

**ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) ACT, 2026**

**EXPLANATORY MEMORANDUM**

The *Administration of Justice (Miscellaneous Provisions) Act, 2026* makes provision for the amendment of

- (a) the *Evidence Act*, Cap. 121 to abolish the rule relating to unsworn evidence, make better provision for dealing with adverse witnesses and provide for the use in court of transcripts of electronically recorded evidence; and
- (b) the *Criminal Procedure Act*, Cap. 127 to delete sections 6A and 7A which affect, respectively, the right of the jury to determine the fitness of an accused to plead and the circumstances in which the defence of diminished responsibility and insanity may be determined.

**Clause 1:** states that the Act may be cited as the *Administration of Justice (Miscellaneous Provisions) Act, 2026*.

**Clause 2:** makes provision for the amendment of the *Evidence Act*, Cap. 121

- (a) in section 2, to delete the definition of “evidence”;
- (b) to delete sections 22 and 23 and
  - (i) substitute a new section 22 which makes provision for the abolition of the right of accused to give unsworn evidence;
  - (ii) delete section 35 and substitute a new section 35 which makes provision for the procedure applicable for questioning adverse witnesses;
  - (iii) insert a new section 35A which makes provision for the procedure applicable to inconsistent statements;

- (iv) insert a new section 35B which makes provision for the procedure applicable to other previous statements of witnesses;
- (v) amend section 72 generally to make provision for the use in court of transcripts of electronically recorded evidence;
- (vi) delete
  - (A) section 95 which dealt with circumstances where unsworn evidence was given in criminal proceedings; and
  - (B) section 143(8) which dealt with not precluding a defendant from giving unsworn evidence otherwise in the proceeding where that defendant gave sworn evidence in a hearing to determine a preliminary question.

**Clause 3:** states that section 72 of the *Evidence Act*, Cap. 121 shall come into operation upon the commencement of this Act.

**Clause 4:** amends the *Criminal Procedure Act*, Cap. 127 to delete sections 6A and 7A which affected, respectively, the right of the jury to determine the fitness of an accused to plead and the circumstances in which the defence of diminished responsibility and insanity may be determined.

**Clause 5:** states that no provision in this Act will apply to proceedings commenced before the commencement of this Act.