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No. S 834

FAMILY JUSTICE ACT 2014 (ACT 27 OF 2014)

FAMILY JUSTICE (AMENDMENT NO. 4) RULES 2018

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 No. 4) Rules 2018 and come into operation on 19 December 2018.

Amendment of rule 18

2. Rule 18(2) of the Family Justice Rules 2014 (G.N. No. S 813/2014) (called in these Rules the principal Rules) is amended by inserting, immediately after sub-paragraph (j), the following sub-paragraph:

“(ja) an application for contempt of court under section 16 of the Vulnerable Adults Act 2018 (Act 27 of 2018);”.

Amendment of rule 20

3. Rule 20(2) of the principal Rules is amended by inserting, immediately after sub-paragraph (c), the following sub-paragraph:

“(ca) an application to a Family Court under section 7(3), 10(4), 11(2), 12 or 17 of the Vulnerable Adults Act 2018;”.

New Part 17B

4. The principal Rules are amended by inserting, immediately after rule 295C, the following Part:

“PART 17B

VULNERABLE ADULTS ACT 2018

Definitions and application

295D.—(1) In this Part, unless the context otherwise requires —

“Act” means the Vulnerable Adults Act 2018, and any reference to a section is to be construed as a reference to a section in the Act;

“Code” means the Criminal Procedure Code (Cap. 68);

“Court” means the Family Division of the High Court or a Family Court, or a judge of the Family Division of the High Court or a judge of the Family Court, whether sitting in Court or in Chambers.

(2) Expressions used in this Part that are used in the Act have the same meanings in this Part as in the Act.

(3) Subject to this Part, Parts 1, 3, 18 and 19 of these Rules and rule 21 apply, with the necessary modifications, to any proceedings under Division 1, 2 or 3 of Part 2 of the Act.

Relevant provisions of Code and other written law

295E.—(1) For the purposes of section 13(1)(b)(ii), an application under section 12 for an order under section 14(1)(a), (b), (c), (d), (i) or (j), or an application under section 17 to vary, suspend or revoke such an order, is to be dealt with —

(a) in accordance with only sections 3, 151 and 152 of the Code; and

(b) if the application involves the giving of evidence through a live video or live television link, in accordance with section 62A of the Evidence Act (Cap. 97).

(2) For the purposes of section 13(1)(b)(ii), an application under section 12 for an order under section 14(1)(e), (f), (g) or

(*h*) or 15, or an application under section 17 to vary, suspend or revoke such an order, is to be dealt with —

- (*a*) in accordance with only the provisions of the Code set out in the Sixth Schedule; and
- (*b*) if the application involves the giving of evidence through a live video or live television link, in accordance with section 62A of the Evidence Act.

Title of proceedings

295F. Every affidavit, statement, notice or other document in any proceedings under Division 1, 2 or 3 of Part 2 of the Act (other than an application under section 12 for an order under section 14(1)(*e*), (*f*), (*g*) or (*h*), or an application under section 17 to vary, suspend or revoke such an order) must be entitled in the matter of the vulnerable adult concerned, naming the vulnerable adult, and in the matter of the Act.

Assessment of lack of mental capacity

295G.—(1) An application made under section 12(1), by a person mentioned in section 12(2)(*a*)(i), (ii) or (iii) in the circumstances mentioned in section 12(2)(*a*), must be supported by a mental capacity assessment report given by a mental capacity assessor, unless the Court otherwise directs.

(2) The mental capacity assessment report in paragraph (1) must be prepared in Form 64A.

(3) Where an application mentioned in paragraph (1) is not supported by a mental capacity assessment report mentioned in that paragraph, the Court may —

- (*a*) strike out the application; or
- (*b*) make such other order as it thinks fit.

Medical assessment of physical infirmity, disability or incapacity

295H.—(1) The Court may direct an applicant mentioned in section 12(2)(*b*) to provide a medical report, if the Court is not

satisfied that the vulnerable adult to whom the application relates suffers from any physical infirmity, disability or incapacity.

(2) The medical report in paragraph (1) must —

- (a) be given by a registered medical practitioner;
- (b) certify that the vulnerable adult to whom the application relates suffers from a physical infirmity, disability or incapacity; and
- (c) state the medical diagnosis of the vulnerable adult's condition.

(3) Where an applicant fails to comply with any direction given under paragraph (1), the Court may —

- (a) strike out the application; or
- (b) make such other order as it thinks fit.

Service of Notice of Application

295I.—(1) Where an application (other than an application under section 12 for an order under section 14(1)(e), (f), (g) or (h) or 15, or an application under section 17 for the variation, suspension or revocation of such an order) is made under section 11(2), 12 or 17, the applicant must, unless the Court otherwise directs, serve a Notice of Application in Form 64B on the following persons:

- (a) in the case of an application concerning a vulnerable adult who does not lack mental capacity, that vulnerable adult;
- (b) in the case of an application concerning a vulnerable adult who lacks mental capacity, all of the following persons:
 - (i) a donee or deputy of that vulnerable adult;
 - (ii) the spouse, each parent, and each child of or above 21 years of age, of that vulnerable adult;
 - (iii) the main caregiver of that vulnerable adult.

(2) Where an application is made under section 7(3) or 10(4), the applicant must serve a Notice of Application in Form 64C on the vulnerable adult, unless the Court otherwise directs.

(3) If the application mentioned in paragraph (1) is for an order under section 14(1)(j), the applicant must, unless the Court otherwise directs, serve the Notice of Application on every owner of the residence to which the application relates, in addition to each person mentioned in paragraph (1)(a) or (b), as the case may be.

(4) Where it is alleged in an application mentioned in paragraph (1) that the vulnerable adult to whom the application relates does not lack mental capacity, any of the following persons may, by filing a notice in Form 64D within 7 days, or such longer period as the Court may direct, after the date of service of the Notice of Application on the vulnerable adult, dispute that allegation:

- (a) a donee or deputy of that vulnerable adult;
- (b) the spouse, each parent, and each child of or above 21 years of age, of that vulnerable adult;
- (c) the main caregiver of that vulnerable adult.

(5) Upon receipt of a notice in paragraph (4), the Court must —

- (a) hear and determine as a preliminary issue the question whether that vulnerable adult lacks mental capacity; and
- (b) if the Court finds that the vulnerable adult lacks mental capacity, direct that the Notice of Application be served on every person mentioned in paragraph (4)(a), (b) and (c).

(6) A Notice of Application must, unless the Court otherwise directs, be served within 5 days after the filing of the application mentioned in paragraph (1) or (2), as the case may be.

(7) An applicant must, as soon as practicable after service of a Notice of Application on any person on whom the Notice of