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MAINTENANCE ORDERS
(RECIPROCAL ENFORCEMENT) ACT
(CHAPTER 169)

MAINTENANCE ORDERS
(RECIPROCAL ENFORCEMENT)
RULES 2014

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In exercise of the powers conferred by section 18 of the Maintenance Orders (Reciprocal Enforcement) Act, the Minister for Law hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Maintenance Orders (Reciprocal Enforcement) Rules 2014 and shall come into operation on 1 October 2014.

Definitions

2. In these Rules, unless the context otherwise requires —

“Official Assignee” has the same meaning as in section 2 of the Bankruptcy Act (Cap. 20);

“Registrar” means the registrar of the Family Justice Courts and includes the deputy registrar and the assistant registrars;

“Singapore maintenance order” means a maintenance order made by a court in Singapore, and includes a provisional order made by a court in Singapore and confirmed under section 4(6) of the Act by a competent court in a reciprocating country.

Prescribed officer

3. For the purposes of the Act, the “prescribed officer” is the Registrar.

Application for transmission of Singapore maintenance order to reciprocating country

4. An application for a Singapore maintenance order to be sent to a reciprocating country under section 3(1) of the Act must be made by or on behalf of the payee under the maintenance order in the same

manner, and in accordance with the same procedure, as applications for summons are made and to be heard by a District Court or Magistrate's Court under the provisions of the Criminal Procedure Code (Cap. 68).

Content of and undertaking to pay expenses for application for transmission of Singapore maintenance order

5.—(1) An application referred to in rule 4 for a Singapore maintenance order to be sent to a reciprocating country under section 3(1) of the Act must —

- (a) specify the date on which the Singapore maintenance order to which the application relates was made;
 - (b) contain such particulars as are known to the payee under the Singapore maintenance order of the whereabouts of the payer;
 - (c) specify any matters likely to assist in the identification of the payer; and
 - (d) where available, be accompanied by a recent photograph of the payer.
- (2) An application referred to in rule 4 must be accompanied —
- (a) by an undertaking by the payee to be responsible personally for such expenses, as may be incurred and where requested by the responsible authority in the reciprocating country, for the service on the payer of the Singapore maintenance order; and
 - (b) by any other document for the purpose of enforcement of the Singapore maintenance order in the reciprocating country.
- (3) The payee must, on receiving notification of the amount of the expenses in paragraph (2) by the Registrar, pay that amount to such person as the Registrar may direct.

Complaint under section 4 of Act

6. A complaint under section 4(1) of the Act against a person residing in a reciprocating country must be made in the same manner, and in accordance with the same procedure, as applications for

summons are made and to be heard by a District Court or Magistrate's Court under the provisions of the Criminal Procedure Code (Cap. 68).

Undertaking to pay expenses for complaint under section 4 of Act

7.—(1) A complaint made under section 4(1) of the Act against a person residing in a reciprocating country must be accompanied —

- (a) by an undertaking by the complainant to be responsible personally for such expenses, as may be incurred and where requested by the responsible authority in the reciprocating country, for the service on the payer of a provisional order made by a court in Singapore upon hearing that complaint; and
- (b) by any other document for the purpose of confirmation of the provisional order in the reciprocating country.

(2) The complainant must, on receiving notification of the amount of the expenses in paragraph (1) by the Registrar, pay that amount to such person as the Registrar may direct.

Applications under sections 5 and 9 of Act

8. An application referred to —

- (a) in section 5 of the Act for the variation or revocation of a Singapore maintenance order; or
- (b) in section 9 of the Act for the variation or revocation of a maintenance order registered in a Singapore court,

must be made in the same manner, and in accordance with the same procedure, as applications for summons are made and to be heard by a District Court or Magistrate's Court under the provisions of the Criminal Procedure Code (Cap. 68).

Undertaking to pay expenses for application under section 5 of Act

9.—(1) An application referred to in section 5(3) of the Act to vary a Singapore maintenance order must be accompanied —

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- (a) by an undertaking by the applicant to be responsible personally for such expenses, as may be incurred and where requested by a court in the reciprocating country concerned, for the service on a payer of a provisional order made by a court in Singapore upon hearing the application; and
- (b) by any other document for the purpose of confirmation of the provisional order in the reciprocating country.

(2) The applicant must, on receiving the notification of the amount of the expenses in paragraph (1) by the Registrar, pay that amount to such person as the Registrar may direct.

Authentication of documents setting out or summarising evidence

10. A document setting out or summarising any evidence required by section 4(5)(b), 5(4) or 9(5) of the Act to be authenticated must be authenticated by a certificate, signed by the court before whom the evidence was given, that —

- (a) the document is the original document setting out or summarising that evidence; or
- (b) the document is a true copy of that original document.

Method of transmission of documents to reciprocating country

11. Any document required by section 5(4) or 9(5) of the Act to be sent to a court in a reciprocating country must be sent to that court by post.

Consideration for revocation of maintenance orders

12.—(1) For the purposes of section 5(9) of the Act, the court in Singapore which made a maintenance order that is to be confirmed by a competent court in a reciprocating country must serve on the person on whose application the maintenance order was made a notice —

- (a) that sets out the evidence received or taken, as the case may be, for the purpose of proceedings relating to the confirmation of the maintenance order;

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- (b) that informs the person that it appears to the court in Singapore that the maintenance order ought not to have been made; and
- (c) that informs the person that if the person wishes to make representations with respect to the evidence set out in the notice, the person must send a written notice to the Registrar of that person's intention to do so, accompanied by any further evidence that the person wishes to adduce.

(2) Where the Registrar receives a written notice under paragraph (1)(c) from the person on whose application the maintenance order was made, the Registrar must fix a date for the hearing of further evidence and must send to that person a written notice of the date fixed.

Registration of orders other than provisional orders

13.—(1) Where a certified copy of a maintenance order, not being a provisional order, is received by the Registrar for registration in accordance with section 6 of the Act, the Registrar must cause that order to be registered by means of an entry in a register kept for this purpose.

(2) Where the court makes or confirms an order which is required under section 7(5) or 9(10) of the Act to be registered, the Registrar must cause the order to be registered by means of an entry in a register kept for this purpose.

(3) Every order registered under paragraph (1) or (2) must specify the section of the Act under which the order is registered.

Method of payment of sums due under registered orders

14.—(1) Payment of sums due under a registered order must, while the order is registered in a court in Singapore, be made through the Official Assignee or such other person or authority as the court may from time to time direct.

(2) The Official Assignee, person or authority through whom the payments are directed to be made —

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- (a) must collect the moneys due under the registered order in the same manner as though it was made under Part VIII of the Women's Charter (Cap. 353), and then send the moneys when so collected to the person to whom they are due; or
 - (b) must make arrangements for the moneys to be paid to the person to whom they are due.
- (3) Where the moneys are to be paid in accordance with paragraph (2)(b) to a person to whom they are due —
- (a) the Official Assignee, person or authority through whom the payments are directed to be made must inform the court in writing, within 14 days after the arrangements referred to in paragraph (2)(b) are made, the manner in which the moneys are to be paid to the person; and
 - (b) the court may, upon receiving the information referred to in sub-paragraph (a), make any order as it thinks fit.
- (4) The Official Assignee, person or authority through whom the payments are directed to be made may take proceedings in his or its own name for enforcing payment.

Procedure for taking evidence in Singapore at request of court in reciprocating country

15.—(1) Where a request is made by or on behalf of a court in a reciprocating country for the taking in Singapore of the evidence of a person residing in Singapore then, subject to paragraph (2) —

- (a) the evidence must be taken in the same manner as if that person were a witness in proceedings on a summons;
- (b) where the evidence —
 - (i) is to be taken orally, it must be recorded in writing and read to the person who gave the oral evidence and that person must sign the document; or
 - (ii) is to be recorded on an audio recording system approved by the Registrar, a transcript of the official record of hearing of that evidence must be prepared; and

(c) the court by whom the evidence of any person is so taken must certify in writing that such evidence was taken by that court, or certify in writing the authenticity of the transcript of the official record of hearing, as the case may be.

(2) Where the request under paragraph (1) includes a request that the evidence be taken in a particular manner, the court by whom the evidence is taken must, so far as circumstances permit, comply with that request.

(3) Any document or certification referred to in paragraph (1)(c) must be sent to the court in the reciprocating country by or on behalf of which the request was made.

Transmission of order varying or revoking maintenance order to which section 5 of Act applies

16.—(1) Where a court in Singapore makes an order, not being a provisional order, varying a maintenance order to which section 5 of the Act applies, the Registrar must send a written notice of the making of the order —

(a) to the Minister; and

(b) where the order is made in the circumstances in section 5(3)(a) or (b) of the Act, to the court in the reciprocating country which would, if the order had been a provisional order, have had power to confirm the order.

(2) Where a court in Singapore revokes a maintenance order to which section 5 of the Act applies, the Registrar must send a written notice of the revocation —

(a) to the Minister; and

(b) to the court in the reciprocating country which confirmed or has power to confirm that maintenance order, or in which the order is registered for enforcement, as the case may be.

Transmission of order varying or revoking registered order under section 9 of Act

17. Where the court in Singapore makes an order under section 9 of the Act, not being a provisional order, varying or revoking a registered

order, the Registrar must send a written notice of the making of the order to the court in the reciprocating country which made the registered order.

Transmission of order confirming maintenance order under section 7 of Act

18. Where the court in Singapore confirms an order under section 7(2) of the Act, the Registrar must send a written notice of the confirmation to the court in the reciprocating country which made the order.

Notice to be given to Minister where order is registered

19. After the Registrar —

(a) registers an order under section 6(3) of the Act; or

(b) registers a confirmed order under section 7(5) of the Act,

the Registrar must send a written notice of the registration to the Minister.

Notice to be given to payer where order is registered or cancelled

20.—(1) After the Registrar registers a maintenance order under section 6(3), 7(5) or 9(10) of the Act, the Registrar must send a written notice to the payer under the maintenance order —

(a) stating that the maintenance order has been duly registered; and

(b) stating the person or authority to whom sums due under the maintenance order must be paid.

(2) Where the Registrar cancels the registration of a maintenance order under section 10(1) of the Act, the Registrar must send a written notice of the cancellation to the payer under the maintenance order.

Official Assignee may appear in proceedings

21.—(1) In any proceedings for the confirmation of a provisional order made by a court in a reciprocating country under section 7 of the Act, the person in whose favour the provisional order is made may be

represented in the court in Singapore by the Official Assignee or a person duly authorised, in writing, by the Official Assignee to act in that behalf.

(2) In any proceedings for the enforcement of a registered order under section 8 of the Act, the person in whose favour the registered order is made may be represented in the court in Singapore by the Official Assignee or a person duly authorised, in writing, by the Official Assignee to act in that behalf.

Made on 26 September 2014.

BEH SWAN GIN
*Permanent Secretary,
Ministry of Law,
Singapore.*

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