

## Annex C

# **Evidence (Amendment) Bill**

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**Bill No. / .**

*Read the first time on .*

A BILL

*intituled*

An Act to amend the Evidence Act (Chapter 97 of the 1997 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 Evidence (Amendment) Act 2014 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(1) of the Evidence Act is amended by inserting, immediately after the definition of “copy of a document”, the following definition:

““country” includes territory;”.

### 10 New section 44A

3. The Evidence Act is amended by inserting, immediately after section 44, the following section:

#### “Relevance of judgments of Court of Appeal or High Court relating to foreign law

15 44A.—(1) When in any civil proceedings the court has to form an opinion on any aspect of the law of a foreign country, any judgment of the Court of Appeal or the High Court that contains a finding on that aspect of the law of that foreign country is relevant.

20 (2) Subject to subsection (3), where —

(a) the Court of Appeal has in a judgment made a finding on any aspect of the law of a foreign country; and

(b) a court has to form an opinion on the same aspect of the law of that foreign country in any civil proceedings,

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the court shall presume that the law on that aspect of the law of that foreign country is the same as that found by the Court of Appeal in that judgment.

(3) Subsection (2) shall not apply where the Court of Appeal has made a contrary finding on that aspect of the law of that foreign country in another judgment.

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(4) In this section, “judgment” means a judgment that is reported or recorded in citable form.”.

**Amendment of section 45**

4. Section 45 of the Evidence Act is amended —

(a) by deleting the words “and 44” and substituting the words  
“, 44 and 44A”; and

5 (b) by deleting “44” in the section heading and substituting  
“44A”.

**Amendment of section 59**

5. Section 59(1) of the Evidence Act is amended —

(a) by deleting paragraph (b); and

10 (b) by deleting the words “and of the legislature of any territory  
within the Commonwealth” in paragraph (d).

**New section 59A**

6. The Evidence Act is amended by inserting, immediately after  
section 59, the following sections:

15 **“Court may take judicial notice of foreign law**

59A.—(1) When in any civil proceedings the court has to  
form an opinion on any aspect of the law of a foreign country,  
the court may take judicial notice of any or all of the following:

(a) the legislation of that foreign country;

20 (b) the decisions of the courts of that foreign country;

(c) any judgment of the Court of Appeal or the High  
Court that is relevant under section 44A;

25 (d) any other material that, in the opinion of the court, is  
authoritative or persuasive in determining or  
interpreting the law of that foreign country.

(2) For the purposes of subsection (1), the court may resort  
for its aid to appropriate books or documents of reference.

**Foreign law need not be proved if court dispenses with  
proof**

30 59B.—(1) When in any civil proceedings to which this  
section applies the court has to form an opinion on any aspect  
of the law of a foreign country, the court may, in accordance  
with Rules of Court, make an order that proof of the law of that

foreign country shall be dispensed with and that the law of that foreign country shall be determined on the basis of submissions in accordance with subsection (2).

(2) When the court makes an order under subsection (1) —

- 5           (a) the law of that foreign country need not be proved;
- (b) subject to any directions by the court, the parties' submissions may address all matters that would have been relevant to proving the law of that foreign country; and
- 10           (c) the court may, in addition to considering the parties' submissions, take judicial notice of the matters specified in section 59A.

(3) This section applies to such classes of civil proceedings as may be prescribed in Rules of Court.”.

15 **Amendment of section 80**

7. Section 80 of the Evidence Act is amended by deleting the word “territory” wherever it appears in subsections (2) and (3) and substituting in each case the word “country”.

**Amendment of section 86**

- 20 **8.** Section 86 of the Evidence Act is amended —
- (a) by deleting the word “book” and substituting the word “publication”; and
- (b) by inserting the word “official or authoritative” before the word “report” in paragraph (b).

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**EXPLANATORY STATEMENT**

This Bill seeks to amend the Evidence Act (Cap. 97, 1997 Ed.).

**EXPENDITURE OF PUBLIC MONEY**

This Bill will not involve the Government in any extra financial expenditure.