

Women's Charter (Amendment) Bill

Bill No. 6/2016.

Read the first time on 26 January 2016.

A BILL

intituled

An Act to amend the Women's Charter (Chapter 353 of the 2009 Revised Edition) and to make a related amendment to the Immigration Act (Chapter 133 of the 2008 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 Women’s Charter (Amendment) Act 2016 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of long title

2. The long title to the Women’s Charter is amended by inserting, immediately after the word “wives”, the words “, incapacitated husbands”.

Amendment of section 2

10 3. Section 2 of the Women’s Charter is amended —

(a) by inserting, immediately after the definition of “Director”, the following definitions:

15 “ “fit individual” means an individual whom the Director, having regard to the character of the individual, thinks competent to provide care and protection to another individual;

“incapacitated former husband”, in relation to a dissolved or an annulled marriage, means a former husband to the marriage who —

20 (a) during the subsistence of the marriage, was or became —

(i) incapacitated, by any physical or mental disability or any illness, from earning a livelihood; and

25 (ii) unable to maintain himself; and

(b) continues to be unable to maintain himself;

“incapacitated husband” means a husband who —

- (a) during the marriage, is or becomes —
 - (i) incapacitated, by any physical or mental disability or any illness, from earning a livelihood; and 5
 - (ii) unable to maintain himself; and
- (b) continues to be unable to maintain himself;”;
- (b) by inserting, immediately after the definition of “married woman”, the following definition: 10
 - “ “messaging system” means any system that enables the transmission of short text messages, or of any visual communication, voice communication or electronic mail —
 - (a) from a digital mobile telephone to another digital mobile telephone; or 15
 - (b) from an electronic mail address to a digital mobile telephone, and the other way around;”;
- (c) by deleting the definition of “register of marriages”; and 20
- (d) by deleting the full-stop at the end of the definition of “solemnization” and substituting a semi-colon, and by inserting immediately thereafter the following definition:
 - “ “State Marriage Register” means the State Marriage Register maintained under section 27.”. 25

Amendment of section 3

4. Section 3 of the Women’s Charter is amended by inserting, immediately after subsection (2), the following subsection:

“(2A) Nothing in Part VIII entitles an incapacitated husband who is married under the provisions of the Muslim law, or of any written law in Singapore or in Malaysia providing for the 30

registration of Muslim marriages, to obtain any maintenance under that Part.”.

Amendment of section 5

5 **5.** Section 5(3) of the Women’s Charter is amended by deleting the word “him” and substituting the words “that person”.

New section 11A

6. The Women’s Charter is amended by inserting, immediately after section 11, the following section:

“Avoidance of marriages of convenience

10 **11A.—**(1) A marriage solemnized on or after the date of commencement of section 6 of the Women’s Charter (Amendment) Act 2016, whether in Singapore or elsewhere, is void if —

15 (a) a party to the marriage contracts or otherwise enters into the marriage knowing or having reason to believe that the purpose of the marriage is to assist the party or the other party to the marriage to obtain an immigration advantage; and

20 (b) any gratification, whether from a party to the marriage or another person, is offered, given or received as an inducement or reward to any party to the marriage for entering into the marriage.

25 (2) However, a marriage is not void under subsection (1) if it is proved that both parties to the marriage believed on reasonable grounds, when contracting or entering into the marriage, that the marriage would result in a genuine marital relationship.

30 (3) A marriage solemnized on or after the date of commencement of section 6 of the Women’s Charter (Amendment) Act 2016 is deemed to be void under subsection (1) if either party to the marriage is convicted of an offence under section 57C(1) of the Immigration Act (Cap. 133) in respect of the marriage.

(4) In this section, “gratification” and “immigration advantage” have the same meanings as in section 57C(6) of the Immigration Act.”.

Amendment of section 17

7. Section 17 of the Women’s Charter is amended — 5

- (a) by deleting the word “he” in subsections (2A) and (3) and substituting in each case the words “that party”;
- (b) by inserting, immediately after subsection (2A), the following subsection:

“(2AA) The Registrar must not issue a marriage licence if either party to the proposed marriage makes a false declaration, in the statutory declaration referred to in subsection (2), that the party has not been previously convicted of either or both of the following offences: 10

- (a) an offence under section 57C(1) of the Immigration Act (Cap. 133);
- (b) an offence under section 494 of the Penal Code (Cap. 224).”;

- (c) by deleting the words “for the benefit of any child” in paragraph (b) of the definition of “maintenance order” in subsection (4) and substituting the words “former wife or an incapacitated husband or incapacitated former husband, or by way of maintenance for the benefit of any child,”; and 20
- (d) by deleting the words “section 2 of the Maintenance Orders (Facilities for Enforcement) Act (Cap. 168) or” in paragraph (d) of the definition of “maintenance order” in subsection (4). 25

Repeal and re-enactment of section 27

8. Section 27 of the Women’s Charter is repealed and the following section substituted therefor: 30

“State Marriage Register

27.—(1) The Registrar must maintain a State Marriage Register containing such records and information as the Registrar may determine on marriages solemnized or registered under this Act.

(2) The State Marriage Register may be kept in such form as the Registrar may determine.

(3) Any person may, upon application to the Registrar and upon payment of the relevant prescribed fee, obtain a copy of or extract from any record or information contained in the State Marriage Register (including a copy or extract that is certified by the Registrar to be a true copy or extract).

(4) The following, if certified by the Registrar to be a true copy or extract, is in any proceedings admissible in evidence as of equal validity with the original document containing the information or the original record, as the case may be:

(a) a copy of or extract from any information contained in the State Marriage Register;

(b) a copy of or extract from any record contained in the State Marriage Register (including a copy or extract of any record produced from a microfilm or digital image).”.

Amendment of section 41

9. Section 41 of the Women’s Charter is amended —

(a) by deleting paragraphs (a), (b) and (c) and substituting the following paragraphs:

“(a) wilfully destroys or causes damage to —

(i) the State Marriage Register;

(ii) any record or information contained in the State Marriage Register; or

(iii) any certificate of marriage;

(b) falsely makes any thing that purports to be, or counterfeits —

- (i) the State Marriage Register;
- (ii) any record or information contained in the State Marriage Register; 5
- (iii) any certificate of marriage; or
- (iv) any copy of or extract from any record or information contained in the State Marriage Register, or any copy of or extract from any certificate of marriage, that has been certified by the Registrar to be a true copy or extract; or 10

(c) wilfully inserts any false entry in —

- (i) the State Marriage Register;
- (ii) any record or information contained in the State Marriage Register; 15
- (iii) any certificate of marriage; or
- (iv) any copy of or extract from any record or information contained in the State Marriage Register, or any copy of or extract from any certificate of marriage, that has been certified by the Registrar to be a true copy or extract,”; 20

(b) by deleting the words “be liable on conviction to imprisonment” and substituting the words “on conviction be punished with imprisonment”; and 25

(c) by deleting the words “register of marriages” in the section heading and substituting the words “State Marriage Register, etc.”.

Repeal and re-enactment of section 43 30

10. Section 43 of the Women’s Charter is repealed and the following section substituted therefor:

“Correction of errors

5 **43.**—(1) If the Registrar is satisfied by statutory declaration or otherwise that any entry in the State Marriage Register, or in any record or information contained in the State Marriage Register, is erroneous in form or substance, the Registrar may correct the error.

10 (2) If the Registrar is satisfied by statutory declaration or otherwise that any entry in a certificate of marriage is erroneous in form or substance, the Registrar may, in the presence of the persons married or, if those persons are absent, in the presence of 2 credible witnesses, correct the error by ruling through that entry and making the correct entry in the certificate of marriage.

(3) Where subsection (2) applies —

15 (a) the Registrar must sign and date the correction made in the certificate of marriage; and

(b) the entry made under subsection (2) must be attested by the witnesses in whose presence it was made.”.

Repeal of sections 44 and 45

11. Sections 44 and 45 of the Women’s Charter are repealed.

Amendment of section 50

12. Section 50 of the Women’s Charter is amended —

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

25 “(2) A court before which any proceedings under this Act are being heard may, if the court considers that doing so is in the interests of the parties and their children, at any stage in those proceedings direct or advise any of the parties or their children —

30 (a) to attend mediation conducted by such person as every party or child attending the mediation may agree or, failing such agreement, as the court may appoint;

(b) to attend counselling provided by such person as the court may direct; or

(c) to participate in such family support programme or activity as the court may direct.”;

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(b) by deleting the words “as the Minister may approve or” in subsection (3A)(b);

(c) by inserting, immediately after the word “counselling” in subsection (3E)(a), the words “, or participated in such family support programme or activity,”;

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(d) by deleting subsection (4) and substituting the following subsections:

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

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(5) No liability shall lie personally against any person conducting any mediation for the purposes of subsection (1), (2)(a) or (3A)(a), providing any counselling for the purposes of subsection (2)(b) or (3A)(b), or conducting any family support programme or activity for the purposes of subsection (2)(c), who, acting in good faith and with reasonable care, does or omits to do anything for the purposes of that mediation, counselling or family support programme or activity (as the case may be).

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(6) 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.”; and

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(e) by deleting the words “or to attend counselling” in the section heading and substituting the word “, etc.”.

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Amendment of section 64

13. Section 64 of the Women’s Charter is amended by deleting the definition of “applicant” and substituting the following definition:

5 ““applicant” means the person who applies for a protection order or, where the application is made by a guardian, relative or person referred to in section 65(2)(b), or by an individual referred to in section 65(2)(c), the family member on whose behalf the application is made;”.

Amendment of section 65

10 14. Section 65 of the Women’s Charter is amended —

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

15 “(2) An application for a protection order under this section, or for an expedited order under section 66, may be made —

(a) by the family member concerned, if that family member is not below the age of 21 years and is not an incapacitated person;

20 (b) by a guardian or relative or person responsible for the care of the family member concerned, or by any person appointed by the Minister for the purposes of this paragraph, if that family member is below the age of 21 years or is an incapacitated person; or

25 (c) despite paragraphs (a) and (b), by an individual below the age of 21 years who is married or has been previously married, if the family member concerned is —

(i) the individual;

30 (ii) the individual’s child (including an adopted child or a stepchild) below the age of 21 years; or

(iii) a relative below the age of 21 years whom the individual is responsible for the care of.”;

(b) by deleting the words “as the Minister may approve or” in subsection (5)(b); and

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(c) by deleting subsection (10).

Amendment of heading to Part VIII

15. Part VIII of the Women’s Charter is amended by inserting, immediately after the word “WIFE” in the Part heading, the words “, INCAPACITATED HUSBAND”.

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Amendment of section 69

16. Section 69 of the Women’s Charter is amended —

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

“(1) The court may, on the application of a wife, and on due proof that her husband has neglected or refused to provide reasonable maintenance for her, order the husband to pay a monthly allowance or a lump sum for the maintenance of that wife.

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(1A) The court may, on the application of an incapacitated husband, and on due proof that his wife has neglected or refused to provide reasonable maintenance for him, order the wife to pay a monthly allowance or a lump sum for the maintenance of that husband.

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(1B) The court may make an order under subsection (1) or (1A) regardless when the marriage was solemnized, whether before, on or after the date of commencement of section 16(a) of the Women’s Charter (Amendment) Act 2016.”;

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(b) by deleting the words “a wife or child” in subsection (4) and substituting the words “a wife, an incapacitated husband or a child”;

(c) by inserting, immediately after the word “wife” in subsection (4)(a), (b) and (c), the words “, incapacitated husband”;

(d) by deleting paragraph (f) of subsection (4) and substituting the following paragraph:

“(f) the standard of living enjoyed —

(i) by the wife before her husband neglected or refused to provide reasonable maintenance for her;

(ii) by the incapacitated husband before his wife neglected or refused to provide reasonable maintenance for him; or

(iii) by the child before a parent neglected or refused to provide reasonable maintenance for the child;” and

(e) by inserting, immediately after the word “wife” in the section heading, the words “, incapacitated husband”.

Amendment of section 72

17. Section 72(1) of the Women’s Charter is amended by deleting the words “his wife” and substituting the words “or that person’s wife, incapacitated husband”.

Repeal and re-enactment of section 79

18. Section 79 of the Women’s Charter is repealed and the following section substituted therefor:

“Procedure

79.—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 (Act 27 of 2014) may make Family Justice Rules regulating and prescribing the procedure and practice to be followed for the purposes of this Part and Part VII and any matters incidental to or relating to any such procedure or practice.

(2) Without prejudice to the generality of subsection (1), Family Justice Rules may be made for the following purposes:

- (a) prescribing the procedure for applications to the Family Court under this Part and Part VII, including the manner in which any such application is to be made and dealt with, and the provisions of any written law that will apply to any such application; 5
- (b) giving effect to sections 65 and 66 and, in particular, providing for the hearing without delay of any application for an order under section 65(5)(a); 10
- (c) prescribing how any document may be served on any person;
- (d) prescribing the procedure applicable to appeals from the Family Court brought under section 77;
- (e) prescribing the fees payable in relation to proceedings under this Part and Part VII. 15

(3) The Family Justice Rules may, instead of providing for any matter under this Part or Part VII, refer to any provision made or to be made about the matter by practice directions issued for the time being by the registrar of the Family Justice Courts. 20

(4) Unless the Family Justice Rules provide otherwise, an application to a Family Court under this Part or Part VII (called in this subsection the relevant application) —

- (a) must be made in the same manner as an application for a summons is made to a District Court or Magistrate's Court under the Criminal Procedure Code (Cap. 68); and 25
- (b) is to be dealt with —
 - (i) as if the relevant application was a complaint for the purposes of that Code; but 30
 - (ii) in accordance with only such provisions of that Code, and with such provisions of any other written law, as may be prescribed by the Family Justice Rules.

(5) A court before which any application under this Part or Part VII is heard may make such order as to costs as it thinks fit.

(6) All Family Justice Rules referred to in this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.”.

Repeal of section 79A

19. Section 79A of the Women’s Charter is repealed.

Amendment of section 80

20.—(1) Section 80 of the Women’s Charter is amended —

10 (a) by deleting the words “for the benefit of any child” in paragraph (b) of the definition of “maintenance order” and substituting the words “former wife or an incapacitated husband or incapacitated former husband, or by way of maintenance for the benefit of any child,”; and

15 (b) by inserting, immediately after the word “under” in paragraph (e) of the definition of “maintenance order”, the words “the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169) or”.

20 (2) Section 80 of the Women’s Charter as amended by subsection (1)(b) is amended by deleting paragraph (e) of the definition of “maintenance order” and substituting the following paragraph:

25 “(e) a maintenance order, as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169), which is registered or confirmed by the court under that Act.”.

New section 94A

21. The Women’s Charter is amended by inserting, immediately after section 94, the following section:

“Parenting programme

94A.—(1) Every prescribed party must complete a parenting programme within the time prescribed by rules made under section 180.

(2) For the purposes of subsection (1), different times may be prescribed for different prescribed parties. 5

(3) No writ for divorce, and no counterclaim in proceedings for divorce, is to be filed in the court by a prescribed party, unless the prescribed party —

(a) has completed a parenting programme; 10

(b) is an excluded party; or

(c) is allowed by the court under subsection (4) to do so.

(4) Despite subsection (3)(a) and (b), even though a prescribed party has not completed a parenting programme and is not an excluded party, a court may — 15

(a) upon the application of the prescribed party, and on such terms as the court thinks fit, allow the prescribed party to file in the court a writ for divorce; and

(b) upon the application of the prescribed party or on the court’s own motion, and on such terms as the court thinks fit, allow the prescribed party to file in the court a counterclaim in proceedings for divorce. 20

(5) A court hearing any proceedings for divorce may, if the court considers that doing so is in the interests of the parties to the marriage and any child of the marriage, at any stage in those proceedings order either or both of the parties to the marriage to complete a parenting programme. 25

(6) Where any party who is required or ordered under this section to complete a parenting programme fails to do so, the court may make such orders as the court thinks fit. 30

(7) Without prejudice to the generality of subsection (6), the orders which the court may make under that subsection include the following orders:

(a) a stay of the proceedings for divorce until the defaulting party in that subsection completes the parenting programme;

(b) such order as to costs as the court thinks appropriate against the defaulting party in that subsection.

(8) Anything said, any document prepared, and any information provided, by any person for the purposes of or in the course of participating in a parenting programme is not to be admitted in evidence in any court.

(9) The Minister may —

(a) determine the form, contents and duration of a parenting programme; and

(b) appoint any person to conduct a parenting programme.

(10) Each person appointed under subsection (9)(b) to conduct a parenting programme is to determine whether any person who attends that programme has completed that programme.

(11) Any person who is dissatisfied with a determination under subsection (10) may appeal to the Minister, whose decision is final.

(12) The Minister may designate the following persons to consider and determine, in his or her place, any appeal under subsection (11):

(a) any Minister of State or Senior Minister of State, for his or her Ministry;

(b) any Parliamentary Secretary or Senior Parliamentary Secretary, for his or her Ministry,

and any reference in that subsection to the Minister includes a reference to the Minister of State or Senior Minister of State, or the Parliamentary Secretary or Senior Parliamentary Secretary, so designated for that appeal.

(13) No liability shall lie personally against any person appointed under subsection (9)(b) to conduct a parenting programme who, acting in good faith and with reasonable

care, does or omits to do anything for the purposes of that parenting programme.

(14) In this section —

“excluded party” means a prescribed party who is exempted, by rules made under section 180, from subsection (1);

“parenting programme” means a programme —

(a) which provides information on matters relating to marriage, divorce and how divorce may affect a child of a marriage; and

(b) the form, contents and duration of which are determined by the Minister under subsection (9)(a);

“prescribed party” means a party to a marriage who is prescribed, by rules made under section 180, for the purposes of this section.”.

Amendment of section 105

22. Section 105 of the Women’s Charter is amended by deleting the word “or” at the end of paragraph (a), and by inserting immediately thereafter the following paragraph:

“(aa) where the marriage was solemnized on or after the date of commencement of section 6 of the Women’s Charter (Amendment) Act 2016, that it is not a valid marriage by virtue of section 11A; or”.

Amendment of section 113

23. Section 113 of the Women’s Charter is amended —

(a) by inserting, immediately after the words “former wife”, the words “, or order a woman to pay maintenance to her incapacitated husband or incapacitated former husband”; and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) The court may make an order under this section regardless when the marriage was solemnized, whether before, on or after the date of commencement of section 23 of the Women’s Charter (Amendment) Act 2016.”.

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Amendment of section 114

24. Section 114(1) of the Women’s Charter is amended by inserting, immediately after the words “former wife,”, the words “or by a woman to her incapacitated husband or incapacitated former husband,”.

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Amendment of section 117

25. Section 117 of the Women’s Charter is amended by deleting paragraphs (a) and (b) and substituting the following paragraphs:

“(a) if the maintenance was unsecured —

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- (i) on the death of either spouse or former spouse;
- (ii) in the case of maintenance payable to a former wife, upon her remarriage; or
- (iii) in the case of maintenance payable to an incapacitated former husband, upon his remarriage; or

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(b) if the maintenance was secured —

- (i) in the case of maintenance payable to a wife, on her death;
- (ii) in the case of maintenance payable to a former wife, on her death or upon her remarriage;
- (iii) in the case of maintenance payable to an incapacitated husband, on his death; or
- (iv) in the case of maintenance payable to an incapacitated former husband, on his death or upon his remarriage.”.

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Amendment of section 121

26. Section 121(1) of the Women’s Charter is amended by deleting the word “his” wherever it appears and substituting in each case the words “the defaulter’s”.

Amendment of section 121E

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27. Section 121E(1) of the Women’s Charter is amended by deleting the word “or” at the end of paragraph (a), and by inserting immediately thereafter the following paragraph:

“(aa) a woman to make financial provision for her incapacitated husband or incapacitated former husband, as the case may be, or for any child of the marriage; or”.

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Amendment of section 124

28. Section 124 of the Women’s Charter is amended by deleting the word “Custody” in the section heading and substituting the words “Orders on welfare”.

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Amendment of section 125

29. Section 125 of the Women’s Charter is amended —

(a) by deleting the words “in the custody of his or her father or his or her mother” in subsection (1) and substituting the words “in the custody, or in the care and control, of the child’s father or mother”; and

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(b) by inserting, immediately after the word “custody” in subsection (2), the words “, or in whose care and control,”.

Amendment of section 126

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30. Section 126 of the Women’s Charter is amended —

(a) by inserting, immediately after subsection (2), the following subsections:

“(2A) An order for the care and control of a child may be made subject to such conditions as the court may think fit to impose.

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(2B) Without prejudice to the generality of subsection (2A), an order for the care and control of a child may —

5 (a) contain conditions as to the place where the child is to reside;

 (b) provide for the child to visit a parent who does not have custody or care and control of the child, or any member of the family of a parent who is dead or does not have custody or care and control of the child, at such times and for such periods as the court may consider reasonable;

10 (c) give a parent who does not have custody or care and control of the child, or any member of the family of a parent who is dead or does not have custody or care and control of the child, the right of access to the child at such times and with such frequency as the court may consider reasonable; or

15 (d) prohibit the person given care and control of the child from taking the child out of Singapore.”;

20 (b) by deleting subsection (3) and substituting the following subsection:

25 “(3) Despite subsections (1) and (2A), where an order for custody, or an order for care and control, is in force, a person must not take the child who is the subject of the order out of Singapore, except with the written consent of both parents or the leave of the court.”; and

30 (c) by deleting the word “custody” wherever it appears in subsection (4) and substituting in each case the words “custody, or care and control,”.

Amendment of section 128

31. Section 128 of the Women’s Charter is amended —

- (a) by inserting, immediately after the words “the custody”, the words “, or the care and control,”; and
- (b) by inserting, immediately after the word “custody” in the section heading, the word “, etc.”.

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Amendment of section 129

32. Section 129 of the Women’s Charter is amended —

- (a) by deleting the words “agreement relating to the custody of a child, whether made before or after 1st June 1981” and substituting the words “agreement relating to the custody, or the care and control, of a child, regardless when the agreement was made”; and
- (b) by inserting, immediately after the word “custody” in the section heading, the word “, etc.”.

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Amendment of section 130

33. Section 130 of the Women’s Charter is amended by inserting, immediately after the words “the custody”, the words “, or the care and control,”.

Amendment of section 131

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34. Section 131 of the Women’s Charter is amended by deleting the word “custody” in subsections (1)(b) and (2) and substituting in each case the words “custody, or care and control,”.

Amendment of section 132

35. Section 132(1) of the Women’s Charter is amended —

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- (a) by deleting the words “or child” in paragraph (d) and substituting the words “, an incapacitated husband or incapacitated former husband, or a child”; and
- (b) by deleting paragraph (i) and substituting the following paragraph:

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“(i) to set aside any disposition of property, if it is satisfied that the disposition of property has been made within the preceding 3 years, with the object on the part of the person making the disposition of —

(A) reducing that person’s means to pay maintenance; or

(B) depriving that person’s wife, former wife, incapacitated husband or incapacitated former husband of any rights in relation to that property; and”.

Amendment of section 146

36. Section 146 of the Women’s Charter is amended —

(a) by inserting, immediately after the words “another person” in subsection (1), the words “(being a woman or girl)”;

(b) by deleting the words “be liable on conviction to imprisonment” in subsection (1) and substituting the words “on conviction be punished with imprisonment”;

(c) by inserting, immediately after subsection (1), the following subsection:

“(1A) Any person who knowingly solicits, receives or agrees to receive any gratification as an inducement or reward for providing any service, and who by providing that service does or will aid the prostitution of another person (being a woman or girl), shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding 5 years and shall also be liable to a fine not exceeding \$10,000.”;

(d) by inserting, immediately after subsection (3), the following subsection:

“(4) In this section, “gratification” includes —

(a) money or any gift, loan, fee, reward, commission, valuable security or other

property or interest in property of any description, whether movable or immovable;

(b) any office, employment or contract;

(c) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever, whether in whole or in part; and

(d) any other service, favour or advantage of any description whatsoever.”; and

(e) by inserting, immediately after the word “prostitution” in the section heading, the word “, etc.”.

New section 146A

37. The Women’s Charter is amended by inserting, immediately after section 146, the following section:

“Remote communication service operated or maintained for offering or facilitating provision of sexual services, etc.

146A.—(1) A person in Singapore who, in the course of business, operates or maintains in Singapore a remote communication service that —

(a) offers or facilitates the provision by a woman or girl to another person of sexual services in return for payment or reward; or

(b) organises, manages or supervises the provision of sexual services referred to in paragraph (a), which may include inviting others to receive or participate in providing those services,

shall be guilty of an offence and shall be liable on conviction —

(i) to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both; and

(ii) in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

(2) To avoid doubt, the reference in subsection (1) to the provision by a woman or girl to another person of sexual services in return for payment or reward includes, but is not limited to, a reference to the prostitution of the woman or girl.

5 (3) In subsection (1), “remote communication service” means —

(a) any website, web service or Internet application;

(b) any service using voice telephony;

(c) any service using a messaging system; or

10 (d) any other kind of electronic or other technology for facilitating communication.”.

Amendment of section 153

38. Section 153 of the Women’s Charter is amended by deleting subsections (4) and (5) and substituting the following subsections:

15 “(4) A person must not publish or broadcast any information or picture referred to in the following paragraphs:

(a) the name or address of any woman or girl in respect of whom an offence referred to in subsection (1) is alleged to have been committed;

20 (b) any particulars given, in any proceedings in any court relating to an offence referred to in subsection (1), which identify, or are calculated to lead to the identification of, any woman or girl in respect of whom that offence is alleged to have been committed;

25 (c) the name and address of any witness, in any proceedings in any court relating to an offence referred to in subsection (1), which may lead to the identification of any woman or girl in respect of whom that offence is alleged to have been committed;

30 (d) the particulars of any evidence given by any witness, in any proceedings in any court relating to an offence referred to in subsection (1), which may lead to the

identification of any woman or girl in respect of whom that offence is alleged to have been committed;

(e) any picture of, or any picture including a picture of —

(i) any woman or girl in respect of whom an offence referred to in subsection (1) is alleged to have been committed; or

(ii) any witness in any proceedings in any court relating to an offence referred to in subsection (1).

(5) If any information or picture is published or broadcast in contravention of subsection (4) —

(a) in the case of the publication of the information or picture as part of a newspaper or periodical publication, every proprietor, editor, publisher or distributor of the newspaper or periodical publication;

(b) in the case of the publication of the information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes the information or picture; or

(c) in the case of the broadcast of the information or picture, every person who transmits or provides the programme in which the information or picture is broadcast, and every person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(6) In this section —

“broadcast” means sounds or visual images —

(a) broadcast by wireless telegraphy, or by means of a high frequency distribution system over wire or other paths provided by a material substance, and intended for general reception;

(b) broadcast through the Internet or any website, web service or Internet application, whether or not intended for general reception; or

(c) broadcast through any messaging system;

5 “publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means, including (to avoid doubt) through —

10 (a) the Internet or any website, web service or Internet application; or

(b) any messaging system.”.

Amendment of section 160

39. Section 160 of the Women’s Charter is amended —

15 (a) by inserting, immediately after the words “to detain her in a place of safety” in subsection (1)(a), the words “or to commit her to the care of a fit individual”;

(b) by deleting the words “until he has held an inquiry as to the circumstances of her case” in subsection (1) and substituting the words “, or to be committed to the care of a fit individual, until the Director has held an inquiry as to the circumstances of the case”;

20

(c) by inserting, immediately after the words “admission into the place of safety” in subsection (2), the words “or commitment to the care of the fit individual (as the case may be)”;

25 (d) by inserting, immediately after the words “detained in a place of safety” in subsection (3), the words “, or committed to the care of a fit individual,”;

(e) by deleting subsection (4) and substituting the following subsection:

30 “(4) Where a girl has been detained in a place of safety, or committed to the care of a fit individual, at the request of the girl’s lawful guardian, the girl may be detained or committed for such period as the Director

determines is necessary for the girl’s rehabilitation, despite any request made by the girl’s lawful guardian for the girl’s early release.”; and

- (f) by inserting, immediately after the word “detention” in the section heading, the words “or commitment”.

5

Amendment of section 161

40. Section 161 of the Women’s Charter is amended —

- (a) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

10

“(2) A woman or girl must not be committed under section 160(3) to the care of a fit individual, and a woman or girl who has been so committed ceases to be in the care of a fit individual, after the woman or girl attains the age of 21 years or marries.”; and

15

- (b) by deleting the section heading and substituting the following section heading:

“Period of detention or commitment of woman or girl”.

Amendment of section 163

20

41. Section 163 of the Women’s Charter is amended —

- (a) by inserting, immediately after the words “place of safety” in subsection (1), the words “, or be committed by the Director to the care of a fit individual,”; and

- (b) by inserting, immediately after subsection (3), the following subsections:

25

“(4) A woman or girl must not be received under this section into a place of safety, or committed under subsection (1) to the care of a fit individual, after the woman or girl attains the age of 21 years or marries.

30

(5) A woman or girl who has been received under this section into a place of safety, or committed under

subsection (1) to the care of a fit individual, ceases to be in the care of the place of safety or fit individual (as the case may be), after the woman or girl attains the age of 21 years or marries.”.

5 **Amendment of section 164**

42. Section 164 of the Women’s Charter is amended —

(a) by deleting the words “156, 159 or 160” in subsection (1) and substituting the words “156 or 159”;

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

10 “(2) Where an order has been made under section 160 for the detention of a woman or girl in a place of safety, and it appears to the Director that the taking of one of the following courses of action is expedient in the interests of the woman or girl, the Director may order the taking of that course of action:

15 (a) the transfer of the woman or girl from that place of safety to another place of safety within Singapore;

20 (b) the discharge of the woman or girl from that place of safety, and the commitment of the woman or girl to the care of a fit individual.

25 (3) Where an order has been made under section 160 for the commitment of a woman or girl to the care of a fit individual, and it appears to the Director that the taking of one of the following courses of action is expedient in the interests of the woman or girl, the Director may order the taking of that course of action:

30 (a) the transfer of the woman or girl from the care of that fit individual to the care of another fit individual;

(b) the withdrawal of the woman or girl from the care of that fit individual, and the detention of

the woman or girl in a place of safety within Singapore.

(4) Where a woman or girl is detained in a place of safety in Singapore on the request in writing of her lawful guardian under section 160(1)(a), she must not be transferred or discharged from that place of safety under subsection (2), unless her lawful guardian has given approval in writing for that transfer or discharge.

(5) Where a woman or girl is committed to the care of a fit individual on the request in writing of her lawful guardian under section 160(1)(a), she must not be transferred or withdrawn from the care of that fit individual under subsection (3), unless her lawful guardian has given approval in writing for that transfer or withdrawal.”; and

(c) by inserting, immediately after the words “within Singapore” in the section heading, the word “, etc.”.

New section 177A

43. The Women’s Charter is amended by inserting, immediately after section 177, the following section:

“Restriction on publication of information on place of safety or resident of place of safety

177A.—(1) A person must not, without the Director’s approval, publish or broadcast any information or picture that identifies, or is likely to lead to the identification of —

- (a) the location of a place of safety; or
- (b) any resident of a place of safety as a resident of the place of safety.

(2) If any information or picture is published or broadcast in contravention of subsection (1) —

- (a) in the case of the publication of the information or picture as part of a newspaper or periodical publication,

every proprietor, editor, publisher or distributor of the newspaper or periodical publication;

(b) in the case of the publication of the information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes the information or picture; or

(c) in the case of the broadcast of the information or picture, every person who transmits or provides the programme in which the information or picture is broadcast, and every person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

(3) This section does not apply to any of the following:

(a) the publication in the *Gazette* (in electronic or other form) of any order under section 177;

(b) the publication under the Revised Edition of the Laws Act (Cap. 275) of any revised edition of subsidiary legislation (in electronic or other form) which relates to any order under section 177;

(c) the publication of any order under section 177, any revised edition of subsidiary legislation referred to in paragraph (b), or any copy of any such order or revised edition of subsidiary legislation, on —

(i) any legislation website maintained by the Government; or

(ii) any website licensed by the Government to maintain a collection of subsidiary legislation made under this Act.

(4) In this section —

“broadcast” means sounds or visual images —

(a) broadcast by wireless telegraphy, or by means of a high frequency distribution system over wire or other paths provided by a material substance, and intended for general reception; 5

(b) broadcast through the Internet or any website, web service or Internet application, whether or not intended for general reception; or

(c) broadcast through any messaging system; 10

“publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means, including (to avoid doubt) through —

(a) the Internet or any website, web service or Internet application; or 15

(b) any messaging system.”.

Amendment of section 180

44. Section 180(1) of the Women’s Charter is amended —

(a) by deleting the words “keeping of registers of marriages” in paragraph (b) and substituting the words “maintaining of the State Marriage Register”; and 20

(b) by inserting, immediately after paragraph (f), the following paragraph:

“(fa) the commitment under Part XI of any woman or girl to the care of a fit individual;” 25

New section 180A

45. The Women’s Charter is amended by inserting, immediately after section 180, the following section:

“Protection from personal liability

5 **180A.**—(1) No liability shall lie personally against the Director, or any person appointed by and acting under the direction of the Director, who, acting in good faith and with reasonable care, does or omits to do anything —

 (a) in the enforcement or purported enforcement of Parts VII and XI; or

 (b) in the discharge or purported discharge of —

 (i) any function or duty of the Director under this Act;

 (ii) any direction given by the Director under this Act; or

 (iii) any order made by a court under this Act.

15 (2) No liability shall lie personally against any person appointed by a court, or pursuant to an order of a court, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any order made by a court under this Act.

20 (3) No liability shall lie personally against any person who, acting in good faith and with reasonable care, does or omits to do anything in a place of safety in the discharge or purported discharge of —

 (a) any direction given by the Director under this Act; or

 (b) any order made by a court under this Act.

25 (4) No liability shall lie personally against any person appointed by the Minister for the purposes of section 65(2)(b), who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of the person’s function of making an application for a protection order under section 65 or an expedited order under section 66.

30 (5) No liability shall lie personally against any officer appointed by the Minister under section 176, who, acting in good faith and with reasonable care, does or omits to do anything

in the discharge or purported discharge of any duty imposed upon the Director by Part XI.

(6) No liability shall lie personally against any member of the Board of Visitors appointed by the Minister under section 178, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of —

(a) any function or duty of the Board of Visitors under this Act; or

(b) any direction given by the Minister under section 178(5).

(7) No liability shall lie personally against any member of the Discharge Committee appointed by the Minister under section 179, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any function or duty of the Discharge Committee under this Act.”.

Miscellaneous amendments

46. The Women’s Charter is amended —

(a) by deleting the words “any register of marriages kept according to the provisions of this Act” in section 24(2) and (4) and substituting in each case the words “the State Marriage Register”;

(b) by deleting the words “be liable on conviction to imprisonment” in sections 39, 40(1) and (2), 140(1), 141(1) and 142 and substituting in each case the words “on conviction be punished with imprisonment”;

(c) by deleting the word “him” in section 71(1)(b) and substituting the words “the person”;

(d) by deleting the word “he” in sections 71(2) and 71A(1) and substituting in each case the words “that person”; and

(e) by deleting the word “him” in sections 71A(4) and 71C(1) and substituting in each case the words “the maintenance defaulter”.

Related amendment to Immigration Act

47. Section 57C(4) of the Immigration Act (Cap. 133) is amended by inserting, immediately after the words “believed on reasonable grounds”, the words “, when contracting or entering into the marriage,”.

Saving and transitional provisions

48.—(1) Section 12 applies to all proceedings under the Women’s Charter, whether commenced before, on or after the date of commencement of that section.

(2) Section 14(a) and (c) does not apply to any application made under section 65 or 66 of the Women’s Charter before the date of commencement of section 14(a) and (c), and section 65(2) and (10) of the Women’s Charter as in force immediately before that date continues to apply to such an application as if section 14(a) and (c) had not been enacted.

(3) Section 14(b) applies to every application under section 65 of the Women’s Charter for a protection order, whether made before, on or after the date of commencement of section 14(b).

(4) Section 21 does not apply to any matrimonial proceedings commenced before the date of commencement of that section.

(5) Sections 23, 24 and 25 do not apply to any matrimonial proceedings commenced before the date of commencement of those sections, and sections 113, 114(1) and 117 of the Women’s Charter as in force immediately before that date continue to apply to those proceedings as if sections 23, 24 and 25 had not been enacted.

(6) Section 27 does not apply to any proceedings commenced by an application for an order for financial relief made, under section 121B of the Women’s Charter, before the date of commencement of section 27.

(7) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by rules, prescribe such additional provisions of a saving or transitional nature consequent on

the enactment of that provision as the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Women's Charter (Cap. 353) for the following main purposes:

- (a) to provide for a woman to pay maintenance to her husband or former husband if he is or becomes, during their marriage, both incapacitated (by a physical or mental disability or an illness) from earning a livelihood and unable to maintain himself, and he continues to be unable to maintain himself;
- (b) to make a marriage of convenience mentioned in section 57C of the Immigration Act (Cap. 133) void;
- (c) to remove the existing requirement for the State Marriage Register to be maintained in hard copy;
- (d) to empower a court to direct or advise any parties to proceedings under the Women's Charter, or the parties' children, to participate in a family support programme or activity;
- (e) to restate who may make an application for a protection order or an expedited order under the Women's Charter;
- (f) to provide for a party to a marriage to complete a parenting programme;
- (g) to expressly empower the court to make orders with respect to the care and control of a child;
- (h) to create new offences under Part XI of the Women's Charter;
- (i) to prohibit the publication or broadcast of certain types of information and pictures relating to certain offences in respect of women or girls;
- (j) to empower the Director of Social Welfare (the Director) to commit a woman or girl to the care of a fit individual, as an alternative to detaining the woman or girl in, or receiving the woman or girl into, a place of safety;
- (k) to prohibit the publication or broadcast, without the Director's approval, of any information or picture that identifies, or is likely to lead to the identification of, the location of a place of safety, or any resident of a place of safety as a resident of the place of safety;
- (l) to provide certain individuals who discharge functions or duties under the Women's Charter with protection from personal liability for acts or

omissions during the discharge or purported discharge of those functions or duties;

- (m) to make changes that are consequential or related to the repeal of the Maintenance Orders (Facilities for Enforcement) Act (Cap. 168) by section 19(1) of the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169).

The Bill also makes a related amendment to section 57C(4) of the Immigration Act.

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to extend the purposes of the Women's Charter to include amending and consolidating the law relating to the maintenance of spouses by providing for the maintenance of incapacitated husbands.

Clause 3 amends section 2 by introducing several new definitions to support certain amendments in the Bill.

First, a new definition of "fit individual" is introduced to support the amendments in clauses 39 to 42 and 44(b), which relate to the commitment of a woman or girl to the care of a fit individual, as an alternative to the admission of the woman or girl to a place of safety.

A "fit individual" is an individual whom the Director thinks competent to provide care and protection to another individual.

Second, new definitions for "incapacitated former husband" and "incapacitated husband" are introduced to support the amendments in clauses 2, 4, 7(c), 15, 16, 17, 20(a), 23, 24, 25, 27 and 35, which relate to the maintenance of an incapacitated husband or incapacitated former husband by his wife or former wife (as the case may be).

The term "former husband" refers to a man whose marriage has been dissolved or annulled. An "incapacitated former husband" is a former husband who, while his marriage subsisted, was or became both incapacitated (by a physical or mental disability or an illness) from earning a livelihood and unable to maintain himself, and who continues to be unable to maintain himself at the material time when his application for maintenance is being heard.

An "incapacitated husband" is a husband who, during his marriage, is or becomes both incapacitated (by a physical or mental disability or an illness) from earning a livelihood and unable to maintain himself, and who continues to be unable to maintain himself at the material time when his application for maintenance is being heard.

Third, a new definition for "messaging system" is introduced to support the amendments in clauses 37, 38 and 43, all of which refer to certain communication mechanisms.

A “messaging system” is a system that enables the transmission of short text messages, visual communication, voice communication or electronic mail from a digital mobile telephone to another digital mobile telephone, or from an electronic mail address to a digital mobile telephone (and the other way around). Examples of messaging systems include a short message service (or SMS), a multimedia messaging service (or MMS), an electronic mail application for digital mobile telephones, and a messaging application such as “WhatsApp Messenger”.

Fourth, a new definition for “State Marriage Register” is introduced to support certain amendments concerning the State Marriage Register in clauses 8, 9, 10, 44(a) and 46(a). The definition clarifies that the term “State Marriage Register” refers to the State Marriage Register maintained under the new section 27 (to be inserted by clause 8).

As all existing references to “register of marriages” in the Women’s Charter will be replaced with references to the State Marriage Register, clause 3 also deletes the existing definition of “register of marriages” in section 2.

Clause 4 inserts a new subsection (2A) in section 3, so that the provisions in Part VIII (as amended by clauses 15, 16 and 17) which enable an incapacitated husband to obtain maintenance from his wife do not apply, if the incapacitated husband is married under Muslim law, or any written law in Singapore or Malaysia providing for the registration of Muslim marriages.

Clause 5 amends section 5(3) to clarify that the person in section 5(3) may be a man or a woman.

Clause 6 inserts a new section 11A to make a marriage of convenience mentioned in section 57C of the Immigration Act void, if it is solemnized on or after the date of commencement of that clause. A marriage is a marriage of convenience if —

- (a) a party to the marriage enters into the marriage knowing or having reason to believe that the purpose of the marriage is to assist the party, or the other party to the marriage, to obtain an immigration advantage (as defined in section 57C(6) of the Immigration Act); and
- (b) any gratification (as defined in section 57C(6) of the Immigration Act), whether from a party to the marriage or another person, is offered, given or received as an inducement or reward to any party to the marriage for entering into the marriage.

The marriage will be void under Singapore law regardless of whether it is solemnized in Singapore or elsewhere. However, the marriage is not void if it is proved that both parties to the marriage believed on reasonable grounds, when entering into the marriage, that the marriage would result in a genuine marital relationship.

A marriage solemnized on or after the date of commencement of clause 6 is deemed to be void under the new section 11A(1) if either party to the marriage is convicted of an offence under section 57C(1) of the Immigration Act in respect of the marriage.

Clause 7(a) amends section 17(2A) and (3) to clarify that the party mentioned in section 17(2A) and (3) may be a man or a woman.

Clause 7(b) inserts a new subsection (2AA) into section 17 to prevent the Registrar of Marriages (including an Assistant Registrar of Marriages) (the Registrar) from issuing a marriage licence if either party to a proposed marriage makes a false declaration, in the statutory declaration under section 17(2), that the party has not been previously convicted of either or both of the following offences:

- (a) an offence under section 57C(1) of the Immigration Act (contracting or otherwise entering into a marriage of convenience);
- (b) an offence under section 494 of the Penal Code (Cap. 224) (marrying again during the lifetime of husband or wife).

Clause 7(c) amends the definition of “maintenance order” in section 17(4) —

- (a) to clarify that the definition includes an order under Part X for the payment of periodical sums by way of maintenance or alimony to a former wife; and
- (b) to extend the definition to include an order under Part X (as amended by clauses 23 to 27) for the payment of periodical sums by way of maintenance or alimony to an incapacitated husband or incapacitated former husband.

Clause 7(d) amends the definition of “maintenance order” in section 17(4) to exclude from the definition a maintenance order as defined in section 2 of the Maintenance Orders (Facilities for Enforcement) Act, when that Act is repealed by section 19(1) of the Maintenance Orders (Reciprocal Enforcement) Act.

Clause 8 repeals and re-enacts section 27 to enable the Registrar to maintain the State Marriage Register in such form as the Registrar may determine. The Registrar need not maintain the State Marriage Register in hard copy.

The new section 27 also enables any person, upon application to the Registrar and payment of the relevant fee, to obtain a copy of or extract from any record or information contained in the State Marriage Register. If the Registrar certifies a copy of or extract from any record or information contained in the State Marriage Register to be a true copy or extract, the copy or extract is in any proceedings admissible in evidence as of equal validity with the original record or the original document containing the information (as the case may be).

Clause 9(a) replaces paragraphs (a), (b) and (c) of section 41 to make changes that are consequential to the repeal and re-enactment of section 27 (by clause 8).

The new section 41(a), (b) and (c) redefine the offence in section 41 in terms consistent with the possibility that the State Marriage Register may not be maintained in hard copy.

Clause 9(a) and (c) also replaces all references in section 41 to “register of marriages”, so as to standardise how the State Marriage Register is described in the Women’s Charter.

Clause 9(b) amends the punishment provision in section 41 following from the ruling of the High Court in *Poh Boon Kiat v Public Prosecutor* [2014] SGHC 186 that an imprisonment term is mandatory for the offences under sections 140 and 146. As the legislative history of section 41 is similar to that of sections 140 and 146, the punishment provision for section 41 is clarified by adopting the usual phrasing for a mandatory imprisonment term.

Clause 10 repeals and re-enacts section 43 to make changes that are consequential to the repeal and re-enactment of section 27 (by clause 8). The new section 43, when providing for the correction of errors in the State Marriage Register, caters for the possibility that the State Marriage Register may not be maintained in hard copy.

Clause 11 repeals sections 44 and 45 as the matters dealt with by those sections are now dealt with by the new section 27(3) and (4) (inserted by clause 8).

Clause 12(a), (c), (d) and (e) amends section 50 to empower a court to direct or advise any of the parties to proceedings under the Women’s Charter, or the parties’ children, to participate in a family support programme or activity (i.e. a programme or activity carried out to address or resolve any relationship issue or relationship problem between spouses or former spouses, between siblings or between parent and child).

Clause 12(d) also does the following things:

- (a) it replaces section 50(4) to extend the privilege (from admission in evidence in a court) conferred by that provision to cover —
 - (i) anything said, any document prepared and any information provided by any person for or in the course of any family support programme or activity under section 50; and
 - (ii) any document prepared and any information provided by any person for or in the course of any mediation or counselling under section 50;
- (b) it inserts a new section 50(5) to protect from personal liability a person who conducts any mediation, provides any counselling or conducts any family support programme or activity under section 50, in certain circumstances.

Clause 12(b) amends section 50(3A)(b) to make the court the sole determiner of the person who will provide any counselling that the court orders, under that provision, the parties or their children to attend.

Clause 13 replaces the definition of “applicant” in section 64 to make changes consequential to the replacement of section 65(2), and the deletion of section 65(10), by clause 14(a) and (c).

Clause 14(a) and (c) replaces section 65(2) and deletes section 65(10) to restate who may make an application for a protection order under section 65, or for an expedited order under section 66. The persons who may make such an application are —

- (a) the family member against whom family violence has been or is likely to be committed, if the family member is not below the age of 21 years and is not incapacitated;
- (b) a guardian or relative or person responsible for the care of the family member, or a person appointed by the Minister to make the application, if the family member is below the age of 21 years or is incapacitated; or
- (c) an individual below the age of 21 years who is or was married, if the family member is the individual, the individual’s child below the age of 21 years, or a relative below the age of 21 years whom the individual is responsible for the care of.

Clause 14(b) amends section 65(5)(b) to make the court the sole determiner of the body that will provide any counselling that a protection order may refer the person against whom the order is made, the protected person or both, or their children, to attend.

Clause 15 amends the Part heading of Part VIII to reflect the extension of that Part to the maintenance of an incapacitated husband.

Clause 16 amends section 69 to enable an incapacitated husband to apply to the court for maintenance, if his wife has neglected or refused to provide him reasonable maintenance.

Clause 16(a) replaces section 69(1) and inserts new section 69(1A) and (1B) —

- (a) to provide for an incapacitated husband’s application for maintenance;
- (b) to align the manner in which section 69(1), (1A) and (2) (dealing with maintenance for a wife, maintenance for an incapacitated husband, and maintenance for a child, respectively) are drafted; and
- (c) to expressly enable the court to make an order for maintenance under the new section 69(1) or (1A) regardless when the marriage was solemnized, whether before, on or after the date of commencement of clause 16(a).

Clause 16(b) to (e) makes amendments to section 69(4) and the section heading of section 69 that are consequential to the insertion of the new section 69(1A) (by clause 16(a)). The amended section 69(4) sets out the matters that the court must have regard to when ordering maintenance for a wife, an incapacitated husband or a child.

Clause 17 makes an amendment to section 72(1) that is consequential to the insertion of the new section 69(1A) (by clause 16(a)). The amended section 72(1) enables the court, on the application of a wife, to rescind or vary an order for the maintenance of her incapacitated husband on proof of a change in the circumstances of the wife or her incapacitated husband.

Clauses 18 and 19 repeal and re-enact section 79 and repeal section 79A, respectively —

- (a) to enable the Family Justice Rules to prescribe the following matters, despite the requirement for an application to a Family Court under Part VII or VIII (relevant application) to be made in the same manner as an application for a summons is made under the Criminal Procedure Code (Cap. 68):
 - (i) the only provisions of the Criminal Procedure Code, and the provisions of any other written law, that will apply to a relevant application, or govern the manner in which a relevant application is dealt with;
 - (ii) the manner in which a relevant application may be served on the person against whom the application is made; and
- (b) to reorganise and improve the drafting of section 79.

The new section 79 will, for instance, enable the Family Justice Rules to provide that section 62A of the Evidence Act (Cap. 97), instead of section 281 of the Criminal Procedure Code, will govern the giving of evidence through video or television links at the hearing of a relevant application.

The new section 79 will also enable the Family Justice Rules to specify the provisions in the Criminal Procedure Code that will govern the service of documents.

Clause 20(1)(a) amends the definition of “maintenance order” in section 80 —

- (a) to clarify that the definition includes an order under Part X for the payment of periodical sums by way of maintenance or alimony to a former wife; and
- (b) to extend the definition to include an order under Part X (as amended by clauses 23 to 27) for the payment of periodical sums by way of maintenance or alimony to an incapacitated husband or incapacitated former husband.

Clause 20(1)(b) extends the definition of “maintenance order” in section 80 to include a maintenance order registered or confirmed by the court under the Maintenance Orders (Reciprocal Enforcement) Act.

Clause 20(2) replaces paragraph (e) of the definition of “maintenance order” in section 80 to exclude from the definition a maintenance order registered or confirmed by the court under the Maintenance Orders (Facilities for Enforcement) Act, when that Act is repealed by section 19(1) of the Maintenance Orders (Reciprocal Enforcement) Act.

Clause 21 inserts a new section 94A to require every prescribed party (i.e. a party to a marriage who is prescribed by rules made under section 180) to complete a parenting programme within the time prescribed for that party by rules made under section 180.

A parenting programme is a programme which provides information on matters relating to marriage, divorce and how divorce may affect a child of a marriage. The Minister determines the form, contents and duration of a parenting programme, and appoints the person who will conduct the programme.

A prescribed party cannot file in the court a writ for divorce, or a counterclaim in proceedings for divorce, unless the prescribed party has completed a parenting programme, is exempted by rules made under section 180 from completing a parenting programme, or is allowed by the court to file the writ or counterclaim.

A court may, at any stage in any proceedings for divorce, order either or both of the parties to the marriage to complete a parenting programme. The court may make such an order regardless of whether the parties are prescribed parties.

Where any party who is required or ordered under the new section 94A to complete a parenting programme fails to do so, the court may make such orders as the court thinks just, including an order for a stay of the proceedings for divorce, or an order as to costs against the defaulting party.

The person appointed to conduct a parenting programme will determine whether any person who attends that programme has completed that programme. A person who is dissatisfied with that determination may appeal to the Minister (or to a Senior Minister of State, Minister of State, Senior Parliamentary Secretary or Parliamentary Secretary designated by the Minister), whose decision is final.

A person appointed to conduct a parenting programme is protected from personal liability in certain circumstances.

Anything said, any document prepared, and any information provided for the purposes of or in the course of participating in a parenting programme is not to be admitted in evidence in court.

Clause 22 amends section 105 to enable the filing of a writ claiming a judgment of nullity, in respect of a marriage solemnized on or after the date of

commencement of clause 6, on the ground that the marriage is not a valid marriage by virtue of the new section 11A (to be inserted by clause 6).

Clause 23 amends section 113 to enable the court to order a woman to pay maintenance to her incapacitated husband or incapacitated former husband (regardless when the marriage was solemnized) —

- (a) during the course of any matrimonial proceedings; or
- (b) when granting or after the grant of a judgment of divorce, judicial separation or nullity of marriage.

Clause 24 makes an amendment to section 114(1) that is consequential to the amendment of section 113 (by clause 23). The amended section 114(1) sets out the matters that the court must have regard to when determining the amount of maintenance to be paid by a man to his wife or former wife, or by a woman to her incapacitated husband or incapacitated former husband.

Clause 25 replaces paragraphs (a) and (b) of section 117 to make changes that are consequential to the amendment of section 113 (by clause 23). The amended section 117 sets out when an order for the maintenance of an incapacitated husband or incapacitated former husband expires, in addition to setting out when an order for the maintenance of a wife or former wife expires.

Clause 26 makes amendments to section 121(1) that are consequential to the amendment of section 113 (by clause 23). As the amended section 113 will enable the court to order a woman to pay maintenance to her incapacitated husband or incapacitated former husband, section 121(1) is amended to make its references to a maintenance defaulter gender neutral.

Clause 27 inserts a new paragraph (aa) into section 121E(1) to enable the court to make, in any proceedings commenced by an application under section 121B for an order for financial relief, an interim order for a woman to make financial provision for her incapacitated husband or incapacitated former husband, or for any child of the marriage.

Clause 28 amends the section heading of section 124 to better describe the contents of that section. Under section 124, the types of orders with respect to the welfare of a child that the court may make include, but are not restricted to, orders on custody of children.

Clause 29 amends section 125 to expressly empower the court to make orders with respect to the care and control of a child.

Clause 30 amends section 126 —

- (a) to confirm that an order for the care and control of a child may be made subject to conditions imposed by the court;
- (b) to provide examples of the types of conditions that the court may impose;

- (c) to prohibit any person from taking a child who is the subject of an order for care and control out of Singapore, except —
 - (i) with the written consent of both parents or the leave of the court; or
 - (ii) in the circumstances specified in section 126(4).

Clause 31 amends section 128 to expressly empower the court to vary or rescind an order for the care and control of a child.

Clause 32 amends section 129 to expressly empower the court to vary the terms of any agreement relating to the care and control of a child, regardless when the agreement was made.

Clause 33 amends section 130 to require the court, when considering any question relating to the care and control of a child, to have regard, whenever practicable, to the advice of a person trained or experienced in child welfare.

Clause 34 —

- (a) amends section 131(1) to expressly empower the court, where a parent has care and control, but not custody, of a child —
 - (i) to issue an injunction restraining the other parent from taking the child out of Singapore; or
 - (ii) to give leave for the child to be taken out of Singapore; and
- (b) amends section 131(2) so that the court's power under that provision, to issue (on the application of any interested person) an injunction restraining a person from taking a child out of Singapore, does not apply if the person has care and control of the child.

Clause 35 amends section 132(1) to make the following changes that are consequential to the amendment of section 113 (by clause 23):

- (a) to enable the court to exercise its powers under section 132(1) in a case where maintenance is payable under an agreement to or for the benefit of an incapacitated husband or incapacitated former husband;
- (b) to enable the court to set aside a disposition of property by a wife or former wife if the court is satisfied, among other things, that she made the disposition with the object of —
 - (i) reducing her means to pay maintenance to her incapacitated husband or incapacitated former husband; or
 - (ii) depriving her incapacitated husband or incapacitated former husband of any rights in relation to that property.

Clause 36(a) amends section 146(1) to clarify that the words “the prostitution of another person” in that provision refer to the prostitution of a woman or girl. This follows from the definitions of “prostitution” and “sexual penetration” in section 2.

Clause 36(b) amends the punishment provision in section 146(1) following from the ruling of the High Court in *Poh Boon Kiat v Public Prosecutor* [2014] SGHC 186 that an imprisonment term is mandatory for the offences under sections 140 and 146. The punishment provision for section 146(1) is clarified by adopting the usual phrasing for a mandatory imprisonment term.

Clause 36(c) inserts a new section 146(1A) to make it an offence for a person to knowingly solicit, receive or agree to receive any gratification as an inducement or reward for providing any service, if the person does or will aid the prostitution of another person (being a woman or girl) by providing that service. Conduct that will be criminalised by the new section 146(1A) includes knowingly soliciting, receiving or agreeing to receive any money or sexual favour in return for advertising, or arranging for, the prostitution of a woman or girl, regardless of whether the woman or girl has started prostitution at the time of the advertisement or arrangement.

Under section 146(2), a male person who has been convicted of an offence under section 146 is liable to caning, in addition to imprisonment, if the person is convicted of a second or subsequent offence under that section. This is so regardless of whether the offences concerned were committed under the same subsection, or under different subsections, of section 146.

Clause 36(d) inserts a new section 146(4) to define the term “gratification” for the purposes of the new section 146(1A) (to be inserted by clause 36(c)).

Clause 36(e) amends the section heading of section 146 as the scope of that section has been extended by the new section 146(1A) (to be inserted by clause 36(c)).

Clause 37 inserts a new section 146A to make it an offence for a person in Singapore to operate or maintain in Singapore, in the course of business, a remote communication service that offers or facilitates the provision by a woman or girl to another person of sexual services in return for payment or reward, or that organises, manages or supervises the provision of such sexual services. In this context, a remote communication service is any website, web service or Internet application, any service using voice telephony, any service using a messaging system, or any other kind of electronic or other technology for facilitating communication.

Clause 38 replaces section 153(4) and (5) —

- (a) to prohibit the publication or broadcast of certain types of information and pictures relating to an offence mentioned in section 153(1) in respect of a woman or girl; and

- (b) to make certain persons guilty of an offence if any such information or picture is published or broadcast in contravention of the prohibition.

Clause 38 also inserts new section 153(6) to define the terms “broadcast” and “publish” used in the new section 153(4) and (5).

Clause 39 amends section 160 —

- (a) to enable the lawful guardian of a woman or girl to request the Director to commit the woman or girl to the care of a fit individual;
- (b) to empower the Director to commit a woman or girl to the care of a fit individual; and
- (c) to provide that where a girl has been committed to the care of a fit individual at the request of the girl’s lawful guardian, the girl may be committed for such period as the Director determines is necessary for the girl’s rehabilitation, despite any request made by the girl’s lawful guardian for the girl’s early release.

Clause 40 amends section 161 to provide for matters relating to the period of commitment of a woman or girl to the care of a fit individual. A woman or girl must not be committed under section 160(3) (as amended by clause 39(d)) to the care of a fit individual, and a woman or girl who has been so committed ceases to be in the care of a fit individual, after the woman or girl attains the age of 21 years or marries.

Clause 41(a) amends section 163(1) to enable a woman or girl, on her own application, to be committed by the Director to the care of a fit individual, if the Director is satisfied that the woman or girl is in urgent need of refuge.

Clause 41(b) inserts new section 163(4) and (5) —

- (a) to provide that a woman or girl must not be received under section 163 into a place of safety, or committed under the amended section 163(1) to the care of a fit individual, after the woman or girl attains the age of 21 years or marries; and
- (b) to provide that a woman or girl who has been received under section 163 into a place of safety, or committed under the amended section 163(1) to the care of a fit individual, ceases to be in the care of the place of safety or fit individual (as the case may be) after the woman or girl attains the age of 21 years or marries.

Clause 42 amends section 164 —

- (a) to empower the Director, in a case where a woman or girl has been detained under section 160 in a place of safety —
 - (i) to transfer the woman or girl from that place of safety to another place of safety in Singapore; or

- (ii) to discharge the woman or girl from that place of safety, and to commit her to the care of a fit individual;
- (b) to empower the Director, in a case where a woman or girl has been committed under section 160 (as amended by clause 39) to the care of a fit individual —
 - (i) to transfer the woman or girl from the care of that fit individual to the care of another fit individual; or
 - (ii) to withdraw the woman or girl from the care of that fit individual, and to detain the woman or girl in a place of safety within Singapore;
- (c) to provide that where a woman or girl is detained in a place of safety on the request of her lawful guardian, she must not be transferred or discharged from that place of safety without the approval of the lawful guardian; and
- (d) to provide that where a woman or girl is committed to the care of a fit individual on the request of her lawful guardian, she must not be transferred or withdrawn from the care of that fit individual without the approval of the lawful guardian.

Clause 43 inserts a new section 177A —

- (a) to prohibit the publication or broadcast, without the Director’s approval, of any information or picture that identifies, or is likely to lead to the identification of —
 - (i) the location of a place of safety; or
 - (ii) any resident of a place of safety as a resident of the place of safety;
- (b) to make certain persons guilty of an offence if any such information or picture is published or broadcast in contravention of the prohibition; and
- (c) to define the terms “broadcast” and “publish” used in the section.

However, the prohibition does not apply to any of the following:

- (a) the publication in the *Gazette* (in electronic or other form) of an order under section 177;
- (b) the publication of a revised edition of subsidiary legislation (in electronic or other form) which relates to an order under section 177;
- (c) the publication of an order under section 177, a revised edition of subsidiary legislation which relates to any such order, or a copy of any such order or revised edition of subsidiary legislation, on —
 - (i) a legislation website maintained by the Government; or

- (ii) a website licensed by the Government to maintain a collection of subsidiary legislation made under the Women's Charter.

Clause 44(a) amends section 180(1)(b) to standardise how the State Marriage Register, and the keeping of the State Marriage Register, are described in the Women's Charter.

Clause 44(b) inserts a new paragraph (fa) into section 180(1) to expressly empower the Minister to make rules providing for the commitment under Part XI of any woman or girl to the care of a fit individual.

Clause 45 inserts a new section 180A to provide certain individuals who discharge functions or duties under the Women's Charter with protection from personal liability for acts or omissions during the discharge or purported discharge of those functions or duties.

Clause 46 makes miscellaneous amendments to the Women's Charter.

Clause 46(a) replaces the references in section 24(2) and (4) to "any register of marriages kept according to the provisions of this Act", so as to standardise how the State Marriage Register is described in the Women's Charter.

Clause 46(b) amends the punishment provisions in sections 39, 40(1) and (2), 140(1), 141(1) and 142 following from the ruling of the High Court in *Poh Boon Kiat v Public Prosecutor* [2014] SGHC 186 that an imprisonment term is mandatory for the offences under sections 140 and 146. The punishment provision for section 140(1) is clarified by adopting the usual phrasing for a mandatory imprisonment term. As the legislative history of sections 39, 40(1) and (2), 141(1) and 142 is similar to that of sections 140 and 146, the punishment provisions for sections 39, 40(1) and (2), 141(1) and 142 are also clarified by adopting the usual phrasing for a mandatory imprisonment term.

Clause 46(c) and (d) amends sections 71(1)(b) and (2) and 71A(1) to clarify that the person in section 71(1) and (2), and the first-mentioned person in section 71A(1), may be a man or a woman.

Clause 46(e) amends section 71A(4) and 71C(1) to clarify that the maintenance defaulter in section 71A(4) or 71C(1) may be a man or a woman.

Clause 47 makes an amendment, to section 57C(4) of the Immigration Act, that is related to the insertion of the new section 11A of the Women's Charter by clause 6.

The new section 11A(3) of the Women's Charter deems a marriage to be void if either party to the marriage is convicted of an offence under section 57C(1) of the Immigration Act in respect of the marriage. Section 57C(4) of the Immigration Act makes it a defence for a person charged with an offence under section 57C(1) of that Act to prove that the person believed on reasonable grounds that the marriage would result in a genuine marital relationship. The new section 11A(2) of the

Women's Charter therefore provides that the marriage is not void if it is proved that both parties to the marriage believed on reasonable grounds, when contracting or entering into the marriage, that the marriage would result in a genuine marital relationship.

As the new section 11A(2) of the Women's Charter clarifies that a party to the marriage must believe that the marriage would result in a genuine marital relationship "when contracting or entering into the marriage", clause 47 amends section 57C(4) of the Immigration Act to make the same clarification.

Clause 48 contains saving and transitional provisions relating to the amendments in clauses 12, 14, 21, 23, 24, 25 and 27. The clause also gives the Minister power to make rules of a saving and transitional nature.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
