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Personal Protection Order in a Family / Matrimonial Context

Family and Matrimonial Practice Series

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What is a Personal Protection Order (“PPO”)

A PPO is a mechanism which restrains a person (ie. the aggressor) from using family violence against a family member. When a PPO is granted and in force, the aggressor may be liable for imprisonment if he / she ignores and breaches the PPO by continuing to use family violence against that family member.

**Personal Protection Order
 (“PPO”)**

When will a PPO be granted?

The court's power to grant a PPO is stated in Section 65(1) of the Women's Charter (Cap. 353):

"The court may, upon satisfaction on a balance of probabilities that family violence has been committed or is likely to be committed against a family member and that it is necessary for the protection of the family member, make a protection order restraining the person against whom the order is made from using family violence against the family member."

As seen above, there are two elements that the Court needs to consider. The Complainant has to prove on a balance of probabilities that:-

- (i) family violence was committed or is likely to be committed against the victim; and
- (ii) it is necessary for the protection of the Complainant and the children that the PPO be granted



The term “family violence” and “hurt” are defined in Section 64 of the Women’s Charter:-

“family violence means the commission of any of the following acts:

- (a) Wilfully or knowingly placing, or attempting to place, a family member in fear of hurt;*
- (b) Causing hurt to a family member by such act which is known or ought to have been known would result in hurt;*
- (c) Wrongfully confining or restraining a family member against his will; or*
- (d) Causing continual harassment with intent to cause or knowing that it is likely to cause anguish to a family member,*

But does not include any force lawfully used in self-defence, or by way of correction towards a child below 21 years of age.”

Hurt is defined as “bodily pain, disease or infirmity”.

As seen above, family violence can cover a broad range of acts and is not limited to physical violence. For example, the act of harassing one at one’s family’s home and through the distributions of insulting and/or offending notices or flyers to members of the public and to other organizations can constitute “family violence” (see **VAZ v VAY [2019] SGFC 105**).

Moving on to the second limb (ie whether it is necessary for the protection of the victim that an order be made), the scope of necessity for protection was discussed in **Yue Tock Him@ Yee Chok Him v Yee Ee Lim [2011] SGDC 99**. In this case, the Court quantified necessity as being “measured on the basis of whether there are likely to be further acts of family violence committed against the victim in the event that a personal

protection order is not granted. This must clearly be correct, as a personal protection order is not a punitive measure to punish a person for past violence but is instead an order that serves to restrain the person concerned from committing family violence in future”.

In assessing whether there is a likelihood of further family violence by the aggressor Respondent, the Court would need to consider the particular factual matrix of the alleged incidents of violence, the general complexion of the parties’ relationship, the level of future communication and interaction (especially if this interaction is in a potentially acrimonious setting), the frequency of contact and whether there is a history of family violence or allegations thereof, to name a few possible considerations. Whether a PPO is necessary to restrain the person concerned from committing family

violence in the future involves weighing a myriad of factors, although there is no fixed or prescribed list of considerations. (see [12] of see **TEK v TEJ [2015] SGFC 89**).

not necessary for the protection of the Complainant / children.

Once the two elements for granting of the PPO have been met, the burden of proof shifts to the Respondent to persuade the Court as to why a PPO should nevertheless not be granted. Such persuasion typically are:-

- The family violence committed against the Complainant / victim was force lawfully used in self-defence; and/or
- Even though family violence has occurred, a PPO is

What to do when a family member has committed violence towards you or your child?

- Firstly, keep yourself and/or the victim safe. Stay away from the aggressor. Stay calm and try not to provoke the aggressor further.
- Immediately take photos / videos / screenshots of:
 - o Any physical injuries sustained (eg abrasions, bruises, scuffs, marks etc)
 - o Venue where the violence took place (eg. if items were thrown on the floor, shattered glass, damaged furniture, doorknobs etc)
 - o If you are able to access the venue where the violence was committed, take photo of the scene
 - o Objects used to harm the victim
 - o Check for CCTV or video recording footages and immediately keep copies
- Immediately try to recall and jot down the sequence of events, and details leading to the incident and what happened thereafter – try to be as concise as possible
- Make a police report within hours if not within the same day
- Visit the doctor or hospital as soon as possible to have a medical examination of the injuries

For situations involving continual harassment, it is important to record / document each and every single harassing act as detailed as possible (ie. the day/time it happened, the frequency of such action etc)

It is important to obtain these evidence immediately or within hours after the family violence has been committed as these will serve as contemporaneous evidences to support the PPO application.



For more information on the article, or if you wish to learn more about the topics discussed, please contact:-

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