

Women's Charter (Garnishee Proceedings) Rules 1997

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No. S 178

WOMEN'S CHARTER (CHAPTER 353)

WOMEN'S CHARTER (GARNISHEE PROCEEDINGS) RULES 1997

In exercise of the powers conferred by section 180(1) of the Women's Charter, the Minister for Community Development hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Women's Charter (Garnishee Proceedings) Rules 1997 shall come into operation on 1st May 1997.

Definitions

2. In these Rules, unless the context otherwise requires —

“applicant” means a person who applies for a garnishee order;

“defendant”, in relation to garnishee proceedings or proceedings under rule 15, means the person who fails to make one or more payments required to be made under a maintenance order;

“garnishee” means a person who is within the jurisdiction and from whom money is due or accruing due to the defendant;

“garnishee order” means an order made under section 63(1)(c) of the Act;

“garnishee proceedings” means proceedings for the application of a garnishee order and includes proceedings which arise out of or are incidental to such application;

“maintenance order” has the same meaning as in section 73 of the Act;

“Registrar” means —

- (a) the Registrar, a Deputy Registrar or an Assistant Registrar of the High Court in all cases where proceedings are taken in the High Court; and
- (b) the Registrar or a Deputy Registrar of the Subordinate Courts in all cases where proceedings are taken in a District Court or a Magistrate's Court;

“scheduled territories” has the same meaning as in the Exchange Control Act (Cap. 99).

Application for garnishee order

3.—(1) A person who has applied for a maintenance order, or a person to whom the court has directed maintenance to be paid, may apply for a garnishee order for the enforcement of the maintenance order.

(2) An application to a District Court or a Magistrate's Court for a garnishee order shall be made in accordance with the procedure under section 72(1) of the Act.

Powers of court in garnishee proceedings

4.—(1) Subject to any written law, where an application for a garnishee order is made to any court, the court may at any time —

- (a) order the defendant to give to the court, within such period as may be specified in the order, a statement signed by him of —
 - (i) the name and address of every garnishee;
 - (ii) such particulars of the nature and the amount of debt due or accruing due as may be specified in the order; and
 - (iii) such particulars of the defendant as may be specified in the order for the purpose of enabling the defendant to be identified by a garnishee; and
- (b) order any person appearing to the court to be a garnishee to give to the court, within such period as may be specified in the order, a statement signed by him or on his behalf of such particulars as may be required by the order of all debts due or accruing due to the defendant.

(2) A document purporting to be such a statement as is mentioned in paragraph (1) shall, in the garnishee proceedings, be received in evidence and be deemed to be such statement without further proof unless the contrary is shown.

Nature of garnishee order

5.—(1) The court may, in respect of an application for a garnishee order, order the garnishee to pay the applicant the amount of any debt due or accruing due to the defendant from the garnishee, or so much thereof as is sufficient to satisfy the outstanding amounts due under the maintenance order and the costs of the garnishee proceedings.

(2) An order under paragraph (1) —

- (a) shall, in the first instance, be an order to show cause, specifying the date, time and place for further consideration of the matter, and in the meantime attaching such debt as is mentioned in paragraph (1), or so much thereof as may be specified in the order, to satisfy the outstanding amounts due under the maintenance order and the costs of the garnishee proceedings; and
- (b) shall be in Form 1 in the Schedule.

(3) For the purpose of this rule, “any debt due or accruing due” includes an amount standing to the credit of the defendant in a current account or deposit account in a bank or other financial institution (other than the Post Office Savings Bank of Singapore), whether or not it has matured and notwithstanding any restriction as to the mode of withdrawal.

Service and effect of order to show cause

6.—(1) An order under rule 5 to show cause must, at least 7 days before the time appointed thereby for the further consideration of the matter, be served —

- (a) on the garnishee; and
- (b) unless the court otherwise directs, on the defendant.

(2) Such an order shall bind in the hands of the garnishee as from the service of the order on him any debt specified in the order or so much thereof as may be so specified.

Mode of service

7. Unless the court otherwise directs, the service of any document on a garnishee shall be undertaken by the Registrar by way of registered post.

No appearance or dispute of liability by garnishee

8.—(1) Where, on the further consideration of the matter, the garnishee does not attend or does not dispute the debt claimed to be due from him to the defendant, the court may, subject to rule 13, make an order absolute under rule 5 in the appropriate form in Form 2 in the Schedule against the garnishee.