

Supreme Court Practice Directions (Amendment No. 2 of 2020)

Part II: General Matters

17. Court dress

(1) The attire for male advocates and solicitors appearing in open Court will be the existing gown worn over an ordinary long-sleeved white shirt with a turn-down collar, a tie of a subdued or sober colour, a dark jacket, dark trousers and black or plain coloured shoes.

(2) The attire for female advocates and solicitors appearing in open Court will be the existing gown worn over a long-sleeved white blouse high to the neck, a dark jacket, a dark skirt or dark trousers and black or plain coloured shoes. Conspicuous jewellery or ornaments should not be worn.

(3) When appearing in open Court proceedings that are conducted through a live video or live television link:

- (a) if the proceedings are conducted solely through the live video or live television link and do not take place in any Courtroom, the attire for an advocate and solicitor will be the same as for open Court, except that a gown need not be worn; but
- (b) if one or more Judges hear the proceedings in a Courtroom, unless the Court directs otherwise, every advocate and solicitor in the proceedings will wear the usual attire for open Court.

(4) When appearing before the Judge or Registrar in Chambers, the attire for an advocate and solicitor will be the same as for open Court, except that a gown need not be worn.

~~(3) When appearing before the Judge or Registrar in Chambers, the attire for both men and women will be the same as for open Court, save that the gown need not be worn.~~

(45) The attire for Senior Counsel shall be as described in sub-paragraphs (1) to (34), save that, for hearings in open Court, they may, instead of the existing gown, wear a gown in the design of those worn by Queen's Counsel of England and Wales and made of the following material:

- (a) silk;
- (b) silk and wool mix; or
- (c) artificial silk.

Part VI: Evidence – Witnesses, Affidavits and Exhibits

[The following paragraph is inserted immediately after paragraph 56]

56A. Giving of evidence by person outside Singapore through live video or live television link in any proceedings (other than proceedings in a criminal matter)

(1) Any application for leave for any person outside Singapore to give evidence by live video or live television link in any proceedings (other than proceedings in a criminal matter) must be made expeditiously and, in any case, unless the Court otherwise directs, not later than eight weeks before the date of commencement of the hearing at which the person is to give evidence.

(2) A party applying for leave for any person outside Singapore to give evidence by live video or live television link must take note of the relevant legislation and requirements in force in the foreign country or territory where the person is giving evidence. Certain countries or territories may impose prohibitions against, restrictions on, or requirements to obtain permission for or relating to, the giving of evidence by a person in that country or territory for court proceedings in a different country or territory. The party applying for leave must make all necessary enquiries, and take all necessary steps, to ensure that the foreign country or territory where the person is giving evidence raises no objection, to the giving of evidence in that country or territory for court proceedings in Singapore. This may be done by any means that the party considers appropriate, including:

- (a) obtaining advice from a foreign lawyer qualified to advise on the laws of the relevant foreign country or territory;
- (b) making enquiries with the relevant authorities; or
- (c) obtaining permission from the relevant foreign country or territory, in accordance with any applicable procedure, for evidence to be given by a person located in that country or territory through a live video or live television link, if such permission is required.

(3) To avoid doubt, the proceedings mentioned in sub-paragraph (1) include all civil proceedings involving the examination of any person.

Part XV: Technology Facilities

121. Applications to use the Technology Courts

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(4) ~~[deleted] The attention of solicitors is drawn to section 62A of the Evidence Act (Cap. 97), which provides:~~

~~Evidence through live video or live television links~~

~~62A.—(1) Notwithstanding any other provision of this Act, a person may, with leave of the Court, give evidence through a live video or live television link in any proceedings, other than proceedings in a criminal matter, if—~~

- ~~(a) the witness is below the age of 16 years;~~
- ~~(b) it is expressly agreed between the parties to the proceedings that evidence may be so given;~~
- ~~(c) the witness is outside Singapore; or~~
- ~~(d) the Court is satisfied that it is expedient in the interests of justice to do so.~~

~~(2) In considering whether to grant leave for a witness outside Singapore to give evidence by live video or live television link under this section, the Court shall have regard to all the circumstances of the case including the following:~~

- ~~(a) the reasons for the witness being unable to give evidence in Singapore;~~
- ~~(b) the administrative and technical facilities and arrangements made at the place where the witness is to give his evidence; and~~
- ~~(c) whether any party to the proceedings would be unfairly prejudiced.~~

~~(3) The Court may, in granting leave under subsection (1), make an order on all or any of the following matters:~~

- ~~(a) the persons who may be present at the place where the witness is giving evidence;~~
- ~~(b) that a person be excluded from the place while the witness is giving evidence;~~
- ~~(c) the persons in the Courtroom who must be able to be heard, or seen and heard, by the witness and by the persons with the witness;~~

~~(d) the persons in the Courtroom who must not be able to be heard, or seen and heard, by the witness and by the persons with the witness;~~

~~(e) the persons in the Courtroom who must be able to see and hear the witness and the persons with the witness;~~

~~(f) the stages in the proceedings during which a specified part of the order is to have effect;~~

~~(g) the method of operation of the live video or live television link system including compliance with such minimum technical standards as may be determined by the Chief Justice; and~~

~~(h) any other order the Court considers necessary in the interests of justice.~~

~~(4) The Court may revoke, suspend or vary an order made under this section if—~~

~~(a) the live video or live television link system stops working and it would cause unreasonable delay to wait until a working system becomes available;~~

~~(b) it is necessary for the Court to do so to comply with its duty to ensure that the proceedings are conducted fairly to the parties thereto;~~

~~(c) it is necessary for the Court to do so, so that the witness can identify a person or a thing or so that the witness can participate in or view a demonstration or an experiment;~~

~~(d) it is necessary for the Court to do so because part of the proceedings is being heard outside a Courtroom; or~~

~~(e) there has been a material change in the circumstances after the Court has made an order.~~

~~(5) The Court shall not make an order under this section, or include a particular provision in such an order, if to do so would be inconsistent with the Court's duty to ensure that the proceedings are conducted fairly to the parties to the proceedings.~~

~~(6) An order made under this section shall not cease to have effect merely because the person in respect of whom it was made attains the age of 16 years before the proceedings in which it was made are finally determined.~~

~~(7) Evidence given by a witness, whether in Singapore or elsewhere, through a live video or live television link by virtue of this section shall be deemed for the purposes of sections 193, 194, 195, 196, 205 and 209 of the Penal Code (Cap. 224) as having been given in the proceedings in which it is given.~~

~~(8) Where a witness gives evidence in accordance with this section, he shall, for the purposes of this Act, be deemed to be giving evidence in the presence of the Court.~~

~~(9) The Rules Committee constituted under the Supreme Court of Judicature Act (Cap. 322) may make such rules as appear to it to be necessary or expedient for the purpose of giving effect to this section and for prescribing anything which may be prescribed under this section.~~