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Oaths, Declarations and Notarisations (Remote Methods) Bill

Bill No. 21/2023.

Read the first time on 3 July 2023.

A BILL

i n t i t u l e d

An Act to amend the Oaths and Declarations Act 2000, the Notaries Public Act 1959 and certain other Acts to enable statutory declarations and certain oaths and affirmations to be taken, and certain powers or functions of a notary public to be exercised, remotely through live video link, live television link or other electronic means of communication, and to clarify that certain oaths and affirmations can be taken remotely through live video link or live television link.

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 Oaths, Declarations and Notarisations (Remote Methods) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

PART 1

AMENDMENT OF OATHS AND DECLARATIONS ACT 2000

New section 7A

2. In the Oaths and Declarations Act 2000 (called in this Part the principal Act), after section 7, insert —

“Oath or affirmation through remote communication modalities

7A. Subject to the Rules of Court or any other written law, where an oath under section 4 is required to be taken and administered, or an affirmation in lieu thereof under section 5 is required to be made and administered, then any requirement in section 4 or 5 for the person taking the oath or making the affirmation to appear before the court or person acting judicially is deemed satisfied if —

- (a) the person taking the oath or making the affirmation, and the court or person administering the oath or affirmation, do so in accordance with prescribed requirements through any electronic means of communication created by remote communication technology as set out in the Third Schedule; and
- (b) the electronic means of communication allows the court or person acting judicially (as the case may be) to —
 - (i) communicate with the person taking the oath or making the affirmation, and any interpreter present, throughout the process;

- (ii) confirm the identity of the person taking the oath or making the affirmation, and any interpreter present; and
- (iii) if the oath or affirmation is to be subscribed, verify by inspection the oath or affirmation to be subscribed.”.

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Amendment of section 11

3. In the principal Act, in section 11, after subsection (1), insert —

“(1A) The requirement in subsection (1)(b) for a person (called in this section and section 11A the declarant) to appear before a court, a person acting judicially, or a prescribed person for the purposes of making a statutory declaration in Singapore, is deemed satisfied if —

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- (a) the declarant makes the statutory declaration, and the court, person acting judicially or prescribed person (as the case may be) takes or receives the statutory declaration, in Singapore in accordance with prescribed requirements through any electronic means of communication created by remote communication technology as set out in the Third Schedule; and

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- (b) the electronic means of communication allows the court, person acting judicially or prescribed person (as the case may be) to —

- (i) communicate with the declarant, and any interpreter present, throughout the process;
 - (ii) confirm the identity of the declarant and any interpreter present; and
 - (iii) verify by inspection the document to be sworn and signed by the declarant.

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(1B) For the purposes of subsection (1A), a statutory declaration is made, taken or received in Singapore only if all the following persons are in Singapore when the statutory declaration is made, taken or received:

- (a) the declarant;
- (b) the court, person acting judicially or prescribed person, as the case may be.”.

New sections 11A and 11B

4. In the principal Act, after section 11, insert —

“Electronic signature for statutory declarations

11A.—(1) Despite anything in section 8 of the Electronic Transactions Act 2010, where a rule of law requires a statutory declaration to be signed, or provides for certain consequences if a statutory declaration is not signed, that requirement is satisfied in relation to a statutory declaration in the form of an electronic record if a prescribed electronic signature is applied by —

- (a) the declarant; and
- (b) the court, person acting judicially or prescribed person, as the case may be.

(2) Different types of electronic signature may be prescribed in respect of the different categories of persons mentioned in subsection (1).

(3) Subsection (1) does not affect any other written law that provides for the type of electronic signature to be used for signing a statutory declaration in the form of an electronic record for the purposes of that written law.

(4) In this section, “electronic signature” means an electronic signature that satisfies section 8 of the Electronic Transactions Act 2010.

Validation of statutory declarations sworn through live video link or live television link

11B.—(1) This section applies to any statutory declaration purportedly made before the date of commencement of section 3 of the Oaths, Declarations and Notarisations (Remote Methods) Act 2023 (called in this section the appointed date) before a court, person acting judicially or prescribed person through a

live video link or live television link, that was not specifically provided under any written law.

(2) A statutory declaration mentioned in subsection (1) is taken to have been validly made as if section 11(1A) were in force at the material time, if excluding the prescribed requirements mentioned in section 11(1A), the statutory declaration would have been validly made had it been made on the appointed date; and no legal proceedings may be instituted on or after that date on account of the statutory declaration having been purportedly made through a live video link or live television link.

(3) However, a person is not to be punished for an act or omission committed before the appointed date that, but for subsection (2), would not have been an offence.”.

Amendment of section 15

5. In the principal Act, in section 15, after subsection (2), insert —

“(2A) To avoid doubt, where an oath is required to be tendered to and taken under subsection (1) or (2), or an affirmation in lieu thereof is to be made under section 16, a person may take the oath or make the affirmation by appearing before the person administering the oath or affirmation through a live video link or live television link created using a remote communication technology that allows the person administering the oath or affirmation to —

- (a) maintain visual contact and communicate with the person taking the oath or making the affirmation, and any interpreter present, throughout the process;
- (b) confirm the identity of the person taking the oath or making the affirmation, and any interpreter present; and
- (c) if the oath or affirmation is to be subscribed, verify by inspection the oath or affirmation to be subscribed.”.

New Third Schedule

6. In the principal Act, after the Second Schedule, insert —

“THIRD SCHEDULE

Sections 7A, 11(1A) and 18

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REMOTE COMMUNICATION MODALITIES

1. Live video link
2. Live television link”.

PART 2

AMENDMENT OF NOTARIES PUBLIC ACT 1959

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New sections 4A and 4B

7. In the Notaries Public Act 1959, after section 4, insert —

“Exercise of power or function through remote communication modalities

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4A.—(1) Subject to subsection (4), where in the exercise of a power or function by a notary public for the purposes of making, or signing and sealing, a notarial act, a person (called in this section the relevant person) is required to appear before the notary public for the purposes of executing a document or making a declaration under oath or affirmation or for any other purpose, the requirement for the relevant person to appear before the notary public is deemed satisfied if —

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(a) the relevant person executes the document or makes the declaration under oath or affirmation or carries out such other purpose, and the notary public exercises his or her power or function in connection thereof, in accordance with prescribed requirements through any electronic means of communication created by remote communication technology as set out in the Schedule; and

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(b) the electronic means of communication allows the notary public to —

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- (i) communicate with the relevant person, and any witness or interpreter present, throughout the process;
- (ii) confirm the identity of the relevant person, and any witness or interpreter present; and
- (iii) verify by inspection any document to be signed, or sworn and signed, by the relevant person.

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(2) Subject to subsection (4), where a notary public is required to issue a certificate of the conformity of a copy or extract of a document with the document in the exercise of a power or function by the notary public, the notary public may exercise that power or function by comparing the copy or extract with the document in accordance with prescribed requirements through any electronic means of communication created by remote communication technology as set out in the Schedule, that allows the notary public to verify by comparison through the electronic means of communication that the copy or extract conforms to the document.

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(3) Subject to subsection (4), where a notary public is required to issue a certificate of the nature or authenticity of a document in the exercise of a power or function by the notary public, the notary public may exercise that power or function by inspecting the document in accordance with prescribed requirements through any electronic means of communication created by remote communication technology as set out in the Schedule, that allows the notary public to verify by inspection through the electronic means of communication that the document is what it purports to be.

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(4) When exercising a power or function pursuant to subsection (1), (2) or (3), the notary public must be satisfied that he or she is able to discharge his or her duty to exercise due care, skill and diligence in relation to the exercise of the power or function concerned, which duty remains unaffected by the notary public's use of any electronic means of communication.

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(5) Any subsidiary legislation made to prescribe requirements for the use of any electronic means of communication

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mentioned in subsection (1), (2) or (3) is valid despite any rule of law relating to the exercise of the power or function to the contrary.

(6) In this Act, a power or function exercised pursuant to subsection (1) is treated as being exercised within Singapore, if the notary public and the relevant person are in Singapore when the relevant person appears before the notary public through the electronic means of communication.

(7) In this Act, a power or function exercised pursuant to subsection (2) or (3) is treated as being exercised within Singapore, if the notary public, the document, and any copy or extract of the document, are in Singapore when the notary public exercises his or her power or function pursuant to subsection (2) or (3).

(8) In subsection (1), the making of a declaration under oath or affirmation includes —

- (a) swearing or affirming that the contents of an affidavit or a statutory declaration mentioned in section 4(3)(a) are true and correct; and
- (b) entering a note of protest in respect of any matter concerning a vessel (including cargo carried on the vessel).

Validation of statutory declarations sworn through live video link or live television link, etc.

4B.—(1) This section applies to —

- (a) any statutory declaration purportedly made before the date of commencement of section 7 of the Oaths, Declarations and Notarisations (Remote Methods) Act 2023 (called in this section the appointed date) before a notary public through a live video link or live television link, that was not specifically provided under any written law; and
- (b) any other notarial act purportedly made, or signed and sealed, by a notary public before the appointed date,

in respect of which the notary public exercised the power or function through a live video link or live television link.

(2) A statutory declaration mentioned in subsection (1)(a) is taken to have been validly made as if section 4A(1) were in force at the material time, if excluding the prescribed requirements mentioned in section 4A(1), the statutory declaration would have been validly made had it been made on the appointed date; and no legal proceedings may be instituted on or after that date on account of the statutory declaration having been purportedly made through a live video link or live television link.

(3) A notarial act mentioned in subsection (1)(b) is taken to have been validly made, or signed and sealed, as if section 4A(1), (2) or (3) were in force at the material time, if excluding the prescribed requirements mentioned in section 4A(1), (2) or (3) (as the case may be), the notarial act would have been validly made, or signed and sealed, had it been made, or signed and sealed, on the appointed date; and no legal proceedings may be instituted on or after that date on account of the notarial act having been purportedly made, or signed and sealed, in respect of which the notary public exercised the power or function through a live video link or live television link.

(4) However, a person is not to be punished for an act or omission committed before the appointed date that, but for subsection (2) or (3), would not have been an offence.

(5) In subsection (1)(b), the reference to any other notarial act is a reference to —

(a) a notarial act mentioned in section 4A(1), other than a notarial act made, or signed and sealed, in respect of a statutory declaration; or

(b) a certificate mentioned in section 4A(2) or (3).”.

New section 7A

8. In the Notaries Public Act 1959, after section 7, insert —

“Amendment of Schedule

7A. The Chief Justice, after consultation with the Senate, may, by order in the *Gazette*, amend the Schedule.”.

New Schedule

5 **9.** In the Notaries Public Act 1959, after section 8, insert —

“THE SCHEDULE

Sections 4A(1), (2) and (3) and 7A

REMOTE COMMUNICATION MODALITIES

1. Live video link

10 2. Live television link”.

PART 3

AMENDMENTS TO OTHER ACTS

Amendment of Administration of Muslim Law Act 1966

15 **10.** In the Administration of Muslim Law Act 1966, delete section 109B.

Amendment of Family Justice Act 2014

11. In the Family Justice Act 2014, in section 20, after subsection (2), insert —

20 “(2A) To avoid doubt, where an oath of office is required to be taken and subscribed under subsection (1), a person may take and subscribe the oath by appearing before the Presiding Judge of the Family Justice Courts, a Supreme Court Judge or a Judicial Commissioner through a live video link or live television link created using a remote communication technology that allows the Presiding Judge of the Family Justice Courts, Supreme Court Judge or Judicial Commissioner (as the case may be) to —

25 (a) maintain visual contact and communicate with the person taking the oath, and any interpreter present, throughout the process;

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- (b) confirm the identity of the person taking the oath and any interpreter present; and
- (c) verify by inspection the oath to be subscribed.”.

Amendment of Industrial Relations Act 1960

12. In the Industrial Relations Act 1960, in section 13, after subsection (2), insert — 5

“(3) To avoid doubt, where an oath is required to be taken under subsection (2), a member of a Court may take the oath by appearing before the person administering the oath through a live video link or live television link created using a remote communication technology that allows the person administering the oath to — 10

- (a) maintain visual contact and communicate with the person taking the oath, and any interpreter present, throughout the process; and 15
- (b) confirm the identity of the person taking the oath and any interpreter present.”.

Amendment of National Library Board Act 1995

13. In the National Library Board Act 1995, in section 15, after subsection (2), insert — 20

“(3) To avoid doubt, where an oath of secrecy is required to be taken under subsection (2), a person may take the oath by appearing before the person administering the oath through a live video link or live television link created using a remote communication technology that allows the person administering the oath to — 25

- (a) maintain visual contact and communicate with the person taking the oath, and any interpreter present, throughout the process; and
- (b) confirm the identity of the person taking the oath and any interpreter present.”. 30

Amendment of Parliamentary Elections Act 1954**14. In the Parliamentary Elections Act 1954 —**

(a) in section 56, after subsection (2), insert —

“(2A) Where an oath of secrecy is required to be taken under subsection (1), any requirement in that subsection for the person taking the oath to appear before the person administering the oath is deemed satisfied if —

(a) the person taking the oath and the person administering the oath do so in accordance with prescribed requirements through any electronic means of communication created by remote communication technology as set out in the Fifth Schedule; and

(b) the electronic means of communication allows the person administering the oath to —

(i) communicate with the person taking the oath, and any interpreter present, throughout the process;

(ii) confirm the identity of the person taking the oath and any interpreter present; and

(iii) verify by inspection the oath to be subscribed.”;

(b) in section 56, after subsection (7), insert —

“(8) The Minister may, by order in the *Gazette*, amend the Fifth Schedule.”; and

(c) after the Fourth Schedule, insert —

“FIFTH SCHEDULE

Section 56(2A) and (8)

REMOTE COMMUNICATION MODALITIES FOR TAKING OATH OF SECRECY

1. Live video link 5
2. Live television link”.

Amendment of Police Force Act 2004

15. In the Police Force Act 2004 —

- (a) renumber section 19 as subsection (1) of that section;
- (b) in section 19, after subsection (1), insert — 10

“(2) To avoid doubt, where an oath is required to be taken under subsection (1), a police officer may take the oath by appearing before the person administering the oath through a live video link or live television link created using a remote communication technology that allows the person administering the oath to — 15

- (a) maintain visual contact and communicate with the police officer taking the oath, and any interpreter present, throughout the process; 20

- (b) confirm the identity of the police officer taking the oath and any interpreter present; and

- (c) if the oath is to be subscribed, verify by inspection the oath to be subscribed.”; 25

- (c) in section 70, after subsection (1), insert —

“(1A) To avoid doubt, where an oath or affirmation is required to be taken under subsection (1), a person may take the oath or affirmation by appearing before the police officer administering the oath or affirmation through a live video link or live television link created using a remote 30

communication technology that allows the police officer administering the oath or affirmation to —

(a) maintain visual contact and communicate with the person taking the oath or affirmation, and any interpreter present, throughout the process; and

(b) confirm the identity of the person taking the oath or affirmation, and any interpreter present.”; and

(d) in section 92, after subsection (6), insert —

“(6A) To avoid doubt, where an oath is required to be taken under subsection (6), an auxiliary police officer may take the oath by appearing before a senior police officer through a live video link or live television link created using a remote communication technology that allows the senior police officer to —

(a) maintain visual contact and communicate with the auxiliary police officer, and any interpreter present, throughout the process;

(b) confirm the identity of the auxiliary police officer and any interpreter present; and

(c) if the oath is to be subscribed, verify by inspection the oath to be subscribed.”.

Amendment of Presidential Elections Act 1991

16. In the Presidential Elections Act 1991 —

(a) in section 5A(1), (2), (4) and (5), replace “Schedule” wherever it appears with “First Schedule”;

(b) in section 36, after subsection (2), insert —

“(2A) Where an oath of secrecy is required to be taken under subsection (1), any requirement in that subsection for the person taking the oath to appear

before the person administering the oath is deemed satisfied if —

- (a) the person taking the oath and the person administering the oath do so in accordance with prescribed requirements through any electronic means of communication created by remote communication technology as set out in the Second Schedule; and 5
- (b) the electronic means of communication allows the person administering the oath to — 10
 - (i) communicate with the person taking the oath, and any interpreter present, throughout the process; 15
 - (ii) confirm the identity of the person taking the oath and any interpreter present; and
 - (iii) verify by inspection the oath to be subscribed.”; 20
- (c) in section 36, after subsection (7), insert —

“(8) The Minister may, by order in the *Gazette*, amend the Second Schedule.”;
- (d) rename the Schedule as the First Schedule; and
- (e) after the First Schedule, insert — 25

“SECOND SCHEDULE

Section 36(2A) and (8)

REMOTE COMMUNICATION MODALITIES FOR TAKING OATH OF SECRECY

- 1. Live video link 30
- 2. Live television link”.

Amendment of Probate and Administration Act 1934

17. In the Probate and Administration Act 1934, in section 28, after subsection (2), insert —

“(3) Where an oath is required to be taken under subsection (1), any requirement for the grantee taking the oath to appear before the person administering the oath is deemed satisfied if —

(a) the grantee taking the oath and the person administering the oath do so through any electronic means of communication created by remote communication technology as prescribed in the Family Justice Rules and in accordance with requirements prescribed therein; and

(b) the electronic means of communication allows the person administering the oath to —

(i) communicate with the grantee taking the oath, and any interpreter present, throughout the process;

(ii) confirm the identity of the grantee taking the oath and any interpreter present; and

(iii) verify by inspection the oath to be subscribed.”.

Amendment of Singapore Armed Forces Act 1972

18.—(1) In the Singapore Armed Forces Act 1972 (called in this section the principal Act) —

(a) in section 87, after subsection (6), insert —

“(7) To avoid doubt, where an oath or affirmation is required to be taken or administered under subsection (1) or (2), a person may take the oath or make the affirmation by appearing before the person administering the oath or affirmation through a live video link or live television link created using a remote communication technology that allows the person administering the oath or affirmation to —

(a) maintain visual contact and communicate with the person taking the oath or making the affirmation, and any interpreter present, throughout the process; and

(b) confirm the identity of the person taking the oath or making the affirmation, and any interpreter present.”; and 5

(b) in section 128, after subsection (4), insert —

“(5) To avoid doubt, where an oath or affirmation of allegiance is required to be taken under subsection (1), the president of the Military Court of Appeal may take the oath or make the affirmation by appearing before the Chief Justice through a live video link or live television link created using a remote communication technology that allows the Chief Justice to — 10 15

(a) maintain visual contact and communicate with the person taking the oath or making the affirmation, and any interpreter present, throughout the process; and 20

(b) confirm the identity of the person taking the oath or making the affirmation, and any interpreter present.”.

(2) In the principal Act —

(a) in the following provisions, replace “Schedule” with “First Schedule”: 25

Section 4

Section 61(1) and (2)

Section 79A(1)

Section 178(1) and (2); 30

(b) in section 61, in the section heading, replace “**Schedule**” with “**First Schedule**”;

(c) in section 87, after subsection (7) (as inserted by subsection (1)(a)), insert —

“(8) Where an oath or affirmation is required to be administered under subsection (3), (4) or (5), any requirement in any of those subsections for the person taking the oath or making the affirmation to appear before the person administering the oath or affirmation is deemed satisfied if —

(a) the person taking the oath or making the affirmation, and the person administering the oath or affirmation, do so in accordance with any requirements that may be prescribed through any electronic means of communication created by remote communication technology as set out in the Second Schedule; and

(b) the electronic means of communication allows the person administering the oath or affirmation to —

(i) communicate with the person taking the oath or making the affirmation, and any interpreter present, throughout the process; and

(ii) confirm the identity of the person taking the oath or making the affirmation, and any interpreter present.”;

(d) in section 128, after subsection (5) (as inserted by subsection (1)(b)), insert —

“(6) Where an oath or affirmation is required to be administered under subsection (2) or (3), any requirement in subsection (2) or (3) for the person taking the oath or making the affirmation to appear before the president of the Military Court of Appeal is deemed satisfied if —

- (a) the person taking the oath or making the affirmation, and the president of the Military Court of Appeal, do so in accordance with any requirements that may be prescribed through any electronic means of communication created by remote communication technology as set out in the Second Schedule; and 5
- (b) the electronic means of communication allows the president of the Military Court of Appeal to — 10
 - (i) communicate with the person taking the oath or making the affirmation, and any interpreter present, throughout the process; and 15
 - (ii) confirm the identity of the person taking the oath or making the affirmation, and any interpreter present.”; 15
- (e) after section 207, insert — 20

“Amendment of Second Schedule

207A.—(1) The Armed Forces Council may, by order in the *Gazette*, amend the Second Schedule.

(2) All orders made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.”; 25
- (f) rename the Schedule as the First Schedule;
- (g) in the First Schedule (as renamed by paragraph (f)), in the Schedule reference, replace “and 178” with “, 79A(1) and 178”; and 30
- (h) after the First Schedule, insert —

“SECOND SCHEDULE

Sections 87(8), 128(6) and 207A(1)

REMOTE COMMUNICATION MODALITIES FOR TAKING OATHS OR AFFIRMATIONS

- 5 1. Live video link
2. Live television link”.

Amendment of State Courts Act 1970

19. In the State Courts Act 1970, in section 17, after subsection (2), insert —

- 10 “(2A) To avoid doubt, where an oath is required to be taken
and subscribed under subsection (1), a person may take and
subscribe the oath by appearing before the Presiding Judge of
the State Courts, the Presiding Judge of the Family Justice
15 Courts, a Supreme Court Judge or a Judicial Commissioner
through a live video link or live television link created using a
remote communication technology that allows the Presiding
Judge of the State Courts, Presiding Judge of the Family Justice
Courts, Supreme Court Judge or Judicial Commissioner (as the
case may be) to —
- 20 (a) maintain visual contact and communicate with the
person taking the oath, and any interpreter present,
throughout the process;
- (b) confirm the identity of the person taking the oath and
any interpreter present; and
- 25 (c) verify by inspection the oath to be subscribed.”.

Amendment of Supreme Court of Judicature Act 1969

20. In the Supreme Court of Judicature Act 1969, in section 69 —

- (a) renumber the section as subsection (1) of that section; and
- (b) after subsection (1), insert —
- 30 “(2) To avoid doubt, where an oath of office is
required to be taken and subscribed under
subsection (1), a person may take and subscribe the

oath by appearing before the person administering the oath through a live video link or live television link created using a remote communication technology that allows the person administering the oath to —

- (a) maintain visual contact and communicate with the person taking the oath, and any interpreter present, throughout the process; 5
- (b) confirm the identity of the person taking the oath and any interpreter present; and
- (c) verify by inspection the oath to be subscribed.”. 10

EXPLANATORY STATEMENT

This Bill seeks to amend the Oaths and Declarations Act 2000, the Notaries Public Act 1959 and certain other Acts —

- (a) to clarify that certain oaths of office, or oaths relating to or in connection with appointment to an office, or affirmations in lieu of such oaths, may be taken through a live video link or live television link;
- (b) to enable certain other oaths or affirmations to be taken or made, and statutory declarations to be made, in accordance with prescribed requirements through prescribed remote communication modalities; and
- (c) to enable certain powers or functions of a notary public to be exercised remotely in accordance with prescribed requirements through prescribed remote communication modalities.

Clause 1 relates to the short title and commencement.

PART 1

AMENDMENT OF OATHS AND DECLARATIONS ACT 2000

Clause 2 amends the Oaths and Declarations Act 2000 (ODA) to insert a new section 7A to enable an oath under section 4 to be taken, or an affirmation in lieu thereof under section 5 to be made, through an electronic means of communication

by providing that any requirement in section 4 or 5 for the person taking the oath or making the affirmation to appear before the court or person acting judicially is deemed satisfied if —

- (a) the oath is taken and administered, or the affirmation is made and administered, in accordance with prescribed requirements through electronic means of communication created by remote communication technology;
- (b) the electronic means of communication is set out in the new Third Schedule; and
- (c) the electronic means of communication allows the court or person acting judicially to —
 - (i) communicate with the person taking the oath or making the affirmation and the interpreter (if any) throughout the process;
 - (ii) confirm the identity of the person taking the oath or making the affirmation, and any interpreter present; and
 - (iii) if the oath or affirmation is to be subscribed, verify by inspection the oath or affirmation to be subscribed.

New section 7A of the ODA does not by itself enable a court or person acting judicially to conduct its proceedings remotely through electronic means of communication. Whether a court or person acting judicially may conduct its proceedings remotely through electronic means of communication, rather than by physical proceedings, is to be determined by reviewing the applicable statutes relating to the court or person acting judicially. The applicable statutes relating to the court or person acting judicially may contain specific provisions empowering the court or person acting judicially to conduct proceedings through electronic means of communication, for example, section 8A of the Supreme Court of Judicature Act 1969 which empowers the General Division, Appellate Division and Court of Appeal to conduct hearings through live video link, live television link, live audio link or any other electronic means of communications, or they may preclude it. Similarly, new sections 87(8) and 128(6) of the Singapore Armed Forces Act 1972 inserted by clause 18 do not by themselves enable the subordinate military court and Military Court of Appeal, respectively, to conduct their proceedings remotely through electronic means of communication, and the question of whether a subordinate military court or Military Court of Appeal may conduct proceedings remotely through electronic means of communication is to be determined by reference to other provisions in the Singapore Armed Forces Act 1972.

Clause 3 amends section 11 (Manner of making statutory declarations in Singapore) to insert a new subsection (1A) to enable a statutory declaration to be made in Singapore through an electronic means of communication by providing

that the requirement for the declarant to appear before a court, a person acting judicially, or a prescribed person for the purposes of making a statutory declaration in Singapore, is deemed satisfied if —

- (a) the statutory declaration is made, and taken or received, in Singapore in accordance with prescribed requirements through electronic means of communication created by remote communication technology;
- (b) the electronic means of communication is set out in the new Third Schedule; and
- (c) the electronic means of communication allows the court, person acting judicially or prescribed person to —
 - (i) communicate with the declarant and the interpreter (if any) throughout the process;
 - (ii) confirm the identity of the declarant and any interpreter present; and
 - (iii) verify by inspection the document to be sworn and signed by the declarant.

Different electronic means of communication may be set out in the Third Schedule, and different requirements may be prescribed, in respect of the making of a statutory declaration through electronic means of communication as compared with the taking of an oath under section 4 through electronic means of communication.

Clause 3 also inserts a new subsection (1B) in section 11 to provide that the statutory declaration is made, taken or received in Singapore only if the declarant, and the court, person acting judicially or prescribed person (as the case may be), are in Singapore when the statutory declaration is made, taken or received.

Clause 4 amends the ODA by inserting new sections 11A and 11B.

New section 11A, which applies when a statutory declaration is made in the form of an electronic record, restricts the types of electronic signatures that may be used to sign a statutory declaration to prescribed electronic signatures. The Minister may make regulations under section 17 to prescribe the types of electronic signatures, and may prescribe different types of electronic signatures in respect of the different categories of persons involved in making, and taking or receiving, the statutory declaration, i.e., the declarant, the court, person acting judicially or prescribed person. Different types of electronic signatures may be prescribed for use in respect of different categories of statutory declarations. New section 11A of the ODA does not affect the application of section 8 of the Electronic Transactions Act 2010 to any electronic signature that may be applied by an interpreter to a statutory declaration in the form of an electronic record.

New section 11B validates the making of a statutory declaration purportedly made before a court, person acting judicially or prescribed person through a live video link or live television link, as if the new section 11(1A) were in force at the material time, if the statutory declaration would have been validly made (excluding the prescribed requirements mentioned in the new section 11(1A)) on the date of commencement of clause 3. However, the validation does not make anyone retrospectively liable for any offence.

Clause 5 amends section 15 (Manner of taking oath of office, etc.) by inserting a new subsection (2A) to clarify that the oath of allegiance mentioned in Part 1 of the Second Schedule, the oath of office mentioned in Part 2 of that Schedule and the judicial oath mentioned in Part 3 of that Schedule, or an affirmation in lieu thereof under section 16, may be taken or made by a person appearing remotely before the person administering the oath or affirmation through a live video link or live television link that allows the person administering the oath or affirmation to —

- (a) maintain visual contact and communicate with the person taking the oath or making the affirmation, and any interpreter present, throughout the process;
- (b) confirm the identity of the person taking the oath or making the affirmation and any interpreter present; and
- (c) if the oath or affirmation is to be subscribed, verify by inspection the oath or affirmation to be subscribed.

Clause 6 inserts a new Third Schedule to the ODA. The new Third Schedule sets out the remote communication modalities mentioned in —

- (a) new section 7A through which a person may take an oath under section 4 or make an affirmation in lieu thereof under section 5; and
- (b) new section 11(1A) through which a person may make a statutory declaration under section 11(1).

The Minister has the power under section 18 to amend the new Third Schedule by notification in the *Gazette*. The remote communication modalities prescribed under the new Third Schedule may include modalities that do not provide contemporaneous audio and visual interaction between the persons involved.

PART 2

AMENDMENT OF NOTARIES PUBLIC ACT 1959

Clause 7 inserts new sections 4A and 4B in the Notaries Public Act 1959 (NPA).

The new section 4A provides that a notary public may exercise a notary public's power or function through electronic means of communication as set out in a new Schedule to the NPA.

New section 4A(1) relates to a notary public's exercise of a power or function for the purposes of making or signing and sealing a notarial act, where a person is required to appear before the notary public for any purpose such as the execution of a document and making of a declaration under oath or affirmation. New section 4A(1) provides that the requirement for the person to appear before the notary public is deemed satisfied if the person executes the document or makes the declaration under oath or affirmation or carries out such other purpose in accordance with prescribed requirements through an electronic means of communication created by remote communication technology as set out in the new Schedule, if the electronic means of communication allows the notary public to —

- (a) communicate with the person appearing before him or her, and any witness or interpreter present, throughout the process;
- (b) confirm the identity of the persons mentioned in paragraph (a); and
- (c) verify by inspection any document to be signed (or sworn and signed) by the person appearing before him or her.

New section 4A(8) provides that the making of a declaration under oath or affirmation in new section 4A(1) includes entering a note of protest, and swearing or affirming that the contents of an affidavit or a statutory declaration mentioned in section 4(3)(a) are true and correct. This list is not an exhaustive list of instances where a person is required to make a declaration under oath before a notary public.

New section 4A(2) relates to the certification of a true copy. It provides that a notary public may issue a certificate of the conformity of a copy or extract of a document with the document by comparing them through an electronic means of communication set out in the new Schedule, in accordance with prescribed requirements. The electronic means of communication must allow the notary public to verify by comparison that the copy or extract conforms to the document.

New section 4A(3) provides that a notary public may issue a certificate of the nature or authenticity of a document by inspecting the document in accordance with prescribed requirements through an electronic means of communication set out in the new Schedule. The electronic means of communication must allow the notary public to verify by inspection that the document is what it purports to be.

New section 4A(4) provides that when exercising a power or function pursuant to new section 4A(1), (2) or (3), the notary public must still fulfil his or her duty to exercise due care, skill and diligence. The content of that duty is found in common law and is unaffected by the notary public's use of any electronic means of communication under new section 4A(1), (2) or (3).

New section 4A(5) provides that the subsidiary legislation made to prescribe requirements for the use of electronic means of communication mentioned in new section 4A(1), (2) or (3) is valid despite any rule of law (i.e. common law) relating to the exercise of the power or function to the contrary.

New section 4A(6) and (7) relates to section 4(1) which provides that the powers and functions of a notary public are to be exercised within Singapore.

New section 4A(6) provides that a power or function of a notary public exercised pursuant to new section 4A(1) is treated as being exercised within Singapore if the notary public, and the person who is to appear before the notary public, are in Singapore when the person appears before the notary public through an electronic means of communication.

New section 4A(7) provides that a power or function of a notary public exercised pursuant to new section 4A(2) or (3) is treated as being exercised within Singapore if the notary public, the document, and any copy or extract of the document, are in Singapore when the notary public exercises his or her power or function through an electronic means of communication.

The new section 4B validates notarial acts purportedly made, or signed and sealed, through a live video link or live television link before the commencement of clause 7.

New section 4B(2) validates the making of a statutory declaration purportedly made before a notary public through a live video link or live television link, as if new section 4A(1) were in force at the material time, if the statutory declaration would have been validly made (excluding the prescribed requirements mentioned in the new section 4A(1)) on the date of commencement of clause 7.

New section 4B(3) validates the making, or signing and sealing, by a notary public of any other notarial acts covered under the new section 4A(1), (2) or (3) (except for a notarial act in respect of a statutory declaration) through a live video link or live television link, as if new section 4A(1), (2) or (3) (as the case may be) were in force at the material time, if the notarial act would have been validly made, or signed and sealed, on the date of commencement of clause 7.

New section 4B(4) provides that the validations in new section 4B(2) and (3) do not make anyone retrospectively liable for offences.

Clause 8 inserts a new section 7A in the NPA which provides that the Chief Justice, after consultation with the Senate of the Singapore Academy of Law, may amend the new Schedule by order in the *Gazette*.

Clause 9 inserts a new Schedule to the NPA which sets out the remote communication modalities mentioned in new section 4A(1), (2) and (3), through which a notary public may exercise his or her power or function under those provisions. The remote communication modalities prescribed under the new

Schedule may include modalities that do not provide contemporaneous audio and visual interaction between the persons involved.

PART 3

AMENDMENTS TO OTHER ACTS

Clause 10 deletes section 109B of the Administration of Muslim Law Act 1966. As a consequence of the deletion, new section 11(1A) and (1B) of the ODA will apply to the making, through electronic means of communication, of a statutory declaration to be used for the purposes of the Administration of Muslim Law Act 1966.

Clauses 11 and 12 amend the Family Justice Act 2014 and the Industrial Relations Act 1960 by inserting a new section 20(2A) in the Family Justice Act 2014 and a new section 13(3) in the Industrial Relations Act 1960, respectively, to clarify that the required oaths may be taken through a live video link or live television link. The new provisions are broadly similar to new section 15(2A) of the ODA inserted by clause 5.

Clause 13 inserts a new section 15(3) in the National Library Board Act 1995 to clarify that the oath of secrecy required by section 15(2) may be taken by a person through a live video link or live television link. The new section 15(3) is broadly similar to new section 15(2A) of the ODA inserted by clause 5.

Clause 14 amends the Parliamentary Elections Act 1954 by inserting a new section 56(2A) and (8) and a new Fifth Schedule. New section 56(2A) enables an oath of secrecy required under section 56(1) to be taken through electronic means of communication, by providing that any requirement for the person taking the oath to appear before the person administering the oath is deemed satisfied if —

- (a) the oath is taken and administered in accordance with prescribed requirements through electronic means of communication set out in a new Fifth Schedule; and
- (b) the electronic means of communication allows the person administering the oath to —
 - (i) communicate with the person taking the oath, and any interpreter present, throughout the process;
 - (ii) confirm the identity of these persons; and
 - (iii) verify by inspection the oath to be subscribed.

The new Fifth Schedule sets out remote communication modalities mentioned in new section 56(2A) through which a person may take an oath of secrecy under section 56(1). The remote communication modalities prescribed under the new Fifth Schedule may include modalities that do not provide contemporaneous audio

and visual interaction between the persons involved. New section 56(8) empowers the Minister to amend the new Fifth Schedule by order in the *Gazette*.

Clause 15 amends the Police Force Act 2004 by inserting new sections 19(2), 70(1A) and 92(6A) to clarify that the oath of office and oath of allegiance required to be taken by a police officer, the oath or affirmation required to be taken by a member of the Special Constabulary, and the oath of office and oath of allegiance required to be taken by an auxiliary police officer, respectively, may be taken through a live video link or live television link. The new provisions are broadly similar to new section 15(2A) of the ODA inserted by clause 5.

Clause 16 amends the Presidential Elections Act 1991 by inserting a new section 36(2A) and (8) and a new Second Schedule, and by renaming the existing Schedule as the First Schedule and consequentially changing existing references to the Schedule in section 5A to refer to the renamed First Schedule.

New section 36(2A) enables an oath of secrecy required under section 36(1) to be taken through electronic means of communication, by providing that any requirement for the person taking the oath to appear before the person administering the oath is deemed satisfied if —

- (a) the oath is taken and administered in accordance with prescribed requirements through electronic means of communication set out in the new Second Schedule; and
- (b) the electronic means of communication allows the person administering the oath to —
 - (i) communicate with the person taking the oath, and any interpreter present, throughout the process;
 - (ii) confirm the identity of these persons; and
 - (iii) verify by inspection the oath to be subscribed.

The new Second Schedule sets out remote communication modalities mentioned in new section 36(2A) through which a person may take an oath of secrecy under section 36(1). The remote communication modalities prescribed under the new Second Schedule may include modalities that do not provide contemporaneous audio and visual interaction between the persons involved. New section 36(8) empowers the Minister to amend the new Second Schedule by order in the *Gazette*.

Clause 17 amends the Probate and Administration Act 1934 by inserting a new section 28(3) that enables an administration oath required under section 28(1) to be taken through electronic means of communication, by providing that any requirement for the grantee taking the oath to appear before the person administering the oath is deemed satisfied if —

- (a) the oath is taken and administered through electronic means of communication as prescribed in the Family Justice Rules and in accordance with requirements prescribed in those Rules; and
- (b) the electronic means of communication allows the person administering the oath to —
 - (i) communicate with the grantee taking the oath, and any interpreter present, throughout the process;
 - (ii) confirm the identity of these persons; and
 - (iii) verify by inspection the oath to be subscribed.

The remote communication modalities prescribed under the Family Justice Rules may include modalities that do not provide contemporaneous audio and visual interaction between the persons involved.

Clause 18 makes amendments to the Singapore Armed Forces Act 1972. Clause 18(1)(a) and (b) inserts new sections 87(7) and 128(5) to clarify that an oath or affirmation required to be administered to a member of a general courts martial panel under section 87(1), an oath or affirmation of allegiance required to be taken by the president of a panel court martial under section 87(2), and an oath or affirmation of allegiance required to be taken by the president of the Military Court of Appeal under section 128(1), respectively, may be taken through a live video link or live television link. The new provisions are broadly similar to new section 15(2A) of the ODA inserted by clause 5.

Clause 18(2)(c) and (d) inserts new sections 87(8) and 128(6), clause 18(2)(h) inserts a new Second Schedule, and clause 18(2)(a), (b) and (f) renames the existing Schedule as the First Schedule and consequentially changes existing references to the Schedule in the various provisions of the Singapore Armed Forces Act 1972 to refer to the renamed First Schedule.

The new sections 87(8) and 128(6) enable an oath or affirmation required to be administered under section 87(3), (4) or (5) after the court has assembled, and an oath or affirmation required to be administered under section 128(2) or (3) after the Military Court of Appeal has assembled, respectively, to be administered through electronic means of communication, by providing that any requirement for the person taking the oath or making the affirmation to appear before the person administering the oath or the president of the Military Court of Appeal, respectively, is deemed satisfied if —

- (a) the oath is taken and administered, or the affirmation is made and administered, in accordance with any requirements that may be prescribed through electronic means of communication set out in the new Second Schedule; and

(b) the electronic means of communication allows the person administering the oath or the president of the Military Court of Appeal, respectively to —

- (i) communicate with the person taking the oath or making the affirmation, and any interpreter present, throughout the process; and
- (ii) confirm the identity of these persons.

The new Second Schedule sets out remote communication modalities mentioned in new sections 87(8) and 128(6) through which a person may take an oath or make an affirmation under section 87(3), (4) or (5) or section 128(2) or (3), respectively. The remote communication modalities prescribed under the new Second Schedule may include modalities that do not provide contemporaneous audio and visual interaction between the persons involved. The new section 207A inserted by clause 18(2)(e) empowers the Armed Forces Council to amend the new Second Schedule by order in the *Gazette*. Such orders made must be presented to Parliament.

Clause 19 amends the State Courts Act 1970 by inserting a new section 17(2A) to clarify that the oaths of office and allegiance required to be taken and subscribed under section 17(1) may be taken and subscribed through a live video link or live television link. The new section 17(2A) is broadly similar to new section 15(2A) of the ODA inserted by clause 5.

Clause 20 amends the Supreme Court of Judicature Act 1969 by renumbering section 69 as section 69(1), and by inserting a new subsection (2) to section 69 to clarify that the oaths of office required to be taken and subscribed under the renumbered section 69(1) may be taken through a live video link or live television link. The new section 69(2) is broadly similar to new section 15(2A) of the ODA inserted by clause 5.

EXPENDITURE OF PUBLIC MONEY

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