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No. S 610

FAMILY JUSTICE ACT 2014 (ACT 27 OF 2014)

FAMILY JUSTICE (AMENDMENT NO. 2) RULES 2016

In exercise of the powers conferred on us 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 2016 and, except for rules 2, 10 and 13(*b*), come into operation on 1 December 2016.

(2) Rules 2, 10 and 13(*b*) come into operation on 1 January 2017.

Amendment of rule 20

2. Rule 20(2) of the Family Justice Rules 2014 (G.N. No. S 813/2014) (called in these Rules the principal Rules) is amended by deleting sub-paragraph (*b*).

Amendment of rule 38

3. Rule 38(1) of the principal Rules is amended —

(*a*) by inserting, immediately after the definition of “enforcement proceedings”, the following definition:

“ “excluded party” has the same meaning as in section 94A(14);”;

(*b*) by inserting, immediately after the definition of “marriage”, the following definition:

“ “parenting programme” has the same meaning as in section 94A(14);” and

(c) by inserting, immediately after the definition of “person named”, the following definition:

““prescribed party” has the same meaning as in section 94A(14);”.

New rules 39A and 39B

4. The principal Rules are amended by inserting, immediately after rule 39, the following rules:

“Application under section 94A(4)(a)

39A.—(1) A prescribed party’s application under section 94A(4)(a) to be allowed to file a writ for divorce must be made by originating summons in Form 47.

(2) The applicant must file the originating summons together with a supporting affidavit —

- (a) stating the particulars of the parties to the proceedings;
- (b) stating the applicant’s reasons for not completing a parenting programme; and
- (c) exhibiting a copy of each document relied on in support of the application.

(3) The originating summons must be fixed for a case conference before a Registrar or for a hearing before a Judge in Chambers.

(4) Unless the Court otherwise directs, the originating summons and the supporting affidavit must be served on the respondent at least 5 clear days before the date of the case conference or hearing.

(5) The respondent may be heard without filing a memorandum of appearance.

(6) The Court may allow the applicant to file a writ for divorce on such terms as the Court thinks fit.

Application under section 94A(4)(b)

39B.—(1) A prescribed party's application under section 94A(4)(b) to be allowed to file a counterclaim in proceedings for divorce must be made by summons in Form 4.

(2) The applicant must file the summons together with a supporting affidavit —

- (a) stating whether the applicant was informed, or was aware, of a parenting programme;
- (b) stating the applicant's reasons for not completing a parenting programme;
- (c) exhibiting a copy of each document relied on in support of the application; and
- (d) if the application is made more than 2 months after the writ was served on the applicant, stating the applicant's reasons for not making the application within those 2 months.

(3) The summons must be fixed for a case conference before a Registrar or for a hearing before a Judge in Chambers.

(4) Unless the Court otherwise directs, the summons and the supporting affidavit must be served on the plaintiff in the proceedings for divorce at least 5 clear days before the date of the case conference or hearing.

(5) The Court may allow the applicant to file a counterclaim on such terms as the Court thinks fit.”.

Amendment of rule 44

5. Rule 44(1) of the principal Rules is amended —

- (a) by deleting the word “and” at the end of sub-paragraph (b);
and
- (b) by deleting the full-stop at the end of sub-paragraph (c) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(d) where the writ is a writ for divorce, and the plaintiff is a prescribed party, one of the following documents:

- (i) a certificate (issued by a person appointed under section 94A(9)(b) to conduct a parenting programme) stating that the plaintiff has completed a parenting programme;
- (ii) a note (issued by a Director of the Ministry of Social and Family Development) stating that the plaintiff is an excluded party;
- (iii) an order of Court allowing, under section 94A(4), the plaintiff to file the writ.”.

Amendment of rule 48

6. Rule 48(1) of the principal Rules is amended —

(a) by deleting the word “and” at the end of sub-paragraph (a)(iii); and

(b) by inserting the word “and” at the end of sub-paragraph (iv) of sub-paragraph (a), and by inserting immediately thereafter the following sub-paragraph:

“(v) where the writ is a writ for divorce, and the plaintiff is a prescribed party, one of the following documents:

- (A) a certificate (issued by a person appointed under section 94A(9)(b) to conduct a parenting programme) stating that the plaintiff has completed a parenting programme;

- (B) a note (issued by a Director of the Ministry of Social and Family Development) stating that the plaintiff is an excluded party;
- (C) an order of Court allowing, under section 94A(4), the plaintiff to file the writ;”.

Amendment of rule 56

7. Rule 56 of the principal Rules is amended by deleting paragraph (4) and substituting the following paragraph:

“(4) A defendant who has filed a memorandum of appearance in Form 18 and who wishes to apply for divorce, judicial separation or nullity of marriage, in addition to defending all or any of the allegations made in the statement of claim, must file, within the time specified in paragraph (1) —

- (a) a defence, together with a counterclaim, in Form 21; and
- (b) where the defendant is a prescribed party and wishes to apply for divorce, one of the following documents:
 - (i) a certificate (issued by a person appointed under section 94A(9)(b) to conduct a parenting programme) stating that the defendant has completed a parenting programme;
 - (ii) a note (issued by a Director of the Ministry of Social and Family Development) stating that the defendant is an excluded party;
 - (iii) an order of Court allowing, under section 94A(4), the defendant to file the counterclaim.”.

Amendment of rule 99A

8. Rule 99A of the principal Rules is amended by deleting paragraph (5) and substituting the following paragraph: