

Women's Charter (Amendment) Bill

Bill No. /2016.

Read the first time on .

A BILL

i n t i t u l e d

An Act to amend the Women's Charter (Chapter 353 of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Women’s Charter (Amendment) Act 2016 and comes into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of long title

2. The long title to the Women’s Charter is amended by inserting, immediately after the word “wives”, the words “, incapacitated husbands”.

Amendment of section 2

10 3. Section 2 of the Women’s Charter is amended —

(a) by inserting, immediately after the definition of “Director”, the following definitions:

““fit individual” means an individual whom the Director, having regard to the character of the individual, thinks competent to provide care and protection to another individual;

“incapacitated former husband” means a former husband who —

(a) during the subsistence of the marriage, was or became —

(i) incapacitated, by any physical or mental disability or any illness, from earning a livelihood; and

(ii) unable to maintain himself; and

(b) continues to be unable to maintain himself;

“incapacitated husband” means a husband who —

(a) during the marriage, is or becomes —

(i) incapacitated, by any physical or mental disability or any illness, from earning a livelihood; and

(ii) unable to maintain himself; and

(b) continues to be unable to maintain himself;”;

5 (b) by inserting, immediately after the definition of “married woman”, the following definition:

10 ““messaging system” means any system that enables the transmission of short text messages, or of any visual communication, voice communication or electronic mail, from a digital mobile telephone to another digital mobile telephone or to an electronic mail address, or from an electronic mail address to a digital mobile telephone;”;

(c) by deleting the definition of “register of marriages”; and

15 (d) by deleting the full-stop at the end of the definition of “solemnization” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““State Marriage Register” means the State Marriage Register maintained under section 27.”.

20 **Amendment of section 3**

4. Section 3 of the Women’s Charter is amended by inserting, immediately after subsection (2), the following subsection:

25 “(2A) Nothing in Part VIII entitles an incapacitated husband who is married under the provisions of the Muslim law, or of any written law in Singapore or in Malaysia providing for the registration of Muslim marriages, to obtain any maintenance under that Part.”.

Amendment of section 5

30 **5.** Section 5(3) of the Women’s Charter is amended by deleting the word “him” and substituting the words “that person”.

New section 11A

6. The Women’s Charter is amended by inserting, immediately after section 11, the following section:

“Avoidance of marriages of convenience

5 **11A.**—(1) A marriage solemnized on or after the date of commencement of section 6 of the Women’s Charter (Amendment) Act 2016 in Singapore or elsewhere is void, if —

10 (a) either party to the marriage contracts or otherwise enters into the marriage knowing or having reason to believe that the purpose of the marriage is to assist one of the parties to the marriage to obtain an immigration advantage; and

15 (b) any gratification, whether from a party to the marriage or another person, is offered, given or received as an inducement or reward to any party to the marriage for entering into the marriage.

20 (2) However, a marriage is not void under subsection (1) if it is proved that both parties to the marriage believed on reasonable grounds that the marriage would result in a genuine marital relationship.

 (3) A marriage is deemed to be void under subsection (1) if either party to the marriage is convicted of an offence under section 57C(1) of the Immigration Act (Cap. 133) in respect of the marriage.

25 (4) In this section, “gratification” and “immigration advantage” have the same meanings as in section 57C(6) of the Immigration Act.”.

Amendment of section 17

7. Section 17 of the Women’s Charter is amended —

30 (a) by deleting the word “he” in subsections (2A) and (3) and substituting in each case the words “that party”;

(b) by inserting, immediately after subsection (2A), the following subsection:

“(2AA) Where either party to the proposed marriage has been previously convicted of either or both of the following offences, the Registrar must not issue a marriage licence unless that party also states, in the statutory declaration referred to in subsection (2), whether that party has been previously convicted of either or both of the following offences:

(a) an offence under section 57C(1) of the Immigration Act (Cap. 133);

(b) an offence under section 494 of the Penal Code (Cap. 224).”;

(c) by deleting the words “for the benefit of any child” in paragraph (b) of the definition of “maintenance order” in subsection (4) and substituting the words “former wife or an incapacitated husband or incapacitated former husband, or by way of maintenance for the benefit of any child,”; and

(d) by deleting the words “section 2 of the Maintenance Orders (Facilities for Enforcement) Act (Cap. 168) or” in paragraph (d) of the definition of “maintenance order” in subsection (4).

Repeal and re-enactment of section 27

8. Section 27 of the Women’s Charter is repealed and the following section substituted therefor:

“State Marriage Register

27.—(1) The Registrar must maintain a State Marriage Register containing such records and information as the Registrar may determine on marriages solemnized or registered under this Act.

(2) The State Marriage Register need not be maintained in documentary form.

(3) Where, for the purposes of the State Marriage Register, the Registrar maintains a microfilm or digital image of any record (including, but not limited to, a certificate of marriage), the Registrar may dispose of the original of that record.

5 (4) Any person may, upon application to the Registrar and upon payment of the relevant prescribed fee, obtain a copy of or extract from any record or information contained in the State Marriage Register (including a copy or extract that is certified by the Registrar to be a true copy or extract).

10 (5) Any copy of or extract from any record contained in the State Marriage Register (including a copy or extract of any record produced from a microfilm or digital image), if certified by the Registrar to be a true copy or extract, is in any proceedings admissible in evidence as of equal validity with the
15 original record.

(6) Any copy of or extract from any information contained in the State Marriage Register, if certified by the Registrar to be a true copy or extract, is in any proceedings admissible in evidence as of equal validity with the original document
20 containing that information.”.

Amendment of section 41

9. Section 41 of the Women’s Charter is amended —

(a) by deleting paragraphs (a), (b) and (c) and substituting the following paragraphs:

25 “(a) wilfully destroys or causes damage to —

(i) the State Marriage Register;

(ii) any record or information contained in the State Marriage Register; or

(iii) any certificate of marriage;

30 (b) falsely makes any thing that purports to be, or counterfeits —

(i) the State Marriage Register;

- (ii) any record or information contained in the State Marriage Register;
- (iii) any certificate of marriage; or
- (iv) any copy of or extract from any record or information contained in the State Marriage Register, or any copy of or extract from any certificate of marriage, that has been certified by the Registrar to be a true copy or extract; or
- (c) wilfully inserts any false entry in —
- (i) the State Marriage Register;
- (ii) any record or information contained in the State Marriage Register;
- (iii) any certificate of marriage; or
- (iv) any copy of or extract from any record or information contained in the State Marriage Register, or any copy of or extract from any certificate of marriage, that has been certified by the Registrar to be a true copy or extract;” and
- (b) by deleting the words “register of marriages” in the section heading and substituting the words “State Marriage Register, etc.”

Repeal and re-enactment of section 43

10. Section 43 of the Women’s Charter is repealed and the following section substituted therefor:

“Correction of errors

- 43.—**(1) If the Registrar is satisfied by statutory declaration or otherwise that any entry in the State Marriage Register, or in any record or information contained in the State Marriage Register, is erroneous in form or substance, the Registrar may correct the error.

5 (2) If the Registrar is satisfied by statutory declaration or otherwise that any entry in a certificate of marriage is erroneous in form or substance, the Registrar may, in the presence of the persons married or, if those persons are absent, in the presence of 2 credible witnesses, correct the error by ruling through that entry and making the correct entry in the certificate of marriage.

(3) Where subsection (2) applies —

- 10 (a) the Registrar must sign and date the correction made in the certificate of marriage; and
- (b) the entry made under subsection (2) must be attested by the witnesses in whose presence it was made.”.

Repeal of sections 44 and 45

11. Sections 44 and 45 of the Women’s Charter are repealed.

15 Amendment of section 50

12. Section 50 of the Women’s Charter is amended —

(a) by deleting subsection (2) and substituting the following subsection:

20 “(2) A court before which any proceedings under this Act are being heard may, if the court considers that doing so is in the interests of the parties and their children, at any stage in those proceedings direct or advise any of the parties or their children —

- 25 (a) to attend mediation conducted by such person as every party or child attending the mediation may agree or, failing such agreement, as the court may appoint;
- (b) to attend counselling provided by such person as the court may direct; or
- 30 (c) to participate in such family support programme or activity as the court may direct.”;

(b) by deleting the words “as the Minister may approve or” in subsection (3A)(b);

5 (c) by inserting, immediately after the word “counselling” in subsection (3E)(a), the words “, or participated in such family support programme or activity,”;

(d) by deleting subsection (4) and substituting the following subsections:

10 “(4) Anything said, any document prepared, and any information provided, by any person for the purposes of or in the course of any mediation, any counselling or any family support programme or activity under this section is not to be admitted in evidence in any court.

15 (5) No liability shall lie personally against any person conducting any mediation for the purposes of subsection (1), (2)(a) or (3A)(a), providing any counselling for the purposes of subsection (2)(b) or (3A)(b), or conducting any family support programme or activity for the purposes of subsection (2)(c), who, acting in good faith and with reasonable care, does or omits to do anything for the purposes of that mediation, counselling or family support programme or activity (as the case may be).

20 (6) In this section, “family support programme or activity” means any programme or activity carried out for the purpose of addressing or resolving any relationship issue or relationship problem between spouses or former spouses, between siblings or between parent and child.”; and

25 (e) by deleting the words “or to attend counselling” in the section heading and substituting the word “, etc.”.

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Amendment of section 64

13. Section 64 of the Women’s Charter is amended by deleting the definition of “applicant” and substituting the following definition:

5 ““applicant” means the person who applies for a protection order or, where the application is made by a guardian, relative or person referred to in section 65(2)(b), or by an individual referred to in section 65(2)(c), the family member on whose behalf the application is made;”.

Amendment of section 65

14. Section 65 of the Women’s Charter is amended —

(a) by deleting subsection (2) and substituting the following subsection:

10 “(2) An application for a protection order under this section, or for an expedited order under section 66, may be made —

(a) by the family member concerned, if the family member concerned is not below the age of 21 years and is not an incapacitated person;

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(b) by a guardian or relative or person responsible for the care of the family member concerned, or by any person appointed by the Minister for the purposes of this paragraph, if the family member concerned is below the age of 21 years or is an incapacitated person; or

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(c) despite paragraphs (a) and (b), by an individual below the age of 21 years who is married or has been previously married, if the family member concerned is —

25

(i) the individual;

(ii) the individual’s child (including an adopted child or a step-child) below the age of 21 years; or

(iii) a relative below the age of 21 years whom the individual is responsible for the care of.”;

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(b) by deleting the words “as the Minister may approve or” in subsection (5)(b); and

(c) by deleting subsection (10).

Amendment of heading to Part VIII

- 5 **15.** Part VIII of the Women’s Charter is amended by inserting, immediately after the word “WIFE” in the Part heading, the words “, INCAPACITATED HUSBAND”.

Amendment of section 69

16. Section 69 of the Women’s Charter is amended —

- 10 (a) by deleting subsection (1) and substituting the following subsections:

15 “(1) The court may, on the application of a wife, and on due proof that her husband has neglected or refused to provide reasonable maintenance for her, order the husband to pay a monthly allowance or a lump sum for the maintenance of that wife.

20 (1A) The court may, on the application of an incapacitated husband, and on due proof that his wife has neglected or refused to provide reasonable maintenance for him, order the wife to pay a monthly allowance or a lump sum for the maintenance of that husband.

25 (1B) The court may make an order under subsection (1) or (1A) regardless of whether the marriage was solemnized before, on or after the date of commencement of section 16(a) of the Women’s Charter (Amendment) Act 2016.”;

- (b) by deleting the words “a wife or child” in subsection (4) and substituting the words “a wife, an incapacitated husband or a child”;

- 30 (c) by inserting, immediately after the word “wife” in subsection (4)(a), (b) and (c), the words “, incapacitated husband”;

(d) by deleting paragraph (f) of subsection (4) and substituting the following paragraph:

“(f) the standard of living enjoyed —

- 5 (i) by the wife before her husband neglected or refused to provide reasonable maintenance for her;
- (ii) by the incapacitated husband before his wife neglected or refused to provide reasonable maintenance for him; or
- 10 (iii) by the child before a parent neglected or refused to provide reasonable maintenance for the child;” and

(e) by inserting, immediately after the word “wife” in the section heading, the words “, incapacitated husband”.

15 **Amendment of section 72**

17. Section 72(1) of the Women’s Charter is amended by deleting the words “his wife” and substituting the words “or that person’s wife, incapacitated husband”.

Repeal and re-enactment of section 79

20 **18.** Section 79 of the Women’s Charter is repealed and the following section substituted therefor:

“Procedure

25 **79.—**(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 (Act 27 of 2014) may make Family Justice Rules regulating and prescribing the procedure and practice to be followed for the purposes of this Part and Part VII and any matters incidental to or relating to any such procedure or practice.

30 (2) Without prejudice to the generality of subsection (1), Family Justice Rules may be made for the following purposes:

- 5
- (a) prescribing the procedure for applications to the Family Court under this Part and Part VII, including the manner in which any such application is to be made and dealt with, and the provisions of any written law that will apply to any such application;
 - (b) giving effect to sections 65 and 66 and, in particular, providing for the hearing without delay of any application for an order under section 65(5)(a);
 - 10 (c) prescribing how any document may be served on any person;
 - (d) prescribing the procedure applicable to appeals from the Family Court brought under section 77;
 - (e) prescribing the fees payable in relation to proceedings under this Part and Part VII.

15 (3) The Family Justice Rules made under this section may, instead of providing for any matter, refer to any provision made or to be made about the matter by practice directions issued for the time being by the registrar of the Family Justice Courts.

20 (4) Unless the Family Justice Rules made under this section provide otherwise, an application to a Family Court under this Part or Part VII (referred to in this subsection as the relevant application) —

- 25 (a) must be made in the same manner as an application for a summons is made to a District Court or Magistrate's Court under the Criminal Procedure Code (Cap. 68); and
- (b) is to be dealt with —
 - (i) as if the relevant application was a complaint for the purposes of that Code; but
 - 30 (ii) in accordance with only such provisions of that Code, and with such provisions of any other written law, as may be prescribed by the Family Justice Rules made under this section.

(5) A court before which any application under this Part or Part VII is heard may make such order as to costs as it thinks fit.

5 (6) All Family Justice Rules made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.”.

Repeal of section 79A

19. Section 79A of the Women’s Charter is repealed.

Amendment of section 80

10 **20.** Section 80 of the Women’s Charter is amended —

(a) by deleting the words “for the benefit of any child” in paragraph (b) of the definition of “maintenance order” and substituting the words “former wife or an incapacitated husband or incapacitated former husband, or by way of
15 maintenance for the benefit of any child,”;

(b) by inserting, immediately after the words “(Cap. 168)” in paragraph (e) of the definition of “maintenance order”, the words “or the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169)”;

20 (c) by deleting paragraph (e) of the definition of “maintenance order” and substituting the following paragraph:

25 “(e) a maintenance order, as defined in section 2 of the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169), which is registered or confirmed by the court under that Act.”.

New section 94A

21. The Women’s Charter is amended by inserting, immediately after section 94, the following section:

“Parenting programme

94A.—(1) Every prescribed party must complete a parenting programme within the time prescribed by rules made under section 180.

5 (2) For the purposes of subsection (1), different times may be prescribed for different prescribed parties.

(3) No writ for divorce, and no counterclaim in proceedings for divorce, is to be filed in the court by a prescribed party, unless the prescribed party —

10 (a) has completed a parenting programme;

(b) is an excluded party; or

(c) is allowed by the court under subsection (4) to do so.

(4) Despite subsection (3)(a) and (b), even though a prescribed party has not completed a parenting programme and is not an excluded party, a court may —

(a) upon the application of the prescribed party, and on such terms as the court thinks fit, allow the prescribed party to file in the court a writ for divorce; and

20 (b) upon the application of the prescribed party or on the court’s own motion, and on such terms as the court thinks fit, allow the prescribed party to file in the court a counterclaim in proceedings for divorce.

(5) A court hearing any proceedings for divorce may, if the court considers that doing so is in the interests of the parties to the marriage and any child of the marriage, at any stage in those proceedings order either or both of the parties to the marriage to complete a parenting programme.

(6) Where any party who is required or ordered under this section to complete a parenting programme fails to do so, the court may make such orders as the court thinks fit.

30 (7) Without prejudice to the generality of subsection (6), the orders which the court may make under that subsection include the following orders:

(a) a stay of the proceedings for divorce until the defaulting party in that subsection completes the parenting programme;

5 (b) such order as to costs as the court thinks appropriate against the defaulting party in that subsection.

(8) Anything said, any document prepared, and any information provided, by any person for the purposes of or in the course of participating in a parenting programme is not to be admitted in evidence in any court.

10 (9) The Minister may —

(a) determine the form, contents and duration of a parenting programme; and

(b) appoint any person to conduct a parenting programme.

15 (10) Each person appointed under subsection (9)(b) to conduct a parenting programme is to determine whether any person who attends that programme has completed that programme.

20 (11) Any person who is dissatisfied with a determination under subsection (10) may appeal to the Minister, whose decision is final.

(12) The Minister may designate the following persons to consider and determine, in the Minister's place, any appeal under subsection (11):

25 (a) any Minister of State or Senior Minister of State, for his or her Ministry;

(b) any Parliamentary Secretary or Senior Parliamentary Secretary, for his or her Ministry,

30 and any reference in that subsection to the Minister includes a reference to the Minister of State or Senior Minister of State, or the Parliamentary Secretary or Senior Parliamentary Secretary, so designated for that appeal.

(13) No liability shall lie personally against any person appointed under subsection (9)(b) to conduct a parenting

programme who, acting in good faith and with reasonable care, does or omits to do anything for the purposes of that parenting programme.

(14) In this section —

5 “excluded party” means a prescribed party who is exempted, by rules made under section 180, from subsection (1);

“parenting programme” means a programme —

10 (a) which provides information on matters relating to marriage, divorce and how divorce may affect a child of a marriage; and

(b) the form, contents and duration of which are determined by the Minister under subsection (9)(a);

15 “prescribed party” means a party to a marriage who is prescribed, by rules made under section 180, for the purposes of this section.”.

Amendment of section 105

20 **22.** Section 105 of the Women’s Charter is amended by deleting the word “or” at the end of paragraph (a), and by inserting immediately thereafter the following paragraph:

25 “(aa) where the marriage was solemnized on or after the date of commencement of section 6 of the Women’s Charter (Amendment) Act 2016, that it is not a valid marriage by virtue of section 11A; or”.

Amendment of section 113

23. Section 113 of the Women’s Charter is amended —

30 (a) by inserting, immediately after the words “former wife”, the words “, or order a woman to pay maintenance to her incapacitated husband or incapacitated former husband”; and

(b) by renumbering that section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

5 “(2) The court may make an order under this section regardless of whether the marriage was solemnized before, on or after the date of commencement of section 23 of the Women’s Charter (Amendment) Act 2016.”.

Amendment of section 114

10 **24.** Section 114(1) of the Women’s Charter is amended by inserting, immediately after the words “former wife,”, the words “or by a woman to her incapacitated husband or incapacitated former husband,”.

Amendment of section 117

15 **25.** Section 117 of the Women’s Charter is amended by deleting paragraphs (a) and (b) and substituting the following paragraphs:

 “(a) if the maintenance was unsecured —

- (i) on the death of either spouse or former spouse;
- (ii) in the case of maintenance payable to a former
20 wife, upon her remarriage; or
- (iii) in the case of maintenance payable to an
 incapacitated former husband, upon his
 remarriage; or

(b) if the maintenance was secured —

- 25 (i) in the case of maintenance payable to a wife, on
 her death;
- (ii) in the case of maintenance payable to a former
 wife, on her death or upon her remarriage;
- (iii) in the case of maintenance payable to an
30 incapacitated husband, on his death; or

(iv) in the case of maintenance payable to an incapacitated former husband, on his death or upon his remarriage.”.

Amendment of section 121

5 **26.** Section 121(1) of the Women’s Charter is amended by deleting the word “his” wherever it appears and substituting in each case the words “the defaulter’s”.

Amendment of section 121E

10 **27.** Section 121E(1) of the Women’s Charter is amended by deleting the word “or” at the end of paragraph (a), and by inserting immediately thereafter the following paragraph:

15 “(aa) a woman to make financial provision for her incapacitated husband or incapacitated former husband, as the case may be, or for any child of the marriage; or”.

Amendment of section 124

28. Section 124 of the Women’s Charter is amended by deleting the word “Custody” in the section heading and substituting the words “Orders on welfare”.

20 **Amendment of section 125**

29. Section 125 of the Women’s Charter is amended —

25 (a) by deleting the words “in the custody of his or her father or his or her mother” in subsection (1) and substituting the words “in the custody, or in the care and control, of the child’s father or mother”; and

 (b) by inserting, immediately after the word “custody” in subsection (2), the words “, or in whose care and control,”.

Amendment of section 126

30. Section 126 of the Women’s Charter is amended —

- (a) by inserting, immediately after subsection (2), the following subsections:

“(2A) An order for the care and control of a child may be made subject to such conditions as the court may think fit to impose.

(2B) Without prejudice to the generality of subsection (2A), an order for the care and control of a child may —

(a) contain conditions as to the place where the child is to reside;

(b) provide for the child to visit a parent who does not have custody or care and control of the child, or any member of the family of a parent who is dead or does not have custody or care and control of the child, at such times and for such periods as the court may consider reasonable;

(c) give a parent who does not have custody or care and control of the child, or any member of the family of a parent who is dead or does not have custody or care and control of the child, the right of access to the child at such times and with such frequency as the court may consider reasonable; or

(d) prohibit the person given care and control of the child from taking the child out of Singapore.”;

- (b) by deleting subsection (3) and substituting the following subsection:

“(3) Despite subsections (1) and (2A), where an order for custody, or an order for care and control, is in force, a person must not take the child who is the subject of the order out of Singapore, except with the written consent of both parents or the leave of the court.”; and

- (c) by deleting the word “custody” wherever it appears in subsection (4) and substituting in each case the words “custody, or care and control.”.

Amendment of section 128

- 5 **31.** Section 128 of the Women’s Charter is amended —
- (a) by inserting, immediately after the words “the custody”, the words “, or the care and control.”; and
- (b) by inserting, immediately after the word “custody” in the section heading, the word “, etc.”.

10 **Amendment of section 129**

- 32.** Section 129 of the Women’s Charter is amended —
- (a) by inserting, immediately after the words “the custody”, the words “, or the care and control.”; and
- (b) by inserting, immediately after the word “custody” in the section heading, the word “, etc.”.
- 15

Amendment of section 130

- 33.** Section 130 of the Women’s Charter is amended by inserting, immediately after the words “the custody”, the words “, or the care and control.”.

20 **Amendment of section 131**

- 34.** Section 131 of the Women’s Charter is amended by deleting the word “custody” in subsections (1)(b) and (2) and substituting in each case the words “custody, or care and control.”.

Amendment of section 132

- 25 **35.** Section 132(1) of the Women’s Charter is amended —
- (a) by deleting the words “or child” in paragraph (d) and substituting the words “, an incapacitated husband or incapacitated former husband, or a child”; and

(b) by deleting paragraph (i) and substituting the following paragraph:

- 5 “(i) to set aside any disposition of property, if it is satisfied that the disposition of property has been made within the preceding 3 years, with the object on the part of the person making the disposition of —
- (A) reducing that person’s means to pay maintenance; or
- 10 (B) depriving that person’s wife, former wife, incapacitated husband or incapacitated former husband, of any rights in relation to that property; and”.

Amendment of section 153

15 **36.** Section 153 of the Women’s Charter is amended by deleting subsections (4) and (5) and substituting the following subsections:

“(4) A person must not publish or broadcast any information or picture referred to in the following paragraphs:

- 20 (a) the name or address of any woman or girl in respect of whom an offence referred to in subsection (1) is alleged to have been committed;
- (b) any particulars given, in any proceedings in any court relating to an offence referred to in subsection (1), which identify, or are calculated to lead to the identification of, any woman or girl in respect of
- 25 whom that offence is alleged to have been committed;
- (c) the name and address of any witness, in any proceedings in any court relating to an offence referred to in subsection (1), which may lead to the identification of any woman or girl in respect of whom
- 30 that offence is alleged to have been committed;
- (d) the particulars of any evidence given by any witness, in any proceedings in any court relating to an offence

referred to in subsection (1), which may lead to the identification of any woman or girl in respect of whom that offence is alleged to have been committed;

(e) any picture of, or any picture including a picture of —

- 5 (i) any woman or girl in respect of whom an offence referred to in subsection (1) is alleged to have been committed; or
- 10 (ii) any witness in any proceedings in any court relating to an offence referred to in subsection (1).

(5) If any information or picture is published or broadcast in contravention of subsection (4) —

- 15 (a) in the case of the publication of any information or picture as part of a newspaper or periodical publication, every proprietor, editor, publisher or distributor of the newspaper or periodical publication;
- 20 (b) in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes the information or picture; or
- 25 (c) in the case of the broadcast of any information or picture, every person who transmits or provides the programme in which the information or picture is broadcast, and every person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

30 (6) In this section —

“broadcast” means sounds or visual images —

- (a) broadcast by wireless telegraphy, or by means of a high frequency distribution system over wire or

other paths provided by a material substance, and intended for general reception;

(b) broadcast through the Internet or any website, web service or Internet application, whether or not intended for general reception; or

(c) broadcast through any messaging system;

“publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means, including (to avoid doubt) through —

(a) the Internet or any website, web service or Internet application; or

(b) any messaging system.”.

Amendment of section 160

37. Section 160(1) of the Women’s Charter is amended by deleting the words “until he has held an inquiry as to the circumstances of her case” and substituting the words “, or to be committed to the care of a fit individual, until the Director has held an inquiry as to the circumstances of the case”.

Amendment of section 163

38. Section 163(1) of the Women’s Charter is amended by inserting, immediately after the words “place of safety”, the words “, or be committed by the Director to the care of a fit individual,”.

New section 177A

39. The Women’s Charter is amended by inserting, immediately after section 177, the following section:

“Restriction on publication of information on place of safety or resident of place of safety

177A.—(1) A person must not, without the Director’s approval, publish or broadcast any information or picture that identifies, or is likely to lead to the identification of —

- (a) the location of a place of safety; or
- (b) any resident of a place of safety as a resident of the place of safety.

(2) If any information or picture is published or broadcast in contravention of subsection (1) —

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(a) in the case of the publication of any information or picture as part of a newspaper or periodical publication, every proprietor, editor, publisher or distributor of the newspaper or periodical publication;

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(b) in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes the information or picture; or

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(c) in the case of the broadcast of any information or picture, every person who transmits or provides the programme in which the information or picture is broadcast, and every person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

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shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

(3) This section does not apply to any of the following:

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(a) the publication in the *Gazette* (in electronic or other form) of any order under section 177;

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(b) the publication under the Revised Edition of the Laws Act (Cap. 275) of any revised edition of subsidiary legislation (in electronic or other form) which relates to any order under section 177 or which consolidates 2 or more such orders;

(c) the publication of any order under section 177, any revised edition of subsidiary legislation referred to in paragraph (b), or any copy of any such order or revised edition of subsidiary legislation, on —

(i) any legislation website maintained by the Government; or

(ii) any website licensed by the Government to maintain a collection of subsidiary legislation made under this Act.

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(4) In this section —

“broadcast” means sounds or visual images —

(a) broadcast by wireless telegraphy, or by means of a high frequency distribution system over wire or other paths provided by a material substance, and intended for general reception;

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(b) broadcast through the Internet or any website, web service or Internet application, whether or not intended for general reception; or

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(c) broadcast through any messaging system;

“publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means, including (to avoid doubt) through —

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(a) the Internet or any website, web service or Internet application; or

(b) any messaging system.”.

New section 180A

40. The Women’s Charter is amended by inserting, immediately after section 180, the following section:

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“Protection from personal liability

180A.—(1) No liability shall lie personally against the Director, or any person appointed by and acting under the direction of the Director, who, acting in good faith and with reasonable care, does or omits to do anything —

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- (a) in the enforcement or purported enforcement of Parts VII and XI; or
- (b) in the discharge or purported discharge of —
- (i) any function or duty of the Director under this Act;
- (ii) any direction of the Director; or
- (iii) any order of a court.

(2) No liability shall lie personally against any person appointed by a court, or pursuant to an order of a court, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any order of a court.

(3) No liability shall lie personally against any person who, acting in good faith and with reasonable care, does or omits to do anything in a place of safety in the discharge or purported discharge of —

- (a) any direction of the Director; or
- (b) any order of a court.”.

Miscellaneous amendments

41. The Women’s Charter is amended —

- (a) by deleting the words “any register of marriages kept according to the provisions of this Act” in section 24(2) and (4) and substituting in each case the words “the State Marriage Register”; and
- (b) by deleting the words “keeping of registers of marriages” in section 180(1)(b) and substituting the words “maintaining of the State Marriage Register”.

Savings and transitional provisions

42.—(1) Section 12 applies to all proceedings under the Women’s Charter, whether commenced before, on or after the date of commencement of that section.

5 (2) Section 14(a) and (c) does not apply to any application made, under section 65 or 66 of the Women's Charter, before the date of commencement of section 14(a) and (c), and section 65(2) and (10) of the Women's Charter as in force immediately before that date continues to apply to any such application as if section 14(a) and (c) had not been enacted.

(3) Section 14(b) applies to every application under section 65 of the Women's Charter for a protection order, whether made before, on or after the date of commencement of that section.

10 (4) Section 21 does not apply to any matrimonial proceedings commenced before the date of commencement of that section.

15 (5) Sections 23, 24 and 25 do not apply to any matrimonial proceedings commenced before the date of commencement of those sections, and sections 113, 114(1) and 117 of the Women's Charter as in force immediately before that date continue to apply to those proceedings as if sections 23, 24 and 25 had not been enacted.

(6) Section 27 does not apply to any application for an order for financial relief made, under section 121B of the Women's Charter, before the date of commencement of that section.

20 (7) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by rules, prescribe such provisions of a savings or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Women's Charter (Cap. 353) ...

Clause 1 relates to the short title and commencement.

[The remainder of the Explanatory Statement will be inserted when the text of the Bill has been finalised.]

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

Note 1: WC(A)Bill2016(manual)-(v10)