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ACTS SUPPLEMENT

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The following Act was passed by Parliament on 29th February 2016 and assented to by the President on 13th April 2016:—

REPUBLIC OF SINGAPORE

No. 7 of 2016.

I assent.

TONY TAN KENG YAM,
President.
13th April 2016.



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*.

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

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

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

“ “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 —

(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

(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

(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:

““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

(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

(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.”.

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

Amendment of section 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

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 —

- (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
- (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.

(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.

(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 —

- (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:

- (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
- (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).

Repeal and re-enactment of section 27

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 Section 27 of the Women’s Charter is repealed and the following section substituted therefor: