2) A person served with an application for leave may file and serve an affidavit in reply within 14 days after the date on which the application is served on the person.

(3) The Court may give other directions for the service of an application for leave, and for the filing and service of affidavits in such an application.

Institution or continuance of legal proceedings with leave

286J. A person who is given leave under section 74(1) of the Act to institute or continue any legal proceedings must, within 14 days after the date of the order giving such leave or such other period as that order may specify —

- (a) file that order, and the process or document by which the legal proceedings are to be instituted or continued; and
- (b) serve that order, and that process or document, on every other party to the legal proceedings to be instituted or continued.

Institution or continuance of legal proceedings without leave

286K. Where a person, against whom an order under section 74(1) of the Act is in force, institutes any legal proceedings, or continues any legal proceedings instituted by that person before the making of that order, without the leave of the High Court under section 74(1) of the Act —

- (a) any other party to those legal proceedings, or to the application pursuant to which that order was made, may apply for those legal proceedings to be struck out; and
- (b) the Court may, on an application under paragraph (a), or on the Court's own motion, strike out those legal proceedings."

New rule 670A

3. The principal Rules are amended by inserting, immediately after rule 670, the following rule:

“Consent judgment or order

670A.—(1) In any cause or matter, the parties may inform the Registrar in writing that they wish to record a consent judgment or order without appearing before the Court.

(2) For the purposes of paragraph (1), the parties must inform the Registrar of the terms of the consent judgment or order that they wish to record.

(3) The Court may record the consent judgment or order without requiring the parties to appear before the Court.

(4) Where the Court has recorded a consent judgment or order under paragraph (3), the Registrar must inform the parties of —

- (a) the recording of the consent judgment or order; and
- (b) the Judge or the Registrar who recorded the consent judgment or order.”.

Amendment of rule 831

4. Rule 831(2) of the principal Rules is amended —

- (a) by deleting the words “in the case of an appeal from a judgment after trial or hearing of any cause or matter on the merits,”; and
- (b) by deleting the words “date of trial or hearing) shall be admitted” and substituting the words “date of the decision from which the appeal is brought) may be given”.

Amendment of rule 891

5. Rule 891 of the principal Rules is amended by inserting, immediately after paragraph (3), the following paragraphs:

“(4) The Registrar may authorise a person to provide a service that enables a subscriber of that service —

- (a) to search such information mentioned in rule 889 as the Registrar may determine; and

(b) to search for, inspect and take a copy of any of such documents filed in the Registry as the Registrar may determine.

(5) The person authorised to provide the service mentioned in paragraph (4) must pay to the Registrar such fees, for that service to have access to the information and documents mentioned in paragraph (4)(a) and (b), as may be agreed between the Registrar and that person.

(6) Despite paragraphs (1) and (2), a subscriber of the service mentioned in paragraph (4) is entitled, at any time when that service is in operation —

(a) to search the information mentioned in paragraph (4)(a), without paying the prescribed fee mentioned in paragraph (1) and without obtaining the leave of the Registrar; and

(b) to search for, inspect and take a copy of any document mentioned in paragraph (4)(b), without paying the prescribed fee mentioned in paragraph (2) and without obtaining the leave of the Registrar.”.

[G.N. Nos. S 144/2015; S 301/2016; S 610/2016; S 375/2017; S 416/2017; S 544/2017; S 617/2017; S 126/2018; S 409/2018; S 722/2018; S 834/2018]

Made on 11 January 2019.

SUNDARESH MENON
Chief Justice.

JUDITH PRAKASH
Judge of Appeal.

DEBBIE ONG
*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. 6]

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