

# **Rules of Court (Amendment) Rules 2011**

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## **SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)**

### **RULES OF COURT (AMENDMENT) RULES 2011**

In exercise of the powers conferred on us by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, hereby make the following Rules:

#### **Citation and commencement**

1. These Rules may be cited as the Rules of Court (Amendment) Rules 2011 and shall come into operation on 1st March 2011.

#### **New Order 102**

2. The Rules of Court (R 5) are amended by inserting, immediately after Order 101, the following Order:

“ORDER 102

## INTERNATIONAL CHILD ABDUCTION ACT 2010

### **Interpretation (O. 102, r. 1)**

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

“Act” means the International Child Abduction Act 2010 (Act 27 of 2010), and any reference to a section shall be construed as a reference to a section in the Act;

“relevant child” means a child who is the subject of proceedings under Part III of the Act.

(2) Expressions used in this Order which are used in the Act have the same meanings in this Order as in the Act.

(3) Subject to this Order, these Rules shall apply, with the necessary modifications, to proceedings under Part III of the Act.

### **Commencement of proceedings (O. 102, r. 2)**

2. Unless otherwise provided in the Act or these Rules, every application to the Court under Part III of the Act must be made by originating summons in Form 4 or 5.

### **Title of proceedings (O. 102, r. 3)**

3. Every originating summons to which this Order relates, and all affidavits, notices and other documents in those proceedings, must be entitled in the matter of the Act and in the matter of the relevant child.

### **Parties to proceedings (O. 102, r. 4)**

4.—(1) Unless the Court otherwise orders, the parties to any proceedings under Part III of the Act are —

- (a) the plaintiff or applicant; and
- (b) any person referred to in paragraph (2) who is named as a defendant in the proceedings.

(2) A person named as a defendant in any proceedings under Part III of the Act must be one or more of the following:

- (a) a person alleged to have wrongfully removed to or retained in Singapore, within the meaning of the Convention, the relevant child;
- (b) a person with whom the relevant child is presumed to be;
- (c) any parent or guardian of the relevant child, being a parent or guardian who is present in Singapore;
- (d) a person in whose favour a decision relating to the custody of the relevant child has been made by any court, whether in or outside Singapore;
- (e) a person who appears to the Court to have sufficient interest in the welfare of the relevant child.

(3) The Court may order that any person be joined as a party, if the Court considers that it is desirable to do so.

(4) The Court may at any time direct that any person who is a party to the proceedings be removed as a party.

#### **Application for order under section 8 (O. 102, r. 5)**

**5.**—(1) An application for an order under section 8 must be supported by an affidavit affirmed or sworn by the plaintiff or applicant or, if the circumstances of the case justify it, a person duly authorised to affirm or swear the affidavit on behalf of the plaintiff or applicant.

(2) The affidavit must state the following:

- (a) the particulars of all parties to the proceedings;
- (b) the particulars of the relevant child, including, where available, his date of birth;
- (c) the grounds on which the plaintiff's or applicant's claim for the return of the relevant child is based;
- (d) the whereabouts of the relevant child in Singapore, and the particulars of any person with whom the relevant child is presumed to be;

- (e) whether there are any court proceedings (including proceedings outside Singapore and concluded proceedings, whether in or outside Singapore) relating to the relevant child, and the particulars of any such proceedings and of any orders made in any such proceedings (including interim orders); and
  - (f) any other information which may assist in securing the return of the relevant child.
- (3) The application must exhibit —
- (a) an authenticated copy of each of the following:
    - (i) any relevant decision relating to the custody of the relevant child made by any court, whether in or outside Singapore; and
    - (ii) any relevant agreement relating to the custody of the relevant child; and
  - (b) a certificate or an affidavit emanating from the Central Authority of Singapore or any other competent authority of the Contracting State referred to in section 8(1), or from a person who is qualified to express an opinion on the relevant law of that State, concerning the relevant law of that State.

**Application for declaration under section 14 (O. 102, r. 6)**

**6.—**(1) An application for a declaration under section 14 must be supported by an affidavit affirmed or sworn by the plaintiff or applicant or, if the circumstances of the case justify it, by a person duly authorised to affirm or swear the affidavit on behalf of the plaintiff or applicant.

- (2) The affidavit must state the following:
- (a) the particulars of the request made by the requesting judicial or administrative authorities referred to in Article 15 of the Convention;
  - (b) the particulars of all parties to the proceedings;
  - (c) the particulars of the relevant child, including, where available, his date of birth;