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No. S 41

FAMILY JUSTICE ACT 2014 (ACT 27 OF 2014)

FAMILY JUSTICE (AMENDMENT) RULES 2019

In exercise of the powers conferred by section 46 of the Family Justice Act 2014 and all other powers enabling us under any written law, we, the Family Justice Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Family Justice (Amendment) Rules 2019 and come into operation on 18 January 2019.

New Parts 16A and 16B

2. The Family Justice Rules 2014 (G.N. No. S 813/2014) (called in these Rules the principal Rules) are amended by inserting, immediately after rule 286, the following Parts:

“PART 16A

SUPREME COURT OF JUDICATURE ACT — MEASURES FOR DEALING WITH UNMERITORIOUS OR VEXATIOUS PROCEEDINGS

Definitions

286A. In this Part, unless the context otherwise requires —

“Act” means the Supreme Court of Judicature Act (Cap. 322);

“civil restraint order” means —

- (a) an extended civil restraint order;
- (b) a general civil restraint order; or
- (c) a limited civil restraint order;

“Court” means the Family Division of the High Court;

“extended civil restraint order” means an extended civil restraint order made in accordance with section 73C of the Act;

“general civil restraint order” means a general civil restraint order made in accordance with section 73D of the Act;

“limited civil restraint order” means a limited civil restraint order made in accordance with section 73B of the Act.

Application for civil restraint order or order mentioned in section 73A(2), (3), (5) or (6) of Act

286B. An application for a civil restraint order, or for an order mentioned in section 73A(2), (3), (5) or (6) of the Act, must be heard in open Court.

Form and service of civil restraint order

286C.—(1) A limited civil restraint order, an extended civil restraint order and a general civil restraint order must be in Forms 64-1, 64-2 and 64-3, respectively.

(2) A civil restraint order must be extracted by the person applying for the order, and must be served on every party to the legal proceedings in respect of which the order was made.

Application for leave to commence action or make application, or for leave to apply to amend, vary or discharge civil restraint order

286D.—(1) Where an extended civil restraint order or a general civil restraint order is in force against a party, an application by that party for leave to commence an action, and the supporting affidavit for that application, must be served —

- (a) on every intended defendant to the action; and
- (b) if the civil restraint order was made on the application of the Attorney-General — on the Attorney-General.

(2) Where any civil restraint order is in force against a party, an application by that party for leave to make an application, and the supporting affidavit for the application for such leave, must be served —

- (a) on every intended respondent to the application; and
- (b) if the civil restraint order was made on the application of the Attorney-General — on the Attorney-General.

(3) An application for leave to apply to amend, vary or discharge any civil restraint order, and the supporting affidavit for that application, must be served on every party to the application pursuant to which that civil restraint order was made, except the person applying for such leave.

(4) A person served with an application for leave mentioned in paragraph (1), (2) or (3) may file and serve an affidavit in reply within 14 days after the date on which the application is served on the person.

(5) The Court may give other directions for the service of an application for leave mentioned in paragraph (1), (2) or (3), and for the filing and service of affidavits in such an application.

Action commenced or application made without leave, etc.

286E.—(1) Where a party, against whom an extended civil restraint order or a general civil restraint order is in force, commences an action without the leave of the Court under section 73C(2)(a) or 73D(2)(a) (as the case may be) of the Act —

- (a) any other party to the action, or to the application pursuant to which that civil restraint order was made, may inform the Registrar of this in writing; and
- (b) the Registrar may, on being informed of this under sub-paragraph (a), or on the Registrar's own motion, record that the action is treated as struck out pursuant to section 73C(3) or 73D(3) (as the case may be) of the Act.

(2) Where a party, against whom any civil restraint order is in force, makes an application, or applies to amend, vary or discharge that civil restraint order, without the leave of the Court under section 73B(2)(a) or (b), 73C(2)(a) or (b) or 73D(2)(a) or (b) (as the case may be) of the Act —

- (a) any other party to the application made without such leave, or to the application pursuant to which that civil restraint order was made, may inform the Registrar of this in writing; and
- (b) the Registrar may, on being informed of this under sub-paragraph (a), or on the Registrar's own motion, record that the application is treated as dismissed pursuant to section 73B(3), 73C(3) or 73D(3) (as the case may be) of the Act.

(3) Where a party, against whom any order mentioned in section 73A(2), (3), (5) or (6) of the Act is in force, files any document in the legal proceedings in respect of which that order was made —

- (a) any other party to those legal proceedings, or to the application pursuant to which that order was made, may apply for that document to be struck out; and
- (b) the Court may, on an application under sub-paragraph (a), or on the Court's own motion, strike out that document.

PART 16B

SUPREME COURT OF JUDICATURE ACT — MEASURES FOR DEALING WITH VEXATIOUS LITIGANTS

Definitions

286F. In this Part, unless the context otherwise requires —

“Act” means the Supreme Court of Judicature Act (Cap. 322);