



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**EVIDENCE (CIVIL PROCEEDINGS IN OTHER
JURISDICTIONS) ACT 1979**

2020 REVISED EDITION

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Evidence (Civil Proceedings in Other Jurisdictions) Act 1979

ARRANGEMENT OF SECTIONS

Section

1. Short title
 2. Interpretation
 3. Application to General Division of High Court for assistance in obtaining evidence to be used abroad
 4. Power of General Division of High Court to give effect to application for evidence
 5. Privilege of witnesses
 6. Rules of Court
-

An Act to make new provision for enabling the General Division of the High Court to assist in obtaining evidence required for the purposes of civil proceedings in other jurisdictions and for matters connected therewith.

[40/2019]

[19 October 1979]

Short title

1. This Act is the Evidence (Civil Proceedings in Other Jurisdictions) Act 1979.

Interpretation

2. In this Act, unless the context otherwise requires —

“civil proceedings”, in relation to the requesting court, means proceedings in any civil or commercial matter but does not include proceedings arising out of any fiscal, monetary or revenue law or measure;

“property” includes any land, chattel or other corporeal property of any description;

“request” includes any commission, order or other process issued by or on behalf of the requesting court;

“requesting court” has the meaning given to it in section 3.

Application to General Division of High Court for assistance in obtaining evidence to be used abroad

3. Where an application is made to the General Division of the High Court for an order for evidence to be obtained in Singapore and the General Division of the High Court is satisfied that —

- (a) the application is made pursuant to a request issued by or on behalf of a court or tribunal (called in this Act the requesting court) exercising jurisdiction in a country or territory outside Singapore; and
- (b) the evidence to which the application relates is to be obtained for the purposes of civil proceedings which either have been instituted before the requesting court or whose institution before that court is contemplated,

the General Division of the High Court has the powers conferred on it by this Act.

[40/2019]

Power of General Division of High Court to give effect to application for evidence

4.—(1) Subject to this section, the General Division of the High Court has power, on any such application referred to in section 3, by order to make such provision for obtaining evidence in Singapore as may appear to the General Division of the High Court to be appropriate for the purpose of giving effect to the request pursuant to which the application is made; and any such order may require a person specified in the order to take such steps as the General Division of the High Court may consider appropriate for that purpose.

[40/2019]

(2) Without limiting subsection (1) but subject to this section, an order under this section may, in particular, provide for —

- (a) the examination of witnesses, either orally or in writing;

- (b) the production of documents;
- (c) the inspection, photographing, preservation, custody or detention of any property;
- (d) the taking of samples of any property and the carrying out of any experiments on or with any property;
- (e) the medical examination of any person; and
- (f) without affecting paragraph (e), the taking and testing of samples of blood from any person.

(3) An order under this section must not require any particular steps to be taken unless they are steps which can be required to be taken by way of obtaining evidence for the purposes of civil proceedings in the General Division of the High Court (whether or not they are proceedings of the same description as those to which the application for the order relates); but this subsection does not preclude the making of an order requiring a person to give testimony (either orally or in writing) otherwise than on oath where this is asked for by the requesting court.

[40/2019]

- (4) An order under this section shall not require a person —
- (a) to state what documents relevant to the proceedings to which the application for the order relates are or have been in the person's possession, custody or power; or
 - (b) to produce any documents other than particular documents specified in the order as being documents appearing to the General Division of the High Court to be, or to be likely to be, in the person's possession, custody or power.

[40/2019]

(5) A person who, by virtue of an order under this section, is required to attend at any place is entitled to the like payment for expenses and loss of time as on attendance as a witness in civil proceedings before the General Division of the High Court.

[40/2019]

Privilege of witnesses

5.—(1) A person is not compelled by virtue of an order under section 4 to give any evidence which the person could not be compelled to give —

- (a) in civil proceedings in the General Division of the High Court in Singapore; or
- (b) subject to subsection (2), in civil proceedings in the country or territory in which the requesting court exercises jurisdiction.

[40/2019]

(2) Subsection (1)(b) does not apply unless the claim of the person in question to be exempt from giving the evidence is either —

- (a) supported by a statement contained in the request (whether it is so supported unconditionally or subject to conditions that are fulfilled); or
- (b) conceded by the applicant for the order,

and where such a claim made by any person is not so supported or conceded as provided in paragraph (a) or (b), the person may (subject to the other provisions of this section) be required to give the evidence to which the claim relates but that evidence is not to be transmitted to the requesting court if that court, on the matter being referred to it, upholds the claim.

(3) Without affecting subsection (1), a person is not compelled by virtue of an order under section 4 to give any evidence if the person's doing so would be prejudicial to the security of Singapore, and a certificate signed by or on behalf of the Minister to the effect that it would be so prejudicial for that person to do so is conclusive evidence of that fact.

(4) In this section, references to giving evidence include references to answering any question and to producing any document and the reference in subsection (2) to the transmission of evidence given by a person is to be construed accordingly.

Rules of Court

6. The power of the Rules Committee to make Rules of Court under section 80 of the Supreme Court of Judicature Act 1969 includes the power to make Rules of Court —

- (a) as to the manner in which any application mentioned in section 3 is to be made;
- (b) subject to the provisions of this Act, as to the circumstances in which an order can be made under section 4; and
- (c) as to the manner in which any reference referred to in section 5(2) is to be made.

LEGISLATIVE HISTORY
EVIDENCE (CIVIL PROCEEDINGS IN OTHER
JURISDICTIONS) ACT 1979

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 18 of 1979 — Evidence (Civil Proceedings in Other Jurisdictions) Act, 1979

Bill	:	19/1979
First Reading	:	15 May 1979
Second and Third Readings	:	7 September 1979
Commencement	:	19 October 1979

Note: This Act ceased the application of the Foreign Tribunals Evidence Act, 1856 (19 & 20 Vic., c. 113), the Evidence by Commission Act, 1859 (22 Vic., c. 20) and the Evidence by Commission Act, 1885 (48 & 49 Vic., c. 74) (insofar as it applies to civil proceedings) to Singapore.

2. 1985 Revised Edition — Evidence (Civil Proceedings in Other Jurisdictions) Act (Chapter 98)

Operation	:	30 March 1987
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3. 2013 Revised Edition — Evidence (Civil Proceedings in Other Jurisdictions) Act (Chapter 98)

Operation	:	31 December 2013
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4. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 53 of the Schedule to the above Act)

Bill	:	32/2019
First Reading	:	7 October 2019
Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019
Commencement	:	2 January 2021 (section 28(1) read with item 53 of the Schedule)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number