

Questionnaire relating to the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention)

Responding State:

Singapore

I. General Feedback

1. How does your State rate the general operation of the Evidence Convention?
 - (b) Good.
2. How does your State rate the useability of the HCCH publications developed to assist users of the Evidence Convention (the Practical Handbook on the Operation of the Evidence Convention ([Evidence Handbook](#)) and [Guide to Good Practice](#) – The Use of Video-Link)?
 - (a) Excellent.
“These publications are an excellent resource. The issues that a Contracting Party is likely to face in implementing the Evidence Convention are set out clearly. It is useful to know how other Contracting Parties approach these issues”.
3. What work could be carried out by the PB to facilitate the acceptance of accessions to the Evidence Convention (e.g., providing additional information or facilitating direct communication between your Central Authority and new Contracting Parties)?

“Nil”.
4. Does your State’s Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Evidence Convention?
 - (d) Yes – manual for incoming and outgoing.
5. If your State’s Central Authority has oversight for outgoing requests, please indicate if there is a system used to track the progress of these.
 - (c) No.

II. Scope of the Convention

6. In the previous five years*, has your State experienced any difficulties in interpreting the scope of the Evidence Convention?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (d) No.

7. Does your State consider the Evidence Convention mandatory or non-mandatory?
- (b) Non-mandatory.
8. Has your State adopted “blocking statutes” or laws which are known by any other description, which prevent evidence being taken in the territory of your State for use in foreign proceedings other than under the Evidence Convention (or other international instrument)?
- (b) No.
9. Has your State received or submitted requests for the taking of evidence in connection with arbitration proceedings?
- (a) Yes.
“We have only received one such request to date, and considered it to fall outside the scope of Article 1 of the Evidence Convention”.
10. Have any decisions relating to the use of the Evidence Convention in arbitration proceedings been rendered by the judicial authorities of your State?
- (b) No.

III. Operation of the Convention

A. Chapter I – Preparing, transmitting and progressing Letters of Request

Requesting State refers to the State from which a Letter of Request is, or will be, issued.
Requested State refers to the State to which a Letter of Request is, or will be, addressed.

11. As the **requesting State**, how are Letters of Request transmitted?
- (b) Via the Central Authority to the Central Authority of the requested State.
12. As the **requesting State**, do the authorities of your State use the recommended Model Form?
- (a) Yes, always.
13. Does your State consider further work on the Model Form would be beneficial? For example, a review of the Model Form with a view to including video-link and the preparation of guidelines outlining how to complete the Model Form.
- (b) Revision is not required.
14. As the **requested State**, do the authorities of your State send an acknowledgement of receipt for a Letter of Request?
- (a) Yes.

15. During the past five years*, as the **requested State**, has your State received a Letter of Request that is non-compliant?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

15.1. If the answer to Q15 above is “yes”, why was the request non-compliant?

- (c) The request did not relate to judicial proceedings.
- (f) The request did not comply with the content requirements under Article 3.
- (g) The request did not comply with the translation requirements under Article 4.
- (h) Other.

“The requests did not comply with Articles 1 and 10. Article 1: The request related to service of judicial documents, which is not covered by the Evidence Convention. Article 10: Under Singapore’s internal law, an application for disclosure of documents sought would not have been granted”.

16. As the **requested State**, does your State provide advance assistance to foreign judicial authorities to prepare a Letter of Request to be sent under the Evidence Convention?

(b) No.

17. As the **requested State**, does your State provide advance assistance to legal representatives to prepare a Letter of Request to be sent under the Evidence Convention?

(b) No.

18. Once your State has received a Letter of Request, do your State’s judicial authorities rephrase, restructure, and / or strike out objectionable questions or offensive wording in order to execute a Letter of Request (also known as “blue-pencilling”)?

(b) No.

19. As the **requested State**, can the execution of a Letter of Request that has been received be challenged?

(a) Yes.

“A challenge can be raised, for example, on grounds of privilege (for example, the witness concerned would invoke his privilege against self-incrimination in response to all questions asked and it would be a waste of time and costs to insist on an examination), or if the application is not made by a person duly authorised to make the application on behalf of the court or tribunal in question”.

19.1. If the answer to Q19 above is “yes”, is the requesting authority or the interested party permitted to respond to the challenge?

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20. As the **requesting State**, can the sending of a Letter of Request abroad be challenged?

(a) Yes.

“A party applying for a Letter of Request to be issued abroad for evidence to be taken must make a formal application to the Court within the proceedings for which the evidence is needed. The application may be challenged by an opposing party in the proceedings if it does not agree to the request for evidence to be taken in the manner proposed”.

21. As the **requested State**, which authority is generally responsible for informing the requesting authority of the time and place of the execution of a Letter of Request (Art. 7)?

- (d) Other.
“Attorney-General's Chambers”.

22. During the past five years*, as the **requested State**, has your State received a request specifying a particular method or procedure for taking of evidence (e.g., how witnesses are to be examined)? (Art. 9(2))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (a) Yes.
“By way of deposition for the evidence from the witness to be recorded down in a transcript”.

23. As the **requested State**, does your State require the requesting State to reimburse costs?

- (a) Yes, always.

23.1. If the answer to Q23 above is “yes”, please indicate circumstances where reimbursement is sought.

- (a) Fees paid to experts and interpreters (Art. 14(2))
(b) Costs occasioned by the use of a special procedure (Art. 14(2))
(c) Fees paid for translation (Art. 4(3))
(d) Costs incurred by employing an examiner (Art. 14(3))
(e) Fees and costs due to constitutional limitations (Art. 26)
(f) Other.
“Disbursements for the filing of the relevant court papers, affidavits, and the extraction of the court order; as well as fees for the audio recording of the examination”.

24. As the **requested State**, who may make a request for a Letter of Request to be withdrawn?

- (a) Requesting authority.

25. As the **requested State**, does your State reject a Letter of Request seeking discovery if it is too broad?

- (a) Yes.
“Documents requested (a) are not particularised as individual documents and (b) are not actual documents which are shown by evidence to exist (or at least have existed) and to likely be in the target person's possession, custody or power (as opposed to conjectural documents which may or may not exist)”.

B. Chapter I – Execution of a Letter or Request – Witness Examination

All questions directed towards the Contracting Party operating as the requested State.

26. As the **requested State**, how is a hearing conducted for Chapter I requests?
- (a) Before a Judge, Magistrate, Special Master, or other court official.
 - (b) By a judicial officer.
 - (e) Other.
“The examination may be taken before any fit and proper person nominated by the person applying for the order or before the Registrar or before such other qualified person as the Court deems fit”.
27. Does your State require the Letter of Request to include specific questions to be used during the taking of evidence?
- (a) Yes.
28. In your State, are hearings public or private?
- (c) Other.
“The hearing for an examination of a witness would be held in chambers, unless the court otherwise orders. Such hearings are not conducted as a trial but only as an examination of a witness”.
29. In your State, is a witness provided with a copy of questions / matters contained in the Letter of Request in advance of a hearing?
- (a) Yes, always.
30. In your State, what are the requirements for documents that are to be presented to a witness?
- (d) No requirements.
31. In your State, are documents produced by the witness during the taking of evidence authenticated by the court or authority?
- (b) No.
32. In your State, can representatives of the parties who attend the taking of evidence ask additional questions and / or cross examine the witness?
- (b) No.
33. In your State, is an oath or affirmation administered to the witness before the taking of evidence?
- (a) Yes.
34. In your State, can the witness be subject to further examination?
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- 34.1. If the answer to Q34 above is “yes”, is a second Letter of Request required?

N/A

35. Does your State have sanctions for the non-appearance of a witness?
- (a) Yes.
“If an order for the attendance and examination of a witness granted under Order 55 of the Rules of Court 2021 is breached, committal proceedings for the contempt of court can be taken out”.
36. During the past five years*, as the **requested State**, is your State aware of a person requested to give evidence invoking privilege?
- *If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.
- (c) No.
37. Does your State require interpreters in the taking of evidence to be certified?
- (a) Yes.
38. In your State, how is witness testimony transcribed?
- (a) Verbatim recording through audio.

IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Evidence Convention. That survey was concluded prior to the start of the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

39. Does your State’s Central Authority accept Letters of Request to be transmitted electronically?
- (a) Yes.
40. Does your State allow the taking of evidence by video-link under Chapter I?
- (b) No.
41. Does your State allow the taking of evidence by video-link under Chapter II?
- (d) Not applicable.
42. Does your State use the Model Form for video-link evidence?
- (b) No.
43. What challenges has your State faced regarding the use of information technology under the Evidence Convention?
- (a) None.

44. Has your State adopted any new information technology measures to facilitate the operation of the Evidence Convention, particularly in response to the COVID-19 pandemic?

(b) No.

45. In your State's opinion, what topics could the PB explore further (e.g., for the purposes of training, seminars, or conferences) in relation to the use of information technology under the Evidence Convention?

*“(1) Acceptance of letters of request transmitted electronically, without the need for hard copies.
(2) Dispensing with the requirements for prior permission for the taking of voluntary evidence by the requesting State via video-link from a witness in the requested State”.*

46. In your State's opinion, what further work could the PB do on the use of information technology under the Evidence Convention?

(b) Other.

“There could be further work, depending on the outcome of exploratory studies of the topics referred to above at Q45”.

47. In addition to the Evidence Convention, is your State party to any bilateral, regional, or multilateral agreements that provide rules for the taking of evidence abroad?

(a) Yes.

“1. Agreement between the Federal Republic of Germany and the Republic of Singapore on the Continued Application of the Convention between the United Kingdom and Germany regarding Legal Proceedings in Civil and Commercial Matters 2. Agreement between the Republic of Austria and the Republic of Singapore on the Continued Application of the Convention between the Republic of Austria and United Kingdom regarding Legal Proceedings in Civil and Commercial Matters 3. Agreement between the Republic of Italy and the Republic of Singapore on the Continued Application of the Convention between the United Kingdom and Italy regarding Legal Proceedings in Civil and Commercial Matters 4. Treaty on Judicial Assistance in Civil and Commercial Matters between the Republic of Singapore and the People's Republic of China”.

For Parties that answered yes to Q47 above:

47.1. Do any of these agreements provide for the use of electronic means to assist in the taking of evidence (e.g., video-link)?

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For Parties that answered yes to Q47 above:

47.2. If yes, what electronic means or information technology does your State use in the taking of evidence?

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V. 2023 Meeting of the Special Commission & Monitoring

48. Does your State have any suggestions that could assist in the promotion, implementation or operation of the Evidence Convention?

(a) Yes.

"Promotional activities with regional and wider reach such as the HCCH-ABLI 2021 webinar on "HCCH 1970 Evidence Convention and Remote Taking of Evidence by Video-link" can be continued, to help raise awareness of the HCCH's work among legal practitioners".

48.1. If the answer to Q48 above is "yes", please indicate whether the information provided may be published.

(a) Yes.

49. What are the three key topics or practical issues related to the Evidence Convention that your State would like discussed at the 2023 meeting of the Special Commission?

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49.1. Please indicate whether the information provided in Q49 above may be published.

N/A

50. The PB is in the process of revising the Evidence Handbook and the Guide to Good Practice – The Use of Video Link, with a view to consolidating these publications. Are there any specific topics, suggestions for presentation or formatting, or any other proposals you recommend for inclusion?

(b) No.

50.1. If the answer to Q50 above is "yes", please indicate whether the information provided may be published.

N/A

DATA & STATISTICS FOR CONTRACTING PARTIES

I. Statistics under Chapter I

A. Incoming Requests

1. How many incoming Letters of Request for the taking of evidence did your State receive under Chapter I in each of the following years?

2017	8
2018	11
2019	5
2020	11
2021	19
2022	13
Unknown – <i>please explain.</i>	
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2. Which three States made the most requests?

Requesting State	Number
USA	21
Spain	6
Turkey, Germany	5 each

3. What is the average time taken (in months) to execute a Letter of Request in your State?

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4. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019			x		
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
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5. How many incoming Letters of Request for the taking of evidence did your State receive via **electronic transmission** under Chapter I in each of the following years?

2017	0
2018	0
2019	0
2020	0
2021	1
2022	1
Unknown – <i>please explain.</i>	
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B. Outgoing Requests

6. How many outgoing Letters of Request for the taking of evidence did your State make under Chapter I in each of the following years?

2017	-
2018	0
2019	1
2020	1
2021	0
2022	2
Unknown – <i>please explain.</i>	
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7. Which States were the subject of the most requests?

Requesting State	Number
UK	2
Japan	1
China	1

8. How many outgoing requests for the taking of evidence did your State make via electronic transmission under Chapter I in each of the following years?

2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown – <i>please explain.</i> -	

C. Video-Link

9. How many incoming Letters of Request for the taking of evidence did your State execute under Chapter I in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> <i>“Not applicable. Singapore does not consider the taking of video link evidence to be available under Chapter I of the Convention”.</i>	

10. How many incoming requests for the taking of evidence did your State execute under Chapter II in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> <i>“Not applicable. Singapore has made a reservation to Chapter II of the Evidence Convention”.</i>	

CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Evidence Convention since 2014, and provide a link to, or upload, the decision (in PDF format only).

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II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

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PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.