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**No. S 671**

SUPREME COURT OF JUDICATURE ACT  
(CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 3) RULES 2014

In exercise of the powers conferred on us by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, hereby make the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Rules of Court (Amendment No. 3) Rules 2014 and shall come into operation on 1 October 2014.

**Amendment of Order 1**

2. Order 1 of the Rules of Court (R 5, 2014 Ed.) (referred to in these Rules as the principal Rules) is amended —

(a) by deleting the words “and State Courts” in Rule 2(1) and substituting the words “, the Family Justice Courts and the State Courts”;

(b) by deleting the definition of “Family Court proceedings” in Rule 4(1) and substituting the following definition:

“Family Court proceedings” means —

(a) before 1 October 2014, any proceedings which were heard by a District Judge, or by the Registrar of the State Courts, sitting in the Family and Juvenile Justice Division of the State Courts, and any such proceedings which were transferred to the High Court;  
or

(b) on or after 1 October 2014 —

(i) any proceedings in a Family Court (whether heard by a judge of the

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Family Court or by the Registrar of the Family Justice Courts), and any such proceedings which are transferred to the Family Division of the High Court; and

- (ii) any transferred proceedings referred to in paragraph (a) which are pending in the High Court on or after 1 October 2014;”;
- (c) by inserting, immediately after the words “High Court” in the definition of “Judge” in Rule 4(1), the words “, a judge of a Family Court”;
- (d) by deleting the words “or State Courts” in the definitions of “officer” and “sign” in Rule 4(1) and substituting in each case the words “, the Family Justice Courts or the State Courts”;
- (e) by inserting, immediately after the words “the Registry of the Supreme Court” in the definition of “Registry” in Rule 4(1), the words “, the Registry of the Family Justice Courts”;
- (f) by inserting, immediately after the word “includes” in the definition of “Sheriff” in Rule 4(1), the words “a bailiff of the Family Justice Courts and”;
- (g) by deleting the words “the High Court or any one or more Judges thereof or a District Court or District Judge” in Rule 4(2) and substituting the words “the High Court, a Family Court or a District Court, or a judge of the High Court, judge of the Family Court or District Judge”;
- (h) by inserting, immediately after Rule 7, the following Rule:

**“Modification of Forms for use in Family Court (O. 1, r. 7A)**

**7A.—**(1) The Forms in Appendix A to these Rules shall be used, where applicable to proceedings in a Family Court or the Family Justice Courts or to appeals

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from such proceedings, with such modifications as the circumstances of the particular case require.

(2) For the purposes of paragraph (1), in any Form applicable to any proceedings in a Family Court or the Family Justice Courts or to any appeal from any such proceedings, unless the context otherwise requires —

- (a) a reference to a State Court or a District Court shall be replaced by a reference to a Family Court;
  - (b) a reference to a District Judge shall be replaced by a reference to a judge of a Family Court;
  - (c) a reference to the State Courts shall be replaced by a reference to the Family Justice Courts;
  - (d) a reference to the Registrar of the State Courts shall be replaced by a reference to the Registrar of the Family Justice Courts; and
  - (e) a reference to the Registry of the State Courts shall be replaced by a reference to the Registry of the Family Justice Courts.”;
- (i) by inserting, immediately after sub-paragraph (b) of Rule 9(5), the following sub-paragraph:
- “(ba) any matter or proceeding commenced in a Family Court and any appeal from that matter or proceeding;”; and
- (j) by inserting, immediately after paragraph (b) of the definition of “Court” in Rule 9(6), the following paragraph:
- “(ba) a Family Court, if the relevant matter or proceeding is any matter, proceeding or appeal referred to in paragraph (5)(ba);”.

### **Amendment of Order 11**

**3.** Order 11 of the principal Rules is amended by deleting Rule 9 and substituting the following Rule:

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**“Service abroad of certain documents (O. 11, r. 9)**

**9.**—(1) An originating process issued in the Family Justice Courts or the State Courts which is to be served out of Singapore in any jurisdiction (other than Malaysia or Brunei Darussalam) —

(a) shall be sent by the Registrar of the Family Justice Courts or the Registrar of the State Courts (as the case may be) to the Registrar of the Supreme Court; and

(b) shall be served in accordance with these Rules relating to the service out of Singapore of an originating process issued in the Supreme Court.

(2) Every certificate of service received by the Registrar of the Supreme Court in respect of such service shall be transmitted by the Registrar of the Supreme Court to the Registrar of the Family Justice Courts or the Registrar of the State Courts (as the case may be).”.

**Amendment of Order 15**

**4.** Order 15, Rule 8 of the principal Rules is amended by deleting the words “or the State Courts” in paragraphs (3) and (4)(b) and substituting in each case the words “, the seal of the Family Justice Courts or the seal of the State Courts, as the case may be”.

**Amendment of Order 25**

**5.** Order 25, Rule 2(4) of the principal Rules is amended by inserting, immediately after the words “transferred to”, the words “a Family Court or”.

**Amendment of Order 32**

**6.** Order 32, Rule 9 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) Rule 1 shall apply in relation to the jurisdiction of the Registrar of the Family Justice Courts but with the following modifications:

- (a) the reference to the Registrar of the Supreme Court shall be construed as a reference to the Registrar of the Family Justice Courts; and
- (b) the reference to directions which the Chief Justice may make shall be construed as a reference to directions which the Presiding Judge of the Family Justice Courts may, with the concurrence of the Chief Justice, make.”.

### **Amendment of Order 33**

7. Order 33, Rule 4(1) of the principal Rules is amended by inserting, immediately after the words “Supreme Court of Judicature Act (Cap. 322)”, the words “, section 27 of the Family Justice Act 2014 (Act 27 of 2014)”.

### **Amendment of Order 34**

8. Order 34, Rule 4 of the principal Rules is amended by inserting, immediately after the words “Chief Justice”, the words “, the Presiding Judge of the Family Justice Courts”.

### **Amendment of Order 34A**

9. Order 34A of the principal Rules is amended by inserting, immediately after Rule 1, the following Rule:

**“Directions for conduct of family proceedings (O. 34A, r. 1A)**

**1A.—**(1) This Rule applies only to proceedings in the Family Division of the High Court or a Family Court.

(2) The directions which the Court may give under Rule 1(1) include directions on one or more of the following matters:

- (a) the giving of evidence orally or by affidavit;
- (b) the time limited for giving oral testimony;
- (c) the calling of a witness to give evidence with a view to assisting in the resolution or disposal of a cause or matter, whether or not any party to the proceedings

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- will be calling that witness to give evidence for that party;
- (d) the time limited for oral arguments;
  - (e) the length of any written submissions;
  - (f) subject to section 62A of the Evidence Act (Cap. 97) and section 281 of the Criminal Procedure Code (Cap. 68), the giving of evidence through a live video or live television link;
  - (g) subject to any written law or rule of law restricting the disclosure, or relating to the confidentiality, of any document or information —
    - (i) the disclosure of any document or information;
    - (ii) whether any document or information should be treated as confidential; and
    - (iii) whether any party to the proceedings may inspect any document.”.

### **Amendment of Order 35**

**10.** Order 35 of the principal Rules is amended —

(a) by inserting, immediately after Rule 4, the following Rule:

**“Calling of witness in family proceedings (O. 35, r. 4A)**

**4A.—**(1) This Rule applies only to proceedings in the Family Division of the High Court or a Family Court.

(2) Where the Judge before whom an action is tried considers it necessary for the just, expeditious or economical disposal of the action, the Judge may order that a person specified by the Judge be called as a witness at the trial of the action.

(3) The Judge may, when making an order under paragraph (2), give directions for —

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- (a) the filing of an affidavit by the specified person; and
  - (b) the examination and cross-examination of the specified person.
- (4) The Judge shall determine —
- (a) the sum to be paid to the specified person for each day during which that person is required to be present in Court;
  - (b) who is to pay that sum; and
  - (c) if the Judge orders 2 or more persons to pay that sum, how that sum is to be apportioned between those persons.”; and
- (b) by inserting, immediately after the words “Chief Justice” in Rule 11(1), the words “, the Presiding Judge of the Family Justice Courts”.

### **Amendment of Order 38**

**11.** Order 38 of the principal Rules is amended —

- (a) by deleting paragraph (2) of Rule 10 and substituting the following paragraph:
  - “(2) Without prejudice to the provisions of any written law —
  - (a) every document purporting to be sealed with the seal of the Supreme Court, the seal of the Family Justice Courts or the seal of the State Courts shall be received in evidence without further proof; and
  - (b) any document purporting to be so sealed and to be a copy of a document filed in, or issued out of, the Supreme Court, the Family Justice Courts or the State Courts shall be deemed to be a copy of that document without further proof unless the contrary is shown.”; and

- (b) by inserting, immediately after the words “an officer of the Supreme Court” in Rule 20(1), the words “, of any Family Justice Court”.

### **Amendment of Order 38A**

12. Order 38A of the principal Rules is amended by inserting, immediately after Rule 2, the following Rule:

**“Use of transcript in family proceedings (O. 38A, r. 2A)**

2A.—(1) This Rule applies only to proceedings in the Family Division of the High Court or a Family Court.

(2) Where a transcript of the official record of any hearing has been certified in accordance with Rule 2, the transcript may be received in evidence in any proceedings in the Family Division of the High Court or a Family Court as a true record of that hearing.”.

### **Amendment of Order 39**

13. Order 39, Rule 2(3) of the principal Rules is amended by inserting, immediately after the words “commenced in”, the words “a Family Court or”.

### **Amendment of Order 42**

14. Order 42 of the principal Rules is amended —

- (a) by inserting, immediately after Rule 3, the following Rule:

**“Judgment, etc., without attendance of any party in family proceedings (O. 42, r. 4)**

4.—(1) This Rule applies only to —

(a) proceedings in the Family Division of the High Court which are heard before one Judge or the Registrar; and

(b) proceedings in a Family Court.

(2) In any proceedings referred to in paragraph (1), the Court may, with the consent of all of the parties to those

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proceedings, give a judgment, or make an order, a decision or a determination, on any matter in those proceedings without the attendance of any party to those proceedings.

(3) The Court may, before giving a judgment, or making an order, a decision or a determination, under paragraph (2) —

(a) invite the parties to make further submissions on the matter, in such manner and within such time as the Court thinks fit; and

(b) give such other directions as may be necessary to enable the Court to give a judgment, or make an order, a decision or a determination, under that paragraph.”; and

(b) by deleting the words “or the State Courts” in Rule 10(3) and substituting the words “, the seal of the Family Justice Courts or the seal of the State Courts”.

#### **Amendment of Order 50**

**15.** Order 50 of the principal Rules is amended by deleting the words “or State Courts” in Rules 1(2) and 3 and substituting in each case the words “, the seal of the Family Justice Courts or the seal of the State Courts”.

#### **Amendment of Order 52**

**16.** Order 52, Rule 1 of the principal Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) Where contempt of Court is committed in connection with any proceedings in any Court mentioned in the following sub-paragraphs, an order of committal may be made by that Court:

(a) the High Court;

(b) a Family Court;

(c) a State Court.”.

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**Amendment of Order 53**

17. Order 53, Rule 9 of the principal Rules is amended by inserting, immediately after the words “the State Courts”, the words “or any Family Court”.

**Amendment of Order 54**

18. Order 54, Rule 9 of the principal Rules is amended by inserting, immediately after the words “the State Courts”, the words “or any Family Court”.

**Amendment of Order 55**

19. Order 55, Rule 1(2) of the principal Rules is amended by inserting, immediately after the words “the State Courts Act (Cap. 321)”, the words “or from a Family Court,”.

**Amendment of Order 55A**

20. Order 55A, Rule 1(2) of the principal Rules is amended by inserting, immediately after the words “the State Courts Act (Cap. 321)”, the words “or in a Family Court”.

**Amendment of Order 55B**

21. Order 55B of the principal Rules is amended —

(a) by inserting, immediately after the words “STATE COURTS” in the Order heading, the words “AND FAMILY COURTS”; and

(b) by inserting, immediately after Rule 3, the following Rule:

**“Extension to Family Courts (O. 55B, r. 4)**

4.—(1) Despite Rule 3, prior to the enactment of Family Justice Rules providing for an appeal from any judgment, order or decision of a Registrar of the Family Justice Courts to a judge of the Family Court, this Order shall also apply to proceedings in any Family Court.

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

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- (a) any reference in this Order to a District Judge shall be construed as a reference to a judge of the Family Court who is a District Judge; and
  - (b) any reference to the Registrar shall be construed as a reference to a Registrar of the Family Justice Courts.”.

### **Amendment of Order 55C**

22. Order 55C of the principal Rules is amended —

- (a) by inserting, immediately after the words “DISTRICT JUDGES IN CHAMBERS” in the Order heading, the words “AND JUDGES OF FAMILY COURTS IN CHAMBERS”; and
- (b) by inserting, immediately after Rule 3, the following Rule:

#### **“Extension to Family Courts (O. 55C, r. 4)**

4.—(1) Prior to the enactment of Family Justice Rules providing for an appeal from any judgment, order or decision of a judge of the Family Court in Chambers (not given or made in his capacity as a Registrar of the Family Justice Courts), including a judgment given, or an order or a decision made, on appeal from a Registrar of the Family Justice Courts, this Order shall also apply to every such appeal from any judgment, order or decision of a judge of the Family Court in Chambers.

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

- (a) any reference in this Order to a District Judge shall be construed as a reference to a judge of the Family Court who is a District Judge;
- (b) any reference to the Registrar shall be construed as a reference to a Registrar of the Family Justice Courts; and
- (c) any reference to the State Courts shall be construed as a reference to the Family Justice Courts.”.

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**Amendment of Order 55D**

**23.** Order 55D of the principal Rules is amended —

(a) by inserting, immediately after the words “STATE COURTS” in the Order heading, the words “AND FAMILY COURTS”; and

(b) by inserting, immediately after Rule 19, the following Rule:

**“Extension to Family Courts (O. 55D, r. 20)**

**20.**—(1) Despite Rule 1, prior to the enactment of Family Justice Rules providing for an appeal to the High Court from any Family Court (not being an appeal to which Order 55C applies), this Order shall also apply to every appeal to the High Court from a Family Court (not being an appeal to which Order 55C applies).

(2) Despite Rule 19, for the purposes of paragraph (1) —

(a) any reference in this Order to the State Courts, a District Court or the Court shall be construed as a reference to a Family Court;

(b) any reference to a District Court action shall be construed as an action in a Family Court; and

(c) any reference to the Registrar shall be construed as a reference to a Registrar of the Family Justice Courts.”.

**Amendment of Order 56**

**24.** Order 56 of the principal Rules is amended —

(a) by inserting, immediately after the words “Supreme Court” in Rule 4, the words “(other than proceedings in the Family Division of the High Court)”; and

(b) by inserting, immediately after Rule 4, the following Rule:

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**“Extension to Family Division of High Court (O. 56, r. 5)**

**5.—**(1) Despite Rule 4, prior to the enactment of Family Justice Rules providing for an appeal from any judgment, order or decision of a Registrar of the Family Justice Courts to a Judge of the Family Division of the High Court, this Order shall also apply to proceedings in the Family Division of the High Court.

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

(a) any reference in this Order to a Judge shall be construed as a reference to a Judge of the Family Division of the High Court; and

(b) any reference to the Registrar shall be construed as a reference to a Registrar of the Family Justice Courts.”.

**Amendment of Order 58A**

**25.** Order 58A of the principal Rules is amended by inserting, immediately after Rule 4, the following Rule:

**“Extension to Family Courts (O. 58A, r. 5)**

**5.—**(1) Notwithstanding Rules 1 to 4, prior to the enactment of Family Justice Rules, this Order shall also apply where —

(a) in any proceedings (including criminal proceedings) in a Family Court, a question arises as to the interpretation or effect of any provision of the Constitution; and

(b) the Family Court has, pursuant to section 395 of the Criminal Procedure Code (Cap. 68), stayed the proceedings and stated the question in the form of a Case.

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

(a) any reference in this Order to a State Court shall be construed as a reference to a Family Court;

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- (b) any reference to a District Judge or a Magistrate shall be construed as a reference to a judge of the Family Court who is a District Judge or a Magistrate (as the case may be); and
  - (c) any reference to the Registrar of the State Courts shall be construed as a reference to a Registrar of the Family Justice Courts.”.

### **Amendment of Order 59**

**26.** Order 59 of the principal Rules is amended —

- (a) by inserting, immediately after the words “the Supreme Court” in Rule 2(2), the words “, the Family Justice Courts”;
- (b) by inserting, immediately after the words “removed from a State Court” in Rule 4(3), the words “or a Family Court”;
- (c) by deleting the word “or” at the end of Rule 4(3)(b);
- (d) by deleting the full-stop at the end of sub-paragraph (c) of Rule 4(3) and substituting the word “; or”, and by inserting immediately thereafter the following sub-paragraph:
  - “(d) if the order is made on appeal from a Family Court in relation to proceedings in that Court, may direct that the costs shall be taxed by the Registrar of the Family Justice Courts.”;
- (e) by inserting, immediately after paragraph (2) of Rule 12, the following paragraph:
  - “(3) The Registrar of the Family Justice Courts shall have power to tax —
    - (a) the costs of or arising out of any cause or matter in the Family Justice Courts;
    - (b) any other costs the taxation of which is directed by an order of the Court; and
    - (c) any costs directed to be taxed or settled by or under any written law.”;

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(f) by inserting, immediately after paragraph (2) of Rule 31, the following paragraph:

“(3) For the purposes of paragraph (2), the costs to be allowed for proceedings in a Family Court shall be the same as those to be allowed for proceedings in a District Court.”; and

(g) by inserting, immediately after the words “Judge of the High Court” in Rule 34(5), the words “in person, a judge of the Family Court (who is a District Judge) in person,”.

### **Amendment of Order 60**

**27.** Order 60 of the principal Rules is amended —

(a) by inserting, immediately after the words “the Chief Justice” in Rule 1(1), the words “, the Presiding Judge of the Family Justice Courts”; and

(b) by inserting, immediately after the words “sent to” in Rule 9, the words “a Family Justice Court,”.

### **Amendment of Order 61**

**28.** Order 61, Rule 3 of the principal Rules is amended —

(a) by inserting, immediately after the words “unless the Chief Justice,” in paragraph (1), the words “the Presiding Judge of the Family Justice Courts with the concurrence of the Chief Justice,”; and

(b) by inserting, immediately after the words “as the Chief Justice,” in paragraph (2), the words “the Presiding Judge of the Family Justice Courts with the concurrence of the Chief Justice,”.

### **Amendment of Order 63A**

**29.** Order 63A of the principal Rules is amended —

(a) by deleting sub-paragraphs (a), (b) and (c) of Rule 6(8) and substituting the following sub-paragraphs:

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- “(a) from 1 January 2013 until 29 September 2013 (both dates inclusive), 50% of the prescribed amount in paragraph (1);
- (b) from 30 September 2013 until 1 December 2013 (both dates inclusive), 75% of the prescribed amount in paragraph (1);
- (c) from 2 December 2013, the amount as prescribed in paragraph (1).”;
- (b) by inserting, immediately after the words “the Registrar of the State Courts” in Rule 18(1), the words “and the Registrar of the Family Justice Courts”;
- (c) by inserting, immediately after the words “the Registrar of the Supreme Court” in Rule 18(2), the words “and the Registrar of the Family Justice Courts”; and
- (d) by deleting paragraphs (3) and (4) of Rule 18 and substituting the following paragraphs:
- “(3) A user who has been registered as a registered user or an authorised user by the Registrar of the Family Justice Courts under Rule 5 shall be treated for the purposes of this Order as if he had also been similarly registered by the Registrar of the Supreme Court and the Registrar of the State Courts.
- (4) A service bureau established or authorised to be established by the Registrar of the Supreme Court under Rule 4 may be used —
- (a) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the State Courts using the electronic filing service, in such cases and circumstances as the Registrar of the State Courts may prescribe in practice directions issued from time to time; and
- (b) to assist in the filing, service, delivery or conveyance of documents pertaining to

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proceedings in the Family Justice Courts using the electronic filing service, in such cases and circumstances as the Registrar of the Family Justice Courts may prescribe in practice directions issued from time to time.

(5) A service bureau established or authorised to be established by the Registrar of the State Courts under Rule 4 may be used —

(a) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the Supreme Court using the electronic filing service, in such cases and circumstances as the Registrar of the Supreme Court may prescribe in practice directions issued from time to time; and

(b) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the Family Justice Courts using the electronic filing service, in such cases and circumstances as the Registrar of the Family Justice Courts may prescribe in practice directions issued from time to time.

(6) A service bureau established or authorised to be established by the Registrar of the Family Justice Courts under Rule 4 may be used —

(a) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the Supreme Court using the electronic filing service, in such cases and circumstances as the Registrar of the Supreme Court may prescribe in practice directions issued from time to time; and

(b) to assist in the filing, service, delivery or conveyance of documents pertaining to proceedings in the State Courts using the

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electronic filing service, in such cases and circumstances as the Registrar of the State Courts may prescribe in practice directions issued from time to time.”.

### **Amendment of Order 90**

**30.** Order 90 of the principal Rules is amended —

- (a) by inserting, immediately after the words “a District Court” in the definition of “order” in Rule 1, the words “, a Family Court”; and
- (b) by inserting, immediately after the words “the Registrar of the Supreme Court” in Rule 22(2), the words “, the Registrar of the Family Justice Courts”.

### **Amendment of Order 90A**

**31.** Order 90A, Rule 1(1) of the principal Rules is amended —

- (a) by inserting, immediately after the word “before” in sub-paragraph (a), the words “a judge of the Family Court,”;
- (b) by inserting, immediately after the word “in” in sub-paragraph (b), the words “the Family Justice Courts or”;
- (c) by inserting, immediately after the words “the High Court” in sub-paragraph (c), the words “(including the Family Division)”;
- (d) by inserting, immediately after the words “the High Court” in sub-paragraph (d), the words “(including the Family Division)”;
- (e) by inserting, immediately after the words “the High Court” in sub-paragraph (e), the words “(excluding the Family Division)”;
- (f) by inserting, immediately after the words “*Open Court hearing before*” in sub-heading (A) of the Table below Rule 1(1), the words “*judge of Family Court,*”;

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- (g) by inserting, immediately after the words “*District Court*” in the column heading of the second column immediately below sub-heading (A) of the Table below Rule 1(1), the words “*or Family Court*”;
  - (h) by inserting, immediately after the words “*Hearing before*” in sub-heading (B) of the Table below Rule 1(1), the words “*Family Justice Courts Registrar or*”;
  - (i) by inserting, immediately after the words “*District Court*” in the column heading of the second column immediately below sub-heading (B) of the Table below Rule 1(1), the words “*or Family Court*”; and
  - (j) by inserting, immediately after the words “*Hearing before High Court Registrar for assessment of damages, taking of accounts, making of inquiries and references under Order 70, Rule 40*” in sub-heading (D) of the Table below Rule 1(1), the words “*, or before Family Justice Courts Registrar for assessment of damages, taking of accounts and making of inquiries*”.

### **Amendment of Order 91**

**32.** Order 91 of the principal Rules is amended —

- (a) by inserting, immediately after the words “Supreme Court” in Rule 1(1), the words “*, the Family Justice Courts*”;
- (b) by inserting, immediately after paragraph (1) of Rule 1, the following paragraph:
  - “(1A) For the purposes of paragraph (1), the fees and percentages to be taken and paid in a cause or matter in a Family Court shall be the same as those to be taken and paid in a cause or matter in a District Court.”; and
- (c) by deleting Rule 2 and substituting the following Rule:

**“Manner of payment of fees (O. 91, r. 2)**

**2.** The fees and percentages to be taken and paid under this Order shall be collected in such manner as may from time to time be directed by the Chief Justice, by the

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Presiding Judge of the Family Justice Courts with the concurrence of the Chief Justice, or by the Presiding Judge of the State Courts with the concurrence of the Chief Justice, as the case may be.”.

### **New Orders 106 and 107**

**33.** The principal Rules are amended by inserting, immediately after Order 105, the following Orders:

#### **“ORDER 106**

#### **STATUS OF CHILDREN (ASSISTED REPRODUCTION TECHNOLOGY) ACT 2013**

#### **Interpretation (O. 106, r. 1)**

**1.**—(1) In this Order, unless the context otherwise requires —

“Act” means the Status of Children (Assisted Reproduction Technology) Act 2013 (Act 16 of 2013), and any reference to a section shall be construed as a reference to a section in the Act;

“relevant child” means a child who is the subject of proceedings under the Act.

(2) Expressions used in this Order which are used in the Act have the same meanings in this Order as in the Act.

(3) Subject to this Order, these Rules shall apply, with the necessary modifications, to proceedings under the Act.

#### **Commencement of proceedings (O. 106, r. 2)**

**2.**—(1) Unless otherwise provided in the Act or these Rules, every application to the Court under section 10 or 15 for the determination or declaration of parenthood must be made by originating summons in Form 4.

(2) An application for leave of the Court referred to in section 10(2)(d) must be made by ex parte originating summons in Form 5.

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**Title of proceedings (O. 106, r. 3)**

3. Every originating summons to which this Order relates, and all affidavits, notices and other documents in those proceedings, must be entitled in the matter of the Act and in the matter of the relevant child.

**Parties to proceedings (O. 106, r. 4)**

4.—(1) Unless the Court otherwise orders, the parties to any proceedings under section 10 or 15 for the determination or declaration of parenthood, other than an application for leave of the Court referred to in section 10(2)(d), are —

(a) the plaintiff or applicant; and

(b) every person referred to in paragraph (2) who is named as a defendant in the proceedings.

(2) For the purposes of paragraph (1)(b), the following persons (other than the plaintiff or applicant) must be named as defendants in the proceedings:

(a) any person who, at the time the application under section 10 or 15 is made, is treated or claiming to be treated as the parent of the relevant child;

(b) any person who, at the time the application under section 10 or 15 is made, is the de facto partner of the gestational mother of the relevant child;

(c) the relevant child.

(3) The Court may at any time order that a person be joined as a party to the proceedings, if the Court considers it is desirable to do so.

(4) The Court may at any time direct that any person who is a party to the proceedings be removed as a party, if the Court considers it is desirable to do so.

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**Supporting affidavit (O. 106, r. 5)**

5.—(1) An application under section 10 or 15 for the determination or declaration of parenthood must be supported by an affidavit which must —

- (a) state the grounds of the application;
- (b) include any information which may assist the Court in determining the application and, notwithstanding Order 41, Rule 5(1), the affidavit may contain statements of information or belief with the sources and grounds of the information or belief;
- (c) state whether the plaintiff or applicant has made a previous application under the Act in respect of the same relevant child, and if so, to provide particulars of that application including any order of Court made in that application;
- (d) include a Statement in Form 231; and
- (e) include any document for proving the matters stated in the affidavit.

(2) The supporting affidavit referred to in paragraph (1) must verify the information in the Statement referred to in paragraph (1)(d).

(3) An application for leave of the Court referred to in section 10(2)(d) must be supported by an affidavit which must —

- (a) state the grounds of the application;
- (b) include any information which may assist the Court in determining the application and, notwithstanding Order 41, Rule 5(1), the affidavit may contain statements of information or belief with the sources and grounds of the information or belief;
- (c) state whether the applicant has made a previous application under the Act in respect of the same relevant child, and if so, to provide particulars of that

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application including any order of Court made in that application; and

(d) include any document for proving the matters stated in the affidavit.

(4) The plaintiff or applicant must file the supporting affidavit —

(a) in the case of an application under section 10 or 15 for the determination or declaration of parenthood, within 7 days after the date of filing of the application; and

(b) in the case of an application for leave of the Court referred to in section 10(2)(d), at the time of filing of the ex parte originating summons.

#### **Service of application and affidavit (O. 106, r. 6)**

6.—(1) Where an application under the Act is made by originating summons in Form 4, the plaintiff or applicant must, within 14 days after the date on which the supporting affidavit is filed, serve the application together with the supporting affidavit on each person who is named as a defendant in the proceedings.

(2) The Court may order an ex parte originating summons in Form 5 and the supporting affidavit to be served on any person.

#### **Objections and reply affidavits (O. 106, r. 7)**

7.—(1) A defendant who intends to object to or contest an application in an originating summons or to adduce evidence with reference to the originating summons must do so by affidavit.

(2) The affidavit referred to in paragraph (1) must be filed and a copy of the affidavit served on the plaintiff or applicant and on every other party to the proceedings not later than 21 days after being served with a copy of the plaintiff's or applicant's supporting affidavit.

(3) The plaintiff or applicant must, if he wishes to reply to a defendant's affidavit, file and serve his affidavit on the

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defendant and on every other party to the proceedings within 14 days after being served with a copy of the defendant's affidavit.

(4) No further affidavit shall be received in evidence without leave of the Court.

**Documents confidential (O. 106, r. 8)**

**8.** All documents filed in any application or proceedings shall be confidential and no inspection of the documents shall be given or copy of the documents supplied except as ordered by the Court.

**Court may require attendance (O. 106, r. 9)**

**9.**—(1) The Court may require any party to any proceedings under the Act to attend at any hearing of those proceedings.

(2) Notwithstanding paragraph (1), the Court may refuse to make a determination or declaration of parenthood unless all parties including the relevant child attend before the Court, but the Court shall have power in its discretion —

- (a) to dispense with the attendance of any party including the relevant child;
- (b) to direct that any party including the relevant child attend before the Court separately and apart from the others; or
- (c) to direct that any party including the relevant child be interviewed privately by the Court.

**Where previous application refused (O. 106, r. 10)**

**10.** If the plaintiff or applicant has made a previous application under the Act for the determination or declaration of parenthood in respect of the same relevant child and that application has been refused, the Court must not make a determination or declaration of parenthood with respect to that relevant child unless the Court is satisfied that there has been a material change in the circumstances of the case.

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**Costs (O. 106, r. 11)**

11. The Court may make such orders as to costs as it thinks just.

**Orders of Court (O. 106, r. 12)**

12. Where the Court makes a determination or declaration of parenthood of a relevant child, the order of Court must be in Form 232.

## ORDER 107

## CHILD REPRESENTATIVES IN FAMILY PROCEEDINGS

**Interpretation and application (O. 107, r. 1)**

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

“child” means a person who is below the age of 21 years;

“mental health professional” includes a psychiatrist, a psychologist and a counsellor.

(2) This Order applies only to proceedings in the Family Division of the High Court or a Family Court.

**Appointment of child representative (O. 107, r. 2)**

2.—(1) Where a child is a party to or subject of any action or proceedings, or where any action or proceedings involves a child or the custody or welfare of a child, the Court may, on its own motion or on the application of any party to the action or proceedings, appoint a child representative for the child, if the Court is of the opinion that it is in the best interests of the child to do so.

(2) An application under paragraph (1) must be made by summons and supported by an affidavit.

(3) The summons and supporting affidavit must be served on every other party to the action or proceedings.

(4) The Court may, when appointing a child representative under paragraph (1), make such orders as the Court considers

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necessary to ensure the independent representation of the child's interests.

**Role of child representative (O. 107, r. 3)**

3.—(1) The child representative must —

- (a) form an independent view, based on the evidence available to him, of what is in the best interests of the child; and
- (b) act in what he believes to be in the best interests of the child.

(2) Subject to paragraph (1) and unless the Court otherwise directs, the child representative must, as far as possible and to the best of the child representative's ability —

- (a) provide the child with the opportunity to express and clarify the child's views on the matters in the action or proceedings;
- (b) ensure that the child can express the child's views free from the influence of any person;
- (c) ensure that the child's views, as expressed by the child, are fully and accurately presented to the Court;
- (d) ensure that the child has the opportunity to be advised about significant developments in the action or proceedings;
- (e) bring to the Court's attention matters which are relevant to advancing the interests of the child, including information on the relationship between the child and any party to the action or proceedings;
- (f) if the child representative is satisfied that the adoption of a particular course of action (which may include the examination or assessment of the child by a mental health professional) is in the best interests of the child, apply or propose to the Court to adopt that course of action;

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- (g) if any mental health professional is appointed, whether by the Court or otherwise, to examine or assess the child —
    - (i) liaise with that mental health professional; and
    - (ii) bring to the Court’s attention any evaluation made by that mental health professional which has not already been disclosed to the Court;
  - (h) create and provide the opportunity for the child and the parties to the action or proceedings to resolve any issue or matter relating to the action or proceedings;
  - (i) facilitate the resolution of any issue or matter referred to in sub-paragraph (h) in a manner which is in the best interests of the child; and
  - (j) provide such information, support and assistance to the child as is necessary for the action or proceedings, as and when requested by the child.
- (3) A child representative must inform the Court —
- (a) of any matter or evidence relevant to the action or proceedings which the child representative is aware of, if doing so is in the best interests of the child, and even if there is any objection from the child or from any party to the action or proceedings; and
  - (b) of any objection referred to in sub-paragraph (a).
- (4) The child representative may —
- (a) personally provide the information, support and assistance referred to in paragraph (2)(j); or
  - (b) with the approval of the Court, arrange for the information, support and assistance to be provided by another person who is qualified to do so.

**Written submission of child representative (O. 107, r. 4)**

**4.—**(1) Unless the Court otherwise orders, the child representative must file a written submission to the Court,

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signed by the child representative, on the matters referred to in Rule 3(2) and (3), together with any supporting documents, within one month after the date of the appointment of the child representative or such other period as the Court may direct.

(2) Unless the Court otherwise orders, the written submission referred to in paragraph (1) may propose the adoption of a course of action (including a course of action referred to in Rule 3(2)(f)) which, in the opinion of the child representative, is in the best interests of the child.

(3) The written submission referred to in paragraph (1) must be served on the child, and on all parties to the action or proceedings, within such period as the Court may direct.

#### **Application to Court and pre-trial conference (O. 107, r. 5)**

**5.**—(1) The child representative may, at any time during the action or proceedings, apply to the Court to adopt a particular course of action.

(2) The Court may, at any time during the action or proceedings, on its own motion or on the application of the child representative or any party to the action or proceedings, convene a pre-trial conference to determine any issue relating to the confidentiality, disclosure or use of any document or information which has come into the possession, or to the attention, of the child representative.

(3) During an application under paragraph (1) or a pre-trial conference under paragraph (2), the Court may make such order as it thinks fit, including an order as to costs.

#### **Remuneration of child representative (O. 107, r. 6)**

**6.**—(1) The remuneration of the child representative —

(a) shall be fixed by the Court; and

(b) shall include any disbursements reasonably incurred by the child representative.

(2) Unless the Court otherwise orders, the parties to the action or proceedings shall be jointly and severally liable to pay

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the amount fixed by the Court for the remuneration of the child representative.”.

### **Amendment of Appendix A**

**34.** Appendix A to the principal Rules is amended by inserting, immediately after Form 230, the following Forms:

“231.

O. 106, r. 5(1)

STATEMENT  
(FOR DETERMINATION OR  
DECLARATION OF PARENTHOOD)

(Title as in action)

1. Particulars of Applicant/Plaintiff:

- (a) Name:
- (b) Nationality:
- (c) Race:
- (d) Dialect group:
- (e) Date of birth:
- (f) Country/Place of birth:
- (g) Singapore NRIC No./Passport No.\*:
- (h) Residential address:
- (i) Occupation:

2. Particulars of person (other than Applicant/Plaintiff) who is treated or claiming to be treated as parent of the relevant child\*\*:

- (a) Name:
- (b) Nationality:
- (c) Race:
- (d) Dialect group:
- (e) Date of birth:
- (f) Country/Place of birth:
- (g) Singapore NRIC No./Passport No.\*:
- (h) Residential address:
- (i) Occupation:

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3. Where section 9 of the Status of Children (Assisted Reproduction Technology) Act 2013 applies, particulars of person whose egg, sperm or embryo was used in the fertilisation procedure undergone by gestational mother by reason of any mistake, negligence, recklessness or fraud\*\* :
- (a) Name:
  - (b) Nationality:
  - (c) Race:
  - (d) Dialect group:
  - (e) Date of birth:
  - (f) Country/Place of birth:
  - (g) Singapore NRIC No./Passport No. \* :
  - (h) Residential address:
  - (i) Occupation:
4. Particulars of gestational mother of the relevant child\*\* :
- (a) Name:
  - (b) Nationality:
  - (c) Race:
  - (d) Dialect group:
  - (e) Date of birth:
  - (f) Country/Place of birth:
  - (g) Singapore NRIC No./Passport No. \* :
  - (h) Residential address:
  - (i) Occupation:
5. Particulars of relevant child\*\* :
- (a) Name:
  - (b) Date of birth:
  - (c) Gender:
  - (d) Country/Place of birth:
  - (e) Time of birth:
  - (f) Birth registration no.:

(\*Passport number to be stated where person is not a citizen or permanent resident of Singapore)

\*\*To fill in particulars if known)

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232.

O. 106, r. 12

**ORDER OF COURT  
(FOR DETERMINATION OR  
DECLARATION OF PARENTHOOD)**

(Title as in action)

1. Parties present at the hearing:

2. Orders made:

# This form requires sealing by the Court and the signature of the Registrar.

**THE SCHEDULE  
PARENTHOOD DETERMINED OR DECLARED  
UNDER SECTION 10 OR 15 OF  
STATUS OF CHILDREN (ASSISTED REPRODUCTION TECHNOLOGY)  
ACT 2013**

CHILD'S PARTICULARS	Full name								
	Sex	Date of birth	Day	Month	Year	Place of birth	Birth Register No.		
Parents before Order made under section 10 or 15 of the Act	Name of Father			Citizenship of Father at the time of the child's birth			Singapore NRIC No./ Passport No.*		
	Name of Mother			Citizenship of Mother at the time of the child's birth			Singapore NRIC No./ Passport No.*		
PARENTS DETERMINED OR DECLARED UNDER SECTION 10 OR 15 OF THE ACT	Father	Name and Surname				Date of birth		Country of birth	
		Race/Dialect Group				Nationality/Citizenship		Singapore NRIC No./ Passport No.*	
		Occupation				Address			
	Mother	Maiden Name				Date of birth		Country of birth	
		Race/Dialect Group				Nationality/Citizenship		Singapore NRIC No./ Passport No.*	
		Occupation				Address			
Date of Order made under section 10 or 15 of the Act									
Description of Court by which made									
(* Passport number to be stated where person is not a citizen or permanent resident of Singapore)									

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[G.N. Nos. S 299/2014; S 390/2014]

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Made on 26 September 2014.

SUNDARESH MENON  
*Chief Justice.*

V K RAJAH, SC  
*Attorney-General.*

BELINDA ANG SAW EAN  
*Judge.*

TAY YONG KWANG  
*Judge.*

QUENTIN LOH  
*Judge.*

STEVEN CHONG  
*Judge.*

VINODH COOMARASWAMY  
*Judge.*

SEE KEE OON  
*Presiding Judge of the State Courts.*

FOO TUAT YIEN  
*District Judge.*

CAVINDER BULL, SC  
*Advocate and Solicitor.*

ANG CHENG HOCK, SC  
*Advocate and Solicitor.*

[RSCS R7/7 Vol. 15; AG/LLRD/SL/322/2010/1 Vol. 11]

(To be presented to Parliament under section 80(6) of the  
Supreme Court of Judicature Act).