

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE
PRACTICE DIRECTIONS (AMENDMENT NO. 3 OF 2012)

It is hereby notified for general information that the following new paragraph 116 of the Subordinate Practice Directions shall take effect from 1 July 2012.

116 – Weekend/Public Holiday Duty Judicial Officer at the Family Court.

2. The new paragraph 116 sets out the procedure and requirements to be complied with by a party who wishes to appear before the Weekend / Public Holiday Duty Judicial Officer at the Family Court for the hearing of an urgent application to restrain or injunct another party from taking any child permanently out of jurisdiction without the consent of the lawful guardian or parent of the child.

Dated this 8th day of June 2012.



JENNIFER MARIE
REGISTRAR
SUBORDINATE COURTS

116 Weekend/Public Holiday Duty Judicial Officer at the Family Court

(1) The Duty Judicial Officer at the Family Court may hear an urgent application on Saturdays (from 1pm to 6pm) and on Sundays and public holidays (from 9am to 6pm) under the following circumstances:

(a) where the applicant, being a lawful guardian or parent of a child, is seeking to restrain or injunct another party from taking the child out of jurisdiction without the consent of the applicant;

(b) the child's departure from Singapore is so imminent that it would be too late for the application to be heard on the next working day; and

(c) there is a strong likelihood that the child, once taken out of Singapore, will not return to Singapore.

(2) To request the urgent hearing of such an application, the applicant should contact the Weekend/Public Holiday Duty Judicial Officer at 97241402 during the following operating hours:

(a) 1 p.m. to 6 p.m. on Saturdays; and

(b) 9 a.m. to 6 p.m. on Sundays and public holidays.

(3) The Duty Judicial Officer will only arrange for the hearing of the application if the applicant satisfies the Duty Judicial Officer that the case meets all the criteria stipulated in sub-paragraph (1).

(4) If the applicant is unable to file the application and supporting affidavits via the electronic filing service (EFS) before the hearing, he/she must give a signed written undertaking to the Court to do so in accordance with the form in Annex A before the application will be heard. The applicant must bring three copies each of the application, the supporting affidavit and the appropriate draft orders of court for the *ex parte* hearing.

(5) On an *ex parte* application for an injunction against the permanent removal of a child from Singapore, the Court would require the applicant, to give an undertaking to compensate any party for any loss caused as a result of the application. The Court may require the undertaking as to damages to be supported by —

(a) making payment into Court;

(b) furnishing a banker's guarantee; or

- (c) making payment to the applicant's solicitor to be held by the solicitor as an officer of the Court pending further order.

(6) An applicant for an order under section 14 of the Guardianship of Infants Act (Cap 122) must prepare the following documents in accordance with the appropriate forms in Annex B and bring them along to the hearing:

- (a) the Order of Court being sought;
- (b) the Writ for Seizure;
- (c) the Request for Writ for Seizure;
- (d) the applicant's letter of undertaking to indemnify the Subordinate Courts and the Bailiff against any liabilities or claims that may arise from or in connection with the execution of the order granted by the Court to the applicant; and
- (e) the applicant's letter of undertaking to pay compensation/damages and to serve the documents.

(7) The forms in Annex B are intended to make it easier for persons served with the relevant orders to understand what the orders mean. These standard form orders should be used save to the extent that an applicant is of the view that the form should be varied and the Duty Judicial Officer hearing a particular application considers that there is a good reason for adopting a different form. Any departure from the terms of the standard forms must be justified by the applicant in his/her supporting affidavit(s).

(8) If an order is granted under section 14 of the Guardianship of Infants Act (Cap 122), the applicant must do the following:

- (a) accompany the Bailiff to the place of execution;
- (b) instruct his/her solicitor (if any) to accompany the Bailiff; and
- (c) engage and pay for the costs of an auxiliary police officer to accompany the Bailiff to the place of execution, subject to the condition that where the person against whom the execution is to be carried out or the child/any of the children concerned is a female, the auxiliary police officer shall be a female officer.

(9) For the avoidance of doubt, every applicant must comply with paragraph 21 of the Subordinate Courts Practice Directions.

Annex A

Undertaking to Court to e-file documents

1. I, _____ (*name of applicant/solicitor*) _____, of _____ (*address*) _____, do hereby undertake to the Court to file the following documents via the Electronic Filing Service (EFS)# by _____ (*date*) _____:

- (a) the Originating Summons*;
- (b) the Summons*;
- (c) the affidavit(s) of _____ (*name of deponent*) _____ affirmed on _____ (*date*) _____; and
- (d) the draft and final Order of Court if granted by the Court.

2. I understand that if I should fail to carry out my undertaking, I am liable to be punished for non-compliance with an order of the Court.

(*Signature*)

Name of Applicant / Applicant's solicitor

Date : _____

For a non-EFS subscriber, the documents may be e-filed at the **LawNet & CrimsonLogic Service Bureau** located at:

133 New Bridge Road, #19-01/02 Chinatown Point, Singapore 059413.

Tel: (65) 6538 9507.

Fax: (65) 6438 6350.

The operating hours are:

Mondays to Fridays : 8:30am to 5:00pm; and
Saturdays : 8:30am to 12:30pm.

* Delete where inapplicable

Order of Court to prevent the removal of a child out of jurisdiction

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Suit[]
No. []
of []

Between

[[*Plaintiff's Name*] (NRIC No.)]... *Plaintiff*

And

[[*Defendant's Name*] (NRIC No.)]... *Defendant*

ORDER OF COURT

BEFORE THE DISTRICT JUDGE

IN CHAMBERS

[*Name*]_____

IMPORTANT:

Notice to the defendant/plaintiff*

This Order requires you to return one or more children to the custody of his/her/their lawful guardian/parent and prevents you from leaving Singapore with the child/children without the permission of the Court. You should read all the terms of this Order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to apply to the Court to vary or discharge this Order. If you disobey this Order, you will be guilty of contempt of Court and may be sent to prison or fined. (This notice is not a substitute for the endorsement of a penal notice.)

THE ORDER

An application was made today [*date*] by [*Counsel for*] the plaintiff/defendant* to the District Judge [*name*] by way of ex-parte Originating Summons No.____ of 20___. The District Judge [*name*] heard the application and read the affidavit(s) of [*name*] filed on [*date*].

As a result of the application —

IT IS ORDERED by the District Judge that:

- (a) the child/children [*names of child/children*] shall be returned to the custody of his/her lawful guardian/parent [*name*];
- (b) the defendant/plaintiff* shall hand over to the plaintiff/defendant* forthwith, the child/children's unexpired passport(s) of any country, visas, and other travel documents pending the outcome or further orders made on this application and/or these proceedings;
- (c) the defendant/plaintiff*, whether by herself/himself* or by her/his* servants or agents shall be restrained from removing [*name of child/children*] from Singapore pending the outcome or further orders made on this application and/or these proceedings; and
- (d) [*insert any other orders made by the Court in relation to the application*]

Effect of this Order

If you are required under this Order not to do something, you must not do it yourself or in any other way. You must not do it through others acting on your behalf or on your instructions or with your encouragement.

Third Parties

It is a contempt of Court for any person notified of this Order to knowingly assist in or permit a breach of the Order. Any person doing so may be sent to prison or fined.

Undertakings

The plaintiff /defendant* must give to the Court the undertakings set out in Schedule 1 to this order.

Duration of this Order

This Order shall remain in force until the trial or further order made by the Court.

Variation or discharge of this Order

The defendant / plaintiff* (or anyone notified of this order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects

IN THE SUBORDINATE COURTS OF THE REPUBLIC
OF SINGAPORE

Divorce Suit []
No. []
of []

Between

[[*Plaintiff's Name*] (NRIC No.)... *Plaintiff*

And

[[*Defendant's Name*] (NRIC No.)... *Defendant*

ORDER OF COURT

NAME OF PARTY FILING:

ADDRESS:

CONTACT NO.:

Filing date:

Orders made under s 14 of the Guardianship of Infants Act

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.

Between

[[*Plaintiff's Name*] (NRIC No.)]... *Plaintiff*

And

[[*Defendant's Name*] (NRIC No.)]... *Defendant*

ORDER OF COURT

BEFORE THE DISTRICT JUDGE

IN CHAMBERS

[*Name*]_____

IMPORTANT:

Notice to the defendant/plaintiff*

This Order requires you to return one or more children to the custody of his/her/their lawful guardian/parent and prevents you from leaving Singapore with the child/children without the permission of the Court. You should read all the terms of this Order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to apply to the Court to vary or discharge this Order. If you disobey this Order, you will be guilty of contempt of Court and may be sent to prison or fined. (This notice is not a substitute for the endorsement of a penal notice.)

THE ORDER

An application was made today [*date*] by [*Counsel for*] the plaintiff/defendant* to the District Judge [*name*] by way of ex-parte Originating Summons No.____ of 20__. The District Judge [*name*] heard the application and read the affidavit(s) of [*name*] filed on [*date*].

As a result of the application —

I. IT IS ORDERED by the District Judge that:

- (a) the child/children [*names of child/children*] shall be returned to the custody of his/her/their lawful guardian/*parent* [*name*];
- (b) the defendant/plaintiff* shall hand over to the plaintiff/defendant* forthwith, the child/children's unexpired passport(s) of any country, visas, and other travel documents pending the outcome or further orders made on this application and/or these proceedings;
- (c) the defendant/plaintiff*, whether by herself/himself* or by her/his* servants or agents shall be restrained from removing [*name of child(ren)*] from Singapore pending the outcome or further orders made on this application and/or these proceedings;
- (d) for the purposes of enforcing this Order, the Bailiff be hereby directed to seize the person(s) of the child/children [*name*] at the place of execution at [*name specific address of execution*] and the child/children be delivered into the custody of his/her/their lawful guardian/*parent* [*name*]; and
- (e) [*insert any other orders made by the Court in relation to the application*]

II. IT IS FURTHER ORDERED by the District Judge that —

- (a) the plaintiff/defendant* shall accompany the Bailiff to the place of execution to identify the child/children [*name*];
- (b) the Bailiff shall also be accompanied by the following persons to the place of execution:
 - (i) the plaintiff/defendant*;
 - (ii) the plaintiff's/defendant's* Counsel;
 - (iii) an auxiliary police officer engaged by the plaintiff/defendant* at the plaintiff's/defendant's* cost, subject to the condition that where the person against whom the execution is to be carried out or the child/any of the children concerned is a female, the auxiliary police officer to be engaged shall be a female officer.
- (c) as far as is practicable, the child/children shall be handed over to the plaintiff/defendant* at the place of execution;

- (d) the plaintiff/defendant* or the plaintiff's/defendant's* Counsel shall pay to the Court prior to the enforcement of this Order a deposit of S\$300 in cash or by cheque made payable to "The Registrar, Subordinate Courts";
- (e) the Bailiff shall have the absolute discretion to do any or all of the following without having to give any reasons:
 - (i) take all necessary measures to ensure the personal safety of all persons (including the child/children or the Bailiff) involved in the execution;
 - (ii) postpone the execution or any part thereof; and
- (f) nothing in this Order shall be construed to empower the Bailiff to effect entry into any building or break open any outer or inner door or window of the building or any receptacle therein.

Effect of this Order

If you are required under this Order not to do something, you must not do it yourself or in any other way. You must not do it through others acting on your behalf or on your instructions or with your encouragement.

Third Parties

It is a contempt of Court for any person notified of this Order to knowingly assist in or permit a breach of the Order. Any person doing so may be sent to prison or fined.

Undertakings

The plaintiff/defendant* must give to the Court the undertakings set out in Schedule 1 to this Order. The plaintiff's counsel/defendant's counsel* must give to the Court the undertakings set out in Schedule 2 to this Order.

Duration of this Order

This Order will remain in force until the trial or further order made by the Court.

Variation or discharge of this Order

The defendant/plaintiff* (or anyone notified of this order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's/defendant's solicitors.

Dated the day of 20

REGISTRAR

Schedule 1

(Undertakings provided in writing by the plaintiff/defendant)*

1. If the Court later finds that this Order or the carrying out of this Order has caused loss to the plaintiff/defendant*, and decides that the plaintiff/defendant* should be compensated for that loss, the plaintiff/defendant* shall comply with any order that the Court may make with regard to the payment of such compensation.
2. The plaintiff/defendant* shall provide any form of security including a banker's guarantee for any sum as may be ordered by the Court for the purpose of securing against any loss caused to the plaintiff / defendant* arising from the Order or the carrying out of the said Order.
3. The plaintiff/defendant* shall pay the reasonable costs of anyone other than the plaintiff/defendant* which have been incurred as a result of this order and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff/defendant* shall comply with any order the Court may make.
4. At the same time this Order is served on the defendant/plaintiff*, the plaintiff/defendant* shall serve on the defendant/plaintiff* a copy of the application, supporting affidavits and exhibits containing the evidence relied on by the plaintiff/defendant*. If the application and supporting affidavits have not been filed, the plaintiff/defendant* shall serve the same within 1 working day from the filing of the application and supporting affidavits.
5. The plaintiff/defendant* shall indemnify the Subordinate Courts and the Bailiffs and keep them indemnified at all times against —
 - (a) all claims and payments for which the Subordinate Courts or the Bailiffs may, in the course of executing this Order, be rendered legally liable, and

- (b) all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against the Subordinate Courts or the Bailiffs or incurred or become payable by the Subordinate Courts or the Bailiffs in the course of executing this Order.
- 6. The plaintiff/defendant* shall pay the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof.
- 7. As and when required by the Court or the Bailiffs, the plaintiff/defendant* shall provide sufficient funds to the Court or the Bailiffs to meet the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof.

Schedule 2

(Undertakings provided in writing by the plaintiff's/defendant's Counsel)*

1. The plaintiff's/defendant's* Counsel shall personally ensure that this Order is executed in a calm and orderly manner respectful of the circumstances of the case.
2. The plaintiff's/defendant's* Counsel shall pay the costs, expenses and charges which may have been incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof, if such costs, expenses and charges are not fully paid by the plaintiff/defendant*.
3. As and when required by the Court or the Bailiffs, the plaintiff's/defendant's Counsel shall provide sufficient funds to the Court or the Bailiffs to meet the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof.

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.

Between

[Name] ...Plaintiff

And

[Name] ...Defendant

REQUEST FOR WRIT FOR SEIZURE

Name of person entitled to execution (applicant) :

Address of applicant :

Name of Solicitor for applicant :

Address of the Solicitor for applicant :

Hereby request the Registrar to issue a Writ for Seizure to be executed at the Address of Execution to seize the person of the infant [*name of infant*] and the infant be returned to the custody of his/her lawful guardian.

Name of person subject to execution (respondent):

Address of Execution :

Attached herewith is a copy of the Order of Court duly sealed.

UNDERTAKING AND DECLARATION

1. I/We hereby undertake to pay all your charges. Please appoint a suitable date to execute the Writ for Seizure.
2. I/We hereby declare that as at the date of this Request, the person of the infant [*name of infant*] is not subject to any other execution or order issued by the Subordinate Courts or the High Court.

3. I/We hereby declare that, as at the date of this declaration, I/we have reason to believe that the person subject to execution will be at the Address of Execution together with the infant [*name of infant*].

(State the grounds of belief)

NAME OF DECLARANT :

Date of filing :

Applicant's Letter of Indemnity

Date:

The Bailiff

Dear Sir

1. I confirm that I have obtained a Court Order under section 14 of the Guardianship of Infants Act (Cap 122).

2 I confirm that I have placed a deposit of \$300 in cash/ by cheque no. _____ made payable to "The Registrar, Subordinate Courts" * as part of the Bailiff's expenses in executing the Order.

OR

I undertake to place a deposit of \$300 in cash / by cheque made payable to "The Registrar, Subordinate Courts"* by _____(date)_____ as part of the Bailiff's expenses in executing the Order.

3. I understand and agree that should the bailiff's expenses of execution exceed \$300, I shall, as and when required by the Court or the Bailiff, provide sufficient funds to the Court or the Bailiff to meet the shortfall.

4. I shall pay all the costs, expenses and charges which may have to be incurred by the Court and or the Bailiff in connection with this Order including the execution thereof.

5. I shall indemnify and keep the Subordinate Courts and the Bailiffs indemnified at all times hereinafter against —

- (a) all claims and payments for which the Subordinate Courts or the Bailiffs may, in the course of executing this Order, be rendered legally liable, and
- (b) all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against the Subordinate Courts or the Bailiffs or incurred or become payable by the Subordinate Courts or the Bailiffs in the course of executing this Order.

(Signature)

Name of plaintiff/defendant*

*Delete if inapplicable

Undertaking to pay compensation/damages to the plaintiff/defendant/other person* and to serve documents

I, _____ (*name of plaintiff / defendant*) _____, of _____ (*address*) _____, do hereby undertake to the Court as follows:

1. If the Court later finds that the Order dated _____ or the carrying out of the said Order has caused loss to the plaintiff / defendant,* and decide that the defendant / plaintiff* should be compensated for that loss, I shall comply with any order that the Court may make with regard to the payment of such compensation.
2. I shall provide any form of security including a Banker's Guarantee for any sum as may be ordered by the Court for the purpose of securing against any loss caused to the plaintiff / defendant* arising from the Order or the carrying out of the said Order.
3. If the Court later finds that this Order has caused loss to anyone other than the plaintiff / defendant* as a result of this order and decides that such person should be compensated for that loss, I shall comply with any order the Court may make with regard to the payment of such compensation and shall pay the reasonable costs of such a person.
4. At the same time this Order is served on the defendant / plaintiff*, I shall serve on the defendant / plaintiff* a copy of the application, supporting affidavits and exhibits containing the evidence relied on by the plaintiff / defendant*. If the application and supporting affidavits have not been filed, I shall serve the same within 1 working day from the filing of the application and supporting affidavits.

I understand that if I should fail to carry out my undertaking, I am liable to be punished for non-compliance with an order of the Court.

(Signature)

Name of plaintiff / defendant*

Date : _____

*Delete if inapplicable

Undertakings to be provided by the plaintiff's/defendant's* counsel

I [name of counsel] of [name of law firm] hereby undertake as follows:

1. To personally ensure that this order is executed in a calm and orderly manner respectful of the circumstances of the case.
2. To pay the costs, expenses and charges which may have been incurred by the Court and/or the Bailiff in connection with this Order including the execution thereof, if such costs, expenses and charges are not fully paid by the plaintiff / defendant*.
3. To provide as when required by the Court or the Bailiff, sufficient funds to the Court or the Bailiff to meet the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiff in connection with this Order, including the execution thereof.

(Signature)

Name of Plaintiff's/Defendant's* counsel

Date : _____

*Delete if inapplicable