

CIRCULAR NO. 6 OF 1999

TO ALL MEMBERS OF THE LEGAL PROFESSION

EXAMINATION IN CHIEF

At present, Order 38 rule 2(1) of the Rules of the Supreme Court provides that, at the trial of an action begin with writ, "evidence in chief of a witness may be given by affidavit".

In such an event, the witness concerned must attend trial for cross-examination, unless the Court otherwise orders or parties to the action otherwise agree.

There is, however, a general restriction that the deponent to an affidavit may not give any oral evidence in chief at the trial of a matter, save in relation to matters which have arisen after the filing of the affidavit.

So far, little use has been made of the above provisions, with the exception of a small number of firms which employ them regularly.

The object of this circular is to urge all members of the legal profession to make use of these provisions in any civil trial in the High Court or Intermediate Court. It makes examination in chief much simpler than calling the witness.

It should be observed that, in Singapore, the examination in chief of all witnesses at a trial must be by affidavit. If better use is not made of the present provisions, it may become necessary to withdraw the existing discretion and oblige members of the legal profession to make use of them.

15th May, 1999.

(ORIGINAL SIGNED)

DATO SIR DENYS ROBERT
Chief Justice

Copies to : Attorney General
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