

International Child Abduction Bill

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Bill No: 22/2010

Read the first time: 16th August 2010

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THE SCHEDULE Convention on the Civil Aspects of International Child Abduction

Explanatory Statement

Expenditure of Public Money

International Child Abduction Bill

Bill No. 22/2010

Read the first time on 16th August 2010.

An Act to give effect to the Convention on the Civil Aspects of International Child Abduction and for matters connected therewith, and to make consequential amendments to the Legal Aid and Advice Act (Chapter 160 of the 1996 Revised Edition) and the Legal Profession Act (Chapter 161 of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the International Child Abduction Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“Convention” means the Convention on the Civil Aspects of International Child Abduction which was signed at The Hague on 25th October 1980;

“Court” means the High Court or a Judge thereof;

“Minister” means —

(a) except as provided in paragraph (b), the Minister charged with the

responsibility for child welfare and protection; and

- (b) for the purposes of Part IV, the Minister charged with the responsibility for legal aid.

(2) Unless the contrary intention appears, words and expressions used in this Act have the same meanings as in the provisions of the Convention set out in the Schedule.

Certain provisions of Convention to have force of law

3. Notwithstanding any written law or rule of law but subject to the provisions of Parts I to V, the provisions of the Convention as set out in the Schedule shall have the force of law in Singapore.

Contracting States

4.—(1) For the purposes of the Convention, the Contracting States (other than Singapore) shall be those for the time being specified by the Minister by an order published in the *Gazette*.

(2) An order under subsection (1) shall specify the date of coming into force of the Convention as between Singapore and any Contracting State specified in the order, and, except where the order otherwise provides, the Convention shall apply as between Singapore and that Contracting State only in relation to —

- (a) wrongful removals or retentions of children; or
- (b) breaches of access rights to children,

occurring on or after that date.

(3) Where the Convention applies, or applies only, to a particular territory specified in a declaration made by a Contracting State under Article 39 or 40 of the Convention, references to that Contracting State in subsections (1) and (2) shall be construed as references to that territory.

PART II

CENTRAL AUTHORITY OF SINGAPORE

Central Authority

5. Subject to the provisions of this Part, the functions of a Central Authority under the provisions of the Convention set out in the Schedule shall be discharged in Singapore by the Minister.

Applications to Central Authority under Article 8 of Convention

6.—(1) A person who claims that, in breach of rights of custody attributed to a person, either jointly or alone, under the law of a Contracting State, a child has been wrongfully removed to or retained in Singapore within the meaning of the Convention may apply to the Central Authority of Singapore for his assistance in facilitating the voluntary return of the child or an amicable resolution of the dispute relating to the removal or retention of the child.

(2) A person who claims that, in breach of rights of custody attributed to a person, either jointly or alone, under the law of Singapore, a child has been wrongfully removed to or retained in a Contracting State within the meaning of the Convention may apply to the Central Authority of Singapore to have his claim sent to the Central Authority of the Contracting State.

(3) An application under subsection (1) or (2) shall be made in such form and manner, and shall contain such information and be accompanied by such documents, as may be specified by the Central Authority of Singapore.

(4) The Central Authority of Singapore may accept an application under subsection (1) or (2) from —

- (a) the person to whom the rights of custody (claimed to have been breached) are attributed under the law of the Contracting State or Singapore, as the case may be; or
- (b) any other person appearing to the Central Authority of Singapore to have sufficient interest in the matter.

(5) The Central Authority of Singapore may refuse to accept an application under subsection (1) or (2) if it is not submitted in accordance with this section or section 21 or for any of the reasons specified in Article 27 of the Convention.

(6) In this section, “person” includes an institution or other body.

Applications to Central Authority under Article 21 of Convention

7.—(1) A person who claims that his rights of access under the law of a Contracting State to a child in Singapore have been breached within the meaning of the Convention may apply to the Central Authority of Singapore for his assistance in facilitating an amicable resolution of the dispute relating to the exercise of such rights.

(2) A person who claims that his rights of access under the law of Singapore to a child in a Contracting State have been breached within the meaning of the Convention may apply to the Central Authority of Singapore to have his claim sent to the Central