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*The Ministry of Law has refined its draft Bill to amend the Evidence Act after receiving feedback from its public consultation. The Evidence (Amendment) Bill 2012 seeks to amend five particular areas of evidence laws so that they remain applicable in the present day. The proposed amendments are set out below.*

### **In-house legal counsels**

To statutorily confer the benefit of legal professional privilege upon in-house legal counsel to the extent that they are engaged to provide legal advice and the privileged information deal with legal matters. An in-house legal counsel does not require a practising certificate to be given this benefit. Thus, those benefited will include public officers who provide legal advice in public agencies, for example, the Attorney-General Chambers, Ministries or statutory boards.

### **Experts**

To widen the court's discretion to admit or exclude expert opinion evidence to the extent that they facilitate the pursuit of justice. Presently, the Evidence Act allows expert opinion evidence to be used only if they pertain to foreign jurisdictions, science, art, handwriting, or fingerprints.

### **Computer evidence**

To repeal provisions that impose special criteria for admitting computer output evidence. Computer output evidence refers to statements or representations generated by a computer or electronic device. Such evidence will be regulated using the same admissibility rules which currently apply to all other forms of evidence.

### **Hearsay**

To keep the hearsay rule to protect the reliability of evidence in spite of calls to repeal it. The hearsay rule requires statements to be testified by their makers before they can be admitted as evidence in court. The Ministry proposes to create a uniform set of broader exceptions to the rule for civil and criminal matters. Further, the courts will have paramount discretion to exclude hearsay evidence in the interests of justice.

### **Credibility of rape victims**

To delete section 157(d) from the Evidence Act which permits impeachment of a rape victim's credibility if she is proven to be a "generally immoral" character. In future, a rape victim's sexual past may be admitted only if it is relevant to specific proceedings before the court.

Keystone Law Corporation is a boutique technology law firm with an emphasis on information technology, telecommunications, competition and dispute resolution, in the areas of commercial and construction arbitration and litigation. The firm is committed to client care based on its principles of hard work, integrity, competence, responsiveness and reasonableness.

The firm is recommended for its work in Real Estate, Information Technology and Intellectual Property by Legal 500, Asia-Pacific 2005 to 2011 Editions, Chambers, Managing IP, Corp INTL and AsiaLaw.

The information contained in this newsletter is correct to the best of our knowledge and belief at the time of writing. Specific professional advice on such information should be sought before any action is taken.

If you are interested in any of the topics presented in this newsletter, please contact us using the contact information in the box on the right.

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