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Notification No. B 2 — The Evidence (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 16th day of January 2012.

Evidence (Amendment) Bill

Bill No. 2/2012.

Read the first time on 16th January 2012.

A BILL

i n t i t u l e d

An Act to amend the Evidence Act (Chapter 97 of the 1997 Revised Edition) to reform the law of evidence in relation to hearsay evidence in civil and criminal proceedings, evidence of electronic output, expert opinion evidence and legal professional privilege, and matters related thereto, and to make consequential amendments to the Criminal Procedure Code 2010 (Act 15 of 2010) and other written laws.

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 Evidence (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 3

2. Section 3 of the Evidence Act is amended —

(a) by deleting the definitions of “computer” and ““computer output” or “output” ” in subsection (1) and substituting the following definition:

10 ““copy of a document” includes —

(a) in the case of a document falling within paragraph (d) but not paragraph (e) of the definition of “document”, a transcript of the sounds or other data embodied in it;

15 (b) in the case of a document falling within paragraph (e) but not paragraph (d) of that definition, a reproduction or still reproduction of the image or images embodied in it, whether enlarged or not;

20 (c) in the case of a document falling within paragraphs (d) and (e) of that definition, such a transcript together with such a still reproduction; and

25 (d) in the case of a document not falling within paragraph (e) of that definition of which a visual image is embodied in a document falling within that paragraph, a reproduction of that image, whether enlarged or not,

30 and any reference to a copy of the material part of a document must be construed accordingly;”;

(b) by deleting the definition of “document” (including the *Illustrations*) in subsection (1) and substituting the following definitions:

5 “document” includes, in addition to a document in writing —

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any label, marking or other writing which identifies or describes anything of which it forms a part, or to which it is attached by any means whatsoever;
- 10 (d) any disc, tape, sound-track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- 15 (e) any film (including microfilm), negative, tape, disc or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- 20 (f) any paper or other material on which there are marks, impressions, figures, letters, symbols or perforations having a meaning for persons qualified to interpret them;
- 25

30 “electronic record” means a record generated, communicated, received or stored by electronic, magnetic, optical or other means in an information system or transmitted from one information system to another;” and

(c) by inserting, immediately after subsection (5), the following subsections:

5 “(6) For the purposes of sections 23, 128, 130 and 131, a reference to “advocate or solicitor” therein shall include a reference to any public officer in the Attorney-General’s Chambers when he acts as an advocate or a solicitor.

(7) For the purposes of sections 23, 128A, 130 and 131, a “legal counsel” means —

10 (a) a person (by whatever name called) who is an employee of an entity employed to undertake the provision of legal advice or assistance in connection with the application of the law or any form of resolution of legal disputes; or

(b) a public officer in the Singapore Legal Service —

15 (i) working in a ministry or department of the Government or an Organ of State as legal adviser to that ministry or department or Organ of State; or

20 (ii) seconded as legal adviser to any statutory body established or constituted by or under a public Act for a public function.”.

Amendment of section 9

3. Section 9 of the Evidence Act is amended by inserting, immediately after *Illustration (f)*, the following *Illustration*:

25 “(g) *A* seeks to adduce evidence against *B* in the form of an electronic record. The method and manner in which the electronic record was (properly or improperly) generated, communicated, received or stored (by *A* or *B*), the reliability of the devices and the circumstances in which the devices were (properly or improperly) used or operated to generate, communicate, receive or store the electronic record, may be relevant facts
30 (if the contents are relevant) as authenticating the electronic record and therefore as explaining or introducing the electronic record, or identifying it as the relevant electronic record to support a finding that the record is, or is not, what its proponent *A* claims.”.