

# **Evidence (Amendment) Bill**

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**Bill No. 15/2018.**

*Read the first time on 28 February 2018.*

A BILL

*intituled*

An Act to amend the Evidence Act (Chapter 97 of the 1997 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 is the Evidence (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 3

2. Section 3 of the Evidence Act is amended —

(a) by inserting, immediately before the definition of “copy of a document” in subsection (1), the following definition:

10 ““child abuse offence” means any offence specified in Part 1 of the First Schedule, and includes attempting to commit, abetting the commission of, or being a party to a criminal conspiracy to commit, such an offence;”;

15 (b) by deleting the full-stop immediately after the words “necessarily follows” in the definition of “fact in issue” in subsection (1) and substituting a semi-colon; and

(c) by inserting, immediately after the illustrations to the definition of “fact in issue” in subsection (1), the following definition:

20 ““sexual offence” means any offence specified in Part 2 of the First Schedule, and includes attempting to commit, abetting the commission of, or being a party to a criminal conspiracy to commit, such an offence.”.

### 25 Amendment of section 80A

3. Section 80A of the Evidence Act is amended —

(a) by deleting the word “Schedule” in subsections (1) and (5) (definition of “specified statutory body”) and substituting in each case the words “Second Schedule”; and

30 (b) by deleting subsection (6).

### **Amendment of section 148**

4. Section 148 of the Evidence Act is amended by deleting the word “When” and substituting the words “Subject to section 154A, when”.

### **New section 154A**

5. The Evidence Act is amended by inserting, immediately after section 154, the following section: 5

**“Restrictions on questions and evidence in criminal proceedings involving sexual offence or child abuse offence**

**154A.**—(1) In criminal proceedings where the accused is charged with committing a sexual offence or child abuse offence, the following are subject to such restrictions as may be provided for in rules made under subsection (2): 10

(a) the questions that may be asked of the alleged victim of the offence in cross-examination;

(b) the evidence that may be adduced about the alleged victim. 15

(2) The Minister may make rules to provide for —

(a) the restrictions mentioned in subsection (1);

(b) any exceptions to those restrictions; and

(c) any application concerning any such restriction or exception.”. 20

### **New Part V and First Schedule**

6. The Evidence Act is amended by inserting, immediately after section 176, the following Part and Schedule:

“PART V

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MISCELLANEOUS

### **Amendment of Schedules**

177. The Minister may, by order in the *Gazette*, amend the First and Second Schedules.

FIRST SCHEDULE

Sections 3(1) and 177

CHILD ABUSE OFFENCES AND  
SEXUAL OFFENCES

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PART 1

CHILD ABUSE OFFENCES

- 1. Any offence under section 5(1), 6, 7, 11(2), 12 or 13 of the Children and Young Persons Act (Cap. 38).

PART 2

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SEXUAL OFFENCES

- 1. Any offence under section 354, 354A, 355, 356, 357, 358, 372, 373, 373A, 375, 376, 376A, 376B, 376C, 376D, 376E, 376F, 376G, 377(3), 377A or 377B(3) of the Penal Code (Cap. 224).
- 2. Any offence under section 140, 141, 142, 143, 144, 145, 146, 146A, 147 or 148 of the Women’s Charter (Cap. 353).”.

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**Amendment and renaming of Schedule**

7. The existing Schedule to the Evidence Act is amended —

(a) by deleting the Schedule reference and substituting the following Schedule reference:

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“Sections 80A and 177”; and

(b) by renaming the Schedule as the Second Schedule.

**Saving and transitional provision**

8. Section 5 does not apply to any criminal proceedings the trial of which starts before the date of commencement of that section.



## EXPLANATORY STATEMENT

This Bill seeks to amend the Evidence Act (Cap. 97) mainly for the purpose of restricting the questions that may be asked of an alleged victim during cross-examination, and the evidence that may be adduced about the alleged victim, in criminal proceedings where the accused is charged with committing a sexual offence or child abuse offence.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 3(1) by introducing new definitions for the terms “child abuse offence” and “sexual offence” to support the amendments in clause 5.

Clause 3 makes amendments to section 80A(1) and (5) that are consequential to the renaming of the existing Schedule by clause 7. Clause 3 also deletes section 80A(6) (which empowers the Minister to amend the existing Schedule by order in the *Gazette*), because the Minister’s power to amend the Schedules will be provided for in the new section 177 (to be inserted by clause 6).

Clause 4 amends section 148 (which sets out the types of questions that a witness may be asked in cross-examination) to make it subject to the restrictions in the new section 154A (to be inserted by clause 5).

Clause 5 inserts a new section 154A to restrict the questions that may be asked of an alleged victim during cross-examination, and the evidence that may be adduced about the alleged victim, in criminal proceedings where the accused is charged with committing a sexual offence or child abuse offence. The new section 154A also empowers the Minister to make rules to provide for matters concerning that section.

Clause 6 inserts a new Part V and a new First Schedule.

The new Part V provides for miscellaneous matters, and consists of a new section 177. The new section 177 empowers the Minister to amend the Schedules by order in the *Gazette*.

The new First Schedule specifies the offences that fall within the new definitions of “child abuse offence” and “sexual offence” to be inserted in section 3(1) by clause 2.

Clause 7 amends the Schedule reference of the existing Schedule to include the new section 177, which empowers the Minister to amend the Schedules by order in the *Gazette*. Clause 7 also renames the existing Schedule as the Second Schedule.

Clause 8 is a saving and transitional provision.

EXPENDITURE OF PUBLIC MONEY

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

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