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No. S 337

**SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)**

**RULES OF COURT
(AMENDMENT NO. 3)
RULES 2012**

In exercise of the powers conferred on us by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee hereby make the following Rules:

Citation and commencement

1. These Rules may be cited as the Rules of Court (Amendment No. 3) Rules 2012 and shall come into operation on 1st August 2012.

Amendment of Order 38

2. Order 38 of the Rules of Court (R 5) is amended by inserting, immediately after Rule 3, the following Rule:

“Notice requirements to admit hearsay evidence (O. 38, r. 4)

4.—(1) For the purposes of admitting statements in evidence under section 32(1) of the Evidence Act (Chapter 97), the notice requirements which must be complied with by a party to the proceedings pursuant to section 32(4)(b) of that Act are as follows:

- (a) the party has previously served a notice in writing in Form 66A (in the case of a statement not made in a document) or Form 66B (in the case of a statement made in a document) on each of the other parties of his intention to introduce the evidence that is contained in the affidavit of evidence-in-chief of the witness through whom the statement is to be admitted;
- (b) the notice must be served no later than 2 weeks after the service of the affidavit of evidence-in-chief of the witness through whom the statement is to be admitted, or at such other time as the Court may allow;

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- (c) the notice must state on which of the grounds in section 32(1) of the Evidence Act it is claimed that the statement is admissible;
 - (d) in the case of a statement not made in a document, the notice must state the manner in which it was made (whether orally or otherwise) and must also state —
 - (i) the time and place at which the statement was made;
 - (ii) the name of the maker of the statement and (unless he is dead) his address, if known;
 - (iii) if the maker of the statement is dead, the date of the death of the maker, to the best of the information and belief of the party serving the notice;
 - (iv) the name and address of the person who heard or otherwise perceived the statement being made; and
 - (v) the substance of the statement or, if it was made orally and the actual words used in making it are material, the words used; and
 - (e) in the case of a statement made in a document, the notice must contain or have attached to it a copy of that document or the relevant part of that document, and, if the information is not readily apparent from the document or the relevant part of the document, must also state —
 - (i) the matters mentioned in paragraph (d)(i), (ii) and (iii);
 - (ii) if the maker of the document is different from the maker of the statement, the name of the maker of the document and (unless he is dead) his address, if known; and
 - (iii) if the maker of the document is dead, the date of the death of the maker, to the best of the information and belief of the party serving the notice.

(2) Notwithstanding paragraph (1)(e), where a statement which is the subject of a notice referred to in paragraph (1) is made in a document contained in a list of documents served by the plaintiff (or

Made this 12th day of July 2012.

CHAN SEK KEONG
Chief Justice.

STEVEN CHONG SC
Attorney-General.

V K RAJAH
Judge of Appeal.

BELINDA ANG SAW EAN
Judge.

TAY YONG KWANG
Judge.

ANDREW ANG
Judge.

QUENTIN LOH
Judge.

TAN SIONG THYE
Chief District Judge.

LESLIE CHEW KWEE HOE SC
District Judge.

LEE ENG BENG SC
Advocate and Solicitor.

GEORGE LIM TEONG JIN SC
Advocate and Solicitor.

[RSCS R7/7 Vol. 13; AG/LLRD/SL/322/2010/1 Vol. 3]

(To be presented to Parliament under section 80(6) of the Supreme Court of Judicature Act).