

RECENT DEVELOPMENTS IN THE LAW ON EXPERT EVIDENCE

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This article examines the impetus behind the amendments made by the Criminal Justice Reform Act 2018 (Act 19 of 2018) to the Criminal Procedure Code 2010 (2020 Rev Ed) (which came into force on 31 December 2025) to codify the duties that experts owe to the court, and to ensure that their evidence is reliable and fit for court use. The article discusses the proper role of expert evidence in the criminal justice process and the introduction of the panel of psychiatrists, and suggests practical ways practitioners can instruct their experts to prepare reports and give evidence that best assists the court.

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I. Introduction

1 Expert evidence plays an important role in assisting the court in the criminal justice process, from ascertaining whether there is a causal or contributory link between an offender's mental condition and the offence (which is relevant to the offender's culpability), to understanding pieces of scientific and technical evidence before the court, such as the significance of compounds found in blood, urine and hair samples. For this reason, experts owe their duty first and foremost to the court rather than to the party who instructed them. They also have a duty to ensure that their evidence is cogent and reliable,

1 While the author is with the Attorney-General's Chambers, the views expressed in this article are her own.

and may be gainfully used in the proceedings for which they were prepared.²

2 Advocates and solicitors also have a duty to familiarise themselves with the guidelines on expert evidence and properly instruct the experts that they appoint,³ in keeping with their role as officers of the court in upholding the integrity of the court and contributing to the attainment of justice.⁴

3 This article examines the impetus behind the amendments by the Criminal Justice Reform Act 2018⁵ (“CJRA”) to the Criminal Procedure Code 2010⁶ (“CPC”) (which came into force on 31 December 2025) to codify the duties that experts owe to the court, and to ensure that their evidence is reliable and fit for court use. It also suggests practical ways practitioners can instruct their experts to prepare reports and give evidence that best assists the court.

II. Understanding the proper role of expert evidence in the criminal justice process

4 When engaging a professional such as a doctor or an accountant, advocates and solicitors should be clear on the purpose for which the professional is being called,⁷ *ie*, as an expert witness or as a witness of fact to corroborate what an offender has told them (*eg*, the medical history of the offender taken by a doctor), or to testify to something that they have personally witnessed (*eg*, an accountant testifying about the company’s board meeting at which he was present). If the professional is being called as an expert, there are certain minimum standards that must be met, which will be discussed below.

2 *Miya Manik v Public Prosecutor* [2021] 2 SLR 1169 at [50].

3 *Miya Manik v Public Prosecutor* [2021] 2 SLR 1169 at [74].

4 Legal Profession (Professional Conduct) Rules 2015 r 9.

5 Act 19 of 2018.

6 2020 Rev Ed.

7 See *Miya Manik v Public Prosecutor* [2021] 2 SLR 1169 at [57].

A. A point of scientific, technical or other specialised knowledge

5 First, it is important to bear in mind that the admissibility of expert evidence is governed by s 47 of the Evidence Act 1893,⁸ which provides as follows:

Opinions of Experts

47.—(1) Subject to subsection (4), when the court is likely to derive assistance from an opinion upon a *point of scientific, technical or other specialised knowledge*, the opinions of experts upon that point are relevant facts.

(2) An expert is a person with such scientific, technical or other specialised knowledge based on training, study or experience.

(3) The opinion of an expert shall not be irrelevant merely because the opinion or part thereof relates to a matter of common knowledge.

(4) An opinion which is otherwise relevant under subsection (1) shall not be relevant if the court is of the view that it would not be in the interests of justice to treat it as relevant.

[emphasis added]

6 The importance of having the expert opine on “a point of scientific, technical or other specialised knowledge” was illustrated in *Anita Damu v Public Prosecutor*⁹ (“*Anita Damu*”). In that case, the offender pleaded guilty to charges under ss 323 and 324, punishable under s 73(2) of the Penal Code¹⁰ and under the Employment of Foreign Manpower Act¹¹ for various acts of abuse against her domestic helper. She did not take the stand, but tendered a mitigation plea asserting that she was suffering from major depressive disorder (“MDD”) with psychotic features, being auditory hallucinations, as well as reports of two psychiatrists.

7 Sundaresh Menon CJ noted that the only point of contention between the parties was a factual dispute over

8 2020 Rev Ed.

9 [2020] 3 SLR 825.

10 Cap 224, 2008 Rev Ed.

11 Cap 91A, 2009 Rev Ed.

whether the offender experienced auditory hallucinations at the point of the offence, and it was not readily apparent how this was a question on a point requiring scientific, technical or other specialised knowledge. He highlighted the distinction between whether the psychotic features were in fact present (which is a question of fact) and the possible medical significance of the features (which is a point of scientific and medical knowledge) on which expert evidence was admissible and could assist the court.¹²

B. The basis rule

8 Second, in *Anita Damu*, Menon CJ examined the operation of the basis rule, which stipulates that the factual basis for the expert’s opinion must be established on admissible evidence and not on hearsay.¹³ He held that the basis rule could be relaxed in the interests of logistical practicality in cases where the expert’s opinion is based on “general hearsay”, such as when an expert gives evidence that relies in part on the works of other members of the profession which are generally accepted as authoritative and uncontroversial. In contrast, the basis rule ought to apply with full rigour to “specific hearsay” pertaining to a particular inquiry, fact, examination or experiment, such as the account that the offender or a witness provided to the expert. This is because the court is tasked with evaluating the expert opinion, and the premises on which the expert’s conclusions are drawn must necessarily be before the court so as to allow the court to ascertain whether the expert’s conclusions are properly founded.¹⁴

9 Moreover, in the context of psychiatric evidence, where there is a substantial dispute over the truth of an offender’s account of the events that had been told to the psychiatrist (such as whether the offender did in fact experience auditory hallucinations in *Anita Damu*), the basis rule would generally

12 *Anita Damu v Public Prosecutor* [2020] 3 SLR 825 at [25].

13 *Anita Damu v Public Prosecutor* [2020] 3 SLR 825 at [30].

14 *Anita Damu v Public Prosecutor* [2020] 3 SLR 825 at [31].

require that the offender testify before the court as to the relevant factual basis.¹⁵

C. The ultimate issue rule

10 Third, in *Anita Damu*, Menon CJ also examined the operation of the ultimate issue rule, which stipulates that an expert should not give evidence on the ultimate issue, which is to be decided by the court.¹⁶ The rationale is that this would usurp the role of the court as the trier of fact. While some foreign authorities suggest that the ultimate issue rule need not be strictly applied,¹⁷ it continues to be applied in Singapore's jurisprudence.¹⁸

11 After reviewing the authorities, Menon CJ held that the expert was not prohibited from expressing an opinion on the ultimate issue, but the judge must discharge his or her responsibility as the adjudicator to rule on the ultimate issue by sifting, weighing and evaluating the objective facts within their circumstantial matrix and context, and must not simply adopt the expert's opinion on that issue without being satisfied that it was the correct outcome.¹⁹ On the facts of *Anita Damu*, the psychiatrists could provide evidence that the offender's reported symptoms were consistent with the symptoms of the diagnosed illness, but it remained the responsibility of the court to ascertain the offender's credibility and whether the offender did in fact experience the symptoms in question, before considering whether it in fact led to the commission of the offences.²⁰

15 *Anita Damu v Public Prosecutor* [2020] 3 SLR 825 at [32].

16 *Anita Damu v Public Prosecutor* [2020] 3 SLR 825 at [34].

17 *Director of Public Prosecutions v A and B C Chewing Gum Ltd* [1968] 1 QB 159; *R v Stockwell* (1993) 97 Cr App Rep 260.

18 *Pacific Recreation Pte Ltd v S Y Technology Inc* [2008] 2 SLR(R) 491 at [85]; *Cheong Soh Chin v Eng Chiet Shoong* [2019] 4 SLR 714 at [35].

19 *Anita Damu v Public Prosecutor* [2020] 3 SLR 825 at [36].

20 *Anita Damu v Public Prosecutor* [2020] 3 SLR 825 at [37].

III. Concerns raised by the courts

12 The courts have in recent times raised concerns about expert reports not meeting the minimum standards required and being patently lacking in objectivity, asserting conclusions without any reasoning, and the rise of expert shopping.

A. Lack of objectivity

13 First, the courts have emphasised that experts must be neutral and independent, and owe their duty first and foremost to the court and not to the client who pays their fees.²¹ However, this was found lacking in several cases.

14 In *Mehra Radhika v Public Prosecutor*,²² the offender pleaded guilty to arranging a marriage of convenience in breach of s 57C(2) of the Immigration Act.²³ Menon CJ raised concerns that the expert report tendered on behalf of the offender read more like a fact-finding report rather than a professional medical opinion, with the portion dealing with the offender's supposed medical condition much briefer than the lengthy portion where the doctor set out the background facts, and in a manner painting the offender in a favourable light.²⁴ The report also stated that the offender had been used in a marriage-for-visa scam without her knowledge, which was erroneous, and fell short of the standard expected of an expert, given that either the doctor was told of the wrong facts and had not bothered to check them even cursorily, or he had misunderstood the facts.²⁵ Furthermore, the report concluded that the offender's depression set in after her arrest, and could not mitigate the offender's culpability.²⁶

21 *Mehra Radhika v Public Prosecutor* [2015] 1 SLR 96 at [68]; *Public Prosecutor v Chia Kee Chen* [2018] 2 SLR 249 at [117]; *Ho Mei Xia Hannah v Public Prosecutor* [2019] 5 SLR 978 at [39].

22 [2015] 1 SLR 96.

23 Cap 133, 2008 Rev Ed.

24 *Mehra Radhika v Public Prosecutor* [2015] 1 SLR 96 at [67].

25 *Mehra Radhika v Public Prosecutor* [2015] 1 SLR 96 at [68].

26 *Mehra Radhika v Public Prosecutor* [2015] 1 SLR 96 at [69].

15 In *Ho Mei Xia Hannah v Public Prosecutor*,²⁷ the offender pleaded guilty to three charges for disorderly behaviour under s 20 of the Miscellaneous Offences (Public Order and Nuisance) Act,²⁸ for voluntarily causing hurt to a public servant under s 332 of the Penal Code,²⁹ and for using abusive words towards a public servant under s 6(3) of the Protection from Harassment Act,³⁰ with two charges under s 332 of the Penal Code³¹ taken into consideration for the purposes of sentencing. The offender tendered psychiatric reports stating that she suffered from persistent depressive disorder. See Kee Oon J noted that there was ample reason to doubt psychiatrist Dr Lee’s neutrality and independence, as Dr Lee was a partisan witness and had allowed his personal sympathies for the offender to unduly influence the manner in which he had written his report:³²

(a) He had knowingly omitted relevant information from his final psychiatric report; the fact that the offender had experimented with “Ice” (street name for the drug methamphetamine) and his recommendation that the offender be considered for a mandatory treatment order, which were present in the draft report, were removed in the final report.

(b) Despite conceding that a key compounding factor for aggression is that of substance abuse, Dr Lee admitted to having deliberately amended his report and including a statement that the offender was not currently using illegal substances, in order to paint the narrative that the offender was a good person.

(c) A large part of Dr Lee’s report was dedicated to the offender’s background history, without any analysis of how it was relevant. Dr Lee had placed a disproportionate emphasis on the offender’s personal circumstances, and his recommendation in his report that the court look upon

27 [2019] 5 SLR 978.

28 Cap 184, 1997 Rev Ed.

29 Cap 224, 2008 Rev Ed.

30 Cap 256A, 2015 Rev Ed.

31 Cap 224, 2008 Rev Ed.

32 *Ho Mei Xia Hannah v Public Prosecutor* [2019] 5 SLR 978 at [45]–[55].

the offender's case with "great compassion" went beyond his remit as an expert.

(d) Dr Lee's attitude to the truth was cavalier. His report was imprecise and inaccurate, asserting that the offender had completed her "O" levels and a diploma in law and showed remarkable resilience and initiative, when in fact the offender had attained neither of those qualifications and had informed him of the same.

16 These cases provide a salutary reminder of the expert's duties of independence and neutrality to the court, and the need to render a professional opinion on "a point of scientific, technical or other specialised knowledge" to assist the court and not merely rehash the factual background from the perspective of the expert's patient or act as the patient's advocate and omit information that is unfavourable to the patient.

B. Lack of reasoning

17 Second, as the legal significance of the expert's opinion is ultimately a question to be decided by the court, experts must provide their reasoning behind their conclusions to enable the court to meaningfully assess the correctness of the conclusions and the cogency of the reasoning.

18 In *Public Prosecutor v Chia Kee Chen*,³³ the offender, who had been convicted of murder in furtherance of common intention under s 300(c), punishable under s 302(2) and read with s 34 of the Penal Code,³⁴ sought to rely on a psychiatric report opining that the offender suffered from MDD at the time of the offence. The Court of Appeal emphasised that it was critical that experts provide the reasoning behind their conclusions, as a report that states conclusions without reasons and which cannot be probed or evaluated is useless and prone to be rejected. If the report does not explain why the offender is suffering from a clearly diagnosed and recognised psychiatric disorder, the

33 [2018] 2 SLR 249.

34 Cap 224, 2008 Rev Ed.

court will be justified in rejecting the evidence of the offender's purported mental condition.³⁵ On the facts, the Court of Appeal found that the overall quality of the report was so lacking that it failed to meet the minimum standards of expert evidence and must therefore be disregarded:³⁶

(a) First, there was no explanation of how the mood and behavioural changes allegedly observed in the offender met the diagnosis of MDD, and the report also did not provide any definition or explanation of MDD or specify its key symptoms. Hence, it was impossible for the court to assess the correctness of the conclusion or cogency of the reasoning.

(b) Second, the mood and behavioural changes and stressors were in large part based on the offender's self-reported account, even though some of those were not accepted facts.

(c) Third, the report omitted or failed to consider certain key materials, including the narrative of the offender's statements to the police and details about what actually occurred during the offence.

(d) Fourth, the report was devoid of reasoning and was purely conclusory in nature, with no explanation on how the MDD affected or contributed to the offender's mental state at or around the time of the offence. The report also failed to explain how the offender's mental condition bore any relevance to whether he had acted viciously or in blatant disregard for human life, and whether his actions would outrage the feelings of the community, such that there was a causal link between the offender's MDD and the factors that go towards the imposition of the death penalty.

(e) Fifth, the report was partisan and contrived at parts, and it sought to advocate for the offender and extract sympathy from the court.

35 *Public Prosecutor v Chia Kee Chen* [2018] 2 SLR 249 at [118]–[119].

36 *Public Prosecutor v Chia Kee Chen* [2018] 2 SLR 249 at [125]–[132].

19 In *Kanagaratnam Nicholas Jens v Public Prosecutor*,³⁷ the offender pleaded guilty to drug consumption and possession offences. He sought to rely on a psychiatric report stating that he had attention deficit hyperactivity disorder (“ADHD”) and insomnia disorder in seeking an order for probation. Menon CJ found that the report was deficient in so many respects that he was unable to place any reliance on it:³⁸

(a) The experts did not explain their reasons for the conclusion that the offender’s ADHD and insomnia disorder affected his judgment or ability to control his impulses. The conclusion was simply stated, and there was no explanation as to how the offender’s psychiatric conditions affected his cognition or how they impacted his culpability.

(b) The report also prefaced information reported by the offender as being “in [the experts’] professional opinion”, which appeared to have been inserted to give the offender’s self-report a sheen of being a *bona fide* medical or scientific conclusion, even though it was not.

(c) The experts’ opinions were also contradicted by the offender’s admissions to the probation officer that he had abused drugs as a lifestyle activity for fun and relaxation, and that he had travelled overseas to smoke cannabis as it was illegal to do so in Singapore. This severely undermined the experts’ report, as it either reflected the danger of professionals relying solely on the offender’s self-report, or that the experts had chosen to omit this crucial fact from their report.

20 These cases show that experts cannot merely present conclusions without also presenting the underlying evidence and the analytical process by which the conclusions are reached; they need to provide cogent and reasoned opinions that enable the court to evaluate the soundness of the proffered views.³⁹

37 [2019] 5 SLR 887.

38 *Kanagaratnam Nicholas Jens v Public Prosecutor* [2019] 5 SLR 887 at [29]–[33].

39 See also *Miya Manik v Public Prosecutor* [2021] 2 SLR 1169 at [52].

C. Expert shopping

21 Third, legal practitioners and experts should be mindful that expert shopping amounts to an abuse of process of the court, especially when used in a last-minute attempt to introduce fresh evidence on appeal in the form of expert reports.

22 In *Miya Manik v Public Prosecutor*,⁴⁰ the offender was convicted of a charge under s 326, read with s 34 of the Penal Code,⁴¹ for voluntarily causing grievous hurt by dangerous weapons or means pursuant to a common intention, and sentenced to 15 years' imprisonment and 15 strokes of the cane. The offender sought to adduce new expert evidence on appeal stating that he had developed an adjustment disorder during the three-and-a-half-year gap between his arrest and his trial. The Court of Appeal dismissed the application to introduce new expert evidence, and found it to be an abuse of the court's processes.⁴² Each expert report was but a page long and consisted of bare assertions, and did not disclose the methodology, diagnostic criteria, clinical observations or any substantiation for the conclusions.⁴³ As such, the reports were not relevant or helpful to the court, and did not meet the requirements of non-availability, relevance and reliability for the introduction of fresh evidence on appeal.⁴⁴

23 In *Azuin bin Mohd Tap v Public Prosecutor*,⁴⁵ the offender was convicted of a capital charge of drug trafficking and sentenced to the mandatory death penalty. The General Division of the High Court in *Public Prosecutor v Hashim bin Ismail*⁴⁶ had found that while it was undisputed that the offender had an opioid use disorder and a stimulant use disorder, he was not suffering from persistent depressive disorder, and could not

40 [2021] 2 SLR 1169.

41 Cap 224, 2008 Rev Ed.

42 *Miya Manik v Public Prosecutor* [2021] 2 SLR 1169 at [1].

43 *Miya Manik v Public Prosecutor* [2021] 2 SLR 1169 at [56].

44 *Ladd v Marshall* [1954] 1 WLR 1489; *Soh Meiyun v Public Prosecutor* [2014] 3 SLR 299; *Public Prosecutor v Mohd Ariffan bin Mohd Hassan* [2018] 1 SLR 544.

45 [2025] 1 SLR 259.

46 [2023] SGHC 165.

establish the defence of diminished responsibility. On appeal, the offender sought to adduce further reports from:

(a) a psychiatrist who opined that the offender suffered from an abnormality of mind of opioid use disorder which substantially impaired his mental responsibility, but conceded that the opioid use disorder did not arise from one of the three recognised aetiologies of an abnormality of mind under s 33B(3)(b) of the Misuse of Drugs Act;⁴⁷ and

(b) a psychologist who opined that the offender was of generally low intelligence but did not meet the criteria for a diagnosis of any intellectual disability or disorder.

24 The Court of Appeal found that the offender had engaged in expert shopping of the most egregious form, as there would be no end to litigation if offenders were allowed to use the appellate process to try out different permutations of their case. The offender had sought to adduce new expert evidence after trial for the purpose of developing not only new but inconsistent arguments (that his opioid use disorder alone was an abnormality of mind which caused a substantial impairment of his mental responsibility) on appeal than those advanced at first instance (that his persistent depressive disorder was the effective cause of his alleged substantial impairment of mental responsibility).⁴⁸ The Court of Appeal also emphasised that expert shopping undermined the interest for finality in litigation, the integrity of the litigation process, and the soundness of the resulting judgment that requires the parties to advance their entire case at trial rather than warehousing points for appeal.⁴⁹

25 These concerns raised by the courts were also raised in Parliament,⁵⁰ and eventually led to amendments to the CPC by the CJRA.

47 Cap 185, 2008 Rev Ed.

48 *Azuin bin Mohd Tap v Public Prosecutor* [2025] 1 SLR 259 at [21]–[27].

49 *Azuin bin Mohd Tap v Public Prosecutor* [2025] 1 SLR 259 at [31].

50 Singapore Parl Debates; Vol 94, Sitting No 69; [19 March 2018] (Indraneel Rajah, Senior Minister of State for Law); Ministry of Law, *Written Answer by Minister for Law, Mr K Shanmugam, to Parliamentary Question on Psychiatric* (cont'd on the next page)

IV. Recent amendments to rules on expert evidence

26 Section 78 of the CJRA introduced ss 269 and 270 of the CPC, which came into force on 31 December 2025. They respectively provide for:

- (a) opinions of experts in criminal proceedings, and for the prescription in the Criminal Procedure (Expert Opinion) Rules 2025 (“Expert Opinion Rules”) of the duties of an expert and how an opinion of an expert on a point of scientific, technical or other specialised knowledge is to be adduced in evidence, and the requirements for such opinion to be used in evidence; and
- (b) opinions of psychiatrists in criminal proceedings and the setting up of a panel of psychiatrists.

A. *Opinions of experts in criminal proceedings and Criminal Procedure (Expert Opinion) Rules 2025*

27 Section 269 of the CPC maps the admissibility gateway from s 47 of the Evidence Act 1893,⁵¹ as well as provides for admissibility of an opinion of an expert on a point of scientific, technical or other specialised knowledge. It also provides the basis for the Expert Opinion Rules, the salient features of which are highlighted below:

- (a) Rule 3 codifies the common law principle that the expert’s duty is to assist the court on matters within the expert’s expertise, and this overrides any obligation to the person from whom the expert has received instructions or by whom the expert is paid.
- (b) Rule 4(2) sets out the requirements of an expert report, including statements that the expert prepared the report and accepts full responsibility for it, understands his or her duty to the court and has complied with that duty, and believes the correctness of his or her opinion.

Evidence Found Unreliable in Criminal Trials (11 September 2017) <<https://www.mlaw.gov.sg/news/parliamentary-speeches/written-answer-by-minister-for-law--mr-k-shanmugam--to-parliamen9/>> (accessed 25 March 2026).

51 2020 Rev Ed.

The expert report *must* also include details of the expert's qualifications and relevant experience, the issues the expert has been asked to consider and the facts relied on, the conclusion reached on the issues and reasons supporting the conclusion.

(c) Rule 4(3) provides additional requirements where the expert is a psychiatrist, including details of the interviews by the psychiatrist of the subject and any other persons, whether the expert diagnosed the subject with a psychiatric disorder, when the subject had suffered the psychiatric disorder, the basis for the diagnosis, the nature and severity of the psychiatric disorder, and whether the expert was given a copy of another psychiatrist's expert report, and if so, to state the parts of agreement and disagreement and reasons for the same.

(d) Rule 5 provides for the service of expert reports.

(e) The Schedule sets out categories of expert reports to which rr 4 and 5 do not apply, such as scientific reports or certificates produced by the Health Sciences Authority in relation to the analysis of a specimen, classification of an exhibit or scientific literature; post-mortem examination reports under s 20(1) of the Coroners Act 2010;⁵² and pre-sentencing, progress, review and assessment reports.

(f) Rules 6 and 7 provide for concurrent expert evidence if parties consent.

(g) Part 3 (rr 8 to 14) provides for the appointment and revocation of appointment of psychiatrists to the panel of psychiatrists.

B. *Opinions of psychiatrists in criminal proceedings and panel of psychiatrists*

28 Section 270 of the CPC provides that a psychiatrist's expert opinion is not admissible as evidence unless the psychiatrist is a member of the panel of psychiatrists. It also

52 2020 Rev Ed.

provides for the appointment and revocation of appointment by the Selection Committee, with further details set out in Pt 3 of the Expert Opinion Rules.

V. Implications for practitioners

29 There are at least three implications that these recent developments may have for practitioners.

A. Duties of advocates and solicitors

30 First, recent cases and the Expert Opinion Rules make clear that just as advocates and solicitors owe their foremost duty to the court, experts also owe their foremost duty to the court to provide independent, cogent and well-reasoned reports. Advocates and solicitors also have a duty to instruct experts properly, and to ensure that experts are aware of their overriding duty to the court, and that they comply with the minimum standards expected of experts to provide neutral, cogent and reasoned reports.⁵³ Otherwise, legal practitioners may fall foul of r 9 of the Legal Profession (Professional Conduct) Rules 2015, and may face disciplinary action for professional impropriety.⁵⁴

B. Admissibility of expert reports

31 Second, when instructing experts, or preparing to cross-examine the opposing side's expert, it is crucial to check for compliance with r 4 of the Expert Opinion Rules, unless the expert report falls within one of the excluded categories in the Schedule. If the expert is a psychiatrist, it is crucial to check whether the expert is on the panel of psychiatrists, otherwise their reports may not be admissible.

53 *Miya Manik v Public Prosecutor* [2021] 2 SLR 1169 at [74].

54 See *Miya Manik v Public Prosecutor* [2021] 2 SLR 1169 at [83]–[87].

C. How best to use your expert

32 Third, it is important for legal practitioners to consider how best to harness the expertise of any expert. Given the concurrent expert evidence procedure that is available upon parties' consent, it is important to consider whether to avail of this mechanism, having regard to your expert's seniority and personality, and whether he or she would be able to advance your case under the pressure of hot-tubbing. Moreover, given that experts are independent and there is no property in an expert, it may be worthwhile to explore whether the opposing side's expert is willing to have a witness interview, so as to narrow down the issues before the concurrent expert testimony, or possibly even reach a consensus on some issues before trial.

VI. Conclusion

33 The amendments to the rules on expert evidence are to be welcomed, as they ensure that experts are best able to assist the court on points of scientific, technical or other specialised knowledge. This ensures that experts provide independent and cogent reports that assist the court in its role in determining the legal significance of the expert evidence, such as whether there was a causal or contributory link between a mental condition and an offence, and whether the offender's culpability should thereby be reduced.

34 The panel of psychiatrists will also help to maintain the minimum standards expected of an expert, and safeguard the objectivity and quality of psychiatric expert evidence. The selection criteria have been formulated to ensure that there is a sufficient pool of psychiatrists available, and procedures for the *ad hoc* admission of foreign psychiatrists will be put in place so that parties can call such psychiatrists as expert witnesses in appropriate circumstances.⁵⁵ Psychiatrists may apply to be part of the panel,⁵⁶ and the list of appointed psychiatrists has

55 Singapore Parl Debates; Vol 94, Sitting No 69; [19 March 2018] (Indraneel Rajah, Senior Minister of State for Law).

56 At <www.psychpanel.gov.sg> (accessed 25 March 2026).

been made available.⁵⁷ Drawing on the experience of foreign jurisdictions (such as the UK's Section 12⁵⁸ Doctor Database⁵⁹ or the Australian Health Practitioner Regulation Agency's Register of Practitioners⁶⁰), it would be helpful to have a list that includes details on the psychiatrists' specialities and years of practice, which may help practitioners select the appropriate expert for their matter.

57 See Panel of Psychiatrists, *List of Appointed Members* <<https://www.psychpanel.gov.sg/appointed-members/>> (accessed 25 March 2026).

58 Mental Health Act 1983 (c 20) (UK) s 12.

59 NHS, *S12 Doctors and Approved Clinicians Mental Health Act Approvals Database* <<https://s12.nhsbsa.net/>> (accessed 25 March 2026).

60 Ahpra & National Boards, *Register of Practitioners* <<https://www.ahpra.gov.au/Registration/registers-of-practitioners.aspx>> (accessed 25 March 2026).