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FAMILY JUSTICE ACT 2014 (ACT 27 OF 2014)

FAMILY JUSTICE (AMENDMENT) 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. These Rules are the Family Justice (Amendment) Rules 2016 and come into operation on 1 July 2016.

Amendment of rule 32

2. Rule 32(3) of the Family Justice Rules 2014 (G.N. No. S 813/2014) (called in these Rules the principal Rules) is amended by deleting the words “on the child and”.

New rule 87A

3. The principal Rules are amended by inserting, immediately after rule 87, the following rule:

“Evidence that husband or former husband is incapacitated from earning a livelihood, etc.

87A.—(1) An application by an incapacitated husband or incapacitated former husband (called in this rule the husband) for maintenance under section 113(1) from his wife or former wife (as the case may be) must be supported by a report given by a registered medical practitioner stating all of the following matters:

- (a) the nature of the physical or mental disability or illness causing the husband to be incapacitated from earning a livelihood;

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- (b) the date on which the husband began to suffer from that physical or mental disability or illness;
 - (c) the extent to which the husband is incapacitated, by that physical or mental disability or illness, from earning a livelihood;
 - (d) the period during which the husband is incapacitated, by that physical or mental disability or illness, from earning a livelihood.

(2) Despite paragraph (1), the Court may, in its discretion, allow the application mentioned in that paragraph to be supported by a report which states the matters mentioned in paragraph (1)(a) to (d), but is given by a foreign doctor, if the Court is satisfied that there is good reason to do so.

(3) The Court may require a report mentioned in paragraph (2) to be accompanied by documentary evidence of the foreign registration of the foreign doctor giving the report.

(4) In this rule —

“foreign doctor” means an individual who is duly authorised or registered to practise medicine in a state or territory other than Singapore by a foreign authority having the function conferred by law of authorising or registering individuals to practise medicine in that state or territory;

“foreign registration”, in relation to a foreign doctor, means the authorisation or registration of the foreign doctor to practise medicine in a state or territory other than Singapore by a foreign authority having the function conferred by law of authorising or registering individuals to practise medicine in that state or territory.”.

Amendment of rule 96

4. Rule 96(1) of the principal Rules is amended by deleting the words “the period fixed by the Court for making the judgment final” and substituting the words “3 months from the grant of the interim

judgment or such shorter period as the Court may fix under section 99(1)".

New rule 99A

5. The principal Rules are amended by inserting, immediately before rule 100 in Division 3 of Part 5, the following rule:

“Absence of respondent

99A.—(1) This rule and section 156 of the Criminal Procedure Code (Cap. 68) —

(a) set out different circumstances in which the Court may proceed, in the absence of the respondent, to hear and determine an application for a protection order; and

(b) are independent of each other.

(2) The Court may proceed, in the absence of the respondent, to hear and determine an application for a protection order, if —

(a) the respondent —

(i) does not appear at the time and place mentioned in the summons; or

(ii) without reasonable excuse, does not appear at the time and place to which the application is adjourned;

(b) it appears to the Court on oath or affirmation that the summons was duly served on the respondent a reasonable time before the time appointed in the summons for appearing; and

(c) no sufficient ground is shown for an adjournment.

(3) A summons for an application for a protection order must be endorsed with a statement of the matters set out in paragraph (2).

(4) To avoid doubt, where the Court hears an application for a protection order in the absence of the respondent, the Court may —

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- (a) examine the applicant and any witness called in support of the application; and
 - (b) make a protection order if the Court is satisfied that the requirements for making the order have been met.

(5) Where the Court makes a protection order at a hearing, in the absence of the respondent, of an application for a protection order, the applicant must serve the order on the respondent —

- (a) by delivering it to the respondent personally;
- (b) by sending it by prepaid registered post to the last known address of the place of residence or business of the respondent; or
- (c) by affixing it to a conspicuous part of the last known address of the place of residence of the respondent.

(6) A protection order sent to the respondent by prepaid registered post in accordance with paragraph (5)(b) is to be treated as duly served on the respondent at the time when the order would in the ordinary course of post be delivered.

(7) In proving service by prepaid registered post, it is sufficient to prove that the cover containing the protection order was properly addressed, stamped and posted by prepaid registered post.

(8) Where a protection order is made in the absence of the respondent, the order must —

- (a) indicate that the order was made in the absence of the respondent; and
- (b) be accompanied by a memorandum stating that the respondent may apply under section 67(1) to revoke a protection order that was made in the absence of the respondent.

(9) Paragraphs (2) to (7) and (8)(a) apply, with the following modifications, to an application under section 67(1) to vary, suspend or revoke a protection order:

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- (a) any reference to an application for a protection order, or to a summons for an application for a protection order, is to be construed as a reference to the application under section 67(1);
 - (b) any reference to a protection order is to be construed as a reference to an order, made pursuant to the application under section 67(1), to vary, suspend or revoke a protection order;
 - (c) any reference to an applicant is to be construed as a reference to the person making the application under section 67(1);
 - (d) any reference to the respondent is to be construed as a reference to the person against whom the application under section 67(1) is made.
- (10) To avoid doubt, in this rule, “protection order” includes any order mentioned in section 65(5)(a), (b) or (c).”.

New rule 114A

6. The principal Rules are amended by inserting, immediately after rule 114, the following rule:

“Evidence that husband is incapacitated from earning a livelihood, etc.

114A.—(1) An application under section 69(1A) by an incapacitated husband for maintenance from his wife must be supported by a report given by a registered medical practitioner stating all of the following matters:

- (a) the nature of the physical or mental disability or illness causing the husband to be incapacitated from earning a livelihood;
- (b) the date on which the husband began to suffer from that physical or mental disability or illness;
- (c) the extent to which the husband is incapacitated, by that physical or mental disability or illness, from earning a livelihood;