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## No. S 778

### FAMILY JUSTICE ACT 2014

#### FAMILY JUSTICE (AMENDMENT NO. 2) RULES 2023

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.—(1) These Rules are the Family Justice (Amendment No. 2) Rules 2023 and, except for rule 6(a) and (b), come into operation on 1 December 2023.

(2) Rule 6(a) and (b) is deemed to have come into operation on 31 December 2021.

#### **Amendment of rule 259**

2. In the Family Justice Rules 2014 (G.N. No. S 813/2014) (called in these Rules the principal Rules), in rule 259(9), replace “and 315” with “, 315 and 315A”.

#### **Amendment of rule 313**

3. In the principal Rules, in rule 313 —

- (a) in paragraph (4), replace “rule 314” with “rule 314, 315A”;
- (b) in paragraph (5), after “rule 314”, insert “or 315A”; and
- (c) in paragraph (5)(c), replace “Hague Convention” with “Hague Service Convention as defined in rule 315A(6)”.

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**Amendment of rule 314****4.** In the principal Rules, in rule 314 —

(a) in paragraph (1), replace sub-paragraphs (a) and (b) with —

“(a) in the case of the Hague Service Convention as defined in rule 315A(6) —

(i) in accordance with rule 315A or 316, whichever is applicable; or

(ii) subject to any objection made by the receiving Contracting State, in accordance with paragraph (2)(a), (b), (c), (d) or (e);

(b) in the case of any other Civil Procedure Convention — according to the manner provided in that convention; or

(c) in the case where both the Hague Service Convention and another Civil Procedure Convention govern service in the foreign country — in accordance with either sub-paragraph (a) or (b).”;

(b) in paragraph (2), replace sub-paragraphs (a), (b) and (c) with —

“(a) according to the manner contractually agreed between the parties;

(b) through the government of the foreign country if that government is willing to effect service;

(c) through the judicial authority of the foreign country if that authority is willing to effect service;

(d) through a Singapore consular authority in the foreign country seeking the assistance

of the relevant authority in that foreign country to effect service; or

- (e) according to the manner provided by the law of that foreign country.”;
- (c) in paragraph (3), after “an originating process”, insert “on a defendant, other than a State,”;
- (d) in paragraph (3)(a), replace “paragraph (1)” with “paragraph (2)”;
- (e) in paragraph (3)(b), delete “(1) or”; and
- (f) in paragraph (4), replace “paragraph (2)(c)” with “paragraph (2)(e)”.

### **New rule 315A**

5. In the principal Rules, after rule 315, insert —

**“Service of originating process, etc., out of Singapore on person under Article 3 of Hague Service Convention**

**315A.**—(1) This rule applies to the service out of Singapore, under Article 3 of the Hague Service Convention, of an originating process or other court document (including any document mentioned in rule 317) required in connection with civil proceedings in respect of a civil or commercial matter on a person, other than a State, in a Contracting State.

(2) If any provision in this rule is inconsistent with any other provision in this Division, the provision in this rule prevails to the extent of the inconsistency.

(3) The person mentioned in paragraph (1) must have a known address in the Contracting State in which the documents are to be served.

(4) A person who wishes to serve any document mentioned in paragraph (1) out of Singapore under this rule must file in the Registry a request for service in the current version of Part 1 of the Model Form, accompanied by —

- (a) a sealed copy of the document to be served;

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- (b) a summary of the document to be served, in accordance with Part 3 of the Model Form;
  - (c) a translation of the documents mentioned in sub-paragraphs (a) and (b) in accordance with the requirements in rule 314(4), (5) and (6); and
  - (d) a copy each of the request and the documents mentioned in sub-paragraphs (a), (b) and (c), which may be in electronic form if agreed to by the central authority.

(5) The Registrar must send the documents filed under paragraph (4) to the Registrar of the Supreme Court who must forward the documents to the central authority of the Contracting State in which the documents are to be served.

(6) In this rule —

“central authority”, in relation to a Contracting State, means an authority that is designated by that State under Article 2 of the Hague Service Convention for receiving requests for service coming from other State parties to the Hague Service Convention;

“Contracting State” means a State (other than Singapore) which is a party to the Hague Service Convention;

“Hague Service Convention” means the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague on 15 November 1965;

“Model Form” means the model form, in 3 parts, annexed to the Hague Service Convention and set out on the Internet website for that Convention at <https://www.hcch.net/en/instruments/conventions/specialised-sections/service>.”.

### **Amendment of rule 316**

**6.** In the principal Rules, in rule 316 —

- (a) in paragraph (1), replace “(Cap. 313)” with “1979”;

(b) in paragraph (4), after “State Immunity Act”, insert “1979”; and

(c) after paragraph (4), insert —

“(5) Where the State is a Contracting State to the Hague Service Convention, the request in paragraph (1)(a) must be accompanied by a summary of the document to be served, in accordance with Part 3 of the Model Form.

(6) In paragraph (5), “Contracting State”, “Hague Service Convention” and “Model Form” have the meanings given by rule 315A(6).”.

### **Amendment of rule 317**

7. In the principal Rules, in rule 317(4), replace “and 315” with “, 315 and 315A”.

### **Amendment of rule 318**

8. In the principal Rules, in rule 318 —

(a) in paragraph (1), replace “An” with “Subject to rule 315A(5), an”; and

(b) in paragraph (2), replace “such service” with “any service mentioned in paragraph (1) or any service pursuant to rule 315A(5)”.

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**Amendment of First Schedule**

9. In the principal Rules, in the First Schedule, after item 4, insert —

“5. Convention on the Service Abroad of T 1/2023”.  
Judicial and Extrajudicial Documents in  
Civil or Commercial Matters done at The  
Hague on 15 November 1965

*[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;  
S 41/2019; S 611/2019; S 778/2019; S 459/2020;  
S 523/2020; S 599/2020; S 1081/2020; S 639/2021;  
S 322/2022; S 156/2023]*

Made on 27 November 2023.

SUNDARESH MENON  
*Chief Justice.*

JUDITH PRAKASH  
*Justice of the Court of Appeal.*

TEH HWEE HWEE  
*Presiding Judge of the  
Family Justice Courts.*

KENNETH YAP YEW CHOY  
*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.*

[LAW 62/004/SC/FJR 2014; AG/LEGIS/SL/104A/2020/1 Vol. 43]

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