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The following Act was passed by Parliament on 1 August 2017 and assented to by the President on 23 August 2017:—

REPUBLIC OF SINGAPORE

No. 33 of 2017.

I assent.

TONY TAN KENG YAM,

President.

23 August 2017.



An Act to amend the Administration of Muslim Law Act (Chapter 3 of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Administration of Muslim Law (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Repeal of section 8

2. Section 8 of the Administration of Muslim Law Act (called in this Act the principal Act) is repealed.

Amendment of section 21

3. Section 21 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) The Majlis must ensure that minutes of every meeting are kept in the national language or in English.”; and

(b) by deleting the words “shall be entered in the minute book of the Majlis and” in subsection (3).

Amendment of section 34B

4. Section 34B of the principal Act is amended —

(a) by deleting the words “a deputy registrar” in subsection (1) and substituting the words “one or more deputy registrars”;

(b) by deleting subsection (2) and substituting the following subsection:

“(2) The registrar of the Court —

(a) may transact all of the business which may be transacted, and exercise all of the jurisdiction and powers which may be exercised, by a president of the Court under sections 40, 43A, 43B, 47(5) and 50; and

- (b) has such other jurisdiction, powers and duties as may be prescribed in this Act or under any rules made under section 145.”;
- (c) by inserting, immediately after the words “Subject to this Act, the” in subsection (3), the word “jurisdiction,”; and
- (d) by deleting the words “the deputy registrar” in subsection (3) and substituting the words “a deputy registrar”.

Amendment of section 35

5. Section 35 of the principal Act is amended —

- (a) by deleting the word “The” in subsection (2) and substituting the words “Subject to subsection (2A), the”;
- (b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Where any action or proceeding mentioned in subsection (2) is commenced on or after the date of commencement of section 5(b) of the Administration of Muslim Law (Amendment) Act 2017, the Court has jurisdiction under that subsection to hear and determine that action or proceeding only if either party to the marriage —

- (a) is domiciled in Singapore at the time that action or proceeding is commenced; or
 - (b) is habitually resident in Singapore for a period of at least 3 years immediately before that action or proceeding is commenced.”; and
- (c) by inserting, immediately after subsection (3), the following subsection:

“(4) For the purposes of subsection (2A), a person who is a citizen of Singapore is presumed to be domiciled in Singapore, until the contrary is proved.”.

Amendment of section 43

6. Section 43 of the principal Act is amended by deleting the words “and of a court under Division 1 of Part XXI of the Criminal Procedure Code 2010” in paragraph (e).

New sections 43A and 43B

7. The principal Act is amended by inserting, immediately after section 43, the following sections:

“Court may refer parties for counselling, etc.

43A.—(1) The Court before which any matter mentioned in section 35(2), 46B, 47, 48, 49, 51 or 52 is heard may order or advise any of the parties or their children to do either or both of the following, if the Court considers that doing so is in the interests of any of the parties or their children:

- (a) attend counselling provided by a person the Court appoints;
- (b) participate in a family support programme or activity the Court specifies.

(2) Where the Court has made an order under subsection (1), the parties must comply with the order.

(3) Where a party fails to comply with an order made under subsection (1), the Court may make such further orders as the Court thinks fit.

(4) The further orders that the Court may make under subsection (3) include the following:

- (a) an order that the proceedings be stayed until all of the parties or their children who have been ordered by the Court under subsection (1) to attend counselling, or to participate in a family support programme or activity, have done so;
- (b) such order as to costs as the Court thinks appropriate against the party who fails to comply with an order made by the Court under subsection (1).

(5) Anything said, any document prepared, and any information provided, by any person for the purposes of or in the course of any counselling or any family support programme or activity under this section is not to be admitted in evidence in the Court or any court.

(6) No liability shall lie personally against any person providing any counselling or conducting any family support programme or activity for the purposes of subsection (1), who, acting in good faith and with reasonable care, does or omits to do anything for the purposes of that counselling or family support programme or activity (as the case may be).

(7) In this section, “family support programme or activity” means any programme or activity carried out for the purpose of addressing or resolving any relationship issue or relationship problem between spouses or former spouses, between siblings or between parent and child.

Examination and assessment of child

43B.—(1) In any proceedings before the Court involving the custody or welfare of a child, the Court may, on the application of any party to those proceedings or on its own motion, appoint a registered medical practitioner, psychologist, counsellor, social worker or mental health professional to examine and assess the child for the purposes of preparing expert evidence for use in those proceedings.

(2) Where a registered medical practitioner, psychologist, counsellor, social worker or mental health professional who is not appointed by the Court under subsection (1) examines or assesses the child, no evidence arising out of that examination or assessment may be adduced in those proceedings without the leave of the Court.

(3) A registered medical practitioner, psychologist, counsellor, social worker or mental health professional appointed under subsection (1) may make such enquiries relevant to the examination and assessment of the child as may be provided for under rules made under section 145.”