SCHOOL OF LAW  
Year 2012/13 Term 1

COURSE CODE: LAW306 (G1)  
COURSE TITLE: LAW OF EVIDENCE & CIVIL PROCEDURE (1.5 UNITS)

Course Instructor: Tan Boon Heng

A. COURSE DESCRIPTION

This course examines the evidential rules, theories and policies that trial judges, lawyers and litigants must deal with in a court hearing. The Law of Evidence is concerned with the issues of admissibility of evidence, modes of proof, the manner of production of evidence, and the burden of proof. In the second part of this course, students will be acquainted with the more fundamental and practical aspects of civil litigation. This will provide students with a good grasp of the underlying principles and policies of civil litigation as enshrined in the Rules of Court and related sources of civil procedure.

B. WEEKLY CONTENTS

See Annex A.

C. RECOMMENDED TEXT AND READINGS

1. Recommended Text Book: -

2. Other reference books:

(a) Pinsler, Evidence & the Litigation Process, LexisNexis Butterworths, 3rd ed, 2010
(b) Pinsler, Singapore Court Practice 2009, LexisNexis
(c) Practitioners’ Library, Evidence in Criminal Trials, 2002, Butterworths
(e) R K Nathan, “A practical approach to evidence in Malaysia and Singapore”, Butterworths Asia, 1993
(f) Colin Tapper, Cross & Tapper on Evidence, 11th ed (OUP, 2007)
3. **Law Reports**

Students only need to read the cases in full when there is an asterisk (*) placed against the citation in the detailed syllabus. See *Annex B* for the full list. Singapore court cases may be accessed via LawNet2 as well as the Supreme Court websites.

4. **Journal Articles**

Students will be required to read journal articles as prescribed in the detailed syllabus. Journal articles cited will be used as the source material for students’ presentation commencing Week 4. See *Annex C* for the full list.

C. **ASSESSMENT METHOD**

The respective percentages for the assessment components shall be as follows:

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Test(^1)</td>
<td>10%</td>
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<tr>
<td>Research Paper(^2)</td>
<td>20%</td>
</tr>
<tr>
<td>Team Presentation(^3)</td>
<td>15%</td>
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<tr>
<td>Class Participation</td>
<td>15%</td>
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<tr>
<td>Final Exam</td>
<td>40%</td>
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The final examination will be conducted on an open book basis and the duration would be 3 hours. This will normally consist of one compulsory essay question and one compulsory hypothetical question which tests the student’s grasp of the theories and concepts learnt in the course.

D. **ACADEMIC INTEGRITY**

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences. All work (whether oral or written) submitted for purposes of assessment must be the student’s own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence. When in doubt, students should consult the instructors of the course. Details on the SMU Code of Academic Integrity may be accessed at [http://www.smuscd.org/resources.html](http://www.smuscd.org/resources.html)

E. **COURSE SCHEDULE**

Each week comprises 4.5 hours of contact time (3 hour weekly seminar and a 1.5 hr seminar). There are 12 teaching weeks (weeks 1-7; weeks 9-13) followed by one student revision week in week 14. Recess week is in week 8. The final exam is in week 15.

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\(^1\) This is a ‘closed-book’ MCQ paper that challenges students to respond with precision on the areas of law covered. It will be in Week 4.

\(^2\) This will be on Law of Evidence. It shall be due by Week 9 i.e. Wed, 17 October 2012 by 6 pm.

\(^3\) Team Presentation Groupings are randomly **pre-assigned** by the Instructor and will be disclosed before Week 1 commences. However, mutually agreed adjustments will be accommodated. Team Presentations will commence in Week 3 and typically held on a Wednesday evening.
ANNEX A

WEEKLY CONTENTS

Week 1
Intro to Law of Evidence in litigation - A survey of the varied sources of Evidence Law in Singapore vide: the Evidence Act, Cap 97; Criminal Procedure Code 2010; the common law, as may be permitted by statute; other significant statutory enactments (e.g. the presumptions in the Misuse of Drugs Act, Cap 185; informers’ privileges in the Prevention of Corruption Act, Cap 241; modifications to the burden of proof under the Bills of Exchange Act, Cap 23); the effect of a codified Law of Evidence; and the statutory construction and the common law.

Week 2
Relevance

Week 3
Types of Evidence - Direct and Circumstantial - Oral, Documentary and Real Evidence - Admissibility - Weight of evidence – Illegally obtained evidence by entrapment, trickery, agent provocateur etc - Improperly admitted evidence

Week 4
The Hearsay Rule, and its exceptions – Test

Week 5
Similar fact evidence; Corroboration

Week 6
Professional privilege; Competence & compellability; Character evidence

Week 7
Opinion Evidence; Expert Evidence (including expert evidence on foreign law)

Week 8
- Recess -

Week 9
Introduction to Civil Procedure – Applicable Statutes, Rules of Court and Practice Directions - Introduction to Costs – Research Paper is due on Wednesday, 17 October 2012 by 6 pm.

Week 10
Modes of Commencement – Appearance - Pleadings - Service of Process – Third Party Procedure

Week 11
Summons For Directions - Discovery – Security for Cost – Interlocutory injunctions, Interim Orders

Week 12
Disposal of Action without Trial (including Striking Out, Summary judgment, Disposal of case on point of law etc) – Offer to Settle

Week 13
Proceedings at trial – Judgments & Orders – Appeals - Modes of Enforcement

Week 14
Students’ Self-Revision

Week 15
Final Exam – Friday, 29 Nov 2012 (am)
Week 1
*Tan Kiam Peng v Public Prosecutor [2008] 1 SLR 1*

Week 2
*Chan Hock Wai v Public Prosecutor [1995] 1 SLR 728*

Week 3
*Law Society of Singapore v Tan Guat Neo Phyllis [2008] 2 SLR 239*

Week 4
*Lee Chez Kee v Public Prosecutor [2008] 3 SLR 447 at paragraphs 64 to 117 especially*

Week 5
*Lee Kwang Peng v PP [1997] 3 SLR 278*

Week 6
*Skandinaviska Enskilda Banken AB (Publ), Singapore Branch v Asia Pacific Breweries (Singapore) Pte Ltd and Other Appeals [2007] 2 SLR 367*

Week 7
*George Abraham Vadakathu v Jacob George [2009] SGHC 79*

Week 8
*Recess*

Week 9
*Lin Jian Wei and Another v Lim Eng Hock Peter [2011] SGCA 29*

Week 10
*Sin Leng Industries Pte Ltd v Ong Chai Teck and Others [2006] 2 SLR 235*

Week 11
*Creative Elegance (M) Sdn Bhd v Puay Kim Seng and Another [1999] 1 SLR 600 (Note also: Tjong Very Sumito and others v Chan Sing En and others [2011] SGCA 40)*

Week 12
*Obegi Melissa and Others v Vestwin Trading Pte Ltd and Another [2008] 2 SLR 540*

Week 13
*Susilawati v American Express Bank Ltd [2009] SGCA 8*

Week 14
*Students’ Self-Revision*
<table>
<thead>
<tr>
<th>Week</th>
<th>Title</th>
<th>Author(s)</th>
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</thead>
<tbody>
<tr>
<td>Week 1</td>
<td>Pinsler, “The Law of Evidence”, see pp 921-939 in the text</td>
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<td>Week 2</td>
<td>Robert Margolis, The Concept of Relevance: In the Evidence Act and the Modern View</td>
<td>[1990] 11 SingLRev 24</td>
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<td>Week 3</td>
<td>Jeffrey Pinsler, Whether a Singapore Court has a Discretion to Exclude Evidence Admissible in Criminal Proceedings</td>
<td>[2010] 22 SAcLJ 335</td>
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<td>Week 5</td>
<td>Lui C F &amp; Roland Samosir, Approaches to the Admissibility of Similar Fact Evidence</td>
<td>[1987] 8 SingLRev 206</td>
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<td>Week 6</td>
<td>M Hor ‘Evidential Privilege: Sacrifice in the Search for Truth’</td>
<td>[2001] 0 SJLS 410</td>
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<td>Week 7</td>
<td>Disa Sim, Implications for The Evaluation Of Expert Testimony</td>
<td>[2003] SJLS 39</td>
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<td>Week 8</td>
<td>Recess</td>
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<td>Week 10</td>
<td>Pinsler, Ethics in Chamber Hearings: Observations on Certain Practices</td>
<td>[2008] 20 SAcLJ 74</td>
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<td>Week 11</td>
<td>Yeong, Recent Developments in Electronic Discovery: Discovering Electronic Documents and Discovering Documents Electronically</td>
<td>[2007] 19 SAcLJ 101</td>
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<tr>
<td>Week 13</td>
<td>Tan Sook Yee, Execution against Co-Owned Property - Malayan Banking Bhd v Focal Finance Ltd</td>
<td>[2000] SJLS 12</td>
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<td>Week 14</td>
<td>Revision</td>
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