

Evidence (Amendment) Bill

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Bill No: 34/1975

Read the first time: 29th July 1975

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Bill No. 34/1975

Read the first time on 29th July 1975.

An Act to amend the Evidence Act (Chapter 5 of the Revised 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, 1975, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 25

2. Section 25 of the Evidence Act is hereby amended by deleting the word “inspector” appearing in the second line thereof and substituting therefor the word “sergeant”.

New sections 34A and 34B

3. The Evidence Act is hereby amended by inserting immediately after section 34 thereof the following new sections: —

“Admissibility of statements produced by computers

34A.—(1) In any proceedings a statement contained in a document produced by a computer shall be admissible as evidence of any fact stated therein of which direct oral evidence would be admissible, if it is shown that the conditions mentioned in subsection (2) are satisfied in relation to the statement and computer in question.

(2) The said conditions are —

- (a) that the document containing the statement was produced by the computer during a period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period, whether for profit or not, by any body, whether corporate or not, or by any individual;
- (b) that over that period there was regularly supplied to the computer in the ordinary course of those activities information of the kind contained in the statement or of the kind from which the information

so contained is derived;

- (c) that throughout the material part of that period the computer was operating properly or, if not, that any respect in which it was not operating properly or was out of operation during that part of that period was not such as to affect the production of the document or the accuracy of its contents; and
- (d) that the information contained in the statement reproduces or is derived from information supplied to the computer in the ordinary course of those activities.

(3) Where over a period the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in paragraph (a) of subsection (2) was regularly performed by computers, whether —

- (a) by a combination of computers operating over that period; or
- (b) by different computers operating in succession over that period; or
- (c) by different combinations of computers operating in succession over that period; or
- (d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers,

all the computers used for that purpose during that period shall be treated for the purposes of this Act as constituting a single computer; and references in this Act to a computer shall be construed accordingly.

(4) In any proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say: —

- (a) identifying the document containing the statement and describing the manner in which it was produced;
- (b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;
- (c) dealing with any of the matters to which the conditions mentioned in subsection (2) relate,

and purporting to be signed by a person holding a responsible position in relation

to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this subsection it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) Notwithstanding subsection (4), in any such proceedings as are therein mentioned the court may for special cause require oral evidence to be given of any matter of which evidence could ordinarily be given by means of a certificate under that subsection.

(6) If any person in a certificate tendered in evidence in any proceedings by virtue of subsection (4) intentionally makes a statement material in those proceedings which he knows to be false or does not believe to be true, he shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine, or to both such imprisonment and fine.

(7) For the purposes of this Act —

- (a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;
- (b) where, in the course of activities carried on by any individual or body, whether corporate or not, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;
- (c) a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

(8) Subject to subsection (3), in this Act “computer” means any device for storing and processing information, and any reference to information being derived from other information is a reference to its being derived therefrom by calculation, comparison or any other process.

Provisions supplementary to section 34A

34B.—(1) Where in any proceedings a statement contained in a document is admissible in evidence by virtue of section 34A, it may be proved by the production of that document or (whether or not that document is still in existence)

by the production of a copy of that document, or of the material part thereof, authenticated in such manner as the court may approve.

(2) For the purpose of deciding whether or not a statement is admissible in evidence by virtue of section 34A, the court may draw any reasonable inference from the circumstances in which the statement was made or otherwise came into being or from any other circumstances, including, in the case of a statement contained in a document, the form and contents of that document.

(3) In estimating the weight, if any, to be attached to a statement admissible in evidence by virtue of section 34A, regard shall be had to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement and, in particular, to the question whether or not the information which the information contained in the statement reproduces or is derived from was supplied to the relevant computer, or recorded for the purpose of being supplied thereto, contemporaneously with the occurrence or existence of the facts dealt with in that information, and to the question whether or not any person concerned with the supply of information to that computer or with the operation of that computer or any equipment by means of which the document containing the statement was produced by it, had any incentive to conceal or misrepresent the facts.”.

Repeal and re-enactment of section 54

4. Section 54 of the Evidence Act is hereby repealed and the following substituted therefor: —

“Admissibility of evidence and questions about accused’s disposition or reputation

54.—(1) In any criminal proceedings the accused may —

- (a) personally or by his advocate ask questions of any witness with a view to establishing directly or by implication that he is generally or in a particular respect a person of good disposition or reputation; or
- (b) himself give evidence tending to establish directly or by implication that he is generally or in a particular respect such a person; or
- (c) call a witness to give any such evidence,

but where any of these things has been done, the prosecution may call, and any person jointly charged with the accused may call or himself give, evidence to establish, that the accused is a person of bad disposition or reputation, and the prosecution or any person so charged may in cross-examining any witness