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Tel: (65) 6332 4053
Fax: (65) 6337 9450
E-mail: TOH_Han_Li@
(Internet) supcourt.gov.sg
(SGEMS) Han Li TOH
SUPCOURT/
SINGOV



REGISTRY,
SUPREME COURT,
SINGAPORE 178957,
REPUBLIC OF SINGAPORE

www.supcourt.gov.sg
Email feedback to:
supcourt_qsm@supcourt.gov.sg

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Our Ref : RSCS L3/20
RSCS L4/8

20 August 2004

Attorney-General
Attn : Mrs Joyce Chao

EXCLUSIONS FROM THE ETA UNDER SECTION 4 COMMENTS BY SUPREME COURT

I refer to the above. Our comments are as follows:

Part 3 Wills

We agree that the status quo be maintained for wills. If there is a larger issue such as the power of the courts to dispense with strict compliance with formalities in the creation of a will, this should be discussed more fully in the context of an amendment to the Wills Act rather than as an exclusion to the ETA.

Part 5.6 Attestation

The point is made at paragraph 5.6.3 that a Certification Authority would be able to perform a similar function to the attesting witness by certifying that the private key belongs to the person purporting to sign the deed. We wish to highlight that the use of a Certification Authority may be limited to those people who are more technology-savvy and have access to the Internet. An alternative is SingPass ("Singapore Personal Access"), the online equivalent of the identity card, which uses a common password to transact with different Government online services, and provides a simpler and more scalable solution to self-attestation. As such, you may wish to consider stating in the ETA that subject to other specific legislation, the online equivalent of an identity card (for example SingPass) shall be sufficient to meet the requirements of attestation.

Part 7 Power of Attorney

We agree that in view of the high value of land transactions (where powers of attorney are most often used), it would be prudent to maintain the status quo.

Part 10 Other issues

As the paper has pointed out, there is already a body of legislation and practice directions dealing with affidavits, court documents and proceedings, warrants to enter, seize or search,. Any changes to the forms of such documents would best be done to the specific legislation or practice directions and not by expanding the list of exclusions under the ETA.



**TOH HAN LI
SENIOR ASSISTANT REGISTRAR
SUPREME COURT**