

**Maintenance of Parents Act
(CHAPTER 167B)**

Table of Contents

Long Title

1 Short title and commencement

2 Interpretation

3 Applications for maintenance orders

4 Joinder of respondents

5 Maintenance orders

6 Power of Tribunal to order security for maintenance

7 Duration of orders for maintenance

8 Power of Tribunal to vary orders for maintenance

9 Maintenance payable under order of Tribunal to be inalienable

10 Enforcement of maintenance orders

11 Applications on behalf of incapacitated applicants

**12 Appointment of and applications by Commissioner for the
Maintenance of Parents**

13 Establishment of Tribunal for the Maintenance of Parents

14 Tribunal to hear and determine claims

15 Contempt of Tribunal

16 Power of Tribunal to state special case for decision of High Court

17 High Court may call for proceedings of Tribunal

18 Appeals to High Court

19 Proceedings in camera

20 Costs

21 Rules

Legislative History

MAINTENANCE OF PARENTS ACT

(CHAPTER 167B)

(Original Enactment: Act 35 of 1995)

REVISED EDITION 1996

(30th April 1996)

An Act to make provision for the maintenance of parents by their children and for matters connected therewith.

[1st June 1996]

Short title and commencement

- 1.** This Act may be cited as the Maintenance of Parents Act.

Interpretation

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

“applicant” includes a person in whose favour a maintenance order has been made under this Act;

“approved person or organisation” means a person or an organisation that has been approved by the Minister in writing for the purposes of this Act;

“child” includes an illegitimate or adopted child and a step-child;

“Commissioner” means the Commissioner for the Maintenance of Parents appointed under section 12(1) and includes a Deputy Commissioner and an Assistant Commissioner for the Maintenance of Parents;

“respondent” includes a person against whom a maintenance order has been made under this Act;

“Tribunal” means the Tribunal for the Maintenance of Parents established under section 13.

Applications for maintenance orders

3.—(1) Any person domiciled and resident in Singapore who is of or above 60 years of age and who is unable to maintain himself adequately (referred to in this section as the parent) may apply to the Tribunal for an order that one or more of his children pay him a monthly allowance or any other periodical payment or a lump sum for his maintenance.

(2) An approved person or organisation in whose care a parent resides may apply to the Tribunal for an order that one or more of his children pay the approved person or organisation a monthly allowance or any other periodical payment or a lump sum for the purpose of defraying the costs and expenses of maintaining the parent.

(3) Where the parent ceases to be in the care of the approved person or organisation, any part of the monthly allowance, other periodical payment or lump sum remaining, after deducting the reasonable costs and expenses of maintaining the parent, shall be held in trust for the parent.

(4) For the purposes of this section, a parent is unable to maintain himself if his total or expected income and other financial resources are inadequate to provide him with basic amenities and basic physical needs including (but not limited to) shelter, food and clothing.

(5) Notwithstanding that a person is below the minimum age specified in subsection (1), this Act shall apply to that person if the Tribunal is satisfied that he is suffering from infirmity of mind or body which prevents him from maintaining or makes it difficult for him to maintain himself or that there is any other special reason.

Joinder of respondents

4. A respondent may serve notice in the prescribed form on other persons liable to maintain the applicant joining them as respondents in the action.

Maintenance orders

5.—(1) The Tribunal may make a maintenance order if it considers that it is just and equitable that the respondent should maintain the applicant and that —

- (a) the respondent is able to provide maintenance to the applicant after his own requirements and those of his spouse and his children have been supplied; and
- (b) the applicant is unable, in spite of efforts on his part, to maintain himself through work or from his property or from any other source.

(2) When ordering maintenance for the benefit of an applicant, the Tribunal shall have regard to all the circumstances of the case including (but not limited to) the following matters:

- (a) the financial needs of the applicant, taking into account reasonable expenses for housing and medical costs;
- (b) the income, earning capacity, property and other financial resources of the applicant and the manner in which an applicant has spent his savings or dissipated his financial resources;
- (c) any physical or mental disability of the applicant;
- (d) the income, earning capacity, property and other financial resources of the respondent;
- (e) the expenses incurred by the respondent in supporting his spouse or children;
- (f) the contributions and provisions, whether financial or otherwise, which the respondent has made for the maintenance of the applicant.

(3) If the Tribunal is satisfied upon due proof that the applicant abandoned, abused or neglected the respondent, it may dismiss the application or may reduce the quantum of maintenance ordered by such amount as may be just.

(4) The onus of proving abandonment, abuse or neglect shall be on the respondent alleging it.

(5) Where there is more than one respondent, the Tribunal may apportion the maintenance among the various respondents in such manner as may be just.

(6) The Tribunal shall, before hearing an application under this section, refer the differences between the parties to a conciliation officer for mediation between the

parties.

Power of Tribunal to order security for maintenance

6.—(1) A maintenance order may provide for the payment of a lump sum, or a monthly allowance or periodical payment for such period as the Tribunal may determine.

(2) The Tribunal may, in its discretion, when awarding maintenance, order the respondent to secure the whole or any part of it by vesting any property in trustees upon trust to pay the maintenance or part thereof out of the income from that property.

(3) The Tribunal may, in awarding maintenance, order the applicant to —

- (a) deposit such minimum sum as the Tribunal may determine with a bank; or
- (b) purchase an annuity with an insurer with such minimum sum.

(4) The Tribunal may, in awarding maintenance, give directions as to the manner or method of payment.

Duration of orders for maintenance

7.—(1) Except where an order for maintenance is expressed to be for any shorter period or where any such order has been rescinded, a maintenance order shall expire —

- (a) if the maintenance was unsecured, on the death of the applicant or the respondent, whichever is the earlier;
- (b) if the maintenance was secured, on the death of the applicant.

(2) Where a maintenance order was made against more than one respondent, the death of a respondent does not affect the liability of the others to continue paying maintenance to the applicant.

(3) The applicant may apply to the Tribunal to re-apportion the liability among the surviving respondents on the death of a respondent.

Power of Tribunal to vary orders for maintenance

8.—(1) The Tribunal may vary or rescind any subsisting order for maintenance, whether secured or unsecured, where it is satisfied that the order was based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances of the applicant or respondents or where another person is joined as a respondent.

(2) An application for variation of a maintenance order may be made by —

- (a) the applicant;