

Family Violence Bill

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Bill No: 36/1995

Read the first time: 27th September 1995

Long Title

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Explanatory Statement

Family Violence Bill

Bill No. 36/1995

Read the first time on 27th September 1995.

An Act to protect spouses, children and other family members in situations of family violence or threatened family violence and to make provisions for purposes connected therewith.

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

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Family Violence Act 1995 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

“alternative residence” means the premises or accommodation which a person is or has been compelled to seek or move into as a result of family violence;

“applicant” refers to the party who applies for a Protection Order or in the case where the application is made by the persons referred to in section 4(2), the child or incapacitated person on whose behalf the application is made;

“counselling body” includes bodies providing counselling services set up under or approved by the relevant Ministry for the purposes of this Act;

“court” means the Magistrate Court or the District Court;

“enforcement officer” means a police officer or a welfare officer or any other designated officer appointed by the Minister to carry out the duties under section 20;

“family member” means —

- (a) a spouse or former spouse;
- (b) a child, which shall include an adopted child and a step child;
- (c) a father or mother;
- (d) a father-in-law or mother-in-law;
- (e) a brother or sister; or

- (f) any other person who in the opinion of the court should, in the circumstances, be regarded as a member of the family;

“hurt” means bodily pain, disease or infirmity;

“incapacitated person” means a person who is wholly or partially incapacitated or infirm, by reason of physical or mental disability, ill-health or old age;

“Protection Order” means an order issued under section 4 or 5;

“respondent” refers to the party against whom a Protection Order is sought or made;

“shelter” means any home or institution maintained or managed by the relevant Ministry or by any other agency or voluntary organisation approved by the Minister for the purposes of this Act or any other suitable place the occupier of which is willing to receive the family member temporarily; and

“shared residence” means the premises at which the applicant and respondent are, or have been, living together as members of the same household.

Definition of family violence

3.—(1) For the purposes of this Act, subject to subsection (2),

“family violence” means any of the following acts:

- (a) wilfully or knowingly placing, or attempting to place, a family member in fear of hurt;
- (b) causing hurt to a family member by such act which is known or ought to have been known would result in hurt;
- (c) compelling a family member by force to engage in any sexual act or conduct;
- (d) wrongfully restraining or confining a family member against his will; or
- (e) causing harassment with intent to cause or knowing that it is likely to cause anguish to a family member.

(2) Family violence does not include force lawfully used in self defence, or by way of correction towards a child below 21 years of age.

PART II

PROTECTION ORDER

Protection Order

4.—(1) The court may issue a Protection Order restraining a person from committing family violence against his family member where it is satisfied on a balance of probabilities that family violence has been or is likely to be committed by that person against that family member.

(2) In the case of a child below 21 years of age or an incapacitated person, an application for a Protection Order may be filed by a guardian or relative or person responsible for the care of such child or incapacitated person, as the case may be, or by an enforcement officer.

(3) An order made under this section may be made subject to such exceptions or conditions as may be specified in the order and for such a term as may be specified.

(4) The court in making a Protection Order may include a provision that the respondent may not incite or assist any other person to commit family violence against the applicant.

Expedited Order

5.—(1) Where, upon an application for a Protection Order, the court is satisfied that there is imminent danger of family violence being committed against the applicant, the court may make the orders under section 4(1) notwithstanding —

(a) that the summons has not been served on the respondent or has not been served on the respondent within a reasonable time before the hearing of the application; or

(b) that the summons requires the respondent to appear at some time or place,

and any order made by virtue of this subsection shall be an interim order and be referred to in this section as an Expedited Order.

(2) An Expedited Order shall not take effect until the date on which the order is served on the respondent in such manner as may be prescribed or, if the court specifies a later date as the date on which the order is to take effect, that later date.

(3) An Expedited Order shall cease to have effect on whichever of the following dates occurs first:

(a) the date of the expiration of the period of 28 days beginning with the date on which the Expedited Order takes effect; or