

COVID-19 (Temporary Measures for Solemnization and Registration of Marriages) Bill

Bill No. 25/2020 [Urgent Bill].

Read the first time on 4 May 2020.

COVID-19 (TEMPORARY MEASURES FOR SOLEMNIZATION AND REGISTRATION OF MARRIAGES) ACT 2020

(No. of 2020)

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
 2. Solemnization and registration of marriages under Women's Charter using remote communication technology
 3. Marriages and revocation of divorces under Administration of Muslim Law Act using remote communication technology
 4. Making of statutory declarations
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A BILL

intituled

An Act to provide for the use of remote communication technology in matters relating to the solemnization and registration of marriages under the Women's Charter (Chapter 353 of the 2009 Revised Edition) and relating to marriages and the revocation of divorces under the Administration of Muslim Law Act (Chapter 3 of the 2009 Revised Edition), and related matters, in view of the COVID-19 pandemic.

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 COVID-19 (Temporary Measures for Solemnization and Registration of Marriages) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Solemnization and registration of marriages under Women's Charter using remote communication technology

2.—(1) Despite anything in section 17(2B), 22(2), 28(2)(b), 29(1) or (3)(b), 40(1)(b) or 43(2) or (3)(b) of the Women's Charter (Cap. 353) requiring, or relating to, the presence or appearance of any person to perform any act, or to witness or attest the doing of anything, under any of those provisions, such person is taken to be present or to appear for that purpose during the specified period if —

(a) the person, with the permission of the Registrar, attends and performs that act, or witnesses or attests the doing of that thing, through the use of a live video or live television link that is created using a remote communication technology approved by the Registrar;

(b) the person complies with such conditions that the Registrar considers necessary or expedient to impose relating to the use of the remote communication technology;

(c) the Registrar is satisfied that there are sufficient administrative and technical facilities and arrangements made at the place where the person is located; and

(d) both parties and the witnesses (if required) to an intended marriage, a proposed marriage or a marriage (as the case may be) are all in Singapore.

(2) If a notice of marriage is given under section 14 of the Women's Charter on or after the relevant date, the reference to the period of 3 months in sections 16(2), 17(1), 18 and 40(1)(c) of the Women's Charter is taken to be a reference to the period of 12 months starting after the date such notice is given (called in this section the extended period).

(3) However, if a notice of marriage given under section 14 of the Women’s Charter is cancelled during the extended period, then, to avoid doubt —

(a) the reference to the period of 3 months in section 16(2) of the Women’s Charter is taken to be a reference to the period starting after the date the notice is given and ending on the date the notice is cancelled; and 5

(b) the requirement under section 17(1) of the Women’s Charter for the Registrar to issue a marriage licence does not apply. 10

(4) Despite section 28 or 29 of the Women’s Charter, the requirement for the entry of a marriage in a certificate of marriage to be signed or attested by the persons mentioned in either of those provisions is deemed to be satisfied if the persons each sign, or the persons attest by each signing, as the case may be, on such document as is required by the Registrar, when communicating with one another using a remote communication technology in accordance with this section. 15

(5) The Minister may, by order in the *Gazette*, declare that this section ceases to apply in relation to all or any matter under this section. 20

(6) In this section —

“control measure” means any of the following that is related to COVID-19:

(a) a notification made under section 17(1) of the Infectious Diseases Act (Cap. 137); 25

(b) an order made under section 17A(1) or (2) of that Act;

(c) an order made under section 20(1) of that Act;

(d) a direction given under section 21(1) of that Act; 30

(e) an order made under section 55(1)(g) or (i) of that Act;

(f) regulations made under section 73 of that Act prescribing any measure prohibiting or limiting the meeting or gathering of individuals;

(g) a control order made under section 34(1) of the COVID-19 (Temporary Measures) Act 2020 (Act 14 of 2020);

“COVID-19” means the infectious disease known as Coronavirus Disease 2019;

“Minister” means the Minister charged with the responsibility for family development;

“Registrar” has the meaning given by section 2 of the Women’s Charter;

“relevant date” means a date that is 3 months before the date of commencement of this section;

“specified period” means —

(a) any period a control measure is in force; or

(b) any further period that the Minister, having determined that it is necessary or expedient for the purposes of conducting any matter under this section in a safe and efficient manner and to prevent the spread of COVID-19, prescribes by order in the *Gazette*.

Marriages and revocation of divorces under Administration of Muslim Law Act using remote communication technology

3.—(1) Despite anything in section 95(2)(b) or (4), 101(6) or (8), 102(1)(a) or (2)(a) or 103(1), (3) or (5) of the Administration of Muslim Law Act (Cap. 3) requiring, or relating to, the presence or appearance of any person to perform any act, or to witness or attest the doing of anything under any of those provisions, such person is taken to be present or to appear for that purpose during the specified period if —

(a) the person, with the permission of the Registrar, attends and performs that act, or witnesses or attests the doing of

that thing, through the use of a live video or live television link that is created using a remote communication technology approved by the Registrar;

- (b) the person complies with such conditions that the Registrar considers necessary or expedient to impose relating to the use of the remote communication technology; 5
- (c) the Registrar is satisfied that there are sufficient administrative and technical facilities and arrangements made at the place where the person is located; and
- (d) the following persons are all in Singapore: 10
 - (i) in relation to a marriage to which Part VI of the Administration of Muslim Law Act applies — both parties to the marriage, the witnesses (if required) and the wali (if any) of the woman to be wedded;
 - (ii) in relation to a revocation of divorce to which Part VI of the Administration of Muslim Law Act applies — both parties to the revocation of divorce and the witnesses (if required). 15

(2) Despite section 102(1)(b) of the Administration of Muslim Law Act requiring any registration, or solemnization and registration, of a marriage to be conducted at any place mentioned in that provision, such registration, or solemnization and registration, may be conducted during the specified period using a remote communication technology in accordance with this section. 20

(3) Despite section 103(3) of the Administration of Muslim Law Act, the requirement for an entry in the Register of Marriages, certificate of marriage, Register of Revocation of Divorces or certificate of revocation of divorce (as the case may be) to be signed by the persons mentioned in that provision is deemed to be satisfied if the persons each sign on such document as is required by the Registrar, when communicating with one another using a remote communication technology in accordance with this section. 25 30

(4) The Minister may, by order in the *Gazette*, declare that this section ceases to apply in relation to all or any matter under this section. 35

(5) In this section —

“control measure” and “COVID-19” have the meanings given by section 2(6);

“Minister” means the Minister charged with the responsibility for the registration of Muslim marriages;

“Registrar” has the meaning given by section 2 of the Administration of Muslim Law Act;

“specified period” means —

(a) any period a control measure is in force; or

(b) any further period that the Minister, having determined that it is necessary or expedient for the purposes of conducting any matter under this section in a safe and efficient manner and to prevent the spread of COVID-19, prescribes by order in the *Gazette*.

Making of statutory declarations

4. Despite section 11(1)(b) of the Oaths and Declarations Act (Cap. 211), a statutory declaration required for any purpose in section 2 or 3 may be made by a person appearing before another person, who is empowered under any written law to take or receive the statutory declaration, using a remote communication technology approved by the appropriate Registrar.

EXPLANATORY STATEMENT

This Bill seeks to provide temporary measures for certain matters relating to the conduct of solemnization and registration of marriages, which include both civil and Muslim marriages, in view of the COVID-19 pandemic. The temporary measures also extend to matters relating to the revocation of divorces under the Administration of Muslim Law Act (Cap. 3) and the making of certain statutory declarations.

The measures in the Bill will allow remote communication technology, which includes live video and live television link, to be used under certain circumstances.

Clause 1 relates to the short title and commencement.

Clause 2 relates to the use of a remote communication technology approved by the Registrar (as defined in section 2 of the Women's Charter (Cap. 353)) during the specified period (as defined in clause 2(6)). Despite certain provisions in the Women's Charter requiring, or relating to, the presence or appearance of any person to do certain things, such person is taken to be present or to appear for that purpose during the specified period if certain conditions are satisfied.

First, the thing may only be performed remotely if the person, with the Registrar's permission, attends and performs the act, or witnesses or attests the doing of anything, through the use of a live video or live television link that is created using a remote communication technology approved by the Registrar. Second, the person must comply with such conditions that the Registrar considers necessary or expedient to impose relating to the use of the remote communication technology. Third, the Registrar must be satisfied that sufficient administrative and technical facilities and arrangements are made at the place where the person is located. Fourth, both parties and the witnesses (if required) to an intended marriage, a proposed marriage or a marriage (as the case may be) must all be in Singapore.

Clause 2(2) extends the period of time for certain acts to take place under the Women's Charter.

Clause 2(3) clarifies how sections 16(2) and 17(1) of the Women's Charter are to be read if a notice of marriage given under section 14 of that Act is cancelled during the extended period (as defined in clause 2(2)).

Clause 2(4) deems the requirement for the entry of a marriage in a certificate of marriage to be signed or attested by certain persons to be satisfied if the persons each sign, or the persons attest by each signing, as the case may be, on such document as may be required by the Registrar, when communicating with one another using a remote communication technology in accordance with the clause.

Clause 2(5) empowers the Minister charged with the responsibility for family development to declare that clause 2 ceases to apply in relation to all or any matter under the clause.

Clause 2(6) contains certain definitions.

Clause 3 relates to the use of a remote communication technology approved by the Registrar (as defined in section 2 of the Administration of Muslim Law Act) during the specified period (as defined in clause 3(5)). Despite certain provisions in the Administration of Muslim Law Act requiring, or relating to, the presence or appearance of any person to do certain things, such person is taken to be present or to appear for that purpose during the specified period if certain conditions are satisfied.

First, the thing may only be performed remotely if the person, with the Registrar's permission, attends and performs the act, or witnesses or attests the doing of anything, through the use of a live video or live television link that is created using a remote communication technology approved by the Registrar. Second, the person must comply with such conditions that the Registrar considers necessary or expedient to impose relating to the use of the remote communication technology. Third, the Registrar must be satisfied that sufficient administrative and technical facilities and arrangements are made at the place where the person is located. Fourth, certain parties must all be in Singapore.

Clause 3(2) allows certain acts to be conducted during the specified period using a remote communication technology in accordance with the clause, despite section 102(1)(b) of the Administration of Muslim Law Act which requires those acts to be done in certain places.

Clause 3(3) deems the requirement for an entry in certain documents to be signed by certain persons to be satisfied if the persons each sign on such document as is required by the Registrar, when communicating with one another using a remote communication technology in accordance with the clause.

Clause 3(4) empowers the Minister charged with the responsibility for the registration of Muslim marriages to declare that clause 3 ceases to apply in relation to all or any matter under the clause.

Clause 3(5) contains certain definitions.

Clause 4 states that despite section 11(1)(b) of the Oaths and Declarations Act (Cap. 211), a statutory declaration required for any purpose in clause 2 or 3 may be made by a person appearing before another person, who is empowered under any written law to take or receive the statutory declaration, using a remote communication technology approved by the appropriate Registrar.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
