

MAINTENANCE OF PARENTS ACT
(CHAPTER 167B, SECTIONS 20 AND 21)

MAINTENANCE OF PARENTS RULES

ARRANGEMENT OF RULES

Rule

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[1st June 1996]

Citation

1. These Rules may be cited as the Maintenance of Parents Rules.

Forms

1A. Any reference in these Rules to a numbered form shall be construed as a reference to the current version of the form bearing the

corresponding number which is displayed at <http://www.maintenanceofparents.gov.sg>.

[S 146/2011 wef 15/03/2011]

Application to be approved person or organisation

2.—(1) Any person or organisation that desires to be an approved person or organisation for the purposes of the Act may apply to the Minister for approval in Form 1 or 2.

[S 146/2011 wef 15/03/2011]

(2) The person or organisation seeking approval shall furnish the Minister with such information or documents as the Minister may require.

Registry of Tribunal

3. A Registry for the Tribunal shall be established under the charge of the Secretary to the Tribunal (referred to in these Rules as the Secretary).

Records

4.—(1) The Secretary shall cause to be kept —

- (a) a record of proceedings of the Tribunal;
- (b) all applications and papers filed with the Registry; and
- (c) such other records or books as the President or a deputy President of the Tribunal may direct,

[S 146/2011 wef 15/03/2011]

in accordance with directions given by the President or deputy President of the Tribunal, as the case may be.

(2) Any party to the proceedings under the Act shall be entitled to a copy of the record of the proceedings of the Tribunal upon request in writing addressed to the Secretary.

[S 146/2011 wef 15/03/2011]

Lodging of application

5.—(1) An application to the Tribunal made under the Act shall be lodged with the Secretary and shall be in the following forms:

- (a) if made by the applicant himself or on his behalf — Form 3;
- (b) if made by an approved person — Form 4;
- (c) if made by an approved organisation — Form 5; and
- (d) if made by the Commissioner — Form 6.

(2) An application for variation of a maintenance order made under section 8(2) of the Act shall be lodged with the Secretary in Form 7 or 8, as the case may be.

[S 146/2011 wef 15/03/2011]

(3) Every application for maintenance or variation of a maintenance order shall be accompanied by —

- (a) a duly completed form containing the applicant's particulars;
- (b) a statement of the applicant's financial needs, income, earning capacity and other financial resources;
- (c) documents in support of the applicant's physical or mental disability, if any; and
- (d) such other documents as may be required in Form 3, 4, 5, 6, 7 or 8.

[S 146/2011 wef 15/03/2011]

Application for joinder of respondents

6.—(1) Before a respondent serves a notice under section 4 of the Act for joinder of respondents on other persons liable to maintain the applicant, he shall, within 14 days of the service of the notice of application, file an application for such notice in Form 9 with the Secretary.

[S 146/2011 wef 15/03/2011]

(2) The notice for joinder of respondents under section 4 of the Act shall be in Form 10 and shall be signed by the Secretary.

[S 146/2011 wef 15/03/2011]

Notice of application

7.—(1) Where an application for maintenance, joinder of respondents or variation of a maintenance order is lodged, the Secretary shall —

- (a) indicate on the application the date on which it was received;
- (b) assign a number to the application, which shall thereafter constitute the title of the application;
- (c) fix a time and date for appearance before the Tribunal and, if applicable, a time and date for subsequent referral of the differences to a conciliation officer in accordance with section 5(6) of the Act; and
- (d) give notice in Form 11 to the applicant and respondents of the time and date to appear before the Tribunal to state the differences between parties and subsequent mediation with the conciliation officer so fixed.

[S 146/2011 wef 15/03/2011]

(2) A copy of the application for maintenance or variation of the maintenance order, as the case may be, shall be attached by the Secretary to every notice under paragraph (1) other than the notice which was given to the applicant.

Answer

8.—(1) A respondent or co-respondent may, within 14 days of the service of the notice of application or notice for joinder of respondents, file an answer with the Secretary in Form 12.

[S 146/2011 wef 15/03/2011]

(2) The answer shall be accompanied by —

- (a) a statement of the respondent's income, earning capacity, property and other financial resources;

[S 146/2011 wef 15/03/2011]

- (b) a statement of the expenses incurred by the respondent in supporting his spouse or children, if any;

[S 146/2011 wef 15/03/2011]

- (c) a statement of the contributions and provisions, whether financial or otherwise, which the respondent has made for the maintenance of the applicant; and

[S 146/2011 wef 15/03/2011]

- (d) such other documents as may be required in the answer.

(3) The respondent shall serve a copy of the answer and the statements and documents referred to in paragraph (2) on the applicant and other respondents.

[S 146/2011 wef 15/03/2011]

Notice of hearing

9.—(1) Where the conciliation officer is unable, within a reasonable time, to achieve a settlement acceptable to all parties in the dispute, he shall notify the Secretary and the Secretary shall —

- (a) fix a time and date for the hearing and determination of the application before the Tribunal; and
- (b) inform the applicant, respondents and all other relevant parties of the time and date of hearing so fixed.

[S 146/2011 wef 15/03/2011]

(2) The conciliation officer may from time to time adjourn the mediation on such conditions as he thinks just.

Order in respondent's absence

10.—(1) The Tribunal may proceed to determine an application and make an order in the absence of the respondent if the Tribunal is satisfied that the notice of hearing has been properly served.

[S 146/2011 wef 15/03/2011]

(2) A respondent who was not present at a hearing may apply in Form 13 to set aside any order the Tribunal made in his absence within 14 days of the making of the order or such other longer period as the Tribunal may allow.

[S 146/2011 wef 15/03/2011]

(3) Where an application to set aside an order is lodged, the Secretary shall —

- (a) fix a time and date for the hearing of the application; and
- (b) notify the applicant, respondents and all other relevant parties of the time and date of hearing so fixed.

[S 146/2011 wef 15/03/2011]

(4) A copy of the application shall be attached by the Secretary to every notice under paragraph (3) other than that which was given to the respondent.

[S 146/2011 wef 15/03/2011]

(5) Where the order of the Tribunal has been set aside, the Tribunal may —

- (a) refer the application to a conciliation officer for mediation;
- (b) hear the application; or
- (c) make any direction as it thinks just.

Enforcement of maintenance orders

11.—(1) A maintenance order made under the Act shall be enforced in accordance with section 10 of the Act and including section 71, 71A, 71B, 71C, 79, 79A or Part IX of the Women’s Charter (Cap. 353), as the case may be.

[S 146/2011 wef 15/03/2011]

(2) In the enforcement of a maintenance order, a certificate signed by the Secretary shall, unless the contrary is shown, be sufficient evidence of the amount of maintenance which is due and outstanding from each respondent.

[S 146/2011 wef 15/03/2011]

Maintenance to approved person or organisation

12. An approved person or organisation shall pay any moneys awarded by the Tribunal into a separate account in the name of the applicant or as directed by the Tribunal.

Appeal to High Court

13.—(1) An appeal to the High Court under section 18 of the Act shall, with the necessary modifications, be brought in accordance with

Order 55D (except for rule 5) of the Rules of Court (Cap. 322, R 5) and notice of such appeal shall also be filed with the Secretary.

(2) Any reference in Order 55D of the Rules of Court (Cap. 322, R 5) to —

- (a) the Registrar or Registry of the State Courts shall be construed as a reference to the Secretary to the Tribunal and the Registry of the Tribunal, respectively; and

[S 135/2014 wef 07/03/2014]

- (b) the Court shall be construed as a reference to the Tribunal.

(3) In Order 55D, rule 3(5) of the Rules of Court, the deposit of \$3,000 for District Court actions by way of security for the respondent's costs of the appeal shall apply to an appeal under section 18.

(4) The notice of appeal shall be in Form 14.

[S 146/2011 wef 15/03/2011]

Record of proceedings

14.—(1) When a notice of appeal has been filed, the President or a deputy President of the Tribunal shall certify in writing the grounds of the decision.

[S 146/2011 wef 15/03/2011]

(2) If no certified grounds of the decision has been given by the President or a deputy President of the Tribunal within a period of 3 months from the date of notice of appeal, the appellant shall proceed with the appeal and apply in writing to the Secretary for a copy of the record of proceedings.

[S 146/2011 wef 15/03/2011]

(3) As soon as possible after notice of the appeal has been filed, the Secretary shall inform the appellant or his solicitor that a copy of the record of proceedings is available.

(4) The record of proceedings shall consist of a certified copy of the grounds of the decision (if any) and a certified copy of the notes of proceedings taken at the hearing of the application.

Special case stated

15. An application to the High Court by way of special case stated under section 16 of the Act shall, with the necessary modifications, be made in accordance with Order 55A of the Rules of Court.

Extension of time and remission of fees

16. The President or a deputy President of the Tribunal may, in his discretion —

- (a) grant an extension of any period of time prescribed in these Rules; or
- (b) remit, reduce or waive any fee prescribed in these Rules.

Tribunal to determine proceedings

17. If any matter or issue is not specifically provided for in these Rules, the Tribunal shall, in accordance with section 14(9) of the Act, determine the conduct of its proceedings.

Solicitors' costs

18. The total remuneration (inclusive of disbursements and goods and services tax) an advocate and solicitor is entitled to charge his client in respect of —

- (a) an appeal from the Tribunal to the High Court under section 18(2) of the Act;
- (b) the hearing by the High Court by way of a special case stated by the Tribunal under section 16 of the Act;
- (c) a revision of the Tribunal's decision by the High Court under section 17 of the Act; or
- (d) an appeal from the High Court to the Court of Appeal under section 18(5) of the Act,

shall not in each case exceed \$3,000.

THE SCHEDULE

Deleted by S 146/2011, wef 15/03/2011.

[G.N.No. S 241/96]

LEGISLATIVE HISTORY
MAINTENANCE OF PARENTS RULES
(CHAPTER 167B, R 1)

This Legislative History is provided for the convenience of users of the Maintenance of Parents Rules. It is not part of these Rules.

1. G. N. No. S 241/1996 — Maintenance of Parents Rules 1996

Date of commencement : 1 June 1996

2. 1997 Revised Edition — Maintenance of Parents Rules

Date of operation : 1 June 1996

3. 2009 Revised Edition — Maintenance of Parents Rules

Date of operation : 31 March 2009

4. G. N. No. S 146/2011 — Maintenance of Parents (Amendment) Rules 2011

Date of commencement : 15 March 2011

5. G.N. No. S 135/2014 — Maintenance of Parents (Amendment) Rules 2014

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