

# **Maintenance Orders (Reciprocal Enforcement) Bill**

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**Bill No: 20/1975**

***Read the first time: 17th March 1975***

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**Maintenance Orders (Reciprocal Enforcement) Bill**

## Bill No. 20/1975

*Read the first time on 17th March 1975.*

An Act to make new provisions, in place of the Reciprocal Enforcement of Maintenance Orders Act (Chapter 26 of the Revised Edition), for the enforcement in Singapore of maintenance orders made in reciprocating countries and vice versa.

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 Maintenance Orders (Reciprocal Enforcement) Act, 1975 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

##### Interpretation

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

“affiliation order” means an order (however described) adjudging, finding or declaring a person to be the father of a child, whether or not it also provides for the maintenance of the child;

“certificate of arrears”, in relation to a maintenance order, means a certificate certifying that the sums specified in the certificate is to the best of the information or belief of the officer giving the certificate the amount of the arrears due under the order at the date of the certificate or, as the case may be, that to the best of his information or belief there are no arrears due thereunder at that date;

“certified copy”, in relation to an order of court, means a copy of the order certified by the proper officer of the court to be a true copy;

“court” includes any tribunal or person having power to make, confirm, enforce, vary or revoke a maintenance order;

“maintenance order” means an order (however described) of the following descriptions, that is to say: —

(a) an order (including an affiliation order or order consequent upon an

affiliation order) which provides for the periodical payment of sums of money towards the maintenance of any person, being a person to whom the person liable to make payments under the order is, according to the law applied in the place where the order was made, liable to maintain; and

- (b) an affiliation order or order consequent upon an affiliation order, being an order which provides for the payment by a person adjudged, found or declared to be a child's father of expenses incidental to the child's birth or, where the child had died, of his funeral expenses,

and in the case of a maintenance order which has been varied, means that order as varied;

“payee”, in relation to a maintenance order, means the person entitled to the payments for which the order provides;

“payer”, in relation to a maintenance order, means the person liable to make payments under the order;

“provisional order” means (according to the context) —

- (a) an order made by a court in Singapore which is provisional only and has no effect unless and until confirmed, with or without alteration, by a competent court in a reciprocating country; or
- (b) an order made by a court in a reciprocating country which is provisional only and has no effect unless and until confirmed with or without alteration, by a court in Singapore having power under this Act to confirm it;

“reciprocating country” has the meaning assigned to it by section 17;

“registered order” means a maintenance order which is for the time being registered in a court in Singapore under this Act;

“registering court”, in relation to a registered order, means the court in which that order is for the time being registered under this Act;

“responsible authority”, in relation to a reciprocating country, means any person who in that country has functions similar to those of the Minister under this Act.

## PART II

## ORDERS MADE BY COURTS IN SINGAPORE

### **Transmission of maintenance order made in Singapore for enforcement in reciprocating country**

3.—(1) Subject to subsection (2), where the payer under a maintenance order made, whether before or after the date of the commencement of this Act, by a court in Singapore is residing in a reciprocating country, the payee under the order may apply for the order to be sent to that country for enforcement.

(2) Every application under this section shall be made in the prescribed manner to the prescribed officer of the court which made the maintenance order to which the application relates.

(3) If, on an application duly made under this section to the prescribed officer of a court in Singapore, that officer is satisfied that the payer under the maintenance order to which the application relates is residing in a reciprocating country, the following documents, that is to say: —

- (a) a certified copy of the maintenance order;
- (b) a certificate signed by that officer certifying that the order is enforceable in Singapore;
- (c) a certificate of arrears so signed;
- (d) a statement giving such information as the officer possesses as to the whereabouts of the payer;
- (e) a statement giving such information as the officer possesses for facilitating the identification of the payer; and
- (f) where available, a photograph of the payer,

shall be sent by that officer to the Minister with a view to their being transmitted by the Minister to the responsible authority in the reciprocating country if he is satisfied that the statement relating to the whereabouts of the payer gives sufficient information to justify that being done.

(4) Nothing in this section shall be taken as affecting any jurisdiction of a court in Singapore with respect to a maintenance order to which this section applies, and any such order may be enforced, varied or revoked accordingly.

### **Power to make provisional maintenance order against person residing in reciprocating country**