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## No. S 525

### CRIMINAL PROCEDURE CODE 2010

#### CRIMINAL PROCEDURE (AMENDMENT NO. 2) RULES 2022

In exercise of the powers conferred by section 428A(15) of the Criminal Procedure Code 2010, the Minister for Law makes the following Rules:

#### **Citation and commencement**

1. These Rules are the Criminal Procedure (Amendment No. 2) Rules 2022 and come into operation on 1 July 2022.

#### **Amendment of rule 11**

2. In rule 11 of the Criminal Procedure Rules 2018 (G.N. No. S 727/2018) —

- (a) in paragraph (2)(a), replace “an advocate, an affidavit made by the applicant’s advocate” with “one or more advocates, an affidavit made by the advocate (if only one advocate is appointed), or a separate affidavit made by each advocate as the deponent or a joint affidavit made by all of the advocates as deponents (if more than one advocate is appointed),”;
- (b) in paragraph (2)(a)(v), replace “the advocate genuinely believes” with “that the advocate or advocates genuinely believes or believe”;
- (c) in paragraph (2)(a)(vi), replace “the advocate is” with “that the advocate or advocates is or are”;
- (d) in paragraph (2)(a), replace sub-paragraph (vii) with —
  - “(vii) that the advocate or advocates is or are aware of the consequences of

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making any false statement in the affidavit;” and

(e) replace paragraphs (5) and (6) with —

“(5) Paragraphs (6) and (7) apply to an applicant in any of the following circumstances:

- (a) the applicant was represented by one or more advocates when the application for permission was filed, and appoints one or more additional advocates or different advocates to represent the applicant in the application for permission after the filing;
- (b) an applicant was not represented by any advocate when the application for permission was filed, and appoints one or more advocates to represent the applicant in the application for permission after the filing.

(6) For the purposes of section 394H(3) of the Code, the applicant mentioned in paragraph (5) must, within 3 days after the appointment of the advocate or advocates mentioned in paragraph (5)(a) or (b), file an affidavit made by the advocate (if only one advocate is appointed), or a separate affidavit made by each advocate as the deponent or a joint affidavit made by all of the advocates as deponents (if more than one advocate is appointed), that states —

- (a) all of the matters mentioned in paragraph (2)(a)(i) to (vii); and
- (b) the date of appointment of the advocate or advocates.

(7) The applicant must serve every affidavit filed in accordance with paragraph (6) on the respondent.

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(8) For the purposes of section 394H(4) of the Code, the respondent in an application for permission may file written submissions in relation to that application —

(a) within 3 days after that application is filed and served on the respondent; and

(b) where paragraphs (5), (6) and (7) apply —

(i) if the affidavit of the advocate or the joint affidavit made by all of the advocates (as the case may be) is filed and served on the respondent, or all the separate affidavits made by each advocate are filed and served on the respondent at the same time — within 3 days after the affidavit or affidavits (as the case may be) is or are filed and served on the respondent; or

(ii) if more than one affidavit of any kind mentioned in paragraph (6) is filed and served on the respondent at different times — within 3 days after each affidavit is filed and served on the respondent.

(9) The respondent in an application for permission may also file an affidavit in support of any written submissions mentioned in paragraph (8) at the same time as the filing of those written submissions.

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(10) To avoid doubt, paragraphs (2)(a) and (6) apply in relation to any advocate representing an applicant regardless whether the advocate is instructed by a foreign lawyer as defined in section 2(1) of the Legal Profession Act 1966.”.

*[G.N. Nos. S 55/2019; S 446/2019; S 852/2019;  
S 1048/2020; S 267/2022]*

Made on 29 June 2022.

LOH KHUM YEAN  
*Permanent Secretary,  
Ministry of Law,  
Singapore.*

[63/009 Criminal Procedure Code Vol. 61;  
AG/LEGIS/SL/68/2020/8 Vol. 2]

(To be presented to Parliament under section 428A(13) of the Criminal Procedure Code 2010).