



# THE STATUTES OF THE REPUBLIC OF SINGAPORE

## CRIMINAL PROCEDURE CODE 2010

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# Criminal Procedure Code 2010

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An Act relating to criminal procedure.

[2 January 2011]

**PART 1****PRELIMINARY****Short title**

1. This Act is the Criminal Procedure Code 2010 and is generally referred to in this Act as this Code.

**Interpretation**

2.—(1) In this Code, unless the context otherwise requires —

“advocate” means an advocate and solicitor lawfully entitled to practise criminal law in Singapore;

“arrestable offence” and “arrestable case” mean, respectively, an offence for which and a case in which a police officer may ordinarily arrest without warrant according to the third column of the First Schedule or under any other written law;

- “audiovisual recording” means an aggregate of visual images and sounds embodied in a thing, so as to be capable, by the use of that thing, of being produced electronically and shown as a moving picture with associated sounds;
- “bailable offence” means an offence shown as bailable in the fifth column of the First Schedule or which is made bailable by any other written law, and “non-bailable offence” means any offence other than a bailable offence;
- “child abuse offence” means an offence under section 6(1), 7, 8, 14(2), 16 or 17 of the Children and Young Persons Act 1993, or an offence under section 377BG, 377BH, 377BI, 377BJ, 377BK or 377BL of the Penal Code 1871, and includes an abetment of, a conspiracy to commit, or an attempt to commit, such an offence;
- “complaint” means any allegation made orally or in writing to a Magistrate with a view to the Magistrate taking action under this Code that some person, whether known or unknown, has committed or is guilty of an offence;
- “computer” has the meaning given by the Computer Misuse Act 1993;
- “court” means the Court of Appeal, the General Division of the High Court, a Family Court, a Youth Court, a District Court or a Magistrate’s Court (as the case may be) which exercises criminal jurisdiction;
- “Criminal Procedure Rules” —
- (a) means the Criminal Procedure Rules 2018 made under this Code and any other written law by the Criminal Procedure Rules Committee constituted under section 428A; and
  - (b) includes any subsidiary legislation deemed under section 428A(15) to be Criminal Procedure Rules;

“criminal record” means the record of any —

- (a) conviction in any court, or subordinate military court established under section 80 of the Singapore Armed Forces Act 1972;
- (b) order made under section 34(2) of the Misuse of Drugs Act 1973;
- (c) supervision order made under section 16 of the Intoxicating Substances Act 1987;
- (d) order made under section 30(1) of the Criminal Law (Temporary Provisions) Act 1955; and
- (e) order as may be prescribed by the Minister charged with the responsibility for home affairs to be a criminal record for the purposes of this Code;

“data” has the meaning given by the Computer Misuse Act 1993;

“financial institution” has the meaning given by section 2 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992;

“fine” means any fine or financial penalty imposed by any court upon any conviction of any offence;

“fine-only offence” means an offence that is punishable only with a fine;

“Judge” means a Supreme Court Judge, a Senior Judge or a Judicial Commissioner sitting in the General Division of the High Court in accordance with the Constitution and the Supreme Court of Judicature Act 1969;

“Judge sitting in the Court of Appeal” means a Supreme Court Judge, a Senior Judge or a Judicial Commissioner sitting in the Court of Appeal in accordance with the Constitution and the Supreme Court of Judicature Act 1969;

“judicial proceeding” means any proceeding in the course of which evidence is or may be legally taken by a court;

“juvenile” means a person who, in the absence of legal proof to the contrary, is 7 years of age or above and below 16 years of age in the opinion of the court;

“law enforcement agency” means any authority or person charged with the duty of investigating offences or charging offenders under any written law;

“life imprisonment” means imprisonment for the duration of a person’s natural life;

“non-arrestable offence” and “non-arrestable case” mean, respectively, an offence for which and a case in which a police officer may not ordinarily arrest without warrant according to the third column of the First Schedule or under any other written law;

“offence” means an act or omission punishable by any written law;

“place” includes —

- (a) any building or structure, whether permanent or temporary;
- (b) any land, whether or not built on;
- (c) any place, whether or not enclosed, and whether or not situated underground or underwater;
- (d) any vessel, aircraft, train, or vehicle (whether mechanically-propelled or otherwise) or any other means of transport; and
- (e) any part of any place referred to in paragraphs (a) to (d);

“police officer” has the meaning given by the Police Force Act 2004;

“police station” includes —

- (a) any office or branch of the Criminal Investigation Department;
- (b) the Radio Division of the Singapore Police Force;

- (c) any place designated by the Commissioner of Police as a police station; and
- (d) any other place designated by the Minister charged with the responsibility for home affairs as a police station;

“Postal Authority”, “public parcel locker network operator” and “public postal licensee” have the meanings given by section 2(1) of the Postal Services Act 1999;

“proceeding” includes a criminal case disclosure conference and a pre-trial conference, held under Part 9 or 10, as the case may be;

“property” means money and all other property, movable or immovable, including things in action and other intangible or incorporeal property;

“public body” means —

- (a) the Government or any department, office or service of the Government; or
- (b) any corporation, authority, board, council, commission, office or other body established by or under any public Act for a public purpose;

“Registrar of the Family Justice Courts” means the registrar of the Family Justice Courts, and includes the deputy registrar and an assistant registrar of the Family Justice Courts;

“Registrar of the State Courts” means the registrar of the State Courts, and includes a deputy registrar of the State Courts;

“Registrar of the Supreme Court” includes the Deputy Registrar and an Assistant Registrar of the Supreme Court;

“repealed Code” means the Criminal Procedure Code (Cap. 68, 1985 Revised Edition) repealed by this Code;

“sexual offence” means —

- (a) an offence under section 354, 354A, 355, 372, 373, 373A, 375, 376, 376A, 376AA, 376B, 376C, 376D, 376E, 376EA, 376EB, 376EC, 376ED, 376EE, 376F,



376G, 376H, 377(3), 377A, 377B(3), 377BA, 377BB, 377BC, 377BD, 377BE or 377BF of the Penal Code 1871; or

(b) an offence under section 140, 141, 142, 143, 144, 145, 146, 146A, 147 or 148 of the Women's Charter 1961,

and includes an abetment of, a conspiracy to commit, or an attempt to commit, such an offence;

“signed” or “signature” has the meaning given by section 2(1) of the Electronic Transactions Act 2010;

“State Court” means any court constituted under the State Courts Act 1970 for the administration of criminal justice;

“stolen property” has the meaning given by section 410 of the Penal Code 1871;

“terrorist act” has the meaning given by section 2(2) and (3) of the Terrorism (Suppression of Financing) Act 2002;

“travel document” means a passport and includes any document issued by any State (including Singapore) or territory for the purpose of facilitating travel by the holder thereof;

“writing” includes any mode of representing or reproducing words, figures, drawings or symbols in a visible form, whether permanent or otherwise.

*[3/2013; 5/2014; 27/2014; 42/2014; 9/2018; 12/2018; 19/2018; 15/2019; 40/2019; 10/2021]*

(1A) Any power conferred on a court by this Code to make an order for the disposal of any property includes a power to make an order for the forfeiture, confiscation or destruction of the property, or for the delivery of the property to any person, but must be exercised subject to any provisions on forfeiture, confiscation, destruction or delivery in any other written law that is applicable to the case.

*[19/2018]*

(2) Words and expressions used in this Code which are defined in the Penal Code 1871 but not defined in this section have the meanings given by the Penal Code 1871.

**Service of notices, orders and documents**

**3.—(1)** Subject to this section, any notice, order or document (other than a summons or a notice to attend court issued under this Code) required or permitted to be served on a person under this Code may be served on that person —

- (a) by delivering it personally to that person;
- (b) by addressing it to that person and delivering it at the last known residential address of that person to an adult person who is a member of his or her family;
- (c) by addressing it to that person and delivering it at the last known business address of that person to that person's employee or by addressing it to that person's advocate (if any) and delivering it to the advocate at the advocate's office;
- (d) by sending it by registered post addressed to that person at that person's last known residential or business address, or sending it by registered post addressed to that person's advocate (if any) at the advocate's office;
- (e) by addressing it to that person and transmitting it by fax to that person's last known fax number, or addressing it to that person's advocate (if any) and transmitting it by fax to the advocate's office fax number;
- (ea) by addressing it to that person, and transmitting it to an electronic mail address specified by that person in accordance with subsection (4A);
- (eb) by addressing it to that person's advocate (if any), and transmitting it to an electronic mail address specified by the advocate in accordance with subsection (4B);
- (f) by leaving it at that person's last known residential or business address, if service cannot be effected under paragraphs (a) to (e);
- (g) in the case of a body corporate or a limited liability partnership —

- (i) by delivering it to the director, manager or secretary, or other similar officer of the body corporate or limited liability partnership, at its registered office or principal place of business;
  - (ii) by delivering it to the advocate (if any) of the body corporate or limited liability partnership at the advocate's office;
  - (iii) by sending it by registered post addressed to the body corporate or limited liability partnership at the registered office or principal place of business of the body corporate or limited liability partnership;
  - (iv) by sending it by registered post addressed to the advocate (if any) of the body corporate or limited liability partnership at the advocate's office;
  - (v) by addressing it to that body corporate or limited liability partnership and transmitting it to the last known fax number of the body corporate or limited liability partnership;
  - (vi) by addressing it to the advocate (if any) of the body corporate or limited liability partnership and transmitting it by fax to the advocate's office fax number;
  - (vii) by addressing it to that body corporate or limited liability partnership, and transmitting it to an electronic mail address specified by that body corporate or limited liability partnership in accordance with subsection (4A); or
  - (viii) by addressing it to the advocate (if any) of the body corporate or limited liability partnership, and transmitting it to an electronic mail address specified by the advocate in accordance with subsection (4B);
- (h) in the case of a partnership other than a limited liability partnership —

- (i) by delivering it to any one of the partners or the secretary, or other similar officer of the partnership, at its registered office or principal place of business;
  - (ii) by delivering it to the advocate (if any) of the partnership at the advocate's office;
  - (iii) by sending it by registered post addressed to the partnership at the registered office or principal place of business of the partnership;
  - (iv) by sending it by registered post addressed to the advocate (if any) of the partnership at the advocate's office;
  - (v) by addressing it to that partnership and transmitting it to the last known fax number of the partnership;
  - (vi) by addressing it to the advocate (if any) of the partnership and transmitting it by fax to the advocate's office fax number;
  - (vii) by addressing it to that partnership, and transmitting it to an electronic mail address specified by that partnership in accordance with subsection (4A); or
  - (viii) by addressing it to the advocate (if any) of the partnership, and transmitting it to an electronic mail address specified by the advocate in accordance with subsection (4B);
- (i) in the case of an unincorporated association —
- (i) by delivering it to the president, the secretary or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee, at the address of the unincorporated association;
  - (ii) by delivering it to the advocate (if any) of the unincorporated association at the advocate's office;

- (iii) by sending it by registered post addressed to the unincorporated association at the address of the unincorporated association;
  - (iv) by sending it by registered post addressed to the advocate (if any) of the unincorporated association at the advocate's office;
  - (v) by addressing it to that unincorporated association and transmitting it to the last known fax number of the unincorporated association;
  - (vi) by addressing it to the advocate (if any) of the unincorporated association and transmitting it by fax to the advocate's office fax number;
  - (vii) by addressing it to that unincorporated association, and transmitting it to an electronic mail address specified by that unincorporated association in accordance with subsection (4A); or
  - (viii) by addressing it to the advocate (if any) of the unincorporated association, and transmitting it to an electronic mail address specified by the advocate in accordance with subsection (4B); or
- (j) by any other prescribed method.

[19/2018]

(2) In the case of service under subsection (1)(a), the person to whom the notice, order or document is served must, if so required by the serving officer, acknowledge its receipt by signing on an acknowledgment slip.

(3) In the case of service under subsection (1)(b) and (c), the family member or employee to whom the notice, order or document is delivered must, if so required by the serving officer, acknowledge its receipt by signing on an acknowledgment slip and writing down his or her name, age, identity card or passport number, contact details and relationship to the person on whom the notice, order or document is intended to be served.

(4) In the case of service under subsection (1)(g)(i), (h)(i) and (i)(i), the person to whom the notice, order or document is delivered must, if

so required by the serving officer, acknowledge its receipt by signing on an acknowledgment slip and writing down his or her name, age, identity card or passport number, contact details and position in the body corporate, limited liability partnership, partnership or unincorporated association (as the case may be) on which the notice, order or document is intended to be served.

(4A) The notice, order or document may be served in a manner specified in subsection (1)(*ea*), (g)(vii), (h)(vii) or (i)(vii) only if both of the following conditions are satisfied:

- (a) the person to whom the notice, order or document is to be served gives that person's prior written consent for the notice, order or document to be served in that manner;
- (b) that person specifies, in that written consent, the electronic mail address to which the notice, order or document is to be transmitted.

[19/2018]

(4B) The notice, order or document may be served in a manner specified in subsection (1)(*eb*), (g)(viii), (h)(viii) or (i)(viii) only if both of the following conditions are satisfied:

- (a) the advocate (if any) of the person to whom the notice, order or document is to be served gives the advocate's prior written consent for the notice, order or document to be served in that manner;
- (b) the advocate specifies, in that written consent, the electronic mail address to which the notice, order or document is to be transmitted.

[19/2018]

(5) A reference in this Code to service by registered post is a reference to a postal service that records the posting and delivery of mail by the Postal Authority or public postal licensee.

(6) When a notice, order or document is served under this section, an affidavit of such service purporting to be made by the process server before an officer authorised to administer an oath is admissible in evidence.

**Trial of offences under Penal Code 1871 or other laws**

4.—(1) Offences under the Penal Code 1871 must be inquired into and tried according to this Code.

(2) Offences under any other written law must also be inquired into and tried according to this Code, subject to any law regulating the manner or place of inquiring into or trying those offences.

**Saving of powers of Supreme Court and law officers**

5. Nothing in this Code derogates from the jurisdiction or powers of the Court of Appeal or the General Division of the High Court or the Judges thereof, or the Attorney-General, a Deputy Attorney-General or the Solicitor-General.

[41/2014; 40/2019]

**Where no procedure is provided**

6. As regards matters of criminal procedure for which no special provision has been made by this Code or by any other law for the time being in force, such procedure as the justice of the case may require, and which is not inconsistent with this Code or such other law, may be adopted.

**PART 2****CRIMINAL JURISDICTION OF STATE COURTS**

[5/2014]

**Criminal jurisdiction of Magistrates' Courts**

7.—(1) Subject to this Code, Magistrates' Courts have jurisdiction and power to —

- (a) try any offence for which the maximum term of imprisonment provided by law does not exceed 5 years or which is a fine-only offence;
- (b) *[Deleted by Act 19 of 2018]*
- (c) inquire into a complaint of any offence and summon and examine any witness who may give evidence relating to such offence;

- (d) summon, apprehend and issue warrants for the apprehension of criminals and offenders, and deal with them according to law;
- (e) issue a warrant to search or cause to be searched any place wherein any stolen goods or any goods, article or thing with which or in respect of which any offence has been committed is alleged to be kept or concealed;
- (f) require any person to furnish security for keeping the peace or for the person's good behaviour according to law; and
- (g) do any other thing that Magistrates' Courts are empowered to do under this Code or any other written law.

[19/2018]

(2) The jurisdiction and powers conferred on Magistrates' Courts under subsection (1)(a) must be exercised by a Magistrate sitting in a court house of the Magistrate's Court or at such other place as may be prescribed.

[19/2018]

(3) The jurisdiction and powers conferred on Magistrates' Courts under subsection (1)(c) to (g) may be exercised by a Magistrate at any place in Singapore.

### **Criminal jurisdiction of District Courts**

**8.—**(1) District Courts have jurisdiction and power to try any offence for which the maximum term of imprisonment provided by law does not exceed 10 years or which is a fine-only offence.

[19/2018]

(2) Every District Court has in the exercise of its jurisdiction all the powers of a Magistrate's Court.

### **Enlargement of jurisdiction of State Courts**

**9.—**(1) Where an offence is triable by a District Court but not by a Magistrate's Court, the Public Prosecutor may in writing authorise a Magistrate's Court in any particular case to try the offence.

[5/2014]

(2) Despite section 7(1), a Magistrate's Court may try any offence —



- (a) under the Penal Code 1871, if the offence is shown to be triable by a Magistrate's Court in the seventh column of the First Schedule; or
  - (b) under any law other than the Penal Code 1871, if the offence is shown to be triable by a Magistrate's Court under that law.
- (3) Despite section 8(1), a District Court may try any offence other than an offence punishable with death —
- (a) if that offence (which is one under the Penal Code 1871) is shown to be triable by a District Court in the seventh column of the First Schedule;
  - (b) if that offence (which is one under any law other than the Penal Code 1871) is shown to be triable by a District Court under that law; or
  - (c) if the Public Prosecutor applies to the District Court to try such offence, and the accused consents, or if more than one are charged together with the same offence, all such accused persons consent.
- (4) Nothing in this section is to be construed as enlarging the power conferred on the Magistrate's Court or District Court under section 303.

### **Consent required for prosecution of certain offences**

**10.—(1)** A prosecution for —

- (a) an offence under section 172 to 188, 193 to 196, 199, 200, 205 to 211, 228, 376C, 376G or 505 of the Penal Code 1871;
- (b) an offence under Chapter 5A, 6 (except section 127) or 18 of the Penal Code 1871;
- (c) an offence under Chapter 21 of the Penal Code 1871; or

(d) an abetment of, or an attempt to commit, any offence mentioned in paragraphs (a), (b) and (c), must not be instituted except with the consent of the Public Prosecutor.

(2) A person may be charged or arrested, or a warrant for the person's arrest may be issued and executed, and any such person may be remanded in custody or released on bail, even though the consent of the Public Prosecutor has not been obtained, but the case must not be further prosecuted until that consent has been obtained.

(3) When a person is brought before a court before the Public Prosecutor has consented to the prosecution, the charge must be explained to the person but the person must not be called upon to plead.

(4) The consent of the Public Prosecutor —

(a) need not refer to a particular offence but may be expressed in general terms; and

(b) must as far as practicable specify the place in which and the occasion on which the offence was committed.

(5) No consent remains in force unless acted upon within one month from the date on which it was given.

(6) Subsections (2) to (5) also apply in respect of every consent of the Public Prosecutor which is required to be obtained under any other written law before proceedings in respect of an offence may be instituted.

### PART 3

#### POWERS OF ATTORNEY-GENERAL AND PUBLIC PROSECUTOR

##### **Public Prosecutor**

**11.—**(1) The Attorney-General is the Public Prosecutor and has the control and direction of criminal prosecutions and proceedings under this Code or any other written law.

(2) The Deputy Attorney-General assigned by the Attorney-General to have control and direction of criminal prosecutions and proceedings under this Code or any other written law has all the powers of the Public Prosecutor, and any reference in this Code or any other written law to the Public Prosecutor, unless the context otherwise requires, includes a reference to this Deputy Attorney-General.

[41/2014]

(3) Subject to this section, the Public Prosecutor may appoint the Solicitor-General, any officer or other person to act as a Deputy Public Prosecutor or an Assistant Public Prosecutor in carrying out any of the duties of the Public Prosecutor under this Code or under any other written law, and may assign any of those duties to a Deputy Public Prosecutor or an Assistant Public Prosecutor.

[41/2014]

(4) The Public Prosecutor may authorise in writing one or more Deputy Public Prosecutors —

(a) to give any consent, fiat, order, authorisation, permission, instruction or direction; or

(b) to make any application or requisition,

on behalf of the Public Prosecutor that is required by this Code or any other written law for —

(c) the trial of an offence before any court, tribunal or authority;

(d) the forfeiture, confiscation, destruction or disposal of property; or

(e) the exercise by any police officer of the powers of investigation under this Code,

as the case may be.

(5) The Public Prosecutor, the Deputy Attorney-General mentioned in subsection (2), the Solicitor-General or a Deputy Public Prosecutor may authorise any person, on such terms and conditions as he or she thinks fit, to act for the Public Prosecutor in the conduct of a case or prosecution in court or in any part of such conduct.

[41/2014]

(6) Any proceeding before the General Division of the High Court must be conducted by the Public Prosecutor, the Deputy Attorney-General mentioned in subsection (2), the Solicitor-General, a Deputy Public Prosecutor, an Assistant Public Prosecutor, or a person authorised under subsection (5) who is an advocate.

*[41/2014; 40/2019]*

(7) No person may appear on behalf of the Public Prosecutor in any criminal appeal, or any case stated or criminal reference under Division 2 of Part 20, other than the Deputy Attorney-General mentioned in subsection (2), the Solicitor-General, a Deputy Public Prosecutor, or a person authorised under subsection (5) who is an advocate.

*[41/2014]*

(8) Subject to subsections (9) and (10), any proceeding relating to a criminal matter before a State Court must be conducted only by the Public Prosecutor, the Deputy Attorney-General mentioned in subsection (2), the Solicitor-General, a Deputy Public Prosecutor, an Assistant Public Prosecutor, or any other person authorised under subsection (5).

*[5/2014; 41/2014]*

(9) An officer of a public body, or an advocate acting on behalf of that public body, may with the authorisation of the Public Prosecutor, conduct any prosecution in summary cases before a Magistrate's Court.

(10) A private person may appear in person or by an advocate to prosecute in summary cases before a Magistrate's Court for any offence for which the maximum term of imprisonment provided by law does not exceed 3 years or which is a fine-only offence.

*[19/2018]*

### **Public Prosecutor's fiat**

**12.—**(1) Despite any provision in this Code, the Public Prosecutor may by fiat, and on such terms and conditions as he or she thinks fit, permit any person to prosecute, on the person's own behalf, any particular offence punishable under the Penal Code 1871 or any other written law, or to pursue any further proceedings in such prosecution.

(2) The person to whom the fiat is granted under subsection (1) may either appear in person or by an advocate.

**Public Prosecutor's power to take over conduct of prosecution, etc.**

**13.** Where a prosecution is conducted by a person other than the Public Prosecutor, the Deputy Attorney-General mentioned in section 11(2), the Solicitor-General, a Deputy Public Prosecutor or an Assistant Public Prosecutor, the Public Prosecutor may, if he or she thinks fit, take over the conduct of the prosecution at any stage of the proceedings and continue or discontinue the prosecution.

[41/2014]

PART 4

INFORMATION TO POLICE AND  
POWERS OF INVESTIGATION

*Division 1 — Duties of police officer  
on receiving information about offences*

**Information about offences received by police**

**14.—(1)** When information is first received at a police station about an offence, the recording officer must proceed in accordance with this section.

- (2) If the information is in writing, the recording officer must —
- (a) if practicable, immediately mark on it the date and time of receipt at the police station and the name and address of the person who gave the information; and
  - (b) if the information appears to be signed by the informant, file it as a report.
- (3) If the information is given orally and the recording officer considers it practicable to reduce it to writing immediately, the recording officer must ensure that all of the following are recorded in a report:
- (a) the date and time of the recording officer's receipt of the information;

- (b) the name and address of the informant;
  - (c) the information given by the informant;
  - (d) such other particulars as the nature of the case may require.
- (4) The informant, the recording officer and the interpreter (if any) must, where practicable, sign the report mentioned in subsection (3).
- (5) If the information is given orally and it is impracticable for the recording officer to write it down immediately, he or she must —
- (a) make a note of the first information; and
  - (b) if the offence to which the information relates is an arrestable offence, cause to be recorded, as soon as possible, a fuller statement from the informant under section 22.
- (6) If requested, the recording officer must give a copy of the information recorded under this section to the informant upon payment of the prescribed fee.
- (7) The Minister charged with the responsibility for home affairs may prescribe the mode by which information about an offence may be received or given under this section and section 15.
- (8) In this section, “recording officer” means the officer in charge of a police station or any police officer whose duty includes receiving reports relating to the commission of any offence.

### **Information about offences received by authorised persons**

- 15.**—(1) When information about an offence is given to any authorised person —
- (a) that person must immediately record the information in a report and communicate that report to the officer in charge of a police station or any police officer whose duty includes dealing with reports relating to the commission of any offence; and
  - (b) that officer must then proceed in accordance with section 16 or 17.

(2) If requested, the officer mentioned in subsection (1) must give a copy of the information recorded under this section to the informant upon payment of the prescribed fee.

(3) In this section, “authorised person” means any person, not being a police officer, who is authorised by the Commissioner of Police to receive reports relating to the commission of any offence.

### **Procedure in non-arrestable cases**

**16.**—(1) Where the information so filed or recorded under section 14 or 15 relates to a non-arrestable offence —

- (a) the case must thereupon be investigated by a police officer;
- (b) the informant must, by order of a police officer, be referred to a Magistrate; or
- (c) a police officer may refer the case to a mediator of a Community Mediation Centre, established under the Community Mediation Centres Act 1997, for mediation.

(2) In investigating such a case, a police officer may, by order of the Public Prosecutor or a Magistrate, exercise any of the special powers of investigation under sections 21, 22, 34, 39 and 111.

(3) A police officer receiving an order of the Public Prosecutor or a Magistrate as mentioned in subsection (2) may also exercise the same powers in respect of the investigation as the police officer may exercise without an order in an arrestable case, except the power to arrest without warrant.

(4) Any informant referred to a Magistrate under subsection (1) must be supplied with a copy of any report filed or recorded under section 14 or 15 on which must be endorsed the name of the police station or place at which the information was so filed or recorded.

(5) A police officer must record his or her reasons if he or she decides not to investigate into any non-arrestable case.

### **Procedure when arrestable offence is suspected**

**17.**—(1) If, from information received or otherwise, a police officer has reason to suspect that an arrestable offence has been committed at

any place, the police officer must, or if he or she is unable to attend to the case, another police officer acting in his or her place must —

- (a) go as soon as practicable to the place to investigate the facts and circumstances of the case; and
- (b) try to find the offender and, if appropriate, arrest the offender and report the case to the Public Prosecutor.

(2) Despite subsection (1) —

- (a) if the police officer has reason to believe that the case is not of a serious nature, there is no need to go to the place to investigate the facts and circumstances of the case; or
- (b) if the police officer has reason to believe that there are insufficient grounds for proceeding with the matter, he or she must not do so.

(3) In each of the cases mentioned in subsection (2)(a) and (b), the police officer receiving the information must state in his or her report his or her reason for not fully complying with subsection (1).

### **Investigation in arrestable cases**

**18.**—(1) A police officer may exercise all or any of the special powers of investigation under sections 21, 22, 34, 39 and 111 when investigating any arrestable case.

(2) The action of a police officer in such a case may not be called into question at any time on the ground that he or she lacked authority under this section to exercise the special powers of investigation under sections 21, 22, 34, 39 and 111.

### **Diary of proceedings in investigation**

**19.**—(1) A police officer conducting any investigation under this Part must keep a daily diary of his or her progress, setting out —

- (a) the time at which any order for investigation reached him or her;
- (b) the times at which he or she began and closed his or her investigation;
- (c) the places he or she visited; and



(d) the findings of his or her investigation.

(2) Despite anything in the Evidence Act 1893, an accused is not entitled to call for or inspect such a diary before or during an inquiry, a trial or other proceeding under this Code.

(3) Where, for the purposes of section 161 or 162 of the Evidence Act 1893, the police officer conducting the investigation refers to such a diary, then —

- (a) the accused may be shown only the entries in the diary that the officer or prosecutor has referred to; and
- (b) the prosecutor must conceal or obliterate any other entries.

### **Power to order production of any document or other thing**

**20.**—(1) Where a police officer of or above the rank of sergeant, or an authorised person, considers that any document or thing (other than a document or thing in the custody of the Postal Authority, a public postal licensee or the public parcel locker network operator) is necessary or desirable for any investigation, inquiry, trial or other proceeding under this Code, the police officer or authorised person may —

- (a) issue a written order to require a person in whose possession or power the document or thing is believed to be —
  - (i) to produce the document or thing at the time and place stated in the order;
  - (ii) to give a police officer or an authorised person access to the document or thing; or
  - (iii) in the case of a document or thing that is in electronic form —
    - (A) to produce a copy of the document or thing, at the time and place stated in the order; or
    - (B) to give a police officer or an authorised person access to a copy of the document or thing; or

- (b) in the case of a document or thing that is contained in or available to a computer — issue a written order to require a person who is believed to have power to access the document or thing from that computer —
- (i) to produce a copy of the document or thing, at the time and place stated in the order; or
  - (ii) to give a police officer or an authorised person access to a copy of the document or thing.

[19/2018; 10/2021]

(1A) Without limiting subsection (1), where a police officer of or above the rank of sergeant, or an authorised person, considers that any data (other than data in the custody of the Postal Authority, a public postal licensee or the public parcel locker network operator) is necessary or desirable for any investigation, inquiry, trial or other proceeding under this Code, the police officer or authorised person may —

- (a) issue a written order to require a person in whose possession or power the data is believed to be —
  - (i) to authenticate the data; and
  - (ii) to produce the data, at the time and place stated in the order; or
- (b) in the case of any data that is contained in or available to a computer — issue a written order to require a person who is believed to have power to access the data from that computer —
  - (i) to authenticate a copy of the data; and
  - (ii) to produce a copy of the data, at the time and place stated in the order.

[19/2018; 10/2021]

(2) Despite subsections (1) and (1A), a written order under subsection (1) or (1A) for the production of customer information by a financial institution, or access to customer information kept by a financial institution —

- (a) may only be made by a police officer of or above the rank of inspector, or an authorised person; and
- (b) may require the financial institution to monitor any account of a customer of the financial institution for a period of time and provide such information relating to the transactions carried out in the account during that period.

[19/2018]

(3) If any document or thing in the custody of the Postal Authority, a public postal licensee or the public parcel locker network operator is, in the opinion of the Public Prosecutor, required for any investigation, inquiry, trial or other proceeding under this Code, the Public Prosecutor may issue a written order to require the Postal Authority, public postal licensee or public parcel locker network operator, as the case may be —

- (a) to deliver that document or thing, at the time and place stated in the order, to a person stated in the order; or
- (b) in the case of a document or thing that is in electronic form or is contained in or available to a computer — to deliver a copy of that document or thing, at the time and place stated in the order, to a person stated in the order.

[19/2018; 10/2021]

(3A) Without limiting subsection (3), if any data in the custody of the Postal Authority, a public postal licensee or the public parcel locker network operator is, in the opinion of the Public Prosecutor, required for any investigation, inquiry, trial or other proceeding under this Code, the Public Prosecutor may —

- (a) issue a written order to require the Postal Authority, public postal licensee or public parcel locker network operator, as the case may be —
  - (i) to authenticate the data; and
  - (ii) to produce the data, at the time and place stated in the order; or
- (b) in the case of any data that is contained in or available to a computer — issue a written order to require the Postal

Authority, public postal licensee or public parcel locker network operator, as the case may be —

- (i) to authenticate a copy of the data; and
- (ii) to produce a copy of the data, at the time and place stated in the order.

[19/2018; 10/2021]

(4) If a person is required merely to produce any document, thing, data or copy, the person may comply with that requirement by causing the document, thing, data or copy to be produced instead of bringing it in person.

[19/2018]

(5) A police officer, or an authorised person, may exercise the powers conferred under this section despite any provision in any other law relating to the production of, or the giving of any access to, any document or thing, or data.

[19/2018]

(6) The cost incurred by a person in complying with any requirement or written order under this section, or any requirement under any regulations in respect of any matter mentioned in section 428(2)(d), is to be borne by the person.

[19/2018; 14/2019]

(7) Any person who fails to comply with a written order issued under subsection (1), (1A), (3) or (3A), shall be guilty of an offence and shall be liable on conviction —

- (a) in any case where the person is a body corporate, a limited liability partnership, a partnership or an unincorporated association — to a fine not exceeding \$10,000;
- (b) in any case where the person is an individual, and the written order states that it is issued for the investigation or trial of an arrestable offence — to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; or
- (c) in any other case — to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding one month or to both.

[19/2018]

(8) No liability shall lie against a person who, acting in good faith and with reasonable care, does or omits to do anything in complying with any written order issued under subsection (1), (1A), (3) or (3A), or with any requirement under any regulations in respect of any matter mentioned in section 428(2)(d).

[19/2018; 14/2019]

(9) In this section —

“authorised person” means —

- (a) any person who is authorised in writing by the Commissioner of Police for the purposes of this section; or
- (b) any officer of a prescribed law enforcement agency who is authorised in writing, by the head of that law enforcement agency, for the purposes of this section;

“customer information” has the meaning given by section 40A of the Banking Act 1970;

“prescribed law enforcement agency” means a law enforcement agency prescribed, by order in the *Gazette*, by the Minister charged with the responsibility for that law enforcement agency.

[19/2018]

### **Power to require attendance of witnesses**

**21.—**(1) In conducting an investigation under this Part, a police officer may issue a written order requiring anyone within the limits of Singapore, who appears to be acquainted with any of the facts and circumstances of the case, to attend before the police officer, and that person must attend as required.

(2) If that person fails to attend as required, the police officer may report the matter to a Magistrate who may then issue a warrant ordering the person to attend.

### **Power to examine witnesses**

**22.—**(1) In conducting an investigation under this Part, a police officer, or a forensic specialist acting in the course of his or her duty

as such in accordance with the written authorisation of the Commissioner under the Police Force Act 2004 and the lawful directions of the police officer or law enforcement officer he or she assists, may examine orally any person who appears to be acquainted with any of the facts and circumstances of the case —

- (a) whether before or after that person or anyone else is charged with an offence in connection with the case; and
- (b) whether or not that person is to be called as a witness in any inquiry, trial, or other proceeding under this Code in connection with the case.

[10/2015]

(2) The person examined is bound to state truly what the person knows of the facts and circumstances of the case, except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

(3) Subject to subsection (5), a statement made by a person examined under this section must be recorded —

- (a) in writing; or
- (b) in the form of an audiovisual recording.

[19/2018]

(4) Where a statement made by a person examined under this section is recorded in writing, the statement must —

- (a) be read over to the person;
- (b) if the person does not understand English, be interpreted for the person in a language that the person understands; and
- (c) be signed by the person.

[19/2018]

(5) Where, before a person makes a statement under this section, any police officer or forensic specialist examining the person reasonably suspects the person of having committed an offence specified in the Third Schedule, any statement made by the person during the examination must be recorded in the form of an audiovisual recording, unless any of the following applies:

- (a) due to an operational exigency, it is not feasible to record the statement in the form of an audiovisual recording;
- (b) the equipment designated for recording the statement in the form of an audiovisual recording —
  - (i) does not work; and
  - (ii) cannot be repaired or replaced within a reasonable time;
- (c) the person requests that the statement be recorded in writing instead of in the form of an audiovisual recording, and the police officer or forensic specialist examining the person reasonably believes that the granting of the request will facilitate the investigation.

[19/2018]

(6) Despite subsection (5) —

- (a) a mere failure to comply with subsection (5) does not render a statement by a person examined under this section inadmissible if the statement is otherwise admissible; and
- (b) no inference is to be drawn by the court from a mere failure to comply with that subsection.

[19/2018]

(7) Except as provided in subsection (5), any police officer or forensic specialist examining a person under this section may decide whether a statement made by the person during the examination is to be recorded —

- (a) in writing; or
- (b) in the form of an audiovisual recording.

[19/2018]

### **Cautioned statements**

**23.—**(1) If, during an investigation, a person (called in this section the accused) is charged with an offence or informed by a police officer or any other person charged with the duty of investigating offences or charging offenders that the accused may be prosecuted for an offence, the accused must be served with and have read to the accused a written notice as follows:

“You have been charged with [or informed that you may be prosecuted for] —

(set out the charge).

Do you want to say anything about the charge that was just read to you? If you keep quiet now about any fact or matter in your defence and you reveal this fact or matter in your defence only at your trial, the judge may be less likely to believe you. This may have a bad effect on your case in court. Therefore it may be better for you to mention such fact or matter now. If you wish to do so, what you say will be written down, read back to you for any mistakes to be corrected and then signed by you.”.

(2) If an accused, after the notice under subsection (1) is read to him or her —

(a) remains silent; or

(b) says or does anything which intimates the accused’s refusal to give a statement,

the fact of his or her remaining silent or his or her refusal to give a statement or his or her other action must be recorded.

(3) Subject to subsection (3B), a statement made by an accused in answer to a notice read to the accused under subsection (1) must be recorded —

(a) in writing; or

(b) in the form of an audiovisual recording.

[19/2018]

(3A) Where a statement made by an accused in answer to a notice read to the accused under subsection (1) is recorded in writing, the statement must —

(a) be read over to the accused;

(b) if the accused does not understand English, be interpreted for the accused in a language that the accused understands; and



(c) be signed by the accused.

[19/2018]

(3B) Where, before an accused makes a statement in answer to a notice read to the accused under subsection (1), the accused is charged with or informed that the accused may be prosecuted for an offence specified in the Third Schedule, the statement made by the accused must be recorded in the form of an audiovisual recording, unless any of the following applies:

- (a) due to an operational exigency, it is not feasible to record the statement in the form of an audiovisual recording;
- (b) the equipment designated for recording the statement in the form of an audiovisual recording —
  - (i) does not work; and
  - (ii) cannot be repaired or replaced within a reasonable time;
- (c) the accused requests that the statement be recorded in writing instead of in the form of an audiovisual recording, and the police officer or person to whom the accused intends to make the statement reasonably believes that the granting of the request will facilitate the investigation.

[19/2018]

(3C) Despite subsection (3B) —

- (a) a mere failure to comply with subsection (3B) does not render a statement made by an accused in answer to a notice read to the accused under subsection (1) inadmissible, if the statement is otherwise admissible; and
- (b) no inference is to be drawn by the court from a mere failure to comply with subsection (3B).

[19/2018]

(3D) Except as provided in subsection (3B), the police officer or person to whom an accused intends to make a statement, in answer to a notice read to the accused under subsection (1), may decide whether the statement is to be recorded —

- (a) in writing; or

(b) in the form of an audiovisual recording.

[19/2018]

(3E) To avoid doubt, nothing in subsection (3) or (3B) prevents or prohibits a police officer or person to whom an accused intends to make a statement in answer to a notice read to the accused under subsection (1) from arranging for the statement to be recorded both —

(a) in writing; and

(b) in the form of an audiovisual recording.

[19/2018]

(4) No statement made by an accused in answer to a notice read to the accused under subsection (1) is to be construed as a statement caused by any threat, inducement or promise as is described in section 258(3), if it is otherwise voluntary.

(5) Where a statement made by an accused, in answer to a notice read to the accused under subsection (1), is recorded in writing, a copy of the statement must be given to the accused at the end of the recording.

[19/2018]

(6) Where a statement made by an accused, in answer to a notice read to the accused under subsection (1), is recorded in the form of an audiovisual recording —

(a) if requested by the defence, arrangements must be made for the accused and the accused's advocate (if any) to view the audiovisual recording of the statement, as soon as practicable after the audiovisual recording is made, at a police station or at any other prescribed place; and

(b) if a transcript of the audiovisual recording is made, a copy of the transcript must be given to the accused as soon as practicable after the transcript is made.

[19/2018]

*Division 2 — Search and seizure***When search warrant may be issued**

**24.**—(1) A court may issue a search warrant if —

- (a) the court has reason to believe that a person who has been or may be issued an order under section 20(1), (1A), (3) or (3A), or a summons under section 235(1), would not produce any document or other thing (including data), or a copy of the document or thing, as required by the order or summons;
- (b) it is not known who possesses that document or thing; or
- (c) the court considers that a general or specific search or inspection will serve the purposes of justice or of any investigation, inquiry, trial or other proceeding under this Code.

*[19/2018]*

(2) Nothing in this section authorises any court other than the General Division of the High Court to grant a warrant to search for any document or other thing (including data), or any copy of the document or thing, in the custody of the Postal Authority, a public postal licensee or the public parcel locker network operator.

*[19/2018; 40/2019; 10/2021]*

**Search of house suspected to contain stolen property, forged documents, etc.**

**25.** If a court, upon information and after such inquiry as it thinks necessary, has reason to believe that any place is used —

- (a) for the deposit or sale of stolen property or of property unlawfully obtained or of goods in respect of which an offence has been committed under section 4 of the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975;
- (b) for the deposit or sale or manufacture of any forged document, false seal, counterfeit stamp or coin, or any instrument or material for counterfeiting any coin or stamp or for forging; or

- (c) for the concealing, keeping or depositing of any stolen property or property unlawfully obtained, forged document, false seal, counterfeit stamp or coin, or any instrument or material used for counterfeiting any coin or stamp or for forging,

the court may by warrant authorise the person or persons to whom it is issued —

- (d) to enter that place with such assistance as may be required;
- (e) to search it in the manner, if any, specified in the warrant;
- (f) to take possession of any goods, property, document, seal, stamp or coin found in it which any of those persons reasonably suspects to be the subject of an offence committed under section 4 of the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975 or to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instrument and material as aforesaid;
- (g) to convey any such goods, property, document, seal, stamp, coin, instrument or material before a Magistrate's Court, or to guard the same on the spot until the offender is taken before a Magistrate's Court, or otherwise to dispose thereof in some place of safety; and
- (h) to take into custody and produce before a Magistrate's Court every person found in that place who appears to have been privy to the deposit, sale or manufacture or keeping of any such goods, property, document, seal, stamp, coin, instrument or material knowing or having reasonable cause to suspect —
  - (i) the goods to have been the subject of an offence committed under section 4 of the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975;
  - (ii) the property to have been stolen or otherwise unlawfully obtained;

- (iii) the document, seal, stamp or coin to have been forged, falsified or counterfeited; or
- (iv) the instrument or material to have been or to be intended to be used for counterfeiting any coin or stamp or for forging.

### **Form of search warrant**

**26.—**(1) A search warrant issued by a court under this Code must be in writing bearing the seal of the court, and signed by a Magistrate or District Judge (as the case may be), or in the case of the General Division of the High Court, by a Judge or by the Registrar of the Supreme Court.

*[40/2019]*

(2) A search warrant must ordinarily be issued to the Commissioner of Police and to one or more other police officers to be designated by name in the warrant, and all or any of those police officers may execute it.

(3) The court may in appropriate circumstances issue a search warrant to one or more named persons who are not police officers, and all or any of those persons may execute it.

(4) The court may, if it thinks fit, specify in a search warrant the particular place or part of it to be searched or inspected, and the person charged with executing the warrant must then search or inspect only the specified place or part thereof.

(5) A search warrant is subject to such conditions as may be specified by the court and remains in force for the number of days stated in the warrant.

### **Setting aside search warrant**

**27.—**(1) A court issuing a search warrant may suspend or cancel the warrant if there are good reasons to do so.

(2) Where a search warrant is suspended or cancelled, the court must as soon as is reasonably practicable, inform the person or persons to whom the search warrant is issued of the suspension or cancellation.

**When search warrant issued to person other than police officer**

**28.**—(1) The court must specify the following conditions in every search warrant issued under section 26(3):

- (a) a list or description of the documents or things, or class of documents or things, that the person executing the search warrant may seize pursuant to the search;
- (b) whether section 31(2) applies, and if so, the extent of its application;
- (c) the amount of bond that the person executing the warrant must sign to ensure that the warrant is properly executed and the peace is kept.

(2) The court may, in addition to the conditions in subsection (1), specify in any search warrant issued under section 26(3) such conditions as it deems necessary for the proper execution of the warrant and the prevention of any breach of the peace.

**Execution of search warrant**

**29.**—(1) The person granted a search warrant must conduct the search in accordance with the warrant and with this Code.

(2) Entry and search under a search warrant must be conducted during such period of time as may be specified in the warrant.

(3) If the occupier of a place to be entered and searched is present when the person granted the search warrant seeks to execute it, the person granted the warrant must —

- (a) identify himself or herself to the occupier and —
  - (i) if he or she is a police officer, show the occupier documentary evidence that he or she is such a police officer; or
  - (ii) if he or she is not a police officer, show the occupier his or her original identity card or travel document as proof of his or her identity;
- (b) show the occupier the warrant; and
- (c) if requested, give the occupier a copy of the warrant.

(4) If the occupier is not present when the person granted the search warrant seeks to execute it, but some other person who appears to be in charge of the place is present, then subsection (3) applies to that other person as if that other person were the occupier.

(5) If a search warrant is issued by a court under section 26(3), the person issued the warrant must, after duly executing the warrant, report that fact to the court and submit the list prepared under section 37(1).

### **Search for person wrongfully confined**

**30.—**(1) A court may issue a search warrant if there is reason to believe that a person is confined under such circumstances that the confinement amounts to an offence.

(2) The police officer or person granted the search warrant may search for the confined person in accordance with the terms of the warrant.

(3) The confined person, if found, must as soon as reasonably practicable, be taken before the court, and the court is to make an order that is appropriate in the circumstances.

(4) If information is given to a police officer that there is reasonable cause for suspecting that any person is unlawfully confined in a place, and the police officer has reason to believe that a delay in obtaining a search warrant is likely to adversely affect the rescue of the confined person or the arrest of the person responsible for confining the confined person, that police officer may immediately proceed to enter and search the place without a search warrant.

### **Person in charge of closed place to allow search**

**31.—**(1) Where a police officer or other person executing any search under this Division demands entry or access to a place liable to search under this Division, the occupier or any person in charge of the place must allow him or her free entry or access and provide all reasonable facilities for a search in it.

(2) If free entry or access to that place cannot be obtained under subsection (1), it is lawful in any case for the police officer or other person executing the search warrant to break open any outer or inner

door or window of any place or to use any other reasonable means in order to gain entry or access into the place.

### **Search without warrant for stolen property**

**32.**—(1) If information is given to any police officer of or above the rank of sergeant that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any place and the police officer has good grounds for believing that by reason of the delay in obtaining a search warrant such property is likely to be removed, he or she may search for the property alleged to have been stolen in the place specified without a search warrant.

(2) A list of all the articles found upon a search conducted under subsection (1) and alleged to have been stolen or missing must be delivered or taken down in writing with a declaration stating that an offence of theft, extortion, robbery, criminal misappropriation, criminal breach of trust or cheating has been committed and that the informant has good grounds for believing that the property is deposited in that place.

(3) The person who lost the property or the person's representative must accompany the officer in the search for that property under subsection (1) unless that person or that person's representative cannot be found without unreasonable delay.

### **Summary search**

**33.**—(1) The Commissioner of Police may authorise any police officer in writing to enter any place in the circumstances mentioned in subsection (2) to search, seize and secure any property which the police officer believes to have been stolen as if the police officer had a search warrant for the property seized.

(2) The circumstances mentioned in subsection (1) are —

(a) when the place to be searched is, or has in the 12 months preceding the search been, occupied or used by any person who has been convicted of the offence of receiving stolen property or of harbouring thieves; or



- (b) when the place to be searched is occupied or used by any person who has been convicted of any offence involving fraud or dishonesty punishable with imprisonment.

(3) In authorising any police officer under subsection (1), it is not necessary for the Commissioner of Police to specify any particular property if the Commissioner of Police has reason to believe generally that the place to be searched is being made a storage for stolen property.

### **Search by police officer in arrestable case**

**34.—**(1) A police officer investigating an arrestable offence may, without a search warrant, search or cause a search to be made for a document or other thing in any place if —

- (a) the police officer considers the document or thing to be necessary for his or her investigation and if he or she has reason to believe that a person who has been or may be issued with an order under section 20(1) will not or is unlikely to produce the document or thing or give access thereto as directed in the order;
- (b) the police officer has reason to believe that the document or thing, which he or she considers to be necessary for his or her investigation, is likely to be removed; or
- (c) it is not known who possesses the document or thing which he or she considers to be necessary for his or her investigation.

(2) The police officer in subsection (1) must, if reasonably practicable, conduct the search in person.

(2A) A reference to a police officer in this section includes a reference to a forensic specialist acting in the course of his or her duty as such in accordance with the written authorisation of the Commissioner under the Police Force Act 2004 and the lawful directions of the police officer he or she assists.

*[10/2015]*

(3) The provisions of this Code relating to searches pursuant to search warrants apply, with the necessary modifications, to a search made under this section.

### **Powers to seize property in certain circumstances**

**35.**—(1) A police officer may seize, or prohibit the disposal of or dealing in, any property —

- (a) in respect of which an offence is suspected to have been committed;
- (b) which is suspected to have been used or intended to be used to commit an offence; or
- (c) which is suspected to constitute evidence of an offence.

(2) If the property liable to be seized under subsection (1) is held or suspected to be held in an account or a safe deposit box in a financial institution, a police officer of or above the rank of inspector may, by written order —

- (a) direct the financial institution to deliver the property to any police officer; or
- (b) direct the financial institution not to allow any dealings in respect of the property in such account or safe deposit box for such period as may be specified in the order.

(3) A police officer to whom any property has been delivered under subsection (2)(a) must, as soon as is reasonably practicable, make a report of his or her receipt of the property at a police station.

(4) A police officer may exercise the powers conferred under this section despite any provision in any other law relating to the seizure of, or the prohibition of any disposal of or dealing in, any property.

(5) Where any property held in an account in a financial institution is subject to a written order made by a police officer under subsection (2)(b) —

- (a) any interest or other earnings on the account, or any other payments, may be credited into the account after the date on which the written order was made; and

(b) any such interest, other earnings or payments are deemed to be subject to that same written order.

(6) Any financial institution which contravenes an order made under subsection (2)(a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

(7) A court may —

(a) subsequent to an order of a police officer made under subsection (2); and

(b) on the application of any person who is prevented from dealing with property,

order the release of the property or any part of the property.

(8) The court may only order a release of property under subsection (7) if it is satisfied that —

(a) such release is necessary for the payment of basic expenses, including any payment for foodstuff, rent, the discharge of a mortgage, medicine, medical treatment, taxes, insurance premiums and public utility charges;

(b) such release is necessary exclusively for —

(i) the payment of reasonable professional fees and the reimbursement of any expenses incurred in connection with the provision of legal services; or

(ii) the payment of fees or service charges imposed for the routine holding or maintenance of the property which the person is prevented from dealing in;

(c) such release is necessary for the payment of any extraordinary expenses;

(d) the property is the subject of any judicial, administrative or arbitral lien or judgment, in which case the property may be used to satisfy the lien or judgment, provided that the lien or judgment arose or was entered before the order was made under subsection (2)(b); or

- (e) such release is necessary, where the person is a company incorporated in Singapore, for any day-to-day operations of the company.

(9) In this section, property in respect of which an offence is suspected to have been committed and property which is suspected to have been used or intended to be used to commit an offence include —

- (a) such property as was originally in the possession or under the control of any person;
- (b) any property into or for which the property which was originally in the possession or under the control of any person has been converted or exchanged and anything acquired by such conversion or exchange, whether immediately or otherwise; and
- (c) if the property mentioned in paragraph (a) or (b) is money kept in an account in a financial institution, any interest or other earnings on such account or any other payment which is credited into such account after the date —
  - (i) on which the offence is suspected to have been committed; or
  - (ii) on which the property is suspected to have been used or intended to be used to commit an offence.

(10) A reference to a police officer in this section includes a reference to a forensic specialist acting in the course of his or her duty as such in accordance with the written authorisation of the Commissioner under the Police Force Act 2004 and the lawful directions of the police officer he or she assists.

[10/2015]

### **Forfeiture of counterfeit currency or banknote, etc.**

**36.—**(1) Any police officer of or above the rank of sergeant, upon being satisfied that any person has in the person's possession —

- (a) any counterfeit currency or any die, instrument or material for the purpose of counterfeiting any currency; or

- (b) any forged or counterfeit banknote or any machinery, instrument or material used for the forging or counterfeiting of any banknote,

may, without warrant and with or without assistance, enter and search any place where any such currency or banknote or any such die, machinery, instrument or material is kept and seize any such currency, banknote, die, machinery, instrument or material.

[15/2019]

(2) Anything seized under subsection (1) must, by order of the court before which any person is tried relating to such possession, or where there is no trial, by order of a Magistrate, be forfeited and must be destroyed or otherwise disposed of in such manner as the Minister may direct.

(3) In this section, “banknote”, “currency”, “die” and “instrument” have the meanings given by the Penal Code 1871.

[15/2019]

### **List of all things seized to be made and signed**

**37.**—(1) A police officer or any other person making a search under this Division must prepare and sign a list of all things seized during the search, recording the location where each such thing is found.

(2) In every case, the occupier or person in charge of the place searched, or a person acting on behalf of the occupier or person in charge, may attend during the search, and must be given a signed copy of the list.

### **Power of court to impound document or other thing produced**

**38.** A court may, if it thinks fit, impound any document or other thing taken under this Code and produced before it.

### **Power to access computer**

**39.**—(1) A police officer or an authorised person investigating an arrestable offence may, at any time —

- (a) access, inspect and check the operation in or from Singapore of a computer (whether in Singapore or elsewhere) that the police officer or authorised person

has reasonable cause to suspect is or has been used in connection with, or contains or contained evidence relating to, the arrestable offence;

- (b) use any such computer in or from Singapore, or cause any such computer to be used in or from Singapore —
  - (i) to search any data contained in or available to such computer; and
  - (ii) to make a copy of any such data;
- (c) prevent any other person from gaining access to, or using, any such computer (including by changing any username, password or other authentication information required to gain access to the computer); or
- (d) order any person —
  - (i) to stop accessing or using or to not access or use any such computer; or
  - (ii) to access or use any such computer only under such conditions as the police officer or authorised person may specify.

[19/2018]

(2) The police officer or authorised person may also order any of the following persons to provide any assistance mentioned in subsection (2A):

- (a) any person whom the police officer or authorised person reasonably suspects of using, or of having used, the computer in connection with the arrestable offence;
- (b) any person having charge of, or otherwise concerned with the operation of, the computer;
- (c) any person whom the police officer or authorised person reasonably believes has knowledge of or access to any username, password or other authentication information required to gain access to the computer.

[19/2018]

(2A) For the purposes of subsection (2), the types of assistance are as follows:

- (a) assistance to gain access to the computer (including assistance through the provision of any username, password or other authentication information required to gain access to the computer);
- (b) assistance to prevent a person (other than the police officer or authorised person) from gaining access to, or using, the computer, including assistance in changing any username, password or other authentication information required to gain access to the computer.

[19/2018]

(2B) Without limiting subsection (1), where the police officer or authorised person knows that the computer mentioned in that subsection is located outside Singapore, or does not know whether that computer is located in or outside Singapore, the police officer or authorised person —

- (a) may exercise the powers under subsection (1) in relation to that computer, or any data contained in or available to that computer, if —
  - (i) the owner of that computer consents to the exercise of those powers; or
  - (ii) the police officer or authorised person obtains access to that computer through the exercise of any power of investigation under any written law, such as in any of the following circumstances:
    - (A) the access is obtained with the assistance mentioned in subsection (2A)(a) provided under subsection (2) by a person having charge of, or otherwise concerned with the operation of, that computer;
    - (B) the access is obtained through an active connection with, or through any username, password or other authentication information stored in, another computer, which has been seized under section 35 and accessed under subsection (1);

- (C) the access is obtained through any username, password or other authentication information contained in any document seized under section 35;
- (D) the access is obtained through any username, password or other authentication information provided in any statement made by any person examined under section 22; and
- (b) may exercise the powers under subsection (1)(b) in relation to any data contained in or available to that computer, if the owner of that data consents to the exercise of those powers.  
[19/2018]
- (3) Any person who obstructs the lawful exercise by a police officer or an authorised person of any power under subsection (1)(a), (b) or (c), or who fails to comply with any order of the police officer or authorised person under subsection (1)(d) or (2), shall be guilty of an offence and shall be liable on conviction —
- (a) in any case where the person is a body corporate, a limited liability partnership, a partnership or an unincorporated association — to a fine not exceeding \$10,000; or
- (b) in any other case — to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.  
[19/2018]
- (4) An offence under subsection (3) is an arrestable offence.
- (5) A person who had acted in good faith under subsection (1) or in compliance with a requirement under subsection (1)(d) or (2) shall not be liable in any criminal or civil proceedings for any loss or damage resulting from the act.  
[19/2018]
- (6) In this section and section 40 —
- “authorised person” means —
- (a) a forensic specialist appointed under section 65A of the Police Force Act 2004, or any other person, who is authorised in writing by the Commissioner of



Police for the purposes of this section or section 40 or both; or

- (b) any officer of a prescribed law enforcement agency who is authorised in writing, by the head of that law enforcement agency, for the purposes of this section or section 40 or both;

“prescribed law enforcement agency” means a law enforcement agency prescribed, by order in the *Gazette*, by the Minister charged with the responsibility for that law enforcement agency.

[19/2018]

### **Power to access decryption information**

**40.**—(1) For the purposes of investigating an arrestable offence, the Public Prosecutor may by order authorise a police officer or an authorised person to exercise, in addition to the powers under section 39, all or any of the powers under this section.

(2) The police officer or authorised person mentioned in subsection (1) is entitled to —

- (a) access any information, code or technology which has the capability of retransforming or unscrambling encrypted data into readable and comprehensible format or text for the purposes of investigating the arrestable offence;

(b) require —

- (i) any person whom the police officer or authorised person reasonably suspects of using a computer in connection with an arrestable offence or of having used it in this way; or

- (ii) any person having charge of, or otherwise concerned with the operation of, such computer,

to provide the police officer or authorised person with such reasonable technical and other assistance as he or she may require for the purposes of paragraph (a); and

- (c) require any person whom the police officer or authorised person reasonably suspects to be in possession of any decryption information to grant the police officer or authorised person access to such decryption information as may be necessary to decrypt any data required for the purposes of investigating the arrestable offence.

(3) Any person who obstructs the lawful exercise by a police officer or an authorised person of the powers under subsection (2)(a) or who fails to comply with any requirement of the police officer or authorised person under subsection (2)(b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Where a person is convicted of an offence under subsection (3) and it is shown that the encrypted data contains evidence relevant to the planning, preparation or commission of a specified serious offence, the person shall, in lieu of the punishment prescribed under subsection (3) —

- (a) be liable to be punished with the same punishment prescribed for that specified serious offence, except that the punishment imposed shall not exceed a fine of \$50,000 or imprisonment for a term not exceeding 10 years or both; or
- (b) be liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 10 years or to both where the specified serious offence is punishable on conviction with death or imprisonment for life.

(5) For the purposes of subsection (4) but subject to subsection (6), “specified serious offence” means an offence under any of the following written laws:

- (a) any written law which provides for any offence involving the causing of death or bodily harm;
- (b) any written law relating to actions or the threat of actions prejudicial to national security;

- (c) any written law relating to radiological or biological weapons;
- (d) the Arms and Explosives Act 1913;
- (e) the Chemical Weapons (Prohibition) Act 2000;
- (f) the Corrosive and Explosive Substances and Offensive Weapons Act 1958;
- (g) the Hijacking of Aircraft and Protection of Aircraft and International Airports Act 1978;
- (h) the Kidnapping Act 1961;
- (i) the Maritime Offences Act 2003;
- (j) the Official Secrets Act 1935;
- (k) the Infrastructure Protection Act 2017;
- (l) the Statutory Bodies and Government Companies (Protection of Secrecy) Act 1983;
- (m) the Strategic Goods (Control) Act 2002;
- (n) the Terrorism (Suppression of Financing) Act 2002;
- (o) the United Nations (Anti-Terrorism Measures) Regulations;
- (p) such other written law as the Minister may, by order in the *Gazette*, specify.

[41/2017]

(6) An offence is not a specified serious offence for the purposes of subsection (4) unless the maximum punishment prescribed for that offence, whether for a first or subsequent conviction, is —

- (a) imprisonment for a term of 5 years or more;
- (b) imprisonment for life; or
- (c) death.

(7) In proceedings against any person for an offence under this section, if it is shown that that person was in possession of any decryption information at any time before the time of the request for access to such information, that person is presumed for the purposes

of those proceedings to have continued to be in possession of that decryption information at all subsequent times, unless it is shown that the decryption information —

- (a) was not in that person's possession at the time the request was made; and
- (b) continued not to be in that person's possession after the request was made.

(8) A person who had acted in good faith or in compliance with a requirement under subsection (2) shall not be liable in any criminal or civil proceedings for any loss or damage resulting from the act.

(9) In this section —

“data” means representations of information or of concepts that are being prepared or have been prepared in a form suitable for use in a computer;

“decryption information” means information, code or technology or part thereof that enables or facilitates the retransformation or unscrambling of encrypted data from its unreadable and incomprehensible format to its plain text version;

“encrypted data” means data which has been transformed or scrambled from its plain text version to an unreadable or incomprehensible format, regardless of the technique utilised for such transformation or scrambling and irrespective of the medium in which such data occurs or can be found for the purposes of protecting the content of such data;

“plain text version” means the original data before it has been transformed or scrambled to an unreadable or incomprehensible format.

*Division 3 — Powers of investigation for  
offences related to statement recording*

**Powers of investigation of certain law enforcement officers  
when recording statements**

**40A.**—(1) An officer of a prescribed law enforcement agency (other than the Singapore Police Force) who —

- (a) is authorised by any written law other than this section to exercise the powers of a police officer under this Code in relation to an investigation into an arrestable offence when investigating an offence under that written law; and
- (b) records a statement during such an investigation by making an audiovisual recording,

may investigate any offence under regulations made under section 428(2)(b) committed in relation to that audiovisual recording, and is, by virtue of this section, taken to have the same powers mentioned in paragraph (a), despite anything to the contrary in that other written law.

[14/2019]

(2) For the purposes of this section and section 40B, the Minister charged with the responsibility for any law enforcement agency may, by order in the *Gazette*, prescribe the law enforcement agency as a prescribed law enforcement agency.

[14/2019]

**Officer deemed to be of certain rank**

**40B.** For the purpose of section 40A, when an officer of a prescribed law enforcement agency is exercising the powers pursuant to that section when investigating an offence in relation to an audiovisual recording, the officer is deemed to be a police officer not below the rank of inspector of police.

[14/2019]

## PART 5

## PREVENTION OF OFFENCES

*Division 1 — Security for keeping peace  
and for good behaviour***Security for keeping peace on conviction**

- 41.—**(1) When a person is charged with and convicted of —
- (a) rioting, assault or any other breach of the peace or abetting any such offence;
  - (b) an offence under section 143, 144, 145, 153 or 504 of the Penal Code 1871, under section 13A, 13B, 13C or 13D of the Miscellaneous Offences (Public Order and Nuisance) Act 1906 in force before 15 November 2014 or under section 3, 4, 5 or 6 of the Protection from Harassment Act 2014;
  - (c) assembling armed men or taking other unlawful measures for such purpose; or
  - (d) committing criminal intimidation by threatening injury to any person or property,

and the court before which that person is convicted believes that that person must execute a bond for keeping the peace, then the court may, at the time of passing sentence on that person, or instead of any sentence, order that person to execute a bond for a sum proportionate to that person's means, with or without sureties, for keeping the peace for a period not exceeding 2 years.

[17/2014; 5/2015]

(2) If the conviction is set aside on appeal or otherwise, the bond so executed becomes void.

**Security for keeping peace by complainant**

**42.—**(1) If, during or after a trial, the court considers that a complainant is or has been behaving in such a way that the complainant should be ordered to execute a bond to keep the peace, the court may require the complainant to show cause why the

complainant should not be ordered to execute a bond to keep the peace for a period not exceeding 2 years.

(2) The evidence which the court relies on under subsection (1) must be read to the complainant, but it is not necessary to recall any witness unless the complainant desires to cross-examine the witness.

(3) The court may deal with this proceeding either as part of the case out of which it has arisen or as a separate proceeding.

### **Security for keeping peace generally**

**43.** If it appears to a court that a person is likely to breach the peace or do a wrongful act that might lead to a breach of the peace, the court may require the person to show cause why the person should not be ordered to execute a bond to keep the peace for a period not exceeding 2 years.

### **Security for good behaviour from suspected offenders, etc.**

**44.—**(1) A court may require a person to show cause why the person should not be ordered to execute a bond for his or her good behaviour for a period not exceeding 2 years, if it appears to the court that —

- (a) the person is trying to conceal his or her presence and there is reason to believe that he or she is doing so with a view to committing an offence;
- (b) the person has no apparent means of supporting himself or herself or is unable to give a satisfactory account of himself or herself; or
- (c) the person orally or in writing disseminates or tries to disseminate or in any way helps to disseminate —
  - (i) any seditious matter, that is to say, any matter whose publication is punishable under the Sedition Act 1948 or any material which forms the subject matter of a charge under section 267C, 298A or 505 of the Penal Code 1871; or

- (ii) any matter concerning a Judge or a judicial officer amounting to criminal intimidation or defamation under the Penal Code 1871.

(2) No proceeding may be taken under subsection (1)(c) except with the consent of the Public Prosecutor.

### **Security for good behaviour from habitual offenders**

**45.** A court may require a person to show cause why the person should not be ordered to execute a bond for his or her good behaviour for a period not exceeding 2 years, if it appears to the court that —

- (a) the person habitually commits offences;
- (b) the person habitually associates with robbers, housebreakers, thieves, prostitutes or people who have no apparent means of subsistence; or
- (c) the person is so desperate or dangerous as to pose a risk to the community when at large.

### **Order to show cause**

**46.** Where a court acting under section 43, 44 or 45 considers it necessary to require any person to show cause under the section, it must make an order in writing setting out —

- (a) the information received on which the court is acting;
- (b) the amount of the bond to be executed;
- (c) how long the bond will be in force; and
- (d) the number of sureties (if any) required.

### **Procedure in respect of person subject to order**

**47.—(1)** If the person subject to an order under section 46 is present in court, the order must be read to him or her or, if he or she wishes, explained to him or her.

(2) If the person subject to the order is not present in court, the court must issue a summons requiring the person to appear or, if he or she is in custody, a warrant instructing the officer in whose custody the person is to bring the person before the court.



(3) The court may issue a warrant for a person's arrest if the court is satisfied that, based on a police officer's report or other information, there is reason to fear a breach of the peace and that this can be prevented only by the person's immediate arrest.

(4) A copy of the order under section 46 must accompany every summons or warrant issued under subsection (2) or (3).

(5) The copy of the order must be delivered by the officer serving or executing the summons or warrant to the person served with or arrested under it.

### **Attendance of person required to execute bond**

**48.** The court may, if it has good reasons, dispense with the personal attendance of a person subject to an order under section 46, and permit the person to appear by an advocate.

### **Inquiry as to truth of information**

**49.—**(1) When an order under section 46 has been read or explained under section 47(1) to a person present in court or when a person appears or is brought before the court in compliance with a summons or in execution of a warrant under section 47, the court must then inquire into the truth of the information on which it has acted and will take further evidence as appears necessary.

(2) The inquiry must follow as closely as practicable the procedure prescribed in this Code for conducting trials, except that no charge need be framed.

(3) For the purposes of this section, a person's habitual offending may be proved by evidence of the person's general reputation or in other ways.

### **Order to give security**

**50.—**(1) If after an inquiry under section 49, the court is satisfied that the person subject to the order must execute a bond in order to keep the peace or maintain good behaviour, the court must make such order as is appropriate.

- (2) The bond may be with or without sureties and —
- (a) must not be larger than the amount or longer than the period specified in the order made under section 46; and
  - (b) the amount of the bond must be fixed with due regard to the circumstances of the case and must not be excessive but must be such as to afford the person against whom the order is made a fair chance of complying with it.
- (3) If the court is satisfied that a bond is not necessary, the court must release the person subject to the order.

*Division 2 — Proceedings following order to provide security*

**Start of period for which security is required**

**51.**—(1) If any person subject to an order under section 41 or 50 is, at the time the order is made, sentenced to or undergoing imprisonment, the period for which the security is required will begin at the end of that sentence.

(2) In all other cases, the period will begin on the date of the order.

**Contents of bond**

**52.**—(1) The bond to be executed by any person subject to an order under section 41 or 50 (as the case may be) binds the person —

(a) to keep the peace; or

(b) to be of good behaviour.

(2) In the case of subsection (1)(b), it is a breach of the bond to commit, attempt to commit or abet the commission of an offence punishable with imprisonment.

**Power to reject sureties**

**53.** A court may refuse to accept any particular person offered as surety under this Part.

**Imprisonment in default of security**

**54.**—(1) If a person ordered to give security under section 41 or 50 fails to do so by the date on which the period for the security is to

begin, the court may commit the person to prison for a period not exceeding the period for which the security is ordered to be given.

(2) If the person mentioned in subsection (1) is already in prison, he or she must stay there until the end of the term that the court has determined under subsection (1) or until he or she gives the security as ordered, whichever is the earlier.

### **Power to release person imprisoned for failing to give security**

**55.**—(1) When a court decides that a person imprisoned for failing to give security under this Part may be released without danger to the community or to another person, the court may order that person to be released.

(2) A court other than the General Division of the High Court must not exercise this power except in cases where the imprisonment is under its own order or that of a similar court.

[40/2019]

### **Discharge of surety**

**56.**—(1) Any surety for the peaceable conduct or good behaviour of a person may at any time apply to a court to cancel any bond executed under this Part.

(2) On receiving the application, the court must issue a summons or warrant, as it thinks fit, requiring the person for whom that surety is bound to appear or to be brought before it.

(3) When that person comes before the court, the court must cancel the bond and order that person to provide adequate security for the remaining term of the bond.

(4) Every such order referred to in subsection (3) is to be treated as made under section 41 or 50 and in such a case, sections 52 to 55 apply accordingly.

## *Division 3 — Unlawful assemblies*

### **Who may order unlawful assembly to disperse**

**57.**—(1) A police officer may command an unlawful assembly or an assembly of 5 or more people likely to cause a disturbance of the

public peace to disperse, and the members of the assembly must then disperse.

(2) Nothing in this Division derogates from the powers conferred on any person under the Public Order Act 2009.

### **When unlawful assembly may be dispersed by use of civil force**

**58.**—(1) If any such assembly does not disperse as commanded, or shows a determination not to disperse, any police officer may disperse the assembly by force and, if necessary, arrest and confine the participants, and may require any male civilian to help.

(2) In this section, “civilian” means any person who is not a regular serviceman, full-time national serviceman or operationally ready national serviceman who has reported for service in the Singapore Armed Forces.

### **Use of military force**

**59.** If any such assembly cannot be otherwise dispersed and it is necessary for the public security that it should be dispersed, the Minister or the Commissioner of Police or a Deputy Commissioner of Police may cause it to be dispersed by military force.

### **Minister or Commissioner of Police or Deputy Commissioner of Police may require any officer in command of troops to disperse unlawful assembly**

**60.**—(1) When the Minister or the Commissioner of Police or a Deputy Commissioner of Police determines to disperse any such assembly by military force, he or she may require any commissioned or non-commissioned officer in command of any sailors, soldiers or airmen in the Singapore Armed Forces to disperse the assembly by military force and to arrest and confine the persons forming part of it as the Minister or Commissioner of Police or the Deputy Commissioner of Police directs or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

[19/2018]

(2) Every such officer must obey such requisition in such manner as he or she thinks fit, but in so doing he or she must use as little force

and do as little injury to person and property as is consistent with dispersing the assembly and arresting and confining those persons.

**When commissioned officer may disperse unlawful assembly by military force**

**61.** When the public security is manifestly endangered by any such assembly and when neither the Minister nor the Commissioner of Police nor a Deputy Commissioner of Police can be communicated with, any commissioned officer in the Singapore Armed Forces may disperse such assembly by military force and may arrest and confine the persons forming part of it as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law, but if while he or she is acting under this section it becomes practicable for him or her to communicate with the Minister, the Commissioner of Police or a Deputy Commissioner of Police, he or she must do so and thereafter obey the instructions of the Minister, the Commissioner of Police or the Deputy Commissioner of Police as to whether he or she is to continue the action or not.

[19/2018]

**Protection against prosecution for acts done under this Division**

**62.** No prosecution against the Minister or any police officer or officer, sailor, soldier or airman in the Singapore Armed Forces for any act purporting to be done under this Division may be instituted in any criminal court except with the sanction of the President, and —

- (a) no police officer acting under this Division in good faith;
- (b) no commissioned officer acting under section 61 in good faith;
- (c) no person doing any act in good faith in compliance with a requisition under section 58 or 60; and

(d) no inferior officer, sailor, soldier or airman or member of the Singapore Armed Forces doing any act in obedience to any order which under naval, military or air force law he or she was bound to obey,  
is deemed thereby to have committed an offence.

[19/2018]

#### *Division 4 — Preventive action of police*

### **Prevention of offences and use of lethal force by police**

**63.**—(1) Any police officer who has reasonable grounds to suspect that any offence may be committed may intervene for the purpose of preventing and must, to the best of his or her ability, use all lawful means to prevent the commission of the offence.

(2) Without limiting subsection (1), a police officer may act in any manner (including doing anything likely to cause the death of, or grievous hurt to, any person) if the police officer has reasonable grounds to believe that —

(a) the person (whether acting alone or in concert with any other person) is doing or about to do, something which may amount to a terrorist act; and

(b) such act by the police officer is necessary to apprehend the person.

(3) In this section, “lawful means” includes —

(a) removing a person from any place; and

(b) taking away any thing, which a person has in the person’s possession, that the police officer reasonably suspects is intended to be used in the commission of the offence.

[19/2018]

## PART 6

ARREST AND BAIL AND PROCESSES  
TO COMPEL APPEARANCE*Division 1 — Arrest without warrant***When arrest may be made without warrant**

**64.—**(1) Any police officer may, without a warrant, arrest any person who —

- (a) has been concerned in an arrestable offence or is reasonably suspected of having been involved in one, or against whom a reasonable complaint has been made or credible information has been received of the person having been so concerned or involved;
- (b) possesses a housebreaking tool without being able to provide a lawful excuse for having it;
- (c) has been proclaimed as an offender under section 88;
- (d) possesses anything that may reasonably be suspected to be stolen or fraudulently obtained property, and who may reasonably be suspected of having committed an offence in acquiring it;
- (e) obstructs a police officer while the police officer is doing his or her duty, or has escaped or tries to escape from lawful custody;
- (f) is reasonably suspected of being a deserter from any force mentioned in section 140B of the Penal Code 1871 or to which Chapter 7 of that Code may be extended;
- (g) is trying to conceal his or her presence in circumstances that suggest he or she is doing so with a view to committing an arrestable offence;
- (h) has no apparent means of subsistence or who cannot give a satisfactory account of himself or herself;
- (i) is known to be a habitual robber, housebreaker or thief, or a habitual receiver of stolen property knowing it to be stolen, or who is known to habitually commit extortion or to

habitually put or attempt to put persons in fear of injury in order to commit extortion;

- (j) commits or attempts to commit a breach of the peace in the police officer's presence;
- (k) is known to be planning to commit an arrestable offence, if it appears to the police officer that the offence cannot otherwise be prevented;
- (l) is subject to police supervision and who has failed to comply with this Code or any other written law; or
- (m) has breached any detention order under any written law.

(2) This section does not affect any other law empowering a police officer to arrest without a warrant.

#### **Arrest on refusal to give name and residence to police officer**

**65.**—(1) A police officer may arrest any person who is accused of committing, or who commits in the view or presence of the police officer, a non-arrestable offence if, on the demand of the police officer, the person refuses to give his or her name and residential address.

(2) A police officer may arrest such a person who gives a residential address outside Singapore, or a name or residential address which the police officer has reason to believe is false.

(3) Any person arrested under this section must be brought to a police station as soon as reasonably practicable and may, if required by a police officer of or above the rank of sergeant, be released upon signing a bond with or without surety to appear before a Magistrate.

(4) If the person refuses or is unable to sign the bond as required, the person must, within 24 hours of the arrest (excluding the time necessary for the journey to a Magistrate's Court), be brought before a Magistrate's Court.

(5) The person who is brought before a Magistrate's Court under subsection (4) may —

- (a) be ordered to be detained in custody until the person can be tried; or



- (b) if so required by the Magistrate, be released upon signing a bond, with or without surety, to appear before a Magistrate's Court.

### **Arrest by private person**

**66.**—(1) Any private person may arrest any person who, in the private person's view or presence, commits an arrestable non-bailable offence, or who has been proclaimed as an offender under section 88.

(2) The private person must, without unnecessary delay, hand over the arrested person to a police officer or take the arrested person to a police station.

(3) If there is reason to believe that the arrested person is a person mentioned in section 64(1), a police officer must re-arrest him or her.

(4) If there is reason to believe that the arrested person has committed a non-arrestable offence and he or she refuses to give his or her name and residential address when required by a police officer, or gives a residential address outside Singapore, or a name or residential address that the police officer has reason to believe is false, the arrested person may be dealt with under section 65.

(5) If there is no reason to believe that the arrested person has committed any offence, he or she must be released at once.

(6) A person who commits an offence against any other person (called in this subsection the victim) or the victim's property may, if —

- (a) the person's name and residential address are unknown;
- (b) the person gives a residential address outside Singapore; or
- (c) the person gives a name or residential address which the victim or any person who is using the victim's property in relation to which the offence is committed, or which the employee of either of those persons, or which any person authorised by or acting in aid of either of those persons, has reason to believe is false,

be apprehended by the victim, employee or such person mentioned in paragraph (c).

(7) The person apprehended under subsection (6) may be detained until he or she can be delivered into the custody of a police officer, and subsections (3), (4) and (5) thereafter apply.

(8) If any person being lawfully apprehended under subsection (6) assaults or forcibly resists the person by whom he or she is so apprehended, he or she shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

### **How arrested person to be dealt with**

**67.** A police officer making an arrest without warrant must, without unnecessary delay and subject to the provisions of this Code on bail or previous release, take or send the person arrested before a Magistrate's Court.

### **Person arrested not to be detained more than 48 hours**

**68.—**(1) Unless the court orders otherwise under section 92(3)(a) or 93(3B)(a), no police officer may detain in custody a person who has been arrested without a warrant for a longer period than under all the circumstances of the case is reasonable.

[19/2018]

(2) The period must not exceed 48 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

## *Division 2 — Arrest with warrant*

### **Warrant to whom directed**

**69.—**(1) An arrest warrant must ordinarily be directed to the Commissioner of Police or to the head of any law enforcement agency, or any person of a similar rank in a law enforcement agency.

[19/2018]

(2) An arrest warrant —

- (a) if directed to the Commissioner of Police, may be executed by any police officer or any person appointed by the Commissioner of Police; or

- (b) if directed to the head of any law enforcement agency, or any person of a similar rank in a law enforcement agency, may be executed by any person appointed by the head or person of a similar rank.

[19/2018]

(3) The court issuing an arrest warrant may direct it to any person or persons by name or office and such person or persons may execute the warrant.

(4) When an arrest warrant is directed to more than one person, all or any of them may execute it.

### **Arrest of person subject to warrant**

**70.** A person subject to an arrest warrant may be arrested by a person authorised to execute the warrant or by a police officer.

### **Form of arrest warrant**

**71.—**(1) An arrest warrant issued by a court under this Code must be in writing bearing the seal of the court and signed by a Magistrate or District Judge (as the case may be), or in the case of the General Division of the High Court, by a Judge or by the Registrar of the Supreme Court.

[40/2019]

(2) The arrest warrant remains in force until it is executed, or cancelled by a court.

### **Court may endorse on warrant security to be taken**

**72.—**(1) A court issuing an arrest warrant may direct by endorsement on the warrant that, if the person subject to the arrest warrant executes a bond with sufficient sureties for the person's attendance at the next sitting of the court after the day of arrest and at every subsequent sitting until the court directs otherwise, then the person to whom the warrant is directed must take such security and release the person subject to the arrest warrant from custody.

- (2) The endorsement must state —
- (a) the number of sureties; and

(b) the amount that the sureties and the person subject to the arrest warrant are respectively bound.

(3) When security is taken under this section, the person to whom the warrant is directed must, when required, send the bond to the court.

### **Notification of content of warrant**

73. The police officer or other person executing an arrest warrant must inform the arrested person of the content of the warrant and, if required, show him or her the warrant or a copy of it.

### **Arrested person to be brought before court without delay**

74. Subject to section 72, the police officer or other person executing an arrest warrant must bring the arrested person to the court before which the police officer or other person is required by law to produce the arrested person without unnecessary delay.

## *Division 3 — General provisions for arrests with or without warrant*

### **How to arrest**

75.—(1) In making an arrest, the police officer or other person must touch or confine the body of the person to be arrested unless he or she submits to arrest by word or action.

(2) If the person forcibly resists or tries to evade arrest, the police officer or other person may use all reasonable means necessary to make the arrest.

### **No unnecessary restraint**

76. The person arrested must not be restrained more than is necessary to prevent his or her escape.

### **Search of place entered by person sought to be arrested**

77.—(1) If a police officer with authority to arrest or a person acting under an arrest warrant has reason to believe that the person to be arrested is inside any place and demands entry to that place, any

person residing in or in charge of the place must allow the police officer or person acting under an arrest warrant free entry and provide all reasonable facilities for a search in it.

(2) If entry to that place cannot be gained under subsection (1), it is lawful for a police officer with authority to arrest or a person acting under an arrest warrant to enter and search the place.

(3) In any case in which an arrest warrant may be issued but cannot be obtained without the risk of the person to be arrested escaping, a police officer may enter and search the place.

(4) After stating his or her authority and purpose and demanding entry to a place, a police officer with authority to arrest or a person acting under an arrest warrant who is unable to obtain entry may, for the purposes of subsection (2) or (3), break open any outer or inner door or window or use any other reasonable means to gain such entry.

### **Search of person arrested and his or her premises**

**78.—(1) Whenever —**

- (a) a person is arrested by a police officer under a warrant which does not provide for the taking of bail or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail; or
- (b) a person is arrested without warrant by a police officer or a private person under a warrant and the person arrested cannot legally be admitted to bail or is unable to furnish bail,

the police officer making the arrest or, when the arrest is made by a private person, the police officer to whom the private person hands over the person arrested, may search the person arrested and place in safe custody all articles other than necessary wearing apparel found upon him or her.

(2) A police officer investigating an arrestable offence under Part 4 may —

- (a) enter any place belonging to or under the control of any person who —

- (i) is under arrest in connection with the offence;
  - (ii) is reasonably believed to be connected with the offence; or
  - (iii) is reasonably believed to have given shelter to the person under arrest; and
- (b) search the place for any evidence of the offence.

### **Power to seize offensive weapons**

**79.** Any police officer or person making any arrest under this Code may take from the person arrested any offensive weapons which the arrested person has about his or her person, and must deliver all weapons so taken to a police station.

### **Search for name and address**

**80.** A person lawfully in custody who, because of incapacity from intoxication, illness, mental disorder, physical disability or infancy, cannot give a reasonable account of himself or herself may be searched to find out his or her name and address.

### **Detention and search of persons in place searched**

**81.—(1)** Where a search for anything is lawfully made in any place in respect of any offence, every person found there may be lawfully detained until the search is completed.

(2) If the thing sought in a place can be concealed on a person, each person found in the place may be searched for it by or in the presence of a police officer of or above the rank of sergeant.

### **Mode of freeing persons**

**82.** A police officer or other person authorised to make an arrest may break open a place to free himself or herself or any other person who, having lawfully gone inside to make an arrest, is detained in it.

**Mode of searching women**

**83.**—(1) Except as provided in subsection (2), whenever it is necessary to cause a woman to be searched, the search must be made by a relevant officer who is a woman.

[19/2018]

(2) A search of a woman may be made by a relevant officer who is a man, if (and only if) all of the following conditions are satisfied:

- (a) the relevant officer reasonably suspects the woman of committing, attempting to commit, abetting the commission of, or being a party to a criminal conspiracy to commit, a terrorist act;
- (b) the relevant officer believes in good faith that the terrorist act is imminent;
- (c) the relevant officer believes in good faith that the search cannot be made within a reasonable time by a relevant officer who is a woman.

[19/2018]

(3) Every search mentioned in subsection (1) or (2) must be made with strict regard to decency.

[19/2018]

(4) In this section, “relevant officer” means a police officer or an officer of the Immigration & Checkpoints Authority.

[19/2018]

**Power to pursue and arrest after escape or rescue**

**84.**—(1) If a person in lawful custody escapes or is rescued, the person from whose custody he or she escaped or was rescued, or any police officer, may immediately pursue and arrest him or her for the purpose of returning him or her to the place where he or she was in lawful custody.

(2) Sections 77 and 82 apply to any arrest under subsection (1) even if the person making the arrest is not acting under an arrest warrant and is not a police officer having authority to arrest.

**Release of arrested person**

**85.** A person arrested by a police officer must not be released except on the person's own bond or on bail, or by a written order of a court or of a police officer of or above the rank of sergeant.

**Public assistance in arrests**

**86.** Every person is bound to help a police officer or any other person authorised to make an arrest reasonably demanding the person's aid —

- (a) in arresting a person whom the police officer or other person is authorised to arrest;
- (b) in preventing a breach of the peace or in preventing any person from damaging any public property; or
- (c) in suppressing a riot or an affray.

**Assisting person other than police officer to execute warrant**

**87.** If a warrant is granted to a person who is not a police officer, any other person may help in executing the warrant if the person to whom the warrant is granted is near at hand and engaged in executing it.

*Division 4 — Proclamation and attachment***Proclamation for person absconding**

**88.—(1)** If a court has reason to believe, whether after taking evidence or not, that a person against whom a warrant of arrest has been issued has absconded or is hiding so that the warrant cannot be executed, the court may publish a written proclamation requiring the person to appear at a specified place and at a specified time not less than 30 days after the date of publication.

(2) The proclamation must be published —

- (a) in a daily newspaper;
- (b) by leaving a copy of it at the person's last known address;



- (c) by affixing a copy of it to any bulletin board in the court house;
- (d) by affixing a copy of it to the bulletin board in the office of the Town Council established under section 4 of the Town Councils Act 1988 that is nearest to the person's last known address; or
- (e) by affixing a copy of it to a bulletin board of any community centre or clubhouse established under the People's Association Act 1960 that is nearest to the person's last known address.

(3) A statement by the court issuing the proclamation stating that the proclamation was published on a specified day in a specified manner, or on a specified day at a specified place, is conclusive of that fact.

### **Attachment of property of person proclaimed**

**89.**—(1) After issuing a proclamation under section 88, the court may order the attachment of any property, movable or immovable, or both, belonging to the proclaimed person.

(2) If the property consists of debts or other movable property, the attachment may be made by all or any of the following methods:

- (a) by seizure;
- (b) by the appointment of a receiver;
- (c) by an order in writing prohibiting the delivery of the property to the proclaimed person or any person on the proclaimed person's behalf.

(3) If the property to be attached is immovable property, the attachment may be made by all or any of the following methods:

- (a) by taking possession;
- (b) by the appointment of a receiver;
- (c) by an order in writing prohibiting the payment of rent or delivery of any instrument of title to the proclaimed person or any person on the proclaimed person's behalf.

(4) The powers, duties and liabilities of a receiver appointed under this section are the same as those of a receiver appointed by the General Division of the High Court under its civil jurisdiction.

[40/2019]

(5) An attachment of immovable property has no effect until the order of attachment is registered under the Registration of Deeds Act 1988 or the Land Titles Act 1993, as the case may be.

(6) If the proclaimed person does not appear within the time specified in the proclamation, the attached property is at the disposal of the Government, but it must not be disposed of until the end of a reasonable period set by the court, having regard to the nature of the property.

### **Application for release of attached property**

**90.**—(1) Any person, including the person proclaimed, may apply to the court for the release of the property attached under section 89 or for the net proceeds of sale if sold.

(2) Such an application must be supported by an affidavit stating the reason for the release of the property or the net proceeds of the sale, and served on the Public Prosecutor.

(3) The court, after hearing the parties, may make such order as it thinks fit, including an order for the applicant to pay the costs of the proceeding and an order for costs to be awarded to an applicant whose property was wrongfully attached.

(4) An application under this section may not be made more than 3 years from the date of attachment or the sale, whichever is the later.

(5) Any hearing conducted under this section must follow as closely as practicable the procedure prescribed in this Code for conducting trials.

(6) Any order for costs to be awarded to an applicant whose property was wrongfully attached is to be paid out of the Consolidated Fund.

*Division 5 — Bails and bonds***Interpretation of this Division**

**91.** In this Division —

“released person” means any person who is released on bail or on his or her personal bond, as the case may be;

“surrender to custody”, in relation to a released person, means to surrender himself or herself into the custody of the court or a police officer (as the case may be) according to the bail or bond conditions at the time and place appointed for him or her to do so.

**When person must normally be released on bail or personal bond, or on both**

**92.—**(1) When any person, except a person accused of a non-bailable offence —

- (a) is arrested or detained without warrant by a police officer, or appears or is brought before a court; and
- (b) is prepared to give bail at any time while in the police officer’s custody or at any stage of the proceedings before the court,

the person must be released on bail by a police officer in cases determined by the Commissioner of Police or by that court.

*[19/2018]*

(2) Despite subsection (1) —

- (a) the police officer or the court may, instead of taking bail from the person, release the person if the person signs a personal bond without sureties; and
- (b) the court may, instead of releasing the person on bail, release the person on bail and on personal bond by requiring the person to sign a personal bond without sureties, in addition to taking bail from the person.

*[19/2018]*

(3) Despite subsections (1) and (2), where the person is accused of an offence that is not a fine-only offence, and a court believes, on any

ground prescribed in the Criminal Procedure Rules, that the person, if released, will not surrender to custody, be available for investigations or attend court, the court may order as follows:

- (a) if the person is arrested or detained without warrant by a police officer — order the police officer not to release the person on bail or on personal bond;
- (b) if the person appears or is brought before the court — refuse to release the person, whether on bail, on personal bond, or on bail and on personal bond.

[19/2018]

(4) Where —

- (a) a State Court orders the release of a person under this section on bail, on personal bond, or on bail and on personal bond; and
- (b) the prosecution applies to the State Court to stay execution on the order pending a review of the order by the General Division of the High Court,

the State Court may stay execution on the order pending a review of the order.

[19/2018; 40/2019]

### **When person accused of non-bailable offence may be released on bail**

**93.—**(1) Subject to section 95(1), if any person accused of any non-bailable offence is arrested or detained without warrant by a police officer, or appears or is brought before a court, the person may be released on bail by a police officer of or above the rank of sergeant or by the court.

(2) Subject to section 95(1), if, at any stage of an investigation, inquiry, trial or other proceeding under this Code, there are no reasonable grounds for believing that the accused has committed a non-bailable offence, the police officer or court must release the accused.

(3) Despite subsection (2), if there are grounds for further investigations as to whether the accused has committed some other

bailable offence, then, pending the investigations, the accused must be released on bail or, at the discretion of the police officer or court, on his or her own personal bond.

(3A) Despite subsections (2) and (3), the court may, instead of releasing the accused on bail or on the accused's own personal bond, release the accused on bail and on personal bond by requiring the accused to sign a personal bond without sureties, in addition to taking bail from the accused.

[19/2018]

(3B) Despite subsections (2), (3) and (3A), where there are grounds for further investigations as to whether the accused has committed a bailable offence that is not a fine-only offence, and a court believes, on any ground prescribed in the Criminal Procedure Rules, that the accused, if released, will not surrender to custody, be available for investigations or attend court, the court may —

- (a) order the police officer not to release the accused on bail or on personal bond; or
- (b) refuse to release the accused, whether on bail, on personal bond, or on bail and on personal bond.

[19/2018]

(3C) Where —

- (a) a State Court orders the release on bail, on personal bond, or on bail and on personal bond, of a person accused of a non-bailable offence; and
- (b) the prosecution applies to the State Court to stay execution on the order pending a review of the order by the General Division of the High Court,

the State Court must stay execution on the order pending a review of the order.

[19/2018; 40/2019]

(4) A police officer or a court releasing any person under this section must record in writing the reasons for so doing.

(5) Any court may at any subsequent stage of any proceeding under this Code cause any person who has been released under this section to be arrested and may commit the person to prison.

**Conditions of bail or personal bond**

**94.**—(1) All of the following conditions are imposed when a police officer or the court grants bail or releases the accused on personal bond under section 92 or 93, unless the police officer or the court (as the case may be) specifies otherwise:

- (a) the accused must surrender the accused's travel document;
- (b) the accused must surrender to custody, be available for investigations, or attend court, on the day and at the time and place appointed for the accused to do so, as the case may be;
- (c) the accused must not commit any offence while released on bail or on personal bond;
- (d) the accused must not interfere with any witness or otherwise obstruct the course of justice, whether in relation to the accused or in relation to any other person;
- (e) in the case of bail — any person offered as surety for an accused in a criminal matter must not be a co-accused in the same matter.

[19/2018]

(2) A police officer or the court may impose such other conditions as are necessary when granting bail or releasing the accused on personal bond under section 92 or 93.

[19/2018]

(3) The conditions that may be imposed in relation to an accused under subsection (2) include a requirement for the electronic monitoring of the accused's whereabouts.

[19/2018]

(4) However, if the prosecution applies to a police officer or the court to impose under subsection (2) the requirement under subsection (3), the police officer or court must do so.

[19/2018]

**Exceptions to bail or release on personal bond**

**95.**—(1) An accused must not be released on bail or on personal bond if —

- (a) the accused is charged for an offence punishable with death or imprisonment for life;
- (b) the accused is accused of any non-bailable offence, and the court believes, on any ground prescribed in the Criminal Procedure Rules, that the accused, if released, will not surrender to custody, be available for investigations or attend court; or
- (c) the accused has been arrested or taken into custody under a warrant issued under section 10, 24 or 34 of the Extradition Act 1968 or endorsed under section 33 of that Act.

[19/2018]

(2) Despite subsection (1), the court may —

- (a) direct that any juvenile or any sick or infirm person accused of such an offence be released on bail;
- (b) release on bail an accused charged with an offence mentioned in subsection (1)(a), if —
  - (i) the offence is also punishable with an alternative punishment other than death or life imprisonment; and
  - (ii) the offence is to be tried before a District Court or a Magistrate's Court; or
- (c) release on bail an accused who has been arrested or taken into custody under a warrant mentioned in subsection (1)(c), if the conditions prescribed in the Criminal Procedure Rules for such release are satisfied.

[19/2018]

(3) In this section, “accused” includes a “fugitive” as defined in the Extradition Act 1968.

### **Amount of bond**

**96.** The amount of every bond executed under this Division must be fixed with due regard to the circumstances of the case as being sufficient to secure the attendance of the person arrested or charged.

### **Powers of General Division of High Court regarding bail**

**97.**—(1) Subject to section 95(1) and subsection (2), at any stage of any proceeding under this Code, the General Division of the High Court may —

- (a) release any accused before the General Division of the High Court on bail, on personal bond, or on bail and on personal bond;
- (b) vary the amount or conditions of the bail or personal bond required by a police officer or a State Court, or impose such other conditions for the bail or personal bond as the General Division of the High Court thinks fit;
- (c) where a State Court orders the release of a person on bail, on personal bond, or on bail and on personal bond, stay execution on the order pending a review of the order by the General Division of the High Court; or
- (d) direct that any person who has been released on bail, on personal bond, or on bail and on personal bond, under this Division be arrested, and commit that person to custody.

*[19/2018; 40/2019]*

(2) Where —

- (a) a State Court orders the release on bail, on personal bond, or on bail and on personal bond, of a person accused of a non-bailable offence; and
- (b) the prosecution applies to the General Division of the High Court to stay execution on the order pending a review of the order by the General Division of the High Court,

the General Division of the High Court must stay execution on the order pending a review of the order.

*[19/2018; 40/2019]*

### **Application for bail or release on personal bond in General Division of High Court**

**98.**—(1) An application to the General Division of the High Court for bail or release on personal bond must, unless otherwise ordered,



be supported by an affidavit stating sufficient facts to enable the court to determine whether or not such bail or release should be granted.

[40/2019]

(2) If the court orders that the accused or prisoner be granted bail or released on personal bond, the order must be drawn up with a direction that a warrant be issued to bring the accused or the prisoner before the court for the purpose of being bailed or released.

### **Bond to be executed**

**99.**—(1) Before any person is released on his or her personal bond under this Division, a bond for such sum of money as the police officer or court thinks sufficient must be executed by the person.

(2) When a person is released on bail, the bond must be executed by one or more sufficient sureties, on condition that the released person attends on the date and at the time and place mentioned in the bond, and must continue to attend until otherwise directed by the police officer or court, as the case may be.

(3) The bond may also bind the released person to appear when called on at any court to answer the charge.

(4) The bond is subject to the further condition that as long as it remains in force, the released person must not leave Singapore without the permission of the police officer or the court.

(5) Such permission, if granted, must be evidenced by an endorsement on the bond specifying for how long and the place to which the permission applies.

(6) Such permission may be granted only on the personal application of the released person in the presence of his or her surety or sureties, if any.

### **Person to be released**

**100.**—(1) As soon as the bond has been executed, the person for whose appearance it has been executed must be released.

(2) If the person is in prison, the court must issue an order of release to the officer in charge of the prison, and the officer must release him or her on receiving the order.

(3) A person must not be released under this section or section 92 or 93 if the person is liable to be detained for a different matter than that for which the bond is executed.

### **Released person to give address for service**

**101.**—(1) A released person must give the court or officer releasing him or her an address where he or she can be served with any notice or process.

(2) If the released person cannot be found or the notice or process cannot be served on him or her for any other reason, any notice or process left for him or her at the address given is treated as duly served on him or her.

### **Withdrawal, change of conditions, etc., of bail**

**102.**—(1) If a court has granted bail to a released person and it is shown that —

(a) there has been a material change of circumstances; or

(b) new facts have since come to light,

the court may vary the conditions of the bail or personal bond, or impose further conditions for the bail or the personal bond, or cause the released person to be arrested and may commit him or her to custody.

(2) If, through mistake, fraud or otherwise, insufficient sureties have been accepted or if they afterwards become insufficient, a court may issue an arrest warrant directing that the released person be brought before it and may order him or her to provide sufficient sureties.

(3) If the released person fails to provide sufficient sureties, the court may commit him or her to custody.

**Absconding or breaking conditions of bail or personal bond, etc.**

**103.**—(1) If a released person under a duty to surrender to custody, or to make himself or herself available for investigations or to attend court, does not do so, he or she may be arrested without a warrant.

[19/2018]

(2) If a released person leaves the court at any time after he or she has surrendered into its custody or after he or she has attended court on the day and at the time appointed for him or her to do so, and before the court is ready to begin or to resume the hearing of the proceedings, the court may issue a warrant for his or her arrest.

(3) A released person under a duty to surrender to custody, or to make himself or herself available for investigations or to attend court on the day and at the time and place appointed for him or her to do so, may be arrested without a warrant if —

- (a) there are reasonable grounds for believing that he or she is unlikely to surrender to custody, or to make himself or herself available for investigations or to attend court;
- (b) there are reasonable grounds for believing that he or she is likely to break or has broken any of the conditions of his or her bail or personal bond; or
- (c) any of his or her sureties informs the police or court that the person is unlikely to surrender to custody, or to make himself or herself available for investigations or to attend court and that the surety therefore wishes to be relieved of his or her obligations as a surety.

(4) When such a person is brought before the court pursuant to an arrest under this section and the court thinks that the person —

- (a) is unlikely to surrender to custody, or to make himself or herself available for investigations or to attend court; or

- (b) has broken or is likely to break any conditions of his or her bail or personal bond,

the court may remand the person in custody or grant him or her bail subject to such conditions as it thinks fit.

(5) A released person shall be guilty of an offence and shall be liable on conviction to a fine or to imprisonment for a term not exceeding 3 years or to both, if the released person knowingly, and without reasonable excuse, fails to comply with any duty imposed on the released person —

- (a) to surrender to custody;
- (b) to be available for investigations; or
- (c) to attend court on the day and at the time and place appointed for the released person to do so.

[19/2018]

(6) For the purposes of subsection (5), a released person is presumed, until the contrary is proved, to have no reasonable excuse if —

- (a) on or before the date of the failure to comply with the duty, the released person left Singapore without the permission of a police officer or the court (as the case may be) and has not returned to Singapore; or
- (b) on the date of the failure to comply with the duty, the released person, being outside Singapore, remains outside Singapore without the permission of the police officer or the court, as the case may be.

[19/2018]

### **Duties of surety**

**104.** A surety must —

- (a) ensure that the released person surrenders to custody, or makes himself or herself available for investigations or attends court on the day and at the time and place appointed for him or her to do so;

- (b) keep in daily communication with the released person and lodge a police report within 24 hours of losing contact with him or her; and
- (c) ensure that the released person is within Singapore unless the released person has been permitted by the police officer mentioned in section 92 or 93 (as the case may be) or the court to leave Singapore.

### **Surety may apply to have bond discharged**

**105.**—(1) A surety may at any time apply to the court to discharge the bond as far as it relates to him or her.

(2) On receiving such an application, the court may issue an arrest warrant directing that the released person be produced before it.

(3) When the released person appears in court under the warrant or voluntarily, the court must direct that the bond be discharged wholly or so far as it relates to the applicant and must call on the released person to provide other sufficient sureties.

(4) A surety may arrest the person for whom he or she stood surety and immediately bring the person before a court, and the court must then discharge the surety's bond and call on the released person to provide other sufficient sureties.

(5) If a released person fails to provide other sufficient sureties when called on to do so under subsection (3) or (4), the court must commit him or her to custody.

### **Security instead of surety**

**106.** When a court or police officer requires a person to sign a bond with one or more sureties, the court or officer may (except in the case of a bond for good behaviour) instead permit the person to enter into his or her own personal bond and provide security acceptable to the court or officer.

### **Prohibition against agreements to indemnify surety, etc.**

**106A.**—(1) Any agreement (whether made before, on or after 31 October 2018) indemnifying or purporting to indemnify any

person against any liability which that person may incur as a surety to a bail bond is void.

[19/2018]

(2) Any person who, on or after 31 October 2018, knowingly enters into an agreement mentioned in subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine or to imprisonment for a term not exceeding 3 years or to both.

[19/2018]

(3) An offence under subsection (2) is committed —

- (a) whether the agreement is entered into before or after the person to be indemnified becomes a surety;
- (b) whether or not the person to be indemnified becomes a surety; and
- (c) whether the agreement contemplates compensation in money or money's worth.

[19/2018]

### **Procedure for forfeiture of bond without sureties**

**107.**—(1) This section provides for the forfeiture of the following bonds:

- (a) a personal bond without sureties;
- (b) a bond without sureties to keep the peace;
- (c) a bond without sureties for good behaviour.

[14/2019]

(2) If it is proved to a court's satisfaction that —

- (a) the released person bound by a bond mentioned in subsection (1)(a) has, without reasonable excuse, failed to comply with any duty imposed on the released person to surrender to custody, to be available for investigations, or to attend court on the day and at the time and place appointed for the released person to do so;
- (b) the person bound by a bond mentioned in subsection (1)(b) has, without reasonable excuse, failed to keep the peace; or

- (c) the person bound by a bond mentioned in subsection (1)(c) has failed to be of good behaviour,

the court —

- (d) must record the basis of such proof;
- (e) must forfeit the bond;
- (f) may summon before the court that relevant person;
- (g) may call upon that relevant person to pay a sum, being the whole or any part of the amount of the bond, or to explain why that sum should not be paid; and
- (h) may order that the sum mentioned in paragraph (g) be paid by instalments.

[14/2019]

(3) If the explanation mentioned in subsection (2)(g) is inadequate, and the sum mentioned in subsection (2)(g) is not paid in full, the court may recover the amount unpaid by issuing an order for the attachment of any property, movable or immovable, belonging to the relevant person.

[14/2019]

(4) The attachment of any property under subsection (3) may be carried out —

- (a) by seizure of such property, which may be sold and the proceeds applied towards the payment of the amount; or
- (b) by appointing a receiver, who may take possession of and sell such property, and apply the proceeds towards the payment of the amount.

[14/2019]

(5) If immovable property attached under subsection (3) is sold, the officer under whose direction the attachment and sale was carried out may do any thing or act to transfer the title to the purchaser.

[14/2019]

(6) If the sum mentioned in subsection (2)(g) is not paid in full or cannot be fully recovered by such attachment and sale, the court may commit to prison the relevant person for a term not exceeding 12 months.

[14/2019]

(7) Any person may, not later than 7 days after the date any property is seized under subsection (4)(a) or taken possession of by the receiver under subsection (4)(b) (as the case may be), make a claim against that property by applying to the court for the property to be excluded from the order of attachment issued under subsection (3), and the court may make such order as it sees fit.

[14/2019]

(8) Any unsatisfied part of the sum mentioned in subsection (2)(g) constitutes a judgment debt in favour of the Government, and nothing in this section prevents the Government from recovering it as such.

[14/2019]

(9) The court may, on the application of a relevant person at any time after the relevant person is called upon to pay the sum mentioned in subsection (2)(g), reduce that sum and enforce part-payment only.

[14/2019]

(10) In this section, “relevant person” means —

- (a) the released person bound by a bond mentioned in subsection (1)(a);
- (b) the person bound by a bond mentioned in subsection (1)(b); or
- (c) the person bound by a bond mentioned in subsection (1)(c).

[14/2019]

### **Procedure for forfeiture of bond with sureties**

**107A.**—(1) This section provides for the forfeiture of the following bonds:

- (a) a bond with one or more sureties;
- (b) a bond with sureties to keep the peace;
- (c) a bond with sureties for good behaviour.

[14/2019]

(2) If it is proved to a court’s satisfaction that —

- (a) the released person for whose appearance a bond mentioned in subsection (1)(a) was executed has, without reasonable excuse, failed to comply with any duty imposed on the released person to surrender to



custody, to be available for investigations, or to attend court on the day and at the time and place appointed for the released person to do so;

- (b) the person bound by a bond mentioned in subsection (1)(b) has, without reasonable excuse, failed to keep the peace; or
- (c) the person bound by a bond mentioned in subsection (1)(c) has failed to be of good behaviour,

the court —

- (d) must record the basis of such proof;
- (e) must forfeit the bond, as far as it relates to the relevant person;
- (f) may summon before the court each person bound by the bond;
- (g) may call upon each surety bound by the bond to explain why the bond, as far as it relates to that surety, should not be forfeited; and
- (h) may call upon the relevant person to pay a sum, being the whole or any part of the amount of the bond, or to explain why the relevant person should not pay that sum.

[14/2019]

(3) If the explanation given by a surety is inadequate, and it is proved to the court's satisfaction that —

- (a) in relation to a bond mentioned in subsection (1)(a), the surety is in breach of any of the surety's duties mentioned in section 104;
- (b) in relation to a bond mentioned in subsection (1)(b), the surety has, without reasonable excuse, failed to ensure that the relevant person keeps the peace; or
- (c) in relation to a bond mentioned in subsection (1)(c), the surety has, without reasonable excuse, failed to ensure that the relevant person is of good behaviour,

the court —

- (d) must record the basis of such proof; and

(e) may, having regard to all the circumstances of the case —

(i) forfeit the whole or any part of the amount of the bond, as far as it relates to the surety; and

(ii) order the surety to pay the amount forfeited.

[14/2019]

(4) The court may order that any sum or amount mentioned in subsection (2)(h) or (3)(e) be paid by instalments.

[14/2019]

(5) If the court calls upon the relevant person to pay the sum mentioned in subsection (2)(h), or to explain why the relevant person should not pay that sum, section 107(3) to (9) applies to the relevant person as it applies to a relevant person as defined in section 107(10).

[14/2019]

(6) If any amount forfeited under subsection (3)(e) is not paid in full, the court may recover the amount unpaid by issuing an order for the attachment of any property, movable or immovable, belonging to the surety.

[14/2019]

(7) The attachment of any property under subsection (6) may be carried out —

(a) by seizure of the property, which may be sold and the proceeds applied towards the payment of the amount forfeited; or

(b) by appointing a receiver, who may take possession of and sell the property, and apply the proceeds towards the payment of the amount forfeited.

[14/2019]

(8) If immovable property attached under subsection (6) is sold, the officer under whose direction the attachment and sale was carried out may do any thing or act to transfer the title to the purchaser.

[14/2019]

(9) If the amount forfeited under subsection (3)(e) is not paid in full or cannot be fully recovered by such attachment and sale, the court may commit to prison the surety for a term not exceeding 12 months.

[14/2019]

(10) Any person may, not later than 7 days after the date any property is seized under subsection (7)(a) or taken possession of by the receiver under subsection (7)(b) (as the case may be), make a claim against that property by applying to the court for the property to be excluded from the order of attachment issued under subsection (6), and the court may make such order as it sees fit.

[14/2019]

(11) Any unsatisfied part of the amount forfeited under subsection (3)(e) constitutes a judgment debt in favour of the Government, and nothing in this section prevents the Government from recovering it as such.

[14/2019]

(12) The court may, on the application of a surety at any time after the surety is ordered to pay the amount forfeited under subsection (3)(e), reduce that amount and enforce part-payment only.

[14/2019]

(13) In this section, “relevant person” means —

- (a) the released person for whose appearance a bond mentioned in subsection (1)(a) is executed;
- (b) the person bound by a bond mentioned in subsection (1)(b); or
- (c) the person bound by a bond mentioned in subsection (1)(c).

[14/2019]

### **Appeal from orders**

**108.** Every order made under section 107 or 107A by any Magistrate’s Court or District Court is appealable.

[19/2018]

### **Power to direct levy of amount due on bond**

**109.** The General Division of the High Court or a District Court may direct any Magistrate’s Court to exercise the court’s power of forfeiture under section 107 or 107A in respect of a bond to appear before the General Division of the High Court or District Court.

[19/2018; 40/2019]

*Division 6 — Notice to attend court and bonds  
to appear in court*

**Notice to attend court**

**110.**—(1) Where a police officer of or above the rank of inspector has reasonable grounds for believing that a person has committed an offence, the police officer may immediately serve upon the person a prescribed notice, requiring that person to attend at the court described, and at the time and on the date specified in the notice.

(2) A duplicate of the notice must be prepared by the police officer issuing the notice and, if so required by a court, produced to the court.

(3) The notice may be served on the person alleged to have committed the offence in the same manner as the service of a summons under section 116.

**Bond for appearance of complainant and witnesses**

**111.**—(1) If, during or after an investigation under Part 4, a police officer is of the opinion that there is sufficient evidence to justify starting or continuing criminal proceedings for an arrestable offence against a person, the police officer may require any complainant and any or all other persons who may be familiar with the case, to execute a bond to appear before a court and give evidence in the case against the accused.

(2) After the bond has been executed, the police officer must send it to the court.

(3) If the complainant or other person refuses to execute the bond, the police officer must report the matter to the court, and the court may then issue a warrant or summons to secure the attendance of the complainant or person before itself to give evidence in the case against the accused.

*Division 7 — Surrender of travel document and requirement  
to remain in Singapore*

**Surrender of travel document**

**112.—**(1) Despite any other written law —

- (a) a police officer of or above the rank of sergeant, with the written consent of an authorised officer;
- (b) the head or an authorised director of any other law enforcement agency or a person of a similar rank; or
- (c) any officer of a prescribed law enforcement agency, with the written consent of the head or an authorised director of that law enforcement agency or a person of a similar rank,

may require a person whom he or she has reasonable grounds for believing has committed any offence to surrender the person's travel document.

*[19/2018]*

(2) Any person who fails to surrender his or her travel document as required under subsection (1) may be arrested and taken before a Magistrate.

(3) If the person arrested and taken before the Magistrate under subsection (2) is unable to show good reasons for not surrendering his or her travel document, the Magistrate may commit him or her to prison until he or she surrenders his or her travel document.

(4) For the purposes of subsection (3), a certificate signed by an authorised officer, or the head or an authorised director of any law enforcement agency or a person of a similar rank, or the head or an authorised director of any prescribed law enforcement agency or a person of a similar rank (as the case may be) to the effect that the prisoner has complied with the requirements to surrender his or her travel document is sufficient warrant for the Commissioner of Prisons to release the prisoner.

*[1/2014; 19/2018]*

(4A) Any person who has surrendered that person's travel document under this section must not leave, or attempt to leave, Singapore unless —

- (a) that person has applied under section 113 for the return of that travel document; and
- (b) that travel document is returned to that person.

[19/2018]

(4B) Any person who knowingly contravenes subsection (4A) shall be guilty of an offence and shall be liable on conviction to a fine or to imprisonment for a term not exceeding 3 years or to both.

[19/2018]

(5) In this section and section 113 —

“authorised director”, in relation to a law enforcement agency, means a director of that law enforcement agency who is authorised to perform the duties, and exercise the powers, under this section and section 113 of the head of that law enforcement agency;

“authorised officer” means a police officer of or above the rank of Deputy Superintendent of Police who is authorised by the Commissioner of Police to give a written consent mentioned in subsection (1)(a);

“prescribed law enforcement agency” means a law enforcement agency prescribed for the purposes of subsection (1)(c) by the Minister charged with the responsibility for that law enforcement agency.

[19/2018]

### **Return of travel document**

**113.**—(1) A person who has surrendered his or her travel document under section 112 may apply to the authorised officer, or the head or an authorised director of the law enforcement agency or a person of similar rank, or the head or an authorised director of the prescribed law enforcement agency or a person of a similar rank (as the case may be) for the return of the travel document.

[19/2018]

(2) Where an application under subsection (1) has been refused, the person may apply to a District Judge for the return of his or her travel document, stating the reasons for the application.

(3) The District Judge may —

- (a) grant the application subject to such conditions as to the further surrender of the travel document and the provision of security for the appearance of the applicant at such time and place in Singapore as the District Judge may determine; or
- (b) refuse the application.

(4) If the applicant fails to comply with any condition of the return of the travel document, any security provided for the return may be forfeited by a Magistrate and the applicant may be arrested and dealt with in the same way that a person who fails to comply with the requirement under section 112(1) may be arrested and dealt with under section 112(2) and (3).

### **Where person acquainted with facts of investigation intends to leave Singapore**

**114.**—(1) Where a court is satisfied that any person who is acquainted with the subject matter of any investigation carried out under this Code intends to leave Singapore, the court may, having due regard to the circumstances of the person and on the application of the Public Prosecutor, by order require the person to remain in Singapore for such period as the court considers reasonable to facilitate the investigation.

(2) The court may order due provision to be made for the maintenance of such person and for compensating him or her for his or her loss of time.

### *Division 8 — Summons to appear in court*

#### **Form and validity of summons, etc.**

**115.**—(1) A summons to appear issued by a court under this Code must be in writing, bearing the seal of the court and signed by a Magistrate or District Judge (as the case may be), or in the case of the General Division of the High Court, by a Judge or by the Registrar of the Supreme Court.

[40/2019]

(2) The summons remains in force until cancelled by the court or until the person summoned is discharged from it by a court.

(3) The summons may be served by a police officer or by an officer of the court or any other person directed by the court.

(4) If the summons is in connection with an offence under any written law enforceable by a public body, the summons may be served by an officer of that public body.

(5) When a summons cannot be served soon enough to give reasonable notice to the person summoned to appear before the court on the date stated in the summons, the court may in writing substitute some other later date.

### **Service of summons**

**116.**—(1) A summons issued against a person must, as far as is reasonably practicable, be served in accordance with the mode of service mentioned in section 3(1)(a).

(2) A summons issued against a body corporate or a limited liability partnership must, as far as is reasonably practicable, be served in accordance with the mode of service mentioned in section 3(1)(g)(i) and if service cannot be effected by that mode, the summons may be served by sending it by registered post addressed to the body corporate or limited liability partnership at the registered office or principal place of business of the body corporate or limited liability partnership.

(3) A summons issued against a partnership other than a limited liability partnership must, as far as is reasonably practicable, be served in accordance with the mode of service mentioned in section 3(1)(h)(i) and if service cannot be effected by that mode, the summons may be served by sending it by registered post addressed to the partnership at the registered office or principal place of business of the partnership.

(4) A summons issued against an unincorporated association must, as far as is reasonably practicable, be served in accordance with the mode of service mentioned in section 3(1)(i)(i) and if service cannot be effected by that mode, the summons may be served by sending it



by registered post addressed to the unincorporated association at the address of the unincorporated association.

(5) Despite subsections (1) to (4), a summons may be served in any manner mentioned in section 3(1) if any of the following persons (as the case may be) consents to such mode of service:

- (a) the person on whom the summons is to be served;
- (b) the director, manager or secretary or other similar officer of a body corporate or limited liability partnership on whom the summons is to be served;
- (c) any of the partners or the secretary or other similar officer of a partnership (other than a limited liability partnership) on whom the summons is to be served;
- (d) the president, the secretary or any member of the committee of an unincorporated association (or any person holding a position analogous to that of the president, secretary or member of the committee) on whom the summons is to be served.

(6) Where a summons is issued against a person who cannot, by the exercise of due diligence, be found, the summons may be served by leaving a copy thereof for him or her with some adult member of his or her family or with his or her employee residing with him or her.

(7) Where a summons is issued against a person who cannot, by the exercise of due diligence, be found, and the summons cannot be effected in accordance with subsection (6), the serving officer must affix a copy of the summons to some conspicuous part of the place in which the person summoned ordinarily resides, and in such a case, the summons, if the court so directs before or after such affixing, is deemed to have been duly served.

### **Proceedings against body corporate, limited liability partnership, etc.**

**117.**—(1) If a body corporate, limited liability partnership, partnership or unincorporated association is charged with an offence, either alone or jointly with some other person, a representative may appear for the body corporate, limited liability

partnership, partnership or unincorporated association, as the case may be.

(2) The representative may do anything on behalf of the body corporate, limited liability partnership, partnership or unincorporated association (as the case may be) that an accused may do on the accused's own behalf under this Code.

(3) A proceeding is not considered invalid only because an accused body corporate, limited liability partnership, partnership or unincorporated association has failed to appear or because its non-appearance results in something not being done that this Code directs should be done.

(4) Any failure on the part of a body corporate, limited liability partnership, partnership or unincorporated association to comply with the legal formalities relating to the appointment of a representative does not affect the validity of the court proceedings.

(4A) Subsections (3) and (4) do not apply to any proceeding under Part 7A.

[19/2018]

(5) In this section, "representative", in relation to a body corporate, limited liability partnership, partnership or unincorporated association, means a person duly appointed by the body corporate, limited liability partnership, partnership or unincorporated association (as the case may be) to represent it at the court proceedings.

(6) A representative for the purposes of this section may be appointed by a written statement which is to be signed —

- (a) in the case of a body corporate or limited liability partnership, by a director, manager or secretary or other similar officer of the body corporate or limited liability partnership;
- (b) in the case of a partnership, by any of the partners or the secretary or other similar officer of the partnership; or
- (c) in the case of an unincorporated association, by the president, the secretary or any member of the committee of the unincorporated association (or any person holding a

position analogous to that of the president, secretary or member of the committee),

and such written statement is, for the purposes of this section, admissible without further proof as prima facie evidence that the person has been duly appointed as representative.

### **Service for fine-only offence**

**118.** Despite section 116, a summons for a fine-only offence may be served by sending a copy of the summons by registered post to the last known address of the person to be summoned.

*[19/2018]*

### **Proof of service**

**119.** When a summons issued by a court is served, an affidavit of such service is admissible as evidence if the affidavit is on its face made before a person authorised to administer an oath or affirmation.

### **Issue of warrant instead of or in addition to summons**

**120.** A court in any case in which it is empowered to issue a summons for the appearance of a person may, after recording its reasons in writing, issue a warrant for the person's arrest if —

- (a) before or after the issue of the summons but before the time fixed for the person's appearance, the court has reason to believe that the person has absconded or will not obey the summons; or
- (b) at such time fixed for the person's appearance, the person fails to appear, and the summons is proved to have been duly served in time to enable the person to appear in accordance with it and no reasonable excuse is offered for such failure.

### **Service of summons: reciprocal arrangements with Malaysia and Brunei Darussalam**

**121.—(1)** Where under the provisions of any law in force in Malaysia or Brunei Darussalam, a Magistrate or a Magistrate's Court has issued a warrant or summons authorising the arrest of a person or

requiring any person to appear before any court in Malaysia or Brunei Darussalam, and that person is or is believed to be in Singapore, a Magistrate in Singapore, if satisfied that the warrant or summons was duly issued in Malaysia or Brunei Darussalam, may endorse the warrant or summons, and the warrant or summons may then be executed or served (as the case may be) on that person as if it were a warrant or summons lawfully issued in Singapore under the provisions of this Code.

(2) Where under the provisions of any law in force in Malaysia or Brunei Darussalam corresponding to subsection (1), a warrant or summons issued by a Magistrate or a Magistrate's Court in Singapore has been endorsed by a Magistrate in Malaysia or Brunei Darussalam and executed or served on the person named in the warrant or summons, the warrant or summons is for the purposes of this Code deemed to have been as validly executed or served as if the execution or service had been effected in Singapore.

(3) Where a warrant has been executed in Singapore pursuant to subsection (1), the person arrested must be produced as soon as possible before a Magistrate in Singapore, who must, if satisfied that the arrested person is the person specified in the warrant, direct that the arrested person be transferred forthwith in custody to the appropriate court in Malaysia or Brunei Darussalam; and any such person is while in such custody deemed for all purposes to be in lawful custody.

(4) Instead of transferring the arrested person in custody to the appropriate court in Malaysia or Brunei Darussalam under subsection (3), the Magistrate may, if the Magistrate is satisfied for reasons to be recorded by him or her that it is in the interests of justice to do so and if the case is one in which bail may lawfully be granted, release the person arrested on bail conditional on the arrested person's appearing before the appropriate court in Malaysia or Brunei Darussalam at a time to be specified in the bond and bail bond.

(5) Where any person has been served with a summons pursuant to subsection (1), the person must attend at the appropriate court at the time specified in the summons, unless the person can satisfy the court that the person cannot reasonably do so.

**Detention of offender attending court**

**122.**—(1) A person attending court who is not under arrest or has not been served with a summons may be detained by the court for examination for any offence which the court may deal with, and which from the evidence the person appears to have committed.

(2) The court may proceed against the person as though the person had been arrested or summoned.

(3) When the court proceeds against a person under this section during the course of a trial, it must begin the proceeding against the person separately.

[19/2018]

**PART 7****THE CHARGE****Form of charge**

**123.**—(1) Every charge under this Code must state the offence with which the accused is charged.

(2) If the law that creates the offence gives it any specific name, the offence may be described in the charge by that name only.

(3) If the law that creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which the accused is charged.

(4) The provision of the law against which the offence is said to have been committed must be mentioned in the charge.

(5) The fact that the charge is made is equivalent to a statement that the case fulfils every legal condition required by law to constitute the offence charged.

(6) If the accused has been previously convicted of any offence and it is intended to prove that previous conviction for the purpose of affecting the punishment which the court is competent to award, the fact, date and place of the previous conviction must be stated in the

charge; but if the statement is omitted, the court may add it at any time before sentence is passed.

*Illustrations*

- (a) *A* is charged with the murder of *B*. This is equivalent to a statement that *A*'s act fell within the definition of murder in section 300 of the Penal Code 1871; that *A* did not come within any of the general exceptions in Chapter 4 of that Code; and that it did not fall within any of the Exceptions to section 300 or that, if it did fall within Exception 1, one or other of the 3 provisos to that Exception applied to it.
- (b) *A* is charged under section 326 of the Penal Code 1871 with voluntarily causing grievous hurt to *B* by using an instrument for shooting. This is equivalent to a statement that section 335 of that Code and the general exceptions in Chapter 4 of that Code did not apply to it.
- (c) *A* is accused of murder, cheating, theft, extortion, criminal intimidation or using a false property mark. The charge may state, without referring to the definitions of those offences in the Penal Code 1871, that *A* committed murder or cheating or theft or extortion or criminal intimidation or that *A* used a false property mark, but the charge must refer to the section under which each offence is punishable.
- (d) *A* is charged under section 184 of the Penal Code 1871 with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

(6A) If the accused is subject to a remission order made under the Prisons Act 1933 and it is intended to prove the remission order for the purpose of affecting the punishment the court is competent to award, the charge must state —

- (a) the fact of the remission order; and
- (b) the remaining duration of the remission order on the date of the offence stated in the charge,

but if the statement is omitted, the court may add it at any time before sentence is passed.

[1/2014]

(7) All charges upon which persons are tried before the General Division of the High Court must be —

- (a) in accordance with the prescribed form;
- (b) brought in the name of the Public Prosecutor; and

- (c) signed by the Public Prosecutor or by some person authorised by the Public Prosecutor in that behalf and in the latter case, the words “By authority of the Public Prosecutor” must be prefixed to the signature.

[40/2019]

### **Details of time, place and person or thing**

**124.**—(1) The charge must contain details of the time and place of the alleged offence and the person (if any) against whom or the thing (if any) in respect of which it was committed, as are reasonably sufficient to give the accused notice of what the accused is charged with.

(2) Despite subsection (1), where the accused is charged with any offence mentioned in subsection (3) —

- (a) it is sufficient for the charge —
- (i) to specify the gross sum in respect of which the offence is alleged to have been committed without specifying particular items; and
  - (ii) to specify the dates between which the offence is alleged to have been committed (being a period that does not exceed 12 months) without specifying exact dates; and
- (b) the charge so framed is deemed to be a charge of one offence.

[19/2018]

(3) For the purposes of subsection (2), the offences are as follows:

- (a) any offence under section 403, 404, 406, 407, 408, 409, 411, 412, 413 or 414 of the Penal Code 1871;
- (b) any offence under section 50, 51, 53 or 54 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992;
- (c) any other offence (being an offence involving property) that is prescribed.

[19/2018]

(4) Despite subsections (1) and (2) and section 132, where 2 or more incidents of the commission of the same offence by the accused are alleged, and those alleged incidents taken together amount to a course of conduct (having regard to the time, place or purpose of each alleged incident) —

(a) it is sufficient to frame one charge for all of those alleged incidents, if all of the following conditions are satisfied:

(i) the charge —

(A) contains a statement that the charge is amalgamated under this subsection;

(B) either —

(BA) specifies the number of separate incidents of the commission of that offence that are alleged, without specifying each particular alleged incident; or

(BB) if the causing of a particular outcome is an element of that offence, contains details of the aggregate outcome caused by all of those alleged incidents, without specifying the particular outcome caused by each particular alleged incident;

(C) contains a statement that all of those alleged incidents taken together amount to a course of conduct; and

(D) specifies the dates between which all of those incidents are alleged to have occurred, without specifying the exact date for each particular alleged incident;

(ii) if a separate charge had been framed in respect of each of those incidents, the maximum punishment for the offence specified in each separate charge would be the same maximum punishment;



- (iii) the charge so framed does not specify any offence punishable with death; and
- (b) the charge so framed is deemed to be a charge of one offence.

*Illustrations*

- (a) *A* is charged under section 465 of the Penal Code 1871 with committing forgery by making a false document. By virtue of section 463 of that Code, *A*'s conduct in making the false document is conduct that is an element of the offence that *A* is charged with.
- (b) *A* is charged under section 325 of the Penal Code 1871 with voluntarily causing grievous hurt to *B*. *A*'s conduct in causing grievous hurt to *B* is conduct that is an element of the offence that *A* is charged with.
- (c) *A* is charged under section 426 of the Penal Code 1871 with committing mischief by setting fire to a dustbin, and thereby causing the destruction of the dustbin. By virtue of section 425 of that Code, the destruction of the dustbin is an outcome (caused by *A*'s conduct of setting fire to the dustbin) that is an element of the offence that *A* is charged with.
- (d) *A* is charged under section 417 of the Penal Code 1871 with cheating *B* by deceiving *B*, and thereby intentionally inducing *B* to do a thing which *B* would not do if *B* were not so deceived. By virtue of section 415 of that Code, the thing that *B* is induced to do is an outcome (caused by *A*'s conduct of deceiving *B*) that is an element of the offence that *A* is charged with.

[19/2018]

(5) For the purposes of subsection (4), 2 or more alleged incidents of the commission of an offence, taken together, may amount to a course of conduct, if one or more of the following circumstances exist:

- (a) where the offence is one that has an identifiable victim, the victim in each alleged incident is the same person or belongs to the same class of persons;
- (b) all of the alleged incidents involve the employment of the same method or similar methods;
- (c) all of the alleged incidents occurred in the same place, in similar places, or in places that are located near to each other;

- (d) all of the alleged incidents occurred within a defined period that does not exceed 12 months.

[19/2018]

(6) To avoid doubt, subsection (5) does not contain an exhaustive list of the circumstances where 2 or more alleged incidents of the commission of an offence, taken together, may amount to a course of conduct.

[19/2018]

(7) Subsection (4) ceases to apply to 2 or more alleged incidents of the commission of the same offence by the accused, if the accused indicates that the accused intends to rely on a different defence in relation to each of those alleged incidents.

[19/2018]

(8) Subject to subsection (7), where a charge is framed under subsection (2) or (4), and a person is convicted of the offence specified in that charge —

- (a) the court may sentence that person —

- (i) in any case where the charge is framed under subsection (2) — to 2 times the amount of punishment to which that person would otherwise have been liable for that offence; or
- (ii) in any case where the charge is framed under subsection (4) — to 2 times the amount of punishment to which that person would otherwise have been liable if that person had been charged with and convicted of any one of the incidents of commission of the offence mentioned in that subsection; but

- (b) any sentence of caning imposed by the court in respect of that offence must not exceed the specified limit in section 328.

[19/2018]

(9) Despite anything to the contrary in this Code, where a Magistrate's Court or District Court would (apart from this section) have jurisdiction and power to try a particular type of offence, and a charge specifying an offence of that type is framed under

subsection (2) or (4) — the Magistrate’s Court or District Court (as the case may be) —

- (a) has jurisdiction to hear and determine all proceedings for the offence specified in that charge; and
- (b) has power to award the full punishment provided under subsection (8) in respect of the offence specified in that charge.

[19/2018]

(10) Subsections (8) and (9) do not apply to a charge framed under subsection (2) or (4) in respect of any act or omission that took place before 31 October 2018.

[19/2018]

### **When manner of committing offence must be stated**

**125.** If the particulars mentioned in sections 123 and 124 do not give the accused sufficient notice of what the accused is charged with, then the charge must also give details of how the alleged offence was committed as will be sufficient for that purpose.

#### *Illustrations*

- (a) *A* is accused of theft of a certain article at a certain time and place. The charge need not state how the theft was effected.
- (b) *A* is accused of cheating *B* at a given time and place. The charge must state how *A* cheated *B*.
- (c) *A* is accused of giving false evidence at a given time and place. The charge must state that portion of *A*’s evidence that is alleged to be false.
- (d) *A* is accused of obstructing *B*, a public servant, in the discharge of *B*’s public functions at a given time and place. The charge must state how *A* obstructed *B* in discharging *B*’s functions.
- (e) *A* is accused of the murder of *B* at a given time and place. The charge need not state how *A* murdered *B*.
- (f) *A* is accused of disobeying a direction of the law with intent to save *B* from punishment. The charge must state the disobedience charged and the law broken.

### **Sense of words used in charge to describe offence**

**126.** In every charge, words used to describe an offence are deemed to have been used in the sense attached to them respectively by the law under which that offence is punishable.

### **Effect of errors**

**127.** No error in stating either the offence or the particulars that must be stated in the charge, and no omission to state the offence or those details is to be regarded at any stage of the case as material unless the accused was in fact misled by that error or omission.

#### *Illustrations*

- (a) [*Deleted by Act 15 of 2019*]
- (b) *A* is charged with cheating *B*. How *A* cheated *B* is not stated in the charge or is stated incorrectly. *A* defends himself or herself, calls witnesses and gives *A*'s own account of the transaction. The court may infer from this that omitting to state, or stating incorrectly, how *B* was cheated is not a material error.
- (c) *A* is charged with cheating *B*. How *A* cheated *B* is not stated in the charge. There were many transactions between *A* and *B* and *A* had no means of knowing to which of them the charge referred and offered no defence. The court may infer from those facts that omitting to state how *B* was cheated was a material error.
- (d) *A* was charged with murdering Tan Ah Teck on 5 June 1996 and Tan Ah Tuck, who tried to arrest *A* for that murder, on 6 June 1996. While charged with murdering Tan Ah Teck, *A* was tried for the murder of Tan Ah Tuck. The witnesses present in *A*'s defence were witnesses in the case of Tan Ah Teck. The court may infer from this that *A* was misled and that the error was material.

[15/2019]

### **Court may alter charge or frame new charge**

**128.—**(1) A court may alter a charge or frame a new charge, whether in substitution for or in addition to the existing charge, at any time before judgment is given.

(2) A new or altered charge must be read and explained to the accused.

### **Trial after alteration of charge or framing of new charge**

**129.—**(1) If a charge is altered or a new charge framed under section 128, the court must immediately call on the accused to enter

the accused's plea and to state whether the accused is ready to be tried on this altered or new charge.

(2) If the accused declares that the accused is not ready, the court must duly consider any reason the accused gives.

(3) If the court thinks that proceeding immediately with the trial is unlikely to prejudice the accused's defence or the prosecutor's conduct of the case, then it may proceed with the trial.

(4) If the court thinks otherwise, then it may direct a new trial or adjourn the trial for as long as necessary.

### **Stay of proceedings if altered or new charge requires Public Prosecutor's consent**

**130.**—(1) If the offence stated in the altered or new charge is one that requires the Public Prosecutor's consent under section 10(1), then the trial must not proceed before the consent is obtained, unless it has already been obtained for a prosecution on the same facts as those on which the altered or new charge is based.

(2) If consent for the prosecution is or has been obtained, all evidence previously admitted by the court in the trial is deemed to have been admitted in evidence in the trial of the altered or new charge.

### **Recall of witnesses on trial of altered or new charge**

**131.** If a charge is altered or a new charge is framed by the court after the start of a trial, the prosecutor and the accused must, on application to the court by either party, be allowed to recall or re-summon and examine any witness who may have been examined, with reference to the altered or newly framed charge only, unless the court thinks that the application is frivolous or vexatious or is meant to cause delay or to frustrate justice.

### **Separate charges for distinct offences**

**132.**—(1) For every distinct offence of which any person is accused, there must be a separate charge and, subject to subsection (2), every charge must be tried separately.

- (2) Subsection (1) does not apply —
- (a) in the cases mentioned in sections 133 to 136, 138, 143, 144 and 145;
  - (b) to charges to which the accused pleads guilty; or
  - (c) to charges which the accused and the prosecutor consent to be taken into consideration under section 148.

*Illustration*

*A* is accused of a theft on one occasion and of causing grievous hurt on another occasion. *A* must be separately charged and separately tried for the theft and causing grievous hurt. However, *A* does not need to be separately tried if *A* pleads guilty to both charges or if *A* pleads guilty to one charge and consents to the other charge being taken into consideration under section 148.

### **Joining of similar offences**

**133.** When a person is accused of 2 or more offences, the person may be charged with and tried at one trial for any number of those offences if the offences form or are a part of a series of offences of the same or a similar character.

### **Trial for more than one offence**

**134.** If, in one series of acts connected so as to form the same transaction, 2 or more offences are committed by the same person, then the person may be charged with and tried at one trial for every such offence.

*Illustrations*

The separate charges referred to in *illustrations* (a) to (g) below respectively may be tried at one trial.

- (a) *A* rescues *B*, a person in lawful custody, and in doing so causes grievous hurt to *C*, a constable in whose custody *B* was. *A* may be separately charged with offences under sections 225 and 333 of the Penal Code 1871.
- (b) *A* has in *A*'s possession several seals that *A* knows to be counterfeit and intends to use them to commit forgeries punishable under section 466 of the Penal Code 1871. *A* may be separately charged with the possession of each seal under section 473 of the Penal Code 1871.
- (c) Intending to cause injury to *B*, *A* begins a criminal proceeding against *B* knowing that there is no just or lawful basis for the proceeding; and also falsely accuses *B* of having committed an offence knowing there is no just or

lawful basis for the charge. *A* may be separately charged with 2 offences under section 211 of the Penal Code 1871.

- (d) Intending to cause injury to *B*, *A* falsely accuses *B* of having committed an offence knowing that there is no just or lawful basis for the charge. At the trial, *A* gives false evidence against *B*, intending thereby to cause *B* to be convicted of a capital offence. *A* may be separately charged with offences under sections 211 and 194 of the Penal Code 1871.
- (e) *A*, with 6 others, commits the offences of rioting, causing grievous hurt and assaulting a public servant *B* trying to suppress the riot in the discharge of *B*'s duty. *A* may be separately charged with offences under sections 145, 325 and 152 of the Penal Code 1871.
- (f) *A* threatens *B*, *C* and *D* at the same time with injury to their persons with intent to cause alarm to them. *A* may be separately charged with each of the 3 offences under section 506 of the Penal Code 1871.
- (g) *A* locks *B* and *C* in a room and then sets fire to that room, intending thereby to cause their deaths. *A* may be separately charged with each of the 2 offences under section 302 of the Penal Code 1871.

### **Trial of offences within 2 or more definitions**

**135.** If the alleged acts constitute an offence falling within 2 or more separate definitions of any law by which offences are defined or punished, then the person accused of them may be charged with and tried at one trial for each of those offences.

#### *Illustrations*

The separate charges referred to in *illustrations* (a) to (d) below respectively may be tried at one trial.

- (a) *A* wrongfully strikes *B* with a cane. *A* may be separately charged with offences under sections 352 and 323 of the Penal Code 1871.
- (b) Several stolen sacks of rice are passed to *A* and *B*, who know they are stolen property, so they can conceal them. *A* and *B* then voluntarily help each other to conceal the sacks at the bottom of a grain-pit. *A* and *B* may be separately charged with offences under sections 411 and 414 of the Penal Code 1871.
- (c) *A* exposes *A*'s child with the knowledge that by doing so *A* is likely to cause its death. The child dies as a result. *A* may be separately charged with offences under sections 317 and 304 of the Penal Code 1871.
- (d) *A* dishonestly uses a forged document as evidence to convict *B*, a public servant, of an offence under section 167 of the Penal Code 1871. *A* may be separately charged with offences under sections 471 (read with section 466) and 196 of the Penal Code 1871.

**Acts forming one offence but when combined form different offence**

**136.** If several acts of which one or more than one would by itself or themselves constitute an offence but when combined constitute a different offence, the person accused of them may be charged with and tried at one trial for the offence constituted by those acts when combined or for any offence constituted by any one or more of those acts.

*Illustration*

*A robs B, and in doing so voluntarily hurts B. A may be separately charged with offences under sections 323, 392 and 394 of the Penal Code 1871 and A may be tried at one trial for those offences.*

**Sections 134, 135 and 136 not to affect section 308**

**137.** Nothing in section 134, 135 or 136 affects section 308.

**If it is doubtful what offence has been committed**

**138.** If a single act or series of acts is such that it is doubtful which of several offences the provable facts will constitute, the accused may be charged with all or any of those offences and any number of the charges may be tried at once, or the accused may be charged in the alternative with any one of those offences.

*Illustrations*

- (a) *A is accused of an act that may amount to theft or receiving stolen property or criminal breach of trust or cheating. A may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or A may be charged with having committed theft or receiving stolen property or criminal breach of trust or cheating.*
- (b) *A states on oath before the committing Magistrate that A saw B hit C with a club. Before the General Division of the High Court, A states on oath that B never hit C. A may be charged in the alternative and convicted of intentionally giving false evidence although it cannot be proved which of these contradictory statements was false.*



### **When person charged with one offence can be convicted of another**

**139.** If in the case mentioned in section 138 the accused is charged with one offence and it appears in evidence that the accused committed a different offence for which the accused might have been charged under that section, the accused may be convicted of the offence that the accused is shown to have committed although the accused was not charged with it.

#### *Illustration*

*A* is charged with theft. In evidence it appears that *A* committed the offence of criminal breach of trust or of receiving stolen goods. *A* may be convicted of criminal breach of trust or of receiving stolen goods (as the case may be), although *A* was not charged with that offence.

### **Conviction of attempt or abetment**

**140.** When the accused is charged with an offence, the accused may be convicted of having attempted to commit it or of having abetted its commission, although neither the attempt nor the abetment is separately charged.

### **When offence proved is lesser offence**

**141.—(1)** If the charge against a person in respect of any offence consists of several particulars, a combination of only some of which forms a complete lesser offence, and the combination is proved but the remaining particulars are not proved, the person may be convicted of the lesser offence although the person was not charged with it.

(2) When a person is charged with an offence and facts are proved which reduce it to a lesser offence, the person may be convicted of the lesser offence although the person is not charged with it.

#### *Illustrations*

- (a) *A* is charged under section 407 of the Penal Code 1871 with criminal breach of trust in respect of property entrusted to *A* as a carrier. It appears that *A* did commit criminal breach of trust under section 406 of the Penal Code 1871 in respect of the property, but that it was not entrusted to *A* as a carrier. *A* may be convicted of criminal breach of trust under section 406 of the Penal Code 1871.

- (b) *A* is charged under section 325 of the Penal Code 1871 with causing grievous hurt. *A* proves that *A* acted on grave and sudden provocation. *A* may be convicted under section 335 of the Penal Code 1871.

### **Where court finds offence mentioned in section 10 proved**

**142.** Where the court makes a finding under section 139 or 141 that any offence mentioned in section 10(1) has been proved, the court may only pronounce a conviction if the consent of the Public Prosecutor is obtained.

### **Persons who may be charged and tried jointly**

**143.** The following persons may be charged and tried together or separately:

- (a) persons accused of the same offence committed in the same transaction;
- (b) persons accused of different offences committed in the same transaction;
- (c) persons accused of 2 or more offences which form or are a part of a series of offences of the same or a similar character;
- (d) a person accused of an offence of theft, extortion, robbery, criminal misappropriation, criminal breach of trust or cheating, and another person accused of receiving or retaining or assisting in the disposal or concealment of the subject matter of that offence;
- (e) persons accused of offences under sections 411 and 414 of the Penal Code 1871, or either of those sections, in respect of the same stolen property, the possession of which has been transferred as a result of the original offence of theft, extortion, robbery, criminal misappropriation, criminal breach of trust or cheating;
- (f) a person accused of any offence under Chapter 18 of the Penal Code 1871 relating to a counterfeit currency, and a person accused of any other offence under that Chapter relating to the same currency;

- (g) a person accused of committing an offence and a person accused of abetment of or attempt to commit that offence.

*Illustrations*

- (a) *A* and *B* are accused of the same murder. *A* and *B* may be charged and tried together for the murder.
- (b) *A* and *B* are accused of a robbery during which *A* commits a murder with which *B* has nothing to do. *A* and *B* may be tried together, where both will be tried for robbery and *A* tried also for the murder.
- (c) *A* and *B* are both charged with a theft and *B* is charged with 2 other thefts *B* committed during the same transaction. *A* and *B* may both be tried together, where both will be tried for the one theft and *B* alone for the 2 other thefts.
- (d) *A* commits theft of a computer. *B*, knowing that the computer was stolen, receives it from *A*. *B* then passes it to *C* who, knowing that the computer was stolen, disposes of it. *A*, *B* and *C* may all be tried together.
- (e) *A* and *B* are accused of giving false evidence in the same proceedings. They should be charged and tried separately.

[15/2019]

### **Joint trials for connected offences**

**144.** Despite section 143, persons accused of different offences, whether under the same written law or under different written laws, may be charged separately and tried together, if either or both of the following apply:

- (a) those offences arise from the same series of acts, whether or not those acts form the same transaction;
- (b) there is any agreement between those persons for each person to engage in conduct from which arises the offence that person is charged with.

*Illustrations*

- (a) *A* agrees to let *B* keep *B*'s benefits of drug trafficking in *A*'s bank account to avoid detection. *A* and *B* may be separately charged and tried together for offences under sections 50(1)(a) and 53(1)(a) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, respectively, as the offences arise from the same series of acts.
- (b) *A* sells 10 grams of diamorphine to *B*. Out of the 10 grams of diamorphine, *B* sells 5 grams to *C*. *A*, *B* and *C* may be separately charged and tried together for

offences under section 5(1)(a) of the Misuse of Drugs Act 1973 as the offences arise from the same series of acts.

- (c) *A* has in *A*'s possession a secret official code word which has been entrusted in confidence to *A* by a person holding office under the Government and fails to take reasonable care of the secrecy of the information. As a result of *A*'s failure, *B* comes into possession of the secret official code word and retains it for a purpose prejudicial to the safety of Singapore when *B* has no right to retain it. *A* and *B* may be separately charged and tried together for offences under sections 5(1)(i) and 6(2)(a) of the Official Secrets Act 1935, respectively, as the offences arise from the same series of acts.
- (d) *A* gives *B* a gratification as an inducement for awarding a contract by *B*'s company to *A*. *A* and *B* may be separately charged and tried together for offences under section 6(b) and (a), respectively, of the Prevention of Corruption Act 1960 as the offences arise from the same series of acts.
- (e) Members of opposing factions in an unlawful assembly or a riot may be separately charged and tried jointly as the offence of unlawful assembly or rioting arises from the same series of acts.
- (f) *A*, *B* and *C* are present when officers from the Corrupt Practices Investigation Bureau conduct a search of certain premises during an investigation into an offence under the Prevention of Corruption Act 1960. *A* states to the officers that there is no evidence of the offence in those premises, when *A* knows the statement is false. *B* overhears *A*'s statement and, knowing *A*'s statement is false, tells *C* to repeat the same false account to the officers. *A* and *B* are charged separately with an offence under section 28(b) of the Prevention of Corruption Act 1960 and an offence under section 204A of the Penal Code 1871, respectively. *A* and *B* may be tried together for those offences, as those offences arise from the same series of acts.
- (g) *A*, *B* and *C* enter into an agreement for *A* to traffic in a controlled drug, *B* to manage a brothel and *C* to import uncustomed goods, with the profits from these activities to be shared among them. *A*, *B* and *C* are charged separately for an offence under section 5(1)(a) of the Misuse of Drugs Act 1973, an offence under section 148(1) of the Women's Charter 1961 and an offence under section 128F of the Customs Act 1960, respectively. *A*, *B* and *C* may be tried together for those offences, as there was an agreement between those persons for each person to engage in conduct from which arose the offence that person is charged with.

[19/2018]

### **Joint trials with consent**

**145.**—(1) A court may try offences together at one trial or order a joint trial even though it cannot do so by virtue of section 133, 134, 135, 136, 138, 143 or 144, if —

- (a) in a case where an accused is charged with 2 or more offences, the Public Prosecutor and the accused consent to have all such offences tried together; or
- (b) in a case where 2 or more persons are charged with separate offences, the Public Prosecutor and all such persons consent to a joint trial.

(2) Despite subsection (1), the court must not try offences together or order a joint trial in relation to a person who had earlier given consent under that subsection if —

- (a) at the time when the consent is given, the person is not represented by an advocate; and
- (b) at the time of the trial, that person objects to the court trying the offences together or to the joint trial.

### **Separate trial when accused is prejudiced**

**146.** Despite any other provision in this Code, where before a trial or at any stage of a trial, a court is of the view that an accused may be prejudiced or embarrassed in the accused's defence because —

- (a) the accused is charged with and tried at one trial for more than one offence under section 133, 134, 135, 136 or 145(1)(a); or
- (b) the accused is charged with and tried at one trial with one or more other co-accused under section 143, 144 or 145(1)(b),

the court may order that the accused be charged and tried separately for any one or more of the offences.

### **Withdrawal of remaining charges on conviction on one of several charges**

**147.—**(1) Where 2 or more charges are made against the same person and the person has been convicted on one or more of them, the prosecution may, with the consent of the court, withdraw the remaining charge or any of the remaining charges.

(2) The withdrawal has the effect of an acquittal on the remaining charge or charges withdrawn unless the conviction is set aside.

(3) Where a conviction is set aside under subsection (2), and subject to any order of the court setting aside the conviction, the court may proceed with the trial of the charge or charges previously withdrawn.

### **Outstanding offences**

**148.**—(1) If the accused is found guilty of an offence in any criminal proceedings begun by or on behalf of the Public Prosecutor, the court in determining and passing sentence may, with the consent of the prosecution and the accused, take into consideration any other outstanding offences that the accused admits to have committed.

(2) If the outstanding offences mentioned in subsection (1) were not begun by or on behalf of the Public Prosecutor, the court must first be satisfied that the person or authority by whom those proceedings were begun consents to that course of action.

(3) The General Division of the High Court may, under subsection (1), take into consideration any outstanding offences an accused admits to have committed when passing sentence, even though no transmission proceedings under Division 5 of Part 10 have been held in respect of those outstanding offences.

*[19/2018; 40/2019]*

(4) When consent is given under subsection (1) or (2) and any outstanding offences are taken into consideration in determining and passing sentence, such fact must be entered in the court's record.

(5) After being sentenced, the accused may not, unless the accused's conviction for the original offence under subsection (1) is set aside, be charged or tried for any offence that the court had taken into consideration under this section.

### **Death of accused**

**149.** Every charge or criminal proceeding abates on the death of the accused, and the court must so order if it is satisfied that the accused is dead.

## PART 7A

## DEFERRED PROSECUTION AGREEMENTS

**Interpretation of this Part**

**149A.** In this Part —

“alleged offence” means an offence specified in the Sixth Schedule;

“deferred prosecution agreement” or “DPA” means an agreement entered into between the Public Prosecutor and a person who has been charged with, or whom the Public Prosecutor is considering prosecuting for, an alleged offence, under which —

(a) the person agrees to comply with the requirements imposed on the person by the agreement; and

(b) the Public Prosecutor agrees that, upon the approval of the agreement by the General Division of the High Court under section 149F, sections 149C and 149I apply in relation to the prosecution of the person for the alleged offence;

“give public notice”, in relation to a matter, means to cause a notice of the matter to be published in the *Gazette*;

“subject” means a person who enters into a DPA with the Public Prosecutor.

[19/2018; 40/2019]

**Entering into DPA, etc.**

**149B.**—(1) A DPA may be entered into in respect of any alleged offence, whether alleged to have been committed before, on or after 31 October 2018.

[19/2018]

(2) A DPA in respect of an alleged offence —

(a) may be entered into before, on or after the date on which a subject is charged with the alleged offence; but

- (b) cannot be entered into after the commencement of the trial for that alleged offence.

[19/2018]

- (3) One DPA may be entered into in respect of 2 or more different alleged offences.

[19/2018]

- (4) A person may choose whether to enter into a DPA with the Public Prosecutor.

[19/2018]

- (5) Before a DPA is in force, any party to the DPA may withdraw from any negotiation concerning the DPA, from the DPA itself, and from any proceeding under section 149F relating to the DPA, without giving any reason for the withdrawal.

[19/2018]

### **Effect of DPA on court proceedings while DPA is in force**

**149C.** After a DPA is entered into between the Public Prosecutor and a subject in respect of an alleged offence, the following apply:

- (a) if the subject has been charged with the alleged offence, the subject is deemed to have been granted a discharge not amounting to an acquittal in relation to the alleged offence, when the DPA comes into force;
- (b) while the DPA is in force, the subject cannot be prosecuted for the alleged offence in any criminal proceedings;
- (c) while the DPA is in force, any limitation period or time limit for the commencement of any of the following matters is suspended:
  - (i) the prosecution of the alleged offence;
  - (ii) any civil penalty action in respect of the alleged offence;
  - (iii) any proceedings for an order for disgorgement of a benefit derived from the alleged offence;
  - (iv) any proceedings for the confiscation of any property that —



- (A) is used, or intended to be used, for the commission of the alleged offence; or
- (B) constitutes a benefit derived from the alleged offence;
- (v) any disciplinary proceedings, or other proceedings relating to the imposition of any regulatory measure, under any written law, that arise from the facts of the alleged offence.

[19/2018]

### **Persons who may enter into DPA with Public Prosecutor**

**149D.**—(1) A subject may be a body corporate, a limited liability partnership, a partnership or an unincorporated association, but cannot be an individual.

[19/2018]

(2) In the case of a DPA between the Public Prosecutor and a partnership —

- (a) the DPA must be entered into in the name of the partnership (and not in the name of any of the partners); and
- (b) any money payable under the DPA must be paid out of the funds of the partnership.

[19/2018]

(3) In the case of a DPA between the Public Prosecutor and an unincorporated association —

- (a) the DPA must be entered into in the name of the association (and not in the name of any of its members); and
- (b) any money payable under the DPA must be paid out of the funds of the association.

[19/2018]

(4) A subject must be represented by an advocate at the time the subject enters into a DPA.

[19/2018]

**Content of DPA**

**149E.**—(1) A DPA must contain —

- (a) a charge or draft charge (prepared by the Public Prosecutor) relating to the alleged offence; and
- (b) a statement of facts relating to the alleged offence, which may include admissions made by the subject that enters into the DPA.

[19/2018]

(2) A DPA must specify a date (called in this Part the expiry date) on which the DPA ceases to have effect if the DPA is not already terminated under section 149G.

[19/2018]

(3) The requirements that a DPA may impose on the subject that enters into the DPA include, but are not limited to, the following requirements:

- (a) to pay to the Public Prosecutor a financial penalty;
- (b) to compensate victims of the alleged offence;
- (c) to donate money to a charity or any other third party;
- (d) to disgorge any profits made by the subject from the alleged offence;
- (e) to implement a compliance programme, or make changes to an existing compliance programme, relating to the subject's policies or to the training of the subject's employees or both;
- (f) to appoint a person —
  - (i) to assess and monitor the subject's internal controls;
  - (ii) to advise the subject, and the Public Prosecutor, of any improvements to the subject's compliance programme that are necessary, or that will reduce the risk of a recurrence of any conduct prohibited by the DPA; and

- (iii) to report to the Public Prosecutor any misconduct in the implementation of the subject's compliance programme or internal controls;
- (g) to cooperate in —
  - (i) any investigation relating to the alleged offence; and
  - (ii) any investigation relating to any possible offence, committed by any officer, employee or agent of the subject, that arises from the same or substantially the same facts as the alleged offence;
- (h) to pay any reasonable costs of the Public Prosecutor in relation to the alleged offence or the DPA.

[19/2018]

(4) A DPA may impose time limits within which the subject of the DPA must comply with the requirements imposed on the subject.

[19/2018]

(5) A DPA may include a term setting out the consequences of a failure by the subject of the DPA to comply with any of its terms.

[19/2018]

### **Court approval of DPA**

**149F.**—(1) When the Public Prosecutor and the subject have agreed on the terms of a DPA, the Public Prosecutor must apply by criminal motion to the General Division of the High Court for a declaration (called in this section the relevant declaration) that —

- (a) the DPA is in the interests of justice; and
- (b) the terms of the DPA are fair, reasonable and proportionate.

[19/2018; 40/2019]

- (2) At the hearing of an application under subsection (1) —
- (a) the Public Prosecutor and the subject may submit on the application jointly or separately; and
  - (b) the General Division of the High Court may —
    - (i) make the relevant declaration;
    - (ii) refuse the application; or

(iii) adjourn the hearing of the application —

(A) for the Public Prosecutor and the subject to amend the DPA; or

(B) for any other reason.

*[19/2018; 40/2019]*

(3) A DPA comes into force only when the General Division of the High Court approves the DPA by making the relevant declaration.

*[19/2018; 40/2019]*

(4) An application under subsection (1) must be heard and dealt with in camera.

*[19/2018]*

(5) Upon the General Division of the High Court making a relevant declaration, the Public Prosecutor must give public notice of the following, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the General Division of the High Court under section 149J(1) or (2):

(a) the DPA to which the relevant declaration relates;

(b) the relevant declaration;

(c) if any reasons are given by the General Division of the High Court for its decision to make the relevant declaration, those reasons.

*[19/2018; 40/2019]*

(6) A refusal by the General Division of the High Court of an application under subsection (1) in respect of a DPA entered into between the Public Prosecutor and a subject in respect of an alleged offence, does not prevent the Public Prosecutor from making another application under that subsection, for a relevant declaration in respect of a different DPA entered into with the same subject in respect of the same alleged offence.

*[19/2018; 40/2019]*

## **Breach of DPA**

**149G.**—(1) If the Public Prosecutor believes that the subject that entered into a DPA has failed to comply with the terms of the DPA,

the Public Prosecutor may make an application to the General Division of the High Court under this section.

[19/2018; 40/2019]

(2) On an application under subsection (1), the Public Prosecutor must prove, on a balance of probabilities, that the subject that entered into a DPA has failed to comply with the terms of the DPA.

[19/2018]

(3) If the General Division of the High Court is satisfied that the subject that entered into a DPA has failed to comply with the terms of the DPA, the General Division of the High Court must terminate the DPA.

[19/2018; 40/2019]

(4) Where the General Division of the High Court decides that the subject that entered into a DPA did not fail to comply with the terms of the DPA, the Public Prosecutor must give public notice of the following, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the General Division of the High Court under section 149J(1) or (2):

- (a) the decision of the General Division of the High Court;
- (b) if any reasons are given by the General Division of the High Court for that decision, those reasons.

[19/2018; 40/2019]

(5) Where the General Division of the High Court terminates a DPA under subsection (3), the Public Prosecutor must give public notice of the following, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the General Division of the High Court under section 149J(1) or (2):

- (a) the fact that the DPA has been terminated by the General Division of the High Court following a failure by the subject that entered into the DPA to comply with the terms of the DPA;
- (b) if any reasons are given by the General Division of the High Court for its decisions under subsections (2) and (3), those reasons.

[19/2018; 40/2019]

(6) Where the General Division of the High Court terminates a DPA under subsection (3), the subject —

- (a) is not entitled to recover any money that the subject had paid, before the termination, pursuant to any requirement imposed by the DPA; and
- (b) is not entitled to any relief for any detriment caused to the subject by the subject's compliance with the terms of the DPA before the termination.

[19/2018; 40/2019]

### **Variation of terms of DPA**

**149H.**—(1) At any time when a DPA is in force, the Public Prosecutor and the subject that entered into the DPA may agree to vary the terms of the DPA.

[19/2018]

(2) When the Public Prosecutor and the subject that entered into a DPA have agreed to vary the terms of the DPA, the Public Prosecutor must apply by criminal motion to the General Division of the High Court for a declaration (called in this section the relevant declaration) that —

- (a) the variation is in the interests of justice; and
- (b) the terms of the DPA as varied are fair, reasonable and proportionate.

[19/2018; 40/2019]

(3) A variation of the terms of a DPA only takes effect when the General Division of the High Court approves the variation by making the relevant declaration.

[19/2018; 40/2019]

(4) Where the General Division of the High Court decides to approve the variation, the Public Prosecutor must give public notice of the following, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the General Division of the High Court under section 149J(1) or (2):

- (a) the DPA as varied;
- (b) the relevant declaration;

- (c) if any reasons are given by the General Division of the High Court for its decision to make the relevant declaration, those reasons.

[19/2018; 40/2019]

(5) Where the General Division of the High Court decides not to approve the variation, the Public Prosecutor must give public notice of the following, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the General Division of the High Court under section 149J(1) or (2):

- (a) the decision of the General Division of the High Court;
- (b) if any reasons are given by the General Division of the High Court for that decision, those reasons.

[19/2018; 40/2019]

### **Expiry of DPA**

**149I.**—(1) If a DPA in respect of an alleged offence remains in force until its expiry date, then after the DPA has expired —

- (a) the Public Prosecutor must —
- (i) give written notice to the General Division of the High Court that the Public Prosecutor does not intend to prosecute the subject for the alleged offence; and
- (ii) give public notice that the Public Prosecutor has given that written notice to the General Division of the High Court, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the General Division of the High Court under section 149J(1) or (2); and
- (b) except as provided in subsection (2), the subject cannot be prosecuted for the alleged offence after the Public Prosecutor gives that written notice to the General Division of the High Court.

[19/2018; 40/2019]

(2) Despite subsection (1), the Public Prosecutor may initiate new criminal proceedings against the subject that entered into a DPA in respect of the alleged offence in that DPA, if the Public Prosecutor finds (whether before, on or after the expiry date of the DPA) that

during the course of the negotiations for the DPA (including any variation of the terms of the DPA that is approved by the General Division of the High Court under section 149H) —

- (a) the subject provided inaccurate, misleading or incomplete information to the Public Prosecutor; and
- (b) the subject knew or ought to have known that the information was inaccurate, misleading or incomplete.

[19/2018; 40/2019]

(3) Where —

- (a) a DPA is entered into between the Public Prosecutor and a subject in respect of an alleged offence;
- (b) the subject is deemed under section 149C(a) to have been granted a discharge not amounting to an acquittal in relation to the alleged offence; and
- (c) the DPA remains in force until its expiry date,

after the DPA has expired, the General Division of the High Court may, on the application of the Public Prosecutor, grant the subject a discharge amounting to an acquittal in relation to the alleged offence.

[19/2018; 40/2019]

(4) For the purposes of subsections (1) and (3), a DPA is not to be treated as having expired if an application by the Public Prosecutor under section 149G, about an alleged failure by the subject that entered into the DPA to comply with the terms of the DPA, is pending on the expiry date of the DPA.

[19/2018]

(5) In the case mentioned in subsection (4) —

- (a) if the General Division of the High Court decides that the subject did not fail to comply with the terms of the DPA, the DPA is to be treated as expiring when the application under section 149G is decided; or
- (b) if the General Division of the High Court terminates the DPA —
  - (i) the DPA is to be treated as not having remained in force until its expiry date; and



(ii) therefore, subsections (1) and (3) do not apply.

[19/2018; 40/2019]

### **Publication of information**

**149J.**—(1) The General Division of the High Court may postpone the giving of public notice under section 149F(5), 149G(4) or (5), 149H(4) or (5) or 149I(1)(a)(ii) for such period as the General Division of the High Court considers necessary, if it appears to the General Division of the High Court that the postponement is necessary to avoid substantial risk of prejudice to the administration of justice in —

- (a) any legal proceedings;
- (b) any investigation under this Code; or
- (c) any criminal investigation under any other written law.

[19/2018; 40/2019]

(2) In any proceedings under this Part, the General Division of the High Court may, if satisfied that it is expedient in the interests of justice, public safety, public security or propriety, or for other sufficient reason, to do so, make either or both of the following orders:

- (a) an order that any information, which is contained in any court document intended to be produced before the court, be removed or be sufficiently redacted;
- (b) an order that no person is to publish any such information, or do any other act that is likely to lead to the publication of any such information.

[19/2018; 40/2019]

(3) Any person who does any act in contravention of an order under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

[19/2018]

**Use of material in criminal proceedings**

**149K.**—(1) Subsections (2) and (3) apply where a DPA in respect of an alleged offence is approved by the General Division of the High Court under section 149F.

*[19/2018; 40/2019]*

(2) The statement of facts contained in the DPA is, in any criminal proceedings brought against the subject for the alleged offence, to be treated as an admission by the subject under section 267.

*[19/2018]*

(3) However, the admission mentioned in subsection (2) cannot be withdrawn by the subject under section 267(4).

*[19/2018]*

(4) Subsections (5) and (6) apply where the Public Prosecutor and a subject have entered into negotiations for a DPA in respect of an alleged offence, but the DPA has not been approved by the General Division of the High Court under section 149F.

*[19/2018; 40/2019]*

(5) The material described in subsection (6) may be used in evidence against the subject only —

- (a) on a prosecution for an offence consisting of the provision of inaccurate, misleading or incomplete information; or
- (b) on a prosecution for some other offence, if both of the following apply:
  - (i) in giving evidence, the subject makes a statement that is not consistent with the material;
  - (ii) evidence relating to the material is adduced, or a question relating to the material is asked, by or on behalf of the subject in the proceedings arising out of the prosecution.

*[19/2018]*

(6) For the purposes of subsection (5), the material is either or both of the following:

- (a) material that shows that the subject entered into negotiations for a DPA, including, in particular —
  - (i) any draft of the DPA;

- (ii) any draft of a statement of facts intended to be included within the DPA; and
  - (iii) any statement indicating that the subject entered into such negotiations;
- (b) material that was created solely for the purpose of preparing the DPA or statement of facts.

[19/2018]

(7) Any material or information obtained by the Public Prosecutor in the course of negotiations for a DPA or proceedings under this Part (other than the material described in subsection (6)) may, if determined (in accordance with the rules of evidence under written law and any relevant rules of law) to be admissible in evidence, be used against the subject that enters into the DPA or any other person in any criminal proceedings relating to any offence.

[19/2018]

### **Money received by prosecutor under DPA**

**149L.** Any money received by the Public Prosecutor under any of the following terms of a DPA must be paid into the Consolidated Fund:

- (a) a term requiring the subject that enters into the DPA to pay a financial penalty to the Public Prosecutor;
- (b) a term requiring the subject that enters into the DPA to disgorge any profits made by the subject from the alleged offence.

[19/2018]

### **Appeals from certain decisions under this Part**

**149M.—(1)** The following decisions of the General Division of the High Court under this Part are appealable:

- (a) a decision, on an application under section 149F(1), not to approve a DPA;
- (b) a decision, on an application under section 149G(1), that the subject that entered into a DPA has failed to comply with the terms of the DPA;

- (c) a decision, on an application under section 149G(1), that the subject that entered into a DPA did not fail to comply with the terms of the DPA;
- (d) a decision, on an application under section 149H(2), not to approve a variation of the terms of a DPA.

[19/2018; 40/2019]

(2) An appeal against a decision mentioned in subsection (1)(a) or (d) may only be made by the Public Prosecutor.

[19/2018]

(3) An appeal against a decision mentioned in subsection (1)(b) or (c) may be made by the Public Prosecutor or the subject concerned.

[19/2018]

(4) An appeal against a decision mentioned in subsection (1)(a) must be heard and dealt with in camera.

[19/2018]

(5) A refusal by the Court of Appeal, on an appeal against a decision mentioned in subsection (1)(a), to approve a DPA entered into between the Public Prosecutor and a subject in respect of an alleged offence, does not prevent the Public Prosecutor from making another application under section 149F(1), for the approval of a different DPA entered into with the same subject in respect of the same alleged offence.

[19/2018]

## PART 8

### INITIATION OF CRIMINAL PROCEEDINGS AND COMPLAINT TO MAGISTRATE

#### **Initiation of criminal proceedings**

**150.** Criminal proceedings against any person may be initiated pursuant to an arrest, a summons, an arrest warrant, a notice to attend court or any other mode for compelling the attendance of a person in court which is provided for under this Code or any other written law, as the case may be.

#### **Examination of complaint**

**151.—(1)** Any person may make a complaint to a Magistrate.

(2) On receiving a complaint by a person who is not a police officer nor an officer from a law enforcement agency nor a person acting with the authority of a public body, the Magistrate —

- (a) must immediately examine the complainant on oath and the substance of the examination must be reduced to writing and must be signed by the complainant and by the Magistrate; and
- (b) may, after examining the complainant —
  - (i) for the purpose of inquiring into the case himself or herself, issue a summons to compel the attendance before him or her of any person who may be able to help him or her determine whether there is sufficient ground for proceeding with the complaint;
  - (ii) direct any police officer to make inquiries for the purpose of ascertaining the truth or falsehood of the complaint and report to the Magistrate the result of those inquiries;
  - (iii) proceed in accordance with section 15 of the Community Mediation Centres Act 1997; or
  - (iv) postpone consideration of the matter to enable the complainant and the person complained against to try to resolve the complaint amicably.

### **Dismissal of complaint**

**152.**—(1) After examining the complainant under section 151(2)(a), and making any inquiry under section 151(2)(b)(i) or considering the result of any inquiry under section 151(2)(b)(ii), the Magistrate may dismiss the complaint if he or she decides that there is insufficient reason to proceed.

(2) Where in relation to any complaint, the Magistrate or a police officer has referred any case for mediation under section 15 of the Community Mediation Centres Act 1997 or under section 16(1)(c), respectively, and the complainant has failed or refused to attend the mediation session, the Magistrate may dismiss the complaint if the complainant does not provide reasonable grounds for the failure or refusal.

(3) If the Magistrate dismisses the complaint, he or she must record his or her reasons.

### **Issue of summons or warrant**

**153.**—(1) A Magistrate must issue a summons for the attendance of an accused if —

- (a) the Magistrate finds sufficient reason to proceed with a complaint made by a person who is not a police officer nor an officer from a law enforcement agency nor a person acting with the authority of a public body;
- (b) the Magistrate finds sufficient reason to proceed with a complaint made by a police officer, an officer from a law enforcement agency or a person acting with the authority of a public body, and the complaint is written and signed by that officer or person;
- (c) the Magistrate knows or suspects that an offence has been committed; or
- (d) the accused is brought before the court in custody without process and is accused of having committed an offence which the court has jurisdiction to inquire into or try,

and the case appears to be one in which, according to the fourth column of the First Schedule, the Magistrate should first issue a summons.

(2) In determining whether there is sufficient reason to proceed under subsection (1)(a), the Magistrate must take into account whether the accused has failed or refused to attend any mediation session when the Magistrate has proceeded in accordance with section 15 of the Community Mediation Centres Act 1997 or when a police officer has referred the case to a mediator for mediation under section 16(1)(c), and if so, whether the accused had any reasonable grounds for the failure or refusal.

(3) If the case appears to be one in which, according to the fourth column of the First Schedule, the Magistrate should first issue a warrant, the Magistrate may do so or, if he or she thinks fit, issue a summons causing the accused to be brought or to appear at a certain time before a Magistrate's Court.

(4) If the accused fails or refuses to attend any mediation session without providing reasonable grounds for such failure or refusal, the Magistrate may take the failure or refusal into consideration when issuing any further order or direction as the Magistrate deems fit, or when sentencing the accused.

(5) This section does not affect section 120.

### **Personal attendance of accused may be dispensed with**

**154.**—(1) A Magistrate issuing a summons may dispense with the personal attendance of the accused and permit the accused to appear by an advocate.

(2) In any case relating to an offence punishable by fine only or by imprisonment for 12 months or less, or both, and in which a Magistrate has issued a summons, an accused who wishes to plead guilty and be convicted and sentenced in the accused's absence may —

- (a) appear by an advocate; or
- (b) by letter plead guilty and agree to pay any fine that may be imposed for that offence.

(3) In the case where the accused pleads guilty by letter, the court may record a plea of guilty, convict the accused according to law, and sentence the accused to a fine with or without a sentence of imprisonment if the accused fails to pay the fine.

(4) If the accused pleads guilty by letter, the accused must state in the letter a postal address.

(5) Despite section 3, the court must then send, by registered post using the particulars stated under subsection (4), a letter informing the accused of the sentence imposed.

(6) The accused must pay the fine within 7 days from the date on which the court's letter was posted or transmitted.

(7) The court inquiring into or trying the case may at any stage of the proceeding direct the accused to attend in person, and if necessary may enforce the accused's attendance in the way set out in section 153.

(8) If the court intends to impose a sentence of imprisonment without the option of a fine, it must require the accused to attend in person.

(9) If the accused wishes to withdraw his or her plea of guilty and claim trial when the accused appears pursuant to subsection (8), then the court must, despite any order of conviction made in the accused's absence, permit the accused to withdraw his or her plea and then hear and determine the case, and if the court convicts the accused, pass sentence according to law.

(10) Nothing in this section affects the powers of the court conferred by section 156.



**Absence of complainant in proceedings instituted on complaint**

**155.** In a private prosecution commenced pursuant to a complaint under section 151 for an offence which is compoundable under section 241, the court may at any time before calling upon the accused to enter upon the accused's defence, discharge the accused if the complainant is absent.

**Absence of accused**

**156.—(1)** The following apply where an accused does not appear at the time and place mentioned in the summons or notice to attend court:

- (a) the court may proceed *ex parte* to hear and determine the complaint if —
  - (i) the court is satisfied on oath that —
    - (A) the summons or notice was duly served on the accused at least 7 days (or such shorter period as the court may consider reasonable in a particular case) before the time appointed in the summons or notice for appearing; and
    - (B) the accused was notified, when the summons or notice was served on the accused, that the court may hear and determine the complaint in the absence of the accused, if the accused fails to appear at the time and place mentioned in the summons or notice; and
  - (ii) no sufficient ground is shown for an adjournment;
- (b) unless the court proceeds *ex parte* under paragraph (a) to hear and determine the complaint, the court must postpone the hearing to a future day.

[19/2018]

(2) Where the court has proceeded *ex parte* under subsection (1)(a) to hear and determine the complaint, the accused may apply to the court to declare the *ex parte* proceedings to be void.

[19/2018]

(3) The court can and must make a declaration that the ex parte proceedings are void only if the accused proves, on a balance of probabilities, that —

(a) the accused was unaware of both of the following until after the ex parte proceedings began:

- (i) the summons or notice to attend court;
- (ii) the ex parte proceedings; and

(b) the accused made the application under subsection (2) within 21 days after the date on which the accused first knew of either of the following:

- (i) the summons or notice to attend court;
- (ii) the ex parte proceedings.

[19/2018]

(4) Subsections (2) and (3) do not apply to an accused body corporate, limited liability partnership, partnership or unincorporated association that —

(a) does not appear at the time and place mentioned in the summons or notice to attend court; or

(b) fails to comply with the legal formalities relating to the appointment of a representative who purports to appear for the accused body corporate, limited liability partnership, partnership or unincorporated association at the time and place mentioned in the summons or notice to attend court.

[19/2018]

(5) The accused is not discharged by a declaration made under subsection (3).

[19/2018]

(6) Subsections (2) and (3) do not affect any right to appeal against any decision made by the court in the ex parte proceedings.

[19/2018]

## PART 9

## PRE-TRIAL PROCEDURES IN THE STATE COURTS

[5/2014]

*Division 1 — General matters***Interpretation of this Part****157.** In this Part —

“Case for the Defence” means the document by that name mentioned in section 165;

“Case for the Prosecution” means the document by that name mentioned in section 162;

“co-accused” means any person who is to be tried jointly with an accused and to whom the criminal case disclosure procedures apply by virtue of section 159;

“court” means a Magistrate’s Court or a District Court, as the case may be;

“criminal case disclosure conference” means any conference held under Division 2 in respect of any offence to which the criminal case disclosure procedures apply by virtue of section 159;

“criminal case disclosure procedures” means the procedures under Division 2.

**Reading of charge**

**158.** In a case to be tried in a Magistrate’s Court or District Court, the following provisions apply:

- (a) when an accused is first charged in the court for an offence, a charge must be framed, read and explained to the accused;
- (b) the accused must be asked whether he or she wishes to claim trial or plead guilty to the charge unless either party to the case applies for, and the court grants, an adjournment without the plea being recorded;

- (c) if the accused, after he or she has been asked to plead —
- (i) pleads guilty to the charge, Division 3 of Part 11 applies;
  - (ii) refuses to plead or does not plead or claims trial to the charge, and the case is subject to the criminal case disclosure procedures by virtue of section 159, Division 2 applies; or
  - (iii) refuses to plead or does not plead or claims trial to the charge, and the case is not subject to the criminal case disclosure procedures by virtue of section 159, Division 4 applies.

### **When criminal case disclosure procedures apply**

**159.**—(1) Subject to subsection (2), the criminal case disclosure procedures apply to an offence which —

- (a) is specified in the Second Schedule; and
- (b) is to be tried in a District Court.

(2) The criminal case disclosure procedures do not apply if the defence, on or before the date of the first criminal case disclosure conference fixed by a court under section 161(1), or such other date to which the first criminal case disclosure conference is adjourned under section 238, informs the court that the accused does not wish to have the criminal case disclosure procedures apply.

[19/2018]

(3) For any offence other than an offence mentioned in subsection (1), the criminal case disclosure procedures do not apply unless all parties consent to have the procedures apply.

### *Division 2 — Criminal case disclosure procedures*

#### **Criminal case disclosure conference**

**160.**—(1) The prosecution and the defence must attend a criminal case disclosure conference as directed by a court in accordance with this Division for the purpose of settling the following matters:

- (a) the filing of the Case for the Prosecution and the Case for the Defence;
- (b) any issues of fact or law which are to be tried by the trial judge at the trial proper;
- (c) the list of witnesses to be called by the parties to the trial;
- (d) the statements, documents or exhibits which are intended by the parties to the case to be admitted at the trial;
- (e) the trial date.

[19/2018]

(2) The Magistrate or District Judge who presides over a criminal case disclosure conference must not make any order in relation to any matter mentioned in subsection (1) in the absence of any party if the order is prejudicial to that party.

(3) Where an accused claims trial, the Magistrate or District Judge who had presided over the criminal case disclosure conference in relation to the accused's case must not conduct the trial.

(4) Where the defence informs the court during any criminal case disclosure conference conducted under this Division that the accused intends to plead guilty to the charge, the court must fix a date for the accused's plea to be taken in accordance with Division 3 of Part 11.

[19/2018]

### **When Case for the Prosecution is served**

**161.**—(1) In a case where the criminal case disclosure procedures apply by virtue of section 159, and on the date the accused is asked by the court how the accused wishes to plead and the accused refuses to plead or does not plead or claims trial, the court must, unless there are good reasons, fix a first criminal case disclosure conference not earlier than 8 weeks from that date.

(2) If, at the first criminal case disclosure conference, or such other date to which the first criminal case disclosure conference has been adjourned under section 238, the defence does not indicate that the accused wishes to plead guilty to the charge, the prosecution must file in court the Case for the Prosecution and serve a copy of this on the accused and every co-accused (if any) not later than 2 weeks from the

date of the first criminal case disclosure conference or such date to which the first criminal case disclosure conference is adjourned.

[19/2018]

(3) Where at a criminal case disclosure conference, the defence indicates that the accused wishes to claim trial to more than one charge, the Case for the Prosecution to be served under subsection (2) must only relate to those charges that the prosecution intends to proceed with at the trial.

[19/2018]

(4) The court may at any time fix a date for a further criminal case disclosure conference not earlier than 7 days from the date the Case for the Prosecution is to be filed under this section.

### **Contents of Case for the Prosecution**

**162.**—(1) The Case for the Prosecution must contain —

- (a) the charge which the prosecution intends to proceed with at the trial;
- (b) a summary of the facts in support of the charge;
- (c) a list of the names of the witnesses for the prosecution;
- (d) a list of the exhibits that are intended by the prosecution to be admitted at the trial;
- (e) any written statement made by the accused at any time and recorded by an officer of a law enforcement agency under any law, which the prosecution intends to adduce in evidence as part of the case for the prosecution;
- (f) a list of every statement, made by the accused at any time to an officer of a law enforcement agency under any law, that is recorded in the form of an audiovisual recording, and that the prosecution intends to adduce in evidence as part of the case for the prosecution; and
- (g) for every statement mentioned in paragraph (f), a transcript (if any) of the audiovisual recording of that statement.

*Illustrations*

- (a) *A* is charged with theft of a shirt from a shop. The summary of facts should state the facts in support of the charge, for example, that *A* was seen taking a shirt in the shop and putting it into *A*'s bag, and that *A* left the shop without paying for the shirt.
- (b) *A* is charged with conspiracy to cheat together with a known person and an unknown person. The summary of facts should state —
- (i) when and where the conspiracy took place; and
  - (ii) who the known conspirators were and what they did.
- (c) *A* is charged with robbery and 3 separate written statements, X, Y and Z were recorded from *A* by the police at 3 different time periods. If the prosecution intends to adduce in evidence as part of the Case for the Prosecution statement Y, but not statements X and Z, the Case for the Prosecution must contain the entire statement Y. The Case for the Prosecution need not contain statements X and Z.

[19/2018]

(2) Where the Case for the Prosecution has been served on the defence, the prosecution must, if requested by the defence, arrange for the defence to view the audiovisual recording of each statement mentioned in subsection (1)(f) at a police station or at any other prescribed place.

[19/2018]

**When Case for the Defence is served**

**163.**—(1) At the further criminal case disclosure conference held on the date mentioned in section 161(4), or such other date to which the further criminal case disclosure conference has been adjourned under section 238, if the defence does not indicate that the accused wishes to plead guilty, the defence must —

- (a) file in court the Case for the Defence; and
- (b) serve a copy of that Case on the prosecution and on every co-accused who is claiming trial with the accused (if any),

not later than 2 weeks after the date on which the further criminal case disclosure conference is held.

[19/2018]

(2) The court may at any time fix a date for a further criminal case disclosure conference which is to be held after the Case for the Defence is to be filed under subsection (1) and after the prosecution is to serve on the defence copies of the statements, exhibits and records mentioned in section 166(1).

[19/2018]

### **Court to explain to unrepresented accused certain requirements and consequences**

**164.** At the further criminal case disclosure conference held on the date mentioned in section 161(4), or such other date to which the further criminal case disclosure conference has been adjourned under section 238, if the accused is not represented by an advocate, the court must explain to the accused, in accordance with the prescribed form, the requirements of section 163(1), the effect of section 166 and the consequences provided under section 169(1).

### **Contents of Case for the Defence**

**165.—**(1) The Case for the Defence must contain —

- (a) a summary of the defence to the charge and the facts in support of the defence;
- (b) a list of the names of the witnesses for the defence;
- (c) a list of the exhibits that are intended by the defence to be admitted at the trial; and
- (d) if objection is made to any issue of fact or law in relation to any matter contained in the Case for the Prosecution —
  - (i) a statement of the nature of the objection;
  - (ii) the issue of fact on which evidence will be produced; and
  - (iii) the points of law in support of such objection.

#### *Illustration 1*

*A* is charged with robbery. The summary should state the nature of the defence, the facts on which it is based (for example, that the victim gave the items to *A* voluntarily) and any issue of law which *A* intends to rely on (for example, that *A*'s act did not amount to robbery as the elements of that offence were not made out, or that a



general exception in Chapter 4 or right of private defence in Chapter 4A of the Penal Code 1871 applied in this case).

*Illustration 2*

The accused, *A*, intends to challenge, at the trial, the voluntariness of *A*'s statements made to the police which statements are intended by the prosecution to be admitted as part of its case. *A* must specify which of the statements *A* intends to challenge and the facts that *A* intends to rely on to support *A*'s challenge.

[15/2019]

(2) Despite subsection (1), an accused who is not represented by an advocate need not state any —

- (a) objection to any issue of law in relation to any matter contained in the Case for the Prosecution; or
- (b) point of law in support of any objection raised by the defence.

**Time for service of other statements and exhibits**

**166.**—(1) Where the Case for the Defence has been served on the prosecution, the prosecution must, within 2 weeks after the date on which the Case for the Defence is served, serve on the defence copies of —

- (a) every other written statement given by the accused and recorded by an officer of a law enforcement agency under any law in relation to the charge or charges which the prosecution intends to proceed with at the trial;
- (aa) for every other statement given by the accused and recorded, in the form of an audiovisual recording, by an officer of a law enforcement agency under any law in relation to the charge or charges that the prosecution intends to proceed with at the trial, a transcript (if any) of the audiovisual recording of that statement;
- (b) each documentary exhibit mentioned in section 162(1)(d); and
- (c) criminal records (if any) of the accused, upon payment of the prescribed fee.

[19/2018]

(2) Where the documents mentioned in subsection (1) have been served on the defence, the prosecution must, if requested by the defence, arrange for the defence to view the audiovisual recording of each statement mentioned in subsection (1)(aa) at a police station or at any other prescribed place.

[19/2018]

(3) Where the Case for the Defence has not been served on the prosecution, the prosecution —

- (a) need not serve on the defence any written statement, exhibit, transcript or record mentioned in subsection (1);
- (b) need not arrange for the viewing mentioned in subsection (2) of the audiovisual recording of any statement mentioned in subsection (1)(aa); and
- (c) may use any such statement, exhibit, transcript, record or audiovisual recording at the trial.

[19/2018]

(4) Where the Case for the Defence has been served on the prosecution, the defence must, within 2 weeks after the date on which the Case for the Defence is served, serve on the prosecution a copy of each documentary exhibit that is set out in the list mentioned in section 165(1)(c) and is in the possession, custody or power of the accused.

[19/2018]

(5) The obligations of the prosecution under subsections (1) and (2) and the obligation of the defence under subsection (4) are independent of each other.

[19/2018]

### **Fixing dates for trial**

**167.** If, at the further criminal case disclosure conference held on the date mentioned in section 163(2), the defence does not indicate that the accused wishes to plead guilty, the court may fix a date for trial.

[19/2018]

**If co-accused charged subsequently**

**168.** If, subsequent to any criminal case disclosure conference held under this Division in relation to an accused, a co-accused is charged, the court may do all or any of the following:

- (a) order the prosecution to serve on the co-accused the Case for the Prosecution in relation to the accused;
- (b) order the accused to serve on the co-accused the accused's Case for the Defence, if any.

*Division 3 — Non-compliance with Division 2***Consequences of non-compliance with Division 2**

**169.—(1)** The court may draw such inference as it thinks fit if —

- (a) the prosecution fails to serve the Case for the Prosecution on the defence, or the defence fails to serve the Case for the Defence after the Case for the Prosecution has been served on the defence;
- (b) the Case for the Prosecution or the Case for the Defence does not contain any or any part of the items specified in section 162 or 165(1), respectively;
- (ba) the prosecution fails to serve on the defence any copy of a statement, transcript, documentary exhibit or criminal record that the prosecution is required under section 166(1) to serve on the defence;
- (bb) the defence fails to serve on the prosecution a copy of each documentary exhibit that is set out in the list mentioned in section 165(1)(c) and is in the possession, custody or power of the accused; or
- (c) the prosecution or the defence puts forward a case at the trial which differs from or is otherwise inconsistent with the Case for the Prosecution or the Case for the Defence, respectively, that has been filed.

[19/2018]

(2) A court may order a discharge not amounting to an acquittal in relation to a charge that the prosecution intends to proceed with at trial, if —

- (a) the prosecution fails to serve the Case for the Prosecution in respect of that charge within the time permitted under section 161;
- (b) the Case for the Prosecution does not contain any or any part of the items specified in section 162; or
- (c) the prosecution fails to serve on the defence, within the time permitted under section 166(1), any copy of a statement, transcript, documentary exhibit or criminal record that the prosecution is required under that provision to serve on the defence.

[19/2018]

*Division 4 — Where criminal case disclosure  
procedures do not apply*

### **Court to try accused or transfer case**

**170.** In a case where the criminal case disclosure procedures do not apply by virtue of section 159, and on the date the accused is asked by the court how the accused wishes to plead and the accused refuses to plead or does not plead or claims trial, the court may —

- (a) proceed to try the accused immediately or on such date as the court directs; or
- (b) transfer the case to another court of equal jurisdiction for the case to be tried in accordance with Part 12 at a later date.

### **Pre-trial conference**

**171.** In a case where the criminal case disclosure procedures do not apply by virtue of section 159, a court may, at any time, fix the date for and conduct a pre-trial conference to settle any administrative matter in relation to a trial.

PART 10  
PRE-TRIAL PROCEDURES IN  
GENERAL DIVISION OF HIGH COURT

[40/2019]

*Division 1 — General matters*

**Interpretation of this Part**

**172.** In this Part —

“Case for the Defence” means the document by that name mentioned in section 217;

“Case for the Prosecution” means the document by that name mentioned in section 214;

“co-accused” means any person who is to be tried jointly with an accused in the General Division of the High Court;

“criminal case disclosure conference” means any conference held under sections 212 to 220 in respect of any offence to which the criminal case disclosure procedures apply by virtue of section 211A;

“criminal case disclosure procedures” means the procedures under sections 212 to 220.

[19/2018; 14/2019; 40/2019]

**When accused first produced in court**

**173.** In a case that is triable only in the General Division of the High Court, the accused must be first produced before a Magistrate’s Court and the charge must be explained to the accused but the accused must not be called upon to plead thereto.

[40/2019]

**Remand of accused**

**174.** Any such person produced under section 173 may be remanded in accordance with section 238.

## Procedure for cases to be tried in General Division of High Court

**175.** The transmission procedures under Division 5 apply to every offence that is to be tried in the General Division of the High Court.

*[19/2018; 40/2019]*

*Division 2 — [Repealed by Act 19 of 2018]*

**176. to 198.** *[Repealed by Act 19 of 2018]*

*Division 3 — [Repealed by Act 19 of 2018]*

**199. to 208.** *[Repealed by Act 19 of 2018]*

*Division 4 — [Repealed by Act 19 of 2018]*

**209.** *[Repealed by Act 19 of 2018]*

*Division 5 — Transmission proceedings*

### Transmission of case to General Division of High Court

**210.—**(1) Where the Public Prosecutor is of the opinion that an offence must or ought to be tried in the General Division of the High Court, the Public Prosecutor must, by fiat in writing signed by the Public Prosecutor, designate the General Division of the High Court to try the offence.

*[19/2018; 40/2019]*

(2) Upon receipt of the fiat mentioned in subsection (1) together with the charge, the Magistrate's Court must cause the charge to be read and explained to the accused and thereafter —

(a) transmit the case to the General Division of the High Court for the purpose of trial; and

(b) order that the accused be remanded in custody until and during the trial, unless the accused is released on bail.

*[40/2019]*

(3) To avoid doubt, a Magistrate's Court can continue to exercise powers under Division 5 of Part 6 in relation to a case that has been

transmitted under subsection (2) to the General Division of the High Court for the purpose of trial.

[19/2018; 40/2019]

### **Public Prosecutor may issue subsequent fiat**

**211.** If the Public Prosecutor has by his or her fiat designated the General Division of the High Court for the trial of the accused, the Public Prosecutor may nevertheless by subsequent fiat addressed to the General Division of the High Court designate a District Court or a Magistrate's Court for the trial.

[40/2019]

### **When criminal case disclosure procedures apply**

**211A.—(1)** The criminal case disclosure procedures in this Division apply to any offence —

- (a) that must be tried in the General Division of the High Court; or
- (b) that —
  - (i) is set out in a written law specified in the Second Schedule; and
  - (ii) the Public Prosecutor designates the General Division of the High Court to try.

[19/2018; 40/2019]

(2) The criminal case disclosure procedures in this Division also apply to any offence that is to be tried in the General Division of the High Court, but is not mentioned in subsection (1), if all parties consent to have those procedures apply to that offence.

[19/2018; 40/2019]

### **Procedure after case has been transmitted to General Division of High Court**

**212.—(1)** Where the criminal case disclosure procedures in this Division apply by virtue of section 211A, after the case has been transmitted to the General Division of the High Court, the prosecution and the defence must, unless the Registrar of the Supreme Court for good reason directs otherwise, attend a first criminal case disclosure conference, not earlier than 4 weeks from the

date of transmission as directed by the Registrar of the Supreme Court for the purpose of settling the following matters:

- (a) the filing of the Case for the Prosecution and the Case for the Defence;
- (b) any issues of fact or law which are to be tried by the trial judge at the trial proper;
- (c) the list of witnesses to be called by the parties to the trial;
- (d) the statements, documents or exhibits which are intended by the parties to be admitted at the trial;
- (e) the trial date.

[19/2018; 40/2019]

(2) The Registrar of the Supreme Court must not make any order in relation to any matter mentioned in subsection (1) in the absence of any party if the order is prejudicial to that party.

(3) Where the defence informs the Registrar of the Supreme Court during any criminal case disclosure conference conducted under this Division that the accused intends to plead guilty to the charge, the Registrar must fix a date for the accused's plea to be taken in accordance with Division 3 of Part 11.

[19/2018]

### **When Case for the Prosecution is served**

**213.**—(1) If, at the first criminal case disclosure conference held on the date referred to in section 212(1), or on such other date to which the first criminal case disclosure conference has been adjourned under section 238, the defence does not indicate that the accused wishes to plead guilty to the charge, the prosecution must file in the General Division of the High Court the Case for the Prosecution and serve a copy of this on the accused and every co-accused claiming trial with the accused (if any) not later than 2 weeks from the date of the first criminal case disclosure conference or such date to which the first criminal case disclosure conference is adjourned.

[19/2018; 40/2019]

(2) Where at a criminal case disclosure conference, the defence indicates that the accused wishes to claim trial to more than one charge, the Case for the Prosecution to be served under



subsection (1) shall only relate to those charges that the prosecution intends to proceed with at the trial.

[19/2018]

(3) The Registrar of the Supreme Court may at any time fix a date for a further criminal case disclosure conference not earlier than 7 days from the date the Case for the Prosecution is to be filed under this section.

### **Contents of Case for the Prosecution**

**214.**—(1) The Case for the Prosecution must contain the following:

- (a) a copy of the charge which the prosecution intends to proceed with at the trial;
- (b) a list of the names of the witnesses for the prosecution;
- (c) a list of exhibits that are intended by the prosecution to be admitted at the trial;
- (d) the statements of the witnesses under section 264 that are intended by the prosecution to be admitted at the trial;
- (e) any written statement made by the accused at any time and recorded by an officer of a law enforcement agency under any law, which the prosecution intends to adduce in evidence as part of the case for the prosecution;
- (f) a list of every statement, made by the accused at any time to an officer of a law enforcement agency under any law, that is recorded in the form of an audiovisual recording, and that the prosecution intends to adduce in evidence as part of the case for the prosecution;
- (g) for every statement mentioned in paragraph (f), a transcript (if any) of the audiovisual recording of that statement.

[19/2018]

(2) Where the Case for the Prosecution has been served on the defence, the prosecution must, if requested by the defence, arrange for the defence to view the audiovisual recording of each statement mentioned in subsection (1)(f) at a police station or at any other prescribed place.

[19/2018]

**When Case for the Defence is served**

**215.**—(1) If, at the further criminal case disclosure conference held on the date mentioned in section 213(3) or on such other date to which the further criminal case disclosure conference has been adjourned under section 238 —

- (a) the defence does not indicate that the accused wishes to plead guilty, the defence may file in the General Division of the High Court the Case for the Defence and serve a copy on the prosecution and on every co-accused claiming trial with the accused (if any) not later than 2 weeks from the date of the further criminal case disclosure conference; or
- (b) the defence indicates that the accused does not wish to file the Case for the Defence, the Registrar of the Supreme Court may fix a date for trial in the General Division of the High Court.

[19/2018; 40/2019]

(2) The Registrar of the Supreme Court may at any time fix a date for a further criminal case disclosure conference which is to be held after the Case for the Defence is to be filed under this section and after the prosecution is to serve on the defence copies of the statements and records mentioned in section 218(1).

**Court to explain to unrepresented accused certain matters**

**216.** If, at the further criminal case disclosure conference held on the date mentioned in section 215(1), the accused is not represented by an advocate, the Registrar of the Supreme Court must explain to the accused, in accordance with the prescribed form, what the accused may do under section 215(1)(a), the effect of section 218 and the consequences provided under section 221.

**Contents of Case for the Defence**

**217.**—(1) The Case for the Defence must contain —

- (a) a summary of the defence to the charge and the facts in support of the defence;
- (b) a list of the names of the witnesses for the defence;

- (c) a list of the exhibits that are intended by the defence to be admitted at the trial; and
- (d) if objection is made to any issue of fact or law in relation to any matter contained in the Case for the Prosecution —
  - (i) a statement of the nature of the objection;
  - (ii) the issue of fact on which evidence will be produced; and
  - (iii) the points of law in support of such objection.

*Illustration 1*

*A* is charged with robbery. The summary should state the nature of the defence, the facts on which it is based (for example, that the victim gave the items to *A* voluntarily) and any issue of law which *A* intends to rely on (for example, that *A*'s act did not amount to robbery as the elements of that offence were not made out, or that a general exception in Chapter 4 or right of private defence in Chapter 4A of the Penal Code 1871 applied in this case).

*Illustration 2*

The accused, *A*, intends to challenge, at the trial, the voluntariness of *A*'s statements made to the police which statements are intended by the prosecution to be admitted as part of its case. *A* must specify which of the statements *A* intends to challenge and the facts that *A* intends to rely on to support *A*'s challenge.

[15/2019]

- (2) Despite subsection (1), an accused who is not represented by an advocate need not state any —
  - (a) objection to any issue of law in relation to any matter contained in the Case for the Prosecution; or
  - (b) point of law in support of any objection raised by the defence.

**Time for service of other statements, etc.**

**218.**—(1) After the Case for the Defence has been served on the prosecution, the prosecution must, within 2 weeks after the date on which the Case for the Defence is served, serve on the defence copies of —

- (a) every other written statement given by the accused and recorded by an officer of a law enforcement agency under

any law in relation to the charge or charges which the prosecution intends to proceed with at the trial;

- (aa) for every other statement given by the accused and recorded, in the form of an audiovisual recording, by an officer of a law enforcement agency under any law in relation to the charge or charges that the prosecution intends to proceed with at the trial, a transcript (if any) of the audiovisual recording of that statement; and
- (b) criminal records (if any) of the accused, upon payment of the prescribed fee.

[19/2018]

(2) Where the documents mentioned in subsection (1) have been served on the defence, the prosecution must, if requested by the defence, arrange for the defence to view the audiovisual recording of each statement mentioned in subsection (1)(aa) at a police station or at any other prescribed place.

[19/2018]

(3) Where the Case for the Defence has not been served on the prosecution, the prosecution —

- (a) need not serve on the defence any written statement, transcript or record mentioned in subsection (1);
- (b) need not arrange for the viewing mentioned in subsection (2) of the audiovisual recording of any statement mentioned in subsection (1)(aa); and
- (c) may use any such statement, transcript, record or audiovisual recording at the trial.

[19/2018]

(4) Where the Case for the Defence has been served on the prosecution, the defence must, within 2 weeks after the date on which the Case for the Defence is served, serve on the prosecution a copy of each documentary exhibit that is set out in the list mentioned in section 217(1)(c) and is in the possession, custody or power of the accused.

[19/2018]

(5) The obligations of the prosecution under subsections (1) and (2) and the obligation of the defence under subsection (4) are independent of each other.

[19/2018]

### **Fixing dates for trial**

**219.** If, at the further criminal case disclosure conference held on the date mentioned in section 215(2), the defence does not indicate that the accused wishes to plead guilty, the Registrar of the Supreme Court may fix a date for trial.

[19/2018]

### **If co-accused charged subsequently**

**220.** If, subsequent to any criminal case disclosure conference held under this Division in relation to an accused, a co-accused is charged, the Registrar of the Supreme Court may do all or any of the following:

- (a) order the prosecution to serve on the co-accused the Case for the Prosecution in relation to the accused;
- (b) order the accused to serve on the co-accused the accused's Case for the Defence, if any.

### **Pre-trial conference**

**220A.** Regardless whether the criminal case disclosure procedures in this Division apply by virtue of section 211A, the Registrar of the Supreme Court may, at any time, fix the date for and conduct a pre-trial conference to settle any administrative matter in relation to a trial.

[19/2018]

*Division 6 — Non-compliance with certain requirements in Division 5*

**Consequences of non-compliance with certain requirements in Division 5**

**221.** The court may draw such inference as it thinks fit if —

- (a) the Case for the Prosecution or the Case for the Defence does not contain any or any part of the items specified in section 214 or 217(1), respectively;
- (aa) the prosecution fails to serve on the defence any copy of a statement, transcript or criminal record that the prosecution is required under section 218(1) to serve on the defence;
- (ab) the defence fails to serve on the prosecution a copy of each documentary exhibit that is set out in the list mentioned in section 217(1)(c) and is in the possession, custody or power of the accused; or
- (b) the prosecution or the defence puts forward a case at the trial which differs from or is otherwise inconsistent with the Case for the Prosecution or the Case for the Defence, respectively, that has been filed.

[19/2018]

PART 11

GENERAL PROVISIONS RELATING TO  
PRE-TRIAL AND PLEAD GUILTY PROCEDURES IN  
ALL COURTS

*Division 1 — General pre-trial procedures*

**Conference by video link**

**222.** A criminal case disclosure conference, or a pre-trial conference, held under Part 9 or 10, or any matter in relation to such criminal case disclosure conference or pre-trial conference, may be heard by video link.

**Extension of time**

**223.**—(1) Any party to a criminal case disclosure conference may at any time apply to the court for an extension of time or a further extension of time to file or serve any document required under Part 9 or 10.

(2) Any application under subsection (1) must be heard in the presence of all the parties to the criminal case disclosure conference.

**Power of court to prohibit certain communication**

**224.**—(1) A relevant judge may, if satisfied that it is expedient in the interests of public safety, public security or propriety, public order, national interest or national security of Singapore or any part thereof, or for other sufficient reason to do so, order that any information contained in —

- (a) the Case for the Prosecution mentioned in sections 162 and 214;
- (b) the Case for the Defence mentioned in sections 165(1) and 217(1); or
- (c) the statements, exhibits or records mentioned in section 166(1) or 218(1),

must not be communicated to any other person by the accused, and if the accused is represented by an advocate, by the accused's advocate as well.

*[19/2018]*

(2) Despite subsection (1), an accused or an accused's advocate (if any) may make an application to the relevant judge for the information contained in the Case for the Prosecution which is subject to an order under that subsection to be communicated to any other person, and the relevant judge may grant the application if the relevant judge is satisfied that such communication is necessary and desirable for the accused to conduct the accused's defence.

(3) The relevant judge who grants an application under subsection (2) may impose any condition as the relevant judge thinks necessary relating to the communication of the information to any other person.

(4) Any person who acts in contravention of any order under subsection (1) or any condition imposed by the relevant judge under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) The “relevant judge” mentioned in this section means a District Judge, Magistrate, the Registrar of the State Courts or the Registrar of the Supreme Court (as the case may be) conducting a criminal case disclosure conference under Part 9 or 10.

[5/2014]

### **Restrictions on reports of restricted information**

**225.**—(1) It is not lawful to publish a report of any information contained in —

- (a) the Case for the Prosecution mentioned in sections 162 and 214;
- (b) the Case for the Defence mentioned in sections 165(1) and 217(1); or
- (c) the statements, exhibits or records mentioned in section 166(1) or 218(1),

other than the names, ages and occupations of the accused person or persons, and the offence or offences, or a summary of them, with which the accused person or persons is or are charged.

[19/2018]

(2) If a report is published in contravention of this section, the following persons shall be liable on summary conviction to a fine not exceeding \$5,000:

- (a) in the case of a publication of a report as part of a newspaper or periodical — any proprietor, editor or publisher of the newspaper or periodical;
- (b) in the case of a publication of a report otherwise than as part of a newspaper or periodical — the person who publishes it;



- (c) in the case of a broadcast of a report by a body corporate, limited liability partnership, partnership or unincorporated association — any person acting on behalf of the body corporate, limited liability partnership, partnership or unincorporated association, having functions in relation to the broadcast of the report corresponding to those of the editor of a newspaper or periodical.

(3) Proceedings for an offence under this section may not be instituted otherwise than by or with the consent of the Public Prosecutor.

(4) Subsection (1) is in addition to, and not in derogation of, the provisions of any other written law with respect to the publication of reports and proceedings of any court.

(5) In this section —

“broadcast” means any transmission of signs or signals for general reception, using wireless telecommunications or any other means of delivery, and whether or not the transmission is encrypted;

“publish”, in relation to a report, means make the report available to the general public of Singapore, or any section thereof, in whatever form and by whatever means, including broadcasting and transmitting on what is commonly known as the Internet.

### **Restrictions on use of material disclosed by prosecution**

**225A.**—(1) Where the prosecution discloses (whether before, on or after 17 September 2018) any material to the accused or the accused’s advocate (if any) for the purposes of any criminal proceedings —

- (a) that material may be disclosed, for the purposes of those criminal proceedings, to any co-accused in those criminal proceedings, or to the advocate (if any) of any such co-accused, by any of the following persons:
- (i) the accused;
  - (ii) the accused’s advocate (if any);

- (iii) any other co-accused or advocate to whom that material was disclosed under this paragraph; and
- (b) on and after 17 September 2018, each of the following persons is deemed to give an undertaking to the court not to use that material for any purpose (other than the purposes of those criminal proceedings) without the permission of the Public Prosecutor:
  - (i) the accused;
  - (ii) the accused's advocate (if any);
  - (iii) any co-accused or advocate to whom that material is disclosed under paragraph (a).

[19/2018]

(2) Subsection (1) applies regardless whether the material is disclosed by the prosecution voluntarily or pursuant to any written law or rule of law or any order of court.

[19/2018]

(3) The undertaking in subsection (1)(b) ceases to apply to that material after that material is adduced as evidence in court in those criminal proceedings.

[19/2018]

### **Mode of disclosing statement recorded in form of audiovisual recording**

**225B.**—(1) This section applies where any rule of law requires the prosecution to disclose to the defence any statement made by a person examined under section 22 that is recorded in the form of an audiovisual recording.

[19/2018]

(2) The prosecution is not required to produce either of the following to the defence:

- (a) the audiovisual recording of the statement;
- (b) a copy of that audiovisual recording.

[19/2018]

(3) The prosecution must, if requested by the defence, arrange for the defence to view the audiovisual recording of the statement at a police station or at any other prescribed place.

[19/2018]

*Division 2 — When accused pleads guilty electronically*

**Pleading guilty electronically**

**226.**—(1) A person who is accused of a prescribed offence and is a prescribed person under subsection (7)(b) may plead guilty electronically to that offence by paying the fine and any prescribed fee under subsection (7)(c) in accordance with this section.

(2) To plead guilty electronically, the accused must —

- (a) enter a plea of guilty at a computer terminal designated by the Registrar of the State Courts for that purpose within the prescribed time; and
- (b) pay in advance the fine fixed by the supervising Magistrate as the sentence to be imposed on an accused who pleads guilty electronically to that offence.

[5/2014]

(3) The Registrar of the State Courts must, within a reasonable time after the accused has entered the plea and paid the fine, send to the supervising Magistrate a record of the guilty plea and of the fine paid.

[5/2014]

(4) When the supervising Magistrate is satisfied that the fine fixed under subsection (2)(b) has been paid, the Magistrate is to convict the accused of the prescribed offence in the accused's absence and record the fine paid as the sentence passed for that offence.

(5) The supervising Magistrate may, at any stage of the proceedings, require the accused to attend in person and, if necessary, enforce the accused's attendance by —

- (a) issuing a summons if the case appears to be one in which, according to the fourth column of the First Schedule, the Magistrate should first issue a summons; or
- (b) issuing a warrant if the case appears to be one in which, according to that column, the Magistrate should first issue

a warrant, or if the Magistrate thinks fit, by issuing a summons causing the accused to be brought or to appear at a certain time before the Magistrate.

(6) Nothing in subsection (5) affects section 120.

(7) For the purposes of this section, the Minister may make regulations to prescribe —

- (a) the offences punishable by fine or by imprisonment of 12 months or less or both to which this section applies;
- (b) the class of persons who qualify to plead guilty electronically under this section;
- (c) the fee to be paid for the use of the computer terminal mentioned in subsection (2)(a);
- (d) the method of paying fines and fees under this section;
- (e) the time within which an accused may plead guilty electronically; and
- (f) all matters necessary or convenient to give effect to this section.

(8) In this section —

“prescribed offence” means an offence specified in regulations made under subsection (7)(a);

“supervising Magistrate” means the Magistrate in charge of the operation of the computer terminal mentioned in subsection (2)(a).

### *Division 3 — Plead guilty procedures*

#### **Procedure if accused pleads guilty, etc.**

**227.**—(1) If the accused pleads guilty to the charge after it has been read and explained to the accused, whether as originally framed or as amended, the accused’s plea must be recorded and the accused may be convicted on it.

[4/2014]

- (2) Before the court records a plea of guilty, it must —
- (a) if the accused is not represented by an advocate, be satisfied that the accused —
    - (i) understands the nature and consequences of the accused's plea and the punishment prescribed for the offence; and
    - (ii) intends to admit to the offence without qualification; or
  - (b) if the accused is represented by an advocate, record the advocate's confirmation that the accused —
    - (i) understands the nature and consequences of the accused's plea; and
    - (ii) intends to admit to the offence without qualification.
- (3) The General Division of the High Court must not record a plea of guilty in a case where the accused pleads guilty to an offence punishable with death unless evidence is led by the prosecution to prove its case at the trial.

[19/2018; 40/2019]

- (4) Where a case is transmitted for trial in the General Division of the High Court under Division 5 of Part 10, the court may order the parties to the case to attend a criminal case disclosure conference for the purpose of settling the matters mentioned in section 212, and the criminal case disclosure procedures in Division 5 of Part 10 apply, with the necessary modifications, in relation to the case, if —
- (a) either of the following applies:
    - (i) the accused is charged with an offence mentioned in section 211A(1);
    - (ii) the accused is charged with any other offence that is to be tried in the General Division of the High Court, and all parties consent to have those procedures apply to that offence;
  - (b) a date is fixed for a plea of guilty to be taken from the accused; and

- (c) on that date, the accused refuses to plead, does not plead or claims trial.

[19/2018; 40/2019]

(5) Where —

- (a) the criminal case disclosure procedures apply by virtue of section 159 in relation to a case;
- (b) a date is fixed for a plea of guilty to be taken from the accused to whom the case relates; and
- (c) on that date, the accused refuses to plead, does not plead or claims trial,

the court may order the parties to the case to attend a criminal case disclosure conference for the purpose of settling the matters mentioned in section 160 and the procedures in Division 2 of Part 9 apply, with the necessary modifications, in relation to the case.

### **Address on sentence, mitigation and sentence**

**228.**—(1) On the conviction of the accused, the prosecution may where it thinks fit address the court on sentence.

(2) The address on sentence may include —

- (a) the criminal records of the accused;
- (b) any victim impact statement; and
- (c) any relevant factors which may affect the sentence.

(3) The court must then hear any plea in mitigation of sentence by the accused and the prosecution has a right of reply.

(4) Where the court is satisfied that any matter raised in the plea in mitigation materially affects any legal condition required by law to constitute the offence charged, the court must reject the plea of guilty.

(5) After the court has heard the plea in mitigation, it may —

- (a) at its discretion or on the application of the prosecution or the accused hear any evidence to determine the truth or otherwise of the matters raised before the court which may materially affect the sentence; and

(b) attach such weight to the matter raised as it considers appropriate after hearing the evidence.

(6) The court must then pass sentence according to law immediately or on such day as it thinks fit.

(7) In this section, “victim impact statement” means any statement relating to any harm suffered by any person as a direct result of an offence, which includes physical bodily harm or psychological or psychiatric harm.

## PART 12

### PROCEDURE AT TRIAL IN ALL COURTS

#### **Interpretation of this Part**

**229.** In this Part, unless the context otherwise requires, “co-accused” means any person tried jointly with the accused.

#### **Procedure at trial**

**230.—**(1) The following procedure must be complied with at the trial in all courts:

- (a) at the commencement of the trial, the charge must be read and explained to the accused and the accused’s plea taken;
- (b) if the accused pleads guilty to the charge, the court must follow the procedure set out in Division 3 of Part 11;
- (c) if the accused refuses to plead or does not plead or claims trial, the court must proceed to hear the case;
- (d) the prosecutor may open the prosecutor’s case and state shortly the nature of the offence with which the accused is charged and the evidence by which the prosecutor proposes to prove the guilt of the accused;
- (e) the prosecutor must then examine the prosecutor’s witnesses (if any) and each of them may in turn be cross-examined by the accused and every co-accused, after which the prosecutor may re-examine them;

- (f) after the prosecutor has concluded the prosecutor's case, the defence may invite the court to dismiss the case on the ground that there is no case to answer and the prosecutor may reply to the submission;
- (g) the court may alter the charge or frame a new charge before calling on the accused to give the accused's defence and if the court does so, the court must follow the procedure set out in sections 128 to 131;
- (h) if the accused pleads guilty to this altered or new charge, the court must follow the procedure set out in Division 3 of Part 11;
- (i) if the accused refuses to plead or does not plead or claims trial to the altered or new charge, the court must proceed in accordance with the procedure set out hereinafter;
- (j) if after considering the evidence referred to in paragraph (e), the court is of the view that there is some evidence which is not inherently incredible and which satisfies each and every element of the charge as framed by the prosecutor or as altered or framed by the court, the court must call on the accused to give the accused's defence;
- (k) the court must order a discharge amounting to an acquittal if it is of the view that there is no such evidence as referred to in paragraph (j);
- (l) nothing in paragraphs (j) and (k) prevents any court from acquitting the accused at any previous stage of the case if, for reasons to be recorded by the court, it considers the charge to be groundless;
- (m) before the accused calls any evidence in the accused's defence, the court must inform the accused that the accused will be called upon by the court to give evidence in the accused's own defence and what the effect will be if, when so called on, the accused refuses to give evidence on oath or affirmation; and the court may inform the accused in the following terms:



“I find that the prosecution has made out a case against you on the charge(s) on which you are being tried. There is some evidence, not inherently incredible, that satisfies each and every element of the charge(s). Accordingly, I call upon you to give evidence in your own defence.

You have 2 courses open to you. First, if you elect to give evidence you must give it from the witness box, on oath or affirmation, and be liable to cross-examination. Second, if you elect not to give evidence in the witness box, that is to say, remain silent, then I must tell you that the court in deciding whether you are guilty or not, may draw such inferences as appear proper from your refusal to give evidence, including inferences that may be adverse to you.

Let me also say, whichever course you take, it is open to you to call other evidence in your own defence. You may confer with your counsel on the course you wish to take.

I now call upon you to give evidence in your own defence. How do you elect?”;

- (n) after the court has called upon the accused to give the accused’s defence, the accused may —
  - (i) plead guilty to the charge, in which event the court must follow the procedure set out in Division 3 of Part 11; or
  - (ii) choose to give the accused’s defence;
- (o) when the accused is called on to begin the accused’s defence, the accused may, before producing the accused’s evidence, open the accused’s case by stating the facts or law on which the accused intends to rely and make such comments as the accused thinks necessary on the evidence for the prosecution;

- (p) if the accused is giving evidence in the accused's own defence, the evidence must be taken in the following order:
- (i) the accused must give evidence and then be cross-examined first by the other co-accused (if any) and then by the prosecutor after which the accused may be re-examined;
  - (ii) any witness for the defence of the accused must give evidence and they may in turn be cross-examined first by the other co-accused (if any) and then by the prosecutor after which the witness may be re-examined;
  - (iii) where there are other co-accused persons, they and their witnesses must then give evidence and be cross-examined and re-examined in like order;
- (q) an accused may apply to the court to issue process for compelling the attendance of any witness for the purpose of examination or cross-examination or to produce any exhibit in court, whether or not the witness has previously been examined in the case;
- (r) the court must issue process unless it considers that the application made under paragraph (q) should be refused because it is frivolous or vexatious or made to delay or frustrate justice and in such a case the court must record the reasons for the order;
- (s) before summoning any witness pursuant to an application under paragraph (q), the court may require that the witness's reasonable expenses incurred in attending the trial be deposited in court by the defence;
- (t) at the close of the defence case, the prosecution has the right to call a person as a witness or recall and re-examine a person already examined, for the purpose of rebuttal, and such witness may be cross-examined by the accused and every co-accused, after which the prosecutor may re-examine the witness;

- (u) at the close of the defence case, the accused may sum up the accused's case;
- (v) the prosecution has the final right of reply on the whole case;
- (w) if the court finds the accused not guilty, it must order a discharge amounting to an acquittal, and must, provided no other charge is pending against the accused, forthwith release the accused;
- (x) if the court finds the accused guilty, it must record a conviction and comply with the procedure in section 228 after which it must pass sentence in accordance with the law.

(2) Where a witness, other than an accused, is giving evidence for the prosecution or the defence, the court may, on the application of either party, interpose that witness with any other witness if the court is of the view that there are good reasons to do so.

### **Notice required to call witness or produce exhibits not disclosed in Case for the Prosecution or Case for the Defence**

**231.**—(1) The prosecutor or defence may, at a trial, call a witness or produce an exhibit not disclosed in the Case for the Prosecution or the Case for the Defence, respectively, only if the prosecutor or defence (as the case may be) has given prior notice in writing to the court and the other parties to the trial of the intention of the prosecutor or defence (as the case may be) to call that witness or to produce that exhibit.

(2) The notice must state the name of the witness and an outline of the witness's evidence, or provide a brief description of the exhibit, as the case may be.

### **Public Prosecutor may decline to further prosecute at any stage of trial**

**232.**—(1) At any stage of any proceedings in court —

- (a) before an accused is acquitted of any charge; or

- (b) where an accused has been convicted of any charge but before the accused is sentenced for that charge,

the Public Prosecutor may, if he thinks fit, inform the court that the Public Prosecutor will not further prosecute the accused upon the charge, and the proceedings on the charge against the accused must then be stayed and the accused must be discharged from and of the same.

(2) Except in cases referred to in section 147, a discharge under subsection (1) does not amount to an acquittal unless the court so directs.

(3) Where an accused had previously been granted a discharge not amounting to an acquittal by a Magistrate's Court or District Court in relation to an offence triable in the State Courts, any Magistrate's Court or District Court (as the case may be) may grant the accused a discharge amounting to an acquittal on the application of the Public Prosecutor.

[5/2014]

(4) Where an accused had previously been granted a discharge not amounting to an acquittal by a Magistrate's Court or District Court in relation to an offence triable in the General Division of the High Court, any Magistrate's Court or District Court (as the case may be) may grant the accused a discharge on the application of the Public Prosecutor.

[40/2019]

(5) A discharge under subsection (4) has the effect of an acquittal.

(6) An application under subsection (3) or (4) may be granted by the court despite the absence of the accused.

### **Evidence to be taken in presence of accused**

**233.** Except as otherwise expressly provided, the evidence of a witness during a trial conducted in accordance with this Part must be taken in the presence of the accused or, when the accused's personal attendance is dispensed with, in the presence of the accused's advocate.

**Trial before single judge**

**234.** Every trial in the General Division of the High Court is to be heard and disposed of before a single Judge.

[40/2019]

**Power of court to order any production of document or thing**

**235.—(1)** Whenever any court considers that the production of any document or other thing is necessary or desirable for the purposes of any inquiry, trial or other proceeding under this Code by or before that court, such court may issue a summons to the person in whose possession or power the document or thing is believed to be, to require the person to produce the document or thing at the time and place stated in the summons.

(2) If any document or thing in the custody of the Postal Authority, a public postal licensee or the public parcel locker network operator is, in the opinion of the court, required for the purposes of any inquiry, trial or proceeding under this Code, the court may require the Postal Authority, public postal licensee or public parcel locker network operator (as the case may be) to deliver that document or thing to such person as the court directs.

[10/2021]

(3) If a person is required merely to produce any document or thing, the person may comply with such requirement by causing the document or thing to be produced instead of bringing it in person.

(4) This section does not affect any provision of the Evidence Act 1893.

(5) Sections 115, 116 and 119 apply in relation to a summons issued under this section.

(6) To avoid doubt, the power of a court under subsection (1) is not exercisable by any court which presides or is to preside over any criminal case disclosure conference or pre-trial conference held under Part 9 or 10, as the case may be.

(7) Despite subsection (1), where a statement made by a person is recorded in the form of an audiovisual recording, if a court considers that the production of the audiovisual recording is necessary or desirable for the purposes of any inquiry, trial or other proceeding

under this Code by or before the court, the court may only order the prosecution to do either or both of the following:

- (a) to produce the audiovisual recording in court;
- (b) to arrange for the defence to view the audiovisual recording at a police station or at any other prescribed place.

[19/2018]

## PART 13

### GENERAL PROVISIONS RELATING TO PROCEEDINGS IN COURTS

#### *Division 1 — General provisions*

#### **Right of accused person to be defended**

**236.** Every accused person before any court may of right be defended by an advocate.

#### **Change of judge during trial**

**237.**—(1) Subject to subsection (3), if a judge, having heard and recorded the whole or part of the evidence in a trial, is unable to complete the case, it may be continued by another judge who has and who exercises such jurisdiction.

(2) The judge who continues the case may, in the interest of justice and without material prejudice to the parties to the proceedings —

- (a) act on the evidence recorded by his or her predecessor or recorded partly by his or her predecessor and partly by himself or herself; or
- (b) start the trial again by summoning the witnesses.

(3) When there is a change of judge, any party to the proceedings may apply for any or all of the witnesses to be summoned and heard again and the judge must allow the application unless —

- (a) the witness is dead or cannot be found or is incapable of giving evidence or is kept out of the way by the party

making the application, or the witness cannot be brought to court without unreasonable delay or expense; or

(b) the court believes that the application is frivolous, vexatious or is made for the purpose of delay.

(4) The appellate court may set aside any conviction made on evidence not wholly heard by the trial court which continued the case and it may order a new trial, if it believes that the accused's defence on the merits has been materially prejudiced by the proceedings.

### **Power to postpone or adjourn proceedings**

**238.**—(1) The court may postpone or adjourn any inquiry, trial or other proceedings on such terms as it thinks fit and for as long as it considers reasonable, if the absence of a witness or any other reasonable cause makes this necessary or advisable.

(2) Subject to subsection (3), if the accused is not on bail, the court may by a warrant remand the accused in custody as it thinks fit.

(3) If it appears likely that further evidence may be obtained by a remand, the court may so remand the accused in custody for the purpose of any investigation by a law enforcement agency but not for more than 8 days at a time.

(4) If the accused is on bail, the court may extend the bail.

(5) The court must record in writing the reasons for the postponement or adjournment of the proceedings.

### *Division 2 — Transfer of cases*

#### **Power of General Division of High Court to transfer cases**

**239.**—(1) Where in respect of any case it appears to the General Division of the High Court that —

(a) a fair and impartial trial cannot be had in any State Court;

(b) some question of law of unusual difficulty is likely to arise;  
or

- (c) a transfer of the case is expedient for the ends of justice or is required by this Code or any other written law,  
the General Division of the High Court may order —
- (d) that the case be transferred from a State Court to any other State Court of equal or superior jurisdiction; or
- (e) that the case be transferred to and tried before the General Division of the High Court.

[5/2014; 40/2019]

(2) An application for the transfer of a case may be made only after a court has fixed the case for trial in accordance with the pre-trial procedures in the State Courts in Part 9, and the order may be granted at any time thereafter before the conclusion of the trial.

[5/2014]

(3) The application for the transfer of a case is to be by way of a motion and Division 5 of Part 20 applies, except that where the applicant is the Public Prosecutor, the motion need not be supported by affidavit.

(4) When an accused makes an application under this section for the transfer of a case, the General Division of the High Court may, if it thinks fit, order the accused to execute a bond with or without sureties requiring the accused, if convicted, to pay the costs of the prosecution.

[40/2019]

### **Transfer of cases by other courts**

**240.**—(1) In any trial before a Magistrate's Court in which it appears at any stage of the proceedings that from any cause the case is one which the Magistrate's Court is not competent to try or one which in the opinion of that Court ought to be tried by a District Court or by the General Division of the High Court, or if before or during the trial an application is made by the Public Prosecutor, the Magistrate's Court must stay proceedings and —

- (a) transfer the case to a District Court; or



- (b) forward the case to the Public Prosecutor, to enable the transmission procedures under Division 5 of Part 10 to be held.

[19/2018; 40/2019]

(2) In any trial before a District Court in which it appears at any stage of the proceedings that from any cause the case is one that the District Court is not competent to try or one that in the opinion of the District Court ought to be tried by the General Division of the High Court, or if before or during the trial an application is made by the Public Prosecutor, the District Court must —

- (a) stay proceedings; and
- (b) forward the case to the Public Prosecutor, to enable the transmission procedures under Division 5 of Part 10 to be held.

[19/2018; 40/2019]

(2A) Where the case is forwarded to the Public Prosecutor under subsection (1)(b) or (2)(b), Division 5 of Part 10 applies in relation to the case.

[19/2018]

(3) The Magistrate's Court and the District Court must record its order on the proceedings made under subsections (1) and (2), respectively.

(4) The powers conferred by subsections (1) and (2), other than the power of a Magistrate's Court to transfer a case to a District Court, must not be exercised except upon the application of the Public Prosecutor or with the consent of the Public Prosecutor.

(5) If in a trial before a Magistrate's Court or District Court the accused, when charged, has refused to plead or has not pleaded or has claimed to be tried, and no further step has been taken in the proceedings, that Court may, if it thinks fit, stay the proceedings and transfer the case to another Magistrate's Court or District Court (as the case may be) and must record its order on the proceedings.

- (6) If, in any trial before a Magistrate's Court or District Court —
  - (a) the accused is charged with an offence under the Protection from Harassment Act 2014;

- (b) the accused, when charged, has refused to plead or has not pleaded or has claimed to be tried; and
- (c) no further step has been taken in the proceedings relating to the offence under the Protection from Harassment Act 2014,

the Magistrate's Court or District Court (as the case may be) must stay the proceedings and transfer the case, relating to that offence, to a Protection from Harassment Court (unless there is sufficient reason not to do so), and must record its order on the proceedings.

*Explanation.*—In determining whether there is sufficient reason not to stay the proceedings and transfer the case under section 240(6), the Magistrate's Court or District Court may consider the following:

- (a) whether the accused is also charged with any offence under section 6 of the Protection from Harassment Act 2014 or any offence that is not an offence under that Act;
- (b) where the accused is charged with one or more other offences mentioned in paragraph (a), whether the maximum penalty for any of those offences is higher than the maximum penalty for any offence under the Protection from Harassment Act 2014 (other than under section 6 of that Act) that the accused is charged with;
- (c) whether any step has been taken against the accused, or a co-accused, in any proceedings pending before a Magistrate's Court or a District Court;
- (d) whether the pending proceedings mentioned in paragraph (c) relate to offences that arise from a series of acts that are so connected to the offence under the Protection from Harassment Act 2014 that the accused is charged with, as to form a single transaction;
- (e) whether the pending proceedings mentioned in paragraph (c) relate to offences that are of the same or a similar character as the offence under the Protection from Harassment Act 2014 that the accused is charged with;
- (f) whether no civil proceedings under the Protection from Harassment Act 2014, for a contravention involving the same underlying conduct have been, or are likely to be, brought before the Protection from Harassment Court.

*Division 3 — Compounding of offences***Compounding offences**

**241.**—(1) An offence specified in the third column of the Fourth Schedule may be compounded at any time by the person specified in the fourth column of that Schedule or, if that person is suffering from a legal or mental disability, by any person competent to act on the firstmentioned person's behalf.

(2) Despite subsection (1), where investigations have commenced for an offence specified in the third column of the Fourth Schedule, or when the accused has been charged in court for the offence, the offence may only be compounded with the consent of the Public Prosecutor on such conditions as the Public Prosecutor may impose.

(3) Where any offence is compoundable under this section, the abetment of or a conspiracy to commit the offence, or an attempt to commit the offence when the attempt is itself an offence, may be compounded in like manner.

(4) Where investigations have commenced for an offence which is subsequently compounded under subsection (2), no further proceedings are to be taken against the person reasonably suspected of having committed the offence.

(5) Where after the accused has been charged in court, the offence is compounded under subsection (2), the court must order a discharge amounting to an acquittal in respect of the accused.

**Public Prosecutor may compound offences**

**242.**—(1) The Public Prosecutor may, on such terms and conditions as the Public Prosecutor may determine, at any time compound any offence or class of offences as may be prescribed by collecting from a person who is reasonably suspected of having committed the offence a sum of money not exceeding —

(a) one half of the amount of the maximum fine that is prescribed for the offence; or

(b) \$5,000,

whichever is the lower.

(2) Where any offence is compoundable under this section, the abetment of or a conspiracy to commit the offence, or an attempt to commit the offence when the attempt is itself an offence, may be compounded in like manner.

(3) Where investigations have commenced for an offence which is subsequently compounded under subsection (1), no further proceedings are to be taken against the person reasonably suspected of having committed the offence.

(4) Where after the accused has been charged in court, the offence is compounded under subsection (1), such composition has the effect of an acquittal in respect of the accused.

(5) The Public Prosecutor may authorise in writing one or more Deputy Public Prosecutors to exercise the power of composition conferred on the Public Prosecutor under this section.

(6) The Minister must designate the person who may collect any sum of money paid under this section for the composition of offences.

### **Compounding of offences under other written laws**

**243.**—(1) Where any Act (other than the Penal Code 1871) contains an express provision for the composition of offences thereunder, the person authorised under that provision to compound such offences must exercise the power of composition subject to any general or special directions of the Public Prosecutor.

(2) Where any Act (other than the Penal Code 1871) does not contain any provision for the composition of offences thereunder, any offence under that Act or any subsidiary legislation made under that Act may be compounded under this section if the offence is prescribed under that Act as a compoundable offence.

(3) For the purposes of subsection (2), the power conferred on any Minister, statutory authority or other person to make subsidiary legislation under any Act to which that subsection applies includes the power —

- (a) to prescribe the offences under that Act or any subsidiary legislation made under that Act that may be compounded under this section;

- (b) to designate the person who may compound such offences; and
- (c) to specify the maximum sum for which any such offence may be compoundable, except that the maximum sum so specified must not exceed —
  - (i) one half of the amount of the maximum fine that is prescribed for the offence; or
  - (ii) \$2,000,whichever is the lower.

(4) The person designated under subsection (3)(b) may, subject to such general or special directions that the Public Prosecutor may give, compound any offence prescribed under subsection (3)(a) by collecting from a person who is reasonably suspected of having committed the offence a sum of money not exceeding the maximum sum that is specified under subsection (3)(c) in respect of that offence.

(5) On payment of the sum of money, no further proceedings are to be taken against that person in respect of such offence.

#### *Division 4 — Previous acquittals or convictions*

### **Person once convicted or acquitted not to be tried again for offence on same facts**

**244.**—(1) A person who has been tried by a court of competent jurisdiction for an offence and has been convicted or acquitted of that offence shall not be liable, while the conviction or acquittal remains in force, to be tried again for the same offence nor on the same facts for any other offence for which a different charge might have been made under section 138 or for which the person might have been convicted under section 139 or 140.

(2) A person acquitted or convicted of any offence may afterwards be tried for any distinct offence for which a separate charge might have been made against the person in the former trial under section 134.

(3) A person convicted of any offence constituted by any act causing consequences that together with that act amount to a different offence from that of which the person was convicted may afterwards be tried for that different offence if the consequences had not happened or were not known to the court to have happened at the time when the person was convicted.

(4) A person acquitted or convicted of any offence constituted by certain acts may, despite the acquittal or conviction, be charged later with and tried for any other offence constituted by the same acts which the person may have committed if the court that first tried the person was not competent to try the offence with which the person is subsequently charged.

*Explanation* — The dismissal of a complaint or the discharge of the accused is not an acquittal for the purposes of this section.

*Illustrations*

- (a) *A* is tried on a charge of theft as a servant and acquitted. While the acquittal remains in force, *A* cannot afterwards be charged on the same facts with theft as a servant or with theft simply or with criminal breach of trust.
- (b) *A* is tried on a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that *A* committed robbery at the time when the murder was committed. *A* may afterwards be charged with and tried for robbery.
- (c) *A* is tried for causing grievous hurt and convicted. Afterwards, the person injured dies of his or her injuries. *A* may be tried again for culpable homicide.
- (d) *A* is tried and convicted of the culpable homicide of *B*. *A* may not afterwards be tried on the same facts for the murder of *B*.
- (e) *A* is charged with and convicted of voluntarily causing hurt to *B*. *A* may not afterwards be tried for voluntarily causing grievous hurt to *B* on the same facts unless the case comes within subsection (3).

### **Plea of previous acquittal or conviction**

**245.**—(1) The plea of previous acquittal or conviction may be made orally or in writing and may be in the following form or to the following effect:

“The accused person says that by virtue of Article 11(2) of the Constitution or section 244 of the Criminal Procedure Code 2010 the accused person is not liable to be tried.”.

(2) This plea may be made with any other plea, but the issue raised by the plea must be tried and disposed of before the issues raised by the other pleas are tried.

(3) When an issue is tried on a plea of a previous acquittal or conviction, the record of proceedings of the former trial is admissible as evidence to prove or disprove whether the accused person is being tried again for the same offence or on the same facts for any other offence.

*Division 5 — Proceedings relating to persons of unsound mind*

**Interpretation of this Division**

**246.** In this Division —

“designated medical practitioner”, in relation to any psychiatric institution, has the meaning given by the Mental Health (Care and Treatment) Act 2008;

“principal officer”, in relation to any psychiatric institution, has the meaning given by the Mental Health (Care and Treatment) Act 2008;

“psychiatric institution” has the meaning given by the Mental Health (Care and Treatment) Act 2008.

**Procedure if accused is suspected to be of unsound mind**

**247.—**(1) When a court holding or about to hold any inquiry or trial or any other proceeding, has reason to suspect that the accused is of unsound mind and consequently incapable of making his or her defence, the court must in the first instance investigate the fact of such unsoundness.

(2) Such investigation may be held in the absence of the accused if the court is satisfied that owing to the state of the accused’s mind, it would be in the interests of the safety of the accused or of other persons or in the interests of public decency that the accused should

be absent, and the court may receive as evidence a certificate in writing signed by a medical officer to the effect that the accused is in the medical officer's opinion of unsound mind or is a proper person to be detained for observation and treatment in a psychiatric institution, or the court may, if it sees fit, take oral evidence from a medical officer on the state of mind of the accused.

(3) If the court, on its own motion or on the application of the Public Prosecutor, is not satisfied that the person is capable of making his or her defence, the court must postpone the inquiry or trial or other proceeding and must order that person to be remanded for observation in a psychiatric institution for a period not exceeding one month.

(4) A designated medical practitioner must keep the accused under observation and provide any necessary treatment during the accused's remand and, before the expiry of that period, must certify in writing to the court his or her opinion as to the accused's state of mind and if he or she is unable within that period to form any conclusion, must so certify to the court and must ask for a further remand, which may extend to a period of 2 months.

[33/2012]

### **Certificate of designated medical practitioner**

**248.—**(1) If the designated medical practitioner certifies that the accused is of sound mind and capable of making his or her defence, the court must, unless satisfied to the contrary, proceed with the inquiry or trial or other proceeding.

[33/2012]

(2) If the designated medical practitioner certifies that the accused is of unsound mind and incapable of making his or her defence, the court must, unless satisfied to the contrary, find accordingly, and thereupon the inquiry or trial or other proceeding must be stayed but if the court is satisfied that the accused is of sound mind and capable of making his or her defence, the court must proceed with the inquiry or trial or other proceeding, as the case may be.

[33/2012]

(3) The determination of the issue as to whether or not the accused is of unsound mind and incapable of making his or her defence is, if



the finding is that the accused is of sound mind and capable of making his or her defence, deemed to be part of his or her trial before the court.

(4) The certificate of the designated medical practitioner is admissible as evidence under this section.

[33/2012]

(5) If the accused is certified to be of unsound mind and incapable of making his or her defence, it is not necessary for the accused to be present in court during proceedings under this section and the accused may be detained in a psychiatric institution pending an order under section 249.

### **Release of person of unsound mind pending investigation or trial**

**249.**—(1) If an accused is found to be of unsound mind and incapable of making his or her defence, and if the offence charged is bailable, the court may release the accused on sufficient security being given that —

- (a) he or she will be properly taken care of;
- (b) he or she will be prevented from injuring himself or herself or any other person;
- (c) he or she will appear in court when required or before such officer as the court appoints for that purpose; and
- (d) any other conditions that the court may determine will be met.

(2) If the offence charged is not bailable or if sufficient security is not given, the court must report the case to the Minister who may, in his or her discretion, order the accused to be confined in a psychiatric institution, or any other suitable place of safe custody and the court must give effect to that order.

(3) Pending the order of the Minister under subsection (2), the accused may be remanded for detention in a psychiatric institution, prison or other suitable place of safe custody.

**Resumption of proceedings**

**250.**—(1) When an inquiry or a trial or other proceeding is —

- (a) postponed for the accused to be detained for observation in a psychiatric institution under section 247; or
- (b) stayed under section 248,

the court may at any time begin the inquiry or trial or other proceeding afresh and require the accused to appear or be brought before the court.

(2) If the accused has been released under section 249, the court may require the accused to appear or be brought before it and may again proceed under section 247.

**Acquittal on ground of unsound mind**

**251.** If an accused is acquitted by operation of section 84 of the Penal Code 1871, the finding must state specifically whether he or she committed the act or not.

[15/2019]

**Safe custody of person acquitted**

**252.**—(1) Whenever the finding states that the accused committed the act alleged, the court before which the trial has been held must, if that act would but for the incapacity found have constituted an offence, order that person to be kept in safe custody in such place and manner as the court thinks fit and must report the case for the orders of the Minister.

(2) The Minister may order that person to be confined in a psychiatric institution, prison or other suitable place of safe custody during the President's pleasure.

**Visiting of prisoners of unsound mind**

**253.**—(1) If a person is confined under section 249 or 252 in a psychiatric institution, prison or other suitable place of safe custody, 2 of the visitors of a psychiatric institution may, subject to subsection (2), visit the person to ascertain his or her state of mind.

(2) The person confined under section 249 or 252 must be visited at least once every 6 months and the visitors must make a special report to the Minister as to the person's state of mind.

### **Procedure when person of unsound mind is reported able to make defence**

**254.**—(1) If a person is confined under section 249 and is certified by the principal officer and 2 of the visitors of the psychiatric institution to be capable of making his or her defence, the court must proceed with the inquiry or trial or other proceeding (as the case may be) and the certificate is admissible as evidence.

[33/2012]

(2) Where after the trial is proceeded with against the person mentioned in subsection (1) —

- (a) the person is acquitted at the end of the trial; or
- (b) the charge against the person is withdrawn at any time after the commencement of the trial,

the court may, after due inquiry, send the person to a designated medical practitioner at a psychiatric institution for treatment and the person may thereafter be dealt with in accordance with the provisions of the Mental Health (Care and Treatment) Act 2008.

(3) Where after the trial is proceeded with against the person mentioned in subsection (1) —

- (a) the person is convicted of an offence at the end of the trial;
- (b) the person is acquitted at the end of the trial; or
- (c) the charge against the person is withdrawn at any time after the commencement of the trial,

any order made by the Minister under section 249(2) is deemed to have lapsed.

### **Delivery of person of unsound mind to care of relative**

**255.**—(1) If a relative or friend of a person confined under section 249(2) or 252 wishes the person to be delivered to his or

her care and custody, he or she may apply for this and give security to the satisfaction of the Minister that —

- (a) that person will be properly cared for;
- (b) that person will be prevented from injuring himself or herself or any other person;
- (c) that person will be produced for inspection by the principal officer at such time as the Minister directs; and
- (d) the relative or friend of that person will be able to meet any other conditions that the Minister may impose,

and if the Minister is so satisfied, the Minister may order the person to be delivered to that relative or friend.

[33/2012]

(2) If a person is confined under section 249(2), the Minister may further require the relative or friend to give security to the Minister's satisfaction that if at any time the Minister thinks the person is capable of making his or her defence, the relative or friend will produce the person for trial.

(3) Sections 253 and 256 apply with the necessary modifications to a person delivered under this section.

(4) Even though a person confined under section 249(2) or 252 has been delivered to a relative or friend of that person under subsection (1), the Minister may, after receiving a special report mentioned in section 253(2), order that the person be confined again in a psychiatric institution or any other suitable place.

### **Procedure when person of unsound mind is reported fit for discharge**

**256.**—(1) If the principal officer and 2 visitors of the psychiatric institution in which a person is confined under section 249(2) or 252 certify that in his or her or their judgment the person may be discharged without danger of injuring himself or herself or any other person, the Minister may order the person to be discharged, detained in custody or in prison, or sent to a psychiatric institution if the person has not already been sent there.

(2) If the Minister orders the person to be sent to a psychiatric institution, the Minister may appoint a commission consisting of a Magistrate and 2 medical officers to make formal inquiry into the person's state of mind, taking such evidence as is necessary, and to report to the Minister, who may order the discharge or detention of the person as the Minister thinks fit.

## PART 14

### EVIDENCE AND WITNESSES

#### *Division 1 — Preliminary*

#### **Interpretation of this Part**

**257.** In this Part, “statement” includes any representation of fact, whether made in words or otherwise.

#### *Division 2 — Admissibility of certain types of evidence*

#### **Admissibility of accused's statements**

**258.—**(1) Subject to subsections (2) and (3), where any person is charged with an offence, any statement made by the person, whether it is oral or in writing, made at any time, whether before or after the person is charged and whether or not in the course of any investigation carried out by any law enforcement agency, is admissible in evidence at the person's trial; and if that person tenders himself or herself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching that person's credit.

(2) Where a statement mentioned in subsection (1) is made by any person to a police officer, no such statement may be used in evidence if it is made to a police officer below the rank of sergeant.

(3) The court must refuse to admit the statement of an accused or allow it to be used in the manner referred to in subsection (1) if the making of the statement appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the accused, proceeding from a person in authority and sufficient, in the opinion of the court, to give the accused grounds

which would appear to the accused reasonable for supposing that by making the statement the accused would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against the accused.

*Explanation 1* — If a statement is obtained from an accused by a person in authority who had acted in such a manner that his or her acts tend to sap and have in fact sapped the free will of the maker of the statement, and the court is of the opinion that such acts gave the accused grounds which would appear to the accused reasonable for supposing that by making the statement, the accused would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against the accused, such acts will amount to a threat, an inducement or a promise (as the case may be), which will render the statement inadmissible.

*Explanation 2* — If a statement is otherwise admissible, it will not be rendered inadmissible merely because it was made in any of the following circumstances:

- (a) under a promise of secrecy, or in consequence of a deception practised on the accused for the purpose of obtaining it;
- (aa) where the accused is informed in writing by a person in authority of the circumstances in section 33B of the Misuse of Drugs Act 1973 under which life imprisonment may be imposed in lieu of death;
- (b) when the accused was intoxicated;
- (c) in answer to questions which the accused need not have answered whatever may have been the form of those questions;
- (d) where the accused was not warned that the accused was not bound to make the statement and that evidence of it might be given against the accused;
- (e) where the recording officer or the interpreter of an accused's statement recorded under section 22 or 23 did not fully comply with that section; or
- (f) where an accused's statement under section 22 or 23 is in writing, when section 22(5) or 23(3B) (as the case may be) requires the statement to be recorded in the form of an audiovisual recording.

[30/2012; 19/2018]

(4) If the statement mentioned in subsection (3) is made after the impression caused by any such inducement, threat or promise mentioned in that subsection has, in the opinion of the court, been fully removed, it is admissible.

(4A) For the purposes of subsection (3), the making of a statement by an accused is not to be regarded as caused by any inducement,

threat or promise merely because a person in authority had earlier informed the accused that the accused was required or legally bound to give information under section 27 of the Prevention of Corruption Act 1960, if that person believed in good faith, when so informing the accused, that —

- (a) the accused was concerned in an offence under that Act; or
- (b) a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, that the accused was concerned in an offence under that Act.

[19/2018]

(5) When 2 or more persons are tried jointly in any of the following circumstances, and a confession made by one such person affecting that person and any other such person is proved, the court may take into consideration the confession as against the other person as well as against the person who made the confession:

- (a) all of those persons are tried jointly for the same offence;
- (b) the proof of the facts alleged in the charge for the offence for which one of those persons (*A*) is tried (excluding any fact relating to any intent or state of mind on the part of *A* necessary to constitute the offence for which *A* is tried) would, for each of the rest of those persons, result in the proof of the facts alleged in the charge for the offence for which that person is tried (excluding any fact relating to any intent or state of mind on the part of that person necessary to constitute the offence for which that person is tried);
- (c) at least one of those persons is tried for an offence under section 411, 412, 413 or 414 of the Penal Code 1871 in respect of any property, and the rest of those persons are tried for one or more of the offences of theft, extortion, robbery, criminal misappropriation, criminal breach of trust or cheating under Chapter 17 of the Penal Code 1871 in respect of the same property.

[19/2018]

(5A) Despite subsection (5), the court may refuse to take into consideration a confession as against a person (other than the maker of the confession), if the prejudicial effect of the confession on that person outweighs the probative value of the confession.

[19/2018]

(5B) In subsection (5), “offence” includes an abetment of, a conspiracy to commit, or an attempt to commit, the offence.

*Illustrations*

- (a) *A* and *B* are jointly tried for the murder of *C*. It is proved that *A* said “*B* and I murdered *C*”. The court may consider the effect of this confession as against *B*.
- (b) *A* is on trial for the murder of *C*. There is evidence to show that *C* was murdered by *A* and *B* and that *B* said “*A* and I murdered *C*”. This statement may not be taken into consideration by the court against *A* as *B* is not being jointly tried.
- (c) *A* is charged with an offence of corruptly giving a gratification to *B* under section 5(b) of the Prevention of Corruption Act 1960. *B* is charged with an offence of corruptly receiving the same gratification from *A* under section 5(a) of the Prevention of Corruption Act 1960. *A* and *B* are jointly tried for those offences. If a confession made by *A* affecting both *A* and *B* is proved, and the same facts are alleged in the charges against *A* and *B*, the court may take into consideration the confession as against *B*, even though *A* and *B* are charged with offences that have different elements.

[19/2018]

(6) Despite any other provision in this section —

- (a) where a person is charged with any offence in relation to the making or contents of any statement made by the person to any officer of a law enforcement agency in the course of any investigation carried out by the agency, that statement may be used as evidence in the prosecution;
- (b) any statement made by the accused in the course of an identification parade may be used as evidence; and
- (c) when any fact or thing is discovered in consequence of information received from a person accused of any offence in the custody of any officer of a law enforcement agency, so much of such information as relates distinctly to the fact or thing thereby discovered may be proved.



(7) In this section, “confession”, in relation to any person who is tried for an offence, means any statement made at any time by the person stating or suggesting the inference that the person committed that offence.

### **Admissibility of Case for the Defence**

**258A.**—(1) Where any person is charged with an offence, the Case for the Defence filed under section 163(1) or 215(1) by or on behalf of that person —

- (a) is admissible in evidence at that person’s trial (including during the presentation of the prosecutor’s statement under section 230(1)(d)); and
- (b) if that person tenders himself or herself as a witness, may be used in cross-examination and for the purpose of impeaching that person’s credit.

[19/2018]

(2) When 2 or more persons are tried jointly in any of the following circumstances, and the Case for the Defence filed under section 163(1) or 215(1) by or on behalf of any such person affects that person and any other such person, the court may take into consideration that Case for the Defence as against the other person as well as against the person by or on behalf of whom that Case for the Defence was filed:

- (a) all of those persons are tried jointly for the same offence;
- (b) the proof of the facts alleged in the charge for the offence for which one of those persons (*A*) is tried (excluding any fact relating to any intent or state of mind on the part of *A* necessary to constitute the offence for which *A* is tried) would, for each of the rest of those persons, result in the proof of the facts alleged in the charge for the offence for which that person is tried (excluding any fact relating to any intent or state of mind on the part of that person necessary to constitute the offence for which that person is tried);
- (c) at least one of those persons is tried for an offence under section 411, 412, 413 or 414 of the Penal Code 1871 in

respect of any property, and the rest of those persons are tried for one or more of the offences of theft, extortion, robbery, criminal misappropriation, criminal breach of trust or cheating under Chapter 17 of the Penal Code 1871 in respect of the same property.

[19/2018]

(3) Despite subsection (2), the court may refuse to take into consideration a Case for the Defence as against a person (other than the person by or on behalf of whom that Case for the Defence was filed), if the prejudicial effect of that Case for the Defence on that person outweighs the probative value of that Case for the Defence.

[19/2018]

(4) In subsection (2), “offence” includes an abetment of, a conspiracy to commit, or an attempt to commit, the offence.

[19/2018]

### **Reference to certain documents in Case for the Prosecution**

**258B.** Where any person is charged with an offence, any document mentioned in section 162(1)(a), (b), (c) or (d) or 214(1)(a), (b) or (c), which is contained in the Case for the Prosecution filed under section 161(2) or 213(1) for the purposes of the trial of that person, may be referred to during that trial as if that document is part of the prosecutor’s statement under section 230(1)(d).

[19/2018]

### **Witness’s statement inadmissible except in certain circumstances**

**259.—**(1) Any statement made by a person other than the accused in the course of any investigation by any law enforcement agency is inadmissible in evidence, except where the statement —

- (a) is admitted under section 147 of the Evidence Act 1893;
- (b) is used for the purpose of impeaching the person’s credit in the manner provided in section 157 of the Evidence Act 1893;
- (c) is made admissible as evidence in any criminal proceeding by virtue of any other provisions in this Code or the Evidence Act 1893 or any other written law;

(d) is made in the course of an identification parade; or

(e) falls within section 32(1)(a) of the Evidence Act 1893.

(2) Where any person is charged with any offence in relation to the making or contents of any statement made by the person to an officer of a law enforcement agency in the course of an investigation carried out by that officer, that statement may be used as evidence in the prosecution.

### **Admissibility of report on first information made under section 14 or 15**

**260.**—(1) In any proceeding under this Code, if a police officer of or above the rank of inspector certifies as a true copy a copy of a report received or recorded under section 14(2) or (3) or 15(1), or of a note made under section 14(5), the certified copy is admissible as evidence of the original information and of the date, time and place at which it was given.

(2) A court may require to be shown the original report or note.

### **Inferences from accused's silence**

**261.**—(1) Where in any criminal proceeding evidence is given that the accused on being charged with an offence, or informed by a police officer or any other person charged with the duty of investigating offences that the accused may be prosecuted for an offence, failed to mention any fact which the accused subsequently relies on in the accused's defence, being a fact which in the circumstances existing at the time the accused could reasonably have been expected to mention when so questioned, charged or informed (as the case may be), the court may in determining —

(a) whether to commit the accused for trial;

(b) whether there is a case to answer; and

(c) whether the accused is guilty of the offence charged,

draw such inferences from the failure as appear proper; and the failure may, on the basis of those inferences, be treated as, or as capable of amounting to, corroboration of any evidence given against the accused in relation to which the failure is material.

(2) Subsection (1) does not —

- (a) prejudice the admissibility in criminal proceedings of evidence of the silence or other reaction of the accused in the face of anything said in the accused's presence relating to the conduct for which the accused is charged, insofar as evidence of this would be admissible apart from that subsection; or
- (b) preclude the drawing of any inference from any such silence or other reaction of the accused which could be drawn apart from that subsection.

### **Use of affidavits sworn by witnesses**

**262.**—(1) Any affidavit made by a witness may be used in any criminal court, if it is sworn —

- (a) in Singapore, before any Judge, District Judge, Registrar, Deputy Registrar or Magistrate or before any commissioner for oaths appointed or deemed to have been appointed under the Supreme Court of Judicature Act 1969;
- (b) elsewhere in the Commonwealth before any judge, court, notary public or person lawfully authorised to administer oaths; or
- (c) in any other place, before any consul or vice-consul of Singapore, Malaysia or the United Kingdom.

(2) The court must take judicial notice of the seal or signature (as the case may be) of any judge, court, notary public, person, consul or vice-consul appended or subscribed to any affidavit.

### **Report of qualified persons**

**263.**—(1) A document, including any exhibits and annexures identified in the document, which is presented as the report of a qualified person concerning a matter or thing duly submitted to the qualified person for examination, analysis or report, may be used as evidence in any criminal proceeding under this Code, and the qualified person need not be called as a witness unless the court or

any of the parties requires that person to be examined orally or cross-examined on the report.

(2) Qualified persons are by this Code bound to state the truth in their reports.

(3) A report of a qualified person is admissible as prima facie evidence of the facts stated in it.

(4) In this section, “qualified person” means a person specified by the Minister by notification in the *Gazette* for the purposes of this section.

### Conditioned statements

**264.**—(1) Despite anything in this Code or in any other written law, a written statement made by any person is admissible as evidence in any criminal proceeding, to the same extent and to the same effect as oral evidence given by the person, if the following conditions are satisfied:

- (a) the statement appears to be signed by the person who made it;
- (b) the statement contains a declaration by the person to the effect that it is true to the best of the person’s knowledge and belief and that the person made the statement knowing that, if it were given in evidence, the person would be liable to prosecution if the person stated in it anything the person knew to be false or did not believe to be true;
- (c) before the hearing at which the statement is given in evidence, a copy of the statement is served, by or on behalf of the party proposing to give it, on each of the other parties to the proceedings;
- (d) before or during the hearing, the parties agree to the statement being tendered in evidence under this section;
- (e) the court is satisfied that the accused is aware of this section or is represented by an advocate during the criminal proceeding.

[19/2018]

(2) The following provisions also apply to any written statement given in evidence under this section:

- (a) if the statement is by a person below 21 years of age, it must state his or her age;
- (b) if it is made by a person who cannot read it, it must be read to him or her before he or she signs it and must be accompanied by a declaration by the person who read the statement to him or her, stating that it was so read;
- (c) if it refers to any other document as an exhibit, the copy of the written statement must be accompanied by a copy of that document or by information that will enable the party on whom it is served to inspect that document or a copy of it.

(3) Where in any criminal proceeding a written statement made by any person is admitted in evidence under this section —

- (a) the party by whom or on whose behalf a copy of the statement was served may call the person to give evidence; and
- (b) the court may, of its own motion or on the application of any party to the proceeding, require the person to attend before the court and give evidence.

(4) Unless the court directs otherwise, so much of any statement as is admitted in evidence under this section must be read aloud at the hearing.

[19/2018]

(4A) Where the court directs under subsection (4) that any part of a statement admitted in evidence under this section need not be read aloud at the hearing, the court may also direct that an account be given orally of the part of that statement that is not read aloud.

[19/2018]

(5) A document or an object referred to as an exhibit and identified in a written statement given in evidence under this section must be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

**Statement recorded in form of audiovisual recording**

**264A.**—(1) Despite anything in this Code or in any other written law, a statement made by a person that is recorded in the form of an audiovisual recording (called in this section a recorded statement) is admissible as evidence in a criminal proceeding, to the same extent and to the same effect as oral evidence given by the person, if —

- (a) the criminal proceeding relates to an offence alleged to have been committed against or in relation to the person;
- (b) any of the following conditions is satisfied:
  - (i) the offence alleged to have been committed against or in relation to the person is —
    - (A) a child abuse offence;
    - (B) an offence under section 28(2) of the Children and Young Persons Act 1993, an abetment of, a conspiracy to commit, or an attempt to commit, that offence;
    - (C) a sexual offence;
    - (D) an offence under section 169(3) of the Women’s Charter 1961, an abetment of, a conspiracy to commit, or an attempt to commit, that offence; or
    - (E) an offence under section 3(1) or (2) or 6(1) of the Prevention of Human Trafficking Act 2014, an abetment of, a conspiracy to commit, or an attempt to commit, that offence;
  - (ii) both of the following apply:
    - (A) the offence alleged to have been committed against or in relation to the person is an offence under section 323, 323A, 324, 325, 326, 327, 328, 329, 330, 331, 334, 334A, 335, 335A, 335B, 336, 337 or 338 of the Penal Code 1871, an abetment of, a conspiracy to commit, or an attempt to commit, that offence;

- (B) any of the following applies:
  - (BA) the person is below 16 years of age;
  - (BB) the person is suffering from a mental disability;
  - (BC) the person is a domestic worker, and the offence is alleged to have been committed by the employer of the person or by a member of the employer's household;
  - (BD) the offence alleged to have been committed against or in relation to the person is one to which section 73, 74A, 74B, 74C or 74D of the Penal Code 1871 applies;
- (iii) all of the following apply:
  - (A) the offence alleged to have been committed against or in relation to the person is any other offence;
  - (B) any of the following applies:
    - (BA) the person is below 16 years of age;
    - (BB) the person is suffering from a mental disability;
    - (BC) the person is a domestic worker, and the offence is alleged to have been committed by the employer of the person or by a member of the employer's household;
    - (BD) the offence alleged to have been committed against or in relation to the person is one to which section 73, 74A, 74B, 74C or 74D of the Penal Code 1871 applies;



- (C) the court grants leave for the recorded statement to be admitted in evidence;
- (c) in a case where the person is below 21 years of age, the recorded statement states the person's age; and
- (d) in a case where the recorded statement is to be used in lieu of oral evidence given by the person as evidence-in-chief in the criminal proceeding, the person has confirmed in the recorded statement that what the person states in the recorded statement is true.

[19/2018; 15/2019]

(2) Where a recorded statement is admissible as evidence in a criminal proceeding under subsection (1), a transcript of the audiovisual recording of the recorded statement is also admissible as evidence in the criminal proceeding, to the same extent and to the same effect as the recorded statement.

[19/2018]

(3) Where in any criminal proceeding a recorded statement of a person, or a transcript of the audiovisual recording of a recorded statement of a person, is admitted in evidence under this section, the court may, of its own motion or on the application of any party to the proceeding, require the person to attend before the court and give evidence.

[19/2018]

(4) Unless the court directs otherwise —

- (a) the audiovisual recording of so much of a recorded statement as is admitted in evidence under this section must be displayed at the hearing; and
- (b) so much of a transcript as is admitted in evidence under this section must be read aloud at the hearing.

[19/2018]

(5) Where the court directs under subsection (4) that any part of the audiovisual recording of a recorded statement admitted in evidence under this section need not be displayed at the hearing, the court may also direct that an account be given orally of the part of the audiovisual recording that is not displayed.

[19/2018]

(6) Where the court directs under subsection (4) that any part of a transcript admitted in evidence under this section need not be read aloud at the hearing, the court may also direct that an account be given orally of the part of the transcript that is not read aloud.

[19/2018]

(7) Where a document or an object is referred to as an exhibit and identified in a recorded statement of a person, or in a transcript of the audiovisual recording of a recorded statement of a person, and the recorded statement or transcript (as the case may be) is admitted in evidence under this section, the document or object must be treated as if the document or object had been produced as an exhibit and identified in court by the person.

[19/2018]

(8) Where a document is referred to as an exhibit in a recorded statement, or in a transcript of the audiovisual recording of a recorded statement, and the recorded statement or transcript (as the case may be) is admitted in evidence under this section, the prosecution must —

- (a) serve a copy of that document on the defence; or
- (b) allow the defence to inspect that document or a copy of that document.

[19/2018]

(9) In this section, “domestic worker” and “member of the employer’s household” have the meanings given by section 73(4) of the Penal Code 1871.

[15/2019]

### **When evidence of past possession of stolen property allowed**

**265.** Where proceedings are taken against a person for having received goods knowing them to be stolen or for having in the person’s possession stolen property, evidence may be given at any stage of the proceedings that there was found in the person’s possession other property stolen within the preceding 12 months; and such evidence may be taken into consideration when proving that the person knew that the property which is the subject of the proceedings was stolen.

**When evidence of previous conviction allowed**

**266.**—(1) Where —

- (a) proceedings are taken against a person for having received goods knowing them to be stolen or for having in the person's possession stolen property; and
- (b) evidence is given that the stolen property was found in the person's possession,

then, if the person has been convicted of an offence involving fraud or dishonesty within the 5 years immediately preceding, evidence of that previous conviction may be given and may be taken into consideration when proving that the accused knew that the property in the accused's possession was stolen.

(2) The accused must be given at least 7 days' written notice that proof will be given of the previous conviction under subsection (1).

(3) For the purposes of subsection (1), the previous conviction of the accused need not be entered in the charge.

**Proof by formal admission**

**267.**—(1) Subject to this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the Public Prosecutor or the accused, and the admission by any party of any such fact under this section is, as against that party, conclusive evidence in those proceedings of the fact admitted.

(2) An admission under this section —

- (a) may be made before or at the proceedings;
- (b) if made otherwise than in court, must be in writing;
- (c) if made in writing by an individual, must purport to be signed by the person making it and, if so made by a body corporate, limited liability partnership, partnership or unincorporated association, must purport to be signed by a duly authorised representative of that body corporate, limited liability partnership, partnership or unincorporated association, as the case may be;

- (d) if made on behalf of an accused who is an individual, must be made by his or her advocate; and
  - (e) if made before the trial by an accused who is an individual, must be approved by his or her advocate before or at the proceedings in question.
- (3) An admission under this section for the purpose of proceedings relating to any matter is treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter, including any appeal or retrial.
- (4) An admission under this section may with the leave of the court be withdrawn in the proceedings for which it is made or any subsequent criminal proceedings relating to the same matter.

### **Hearsay evidence in criminal proceedings**

**268.** In any criminal proceedings, a statement is admissible as evidence of any fact stated therein to the extent that it is so admissible by this Code, the Evidence Act 1893, or any other written law.

**269. to 277.** [*Repealed by Act 4 of 2012*]

### **Notice of alibi**

**278.—(1)** In any trial, the accused may not, without the leave of the court, offer evidence in support of an alibi unless the accused gives notice of particulars of the alibi.

(2) Without affecting subsection (1), the accused may not call a witness to give such evidence without the leave of the court unless the following conditions apply:

- (a) the notice under subsection (1) includes the name and address of the witness or, if the accused does not know the name or address at the time the accused gives the notice, any information the accused has that might help find the witness;
- (b) if the name or the address is not included in that notice, the court is satisfied that the accused, before giving the notice, took and continued taking all reasonable steps to find out the name or address;

- (c) if the name or the address is not included in that notice, but the accused later discovers the name or address or receives other information that might help to find the witness, the accused immediately gives notice of the name, address or other information, as the case may be;
  - (d) if the accused is notified by, or on behalf of, the Public Prosecutor that the witness has not been traced by the name or at the address given, the accused gives notice immediately of the information the accused has or later receives.
- (3) Subject to any directions by the court as to the time it is to be given, evidence to disprove an alibi may be given before or after evidence in support of the alibi.
- (4) Unless the contrary is proved, a notice offered under this section on behalf of the accused by the accused's advocate is regarded as having been given with the accused's authority.
- (5) A notice under subsection (1) must either be given —
  - (a) to the court when the accused is first charged in court in relation to the offence for which the accused is raising the defence of an alibi; or
  - (b) in writing to the Public Prosecutor, or to the officer in charge of the prison where the accused is kept for the officer to forward to the Public Prosecutor, within 14 days from the date the accused is charged in court for the first time with the offence for which the accused is raising the defence of an alibi.
- (6) A notice under subsection (2)(c) or (d) must be given in writing to the Public Prosecutor.
- (7) A notice required by this section to be given to the Public Prosecutor may be delivered to the Public Prosecutor, or left at his or her office, or sent in a registered letter addressed to the Public Prosecutor at his or her office.
- (8) If the Public Prosecutor or any officer of a law enforcement agency interviews any witness who is named in a notice given under

this section, the accused or the accused's advocate is entitled to be present at the interview.

(9) The court may not refuse leave under this section if no advocate appears to have been instructed to act for the accused at any time before the accused's trial and if it is satisfied that the accused was unaware of the provisions of this section.

(10) In this section, "evidence in support of an alibi" means evidence tending to show that because the accused was present at a place or in an area at a certain time the accused was not, or was unlikely to have been, at the place where the offence was committed at the relevant time.

### *Division 3 — Ancillary hearing*

#### **Procedure to determine admissibility of evidence**

**279.**—(1) Subject to this Code and any other written law relating to the admissibility of evidence, where any party objects to the admissibility of any statement made by that party or any other evidence which the other party to the case intends to tender at any stage of the trial, the court must determine it separately at an ancillary hearing before continuing with the trial.

#### *Illustrations*

- (a) Evidence is to be given of a tape recording that is said to be of a conversation between *X* and *Y*. There is an objection that the tape has been tampered with. The court must hold an ancillary hearing to determine its admissibility.
- (b) *X* is accused of murdering *Y* and disposing of the body by dismembering it. The prosecution seeks to offer evidence that *X* was involved in the murder of *Z* where similar dismemberment was done. The defence objects to the admission of such evidence. The court must hold an ancillary hearing to determine the admissibility of the evidence.
- (c) The prosecution seeks to admit the statement of the accused. The accused alleges that the statement was given involuntarily as a result of a threat, inducement or promise. The court must hold an ancillary hearing to determine whether the statement was given voluntarily.
- (d) The prosecution seeks to admit a statement of the accused, who denies that the accused made it. No ancillary hearing is necessary as this does not relate to the voluntariness of the statement.

(e) *X* is accused of murdering *Y*. *Z*, a good friend of *X*, testifies that *X* told *Z* that *X* had murdered *Y*, which is denied by *X*. As *Z* is not a person in authority, no ancillary hearing is necessary as there is no issue of admissibility.

(2) In an ancillary hearing, any evidence adduced must be limited only to the ancillary issue.

(3) The following procedure must be complied with at an ancillary hearing:

- (a) the party seeking to admit the evidence must produce the party's evidence on the ancillary issue;
- (b) the party must then examine the party's witnesses (if any) and each of the witnesses may in turn be cross-examined by the other party and every co-accused (as the case may be), after which the first party may re-examine the witnesses;
- (c) after the party has concluded the party's case, the court must call on the other party to present the other party's evidence;
- (d) when the other party is called on to present the other party's evidence, the other party must examine the other party's witnesses (if any) and each of the witnesses may in turn be cross-examined by the first party and every co-accused (as the case may be), after which the witnesses may be re-examined;
- (e) an accused may apply to the court to issue process for compelling the attendance of any witness and the production of any exhibit in court, whether or not the witness has previously been examined in the case, for the purpose of examination or cross-examination;
- (f) the court must issue process unless it considers that the application made under paragraph (e) should be refused because it is frivolous or vexatious or made to delay or frustrate justice and in such a case the court must record the reasons for the order;

- (g) before summoning any witness pursuant to an application under paragraph (e), the court may require that the reasonable expenses incurred by the witness in attending the trial be deposited in court by the defence;
  - (h) at the close of the other party's case, whether or not evidence has been adduced in accordance with section 283, the first party has the right to call a person as a witness or recall and re-examine a person already examined, for the purpose of rebuttal, and the witness may be cross-examined by the other party and every co-accused, after which the first party may re-examine the witness;
  - (i) at the close of the other party's case, the first party may sum up the first party's case;
  - (j) the first party has the final right of reply on the whole case;
  - (k) before proceeding with the main trial, the court must make a ruling on the admissibility of the statement or the other evidence which has been objected to by any party to the proceedings.
- (4) Where a witness, other than an accused, is giving evidence for the prosecution or the defence, the court may, on the application of either party, interpose that witness with any other witness if the court is of the view that there are good reasons to do so.
- (5) If any evidence has been given in any ancillary hearing relating to the statement or the other evidence which has been objected to by any party to the proceedings, any such evidence which is relevant for the purposes of the main trial is admissible without the need to recall any of the witnesses to give evidence.
- (6) The court may, in the interests of justice, allow any witness who has testified at the ancillary hearing to be recalled during the trial for examination or cross-examination by the prosecution or the defence, as the case may be.
- (7) If the court, after hearing evidence in the main trial, is doubtful about the correctness of its earlier decision whether or not to admit the evidence at the ancillary hearing, it may call on the prosecution and the defence to make further submissions.



(8) If the court, after hearing any submissions, decides to reverse its earlier decision in admitting the evidence, it must disregard such evidence when determining whether or not to call for the defence or when determining the guilt or otherwise of the accused.

(9) If the court, after hearing any submissions, decides to reverse its earlier decision in not admitting the evidence, such evidence may be admitted in court for the purpose of determining whether or not to call for the defence or when determining the guilt or otherwise of the accused.

*Division 4 — Special provisions relating to  
recording or giving of evidence*

[19/2018]

**Power of Magistrate to record statements**

**280.**—(1) A Magistrate may record a statement made to him or her at any time before a trial begins.

(2) The statement must be recorded in full, and a question asked by the Magistrate and the answer given to him or her must be clearly shown as being a question and answer.

(3) The Magistrate must not record the statement if, on questioning the person making it, the Magistrate does not believe it was made voluntarily.

(4) The Magistrate must make a note at the foot of this record as follows:

“I believe that this statement was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it. The maker of the statement has admitted that it is correct and contains a full and true account of what he/she said.

(Signed)                    A.B.  
Magistrate”.

(5) If the person making the statement does not understand English, the proceedings must be interpreted for the person in his or her own

language or in a language he or she understands, and the note mentioned in subsection (4) must be signed by the Magistrate and by the interpreter.

(6) Taking and recording a statement disqualifies the Magistrate who has taken and recorded it from trying the case.

(7) If an accused's confession recorded under this section is presented to a court as evidence, but the court finds that the Magistrate recording the statement did not fully comply with this section, it must take evidence as to whether the accused duly made the statement recorded and, if it is satisfied of that, it must admit the statement in evidence if the error has not prejudiced the accused's defence on the merits.

### **Evidence through video or television links**

**281.**—(1) Despite any provision of this Code or of any other written law, but subject to the provisions of this section, the court may allow the evidence of a person in Singapore (except the accused) to be given through a live video or live television link in any trial, inquiry, appeal or other proceedings if —

- (a) the witness is below 18 years of age;
- (b) the offence charged is an offence specified in subsection (2);
- (c) the court is satisfied that it is in the interests of justice to do so; or
- (d) the Minister certifies that it is in the public interest to do so.

[30/2019]

(2) The offences for the purposes of subsection (1)(b) are —

- (a) an offence that involves an assault on or injury or a threat of injury to persons, including an offence under sections 319 to 338 of the Penal Code 1871;
- (aa) an offence under section 356, 357 or 358 of the Penal Code 1871;
- (b) a child abuse offence;

- (c) an offence under section 28(2) of the Children and Young Persons Act 1993;
- (ca) an offence punishable under the Organised Crime Act 2015;
- (d) a sexual offence;
- (da) an offence under section 169(3) of the Women's Charter 1961; and
- (e) any other offence that the Minister may, after consulting the Chief Justice, prescribe.

[26/2015; 19/2018; 15/2019]

(2A) Where a psychiatrist or psychologist has prepared a report on how a witness may be affected if the witness is required to give evidence in the presence of the accused, and that report is placed before the court, the court must consider that report before deciding whether to allow under subsection (1) the evidence of the witness to be given through a live video or live television link.

[19/2018]

(3) Despite any provision of this Code or of any other written law, unless the court directs otherwise, while an accused is in remand in Singapore, the accused is to appear before the court through a live video or live television link in any of the following proceedings:

- (a) proceedings for an application for bail or release on personal bond at any time after the accused is first produced before a Magistrate pursuant to Article 9(4) of the Constitution;
- (b) proceedings for an extension of the remand of the accused under section 238;
- (c) proceedings for a State Court to record a plea of guilty from the accused, and to convict the accused;
- (d) proceedings in a State Court for the sentencing of the accused, after the conviction of the accused in earlier proceedings;

- (e) any other proceedings that the Minister may prescribe by regulations under this section, after consulting the Chief Justice.

[19/2018]

(4) Despite any provision of this Code or of any other written law but subject to subsection (5), an accused who is not a juvenile may appear before the court through a live video or live television link while in remand in Singapore in proceedings for an application for remand or for bail or for release on personal bond when the accused is first produced before a Magistrate pursuant to Article 9(4) of the Constitution.

(5) A court may, if it considers it necessary, either on its own motion or on the application of an accused, require an accused to be produced in person before it in proceedings mentioned in subsection (4).

(6) In exercising its powers under subsection (1), (3) or (4), the court may make an order on all or any of the following matters:

- (a) the persons who may be present at the place with the witness;
- (b) that a person be kept away from the place while the witness is giving evidence;
- (c) the persons in the courtroom who must be able to be heard, or seen and heard, by the witness and by the persons with the witness;
- (d) the persons in the courtroom who must not be able to be heard, or seen and heard, by the witness and by the persons with the witness;
- (e) the persons in the courtroom who must be able to see and hear the witness and the persons with the witness;
- (f) the stages in the proceedings during which a specified part of the order is to apply;
- (g) the method of operation of the live video or live television link system including compliance with such minimum technical standards as the Chief Justice may determine;

(h) any other order that the court considers necessary in the interests of justice.

(7) The court may revoke, suspend or vary an order made under this section if —

(a) the live video or live television link system stops working and it would cause unreasonable delay to wait until a working system becomes available;

(b) it is necessary for the court to do so to comply with its duty to ensure fairness in the proceedings;

(c) it is necessary for the court to do so in order that the witness can identify a person or a thing or so that the witness can participate in or view a demonstration or an experiment;

(d) it is necessary for the court to do so because part of the proceedings is being heard outside a courtroom; or

(e) there has been a material change in the circumstances after the court has made the order.

(8) The court must not make an order under this section, or include a particular provision in such an order, if to do so would be inconsistent with its duty to ensure that the proceedings are conducted fairly to all parties.

(9) An order made under this section does not cease to apply merely because the person in respect of whom it was made reaches 18 years of age before the proceedings in which it was made are finally concluded.

[30/2019]

(10) When a witness gives evidence in proceedings through a live video or live television link, the evidence is to be regarded for the purposes of sections 193, 194, 195, 196 and 205 of the Penal Code 1871 as having been given in those proceedings.

[15/2019]

(11) If a witness gives evidence in accordance with this section, for the purposes of this Code and the Evidence Act 1893, the witness is regarded as giving evidence in the presence of the court and the accused, as the case may be.

(12) In subsections (6), (10) and (11), a reference to “witness” includes a reference to an accused who appears before a court through a live video or live television link under subsection (3) or (4).

(13) The Chief Justice may make such rules as appear to the Chief Justice to be necessary or expedient to give effect to this section and for prescribing anything that may be prescribed under this section.

### **Measures to prevent witness from seeing accused**

**281A.**—(1) Despite any provision of this Code or any other written law, but subject to this section, the court may make an order allowing a witness to give evidence while prevented by a shielding measure from seeing the accused, if —

- (a) the witness is below 18 years of age;
- (b) the witness is the alleged victim of a sexual offence or child abuse offence that the accused is charged with; or
- (c) the court is satisfied that —
  - (i) either or both of the following apply:
    - (A) the witness is afraid of the accused, or of giving evidence in the presence of the accused;
    - (B) the witness will be distressed if the witness is required to give evidence in the presence of the accused; and
  - (ii) the reliability of the witness’ evidence will be diminished by such fear or distress, as the case may be.

*[19/2018; 30/2019]*

(2) The shielding measure must not prevent the witness from being able to see, and to be seen by, any of the following:

- (a) the court;
- (b) the prosecutor;
- (c) any advocate representing the accused;

- (d) any interpreter or other person appointed to assist the witness.

[19/2018]

(3) An order under subsection (1) does not cease to apply merely because the witness in respect of whom the order was made reaches 16 years of age before the proceedings in which the order was made are finally concluded.

[19/2018]

(4) If a witness gives evidence in accordance with this section, for the purposes of this Code and the Evidence Act 1893, the witness is regarded as giving evidence in the presence of the accused.

[19/2018]

(5) In this section, “shielding measure” means a screen or any other arrangement in a courtroom that prevents a witness from seeing the accused.

[19/2018]

### **Evidence to be given in camera in certain cases**

**281B.**—(1) Despite any provision of any other written law but subject to subsection (2), in any case where the accused is charged with a sexual offence or child abuse offence, the court must order that the evidence of a witness be given in camera, if —

- (a) the witness is the alleged victim of that offence; and
- (b) the witness does not elect to give evidence in an open and public court to which the public generally may have access.

[19/2018]

(2) Subsection (1) does not apply to a matter or proceeding if —

- (a) any other written law requires the matter or proceeding to be heard in camera; or
- (b) the court has ordered, under any other written law, that the matter or proceeding be heard in camera.

[19/2018]

*Division 5 — Witnesses***Attendance of prisoner as witness**

**282.**—(1) Where the presence of any person detained in a prison in Singapore is required in any court, that court may issue a warrant addressed to the officer in charge of the prison requiring the officer to produce that person before the court in proper custody at the time and place named in the warrant and from time to time if the hearing is adjourned.

(2) The officer in charge of the prison must have the person named in the warrant brought to court as directed and must arrange for the person's safe custody during his or her absence from prison.

(3) A warrant must bear the seal of the court and be signed by the Registrar of the Supreme Court, Registrar of the State Courts, District Judge or Magistrate, as the case may be.

[5/2014]

**Power of court to summon and examine persons**

**283.**—(1) A court may, on its own motion or on the application of the prosecution or the defence, at the close of the case for the defence, or at the end of any proceeding under this Code, summon a person as a witness or examine a person in attendance as a witness, whether or not summoned, or recall and re-examine a person already examined.

(2) The court must summon and examine or recall and re-examine such a person if it thinks the person's evidence is essential to making a just decision in the case.

(3) The exercise by a court of its power under subsection (1) is not a ground for appeal, or for revision, unless the appellant or the applicant (as the case may be) shows that the examination has led to a failure of justice.

**When person bound to give evidence intends to leave Singapore**

**284.**—(1) If a court is satisfied that any witness subject to a bond or is otherwise bound or about to be bound to give evidence in a trial intends to leave Singapore and that the ends of justice would probably be defeated if that person were not present at the trial to give evidence, it may, upon the application of the Public Prosecutor or



accused, commit that person to prison until the trial or until that person gives satisfactory security that he or she will give evidence at the trial, or complies with any other conditions that may be imposed by the court.

(2) Before making the order, the court must be satisfied that the party making the application has made adequate provision for the person's maintenance and for compensating the person for his or her detention and loss of time.

### **Recording of evidence**

**285.** Except as otherwise expressly provided, in proceedings under this Code, the evidence of the witnesses must be recorded in the manner set down by this Part.

### **Manner of recording evidence**

**286.**—(1) The evidence given in any proceeding under this Code must be recorded by the court in writing or in any other suitable form of recording that can reduce the evidence to a readable form.

(2) Evidence recorded in writing or, if it is not recorded in writing, the transcript of the evidence recorded, must be in English and signed by the judge hearing the case; and forms part of the record.

(3) Evidence recorded under this section may be taken down in the form of question and answer or in the form of a narrative, as the court thinks fit.

**287.** [*Repealed by Act 19 of 2018*]

### **Interpretation of evidence to accused**

**288.**—(1) Where evidence is given in a language not understood by the accused and he or she is present in person, it must be interpreted for him or her immediately in a language which the court is satisfied he or she understands.

(2) Where documents are put in for the purpose of formal proof, the court may choose to interpret for the accused as much of them as appears necessary.

**Remarks as to demeanour of witness**

**289.** During or after the recording of the evidence in the course of any proceeding under this Code, the court hearing the proceeding may record any remarks that it thinks material about the demeanour of the witness while under examination.

**How previous conviction or acquittal may be proved**

**290.—(1)** In any inquiry, trial or other proceeding under this Code, a previous conviction or acquittal or any order of court relevant to the case may be proved, in addition to any other way provided by law —

- (a) by an extract certified to be a copy of the sentence or order by the officer who has custody of the records of the court in which that conviction, acquittal or order was carried out, whether in Singapore or elsewhere; or
- (b) alternatively —
  - (i) in the case of a previous conviction in Singapore, either by a certificate signed by the officer who has custody of the records of the prison in Singapore in which the punishment or any part of it was inflicted, or by production of the warrant of commitment under which the punishment was suffered; or
  - (ii) in the case of a previous conviction elsewhere, either by a certificate signed by the officer in charge of the prisons in that place in which the punishment or any part of it was inflicted, or by production of the warrant of commitment under which the punishment was suffered,

together with evidence as to the identity of the accused and the person so convicted or acquitted or against whom the order was made.

(2) The certificate mentioned in subsection (1)(b) purporting to be signed by the officer who has custody of the records of the prison in Singapore or elsewhere is to be admitted in evidence on its production by the prosecution without proof of signature and, until the contrary is proved, is proof of all matters contained therein.

**Accused not to give evidence except on oath or affirmation**

**291.**—(1) In all criminal proceedings, the accused may not give evidence except on oath or affirmation, and if the accused does so, the accused is liable to cross-examination.

[19/2018]

(2) An accused who is not represented by an advocate has the right to address the court without being sworn or affirmed in circumstances where, if the accused were so represented, the advocate could address the court on the accused's behalf.

(3) If an accused —

- (a) after being called by the court to give evidence or after the accused or the advocate representing the accused has informed the court that the accused will give evidence, refuses to be sworn or affirmed; or
- (b) having been sworn or affirmed, without good cause refuses to answer any question,

the court, in deciding whether the accused is guilty of the offence, may draw such inferences from the refusal as appear proper.

(4) This section does not compel the accused to give evidence on the accused's own behalf, and the accused will not be guilty of contempt of court if the accused refuses to be sworn or affirmed in the circumstances of subsection (3)(a).

(5) For the purposes of this section, an accused who, having been sworn or affirmed, refuses to answer a question is taken to do so without good cause unless —

- (a) the accused is entitled to refuse to answer by section 122(4) of the Evidence Act 1893 or another written law or on the ground of privilege; or
- (b) the court excuses the accused from answering it.

(6) Subsection (3) does not apply to an accused if it appears to the court that the accused's physical or mental condition makes it undesirable for him or her to be called on to give evidence.

**Procedure when accused does not understand proceedings**

**292.**—(1) If an accused, though not of unsound mind, cannot understand or be made to understand the proceedings, the court may proceed with the trial.

[19/2018]

(2) For all courts other than the General Division of the High Court, if the trial results in a conviction, then the court must forward the proceedings to the General Division of the High Court with a report of the circumstances of the case and the General Division of the High Court must make such order or pass such sentence as it thinks fit.

[19/2018; 40/2019]

**Record of evidence in absence of accused**

**293.**—(1) If it is proved that an accused has absented himself or herself so that there is no immediate prospect of arresting him or her, the court competent to try the accused may, in the accused's absence, examine any witnesses produced on the prosecution's behalf and record their depositions.

(2) These depositions may, on the arrest of the accused, be given in evidence against him or her at the trial for the relevant offence, if the deponent is dead or incapable of giving evidence or the deponent's attendance cannot be procured without unreasonable delay, expense or inconvenience.

[19/2018]

(3) If it appears that an offence punishable with death or with imprisonment for life has been committed by some person or persons unknown, a Magistrate's Court may hold an inquiry and examine any witnesses who can give evidence concerning the offence.

(4) Any deposition so taken under subsection (3) may be given in evidence against any person who is subsequently accused of the offence if the deponent is dead or incapable of giving evidence or is outside Singapore.

**Procedure when prospective witness is ill**

**294.**—(1) Where it appears to a Magistrate that a person able to give material evidence for the prosecution or defence concerning any offence is so dangerously ill that it is not practicable to take the person's evidence according to the usual course of law, any Magistrate may take the deposition of that person provided that reasonable notice has been given to the prosecutor and the accused of the Magistrate's intention to take it and of when and where the Magistrate intends to take it.

(2) If the accused is in custody, a Judge or a Magistrate may order the officer in charge of the prison to, and the officer must, take the accused to the place and at the time notified.

(3) Where it is proved at the trial of the accused that the deponent is dead, or that the deponent cannot attend for any sufficient reason, the deposition may be read even though the accused was absent when it was taken if the court trying the case is satisfied that —

- (a) the deponent was at the time of his or her examination so dangerously ill as mentioned in subsection (1);
- (b) the deposition was duly taken at the place and time notified; and
- (c) reasonable notice of the intention to take it was given to the person against whom it is tendered in evidence so that the person or the person's advocate might have been present and might have had, if he or she had chosen to be present, full opportunity of cross-examination.

**Taking of evidence before trial**

**295.**—(1) Subject to subsection (2), where an application is made by the Public Prosecutor or the accused to a court for the evidence of a witness to be taken at any time before the date on which a criminal matter is fixed for trial, the court is to take the evidence of the witness appearing before it.

(2) An application under subsection (1) can only be made if it is shown with respect to the witness that it is not reasonably practicable to secure the witness's attendance at the time fixed for the trial.

(3) The proceeding under this section must be conducted in the presence of the accused and co-accused, if any.

(4) The witness called by a party to give evidence in the proceeding under this section may be cross-examined by any other party to the proceeding, after which the witness may be re-examined by the party calling the witness to give evidence.

(5) Any statement of a witness taken in proceedings under this section may be given in evidence in any trial under this Code (whether or not by the same judge hearing the proceedings) although the person is not called as a witness.

### **Deposition of medical witness**

**296.** If the court is satisfied that grave inconvenience would otherwise be caused, it may, if it thinks fit, allow the deposition of a medical officer of the Government or other medical witness taken and attested by a Magistrate in the presence of the accused to be given in evidence in any trial under this Code, although the deponent is not called as a witness.

### **Deposition of certain other witnesses**

**297.** Whenever, at a committal hearing under Division 2 of Part 10 as in force immediately before 17 September 2018, the evidence of any witness has been taken for the purpose of proving the custody or disposal of any matter or thing forwarded in the course of the inquiry to any public officer for examination or analysis or report, or of proving the custody or disposal of any instrument, weapon, matter or thing used in or for the commission of any offence, or of proving the accuracy of any plan or survey made or photograph taken by that witness for the purpose of the case, the General Division of the High Court may, if it thinks fit, allow the deposition of that witness, taken and attested by an examining Magistrate in the presence of the accused to be given in evidence in any trial before the General Division of the High Court although the deponent is not called as a witness.

*[19/2018; 40/2019]*

PART 15  
JUDGMENT

**Mode of delivering judgment**

**298.**—(1) The court must deliver judgment in every criminal trial, criminal appeal, case stated, criminal revision, criminal reference or criminal motion in open court immediately after the trial, appeal, case stated, criminal revision, criminal reference or criminal motion, or at a later time of which due notice must be given to the parties or their advocates.

(2) A judgment must be delivered either orally or by written grounds of decision.

(3) Where a judgment is delivered by written grounds of decision, the judgment may be delivered by pronouncing the court's decision with an oral summary of the written grounds, and giving a copy of the written grounds to the parties or their advocates either on the date of the court's decision or at a later date.

(4) Where a trial judge had delivered judgment in any manner referred to in subsection (2), the trial judge may, at any time before the appeal is heard, give further grounds for his or her decision, which may include grounds other than the grounds of decision given earlier by the trial judge.

(5) Where an appellate court had delivered judgment orally, it may, at a later date, give in writing the grounds of its decision, which may include grounds other than the grounds of decision given earlier by the appellate court.

(6) Where the appellate court comprises more than one judge, it must ordinarily give only one judgment, which may be delivered by the presiding judge or by such other member of the appellate court as the presiding judge may direct.

(7) Separate judgments must be delivered if the presiding judge so directs.

(8) The judgment of any judge who is absent may be delivered by any other judge.

(9) If the accused is in custody, the accused must be produced before the court.

(10) If the accused is not in custody, the accused must attend to hear judgment delivered except when the accused's personal attendance during the trial has been dispensed with and the sentence is one of fine only.

(11) Where the court reserves judgment in a trial, appeal, case stated, criminal revision, criminal reference or criminal motion, it may grant bail to the accused, with or without sureties, and on such terms and conditions as it thinks fit.

### **Procedure after judgment of appellate court**

**299.**—(1) After hearing the appeal and delivering its judgment, the appellate court must certify its judgment, sentence or order to the trial court which recorded or passed the judgment, sentence or order appealed against.

(2) Where an appeal is not dismissed, the certificate must state the grounds on which the appellate court allowed the appeal or varied the trial court's decision.

(3) The trial court must then make orders that conform to the appellate court's judgment, sentence or order, and, if necessary, amend the record accordingly.

(4) If the appellate court imposes a sentence of imprisonment on a person who was not so sentenced by the trial court, the appellate court must by warrant commit that person to prison in addition to anything else it is required to do by this section and must certify accordingly to the trial court.

### **Judgment in alternative**

**300.** When a person is found guilty of one of several possible offences under any written law, but it is doubtful which of those offences the person is guilty of, the court must record a conviction in the alternative, distinctly specifying those offences, and the offender must be punished for the offence carrying the lowest punishment if the same punishment is not provided for all.



### **Judgment not to be altered**

**301.**—(1) Where a court has delivered its judgment, it may rectify a clerical error at any time, and any other error, including an error in the exercise of its sentencing powers, may be rectified by the court by the next working day after the delivery of the judgment.

#### *Illustrations*

- (a) A Magistrate's Court sentences an accused to 4 years' imprisonment for an offence of theft under section 380 of the Penal Code 1871. Insofar as a Magistrate's Court may only impose an imprisonment term not exceeding 3 years, the court had made an error. Such an error may be rectified by the court by the next working day after the delivery of the judgment.
- (b) *A* committed an offence under the Penal Code 1871 after the coming into force of the Penal Code (Amendment) Act 2007. The Magistrate's Court, however, imposed a sentence on *A* based on the penalty provision in the Penal Code 1871 that was in force prior to the coming into force of the Penal Code (Amendment) Act 2007 when it should have sentenced *A* based on the penalty provision as amended by the Penal Code (Amendment) Act 2007. Such an error may be rectified by the court by the next working day after the delivery of the judgment.
- (c) A District Court imposes caning on a man who committed an offence when he was 54 years of age. Insofar as section 325 of this Code prohibits the court from imposing caning on the man, the court had made an error. Such an error may be rectified by the court by the next working day after the delivery of the judgment.
- (d) A District Court sentences an accused to one year's imprisonment for an offence of extortion by putting a person in fear of death or grievous hurt under section 386 of the Penal Code 1871. Insofar as section 386 of that Code imposes a mandatory minimum imprisonment term of 2 years, the court had made an error. Such an error may be rectified by the court by the next working day after the delivery of the judgment.

(2) To avoid doubt, any error resulting from a sentence imposed by a court which it subsequently views as being too harsh or too lenient is not an error within the meaning in subsection (1).

### **Judgment to be filed with record**

**302.** The judgment must be entered on and, if written, filed with the record of proceedings.

PART 16  
SENTENCES

*Division 1 — Sentences in general*

**Sentences**

**303.**—(1) The General Division of the High Court may pass any sentence authorised by law.

[40/2019]

(2) Subject to this Code and any other written law, a District Court may pass any of the following sentences:

- (a) imprisonment not exceeding 10 years;
- (b) fine not exceeding \$30,000;
- (c) caning not exceeding 12 strokes;
- (d) any other lawful sentence, including a combination of the sentences it is authorised by law to pass.

(3) Subject to this Code and any other written law, a Magistrate's Court may pass any of the following sentences:

- (a) imprisonment not exceeding 3 years;
- (b) fine not exceeding \$10,000;
- (c) caning not exceeding 6 strokes;
- (d) any other lawful sentence, including a combination of the sentences it is authorised by law to pass.

**Presumptive minimum sentence**

**303A.**—(1) This section applies where a presumptive minimum sentence is prescribed for an offence under any written law, which is denoted by the words “imprisonment for a presumptive minimum term of not less than” or words to the same or similar effect.

[15/2019]

(2) The court must, unless subsection (3) applies, impose a sentence that is equal to or greater than the presumptive minimum sentence prescribed for that offence.

[15/2019]

(3) Where the court is satisfied that by reason of exceptional circumstances it would be unjust to impose on a first-time offender the presumptive minimum sentence prescribed for an offence the first-time offender is convicted of, the court must impose a sentence of the same type of punishment but that is less than the presumptive minimum sentence prescribed for that offence.

[15/2019]

(4) In any written law, unless the context requires otherwise, a reference to a mandatory minimum sentence of imprisonment shall include a reference to a presumptive minimum sentence mentioned in subsection (1).

[15/2019]

(5) In this section, “first-time offender”, in relation to an offence, means a person who does not fall within any of the following descriptions:

- (a) a person who had previously been sentenced to a term of imprisonment for any offence, other than a term of imprisonment served by him or her in default of payment of a fine;
- (b) a person who had previously been sentenced to reformatory training, corrective training or preventive detention, for any offence;
- (c) a person who had previously been detained or subject to police supervision under section 30 of the Criminal Law (Temporary Provisions) Act 1955;
- (d) a person who had previously been admitted to an approved institution under section 34 of the Misuse of Drugs Act 1973 or to an approved centre under section 17 of the Intoxicating Substances Act 1987.

*Explanation.*—The circumstances must be so exceptional as to make it unjust to impose the presumptive minimum sentence for an offence and outweigh the public interests in punishing the offender with the presumptive minimum sentence. The mere presence of all or any of the following mitigating circumstances will not be sufficient to constitute “exceptional circumstances”:

- (a) the offender pleaded guilty to the offence;
- (b) the offender is a first-time offender;

- (c) the offender is of previous good character.

[15/2019]

### **Corrective training and preventive detention**

**304.**—(1) Where a person of 18 years of age or above —

- (a) is convicted before the General Division of the High Court or a District Court of an offence punishable with imprisonment for 2 years or more, and has been convicted in Singapore or elsewhere at least twice since he or she reached 16 years of age for offences punishable with such a sentence; or
- (b) is convicted at one trial before the General Division of the High Court or a District Court of 3 or more distinct offences punishable with imprisonment for 2 years or more, and has been convicted and sentenced in Singapore or elsewhere to imprisonment for at least one month since he or she reached 16 years of age for an offence punishable with imprisonment for 2 years or more,

then, if the court is satisfied that it is expedient with a view to the person's reformation and the prevention of crime that the person should receive training of a corrective character for a substantial period of time, followed by a period of supervision if released before the expiry of his or her sentence, the court, unless it has special reasons for not doing so, must sentence him or her to corrective training for a period of 5 to 14 years in lieu of any sentence of imprisonment, or any sentence of imprisonment and fine.

[19/2018; 40/2019]

(2) Where a person 30 years of age or above —

- (a) is convicted before the General Division of the High Court or a District Court of an offence punishable with imprisonment for 2 years or more, and has been convicted in Singapore or elsewhere at least 3 times since he or she reached 16 years of age for offences punishable with such a sentence, and was on at least 2 of

those occasions sentenced to imprisonment or corrective training; or

- (b) is convicted at one trial before the General Division of the High Court or a District Court of 3 or more distinct offences punishable with imprisonment for 2 years or more, and has been convicted and sentenced in Singapore or elsewhere to imprisonment for at least one month since he or she reached 16 years of age for an offence punishable with imprisonment for 2 years or more,

then, if the court is satisfied that it is expedient for the protection of the public that the person should be detained in custody for a substantial period of time, followed by a period of supervision if released before the expiry of his or her sentence, the court, unless it has special reasons for not doing so, must sentence him or her to preventive detention for a period of 7 to 20 years in lieu of any sentence of imprisonment, or any sentence of imprisonment and fine.

*[19/2018; 40/2019]*

(3) Before sentencing any offender to corrective training or preventive detention, the court must call for and consider any report submitted by the Commissioner of Prisons, or any person authorised by the Commissioner of Prisons to submit the report on the Commissioner's behalf, on the offender's physical and mental condition and the offender's suitability for such a sentence; and if the court has not received such a report, it must remand the offender in custody for a period or periods, not exceeding one month in the case of any single period, to enable the report to be submitted.

*[1/2014]*

(4) The court must give a copy of any report submitted by the Commissioner of Prisons to the offender or the offender's advocate and to the Public Prosecutor.

*[1/2014]*

(5) Where an offender who is sentenced under subsection (1) or (2) is also convicted at the same trial of any offence other than an offence punishable with imprisonment for 2 years or more, the court may, on the application of the Public Prosecutor, instead of imposing any term of imprisonment as may be prescribed for that offence, take into

account that offence for the purposes of determining the period of corrective training or preventive detention, as the case may be.

(6) A person sentenced to corrective training or preventive detention must be detained in a prison for the term of his or her sentence in accordance with the regulations made under section 428.

### **Reformative training**

**305.**—(1) Where a person is convicted by a court of an offence punishable with imprisonment and that person is, on the day of his or her conviction —

- (a) of or above 16 years of age but below 21 years of age; or
- (b) of or above 14 years of age but below 16 years of age and has, before that conviction, been dealt with by a court in connection with another offence and had, for that offence, been ordered to be sent to a juvenile rehabilitation centre established under section 90 of the Children and Young Persons Act 1993,

the court may impose a sentence of reformative training in lieu of any other sentence if it is satisfied, having regard to his or her character, previous conduct and the circumstances of the offence, that to reform him or her and to prevent crime he or she should undergo a period of training in a reformative training centre.

(2) Where a young person has been ordered by a Youth Court under the Children and Young Persons Act 1993 to be brought before a District Court, then the court must inquire into the circumstances of the case and may —

- (a) if satisfied that to reform the young person he or she should undergo a period of training in a reformative training centre, sentence him or her to reformative training instead of any other sentence; or
- (b) in any case, deal with the young person in the manner that the Youth Court might have dealt with him or her.

[27/2014]

(3) Before imposing any sentence of reformative training, the court must call for and consider any report submitted by the Commissioner

of Prisons, or any person authorised by the Commissioner of Prisons to submit the report on the Commissioner's behalf, on the offender's physical and mental condition, the offender's suitability for the sentence, and the nature of the rehabilitation that is recommended for the offender; and if the court has not received such a report, it must remand the offender in custody for a period or periods, not exceeding one month in the case of any single period, to enable the report to be submitted.

[1/2014; 19/2018]

(4) The court must give a copy of any report submitted by the Commissioner of Prisons to the offender or the offender's advocate and to the Public Prosecutor.

[1/2014]

(5) A person sentenced to reformatory training must be detained in accordance with the regulations made under section 428.

(6) A sentence of reformatory training must specify, as the minimum period of detention, such of the following periods as the court may determine to be the most appropriate for the rehabilitation of the offender:

(a) 6 months beginning on the date the sentence takes effect;

(b) 12 months beginning on the date the sentence takes effect.

[19/2018]

(7) A sentence of reformatory training (including any period of supervision under the sentence) must not extend beyond 54 months after the date the sentence takes effect.

[19/2018]

(8) The period of detention under a sentence of reformatory training must not extend beyond —

(a) 54 months after the date the sentence takes effect, in any case that may be prescribed; or

(b) 36 months after the date the sentence takes effect, in any other case.

[19/2018]

(9) A sentence of reformatory training (including any period of supervision under the sentence) that is imposed on a person expires if, while the person is serving the sentence —

- (a) a sentence of corrective training, or another sentence of reformatory training, is imposed on the person; or
- (b) the person is detained under an order made under section 30(1) of the Criminal Law (Temporary Provisions) Act 1955.

[19/2018]

(10) Where a person, while serving a sentence of reformatory training (including any period of supervision under the sentence), is sentenced to imprisonment, the sentence of reformatory training does not expire, but runs concurrently with the sentence of imprisonment.

[19/2018]

### **Sentence in case of conviction for several offences at one trial**

**306.**—(1) Where a person is convicted at one trial of any 2 or more distinct offences, the court must sentence the person for those offences to the punishments that it is competent to impose.

(2) Subject to section 307 and subsection (4), where these punishments consist of imprisonment, they are to run consecutively in the order that the court directs, or they may run concurrently if the court so directs.

(3) The court need not send the offender for trial before a higher court merely because the combined punishment for the various offences exceeds the punishment which the court is competent to inflict for a single offence.

(4) Subject to any written law, a Magistrate's Court or District Court may not impose a total term of imprisonment that exceeds twice that which such court is competent to impose under section 303.

### **Consecutive sentences in certain cases**

**307.**—(1) Subject to subsection (2), if at one trial a person is convicted and sentenced to imprisonment for at least 3 distinct offences, the court before which the person is convicted must order the sentences for at least 2 of those offences to run consecutively.

(2) Where a sentence of life imprisonment is imposed by the General Division of the High Court at a trial mentioned in subsection (1), the other sentences of imprisonment must run



concurrently with the sentence of life imprisonment, except that where the Court of Appeal sets aside or reduces the sentence of life imprisonment then the Court of Appeal may order any of the other sentences of imprisonment to run consecutively.

[40/2019]

### **Limit of punishment for offence made up of several offences**

**308.**—(1) Where anything which is an offence is made up of parts, any of which parts is itself an offence, the person who committed the offence must not be punished with the punishment of more than one of such offences unless it is expressly provided.

(2) Where —

- (a) anything is an offence falling within 2 or more separate definitions of any law in force for the time being by which offences are defined or punished; or
- (b) several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence,

the person who committed the offence must not be punished with a more severe punishment than the court which tries the person could award for any one of such offences.

#### *Illustrations*

- (a) *A* gives *Z* 50 strokes with a stick. Here *A* may have committed the offence of voluntarily causing hurt to *Z* by the whole beating, and also by each of the blows which make up the whole beating. If *A* were liable to punishment for every blow, *A* might be imprisoned for 50 years, one for each blow. But *A* is liable only to one punishment for the whole beating.
- (b) But if, while *A* is beating *Z*, *Y* interferes and *A* intentionally strikes *Y*, here, as the blow given to *Y* is no part of the act whereby *A* voluntarily causes hurt to *Z*, *A* is liable to one punishment for voluntarily causing hurt to *Z*, and to another for the blow given to *Y*.

### **Police supervision**

**309.**—(1) If a person who has been convicted in Singapore or elsewhere of an offence punishable with imprisonment for 2 years or more is convicted of another offence also punishable with imprisonment for 2 years or more, a court may, in addition to

sentencing the person to any other punishment, order that the person be placed under police supervision for a period starting immediately after the last sentence passed on the person ends.

(2) The period of supervision imposed by the General Division of the High Court, the District Court and the Magistrate's Court under subsection (1) must not exceed 7 years, 5 years and 3 years, respectively.

[40/2019]

### **Requirements from person subject to supervision**

**310.**—(1) Every person ordered to be placed under police supervision and who is at large in Singapore must —

- (a) personally present himself or herself and notify the place of his or her residence to the officer in charge of the police division in which his or her residence is situated;
- (b) where the person changes his or her residence, personally present himself or herself and notify the change of residence to the officer in charge of the police division in which his or her new residence is situated;
- (c) where the person changes his or her residence to a place outside Singapore, personally present himself or herself and notify the change of residence and the place to which he or she is going to reside to the officer in charge of the police division in which his or her last residence in Singapore is situated;
- (d) if, having changed his or her residence to a place outside Singapore, the person later returns to Singapore, personally present himself or herself and notify his or her return and his or her place of residence in Singapore to the officer in charge of the police division in which his or her residence in Singapore is situated; and
- (e) if the person intends to be absent from his or her last notified residence for more than 48 hours without changing his or her place of residence, personally present himself or herself and notify his or her intention, where he or she intends to go and how long he or she will be away to the

officer in charge of the police division in which his or her residence is situated.

(2) A person under police supervision must, at least once every 30 days, report personally at the time and place and to the police officer appointed by the Commissioner of Police, and such officer may on each occasion take or cause to be taken the fingerprints of the person reporting to the officer.

### **Penalty for non-compliance with section 310**

**311.**—(1) If any person subject to police supervision who is at large in Singapore —

- (a) remains in any place for 48 hours without personally presenting himself or herself and notifying the place of his or her residence to the officer in charge of the police division in which such place is situated;
- (b) fails to comply with the requirements of section 310 on the occasion of any change of residence;
- (c) is absent from his or her notified place of residence for more than 48 hours without having complied with the requirements of section 310(1)(e); or
- (d) fails to comply with the requirements of section 310(2),

the person shall in every such case, unless he or she proves to the satisfaction of the court before which he or she is tried that he or she did his or her best to act in conformity with the law, be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 12 months.

(2) Where a court convicts a person of an offence under this section, the court may, in addition to sentencing the person to any other punishment, order that the person remain under police supervision for a further period of not more than one year, commencing immediately after the end of the sentence passed on the person by that court, or immediately after the end of the period of police supervision in respect of which the offence was committed, whichever is the later.

(3) Where a person under police supervision is, while still subject to such supervision, sentenced to a term of imprisonment for any

offence, then the period of supervision may exclude any term spent in prison.

### **Application of law to orders for police supervision made in Malaysia**

**312.** Sections 310 and 311 apply to every person who, by reason of an order made under the law for the time being in force in Malaysia or any State thereof, would be subject to the supervision of the police if the person were at large in Malaysia or that State, and who is at large in Singapore.

### **Provisions as to execution of sentences of death**

**313.** The following provisions apply to death sentences:

- (a) after sentence has been pronounced, a warrant under the seal of the court must be made out for the person sentenced to be committed to the custody of the Commissioner of Prisons in accordance with such prescribed form;
- (b) the warrant is full authority to the Commissioner of Prisons, or any officer appointed by the Commissioner of Prisons for that purpose, for receiving into his or her custody and detaining the person sentenced until he or she receives the court's further warrant or order;
- (c) the trial Judge who tried the accused must, within a reasonable time after sentence has been pronounced, prepare a copy of the notes of evidence taken at the trial and a report in writing signed by the trial Judge stating whether, in his or her opinion, there is any reason (and, if so, particulars of the reason) why the death sentence should not be carried out;
- (d) the trial Judge must forward to the Court of Appeal the notes of evidence and report mentioned in paragraph (c), within a reasonable time after being notified by the Registrar of the Supreme Court that a notice of appeal has been given or petition for confirmation has been lodged, as the case may be;

- (e) if the Court of Appeal dismisses the appeal or confirms the imposition of the sentence of death, then the Chief Justice or other presiding Judge must, within a reasonable time, forward to the Minister the notes of evidence and report mentioned in paragraph (c), stating whether he or she agrees with the trial Judge, together with a notification of the decision of the Court of Appeal and also any report on the case that the Court of Appeal may think fit to make, signed by the Chief Justice or other presiding Judge;
- (f) the President must, acting in accordance with the Constitution —
  - (i) transmit to the Court of Appeal a copy signed and sealed by the President of any order he or she makes;
  - (ii) if the sentence is to be carried out, state the time and place of execution of the sentence in the order; and
  - (iii) if the person sentenced is pardoned or the sentence is commuted to another punishment, state this in the order;
- (g) on receiving the copy of the President's order the Court of Appeal must, if the sentence is to be carried out, cause a warrant to be issued under the seal of the Supreme Court and signed by the Chief Justice or other presiding Judge, or in the absence thereof any other Supreme Court Judge, setting out the time and place of execution as prescribed in the order of the President;
- (h) the President may, at any time before the warrant is carried out, order a respite of the execution of the warrant and afterwards appoint some other time or other place for its execution;
- (i) the warrant must be directed to the Commissioner of Prisons who must carry out the sentence in accordance with law;
- (j) there must be present at the execution of the sentence the superintendent of the prison, a medical officer of the

prison, and any other prison officers that the Commissioner of Prisons requires;

- (k) there may also be present a minister of religion in attendance at the prison and any other persons that the Commissioner of Prisons thinks proper to admit;
- (l) immediately after the death sentence has been carried out, the medical officer of the prison present must examine the body of the person executed, ascertain the fact of death and sign a death certificate and deliver it to the Commissioner of Prisons;
- (m) within 24 hours after the execution, a Coroner must hold an inquiry as provided under the Coroners Act 2010 and satisfy himself or herself of the identity of the body and whether the sentence of death was duly carried out;
- (n) a copy of the Coroner's findings must be forwarded to and filed in the Registry of the Supreme Court and another must be forwarded to and filed in the office of the Minister;
- (o) where a sentence of death is avoided by the escape of the person sentenced to death, the sentence must be carried out at such other time after the person's recapture that the General Division of the High Court then orders;
- (p) no omission or error as to time and place and no defect in form in any order or warrant given under this section, and no omission to comply with paragraphs (j) to (n) may be held to make illegal any execution carried out or intended to have been carried out under the order or warrant or make illegal any execution that would otherwise have been legal.

*[33/2012; 1/2014; 19/2018; 40/2019]*

### **No sentence of death against person below 18 years of age**

**314.** A sentence of death must not be passed or recorded against an accused convicted of an offence if the court has reason to believe that, at the time the offence was committed, the accused was below 18 years of age, but instead the court must sentence the accused to life imprisonment.

**Sentence of death not to be passed on pregnant woman**

**315.**—(1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the court before whom a woman is so convicted thinks fit, the question whether or not the woman is pregnant must, before sentence is passed on her, be determined by the court.

(2) If the court finds the woman pregnant, it must pass a sentence of life imprisonment on her.

(3) If the court finds the woman not to be pregnant, she may appeal to the Court of Appeal against that finding in the manner set out under this Code.

(4) On hearing the appeal mentioned in subsection (3), the Court of Appeal, if satisfied for any reason that the finding should be set aside, must set aside the sentence, and pass a sentence of life imprisonment.

**Judgment of death**

**316.** Where any person is sentenced to death, the sentence must direct that the person must be hanged by the neck until the person is dead but must not state the place where nor the time when the sentence is to be carried out.

**Sentences other than of death**

**317.**—(1) Where an accused is sentenced to imprisonment or to caning, the court must immediately forward a warrant (unless the accused is already confined in prison) stating the name of the accused and sentence to the Commissioner of Prisons or an officer appointed by the Commissioner for that purpose who must receive into his or her custody the person named in the warrant.

[1/2014]

(2) The warrant is full authority to the Commissioner of Prisons or the officer appointed by the Commissioner for receiving into custody and detaining the accused and carrying out the sentence.

[1/2014]

**Date that sentence begins**

**318.**—(1) Subject to this Code and any other written law, a sentence of imprisonment, corrective training or preventive detention takes effect beginning on the date it was passed, unless the court passing the sentence or, when there has been an appeal, the appellate court, otherwise directs.

*[19/2018; 14/2019]*

(1A) A sentence of reformatory training takes effect beginning on the date it was passed or at such later date as the court may determine.

*[14/2019]*

(2) To avoid doubt, where a court has directed under subsection (1) that a sentence of imprisonment, corrective training or preventive detention is to take effect on a date later than the date the sentence was passed —

- (a) the court may under that subsection further direct that the sentence is to take effect on another date; and
- (b) the court may release the offender, during the period before the sentence is to take effect, on bail or on the offender's personal bond.

*[19/2018; 14/2019]*

(3) To avoid doubt, a court may under subsection (1) direct that a sentence of imprisonment, corrective training or preventive detention is to take effect on a date earlier than the date the sentence is passed.

*[19/2018; 14/2019]*

(4) Where an offender has been remanded in custody, or remanded in a psychiatric institution (whether for observation or otherwise) under Division 5 of Part 13, for an offence, a court must consider directing that a sentence of imprisonment, corrective training or preventive detention, which is to be imposed for that offence, is to take effect on a date earlier than the date the sentence is passed.

*[19/2018; 14/2019]*

(5) Before directing the date on which a sentence of imprisonment, corrective training or preventive detention, which is to be imposed for an offence, is to take effect, a court must consider all the circumstances of the case, including the following matters:

- (a) the date on which the offender was arrested for the offence;



- (b) the length of the period (if any) during which the offender was remanded in custody in relation to the offence;
- (c) the length of the period (if any) during which the offender was remanded in a psychiatric institution (whether for observation or otherwise) under Division 5 of Part 13 in relation to the offence;
- (d) the length of the period (if any), after the offender was arrested for the offence, during which the offender was not in custody.

[19/2018; 14/2019]

### **Provisions as to sentence of fine**

**319.**—(1) Where any fine is imposed and there is no express provision in the law relating to the fine, the following provisions apply:

- (a) if the maximum sum is not stated in the law, the fine to which the offender is liable is unlimited but must not be excessive;
- (b) the court which imposed the fine may choose to do all or any of the following things at any time before the fine is paid in full:
  - (i) allow and extend time for its payment;
  - (ii) direct that the fine be paid by instalments;
  - (iii) order the attachment of any property, movable or immovable, belonging to the offender —
    - (A) by seizure of such property which may be sold and the proceeds applied towards the payment of the fine; or
    - (B) by appointing a receiver who is to be at liberty to take possession of and sell such property and apply the proceeds towards the payment of the fine;

- (iv) direct any person who owes money to the offender to pay the court the amount of that debt due or accruing or the amount that is sufficient to pay off the fine;
  - (v) direct that in default of payment of the fine, the offender must suffer imprisonment for a certain term which must be consecutive with any other imprisonment to which the offender may be sentenced, including any other imprisonment term or terms imposed on the offender under this section in default of payment of fine, or to which the offender may be liable under a commutation of a sentence;
  - (vi) direct that the person be searched, and that any money found on the person when so searched or which, in the event of his or her being committed to prison, may be found on him or her when taken to prison, is to be applied towards the payment of the fine, and the surplus (if any) being returned to him or her; provided that the money must not be so applied if the court is satisfied that the money does not belong to the person on whom it was found;
- (c) before allowing time for payment under paragraph (b)(i) or directing payment by instalments under paragraph (b)(ii), the court may require the offender to execute a bond with or without sureties on condition that the offender pay the fine or the instalments (as the case may be) on the day or days directed; and if the fine or any instalment is not paid as ordered, then the whole of the fine remaining unpaid becomes due and payable and the court may issue a warrant for the offender's arrest;
- (d) the term for which the court directs the offender to be imprisoned in default of payment of a fine is to be as follows:
- (i) if the offence is punishable with imprisonment for a term of 24 months or more, it must not exceed one

half of the maximum term of imprisonment fixed for the offence;

- (ii) if the offence is punishable with imprisonment for a term of less than 24 months, it must not exceed one third of the maximum term of imprisonment fixed for the offence;
  - (iii) if the offence is not punishable with imprisonment, it must be 6 months or less;
- (e) the imprisonment that is imposed in default of payment of a fine may be additional to the sentence of imprisonment for the maximum term which the court may impose under section 303 provided that the total punishment of imprisonment passed on an offender at one trial does not exceed the limits prescribed by section 306;
- (f) the imprisonment imposed in default of payment of a fine ends when that fine is paid or levied by process of law;
- (g) if, before the end of the period of imprisonment imposed in default of payment of a fine, such a proportion of the fine is paid or levied that the term of imprisonment already suffered in default of payment is at least equivalent to the part of the fine still unpaid, then the imprisonment must end;
- (h) the fine or any part of it that remains unpaid may be levied at any time within 6 years after the passing of the sentence or, if under the sentence the offender is liable to imprisonment for a longer period than 6 years, then at any time before that period expires; and the offender's death does not discharge from the liability any property that would after his or her death be legally liable for his or her debts.

[33/2012]

(2) If a person fails to pay the court the amount which the person is directed to pay under subsection (1)(b)(iv), it is recoverable as though it were a judgment debt due to the court.

[33/2012]

(3) Any person may, not later than 7 days after the date of the seizure of any property under subsection (1)(b)(iii)(A) or the taking of possession of any property by the receiver under subsection (1)(b)(iii)(B) (as the case may be), make a claim against that property by applying to the court for the property to be excluded from the order of attachment issued under subsection (1)(b)(iii) and the court must make such order as it sees fit.

[33/2012]

### **Suspension of execution in certain cases**

**320.**—(1) Where an offender has been sentenced to a fine only and to imprisonment in default of payment of the fine and the court issues an order of attachment under section 319(1)(b)(iii), it may suspend the sentence of imprisonment and may release the offender on the offender's executing a bond with or without sureties, as the court thinks fit, on condition that the offender appear before that court on the day appointed for the return of the order of attachment.

(2) The day appointed under subsection (1) must not be more than 15 days from the time of executing the bond.

(3) If the fine has not been paid, the court may direct the sentence of imprisonment to be carried out at once.

### **Who may issue warrant**

**321.** A warrant for the execution of any sentence, including an order of attachment of property, may be issued either by the Judge, District Judge or Magistrate who passed the sentence or by his or her successor or other Judge, District Judge or Magistrate acting in his or her place.

### **Commencement of sentence of imprisonment on prisoner already undergoing imprisonment**

**322.**—(1) Where a person who is an escaped convict or is undergoing a sentence of imprisonment is sentenced again to imprisonment, the latter sentence of imprisonment must begin either immediately or at the end of the imprisonment to which the person was previously sentenced, as the court awarding the sentence directs.

(2) A death sentence must be carried out despite a pending sentence of imprisonment.

(3) Nothing in subsection (1) may be held to excuse a person from any part of the punishment to which the person is liable upon the person's former or subsequent conviction.

### **Juvenile may be dealt with under Children and Young Persons Act 1993**

**323.** If a juvenile is convicted of an offence punishable by fine or imprisonment or both, and whether or not the law under which the juvenile is convicted provides that fine or imprisonment or both shall be imposed, the court may, instead of sentencing him or her to fine or imprisonment, deal with the juvenile in the manner provided by the Children and Young Persons Act 1993.

### **Return of warrant of execution**

**324.** Where a death sentence has been carried out pursuant to a warrant issued under section 313(i), the Commissioner of Prisons who carried out the sentence must return the warrant to the court which issued it with an endorsement signed by the Commissioner, certifying that the sentence has been carried out.

[1/2014]

## *Division 2 — Sentence of caning*

### **Execution of sentence of caning forbidden in certain cases**

**325.—(1)** The following persons shall not be punished with caning:

- (a) women;
- (b) men who are more than 50 years of age at the time of infliction of the caning;
- (c) men sentenced to death whose sentences have not been commuted.

(2) Subject to any other written law, if a person is convicted of one or more offences punishable with caning (called in this section the relevant offences) but the person cannot be caned because subsection (1)(a) or (b) applies, the court may, in addition to any

other punishment to which that person has been sentenced, impose a term of imprisonment of not more than 12 months in lieu of the caning which it could, but for this section, have ordered in respect of the relevant offences.

(3) A court may impose a term of imprisonment under subsection (2) even though the aggregate of such term and the imprisonment term imposed for any of the relevant offences exceeds the maximum term of imprisonment prescribed for any of those offences.

(4) A Magistrate's Court or District Court may impose a term of imprisonment under subsection (2) even though the aggregate sentence of imprisonment (comprising the term of imprisonment imposed under subsection (2) and the combined terms of imprisonment imposed by the court in respect of the relevant offences) exceeds the limits prescribed by section 306.

(5) The power of a court to impose the additional term of imprisonment under subsection (2) does not apply in relation to any offence which is committed before 2 January 2011.

### **Place for executing sentence of caning**

**326.** Where a person is sentenced to caning only or where the sentence of caning cannot reasonably be carried out before the release of the person under any sentence of imprisonment, the court must, on the application of the Public Prosecutor, authorise the detention of the person for as long as is reasonably necessary for carrying out the sentence of caning at the place and time that the court directs.

### **Time of executing sentence of caning**

**327.—**(1) Where an accused is sentenced to caning in addition to imprisonment, the caning must not be inflicted —

- (a) until after the expiry of the time within which notice of appeal may be given under this Code, or any extension of time which may be permitted under this Code; or
- (b) if notice is so given, until after the determination of the appeal.

(2) The caning must be inflicted as soon as practicable after the time prescribed in subsection (1) has expired.

### **Limit on number of strokes**

**328.**—(1) Despite any provision of this Code or any other law to the contrary, where an accused is sentenced at the same sitting for 2 or more offences punishable by caning (called in this section the relevant offences), the aggregate sentence of caning imposed by the court in respect of the relevant offences must not exceed the specified limit.

(2) Subject to any other written law, where an accused would but for subsection (1) have been sentenced to an aggregate sentence of caning which exceeds the specified limit, the court may impose a term of imprisonment of not more than 12 months in lieu of all such strokes which exceed the specified limit.

(3) A court may impose a term of imprisonment under subsection (2) even though the aggregate of such term and the imprisonment term imposed for any of the relevant offences exceeds the maximum term of imprisonment prescribed for any of the relevant offences.

(4) A Magistrate's Court or District Court may impose a term of imprisonment under subsection (2) even though the aggregate sentence of imprisonment (comprising the term of imprisonment imposed under subsection (2) and the combined terms of imprisonment imposed by the court in respect of the relevant offences) exceeds the limits prescribed by section 306.

(5) The power of a court to impose the additional term of imprisonment under subsection (2) does not apply in relation to any offence which is committed before 2 January 2011.

(6) In this section, the specified limit is 24 strokes in the case of an adult and 10 strokes in the case of a juvenile.

### **Mode of executing sentence of caning**

**329.**—(1) The Minister may make rules to prescribe the mode of carrying out the sentence of caning.

(2) Caning is to be inflicted on such part of the person as the Minister from time to time generally directs.

(3) The rattan must not be more than 1.27 centimetres in diameter.

(4) In the case of a juvenile, caning is to be inflicted with a light rattan.

### **Caning not to be carried out by instalments**

**330.**—(1) A sentence of caning must not be executed in instalments.

(2) The maximum number of strokes of the cane that can be inflicted on the offender at any one time is 24 strokes for an adult and 10 strokes in the case of a juvenile.

### **Medical officer's certificate required**

**331.**—(1) The punishment of caning may be inflicted only if a medical officer is present and certifies that the offender is in a fit state of health to undergo such punishment.

(2) If, during the execution of a sentence of caning, the medical officer certifies that the offender is not in a fit state of health to undergo the rest of the sentence, the caning must be stopped.

### **Procedure if punishment cannot be inflicted under section 331**

**332.**—(1) Where a sentence of caning is wholly or partially prevented from being carried out under section 331, the offender must be kept in custody until the court that passed the sentence can revise it.

(2) That court may —

(a) remit the sentence; or

(b) sentence the offender instead of caning, or instead of as much of the sentence of caning as was not carried out, to imprisonment of not more than 12 months, which may be in addition to any other punishment to which the offender has been sentenced for the offence or offences in respect of which the court has imposed caning (called in this section the relevant offences).



(3) A court may impose a term of imprisonment under subsection (2)(b) even though the aggregate of such term and the imprisonment term imposed for any of the relevant offences exceeds the maximum term of imprisonment prescribed for any of those offences.

(4) A Magistrate's Court or District Court may impose a term of imprisonment under subsection (2)(b) even though the aggregate sentence of imprisonment (comprising the term of imprisonment imposed under subsection (2)(b) and the combined terms of imprisonment imposed by the court in respect of the relevant offences) exceeds the limits prescribed by section 306.

(5) The power of a court to impose the additional term of imprisonment under subsection (2)(b) does not apply in relation to any offence which is committed before 2 January 2011.

*Division 3 — Suspensions, remissions and  
commutations of sentences*

**Power to pardon, suspend or remit sentence, etc.**

**333.**—(1) Where a person has been sentenced to punishment for an offence, the President, acting in accordance with the Constitution, may grant a pardon, reprieve or respite, on such conditions as the President thinks fit, of the execution of the sentence, or remit the whole or any part of the sentence or any penalty or forfeiture imposed by law.

(2) Where an application is made to the President for any of the reliefs mentioned in subsection (1), the President —

(a) in the case of a sentence of death, must act in accordance with Article 22P(2) of the Constitution; or

(b) may in any other case, require the presiding judge of the court before or by which the person is convicted to state his or her opinion as to whether the application should be granted or refused, and the judge must state his or her opinion accordingly.

(3) If any condition on which a sentence has been suspended or remitted is, in the opinion of the President, not fulfilled, the President

may cancel the suspension or remission, and upon the cancellation, the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by a police officer without warrant and remanded to undergo the unexpired portion of the sentence.

(4) Subsection (3) does not apply to a sentence of death.

### **Power to commute punishment**

**334.** The President may —

- (a) commute a sentence of death for a sentence of imprisonment or fine or both; or
- (b) commute a sentence of imprisonment for a sentence of fine.

## PART 17

### COMMUNITY SENTENCES

#### **Interpretation of this Part**

**335.** In this Part —

- “appointed psychiatrist” means any psychiatrist appointed under section 339(13);
- “community service officer” means any person appointed as a community service officer under section 346(9)(a);
- “community work officer” means any person appointed as a community work officer under section 344(10);
- “day reporting centre” means any place as may be designated by the Minister charged with the responsibility for home affairs as a day reporting centre under section 341(8);
- “day reporting officer” means any person appointed as a day reporting officer under section 341(7);
- “psychiatrist” means any medical practitioner who is registered as a psychiatrist in the Register of Specialists under the Medical Registration Act 1997.

**Meaning of “community order” and “community sentence”**

**336.**—(1) In this Part, “community order” means any of the following orders:

- (a) a mandatory treatment order;
- (b) a day reporting order;
- (c) a community work order;
- (d) a community service order;
- (e) a short detention order.

(2) In this Part, “community sentence” means a sentence which consists of one or more community orders made by a court at the same court proceeding.

**Community orders**

**337.**—(1) Subject to subsections (2) and (3), a court must not exercise any of its powers under this Part to make any community order in respect of —

- (a) an offence for which the sentence is fixed by law;
- (b) an offence for which any of the following is prescribed by law:
  - (i) a specified minimum sentence of imprisonment or caning;
  - (ii) a mandatory minimum sentence of imprisonment, fine or caning;
- (c) an offence which is specified in the Third Schedule to the Registration of Criminals Act 1949;
- (d) a person who had previously been sentenced to a term of imprisonment exceeding 3 months, other than a term of imprisonment served by him or her in default of payment of a fine;
- (e) a person who had previously been sentenced to corrective training or preventive detention;

- (f) a person who had previously been detained or subject to police supervision under section 30(1) of the Criminal Law (Temporary Provisions) Act 1955;
- (g) a person who has been admitted —
  - (i) at least twice to an approved institution under section 34 of the Misuse of Drugs Act 1973 (called in this section an approved institution);
  - (ii) at least twice to an approved centre under section 17 of the Intoxicating Substances Act 1987 (called in this section an approved centre); or
  - (iii) at least once to an approved institution, and at least once to an approved centre;
- (ga) an offence under the Misuse of Drugs Act 1973, the Misuse of Drugs Regulations or the Intoxicating Substances Act 1987, if the offender had previously been admitted to an approved institution or an approved centre;
- (h) a fine-only offence; or
- (i) an offence which is punishable with a term of imprisonment which exceeds 3 years.

[12/2018; 19/2018]

(2) A court may not make a mandatory treatment order in respect of any case referred to in subsection (1) except that it may do so under section 339 even if the offender —

- (a) is a person mentioned in subsection (1)(d) or (g);
- (b) is convicted of an offence under the Misuse of Drugs Act 1973, the Misuse of Drugs Regulations or the Intoxicating Substances Act 1987, after having previously been admitted to an approved institution or an approved centre; or
- (c) is convicted of an offence that is punishable with imprisonment for a term exceeding 3 years but not exceeding 7 years, and is prescribed.

[19/2018]

(3) A court may not make a community work order in respect of any case referred to in subsection (1) except that it may do so under section 344 even if the offender is convicted of —

- (a) a fine-only offence; or
- (b) an offence for which a mandatory minimum sentence of fine is prescribed by law.

[19/2018]

(4) If an offender convicted of 2 or more offences is sentenced at the same court proceeding for those offences, a court must not pass a community sentence if any of those offences relate to an offence in respect of which the powers to make community orders conferred by this Part cannot be exercised by the court.

(5) Subject to section 344(11)(b), a community sentence passed by a court in respect of any offence is in lieu of any sentence of imprisonment, caning and fine which the court may impose for that offence.

(6) Despite subsection (5), before a court passes a community sentence in respect of any offence, the court may —

- (a) impose on the offender any sentence of imprisonment that is provided for that offence; and
- (b) suspend, for the period when any community order made in respect of that offence is in force, the sentence of imprisonment that is imposed for that offence.

[19/2018]

(7) Where the court sentences an offender under subsection (6)(a) to imprisonment for at least 3 distinct offences, the court must, in accordance with section 307(1), order the sentences for at least 2 of those offences to run consecutively, before the court —

- (a) passes a community sentence in respect of all of those offences; and
- (b) suspends under subsection (6)(b) all of those sentences of imprisonment.

[19/2018]

(8) Subject to subsection (7), where the court sentences an offender under subsection (6)(a) to imprisonment for 2 or more distinct

offences, the court may, in accordance with section 306, direct the sentences for those offences to run consecutively or concurrently, before the court —

- (a) passes a community sentence in respect of all of those offences; and
- (b) suspends under subsection (6)(b) all of those sentences of imprisonment.

[19/2018]

(9) Where a sentence of imprisonment imposed on an offender for an offence is suspended under subsection (6)(b) for the period when a community order made in respect of that offence is in force, the court must lift the suspension and direct that the sentence of imprisonment be carried out, if that community order is revoked under section 352(5)(c) or 354(6)(a) or (7)(a).

[19/2018]

(10) Despite section 377(2), where —

- (a) a court directs under subsection (9) that a sentence of imprisonment, which was suspended under subsection (6)(b), be carried out; and
- (b) no notice of appeal was lodged by any party against the sentence of imprisonment when the sentence was imposed under subsection (6)(a),

a party who is not satisfied with the sentence of imprisonment may lodge with the Registrar of the Supreme Court (if the sentence was imposed by the General Division of the High Court) or the Registrar of the State Courts (if the sentence was imposed by a State Court) a notice of appeal against the sentence of imprisonment within 14 days after the date of the court's direction under subsection (9).

[19/2018; 40/2019]

(11) Except as provided in subsection (10), Division 1 of Part 20 applies to an appeal commenced under that subsection as if the notice of appeal had been lodged in accordance with section 377(2).

[19/2018]

### **Combination of community orders**

**338.** A court may make a community order in respect of one or more offences or it may make one or more community orders in respect of one offence.

### **Mandatory treatment orders**

**339.—**(1) Subject to subsections (2), (3) and (4), where an offender is convicted of an offence, and if the court by or before which the offender is convicted is satisfied that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may make a mandatory treatment order requiring the offender to undergo psychiatric treatment for a period not exceeding 36 months.

[19/2018]

(1A) A mandatory treatment order may also require an offender to reside in a psychiatric institution during the whole or a specified part of the period that the offender is required to undergo psychiatric treatment.

[19/2018]

(2) Before making a mandatory treatment order, the court must call for a report to be submitted by an appointed psychiatrist.

(3) A court may make a mandatory treatment order in respect of an offender only if the report submitted by an appointed psychiatrist states that —

- (a) the offender is suffering from a psychiatric condition which is susceptible to treatment;
- (b) the offender is suitable for the treatment; and
- (c) the psychiatric condition of the offender is one of the contributing factors for his or her committing the offence.

(4) A court must not make a mandatory treatment order in respect of an offender if the report submitted by the appointed psychiatrist states that the appointed psychiatrist is not satisfied with any of the matters referred to in subsection (3)(a) to (c).

(4A) A court may include the requirement mentioned in subsection (1A) in a mandatory treatment order only upon the recommendation of the appointed psychiatrist.

[19/2018]

(5) In assessing whether an offender is a person suitable for treatment for his or her psychiatric condition, the appointed psychiatrist may take into account the following factors:

- (a) whether the offender is likely to attend the treatment sessions on such day and at such time and place as the appointed psychiatrist may require;
- (b) the physical and mental state of the offender;
- (c) the financial standing of the offender and his or her ability to pay all or any part of the costs of his or her treatment which it is reasonable for him or her to pay.

(6) For the purpose of obtaining the report from an appointed psychiatrist, a court may order that an offender —

- (a) be remanded for observation in a psychiatric institution for a period or periods, not exceeding 3 weeks in the case of any single period, as the court thinks necessary to enable the report to be submitted by the appointed psychiatrist; or
- (b) attend at a psychiatric institution for assessment to enable the report to be submitted by the appointed psychiatrist.

(7) An offender may, no later than 3 weeks from the date the court has called for a report from an appointed psychiatrist, or at such other time as the court may allow, submit to the appointed psychiatrist any report made by a psychiatrist engaged by the offender.

(8) Before making any report, the appointed psychiatrist must take into consideration the report made by the psychiatrist engaged by the offender.

(9) Any report made by the appointed psychiatrist is taken to be final and conclusive as to the matters referred to in subsection (3)(a), (b) and (c).

(10) A court may impose such conditions as it thinks fit when making a mandatory treatment order.



(11) Before making a mandatory treatment order, the court must also explain to the offender in ordinary language —

- (a) the purpose and effect of the order (and in particular the obligations of the offender as specified in section 340);
- (b) the consequences which may follow if the offender fails to comply with any of those obligations, or any conditions imposed by the court under subsection (10); and
- (c) that the court has the power, under section 351, to vary or revoke the order on the application of the appointed psychiatrist.

(12) The court must extend a copy of any report made by an appointed psychiatrist to the offender or the offender's advocate and to the Public Prosecutor.

(13) The Director of Medical Services may appoint any psychiatrist to be an appointed psychiatrist for the purposes of this section.

(14) The Minister charged with the responsibility for health may make regulations in relation to the treatment of a person subject to a mandatory treatment order.

### **Obligations of offender subject to mandatory treatment order**

**340.** An offender in respect of whom a mandatory treatment order is in force must —

- (a) attend the treatment sessions on such day and at such time and place as the appointed psychiatrist may require;
- (b) comply with such other conditions in connection with his or her treatment as the appointed psychiatrist may require; and
- (c) comply with such other conditions which a court may impose under section 339(10).

### **Day reporting orders**

**341.—**(1) Subject to subsection (2), where an offender who is 16 years of age or above is convicted of an offence, and if the court by or before which he or she is convicted is satisfied that having regard

to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may make a day reporting order requiring the offender to report to a day reporting officer at any day reporting centre.

(2) A court must, before making a day reporting order, call for a report from a day reporting officer regarding the susceptibility of the offender convicted of an offence to counselling and rehabilitation under the supervision of a day reporting officer.

(3) To avoid doubt, a court may make a day reporting order even though the report from the day reporting officer states that the offender in respect of whom the day reporting order is to be made is not susceptible to counselling and rehabilitation under the supervision of a day reporting officer.

(4) The period during which an offender may be required to report to a reporting centre under a day reporting order shall be specified in the order and must —

- (a) not be less than 3 months; and
- (b) not be more than 12 months.

(5) A court may impose such conditions as it thinks fit when making a day reporting order.

(6) Before making a day reporting order, the court must explain to the offender in ordinary language —

- (a) the purpose and effect of the order (and in particular the obligations of the offender as specified in section 343);
- (b) the consequences which may follow if the offender fails to comply with any of those obligations, or any conditions imposed by the court under subsection (5); and
- (c) that the court has the power, under section 351, to vary or revoke the order on the application of the day reporting officer.

(7) The Commissioner of Prisons may appoint any person to be a day reporting officer for the purposes of this section.

(8) The Minister charged with the responsibility for home affairs may designate any place as a day reporting centre.

### **Electronic monitoring of offender subject to day reporting order**

**342.**—(1) Subject to subsection (2), a day reporting order may in addition include requirements for securing the electronic monitoring of the whereabouts of an offender subject to the order during the period when the order is in force against the offender.

(2) A court must not make a day reporting order which includes the requirements mentioned in subsection (1) unless the court is satisfied that electronic monitoring arrangements can be made by the day reporting officer.

(3) Electronic monitoring arrangements made under this section may include entering into contracts with other persons for the electronic monitoring by them of the whereabouts of the offender.

### **Obligations of offender subject to day reporting order**

**343.** An offender in respect of whom a day reporting order is in force must —

- (a) report to the day reporting officer on such day and at such time and reporting centre as the day reporting officer may require;
- (b) undergo such counselling and rehabilitation programme as the day reporting officer may require;
- (c) notify the day reporting officer of any change in the offender's address or employment status;
- (d) give to the day reporting officer, upon the request of that officer, any information relating to the offender's daily routine or whereabouts;
- (e) comply with the requirements mentioned in section 342(1), if any;
- (f) not assault, threaten, insult or use abusive language to a day reporting officer; and

- (g) comply with such other conditions which a court may impose under section 341(5).

### **Community work orders**

**344.**—(1) This section, and the other provisions in this Part, apply to any offence under any Act or subsidiary legislation which is prescribed under subsection (2).

(2) The Minister responsible for the administration of any Act (or any part thereof) or any subsidiary legislation may prescribe any offence under that Act (or any part thereof) or subsidiary legislation to be an offence to which this section and the other provisions in this Part apply.

(3) Subject to subsection (5), where an offender who is 16 years of age or above is convicted of an offence prescribed under subsection (2), and if the court by or before which he or she is convicted is satisfied that it is expedient with a view to the offender's reformation that the offender be required to perform community work that is associated with that offence, the court may make a community work order requiring the offender to perform any unpaid community work under the supervision of a community work officer.

(4) For the purposes of subsection (3), community work is associated with an offence if the performance of that work will promote in the offender a sense of responsibility for, and an acknowledgment of, the harm that he or she has done by committing that offence.

(5) A court must not make a community work order in respect of an offender unless the court is satisfied that suitable arrangements can be made for the offender to perform work under such order.

(6) The number of hours which an offender may be required to work under a community work order must be specified in the order and must not exceed the prescribed maximum hours of community work which the offender may be required to perform under that order.

(7) A court may impose such conditions as it thinks fit when making a community work order.

(8) Before making a community work order, the court must explain to the offender in ordinary language —

- (a) the purpose and effect of the order (and in particular the obligations of the offender as specified in section 345);
- (b) the consequences which may follow if the offender fails to comply with any of those obligations, or any conditions imposed by the court under subsection (7); and
- (c) that the court has the power, under section 351, to vary or revoke the order on the application of the community work officer.

(9) Where a court makes community work orders in respect of 2 or more offences of which an offender has been convicted by or before the court, the court may direct that the hours of work specified in any of those orders be concurrent with or additional to the hours specified in any of those orders, but so that the total number of hours which are not concurrent does not exceed the maximum hours of community work which the offender may be required to perform under any one of those orders.

(10) Where any offence under any Act or subsidiary legislation is prescribed by a Minister under subsection (2), that Minister, or any public body under the charge of that Minister and with the Minister's approval, may appoint any person to be a community work officer for the purpose of supervising the performance of work which an offender may be required to perform under a community work order made in relation to the offence prescribed under that subsection.

(11) Where any offence under any Act or subsidiary legislation is prescribed by a Minister under subsection (2), that Minister, or any public authority constituted by any written law under the charge of that Minister and with the Minister's approval, may —

- (a) prescribe the minimum and maximum hours of community work which an offender may be required to work under a community work order made in relation to the offence prescribed under that subsection;
- (b) make provisions to allow a court, in a case where the offence prescribed under subsection (2) is punishable with

a sentence of fine, to make a community work order which shall be in addition to, or in lieu of, the sentence of fine for that offence; and

- (c) make regulations, not inconsistent with the provisions of this Part, to make further provisions for the manner in which a community work order may be carried out by an offender who may be required to work under the order made in relation to the offence prescribed under that subsection (including the imposition of additional requirements and the service of any instructions or notice on an offender in respect of whom such an order has been made).

(12) If, in respect of any offence —

- (a) a court sentences the offender to a fine in addition to making a community work order; and
- (b) the offender defaults on the payment of the whole or any part of the fine,

the offender must serve the sentence under the community work order, unless it is earlier revoked, before serving any sentence of imprisonment in default of payment of the fine.

### **Obligations of offender subject to community work order**

**345.** An offender in respect of whom a community work order is in force must —

- (a) perform, for the number of hours specified in the order, such work and on such day and at such time and place as the community work officer may require;
- (b) notify the community work officer of any change of the offender's address;
- (c) perform the community work in a satisfactory manner;
- (d) not disturb or interfere with any other person participating in or doing anything under a community work order;
- (e) not assault, threaten, insult or use abusive language to a community work officer;

- (f) comply with such other conditions which a court may impose under section 344(7); and
- (g) comply with any regulations made under section 344(11)(c).

### **Community service orders**

**346.**—(1) Subject to subsection (2), where an offender who is 16 years of age or above is convicted of an offence, and if the court by or before which he or she is convicted is satisfied that it is expedient with a view to the offender's reformation that the offender makes amends to the community for the offence by performing such work as is specified in the Fifth Schedule, the court may make a community service order requiring the offender to perform any unpaid community service under the supervision of a community service officer.

(2) A court must not make a community service order in respect of an offender unless the court is satisfied that —

- (a) based on the mental and physical condition of the offender, he or she is a suitable person to perform community service under such an order; and
- (b) suitable arrangements can be made for the offender to perform community service under such order.

(3) A court must, before making a community service order, call for a report from a community service officer regarding the suitability of an offender to perform community service under that order.

(4) To avoid doubt, a court may make a community service order even though the report from the community service officer states that the offender in respect of whom the community service order is to be made is not suitable to perform community service under that order.

(5) The number of hours which an offender has to perform community service under a community service order must be specified in the order and must not exceed the prescribed maximum hours of community service which the offender may be required to perform under that order.

(6) A court may impose such conditions as it thinks fit when making a community service order.

(7) Before making a community service order, the court must explain to the offender in ordinary language —

- (a) the purpose and effect of the order (and in particular the obligations of the offender as specified in section 347);
- (b) the consequences which may follow if the offender fails to comply with any of those obligations, or any conditions imposed by the court under subsection (6); and
- (c) that the court has the power, under section 351, to vary or revoke the order on the application of the community service officer.

(8) Where a court makes community service orders in respect of 2 or more offences of which the offender has been convicted by or before the court, the court may direct that the hours of community service specified in any of those orders be concurrent with or additional to the hours specified in any of those orders, but so that the total number of hours which are not concurrent does not exceed the maximum hours of community service which the offender may be required to perform under any one of those orders.

(9) The Minister charged with the responsibility for the probation of offenders may —

- (a) appoint any person to be a community service officer for the purposes of this section;
- (b) prescribe the minimum and maximum hours of community service which an offender is required to perform under a community service order; and
- (c) make regulations, not inconsistent with the provisions of this Part, to make further provisions for the manner in which a community service order may be performed including the imposition of additional requirements and the service of any instructions or notice on an offender in respect of whom such an order has been made.

[25/2012]



**Obligations of offender subject to community service order**

**347.** An offender in respect of whom a community service order is in force must —

- (a) perform, for the number of hours specified in the order, such community service and on such day and at such time and place as the community service officer may require;
- (b) notify the community service officer of any change of the offender's address or occupation;
- (c) perform the community service in a satisfactory manner;
- (d) not disturb or interfere with any other person participating in or doing anything under a community service order;
- (e) not assault, threaten, insult or use abusive language to a community service officer;
- (f) comply with such other conditions which a court may impose under section 346(6); and
- (g) comply with any regulations made under section 346(9)(c).

**Short detention orders**

**348.**—(1) Where an offender who is 16 years of age or above is convicted of an offence, and if the court by or before which he or she is convicted is satisfied that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may make a short detention order requiring the offender to be detained in prison for a period which must not exceed 14 days.

(2) Sections 317 and 318 apply to a short detention order as if the order were a sentence of imprisonment passed by the court.

**Taking of security**

**349.**—(1) A court making any community order (other than a short detention order) under this Part may require the offender subject to the order, or any other person, to furnish such security or to give such undertaking as the court thinks fit in order to ensure that the offender subject to the order complies with the order.

(2) Any security must be given in such form and manner as the court may determine and may be by bond, guarantee, cash deposit or any other method, or by any 2 or more different methods.

(3) Where a security bond is furnished under this section, the offender subject to the community order or any other person furnishing the security bond (as the case may be) must comply with the conditions specified in the security bond.

### **Forfeiture of security**

**350.**—(1) If the court is satisfied that the offender subject to a community order or any other person furnishing the security bond (as the case may be) has failed to comply with any condition specified in respect of any security bond furnished under section 349, the court may direct the forfeiture of the security or any part thereof.

(2) The forfeiture of any security under this section does not prejudice the taking of proceedings against any person under this Part.

(3) Notice of the forfeiture of any security or any part thereof must be given to the offender subject to a community order or any other person furnishing the security bond, as the case may be.

(4) It is sufficient if the notice under subsection (3) is sent by registered post to the last known address of the offender subject to the community order or the other person, as the case may be.

### **Variation and revocation of community orders on grounds other than breach thereof**

**351.**—(1) Where a mandatory treatment order, day reporting order, community work order or community service order is in force in respect of an offender, a court may, on the application of the appointed psychiatrist, day reporting officer, community work officer or community service officer, respectively —

- (a) vary the order (including reducing or extending the period that the offender has to undergo psychiatric treatment, report to a day reporting officer or perform community work or community service) or the conditions or

obligations thereof in such manner as the court thinks just and expedient in the circumstances; or

- (b) taking into account the extent to which the offender has complied with the order, revoke the order and impose such sentence which is provided for the offence or offences in respect of which the order has been made.

(2) Where a court varies a mandatory treatment order under subsection (1)(a) by extending the period the offender has to undergo psychiatric treatment under the order, the period so extended must not exceed 24 months from the date the order is first in force.

(3) Where a court varies a day reporting order under subsection (1)(a) by extending the period the offender has to report to a day reporting officer under the order, the period so extended must not exceed 12 months from the date the order is first in force.

(4) Where a court varies a community work order under subsection (1)(a) by extending the number of hours the offender has to perform community work under the order, the number of hours so extended must not exceed the prescribed maximum hours of community work which the offender may be required to work under that order.

(5) Where a court varies a community service order under subsection (1)(a) by extending the period the offender is required to perform community service under the order, the period so extended must not exceed the prescribed maximum hours of community service which the offender may be required to perform under that order.

(6) Where any application is made under subsection (1), the court may fix a hearing date to determine whether or not to vary or revoke the community order referred to in that subsection and may at any time —

- (a) issue a summons directing the offender subject to the community order to appear before the court on a date and at a time specified in the summons; or

(b) where the court is satisfied that the offender may not appear, issue a warrant for the arrest of the offender.

(7) Where an offender served with a summons issued under subsection (6)(a) fails to attend before the court, the court may issue a warrant for the arrest of the offender.

(8) The court may vary or revoke a mandatory treatment order under subsection (1) on any of the following grounds:

(a) there has been a change of circumstances since the order was made that would justify the variation or revocation of the order;

(b) that in view of the progress the offender has made in the treatment, such variation or revocation is warranted.

(9) The court may vary or revoke a day reporting order, community work order or community service order under subsection (1) if such variation or revocation is justified by any change of circumstances since the order was made, or by the conduct of the offender who is subject to the order.

### **Breach of community orders**

**352.**—(1) An offender in respect of whom a mandatory treatment order, day reporting order, community work order or community service order is in force is in breach of the order if he or she, without reasonable excuse, fails to comply with any of his or her obligations under section 340, 343, 345 or 347, respectively.

(2) An offender is in breach of a short detention order if he or she commits an aggravated prison offence as defined in section 73 of the Prisons Act 1933 when there is in force in respect of him or her a short detention order.

(3) Where a court receives information from an appointed psychiatrist, a day reporting officer, a community work officer or a community service officer that an offender in respect of whom a mandatory treatment order, day reporting order, community work order or community service order, respectively, is in force, is in breach of the respective order, the court may fix a hearing date to

determine whether the offender is in breach of a community order and may at any time —

- (a) issue a summons directing the offender to appear before the court on a date and at a time specified in the summons; or
- (b) where the court is satisfied that the offender may not appear, issue a warrant for the arrest of the offender.

(4) Where an offender served with a summons issued under subsection (3)(a) fails to attend before the court, the court may issue a warrant for the arrest of the offender.

(5) Subject to subsection (7), if it is proved to the satisfaction of a court that an offender in respect of whom a mandatory treatment order, day reporting order, community work order or community service order is in force is in breach of the order —

- (a) the court may, without affecting the continuance of the order —
  - (i) issue a warning to the offender;
  - (ii) vary the order (including reducing or extending the period that the offender has to undergo psychiatric treatment, report to a day reporting officer or perform community work or community service) or the conditions or obligations thereof in such manner as the court thinks just and expedient in the circumstances; or
  - (iii) impose on the offender a fine not exceeding \$1,000;
- (b) subject to paragraph (c), the court may, taking into account the extent to which the offender has complied with the order, revoke the order and impose such sentence which is provided for the offence or offences in respect of which the order has been made; or
- (c) where the order was made in respect of an offence after the court had imposed and suspended under section 337(6) a

sentence of imprisonment for that offence, the court must revoke the order.

[19/2018]

(6) Where an offender is in breach of a short detention order, a court may, on the application of the Commissioner of Prisons or any person authorised by the Commissioner of Prisons, revoke the order and, taking into account the period the offender has been detained under that order, impose such sentence which is provided for the offence or offences in respect of which the order has been made.

[1/2014]

(7) If it is proved to the satisfaction of a court that an offender in respect of whom a day reporting order, community work order or community service order is in force is in breach of the order, the court may, without affecting the continuance of the order, make an order for the offender to be detained in prison for a period which must not exceed 14 days.

(8) Sections 317 and 318 apply to an order made under subsection (7) as if the order were a sentence of imprisonment passed by the court.

(9) Where a court varies a mandatory treatment order under subsection (5)(a)(ii) by extending the period the offender has to undergo psychiatric treatment under the order, the period so extended must not exceed 36 months from the date the order is first in force.

[19/2018]

(10) Where a court varies a day reporting order under subsection (5)(a)(ii) by extending the period the offender has to report to a day reporting officer under the order, the period so extended must not exceed 12 months from the date the order is first in force.

(11) Where a court varies a community work order under subsection (5)(a)(ii) by extending the number of hours the offender has to perform community work under the order, the number of hours so extended must not exceed the prescribed maximum hours of community work which the offender may be required to work under that order.

(12) Where a court varies a community service order under subsection (5)(a)(ii) by extending the period the offender is required to perform community service under the order, the period so extended must not exceed the prescribed maximum hours of community service which the offender may be required to perform under that order.

(13) If it is proved to the satisfaction of a court that an offender in respect of whom a mandatory treatment order, day reporting order, community work order or community service order is in force is in breach of the order, and the offender is serving any other community order at the time of the breach —

- (a) the offender is deemed to be in breach of all the community orders; and
- (b) the court must deal with the offender in accordance with subsection (5) in relation to the breach of each of those community orders.

### **Commission of offence before community order is in force**

**353.—**(1) Where —

- (a) an offender, in respect of whom a community order is in force, is convicted, while the order is in force, of one or more offences committed before the date that the order is in force; and
- (b) the powers of a court to make community orders which are conferred by this Part are exercisable by the court in respect of that offence or those offences,

the court may make a community order in respect of that offence or those offences, or it may sentence the offender to any punishment which is prescribed for that offence or those offences.

(2) If instead of making a community order, a court sentences an offender in respect of whom a community order is in force to imprisonment under subsection (1), the offender must thereafter be dealt with in accordance with section 354 as if he or she had been convicted and dealt with by a court for an offence or offences

committed during the period when a community order is in force in respect of him or her.

(3) If instead of making a community order, a court sentences an offender in respect of whom a community order is in force to a fine under subsection (1) without imposing any term of imprisonment, the offender —

- (a) if he or she pays the fine amount, must continue serving the sentence under the community order; or
- (b) if he or she defaults on paying the fine amount, must continue serving the sentence under the community order before serving any sentence of imprisonment imposed by the court for the default.

(4) Where —

- (a) an offender, in respect of whom a community order is in force, is convicted, while the order is in force, of one or more offences committed before the date that the order is in force; and
- (b) the powers of a court to make community orders which are conferred by this Part are not exercisable by the court in respect of that offence or those offences,

the court must sentence the offender to any punishment which is prescribed for that offence or those offences and the offender must thereafter be dealt with in accordance with section 354 as if the offender had been convicted and dealt with by a court for an offence or offences committed during the period when a community order was in force in respect of him or her.

### **Commission of further offence**

**354.**—(1) If it appears to a judge to whom jurisdiction is granted under subsection (3) that an offender has been convicted by any court of one or more offences committed during the period when a community order is in force in respect of the offender, and has been dealt with in respect of that offence or those offences, the judge may fix a hearing date to determine if the offender has been so convicted and dealt with and may issue a summons requiring the offender to



appear at the place and time specified therein, or may issue a warrant for the offender's arrest.

(2) A Magistrate may not issue a warrant under subsection (1) except on information in writing.

(3) The following persons have jurisdiction for the purposes of subsection (1):

- (a) if the community order was made by the General Division of the High Court, a Judge;
- (b) if the community order was made by a District Court, a District Judge;
- (c) if the community order was made by a Magistrate's Court, a Magistrate.

[40/2019]

(4) A summons or warrant issued under this section must direct the offender so convicted to appear or be brought before the court which made the community order.

(5) If an offender in respect of whom a community order has been made by the General Division of the High Court or District Court is convicted and dealt with by any Magistrate's Court in respect of any offence or offences committed during the period when the community order is in force in respect of the offender, the Magistrate's Court may commit the offender to custody or release him or her on bail or personal bond until he or she can be brought or appears before the court by which the community order has been made; and if he or she does so the Magistrate's Court must send to the General Division of the High Court or the District Court (as the case may be) a copy of the minute or memorandum of the conviction entered in the register, signed by the Magistrate.

[19/2018; 40/2019]

(6) Where a community order has been made by a court in respect of an offender, and it is proved to the satisfaction of the court that the offender has been convicted and dealt with in respect of any offence committed during the period when the community order is in force, the court —

- (a) in any case where the community order was made in respect of an offence after the court had imposed and suspended under section 337(6) a sentence of imprisonment for that offence — must revoke the community order; or
- (b) in any other case — may, taking into account the extent to which the offender has complied with the community order, revoke the community order and impose any sentence that is prescribed for the offence in respect of which the community order has been made.

[19/2018]

(7) If a Magistrate's Court has made a community order in respect of an offender, and the offender is convicted before the General Division of the High Court, a District Court or any other Magistrate's Court of an offence committed during the period when the community order is in force, the General Division of the High Court, District Court or other Magistrate's Court (as the case may be) —

- (a) in any case where the community order was made in respect of an offence after the firstmentioned Magistrate's Court had imposed and suspended under section 337(6) a sentence of imprisonment for that offence — must revoke the community order; or
- (b) in any other case — may, taking into account the extent to which the offender has complied with the community order, revoke the community order and impose any sentence that is prescribed for the offence in respect of which the community order has been made.

[19/2018; 40/2019]

## PART 18

## COMPENSATION AND COSTS

**Order for payment of costs by accused and order for payment of costs incurred by accused in accused's defence**

**355.**—(1) The court before which a person is convicted of an offence may, in its discretion and if satisfied that the defence of the person was conducted in an extravagant and unnecessary manner, make an order for costs, of an amount fixed by the court, to be paid by the person to any other party to the proceedings in which the person is convicted of the offence.

[19/2018]

(2) If an accused is acquitted of any charge for any offence, and if it is proved to the satisfaction of the court that the prosecution was frivolous or vexatious, the court may order the prosecution or the complainant or the person on whose information the prosecution was instituted to pay full costs, charges and expenses incurred by the accused in and for the accused's defence, to be taxed by the Registrar of the Supreme Court or the Registrar of the State Courts, as the case may be.

[5/2014]

(3) The court may direct that either an order for payment of costs under subsection (1) or an order for payment of compensation under section 359(1) be paid in priority to the other, and if no direction is given, the order for payment of costs takes priority over the order for payment of compensation.

**Costs ordered by Court of Appeal or General Division of High Court**

**356.**—(1) The Court of Appeal or the General Division of the High Court, in the exercise of its powers under Part 20, may —

- (a) on its own motion, make an order for costs to be paid by any party to any other party as the Court of Appeal or the General Division of the High Court thinks fit; or
- (b) on the application of any party, make an order for costs, of such amount as the Court of Appeal or the General

Division of the High Court thinks fit, to be paid to that party by any other party.

[19/2018; 40/2019]

(2) Where the Court of Appeal or the General Division of the High Court makes any order for costs to be paid by the prosecution to an accused, the Court of Appeal or the General Division of the High Court must be satisfied that the conduct of the matter under Part 20 by the prosecution was frivolous or vexatious.

[40/2019]

(3) Before the Court of Appeal or the General Division of the High Court makes any order for costs to be paid by an accused to the prosecution, the Court of Appeal or the General Division of the High Court must be satisfied that —

(a) the commencement, continuation or conduct of the matter under Part 20 by the accused was an abuse of the process of the Court; or

(b) the conduct of the matter under Part 20 by the accused was done in an extravagant and unnecessary manner.

[19/2018; 40/2019]

(4) If the prosecution applies to the Court of Appeal or the General Division of the High Court for an order for the costs of any matter under Division 1B of Part 20 to be paid by an accused to the prosecution on the ground that the commencement, continuation or conduct of that matter by the accused was an abuse of the process of the Court, the Court of Appeal or the General Division of the High Court must state whether it is satisfied that the commencement, continuation or conduct of that matter by the accused was an abuse of the process of the Court.

[19/2018; 40/2019]

### **Costs against defence counsel**

**357.**—(1) Where it appears to a court that costs have been incurred unreasonably or improperly in any proceedings (for example, by commencing, continuing or conducting a matter the commencement, continuation or conduct of which is an abuse of the process of the Court) or have been wasted by a failure to conduct proceedings with reasonable competence and expedition, the court may make against

any advocate whom it considers responsible (whether personally or through an employee or agent) an order —

- (a) disallowing the costs as between the advocate and his or her client; or
- (b) directing the advocate to repay to his or her client costs which the client has been ordered to pay to any person.

[19/2018]

(1A) If the Court of Appeal or the General Division of the High Court makes an order under subsection (1)(a) or (b) in respect of any proceedings for a matter under Division 1B of Part 20, and the prosecution has applied to the Court of Appeal or the General Division of the High Court for an order for the costs of that matter to be paid to the prosecution on the ground that the commencement, continuation or conduct of that matter was an abuse of the process of the Court, the Court of Appeal or the General Division of the High Court must state whether it is satisfied that the commencement, continuation or conduct of that matter was an abuse of the process of the Court.

[19/2018; 40/2019]

(2) No order under this section may be made against an advocate unless he or she has been given a reasonable opportunity to appear before the court and show cause why the order should not be made.

### **Costs awarded against Public Prosecutor**

**358.**—(1) Costs awarded against the Public Prosecutor are to be paid out of the Consolidated Fund and costs awarded to and received by the Public Prosecutor are to be paid into the Consolidated Fund.

(2) The Public Prosecutor is not personally liable for any costs awarded against him or her.

### **Order for payment of compensation**

**359.**—(1) The court before which a person is convicted of any offence must, after the conviction, consider whether or not to make an order for the payment by that person of a sum to be fixed by the court by way of compensation to the person injured, or his or her

representative, in respect of his or her person, character or property by —

- (a) the offence or offences for which the sentence is passed; and
- (b) any offence that has been taken into consideration for the purposes of sentencing only.

(2) If the court is of the view that it is appropriate to make such an order mentioned in subsection (1), it must do so.

(3) If an accused is acquitted of any charge for any offence, and if it is proved to the satisfaction of the court that the prosecution was frivolous or vexatious, the court may order the prosecution or the complainant or the person on whose information the prosecution was instituted to pay as compensation to the accused a sum not exceeding \$10,000.

(4) Any order for compensation made under subsection (1) does not affect any right to a civil remedy for the recovery of any property or for the recovery of damages beyond the amount of compensation paid under the order, but any claim by a person or the person's representative for civil damages in respect of the same injury arising from the offence, is deemed to have been satisfied to the extent of the amount paid to the person under an order for compensation.

(5) The order for compensation made under subsection (3) does not affect any right to a claim for civil damages for malicious prosecution or false imprisonment beyond the amount of compensation paid under the order, but any claim by the accused for civil damages in respect of the malicious prosecution or false imprisonment is deemed to have been satisfied to the extent of the amount paid to the accused under an order for compensation.

### **Provisions as to money payable as compensation**

**360.**—(1) Subject to the provisions of this Code, where any person is, under this Code, for any reason whatsoever, ordered to pay any sum of money by way of compensation, the court making the order

may at any time before that sum has been paid in full, in its discretion, do all or any of the following things:

- (a) allow and extend time for the payment of that sum;
- (b) direct payment to be made of that sum by instalments;
- (c) order the attachment of any property, movable or immovable, belonging to the person —
  - (i) by seizure of such property which may be sold and the proceeds applied towards the payment of that sum; or
  - (ii) by appointing a receiver who is at liberty to take possession of and sell such property and apply the proceeds towards the payment of that sum;
- (ca) direct any person who owes money to the person ordered to pay compensation to pay the court the amount of that debt due or accruing or the amount that is sufficient to pay off the compensation sum;
- (d) direct that in default of payment of the compensation sum, that person must suffer imprisonment for a certain term, which imprisonment must be consecutive with any other imprisonment to which that person may be sentenced or to which that person may be liable under a commutation of sentence;
- (e) direct that that person be searched, and that any money found on that person when so searched or which, in the event of that person being committed to prison, may be found on him or her when taken to prison, is to be applied towards the payment of that sum; the surplus (if any) being returned to him or her.

[33/2012]

(2) Before allowing time for payment of any sum under subsection (1)(a) or directing payment of it to be made by instalments under subsection (1)(b), the court may require that person to execute a bond with or without sureties on condition that that person pays that sum or the instalments (as the case may be) on the day or days directed; and if that sum or any instalment is not paid

as ordered, then the whole of that sum remaining unpaid becomes due and payable and the court may issue a warrant for the person's arrest.

(3) Any money found on a person under subsection (1)(e) must not be so applied if the court is satisfied that the money does not belong to the person on whom it was found.

(4) The term for which the court directs that person to be imprisoned in default of payment of the compensation sum must not exceed the following scale:

- (a) when the money to be paid does not exceed \$50, the imprisonment may be for any term not exceeding 2 months;
- (b) when the money to be paid exceeds \$50 but does not exceed \$100, the imprisonment may be for any term not exceeding 4 months;
- (c) in any other case, the imprisonment may be for a term not exceeding 6 months.

(5) The imprisonment which the court imposes under this section terminates whenever the money is paid or levied by process of law.

(6) If before the end of the period of imprisonment imposed in default of payment of the compensation sum, such a proportion of the money is paid or levied that the time of imprisonment already suffered in default of payment of the compensation sum is at least equivalent to the part of the sum still unpaid, then the imprisonment must end.

(7) If the person fails to pay the court the amount which the person is directed to pay under subsection (1)(ca), it is recoverable as though it were a judgment debt due to the court.

[33/2012]

(8) Any person may, not later than 7 days after the date of the seizure of any property under subsection (1)(c)(i) or the taking of possession of any property by the receiver under subsection (1)(c)(ii) (as the case may be), make a claim against that property by applying to the court for the property to be excluded from the order of



attachment issued under subsection (1)(c) and the court is to make such order as it sees fit.

[33/2012]

### **Costs recoverable as judgment debt**

**361.** Any order for costs made under this Part is recoverable as a judgment debt.

### **Reward for unusual exertions and compensation for family of person killed in arresting**

**362.**—(1) Where the court, whether on its own motion or the Public Prosecutor's application, considers that a person has shown unusual courage, diligence or effort in the arrest of a person accused of having committed, attempted or abetted an offence punishable with death or imprisonment, then the court may order payment to the person out of the Consolidated Fund of a sum of not more than \$500.

(2) If a person is killed in trying to arrest or to keep in lawful custody any accused referred to in subsection (1), the Minister may order payment from the Consolidated Fund to the wife, husband, parent or child of the deceased of such money as appears reasonable compensation for the death.

### **Court may order payment of expenses of witnesses**

**363.** A court holding any inquiry or trial under this Code which is conducted by the Public Prosecutor or by any officer of a public body, may, at its discretion, order payment out of the Consolidated Fund to any of the witnesses of the expenses they have incurred individually in attending that court, and compensation for their trouble and loss of time, subject to the Criminal Procedure Rules.

[19/2018]

## PART 19

## DISPOSAL OF PROPERTY

**Order for disposal of property by court**

**364.**—(1) During or at the conclusion of any inquiry or trial under this Code, the court may make an order as it thinks fit for the disposal of any property produced before it.

(2) Subject to any provisions on forfeiture, confiscation, destruction or delivery in any other written law under which property may be seized, a court may, during or at the conclusion of any criminal proceeding under this Code, make an order as it thinks fit for the disposal of any property —

(a) in respect of which an offence is or was alleged to have been committed or which has been used or is intended to have been used for the commission of any offence or which constitutes evidence of an offence; and

(b) which is produced before the court or is in the court's custody or the custody of a police officer or any other person who has seized the property pursuant to any law.

(3) If an order is made under this section in a case in which an appeal lies, the order must not, except where the property is perishable, be carried out until the period allowed for the appeal has lapsed or the appeal has been dealt with.

(4) In this section, “property” includes not only property that was originally in the possession or under the control of a party to the case, but also property into or for which it has been converted or exchanged and anything acquired by this conversion or exchange, whether immediately or later.

**Direction instead of order**

**365.** Instead of itself making an order under section 364, a court may direct the property to be delivered to a Magistrate who must deal with it under section 364 as if it were property produced in proceedings before a Magistrate's Court.

**Payment to innocent person of money in possession of convicted person**

**366.**—(1) Where a person is convicted of an offence that includes or amounts to theft or receiving stolen property, and it is proved that another person had bought the stolen property from the convicted person without knowing or having reason to believe that it was stolen, the court may, on application by the purchaser and after restoring the stolen property to its rightful owner, order that a sum not exceeding the price paid by the purchaser be given to the purchaser out of any money in the possession of the convicted person.

(2) Any order made under this section does not affect any right to a civil remedy for the recovery of any property or for the recovery of damages beyond the sum paid under the order, but any claim by a person or the person's representatives for civil damages in respect of the purchase of stolen property arising from the offence, is deemed to have been satisfied to the extent of the amount paid to the person under that order.

**Stay of order**

**367.** The General Division of the High Court may direct an order under section 364, 365 or 366 made by a Magistrate's Court or District Court to be stayed pending consideration by the General Division of the High Court and may modify, alter or annul that order.

[40/2019]

**Destruction of libellous and other matter**

**368.**—(1) On a conviction under section 292, 293, 500, 501 or 502 of the Penal Code 1871, the court may order the destruction of any object, matter, substance, or any other property (including any copy of such property in any media) in respect of which the conviction was had and which is in the custody of a police officer or the court, or which remains in the possession or power of the person convicted.

(2) On a conviction under section 272, 273, 274 or 275 of the Penal Code 1871, the court may order the destruction of the food, drink, drug or medical preparation in respect of which the conviction was had and which is in the custody of a police officer or the court, or which remains in the possession or power of the person convicted.

**Restoration of possession of immovable property**

**369.**—(1) Where a person is convicted of an offence involving criminal force and it appears to the court that by that force another person has been dispossessed of any immovable property, the court may order the possession of it to be restored to that other person.

(2) Such an order does not affect any right or interest to or in that immovable property which a person may be able to establish in a civil suit.

**Procedure governing seizure of property**

**370.**—(1) If a law enforcement officer seizes any property in the exercise of any power under section 35 or 78, the law enforcement officer must make a report of the seizure to the relevant court at the earlier of the following times:

- (a) when the law enforcement officer considers that the property is not relevant for the purposes of any investigation, inquiry, trial or other proceeding under any written law;
- (b) one year after the date of seizure of the property.

[19/2018]

(2) Subject to subsection (3), and to any provisions on forfeiture, confiscation, destruction or delivery in any other written law under which property may be seized, the relevant court must, upon receiving a report mentioned in subsection (1), make such of the following orders as may be applicable:

- (a) in any case where the property consists of a computer and any data stored in the computer, and the relevant court is satisfied that an offence was committed in respect of the data, or that the data was used or intended to be used to commit an offence — an order for —
  - (i) the deletion of the data from the computer, and the delivery of the computer (after the deletion of the data) to the person entitled to possession of the computer; or

- (ii) if that person cannot be ascertained, the deletion of the data from the computer, and the custody and production of the computer (after the deletion of the data);
  - (b) in any case where the relevant court is satisfied that an offence was committed in respect of the property, or that the property was used or intended to be used to commit an offence — such order as the relevant court thinks fit for the disposal of the property;
  - (c) in any case where the relevant court is satisfied that the property consists of anything into which any property mentioned in paragraph (b) has been converted, anything for which any property mentioned in paragraph (b) has been exchanged, or anything acquired (whether immediately or later) by this conversion or exchange — such order as the relevant court thinks fit for the disposal of the property;
  - (d) in any case where the relevant court is satisfied that the property does not consist of any property mentioned in paragraph (a), (b) or (c), and the person entitled to possession of the property consents to the use of the property for compensation or restitution, or to the forfeiture of the property — such order as the relevant court thinks fit for the disposal of the property;
  - (e) in any other case, an order relating to —
    - (i) the delivery of the property to the person entitled to possession of the property; or
    - (ii) if that person cannot be ascertained, the custody and production of the property.
- [19/2018]*
- (3) The relevant court must not dispose of the property if —
- (a) there is any pending court proceeding under any written law in relation to the property; or

- (b) the relevant court is satisfied that the property is relevant for the purposes of any investigation, inquiry, trial or other proceeding under any written law.

[19/2018]

(4) Where the relevant court is not a Magistrate's Court, the relevant court may, instead of making an order under subsection (2), direct that the property be delivered to a Magistrate, who must deal with the property in accordance with subsection (2) as if the report mentioned in subsection (1) was made to a Magistrate's Court.

[19/2018]

(5) On and after 31 October 2018 —

- (a) this section applies to any property seized or taken before that date, under section 370(1) of this Code as in force immediately before that date, or under section 35 or 78 — if no Magistrate's Court has exercised, in relation to that property, any power under section 370 of this Code as in force immediately before that date;
- (b) this section applies to any report made before that date, under section 370(1) of this Code as in force immediately before that date, of the seizure of any property, as if that report had been made under subsection (1) — if no Magistrate's Court has exercised, in relation to that property, any power under section 370 of this Code as in force immediately before that date; and
- (c) section 370 of this Code as in force immediately before that date continues to apply, in every case where a Magistrate's Court has exercised before that date any power under that section, as if this section had not been enacted.

[19/2018]

(6) In this section and sections 371 and 372 —

“law enforcement officer” means —

- (a) a police officer;
- (b) an officer of the Central Narcotics Bureau;

- (c) an immigration officer appointed under section 3 of the Immigration Act 1959;
- (d) a Commercial Affairs Officer appointed under section 64 of the Police Force Act 2004;
- (e) a public officer appointed as the Director, a deputy director, an assistant director or a special investigator of the Corrupt Practices Investigation Bureau; or
- (f) any other officer, of a prescribed law enforcement agency;

“relevant court” means —

- (a) in any case where the property was seized for the purposes of a particular inquiry, trial or proceeding — the court before which that inquiry, trial or proceeding is held; or
- (b) in any other case, a Magistrate’s Court.

[19/2018]

### **Procedure when person entitled to property is known**

**371.**—(1) If the person entitled to the property mentioned in section 370 is known, the relevant court must cause a notice to be served on that person instructing that person to take delivery of the property within the period specified in the notice which must be at least 48 hours after the date of service of the notice.

[19/2018]

(2) Section 116 applies as nearly as may be practicable to the procedure governing the service of the notice mentioned in subsection (1) as if a summons were a notice.

(3) If the person entitled to the property mentioned in section 370 fails to take delivery of the property within the period specified in the notice mentioned in subsection (1), the relevant court may, after one month from the expiry of that period, cause the property to be sold.

[19/2018]

(4) Despite the other provisions in this section, if the property is perishable or if, in the opinion of the relevant court, its value is less

than \$500, the relevant court may cause the property to be sold at any time.

[19/2018]

(5) The relevant court must cause the net proceeds of the sale under subsection (3) or (4) to be paid, on demand, to the person entitled.

[19/2018]

### **Procedure when person entitled to property is unknown or cannot be found**

**372.**—(1) If the person entitled to the property mentioned in section 370 is unknown or cannot be found, the relevant court may direct that it be detained in police custody and the Commissioner of Police must, in that case, issue a public notice, specifying the articles of which the property consists and requiring any person who has a claim to it to appear before the Commissioner of Police and establish the person's claim within 6 months from the date of the public notice.

[19/2018]

(2) Every notice under subsection (1) must be published in the *Gazette* or any daily newspaper if, in the opinion of the Commissioner of Police, the value of the property is at least \$1,000.

(3) If no person establishes a claim to the property within one month from the publication of a notice under subsection (1) and if the person in whose possession the property was found cannot show the person had legally acquired it, then the property may be sold on the order of the Commissioner of Police.

(4) Despite subsection (3), if property detained in police custody under this section is perishable or is, in the opinion of the Commissioner of Police, worth less than \$1,000, or if keeping it involves unreasonable expense or inconvenience, then the property may be sold at any time and this section applies, as nearly as may be practicable, to the net proceeds of the sale.

(5) If no person has established a claim to the property within 6 months from the publication of the notice mentioned in subsection (1), the ownership of the property or (if sold) its net proceeds pass to and vest in the Government absolutely.



(6) If a person establishes the person's claim to the property within 6 months from the publication of the notice mentioned in subsection (1), and the property has already been sold by the Commissioner of Police, that person is only entitled to the net proceeds.

(7) In respect of property to which the person entitled is unknown or cannot be found, the relevant court may order the property to be destroyed or otherwise disposed of at any time if in its opinion —

(a) the property is of no appreciable value; or

(b) its value is so small as to —

(i) make its sale impracticable; or

(ii) make the keeping of it in police custody unreasonably expensive or inconvenient.

[19/2018]

## PART 20

### APPEALS, POINTS RESERVED, REVISIONS AND CRIMINAL MOTIONS

#### *Division 1 — Appeals*

#### **Interpretation of this Part**

**373.** In this Part —

“appellate court” —

(a) means any court when exercising its appellate criminal jurisdiction; and

(b) includes, for the purposes only of Division 1B, the Court of Appeal when exercising its jurisdiction under Division 1A or section 397;

“trial court” means any court when exercising its original criminal jurisdiction.

[19/2018]

**When appeal may be made**

**374.**—(1) An appeal against any judgment, sentence or order of a court, or any decision of the General Division of the High Court mentioned in section 149M(1), may only be made as provided for by this Code or by any other written law.

[19/2018; 40/2019]

(2) An appeal may lie on a question of fact or a question of law or on a question of mixed fact and law.

(3) An appeal by the Public Prosecutor is to be against the acquittal of an accused or the sentence imposed on an accused or an order of the trial court.

(4) An appeal by a person convicted by a trial court is to be against the person's conviction, the sentence imposed on the person or an order of the trial court.

(4A) No appeal may lie against the conviction of an accused of any offence by a trial court until after the trial court imposes a sentence in relation to that offence.

[33/2012]

(5) No appeal may lie against any order made by a Magistrate, a District Judge, the Registrar of the State Courts or the Registrar of the Supreme Court in any criminal case disclosure conference held under Part 9 or 10.

[5/2014]

(6) To avoid doubt, any appeal against a decision of the General Division of the High Court is to be made to the Court of Appeal (and not to the Appellate Division of the High Court).

[40/2019]

**Limited right of appeal against plea of guilty**

**375.** An accused who has pleaded guilty and has been convicted on that plea in accordance with this Code may appeal only against the extent or legality of the sentence.

**Appeal against acquittal and sentence in private prosecutions**

**376.**—(1) Where in any prosecution by a private person —

(a) an accused has been acquitted by a court; or

(b) an accused has been convicted and sentenced by a court, there is to be no appeal against the acquittal or the sentence (as the case may be) by the private person.

(2) The Public Prosecutor may appeal against any judgment, sentence or order of a court in a private prosecution or may, by fiat, and on such terms and conditions as the Public Prosecutor thinks fit, permit a private person to pursue such appeal.

### **Procedure for appeal**

**377.**—(1) Subject to sections 374, 375 and 376, a person who is not satisfied with any judgment, sentence or order of a trial court in a criminal case or matter to which the person is a party may appeal to the appellate court against that judgment, sentence or order in respect of any error in law or in fact, or in an appeal against sentence, on the ground that the sentence imposed is manifestly excessive or manifestly inadequate.

(2) A notice of appeal against any judgment, sentence or order of the trial court must be lodged by the appellant with the Registrar of the Supreme Court (if the trial court is the General Division of the High Court) or the Registrar of the State Courts (if the trial court is a District Court or a Magistrate's Court) —

- (a) in the case of an appeal against conviction, or an appeal against conviction and sentence, within 14 days after the date of the sentence; and
- (b) in any other case, within 14 days after the date of the judgment, sentence or order.

*[33/2012; 5/2014; 40/2019]*

(3) Every notice of appeal must —

- (a) state shortly the substance of the judgment, sentence or order appealed against;
- (b) contain an address at which any notice or document connected with the appeal may be served upon the appellant or upon the appellant's advocate; and
- (c) unless it is given orally under section 381, be signed by the appellant or the appellant's advocate.

(4) In the case of an appeal by the Public Prosecutor under this Part against the judgment, sentence or order of the General Division of the High Court hearing a criminal case, the notice of appeal must be signed by the Public Prosecutor only.

[40/2019]

(5) After the notice of appeal has been lodged in accordance with subsection (2) by an appellant who is an accused or a complainant, the Registrar of the Supreme Court (if the trial court is the General Division of the High Court) or the Registrar of the State Courts (if the trial court is a Magistrate's Court or District Court) must, as soon as possible, serve on the appellant or the appellant's advocate at the address mentioned in the notice of appeal, a notice that a copy each of the record of proceedings and the grounds of decision are available and can be had on applying for the same.

[5/2014; 40/2019]

(6) Subject to subsection (6A), where an appellant makes an application pursuant to subsection (5), the appellant must be served with a copy each of the record of proceedings and the grounds of decision upon the payment of the prescribed fee.

(6A) The Registrar of the State Courts or the Registrar of the Supreme Court (as the case may be) may, as he or she thinks fit, furnish copies of the record of proceedings and the grounds of decision free of charge in any specific case or category of cases.

[5/2014]

(7) After the notice of appeal has been lodged in accordance with subsection (2) by an appellant who is the Public Prosecutor, the Registrar of the Supreme Court (if the trial court is the General Division of the High Court) or the Registrar of the State Courts (if the trial court is a Magistrate's Court or District Court) must, as soon as possible, serve on the Public Prosecutor a copy each of the record of proceedings and the grounds of decision free of charge.

[5/2014; 40/2019]

### **Petition of appeal**

**378.**—(1) Within 14 days after service of the record of proceedings and the grounds of decision under section 377(6) or (7), the appellant or the appellant's advocate must lodge a petition of appeal with the Registrar of the Supreme Court (if the trial court is the General

Division of the High Court) or Registrar of the State Courts (if the trial court is a Magistrate's Court or District Court).

*[5/2014; 40/2019]*

(2) The petition of appeal must be signed by the appellant or the appellant's advocate and must state briefly the substance of the judgment, sentence or order appealed against and must contain sufficient particulars of any points of law or of fact in respect of which the appellant claims the trial court was in error.

(3) Subject to section 380, if a petition of appeal is not lodged within the time provided under this section, the appeal will be treated as withdrawn.

(4) At any time before the petition of appeal is lodged, the appellant may file with the Registrar of the Supreme Court (if the trial court is the General Division of the High Court) or the Registrar of the State Courts (if the trial court is a Magistrate's Court or District Court), a notice of discontinuance of the appeal, and if the appellant does so, the appellant must serve the notice on the other party to the appeal on the date of the filing.

*[5/2014; 40/2019]*

(5) The appellant may, after the appellant had lodged a petition of appeal within the time provided under this section, in a notice in writing to the Registrar of the Supreme Court seek leave of court to withdraw the appeal.

(5A) Where every party to the appeal consents to the withdrawal of the appeal, the court may summarily give leave to withdraw the appeal by an order under the hand of a Judge sitting in the Court of Appeal or a Judge, without the appeal being set down for hearing.

*[19/2018; 40/2019]*

(6) Except with the leave of the appellate court, the appellant is not permitted, on the hearing of the appeal, to rely on any ground of appeal other than those set out in the petition of appeal.

(7) Upon withdrawal or discontinuance of any appeal, the Registrar of the Supreme Court must notify the Registrar of the State Courts (if the trial court is a Magistrate's Court or District Court) accordingly and any stay of execution immediately ceases to have effect.

*[5/2014]*

### **Records of court proceedings to be sent to appellate court and respondent**

**379.** Where the petition of appeal has been filed under section 378, the trial court appealed from must send to the appellate court and the Public Prosecutor or to the respondent or the respondent's advocate (as the case may be) a signed copy of the record of the proceedings, the grounds of decision, a copy of the notice of appeal and the petition of appeal.

### **Appeal specially allowed in certain cases**

**380.**—(1) The appellate court may, on the application of any person debarred from appealing for non-compliance with any provision of this Code, permit the person to appeal against any judgment, sentence or order if it considers it to be in the interests of justice, subject to such terms and conditions as the court thinks fit.

(2) The appellate court may, on the application of the accused or the accused's advocate, or the Public Prosecutor, permit an appeal to proceed to hearing without the grounds of decision, if the court considers it to be in the interest of justice and for reasons beyond the control of either party, subject to such terms and conditions as the court thinks fit.

### **Procedure when appellant in prison**

**381.**—(1) If the appellant is in prison, he or she is deemed to have complied with the requirements in sections 377 and 378 if he or she gives to the officer in charge of the prison, either orally or in writing, a notice of appeal and the particulars to be included in the petition of appeal within the times prescribed by those sections.

(2) Such officer must immediately forward such notice and petition or their purport to the Registrar of the Supreme Court or the Registrar of the State Courts, as the case may be.

[5/2014]

**Bail pending appeal**

**382.** A State Court or the General Division of the High Court may grant bail to a person who has filed a notice of appeal against the person's conviction or sentence in accordance with section 377.

*[5/2014; 40/2019]*

**Stay of execution pending appeal**

**383.**—(1) An appeal does not operate as a stay of execution, but the trial court and the appellate court may stay execution on any judgment, sentence or order pending appeal, on any terms as to security for the payment of money or the performance or non-performance of an act or the suffering of a punishment imposed by the judgment, sentence or order as to the court seem reasonable.

(2) If the appellant is ultimately sentenced to imprisonment, the time during which the execution of the sentence was stayed is to be excluded in computing the term of his or her sentence unless the appellate court orders otherwise.

(3) In the case of a conviction involving a sentence of death, the execution of the sentence of death must not be carried out until after the sentence is confirmed by the Court of Appeal pursuant to an appeal by the accused or a petition for confirmation by the Public Prosecutor.

*[33/2012]*

**Summary rejection of appeal**

**384.**—(1) Where the grounds of appeal do not raise any question of law and it appears to the appellate court that the evidence is sufficient to support the conviction and that there is no material in the circumstances of the case which could raise a reasonable doubt whether the conviction was right or lead the appellate court to consider that the sentence ought to be reduced, the appeal may, without being set down for hearing, be summarily rejected by an order under the hand of a Judge or a presiding Judge (as the case may be) certifying that the appellate court, having perused the record, is satisfied that the appeal has been brought without any sufficient ground of complaint.

(2) Where an appellate court comprises more than one Judge, the decision of the appellate court to reject the appeal summarily under subsection (1) can only be made by a unanimous decision of all the Judges sitting in the appellate court.

[40/2019]

(3) Notice of the rejection must be served on the appellant.

(4) If, in any case rejected under subsection (1), the appellant gives, within 14 days of service of notice of the rejection on the appellant, notice to the Registrar of the Supreme Court of an application for leave to amend the appellant's grounds of appeal so as to raise a question of law, accompanied by a certificate signed by an advocate specifying the question to be raised and undertaking to argue it, the Chief Justice (in the case where the appeal is made to the Court of Appeal) or any Judge sitting in the General Division of the High Court (in the case where the appeal is made to the General Division of the High Court) may grant leave to amend the grounds of appeal accordingly and shall restore the appeal for hearing.

[40/2019]

(5) For the purposes of subsection (4), the question whether a sentence ought to be reduced is deemed not to be a question of law.

### **Notice and time of hearing**

**385.** If the appellate court does not reject the appeal summarily under section 384, it must cause notice to be given to the parties to the appeal of the time and place at which the appeal will be heard.

### **Appeal to be heard by one or more Judges**

**386.**—(1) An appeal before the General Division of the High Court may ordinarily be heard by a single Judge, but if the Chief Justice so directs, the appeal must be heard before a court consisting of 3 or any greater uneven number of Judges.

[40/2019]

(2) An appeal before the Court of Appeal may ordinarily be heard by 3 Judges sitting in the Court of Appeal, but if the Chief Justice so directs, the appeal must be heard before a court consisting of 5 or any greater uneven number of Judges sitting in the Court of Appeal.

[40/2019]



(3) An appeal before 3 or more Judges must be decided in accordance with the opinion of a majority of them.

(4) If the Public Prosecutor requests in writing at any time —

(a) before the hearing of an appeal before the General Division of the High Court that the appeal be heard before a court consisting of 3 or any greater uneven number of Judges; or

(b) before the hearing of an appeal before the Court of Appeal that the appeal be heard before a court consisting of 5 or any greater uneven number of Judges,

and the Chief Justice consents to the request, the appeal must be heard by such a court.

[40/2019]

(5) In any case, the appellate court may, of its own motion or on the application of a party concerned, with reasonable notice to the parties, bring forward or postpone the hearing of an appeal, on such terms as it thinks fit as to the costs of the appeal.

### **Procedure at hearing**

**387.**—(1) At the hearing of an appeal, the appellate court must hear the appellant or the appellant's advocate, if the appellant or the appellant's advocate appears, and if it thinks fit, the respondent or the respondent's advocate, if the respondent or the respondent's advocate appears, and must hear the appellant or the appellant's advocate in reply.

(2) If the appellant is in custody and does not appear at the hearing to support the appellant's appeal in person or by advocate, the appellate court may consider the appellant's appeal and may make such order as it thinks fit.

(3) If the appellant is not in custody but fails to appear at the hearing of the appeal, the appellate court may dismiss the appeal, except that the court may reinstate the appeal if the appellant subsequently appears before the court and satisfies the court that the appellant's non-appearance was not due to the appellant's fault.

**Non-appearance of respondent**

**388.**—(1) If, at the hearing of the appeal, the respondent is absent and the appellate court is not satisfied that the notice under section 385 has been duly served on the respondent, the court must not make any order adverse to or to the prejudice of the respondent, but must adjourn the hearing to a future day and direct the Registrar of the Supreme Court to serve the notice on the respondent for the respondent to appear.

(2) If the notice cannot be served on the respondent, or if the court is satisfied that the notice has been duly served on the respondent, and the respondent is absent at the hearing of the appeal, the court may hear the appeal in the respondent's absence.

**Arrest of respondent in certain cases**

**389.**—(1) Where the General Division of the High Court is informed that the Public Prosecutor intends to appeal against the acquittal of an accused, the General Division of the High Court may, on the application of the Public Prosecutor, order that the accused be remanded in custody for a period not exceeding 24 hours pending the filing of the notice of appeal by the Public Prosecutor.

[40/2019]

(2) Where the Public Prosecutor appeals against an acquittal after an application under subsection (1), the General Division of the High Court that acquitted the accused may commit him or her to prison pending the disposal of the appeal or admit him or her to bail.

[40/2019]

**Decision on appeal**

**390.**—(1) At the hearing of the appeal, the appellate court may, if it considers there is no sufficient ground for interfering dismiss the appeal, or may —

(a) in an appeal from an order of acquittal —

- (i) reverse the order and direct that further inquiry is to be made or that the accused is to be retried, or remit the matter, with the opinion of the appellate court, to the trial court; or

- (ii) find the accused guilty and pass sentence on the accused according to law;
- (b) in an appeal from a conviction —
  - (i) reverse the finding and sentence and acquit or discharge the accused or order the accused to be retried by a court of competent jurisdiction, or remit the matter, with the opinion of the appellate court, to the trial court;
  - (ii) alter the finding, maintaining the sentence or, with or without altering the finding, reduce or enhance the sentence; or
  - (iii) with or without reducing or enhancing the sentence, and with or without altering the finding, alter the nature of the sentence;
- (c) in an appeal as to sentence, reduce or enhance the sentence, or alter the nature of the sentence; or
- (d) in an appeal from any other order, alter or reverse the order.

(2) Nothing in subsection (1) is to be taken to prevent the appellate court from making such other order in the matter as it may think just, and by such order exercise any power which the trial court might have exercised.

(3) Despite section 375 and without limiting subsections (1) and (2), where an accused has pleaded guilty and been convicted on such plea, the appellate court may, upon hearing, in accordance with section 387, any appeal against the sentence imposed upon the accused —

- (a) set aside the conviction;
- (b) make such order in the matter as it may think just; and
- (c) by such order exercise any power which the trial court might have exercised.

(4) Despite any provision in this Code or any written law to the contrary, when hearing an appeal against an order of acquittal or conviction or any other order, the appellate court may frame an

altered charge (whether or not it attracts a higher punishment) if satisfied that, based on the records before the court, there is sufficient evidence to constitute a case which the accused has to answer.

(5) If the offence stated in the altered charge is one that requires the Public Prosecutor's consent under section 10, then the appeal must not proceed before such consent is obtained, unless the consent has already been obtained for a prosecution on the same facts as those on which the altered charge is based.

(6) After the appellate court has framed an altered charge, it must ask the accused if the accused intends to offer a defence.

(7) If the accused indicates that the accused intends to offer a defence, the appellate court may, after considering the nature of the defence —

(a) order that the accused be tried by a trial court of competent jurisdiction; or

(b) convict the accused on the altered charge (other than a charge which carries the death penalty) after hearing submissions on questions of law and fact and if it is satisfied that, based on its findings on the submissions and the records before the court, and after hearing submissions of the accused, there is sufficient evidence to do so.

(8) If the accused indicates that the accused does not intend to offer a defence, the appellate court may —

(a) convict the accused on the altered charge (other than a charge which carries the death penalty) if it is satisfied that, based on the records before the court, there is sufficient evidence to do so; or

(b) order that the accused be tried by a trial court of competent jurisdiction, if it is not satisfied that, based on the records before the court, there is sufficient evidence to convict the accused on the altered charge.

(9) At the hearing of the appeal, the appellate court may on the application of the Public Prosecutor, and with the consent of the accused, take into consideration any outstanding offences which the

accused admits to have committed for the purposes of sentencing the accused.

(10) The sentencing powers of the appellate court in the exercise of its appellate jurisdiction do not exceed the sentencing power of the trial court whose judgment, sentence or order is appealed against.

(11) To avoid doubt, everything done by the appellate court under this section is done in the exercise of its appellate jurisdiction.

[19/2018]

### **Omission to frame charge**

**391.**—(1) A judgment, sentence or order pronounced or passed is not invalid merely because no charge was framed, unless the appellate court is of the opinion that it has caused a failure of justice.

(2) If the appellate court is of such opinion, the appellate court must order a new trial.

### **Taking additional evidence**

**392.**—(1) In dealing with any appeal under this Part, the appellate court may, if it thinks additional evidence is necessary, either take such evidence itself or direct it to be taken by the trial court.

(2) Unless the appellate court directs otherwise, the accused or the accused's advocate must be present when the additional evidence is taken.

(3) When the trial court has taken the additional evidence, it must send the record of the proceedings duly certified by it to the appellate court for it to deal with in the appeal.

(4) The trial court must also state what effect (if any) the additional evidence taken has on its earlier verdict.

(5) Sections 233 and 285 to 289 apply, with the necessary modifications, to the taking of additional evidence under this section.

**Death of party to appeal**

**393.**—(1) Where a person has died —

- (a) any relevant appeal which might have been begun by the person if he or she were alive may be begun by a person approved by the General Division of the High Court; and
- (b) where any relevant appeal was begun by the person while he or she was alive or is begun in relation to his or her case under paragraph (a), any further step which might have been taken by the person in connection with the appeal if he or she were alive may be taken by a person so approved.

[40/2019]

(2) The General Division of the High Court may only give an approval to —

- (a) the widow or widower of the deceased;
- (b) a person who is the personal representative of the deceased; or
- (c) any person appearing to the General Division of the High Court to have, by reason of a family or similar relationship with the deceased, a substantial financial or other interest in the determination of a relevant appeal relating to the deceased.

[40/2019]

(3) An application for an approval may not be made after the end of the period of one year beginning with the date of death.

(4) Where this section applies, any reference to the appellant in any written law is, where appropriate, to be construed as being or including a reference to the person approved under this section.

(5) Unless the approval is given under subsection (2), every appeal commenced finally abates on the death of an accused.

(6) In this section, “relevant appeal” means an appeal made under this Part.

**Grounds for reversal by appellate court**

**394.** Any judgment, sentence or order of a trial court may be reversed or set aside only where the appellate court is satisfied that it was wrong in law or against the weight of the evidence or, in the case of a sentence, manifestly excessive or manifestly inadequate in all the circumstances of the case.

*Division 1A — Review of sentence of death  
when no appeal filed*

**Public Prosecutor to file petition for confirmation**

**394A.**—(1) Where the General Division of the High Court passes a sentence of death on an accused —

- (a) if there is no appeal by the accused pending immediately after the expiry of the time allowed under this Code for an appeal — the Public Prosecutor must, on the expiry of 90 days after the time allowed under this Code for an appeal —
  - (i) lodge a petition for confirmation with the Registrar of the Supreme Court; and
  - (ii) serve the petition on the accused; or
- (b) if there is an appeal by the accused pending immediately after the expiry of the time allowed under this Code for an appeal, but the accused subsequently withdraws that appeal — the Public Prosecutor must, on the expiry of 90 days after the date of the withdrawal of that appeal —
  - (i) lodge a petition for confirmation with the Registrar of the Supreme Court; and
  - (ii) serve the petition on the accused.

*[19/2018; 40/2019]*

(2) When a petition for confirmation has been lodged, the trial court must transmit to the Court of Appeal, the Public Prosecutor, and the accused or the accused's advocate, a signed copy of the record of the proceedings and the grounds of decision free of charge.

*[33/2012]*

**Court of Appeal to review sentence of death**

**394B.** The Court of Appeal must examine the record of proceedings and the grounds of decision and must satisfy itself as to the correctness, legality and propriety of —

- (a) the conviction of the accused for the offence for which the sentence of death is imposed; and
- (b) the imposition of the sentence of death for the offence, where the sentence of death is not mandatory by law.

[33/2012]

**Powers of Court of Appeal in petition for confirmation**

**394C.** The Court of Appeal may in any proceeding relating to a petition for confirmation exercise such powers as it may exercise in an appeal by the accused.

[33/2012]

**Permission for parties to be heard**

**394D.**—(1) No party has the right to be heard either personally or by advocate before the Court of Appeal in any proceeding relating to a petition for confirmation.

[33/2012]

(2) The Court of Appeal may, if it thinks fit, hear any party either personally or by advocate.

[33/2012]

**Orders on review**

**394E.**—(1) If the Court of Appeal is satisfied as to the correctness, legality and propriety of —

- (a) the conviction of the accused for the offence for which the sentence of death is imposed; or
- (b) the imposition of the sentence of death for the offence, where the sentence of death is not mandatory by law,

it must issue a certificate to the Public Prosecutor and the accused or the accused's advocate confirming the imposition of the sentence of death on the accused.

[33/2012]



(2) If the Court of Appeal is not satisfied as to the correctness, legality and propriety of —

(a) the conviction of the accused for the offence for which the sentence of death is imposed; or

(b) the imposition of the sentence of death for the offence, where the sentence of death is not mandatory by law,

it must set aside the sentence of death, and may make such further order as it deems fit.

[33/2012]

*Division 1B — Review of earlier decision of appellate court*

**Interpretation of this Division**

**394F.**—(1) In this Division, unless the context otherwise requires —

“civil application” means an application to a court when exercising its civil jurisdiction, and includes —

(a) where the court is the Court of Appeal, an appeal to the Court of Appeal from any judgment or order of the General Division of the High Court, or of the Appellate Division of the High Court, in such an application; or

(b) where the court is the Appellate Division of the High Court, an appeal to the Appellate Division of the High Court from any judgment or order of the General Division of the High Court in such an application;

“leave application” means an application for leave to make a review application;

“review application” means an application to review an earlier decision of an appellate court.

[19/2018; 40/2019]

(2) In this Division, unless the context otherwise requires, a civil application is related to a review application made in respect of an earlier decision if —

- (a) any common question of law or fact arises in both applications; or
- (b) any relief claimed in the civil application —
  - (i) may affect the review application in any way; or
  - (ii) may affect the outcome of the criminal matter in respect of which the earlier decision was made.

[19/2018]

(3) In this Division, unless the context otherwise requires, a reference to a decision of a court is a reference to everything decided by the court, and everything comprised in the judgment, sentence or order (if any) of the court, when the court —

- (a) delivers judgment in a criminal trial, criminal appeal, case stated, criminal revision or criminal reference; or
- (b) issues a certificate under section 394E(1) confirming the imposition of the sentence of death on the accused.

[19/2018]

### **Conditions for making review application**

**394G.**—(1) A review application cannot be made in respect of an earlier decision of an appellate court unless any of the following applies:

- (a) the earlier decision is a decision of the appellate court on the merits of an appeal;
- (b) the earlier decision is a decision of the appellate court to dismiss an appeal under section 387(3) after the appellant fails to appear at the hearing of the appeal, and the appellate court does not reinstate the appeal under section 387(3);
- (c) where the appellate court is the Court of Appeal — the earlier decision is a decision of the Court of Appeal to issue a certificate under section 394E(1) confirming the imposition of the sentence of death on the accused;
- (d) where the appellate court is the Court of Appeal — the earlier decision is —

- (i) a determination by the Court of Appeal of any question of law of public interest referred to the Court of Appeal under section 397; or
- (ii) an order made by the Court of Appeal under section 397(5).

[19/2018]

(2) A review application cannot be made by the Public Prosecutor, unless the Public Prosecutor alleges that the earlier decision is tainted by fraud or a breach of the rules of natural justice, and that the integrity of the judicial process is thereby compromised.

[19/2018]

### **Application for leave to make review application**

**394H.**—(1) Before making a review application, the applicant must apply to the appellate court for, and obtain, the leave of that court to do so.

[19/2018]

(2) A leave application must be fixed for hearing within such period as is prescribed by the Criminal Procedure Rules.

[19/2018]

(3) The applicant in a leave application must file written submissions in support of that application, and such other documents as are prescribed in the Criminal Procedure Rules, within such periods as are prescribed in the Criminal Procedure Rules.

[19/2018]

(4) The respondent in a leave application may file written submissions in relation to that application within such period as is prescribed in the Criminal Procedure Rules.

[19/2018]

(5) The Registrar of the Supreme Court or any Supreme Court Judge may extend or abridge any period mentioned in subsection (2), (3) or (4).

[14/2019; 40/2019]

- (6) A leave application is to be heard —
- (a) in any case where the appellate court is the Court of Appeal — by a single Judge sitting in the Court of Appeal; or
  - (b) in any case where the appellate court is the General Division of the High Court — by the Judge who made the decision to be reviewed or, if that Judge is not available, by any Judge.

[19/2018; 40/2019]

(7) A leave application may, without being set down for hearing, be summarily dealt with by a written order of the appellate court.

[19/2018]

(8) Before summarily refusing a leave application, the appellate court —

- (a) must consider the applicant's written submissions, if any; and
- (b) may, but is not required to, consider the respondent's written submissions, if any.

[19/2018]

(9) Before summarily granting leave to make a review application, the appellate court —

- (a) must consider the applicant's written submissions, if any; and
- (b) must consider the respondent's written submissions, if any.

[19/2018]

### **Hearing of review application**

**394I.**—(1) Where the appellate court grants leave to make a review application, the review application must be made to the appellate court, and fixed for hearing, within such period as is prescribed by the Criminal Procedure Rules.

[19/2018]

(2) The applicant in a review application must file such documents in support of that application, within such period, as are prescribed in the Criminal Procedure Rules.

[19/2018]

(3) The respondent in a review application must file such documents in relation to that application, within such period, as are prescribed in the Criminal Procedure Rules.

[19/2018]

(4) The Registrar of the Supreme Court or any Supreme Court Judge may extend or abridge any period mentioned in subsection (1), (2) or (3).

[14/2019; 40/2019]

(5) A review application is to be heard —

(a) in any case where the appellate court is the Court of Appeal — by 3 Judges sitting in the Court of Appeal or, if the Chief Justice so directs, by 5 or any greater uneven number of Judges sitting in the Court of Appeal; or

(b) in any case where the appellate court is the General Division of the High Court — by a single Judge or, if the Chief Justice so directs, by 3 or any greater uneven number of Judges.

[19/2018; 40/2019]

(6) The appellate court may hear a review application and any related civil application at the same time or one immediately after another.

[19/2018]

(7) Despite subsections (1), (5) and (6) —

(a) the Court of Appeal may hear a review application made to the General Division of the High Court in respect of an earlier decision of the General Division of the High Court;

(b) the Court of Appeal may hear a civil application, made to the General Division of the High Court or to the Appellate Division of the High Court, that is related to a review application (whether made to the Court of Appeal or to the General Division of the High Court);

(c) where the Court of Appeal so orders, the Court of Appeal may hear a review application (whether made to the Court of Appeal or to the General Division of the High Court) and any related civil application (whether made to the Court of Appeal, to the Appellate Division of the High

Court or to the General Division of the High Court) at the same time or one immediately after another; and

- (d) every review application or civil application heard by the Court of Appeal under this subsection is to be heard by 3 Judges sitting in the Court of Appeal or, if the Chief Justice so directs, by 5 or any greater uneven number of Judges sitting in the Court of Appeal.

[19/2018; 40/2019]

(8) An appellate court, which hears a review application in respect of an earlier decision of that court, may exercise any power and make any order that could have been exercised and made, respectively, by the court that made the earlier decision.

[19/2018]

(9) Where the appellate court is the General Division of the High Court, but a review application made in respect of an earlier decision of the appellate court is heard by the Court of Appeal —

- (a) the Court of Appeal may exercise any power and make any order that could have been exercised and made, respectively, by the appellate court that made the earlier decision; and
- (b) any reference in this Division to the exercise of a power, or the doing of a thing, by the appellate court in relation to the review application includes a reference to the exercise of that power, or the doing of that thing, by the Court of Appeal.

[19/2018; 40/2019]

(10) A review application may, without being set down for hearing, be summarily dealt with by a written order of the appellate court.

[19/2018]

(11) Before summarily refusing a review application, the appellate court —

- (a) must consider the applicant's written submissions, if any; and
- (b) may, but is not required to, consider the respondent's written submissions, if any.

[19/2018]

(12) Except where subsection (11) applies, before summarily deciding a review application on its merits, the appellate court —

- (a) must consider the applicant’s written submissions, if any; and
- (b) must consider the respondent’s written submissions, if any.

[19/2018]

### **Requirements for exercise of power of review under this Division**

**394J.**—(1) This section —

- (a) sets out the requirements that must be satisfied by an applicant in a review application before an appellate court will exercise its power of review under this Division; and
- (b) does not affect the inherent power of an appellate court to review, on its own motion, an earlier decision of the appellate court.

[19/2018]

(2) The applicant in a review application must satisfy the appellate court that there is sufficient material (being evidence or legal arguments) on which the appellate court may conclude that there has been a miscarriage of justice in the criminal matter in respect of which the earlier decision was made.

[19/2018]

(3) For the purposes of subsection (2), in order for any material to be “sufficient”, that material must satisfy all of the following requirements:

- (a) before the filing of the application for leave to make the review application, the material has not been canvassed at any stage of the proceedings in the criminal matter in respect of which the earlier decision was made;
- (b) even with reasonable diligence, the material could not have been adduced in court earlier;
- (c) the material is compelling, in that the material is reliable, substantial, powerfully probative, and capable of showing almost conclusively that there has been a miscarriage of

justice in the criminal matter in respect of which the earlier decision was made.

[19/2018]

(4) For the purposes of subsection (2), in order for any material consisting of legal arguments to be “sufficient”, that material must, in addition to satisfying all of the requirements in subsection (3), be based on a change in the law that arose from any decision made by a court after the conclusion of all proceedings relating to the criminal matter in respect of which the earlier decision was made.

[19/2018]

(5) For the purposes of subsection (2), the appellate court may conclude that there has been a miscarriage of justice in the criminal matter in respect of which the earlier decision was made, only if —

- (a) the earlier decision (being a decision on conviction or sentence) is demonstrably wrong; or
- (b) the earlier decision is tainted by fraud or a breach of the rules of natural justice, such that the integrity of the judicial process is compromised.

[19/2018]

(6) For the purposes of subsection (5)(a), in order for an earlier decision on conviction to be “demonstrably wrong” —

- (a) it is not sufficient that there is a real possibility that the earlier decision is wrong; and
- (b) it must be apparent, based only on the evidence tendered in support of the review application and without any further inquiry, that there is a powerful probability that the earlier decision is wrong.

[19/2018]

(7) For the purposes of subsection (5)(a), in order for an earlier decision on sentence to be “demonstrably wrong”, it must be shown that the decision was based on a fundamental misapprehension of the law or the facts, thereby resulting in a decision that is blatantly wrong on the face of the record.

[19/2018]



**Other matters concerning review applications and leave applications**

**394K.**—(1) An applicant cannot make more than one review application in respect of any decision of an appellate court.

[19/2018]

(2) An applicant cannot make a review application in respect of an earlier decision of an appellate court after —

(a) in any case where a court hears a related civil application made by the same applicant and reserves judgment in that related civil application — the time that court reserves judgment in that related civil application; or

(b) in any other case where a court hears a related civil application made by the same applicant — the time that court delivers judgment in that related civil application.

[19/2018]

(3) Where the appellate court is the General Division of the High Court, no appeal may lie against a decision of the appellate court on a leave application or a review application.

[19/2018; 40/2019]

(4) Where the appellate court is the General Division of the High Court, no application under section 397(1), and no reference under section 397(2), may be made in respect of a decision of the appellate court on a leave application or a review application.

[19/2018; 40/2019]

(5) No leave application, and no review application, may be made in respect of a decision of an appellate court on a leave application or a review application.

[19/2018]

*Division 2 — Points reserved*

**Power of court to state case**

**395.**—(1) A trial court hearing any criminal case, may on the application of any party to the proceedings or on its own motion, state a case to the relevant court on any question of law.

- (2) Any application or motion made —
  - (a) on a question of law which arises as to the interpretation or effect of any provision of the Constitution may be made at any stage of the proceedings after the question arises and must set out the question to be referred to the relevant court; and
  - (b) on any other question of law must be made in writing within 10 days from the time of the making or passing of the judgment, sentence or order by the trial court and set out briefly the facts under deliberation and the question of law to be decided on them.
- (3) The trial court must —
  - (a) upon an application or motion made on a question of law which arises as to the interpretation or effect of any provision of the Constitution, state the case to the relevant court by setting out the question which in its opinion has arisen as to the interpretation or effect of the Constitution, which question must, so far as may be possible, be in a form which permits an answer being given in the affirmative or the negative; and
  - (b) upon an application or motion made on any other question of law, state the case to the relevant court by briefly setting out the facts that it considers proved and the question of law to be reserved for the opinion of the relevant court.
- (4) Despite subsection (3), the trial court may refuse to state a case upon any application if it considers the application frivolous or without any merit, but it must state a case if the application is made by the Public Prosecutor.
- (5) If a trial court refuses to state a case under subsection (4), the applicant may apply to the relevant court for an order to direct the trial court to state the case.
- (6) The trial court in stating any case under subsection (3) must cause the case to be transmitted to the Registrar of the Supreme Court.

(7) The relevant court must hear and determine the question of law or constitutional question arising out of the case stated.

(8) Before stating any case to the relevant court under subsection (3)(a), the trial court may make an order to stay the proceedings which is to be made at such stage of the proceedings as the court may see fit, having regard to —

- (a) the decision of such questions of fact as may be necessary to assist the relevant court in deciding the question which has arisen; and
- (b) the speedy and economical final determination of the proceedings.

(9) The trial court making an order to stay the proceedings under subsection (8) may impose any terms to await the opinion and order (if any) of the relevant court on any case stated under subsection (3)(a).

(10) The trial court stating a case to the relevant court under this section may make such orders as it sees fit for the arrest, custody or release on bail of any accused.

(11) When the Registrar of the Supreme Court receives a case stated, he or she must send a copy to every party to the proceedings and to the Public Prosecutor (if the Public Prosecutor is not a party), and fix a date for the hearing of the case stated.

(12) The Public Prosecutor has a right of hearing at the hearing of the case stated.

(13) Where the General Division of the High Court is hearing the case stated, it must ordinarily be heard by a single Judge, but if the Chief Justice so directs, the case stated must be heard before a court comprising 3 or any greater uneven number of Judges.

[40/2019]

(14) Where the Court of Appeal is hearing the case stated, it must ordinarily be heard by 3 Judges sitting in the Court of Appeal, but if the Chief Justice so directs, the case stated must be heard before a court comprising 5 or any greater uneven number of Judges sitting in the Court of Appeal.

[40/2019]

(15) In this section, “relevant court” means —

- (a) the General Division of the High Court where the trial court which stated the case is a State Court; and
- (b) the Court of Appeal where the trial court which stated the case is the General Division of the High Court.

[5/2014; 40/2019]

### **Application to state case directly to Court of Appeal**

**396.**—(1) Any party to the proceedings may, instead of applying to state a case on any question of law arising at a trial before a State Court for the opinion of the General Division of the High Court under section 395, apply to state a case directly to the Court of Appeal.

[5/2014; 40/2019]

(2) An application under subsection (1) may only be made with the leave of the Court of Appeal.

(3) When an application is made under subsection (1), the Court of Appeal may make such orders as it sees fit for the arrest, custody or release on bail of any accused.

(4) Section 395(2), (3), (6) to (12) and (14) applies to the case stated under this section, except that any reference to the relevant court in those provisions is a reference to the Court of Appeal.

### **Reference to Court of Appeal of criminal matter determined by General Division of High Court in exercise of its appellate or revisionary jurisdiction**

**397.**—(1) When a criminal matter has been determined by the General Division of the High Court in the exercise of its appellate or revisionary jurisdiction, and a party to the proceedings wishes to refer any question of law of public interest which has arisen in the matter and the determination of which by the Judge has affected the case, that party may apply to the Court of Appeal for leave to refer the question to the Court of Appeal.

[40/2019]

(2) The Public Prosecutor may refer any question of law of public interest without the leave of the Court of Appeal.

(3) An application under subsection (1) or a reference under subsection (2) must be made within one month, or such longer time as the Court of Appeal may permit, of the determination of the matter to which it relates, and in the case of an application by the Public Prosecutor must be made by him or her or with his or her written consent.

(3A) Where an application under subsection (1) or a reference under subsection (2) is made, the General Division of the High Court must send to the Court of Appeal a signed copy of the record of the proceedings, and the grounds of decision, for the matter to which the application or reference relates.

*[19/2018; 40/2019]*

(3B) Where —

- (a) a party applies under subsection (1) for leave to refer a question to the Court of Appeal; and
- (b) it appears to the Court of Appeal that the question is not a question of law of public interest which has arisen in the matter, and the determination of which has affected the case, to which the application relates,

the application may, without being set down for hearing, be summarily refused by an order, under the hand of a presiding Judge sitting in the Court of Appeal, certifying that the Court of Appeal is satisfied that the application was made without any sufficient ground.

*[19/2018; 40/2019]*

(3C) A decision of the Court of Appeal to summarily refuse under subsection (3B) an application under subsection (1) can only be made by a unanimous decision of all the Judges sitting in the Court of Appeal.

*[19/2018; 40/2019]*

(3D) Notice of a refusal under subsection (3B) of an application under subsection (1) must be served on the applicant.

*[19/2018]*

(3E) Where, after the Court of Appeal has summarily refused under subsection (3B) an application under subsection (1) (called in this subsection the leave application), the applicant gives, within 14 days

after the service of the notice of the refusal on the applicant, to the Registrar of the Supreme Court —

- (a) notice of an application to amend the leave application, so as to raise a question of law of public interest which has arisen in the matter, and the determination of which has affected the case, to which the leave application relates; and
- (b) a certificate signed by an advocate specifying the question to be raised and undertaking to argue it,

the Chief Justice may allow the applicant to amend the leave application accordingly, and must restore the leave application for hearing.

[19/2018]

(4) In granting leave to refer any question of law of public interest under subsection (1), or where the Public Prosecutor refers any question of law of public interest under subsection (2), the Court of Appeal may reframe the question or questions to reflect the relevant issue of law of public interest, and may make such orders as the Court of Appeal may see fit for the arrest, custody or release on bail of any party in the case.

(5) The Court of Appeal, in hearing and determining any questions referred, may make such orders as the General Division of the High Court might have made as the Court of Appeal considers just for the disposal of the case.

[40/2019]

(6) For the purposes of this section, each of the following is deemed to be a question of public interest:

- (a) any question of law regarding which there is a conflict of judicial authority;
- (b) any question of law that the Public Prosecutor refers.

[19/2018]

### **Determination and order**

**398.**—(1) The General Division of the High Court or the Court of Appeal (as the case may be) must hear and determine any question of law arising on the case stated under section 395 or 396 and must

affirm, amend or reverse the decision or make any other order it thinks fit.

[40/2019]

(2) Any judge stating a case under this Code is not liable to any costs incurred with respect to it.

### **Opinion on case stated**

**399.**—(1) The opinion of the General Division of the High Court or the Court of Appeal must be in the form of an answer to the question set out in the case stated under section 395 or 396.

[40/2019]

(2) The Registrar of the Supreme Court must deliver a copy of the opinion of the General Division of the High Court or of the Court of Appeal and such orders that the Court has made under section 398 to —

- (a) the Public Prosecutor;
- (b) the Registrar of the State Courts where the trial court which stated the case is a State Court; and
- (c) every party to the proceedings in which the case stated arose.

[5/2014; 40/2019]

(3) If the opinion of the General Division of the High Court or the Court of Appeal (as the case may be) is given pending the conclusion of the trial, the trial court must proceed with the case having regard to the opinion on the case stated and any order of the General Division of the High Court or the Court of Appeal made under section 398.

[40/2019]

### *Division 3 — Revision of proceedings before State Courts*

[5/2014]

### **Power to call for records of State Courts**

**400.**—(1) Subject to this section and section 401, the General Division of the High Court may, on its own motion or on the application of a State Court, the Public Prosecutor or the accused in

any proceedings, call for and examine the record of any criminal proceeding before any State Court to satisfy itself as to the correctness, legality or propriety of any judgment, sentence or order recorded or passed and as to the regularity of those proceedings.

[5/2014; 40/2019]

(2) No application may be made by any party under this section in relation to any judgment, sentence or order which the party could have appealed against but had failed to do so in accordance with the law unless the application is made —

- (a) against a failure by a court to impose the mandatory minimum sentence or any other sentence required by written law; or
- (b) against a sentence imposed by a court which the court is not competent to impose.

### **Powers of General Division of High Court on revision**

**401.**—(1) On examining a record under revision in this Division, the General Division of the High Court may direct the lower court to make further inquiry into a complaint which has been dismissed under section 152 or into the case of an accused who has been discharged.

[40/2019]

(2) The General Division of the High Court may in any case, the record of proceedings of which has been called for by itself or which otherwise comes to its knowledge, in its discretion exercise any of the powers given by sections 383, 389, 390 and 392.

[40/2019]

(3) The General Division of the High Court may not proceed under subsection (1) or (2) without first giving the parties adversely affected by the General Division of the High Court so proceeding an opportunity of being heard either personally or by advocate.

[40/2019]

(4) This section does not authorise the General Division of the High Court to convert an acquittal into a conviction.

[40/2019]



**Orders on revision**

**402.** Where a case is revised under this Division, the General Division of the High Court must certify its decision or order to the State Court which recorded or passed the judgment, sentence or order and that Court must make the requisite orders to give effect to the decision or order.

[5/2014; 40/2019]

**Permission for parties to appear**

**403.—**(1) No party has any right to be heard either personally or by advocate before the General Division of the High Court when the General Division of the High Court is exercising its powers of revision under this Division or Division 4.

[40/2019]

(2) The General Division of the High Court may, if it thinks fit, when exercising its powers of revision under this Division, hear any party either personally or by advocate, and nothing in this section is deemed to affect sections 401(3) and 404(4).

[40/2019]

*Division 4 — Revision of orders made at  
criminal case disclosure conference*

**Power to revise orders made at criminal case disclosure conference**

**404.—**(1) The General Division of the High Court may, on its own motion or on the application of the Public Prosecutor or the accused in any criminal case disclosure conference, call for and examine the record of any criminal case disclosure conference held under Part 9 or 10 before a Magistrate, a District Judge, the Registrar of the State Courts or the Registrar of the Supreme Court to satisfy itself as to the correctness, legality or propriety of any order recorded or passed at the criminal case disclosure conference, and as to the regularity of the criminal case disclosure conference.

[5/2014; 40/2019]

(2) Any application by the Public Prosecutor or the accused under subsection (1) must be made within 7 days from the date of the order

so recorded or passed at the criminal case disclosure conference to which the application relates.

(3) On examining a record under revision in this Division, the General Division of the High Court may affirm, vary or set aside any of the orders made by the Magistrate, District Judge, Registrar of the State Courts or Registrar of the Supreme Court (as the case may be) who presided over the criminal case disclosure conference.

[5/2014; 40/2019]

(4) The General Division of the High Court may not proceed under subsection (3) without first giving the parties adversely affected by the General Division of the High Court so proceeding an opportunity of being heard either personally or by advocate.

[40/2019]

(5) Where a case is revised under this Division, the General Division of the High Court must certify its decision or order to the Magistrate, District Judge, Registrar of the State Courts or Registrar of the Supreme Court (as the case may be) who recorded or passed the order at the criminal case disclosure conference and that Magistrate, District Judge, Registrar of the State Courts or the Registrar of the Supreme Court (as the case may be) must make the requisite orders to give effect to the decision or order.

[5/2014; 40/2019]

### *Division 5 — Criminal motions*

#### **Motion**

**405.**—(1) A motion to the General Division of the High Court or the Court of Appeal in respect of any criminal matter must be made in accordance with this Division.

[19/2018; 40/2019]

(2) In this Division, the relevant court is the court to which the motion is made.

[19/2018]

#### **Notice of motion**

**406.**—(1) A motion must not be made without previous notice to the other party to the proceedings.

(2) There must be at least 7 clear days between the service of the notice of a criminal motion and the day named in the notice for hearing the motion, unless —

- (a) the relevant court gives leave to the contrary; or
- (b) each party required to be served with the notice consents to the relief or remedy that is sought under the motion.

[19/2018]

### **Form and issue of notice of motion**

**407.**—(1) The notice of a criminal motion must be in the prescribed form.

(2) The notice of a criminal motion must be —

- (a) supported by an affidavit setting out a concise statement of the facts, the relief or remedy required and the reasons for the relief or remedy; and
- (b) sealed by an officer of the Registry of the Supreme Court.

### **Adjournment of hearing**

**408.** The hearing of a criminal motion may be adjourned from time to time by the relevant court on such terms as the relevant court thinks fit.

[19/2018]

### **Dealing with motion in absence of parties, etc.**

**408A.**—(1) The relevant court may deal with a criminal motion in the absence of the parties to the proceedings, if —

- (a) the respondent is —
  - (i) the prosecution; or
  - (ii) an accused who is represented by an advocate; and
- (b) each party —
  - (i) consents to the motion being dealt with in the absence of that party; and

- (ii) consents to the relief or remedy that is sought under the motion.

[19/2018]

(2) Where subsection (1) applies, but the relevant court is not inclined to grant the relief or remedy that is sought under the motion —

- (a) the motion must be set down for hearing; and  
(b) each party to the proceedings must be informed of the date and time appointed for the hearing.

[19/2018]

(3) The relevant court may, after hearing every party that attends the hearing mentioned in subsection (2), make such order as the relevant court thinks fit.

[19/2018]

(4) Where every party to the proceedings consents to the withdrawal of the motion, the relevant court may summarily give leave to withdraw the motion by an order under the hand of a Judge sitting in the Court of Appeal or a Judge, without the motion being set down for hearing.

[19/2018; 40/2019]

### **Decision or order affecting lower court**

**408B.** Where, on hearing or dealing with a criminal motion, the relevant court makes a decision or an order that affects a lower court, the relevant court must certify its decision or order to the lower court.

[19/2018]

### **Costs**

**409.** If the relevant court dismisses a criminal motion and is of the opinion that the motion was frivolous or vexatious or otherwise an abuse of the process of the relevant court, it may, either on the application of the respondent or on its own motion, order the applicant of the criminal motion to pay to the respondent costs on an indemnity basis or otherwise fixed by the relevant court.

[19/2018]

## PART 21

## SPECIAL PROCEEDINGS

*Division 1 — [Repealed by Act 19 of 2016]***410. to 416.** *[Repealed by Act 19 of 2016]**Division 2 — Special proceedings —  
Order for review of detention***Application for order for review of detention****417.—(1)** Any person —

- (a) who is detained in any prison within the limits of Singapore on a warrant of extradition under any law for the time being in force in Singapore relating to the extradition of fugitive offenders;
- (b) who is alleged to be illegally or improperly detained in public or private custody within those limits; or
- (c) who claims to be brought before the court to be dealt with according to law,

may apply to the General Division of the High Court for an order for review of detention.

*[40/2019]*

(2) On an application by a person detained on a warrant of extradition, the General Division of the High Court must call upon the Public Prosecutor, the committing Magistrate and the foreign Government to show cause why the order for review of detention should not be made.

*[40/2019]*

(3) Notice of the application together with copies of all the evidence used on the application must be served on the Public Prosecutor.

**Orders for review of detention**

**418.** The General Division of the High Court may, whenever it thinks fit, order that a prisoner detained in any prison within the limits of Singapore is to be —

- (a) admitted to bail;
- (b) brought before a court martial; or
- (c) removed from one custody to another for the purpose of trial or for any other purpose which the Court thinks proper.

[40/2019]

### **Court martial**

**419.**—(1) Every application for a prisoner detained in custody to be brought before a court martial for trial must be in the form of a letter addressed by either the registrar of the military courts or the president of that court martial, stating the purpose for which the court martial has been assembled and also stating where the prisoner is detained in custody and when, where and for what purpose the prisoner is required to be produced.

(2) The Registrar of the Supreme Court must submit the letter as soon as possible after the receipt thereof to, and obtain the order thereon of, a Judge.

[40/2019]

(3) If an order is made under this section, it must be drawn up with a direction that a warrant must be issued accordingly and the warrant must be prepared and signed by the Registrar of the Supreme Court and countersigned by the Judge who made the order and sealed with the seal of the Supreme Court.

[40/2019]

(4) The warrant when issued must be forwarded by the Registrar of the Supreme Court to the officer in charge of the prison in which the prisoner is confined.

### **Removal of prisoner from one custody to another**

**420.**—(1) Every application to remove a prisoner from one custody to another for the purpose of trial or for any other purpose must be made to the General Division of the High Court and must be supported by an affidavit stating —

- (a) where the prisoner is detained in custody;

- (b) to what other custody it is proposed to remove the prisoner;  
and
- (c) the reason for the change of custody.

[40/2019]

(2) If an order is made for the removal of a prisoner from one custody to another for the purpose of trial or for any other purpose, the order must be drawn up with a direction that a warrant must be issued accordingly.

(3) The warrant must be prepared and signed by the Registrar of the Supreme Court and countersigned by the Judge who made the order and sealed with the seal of the Supreme Court.

[40/2019]

### **Duty of officer to whom order or warrant is addressed**

**421.** The officer to whom any order for review of detention or warrant is addressed under this Division or under section 98 or 282 must act in accordance with it and must provide for the safe custody of the prisoner during the prisoner's absence from prison for the purpose mentioned in the order or warrant.

### **No appeal**

**422.** No appeal shall lie from an order directing or refusing to direct the issue of an order for review of detention or from an order made under section 418 but the General Division of the High Court may at any time adjourn the hearing for the decision of a Court consisting of 3 or more Judges.

[40/2019]

## **PART 22**

### **MISCELLANEOUS**

#### **When irregularities do not make proceedings invalid**

**423.** Subject to this Code, any judgment, sentence or order passed or made by a court of competent jurisdiction may not be reversed or altered on account of —

- (a) an error, omission or irregularity in the complaint, summons, warrant, charge, judgment or other proceedings before or during trial or in an inquiry or other proceeding under this Code;
  - (b) the lack of any consent by the Public Prosecutor as required by law; or
  - (c) the improper admission or rejection of any evidence,
- unless the error, omission, improper admission or rejection of evidence, irregularity or lack of consent has caused a failure of justice.

### **Duty to give information of certain matters**

**424.** Every person aware of the commission of or the intention of any other person to commit any arrestable offence punishable under Chapters 6, 7, 8, 12 and 16 of the Penal Code 1871 or under any of the following sections of the Penal Code 1871:

Sections 161, 162, 163, 164, 170, 171, 211, 212, 216, 216A, 226, 270, 281, 285, 286, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 399, 400, 401, 402, 427, 435, 436, 437, 438, 440, 442, 449, 450, 451, 452, 453, 459, 460, 489A, 489B, 489C, 489D and 506,

must, in the absence of reasonable excuse, the burden of proving which lies upon the person so aware, immediately give information to the officer in charge of the nearest police station or to a police officer of the commission or intention.

[15/2019]

### **Irregularity in attachment**

**425.—(1)** An attachment made under this Code is not considered unlawful, nor is any person making it considered to have done any wrong, on account of some defect or lack of form in the summons, conviction, order of attachment or other proceeding relating to it.

(2) The person mentioned in subsection (1) is not considered to have done wrong from the start on account of any irregularity that the person afterwards commits, but anyone wronged by the irregularity may take such proceedings in a civil court as the wronged person



thinks fit to recover damages for any loss or harm the wronged person might have suffered.

**Prohibition against publication, etc., that identifies complainant or alleged victim of sexual offence or child abuse offence**

**425A.**—(1) Subject to subsection (2), where any person knows that an individual is a complainant, or an alleged victim, of a sexual offence or child abuse offence, that person must not do any of the following things:

- (a) publish the name, address or photograph of the individual;
- (b) publish any evidence, or any other thing, that is likely to lead to the identification of the individual as a complainant, or an alleged victim, of a sexual offence or child abuse offence;
- (c) do any other act that is likely to lead to the identification of the individual as a complainant, or an alleged victim, of a sexual offence or child abuse offence.

[19/2018]

(2) Subsection (1) ceases to apply to an individual who is a complainant of a sexual offence or child abuse offence, if —

- (a) the individual is convicted of any offence under section 182, 193, 194, 195, 196, 199, 200, 201, 202, 203, 204, 204A, 204B, 211, 213 or 214 of the Penal Code 1871; and
- (b) the conviction involves a finding by the court that the individual's complaint of the sexual offence or child abuse offence was false in any material point.

[19/2018; 15/2019]

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

[19/2018]

(4) To avoid doubt, this section does not affect any other written law that may prohibit a person from doing any thing mentioned in subsection (1)(a), (b) or (c).

[19/2018]

**Information not to be disclosed if prejudicial to national or public interests, etc.**

**425B.**—(1) If —

(a) at any time after the commencement of a criminal investigation, any person makes an application to the officer of a law enforcement agency who is in charge of the investigation for information in any document or thing relating to the investigation; and

(b) the document or thing contains any sensitive information, the officer may cause the sensitive information to be removed or sufficiently redacted before disclosing the contents or giving a copy of the document or thing to the person, whether or not the disclosure of the sensitive information is required by law.

[14/2019]

(2) Subject to subsection (3), for the purposes of any criminal proceedings, the prosecution may cause any sensitive information contained in any document or thing relating to the proceedings that is in the prosecution's possession or control to be removed or sufficiently redacted before disclosing the contents or giving a copy of the document or thing to the defence, whether or not the disclosure of the sensitive information is required by law.

[14/2019]

(3) The prosecution must not cause any information to be removed or redacted under subsection (2) if —

(a) the prosecution intends to rely on the information as evidence for the purposes of the proceedings; or

(b) the disclosure of the information is required by any rule of law relating to the disclosure of unused material that tends to undermine the prosecution's case or to strengthen the defence's case.

[14/2019]

(4) If the defence is aggrieved by the removal or redaction of any information by the prosecution under subsection (2), the defence may apply to the following court to order the disclosure of the information:

- (a) where the disclosure of the contents or giving a copy of the document or thing was made for the purposes of a criminal case disclosure conference held under Part 9 or 10, the court conducting the criminal case disclosure conference;
- (b) where the disclosure of the contents or giving a copy of the document or thing was made for the purposes of a pre-trial conference held under Part 9 or 10, the court conducting the pre-trial conference;
- (c) where the disclosure of the contents or giving a copy of the document or thing was made for the purposes of a trial, the court conducting the trial.

[14/2019]

(5) The court hearing an application under subsection (4) must view the information removed or redacted by the prosecution in the absence of the defence.

[14/2019]

(6) If an application under subsection (4) is made in criminal proceedings that are heard in open court, the application must be heard and dealt with in camera.

[14/2019]

(7) If —

- (a) a court determines, upon an application made under subsection (4), that the information may not be removed or redacted by the prosecution under subsection (2) read with subsection (3); and
- (b) the disclosure of the information to the defence is required by law,

the court must order the prosecution to disclose the information to the defence by such date as the court determines.

[14/2019]

(8) The court making an order under subsection (7) must, upon an application by the prosecution based on any reasonable grounds,

postpone the date mentioned in that subsection to such other date as the court deems fit.

[14/2019]

(9) To avoid doubt, this section does not affect the operation of any rule of law concerning privilege, secrecy or the protection or non-disclosure of any information.

[14/2019]

(10) In this section, “sensitive information” means information that, if disclosed —

- (a) may be prejudicial to the public safety, public security or propriety, public order, national interest or national security of Singapore or any part of Singapore;
- (b) may endanger the safety of any particular person;
- (c) may prejudice the effective conduct of any ongoing or future operation or investigation of any law enforcement agency; or
- (d) may otherwise be prejudicial to the interests of justice in any criminal investigation or criminal proceedings.

[14/2019]

### **Copies of proceedings**

**426.**—(1) Any person (other than the Public Prosecutor) affected by any judgment, sentence or order made by a court may, on application to the court and upon payment of the prescribed fee, be furnished with a copy of any judgment, sentence, order, deposition or any other part of the record of proceedings.

(2) [*Deleted by Act 19 of 2018*]

(3) The court may, if it thinks fit, waive the payment of any fee under this section.

(4) The Public Prosecutor may apply to the court and must be furnished, free of charge, with a copy of any judgment, sentence, order, deposition or any other part of the record of proceedings.

(5) Every application to the court under subsection (1) or (4) may be dealt with, and the power of the court under subsection (3) may be exercised, by —

- (a) the Registrar of the Supreme Court, if the court is the Court of Appeal or the General Division of the High Court;
- (b) the Registrar of the Family Justice Courts, if the court is a Family Court or a Youth Court; or
- (c) the Registrar of the State Courts, if the court is a District Court or a Magistrate's Court.

[19/2018; 40/2019]

### **Amendment of Schedules**

**427.**—(1) The Minister may, by order in the *Gazette*, amend any of the Schedules.

(2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provision as may be necessary or expedient.

(3) Every order made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

### **Minister to make regulations**

**428.**—(1) The Minister may make regulations for anything that is required, permitted or necessary for carrying out the purposes and provisions of this Code.

(2) Without limiting subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- (a) the treatment, training and detention of persons sentenced to reformatory training, corrective training or preventive detention, including any matter relating to the supervision of such persons when they are released from their places of detention;
- (b) the recording of statements in the form of audiovisual recordings, and the prevention of the following:
  - (i) the making of any unauthorised copy of any such audiovisual recording;

- (ii) the unauthorised possession of any recording device during the recording of any such statement or the viewing of any such audiovisual recording;
  - (iii) the unauthorised use or distribution of any such audiovisual recording;
- (c) the prescribing of any additional method mentioned in section 3(1)(j) for serving any notice, order or document (other than a summons or a notice to attend court issued under this Code) required or permitted to be served on a person under this Code, including —
  - (i) prescribing different additional methods of service for different types of notices, orders or documents;
  - (ii) restricting the application of a particular additional method of service to a particular type of notice, order or document; and
  - (iii) prescribing the conditions for the application of any particular additional method of service, whether generally or to any particular type of notice, order or document;
- (d) the prescribing of any matters relating to section 20(1), (1A), (3) and (3A), including prescribing —
  - (i) the persons who must set up a system for receiving and responding automatically to a written order under section 20(1)(b), (1A), (3)(b) or (3A) and the operational details of the system;
  - (ii) any matters concerning the service of a written order under section 20(1), (1A), (3) or (3A);
  - (iii) the form and manner in which a person must produce, give access to or deliver a copy of a document or thing for the purposes of section 20(1)(a)(iii) or (b)(i) or (ii) or (3)(b);
  - (iv) the manner in which a person must authenticate data, or a copy of data, for the purposes of

section 20(1A)(a)(i) or (b)(i) or (3A)(a)(i) or (b)(i);  
and

- (v) the form and manner in which a person must produce data, or a copy of data, for the purposes of section 20(1A)(a)(ii) or (b)(ii) or (3A)(a)(ii) or (b)(ii);
- (e) the electronic monitoring of the whereabouts of an accused who is granted bail or released on personal bond, for the purposes of section 94;
- (f) the prescribing of anything that is required or permitted by this Code to be prescribed.

[19/2018]

(3) The regulations made for or with respect to the matters in subsection (2)(b) —

- (a) may provide that a contravention of any specified provision of those regulations is an offence;
- (b) may provide for penalties not exceeding a fine of \$2,000 or imprisonment for a term not exceeding 2 years or both for each offence; and
- (c) may provide for any offence under those regulations to be an arrestable offence.

[19/2018]

(4) The powers conferred by this section do not extend to any matter for which Criminal Procedure Rules may be made under section 428A.

[19/2018]

### **Criminal Procedure Rules Committee and Criminal Procedure Rules**

**428A.**—(1) A committee called the Criminal Procedure Rules Committee is constituted by this section.

[19/2018]

(2) The Criminal Procedure Rules Committee consists of the following members:

- (a) the Chief Justice, who is the chairperson of the Committee;

- (b) 2 Supreme Court Judges (excluding the Presiding Judge of the State Courts), each of whom is appointed by the Chief Justice for such period as the Chief Justice may specify in writing;
- (c) the Presiding Judge of the State Courts;
- (d) the Registrar of the Supreme Court;
- (e) a District Judge, who is appointed by the Chief Justice for such period as the Chief Justice may specify in writing;
- (f) the Public Prosecutor, or a member appointed by the Public Prosecutor under this paragraph for such period as the Public Prosecutor may specify in writing;
- (g) 2 members, each of whom is appointed by the Public Prosecutor under this paragraph for such period as the Public Prosecutor may specify in writing;
- (h) 2 practising advocates and solicitors, each of whom is appointed by the Minister for such period as the Minister may specify in writing;
- (i) 2 public officers, each of whom is appointed by the Minister charged with the responsibility for home affairs for such period as that Minister may specify in writing.

[19/2018; 40/2019]

(3) The Criminal Procedure Rules Committee may make Criminal Procedure Rules regulating and prescribing the procedure and the practice to be followed in each court in all matters in or with respect to which that court for the time being exercises criminal jurisdiction and any matters incidental to or relating to any such procedure or practice.

[19/2018]

(4) Without limiting subsection (3), Criminal Procedure Rules may be made for or with respect to all or any of the following matters:

- (a) any form that is to be used by any person in relation to any matter under this Code;
- (b) the disclosure of and access to any document or material in the possession of the prosecution or the defence, including



any statement recorded under section 22 or 23 in the form of an audiovisual recording;

- (c) for giving effect to Parts 9, 10 and 11;
- (d) the rates or scales of payment of the expenses and compensation that may be ordered under section 363, and any matter concerning the payment of the expenses and compensation;
- (e) in relation to documents being filed with, served on, delivered or otherwise conveyed to any court or any party to any criminal matter —
  - (i) the establishment of any electronic filing service and any other matter that relates to the use or operation of the electronic filing service;
  - (ii) the manner and form of any such filing, service, delivery or conveyance;
  - (iii) the modification of such provisions of the Evidence Act 1893 as may be necessary for the purpose of facilitating the use in court of documents filed, served, delivered or conveyed using the electronic filing service;
  - (iv) the burden of proof and rebuttable presumptions in relation to the identity and authority of the person filing, serving, delivering or conveying the documents by the use of the electronic filing service;
  - (v) the authentication of documents filed, served, delivered or conveyed by the use of the electronic filing service; and
  - (vi) the means by which particular facts may be proved, and the mode in which evidence of those facts may be given, in any proceedings which involve the use or operation of the electronic filing service;
- (f) the prescribing of anything that is required or permitted to be prescribed by Criminal Procedure Rules.

[19/2018]

(5) The quorum for a meeting of the Criminal Procedure Rules Committee is 7 members.

[19/2018]

(6) Each member has one vote.

[19/2018]

(7) A decision is adopted by the Criminal Procedure Rules Committee at a meeting if a majority of the votes cast on it are in favour of it.

[19/2018]

(8) A member present at a meeting of the Criminal Procedure Rules Committee is presumed to have agreed to, and to have cast a vote in favour of, a decision of the Committee, unless the member expressly votes against the decision at the meeting.

[19/2018]

(9) The members may, in place of the procedure described in subsections (7) and (8), adopt a decision by assenting to the decision in writing, if —

(a) all of the members are given (whether by post, personal delivery or electronic communication) the terms of the decision to be made; and

(b) a majority of those members who are entitled to vote on the matter sign or approve a document containing the terms of the decision to be made and a statement that they are in favour of those terms.

[19/2018]

(10) Where subsection (9) applies, the decision is deemed to have been adopted at a meeting of the Criminal Procedure Rules Committee on the date on which the document containing the terms of the decision to be made is signed or approved by the last member required to form the majority of members in favour of the decision.

[19/2018]

(11) For the purposes of subsections (9) and (10), the adoption of a decision by the Criminal Procedure Rules Committee may consist of several documents containing the same terms of the decision to be made, each signed or approved by one or more members.

[19/2018]

(12) Criminal Procedure Rules made under this section cannot come into operation unless they have been approved by the Chief Justice and the Minister.

[19/2018]

(13) All Criminal Procedure Rules made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

[19/2018]

(14) This section does not affect either of the following:

- (a) any other written law that confers power to make subsidiary legislation for regulating or prescribing the procedure and practice to be followed by any court when exercising criminal jurisdiction, or jurisdiction of a quasi-criminal nature, in any proceedings;
- (b) any subsidiary legislation made under any such written law.

[19/2018]

(15) Until the Criminal Procedure Rules Committee makes Criminal Procedure Rules on any matter mentioned in subsection (3) or (4), or for any other purpose mentioned in this Code —

- (a) the Minister may make rules under this subsection for that matter or purpose; and
- (b) the following are deemed to be Criminal Procedure Rules:
  - (i) any rules mentioned in paragraph (a);
  - (ii) any regulations made, before 17 September 2018, under section 428 as in force before that date, for that matter or purpose.

[19/2018]

(16) When the Criminal Procedure Rules Committee makes Criminal Procedure Rules on any matter mentioned in subsection (3) or (4), or for any other purpose mentioned in this Code —

- (a) any subsidiary legislation mentioned in subsection (15) that was made for that matter or purpose must be revoked; and
- (b) those Criminal Procedure Rules may contain such provisions of a saving or transitional nature consequent on the enactment of those Criminal Procedure Rules, or on the revocation of that subsidiary legislation, as the Criminal Procedure Rules Committee may consider necessary or expedient.

[19/2018]

### **Saving and transitional provisions**

**429.**—(1) This Code does not affect —

- (a) any inquiry, trial or other proceeding commenced or pending under the repealed Code before 2 January 2011, and every such inquiry, trial or other proceeding may be continued and everything in relation thereto may be done in all respects after that date as if this Code had not been enacted; and
  - (b) any further proceedings which may be taken under the repealed Code in respect of any inquiry, trial or other proceeding which has commenced or is pending before 2 January 2011, and such further proceedings may be taken and everything in relation thereto may be done in all respects after that date as if this Code had not been enacted.
- (2) Any application, authorisation, consent, direction, fiat, instruction, order, requirement or sanction of the Public Prosecutor given or made under the repealed Code before 2 January 2011 and which remains in force or which is not complied with before that date is treated as if it were an application, authorisation, consent, direction, fiat, instruction, order or requirement of the Public Prosecutor given or made under the corresponding provisions of this Code.
- (3) Any summons, warrant or requisition issued by a court under the repealed Code before 2 January 2011 and which has not been complied with or executed before that date is treated as if it were a

summons, warrant or requisition (as the case may be) issued under the corresponding provisions of this Code.

(4) Any proclamation published by a court under section 51 of the repealed Code is treated as if it were a proclamation published under section 88.

(5) Any authorisation given by the Commissioner of Police under section 70 of the repealed Code which is not acted on before 2 January 2011 is treated as if it were an authorisation of the Commissioner of Police given under section 33.

(6) Any written order of a police officer under section 58 of the repealed Code which is not complied with before 2 January 2011 is treated as if it were a written order of a police officer under section 20.

(7) Any order of a police officer under section 120 of the repealed Code which is not complied with before 2 January 2011 is treated as if it were an order of a police officer under section 21.

(8) Any requisition made by a police officer or authorised person under section 125A or 125B of the repealed Code before 2 January 2011 which is not complied with before that date is deemed to be a requisition made by a police officer or an authorised person under section 39 or 40, respectively.

(9) Any plea of guilty by letter under section 137 of the repealed Code which is not dealt with by a court before 2 January 2011 is treated as if it were a plea of guilty by letter under section 154 and that provision applies accordingly to the plea of guilty.

(10) Any plea of guilty under section 137A of the repealed Code which is not dealt with by a court before 2 January 2011 is treated as if it were a plea of guilty under section 226 and that provision applies accordingly to the plea of guilty.

(11) Any bond executed by any person under the repealed Code before 2 January 2011 and which remains in force on or after that date is treated as if it were a bond executed under the corresponding provisions of this Code.

(12) Any person who is subject to the supervision of the police under section 11 of the repealed Code is treated as if the person were a person subject to police supervision under section 309 of this Code.

(13) Any information received or recorded under section 115 of the repealed Code which is not dealt with in accordance with the provisions of the repealed Code before 2 January 2011 is treated as if the information were received or recorded under section 14 and the police must deal with the matter in accordance with the provisions of this Code.

(14) Any complaint which is received by a Magistrate before 2 January 2011 and which is not disposed of before that date, is treated as if it were a complaint received by a Magistrate under this Code and the provisions of this Code, with the necessary modifications, apply in relation to the complaint.

(15) Any offence which is to be compounded under section 199A of the repealed Code and which is not so compounded before 2 January 2011 is treated as an offence which is to be compounded under section 243 of this Code.

(16) Despite any other provisions in this Code, Part 19 applies, with the necessary modifications, to any property seized under the provisions of the repealed Code and which is not reported or disposed of in accordance with Chapter XXXVIII of the repealed Code.

(17) Where any period of time specified in any provision in the repealed Code is current immediately before 2 January 2011, this Code has effect as if the corresponding provision in this Code had been in force when the period began to run; and (without affecting the foregoing) any period of time so specified and current is deemed for the purposes of this Code —

- (a) to run from the day or event from which it was running immediately before 2 January 2011; and

(b) to expire (subject to any provision of this Code for its extension) whenever it would have expired if this Code had not been enacted,

and any rights, priorities, liabilities, reliefs, obligations, requirements, powers, duties or exemptions dependent on the beginning, duration or end of such a period as abovementioned are under this Code as they were or would have been under that provision in the repealed Code.

(18) Any subsidiary legislation made under the repealed Code and in force immediately before 2 January 2011, so far as it is not inconsistent with the provisions of this Code, continues to be in force as if made under this Code until it is revoked or repealed by subsidiary legislation made under this Code.

(19) Insofar as it is necessary for preserving the effect of any written law, any reference in such written law to a seizable offence or a non-seizable offence is to be construed, respectively, as a reference to an arrestable offence or a non-arrestable offence under this Code.

(20) Where in any written law reference is made to the sanction of the Public Prosecutor or a Deputy Public Prosecutor, such reference is to be read as a reference to the consent of the Public Prosecutor or a Deputy Public Prosecutor.

(21) In any written law or document in which a reference is made to the repealed Code, such reference is to be read as a reference to this Code.

(22) Where before 2 January 2011 any inquiry is held under Chapter XXX of the repealed Code and has not been concluded immediately before that date, the inquiry may continue in accordance with the provisions under the repealed Code relating to such inquiry as if this Code had not been enacted.

FIRST SCHEDULE

Sections 2(1), 9(2) and (3), 153(1) and (3), 226(5) and 427(1)

TABULAR STATEMENT OF OFFENCES UNDER THE PENAL CODE 1871

*Explanatory Notes. (1) The entries in the second and sixth columns of this Schedule, headed respectively "Offence" and "Maximum punishment under the Penal Code 1871" are not intended as definitions of the offences and punishments described in the several corresponding sections of the Penal Code 1871, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column. In the case of many offences punishable by fine the maximum fine is limited by the Penal Code 1871; such offences are in the sixth column marked\*.*

*(2) The entries in the third column of this Schedule are not intended in any way to restrict the powers of arrest without warrant which may be lawfully exercised by police officers.*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
CHAPTER 3 — PUNISHMENTS						
73	Enhanced penalties for offences alleged to have been committed against domestic workers	May arrest without warrant	Warrant	According as to whether the offence alleged to have been committed against or in	Up to twice the punishment provided for the offence	Magistrate's Court or District Court



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
74A	Enhanced penalties for offences alleged to have been committed against vulnerable persons	May arrest without warrant	Warrant	According as to relation to the person is bailable or not	Up to twice the punishment provided for the offence	Magistrate's Court or District Court
74B	Enhanced penalties for offences alleged to have been committed against child below 14 years of age	May arrest without warrant	Warrant	According as to whether the offence alleged to have been committed against or in relation to the person is bailable or not	Up to twice the punishment provided for the offence	Magistrate's Court or District Court

FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
				person is bailable or not		
CHAPTER 5 — ABETMENT						
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment	May arrest without warrant, if offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether offence abetted is bailable or not	The same punishment as for the offence abetted	The court by which the offence abetted is triable
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor	May arrest without warrant, if offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether offence abetted is bailable or not	The same punishment as for the offence abetted	The court by which the offence abetted is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso	May arrest without warrant, if offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence abetted is bailable or not	The same punishment as for the offence intended to be abetted	The court by which the offence abetted is triable
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor	May arrest without warrant, if arrest for the offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence abetted is bailable or not	The same punishment as for the offence committed	The court by which the offence abetted is triable
114	Abetment of any offence, if the abettor is present when the offence is committed	May arrest without warrant, if arrest for the offence abetted may be made	According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence abetted is bailable or not	The same punishment as for the offence committed	The court by which the offence abetted is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
115	Abetment of an offence punishable with death or imprisonment for life, if the offence is not committed in the consequence of the abetment	without warrant but not otherwise May arrest without warrant, if offence abetted may be made without warrant but not otherwise	issue for the offence abetted According as to whether a warrant or summons may issue for the offence abetted	Not bailable	Imprisonment for 15 years, and fine, or caning	The court by which the offence abetted is triable
115	If an act which causes harm is done in the consequence of the abetment	May arrest without warrant, if offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	Not bailable	Imprisonment for 20 years, and fine, or caning	The court by which the offence abetted is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
116	Abetment of an offence punishable with imprisonment, if the offence is not committed in consequence of the abetment	May arrest without warrant, if arrest for the offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence abetted is bailable or not	The same punishment as for the offence abetted, provided that any mandatory minimum sentence or sentence fixed by law does not apply	The court by which the offence abetted is triable
117	Abetting the commission of an offence by the public, or by more than 10 persons	May arrest without warrant, if arrest for the offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence abetted is bailable or not	Imprisonment for 5 years, or fine, or both	The court by which the offence abetted is triable
118	Concealing a design to commit an offence punishable with death or	May arrest without warrant, if arrest for the offence abetted	According as to whether a warrant or summons may	Not bailable	Imprisonment for 7 years, and fine	The court by which the offence abetted is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
118	<p>imprisonment for life, if the offence is committed</p> <p>If the offence is not committed</p>	<p>may be made without warrant but not otherwise</p> <p>May arrest without warrant, if offence abetted may be made without warrant but not otherwise</p>	<p>issue for the offence abetted</p> <p>According as to whether a warrant or summons may issue for the offence abetted</p>	Not bailable	Imprisonment for 3 years, and fine	The court by which the offence abetted is triable
119	A public servant concealing a design to commit an offence which it is his or her duty to prevent, if the offence is committed	May arrest without warrant, if offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence abetted is bailable or not	Imprisonment extending to half of the longest term provided for the offence, or fine, or both	The court by which the offence abetted is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
119	If the offence is punishable with death or imprisonment for life	May arrest without warrant, if offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	Not bailable	Imprisonment for 15 years, and fine	The court by which the offence abetted is triable
119	If the offence is not committed	May arrest without warrant, if offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence abetted is bailable or not	Imprisonment extending to a quarter of the longest term provided for the offence, or fine, or both	The court by which the offence abetted is triable
119	If the offence is punishable with death or imprisonment for life but is not committed	May arrest without warrant, if offence abetted may be made	According as to whether a warrant or summons may	Not bailable	Imprisonment for 7 years, and fine	The court by which the offence abetted is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
120	Concealing a design to commit an offence with punishable imprisonment, if the offence is committed	without warrant but not otherwise May arrest without warrant, if arrest for the offence abetted may be made without warrant but not otherwise	issue for the offence abetted According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence is bailable or not	Imprisonment extending to a quarter of the longest term provided for the offence, or fine, or both	The court by which the offence abetted is triable
120	If the offence is not committed	May arrest without warrant, if arrest for the offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence is bailable or not	Imprisonment extending to one-eighth of the longest term provided for the offence, or fine, or both	The court by which the offence abetted is triable



FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
<b>CHAPTER 5A — CRIMINAL CONSPIRACY</b>						
120B	Criminal conspiracy	May arrest without warrant if offence which is the subject of the conspiracy may be made without warrant, but not otherwise	According to whether warrant or summons may issue for the offence which is the subject of the conspiracy	According to whether the offence which is the subject of the conspiracy is bailable or not	The same punishment as if the offence which is the subject of the conspiracy was abetted	The court by which the offence which is the subject of the conspiracy is triable
<b>CHAPTER 6 — OFFENCES AGAINST THE STATE</b>						
121	Waging or attempting to wage war, or abetting the waging of war, against the Government	May arrest without warrant	Warrant	Not bailable	Death, imprisonment for life	or or
121A	Offences against the President's person	May arrest without warrant	Warrant	Not bailable	Imprisonment for life,	for or

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
121B	Offences against authority	May arrest without warrant	Warrant	Not bailable	imprisonment for 20 years, and fine	
121C	Abetting offences under section 121A or 121B	May arrest without warrant	Warrant	Not bailable	Punishment provided for offences under section 121A or 121B	
121D	Intentional omission to give information of offences against section 121, 121A, 121B or 121C	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, or fine, or both	District Court
122	Collecting arms, etc., with the intention of	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or	

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	waging war against the Government				imprisonment for 20 years, and fine	
123	Concealing with intent to facilitate a design to wage war	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	
124	Assaulting the President, etc., with intent to compel or restrain the exercise of any lawful power	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 20 years, and fine	
125	Waging war against any power in alliance or at peace with the Government or abetting the waging of such war	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 15 years, and fine, or fine	
126	Committing depredation on the territories of any power in alliance or at	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine,	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
127	peace with the Government Receiving property taken by war or depredation mentioned in sections 125 and 126	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine, and forfeiture of property so received	District Court
128	Public servant voluntarily allowing prisoner of State or war in his or her custody to escape	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 15 years, and fine	
129	Public servant negligently suffering prisoner of State or war in his or her custody to escape	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court
130	Aiding escape of, rescuing, or harbouring,	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or	

FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	such prisoner, or offering any resistance to the recapture of such prisoner				imprisonment for 15 years, and fine	
CHAPTER 6A — PIRACY						
130B	Piracy by law of nations	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, and caning	
130B	While committing or attempting to commit piracy, the person commits murder or attempts to commit murder, or does any act which is likely to endanger the life of another person	May arrest without warrant	Warrant	Not bailable	Death	

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
130C	Piratical acts	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and caning	
CHAPTER 6B — GENOCIDE						
130E	Genocide where offence consists of the killing of any person	May arrest without warrant	Warrant	Not bailable	Death	
130E	Genocide in any other case	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 20 years	
CHAPTER 7 — OFFENCES RELATING TO THE ARMED FORCES						
131	Abetting mutiny, or attempting to seduce an officer, a sailor, a soldier or an airman from his or her allegiance or duty	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
132	Abetment of mutiny, if mutiny is committed in consequence thereof	May arrest without warrant	Warrant	Not bailable	Death, or imprisonment for life, or imprisonment for 10 years, and fine	
133	Abetment of an assault by an officer, a sailor, a soldier or an airman on his or her superior officer, when in the execution of his or her office	May arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
134	Abetment of such assault, if the assault is committed	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court
135	Abetment of the desertion of an officer, a	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	sailor, a soldier or an airman					
136	Harbouring an officer, a sailor, a soldier or an airman who has deserted	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof	May not arrest without warrant	Summons	Bailable	Fine*	Magistrate's Court or District Court
138	Abetment of act of insubordination by an officer, a sailor, a soldier or an airman, if the offence is committed in consequence	May arrest without warrant	Warrant	Bailable	Imprisonment for 6 months, or fine, or both	Magistrate's Court or District Court



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
140	Wearing garb or carrying any token used by a sailor, a soldier or an airman with intent that it may be believed that he or she is such	May arrest without warrant	Summons	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
CHAPTER 8 — OFFENCES RELATING TO UNLAWFUL ASSEMBLY						
143	Being member of an unlawful assembly	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
144	Joining an unlawful assembly armed with any deadly weapon	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or caning, or any combination of such punishments	Magistrate's Court or District Court
145	Joining or continuing in an unlawful assembly,	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
147	knowing that it has been commanded to disperse Rioting	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and caning	Magistrate's Court or District Court
148	Rioting, armed with a deadly weapon	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and caning	Magistrate's Court or District Court
149	Offence committed by member of an unlawful assembly, other members guilty	According as to whether arrest may be made without warrant for the offence or not	According as to whether a warrant or summons may issue for the offence	According as to whether the offence is bailable or not	The same as for the offence	The court by which offence is triable
150	Hiring, engaging or employing persons to take part in an unlawful assembly	May arrest without warrant	According to the offence committed by the person hired, engaged or employed	According as to whether the offence is bailable or not	The same as for a member of such assembly, and for any offence committed by any	The court by which the offence is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
151	Knowingly joining or continuing in any assembly of 5 or more persons after it has been commanded to disperse	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
152	Assaulting or obstructing public servant when suppressing riot, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 8 years, or fine, or both	Magistrate's Court or District Court
153	Wantonly giving provocation with intent to cause riot, if rioting is committed	May arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
153	If not committed	May arrest without warrant	Warrant	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
154	Owner or occupier of land not giving information of riot, etc.	May not arrest without warrant	Summons	Bailable	Fine*	Magistrate's Court or District Court
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it	May not arrest without warrant	Summons	Bailable	Fine	Magistrate's Court or District Court
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it	May not arrest without warrant	Summons	Bailable	Fine	Magistrate's Court or District Court
157	Harbouring persons hired for an unlawful assembly	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
158	Being hired to take part in an unlawful assembly or riot	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
158	Or to go armed	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
CHAPTER 9 — OFFENCES BY OR RELATING TO PUBLIC SERVANTS						
161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
163	Taking a gratification for the exercise of personal influence with a public servant	May arrest without warrant	Warrant	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
164	Abetment by public servant of the offences defined in sections 162 and 163 with reference to himself or herself	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by the public servant	May not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
166	Public servant disobeying a direction of the law with intent to cause injury to any person	May not arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
167	Public servant framing an incorrect document or electronic record with intent to cause injury	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
168	Public servant unlawfully engaging in trade	May not arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
169	Public servant unlawfully buying or bidding for property	May not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
170	Personating a public servant	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
171	Wearing garb or carrying token used by public servant with fraudulent intent	May arrest without warrant	Warrant	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
CHAPTER 10 — CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS						
172	Absconding to avoid service of summons or other proceeding from a public servant	May arrest without warrant	Warrant	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
172	If summons or notice requires attendance in person, etc., in a court of justice	May arrest without warrant	Warrant	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation	May arrest without warrant	Warrant	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
173	If summons, etc., requires attendance in person, etc., in a court of justice	May arrest without warrant	Warrant	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority	May arrest without warrant	Warrant	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
174	If the order requires personal attendance, etc., in a court of justice	May arrest without warrant	Warrant	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
175	Intentionally omitting to produce a document or an electronic record to a public servant by a person legally bound to produce or deliver such document or electronic record	May not arrest without warrant	Summons	Bailable	Imprisonment for one month, or fine*, or both	District Court
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give the notice or information	May not arrest without warrant	Summons	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
176	If the notice or information required respects the commission of an offence, etc.	May not arrest without warrant	Summons	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
177	Knowingly furnishing false information to a public servant	May not arrest without warrant	Summons	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
177	If the information required respects the commission of an offence, etc.	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
178	Refusing oath when duly required to take an oath by a public servant	May not arrest without warrant	Summons	Bailable	Imprisonment for 6 months, or fine*, or both	District Court
179	Being legally bound to state truth, and refusing to answer questions to a public servant	May not arrest without warrant	Summons	Bailable	Imprisonment for 6 months, or fine*, or both	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
180	Refusing to sign a statement made to a public servant when legally required to do so	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 months, or fine*, or both	District Court
181	Knowingly stating to a public servant on oath as true that which is false	May not arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
182	Giving false information to a public servant in order to cause him or her to use his or her lawful power to the injury or annoyance of any person	May not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
183	Resistance to the taking of property by the lawful authority of a public servant	May arrest without warrant	Warrant	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
184	Obstructing sale of property offered for sale by authority of a public servant	May not arrest without warrant	Summons	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorised sale, or bidding without intending to perform the obligations incurred thereby	May not arrest without warrant	Summons	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
186	Obstructing public servant in discharge of his or her public functions	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
187	Omission to assist public servant when bound by law to give such assistance	May arrest without warrant	Summons	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
187	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	May arrest without warrant	Summons	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed	May not arrest without warrant	Summons	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
188	If such disobedience causes danger to human life, health or safety, etc.	May not arrest without warrant	Warrant	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
189	Threatening a public servant with injury to him or her, or one in whom he or she is interested, to induce him or her to do or forbear to do any official act	May not arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
190	Threatening any person to induce the person to refrain from making a legal application for protection from injury	May not arrest without warrant	Warrant	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
CHAPTER 11 — FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE						
193	Giving or fabricating false evidence in a judicial proceeding	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court
193	Giving or fabricating false evidence in any other case	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 20 years, and fine	
194	If innocent person is thereby convicted and executed	May arrest without warrant	Warrant	Not bailable	Death, or as above	



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for 7 years or upwards	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	The same as for the offence	The court by which the offence is triable
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for life	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 20 years	The court by which the offence abetted is triable
196	Corruptly using or attempting to use evidence known to be false or fabricated	May not arrest without warrant	Warrant	Not bailable	The same as for giving or fabricating false evidence	The court by which the offence of giving or fabricating evidence is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
197	Knowingly issuing or signing a false certificate relating to any fact of which that certificate is by law admissible in evidence	May not arrest without warrant	Warrant	Not bailable	The same as for giving false evidence	The court by which the offence of giving or fabricating evidence is triable
198	Using as a true certificate one known to be false in a material point	May not arrest without warrant	Warrant	Not bailable	The same as for giving false evidence	The court by which the offence of giving or fabricating evidence is triable
199	False statement made in any declaration which is by law receivable as evidence	May not arrest without warrant	Warrant	Not bailable	The same as for giving false evidence	The court by which the offence of giving or fabricating evidence is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
200	Using as true any such declaration known to be false	May not arrest without warrant	Warrant	Not bailable	The same as for giving false evidence	The court by which the offence of giving or fabricating evidence is triable
201	Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender, if the offence is capital	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
201	If punishable with imprisonment for life or 20 years	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 7 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
201	If punishable with imprisonment for less than 20 years	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Magistrate's Court or District Court
202	Intentional omission to give information of an offence by a person legally bound to inform	May not arrest without warrant	Summons	Not bailable	Imprisonment for 6 months, or fine, or both	Magistrate's Court or District Court
203	Giving false information respecting an offence committed	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
204	Secreting or destroying any document or electronic record to prevent its production as evidence	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
204A	Obstructing, preventing, perverting or defeating course of justice	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	District Court
204B	Bribery of witnesses	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	District Court
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
206	Fraudulent removal or concealment, etc., of property to prevent its seizure as a forfeiture or in satisfaction of a fine	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
207	under sentence, or in execution of a decree Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
211	False charge of offence made with intent to injure	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
211	If offence charged is punishable with death, or imprisonment for 7 years or upwards	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court
212	Harbouring an offender, if the offence is capital	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
212	If punishable with imprisonment for life or imprisonment for 20 years	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
212	If punishable with imprisonment for one year and not for 20 years	May arrest without warrant	Warrant	Not bailable	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Magistrate's Court or District Court
213	Taking gift, etc., to screen an offender from punishment, if the offence is capital	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
213	If punishable with imprisonment for life or 20 years	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 7 years, and fine	Magistrate's Court or District Court



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
213	If punishable with imprisonment for less than 20 years	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Magistrate's Court or District Court
214	Offering gift or restoration of property in consideration of screening offender, if the offence is capital	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
214	If punishable with imprisonment for life or 20 years	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 7 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
214	If punishable with imprisonment for less than 20 years	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Magistrate's Court or District Court
215	Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence is capital	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
216	If punishable with imprisonment for life or imprisonment for 20 years	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
216	If punishable with imprisonment for one year and not for 20 years	May arrest without warrant	Warrant	Not bailable	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Magistrate's Court or District Court
216A	Harbouring robbers or gang-robbers	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture	May not arrest without warrant	Summons	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
219	Public servant in a judicial proceeding corruptly making or pronouncing an order, a report, a verdict or a decision which he or she knows to be contrary to law	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	District Court
220	Commitment for trial or confinement by a person having authority, who knows that he or she is acting contrary to law	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence is capital	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
221	If punishable with imprisonment for life or imprisonment for 20 years	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
221	If punishable with imprisonment for less than 20 years	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a court of justice, if under sentence of death	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for life, or imprisonment for 20 years, and fine	
222	If under sentence of imprisonment for 20 years or upwards	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
222	If under sentence of imprisonment for less than 20 years, or lawfully committed to custody	According as to whether arrest may be made without warrant for the offence or not	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
223	Escape from confinement negligently suffered by a public servant	May not arrest without warrant	Summons	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
224	Resistance or obstruction by a person to his or her lawful apprehension	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him or her from lawful custody	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
225	If charged with an offence punishable with imprisonment for life or 20 years	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
225	If charged with a capital offence	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
225	If the person is sentenced to imprisonment for 10 years or upwards	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
225	If under sentence of death	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 15 years, and fine	
225A	Intentional omission to apprehend on the part of a public servant bound by law to apprehend any person in a case not provided for by section 221, 222 or 223	May arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
225A	Negligent omission to do same	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
225B	Resistance or obstruction by a person to the lawful apprehension of himself or herself or any other person in a case not otherwise provided for	May arrest without warrant	Warrant	Not bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
225C	Illegal act or omission for which punishment is not provided	May not arrest without warrant	Summons	Bailable	Fine*	Magistrate's Court or District Court
226	Unlawful return from banishment	May arrest without warrant	Warrant	Not bailable	Imprisonment for the original term of banishment or expulsion, and fine	
227 ( <i>repealed</i> )	Violation of condition of remission of punishment	May not arrest without warrant	Warrant	Not bailable	Punishment of original sentence,	

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding	May not arrest without warrant	Summons	Not bailable	or, if part of the punishment has been undergone, the residue Imprisonment for one year, or fine*, or both	District Court
229	Personation of an assessor	May arrest without warrant	Summons	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
CHAPTER 12 — OFFENCES RELATING TO GOVERNMENT STAMPS						
255	Counterfeiting a Government stamp	May arrest without warrant	Warrant	Bailable	Imprisonment for 10 years, and fine	District Court
256	Having possession of an instrument or material for	May arrest without warrant	Warrant	Bailable	Imprisonment for 7 years, and fine	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
257	the purpose of counterfeiting a Government stamp Making, buying or selling instrument for the purpose of counterfeiting a Government stamp	May arrest without warrant	Warrant	Bailable	Imprisonment for 7 years, and fine	District Court
258	Sale of counterfeit Government stamp	May arrest without warrant	Warrant	Bailable	Imprisonment for 7 years, and fine	District Court
259	Having possession of a counterfeit Government stamp	May arrest without warrant	Warrant	Bailable	Imprisonment for 7 years, and fine	District Court
260	Using as genuine a Government stamp known to be counterfeit	May arrest without warrant	Warrant	Bailable	Imprisonment for 7 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
262	Using a Government stamp known to have been before used	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
263	Erasure of mark denoting that stamp has been used	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

CHAPTER 13 — [*Deleted by Act 15 of 2019*]

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
CHAPTER 14 — OFFENCES AFFECTING THE PUBLIC TRANQUILITY, PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS						
267B	Committing affray	May arrest without warrant	Warrant	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
267C	Making, printing, etc., document containing incitement to violence, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
268A	Communicating false information of harmful thing	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine*, or both	District Court
268B	Placing or sending thing with intent to cause fear of harm	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine*, or both	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
268C	Placing or sending thing causing fear of harm	May arrest without warrant	Warrant	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
270	Malignantly doing any act known to or likely to spread infection of any disease dangerous to life	May arrest without warrant	Warrant	Bailable	Imprisonment for 4 years, or fine, or both	Magistrate's Court or District Court
271	Knowingly disobeying any quarantine rule	May not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
272	Adulterating food or drink intended for sale, so as to make the same noxious	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
273	Selling any food or drink as food and drink knowing the same to be noxious	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
277	Fouling the water of a public spring or reservoir	May arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
278	Making atmosphere noxious to health	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
279	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
280	Navigating any vessel so rashly or negligently as to endanger human life, etc.	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
281	Exhibition of a false light, mark or buoy	May arrest without warrant	Warrant	Bailable	Imprisonment for 7 years, or fine, or both	District Court
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his or her life	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
283	Causing danger, obstruction or injury in any public way or line of navigation	May arrest without warrant	Summons	Bailable	Fine*	Magistrate's Court or District Court
284(1)(a)	Rash or negligent conduct with dangerous or harmful substance so	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	as to be likely to cause hurt or injury to any other person					
284(1)(b)	Rash or negligent conduct with dangerous or harmful substance so as to endanger human life	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
284(1)(c)	Rash or negligent conduct with dangerous or harmful substance so as to cause hurt to any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
284(1)(d)	Rash or negligent conduct with dangerous or harmful substance so as to cause grievous hurt to any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 6 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
284(1)(e)	Rash or negligent conduct with dangerous or harmful substance so as to cause death of any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
285(1)(a)	Causing or contributing to the risk of dangerous fire where the fire is likely to cause hurt or injury to any other person	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
285(1)(b)	Where the fire endangers human life	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
285(1)(c)	Where the fire damages property or diminishes value or utility thereof	May arrest without warrant	Summons	Bailable	Imprisonment for 18 months, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
285(1)(d)	Where the fire causes hurt or injury to any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
285(1)(e)	Where the fire causes grievous hurt to any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 6 years, or fine, or both	Magistrate's Court or District Court
285(1)(f)	Where the fire causes death to any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
287(1)(a)	Rash or negligent conduct with machinery so as to be likely to cause hurt or injury to any other person	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
287(1)(b)	Rash or negligent conduct with machinery so as to endanger human life	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
287(1)(c)	Rash or negligent conduct with machinery so as to cause hurt or injury to any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
287(1)(d)	Rash or negligent conduct with machinery so as to cause grievous hurt to any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 6 years, or fine, or both	Magistrate's Court or District Court
287(1)(e)	Rash or negligent conduct with machinery so as to cause death of any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
288(1)(a)	Negligence in pulling down or repairing buildings so as to endanger human life	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
288(1)(b)	Negligence in pulling down or repairing buildings so as to cause death of any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
289(1)(a)	Negligent conduct with respect to any animal so as to be likely to cause grievous hurt	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
289(1)(b)	Negligent conduct with respect to any animal so as to endanger human life	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
289(1)(c)	Negligent conduct with respect to any animal so as to cause grievous hurt to any other person	May arrest without warrant	Summons	Bailable	Imprisonment for 6 years, or fine, or both	Magistrate's Court or District Court
289(1)(d)	Negligent conduct with respect to any animal so	May arrest without warrant	Summons	Bailable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
290(a)	as to cause death of any other person Committing a public nuisance	May arrest without warrant	Summons	Bailable	Fine*	Magistrate's Court or District Court
290(b)	Where the offender knew that the public nuisance will cause or will probably cause any common injury, danger or annoyance to the public, or to the people in general who dwell or occupy property in the vicinity	May arrest without warrant	Summons	Bailable	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court
290(c)	Committing a public nuisance on second or subsequent conviction	May arrest without warrant	Summons	Bailable	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
291	Continuance of nuisance after injunction to discontinue	May arrest without warrant	Summons	Bailable	Imprisonment for 6 months, or fine, or both	Magistrate's Court or District Court
292(1)	Sale, etc., of obscene books, etc.	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 months, or fine, or both	Magistrate's Court or District Court
292(1A)	Sale, etc., of obscene objects depicting minor below 16 years of age	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
292A	Possession, distribution, etc., of child sex-doll	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
293	Sale, etc., of obscene objects to persons under the age of 21 years	May arrest without warrant	Warrant	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court



FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
294	Doing obscene act or reciting obscene words in a public place	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 months, or fine, or both	Magistrate's Court or District Court
CHAPTER 15 — OFFENCES RELATING TO RELIGION OR RACE						
295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons	May arrest without warrant	Summons	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
296	Causing a disturbance to an assembly engaged in religious worship	May arrest without warrant	Summons	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
297	Trespassing in place of worship or sepulture, disturbing funeral, with intention to wound the feelings or to insult the	May arrest without warrant	Summons	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
298	<p>religion of any person, or offering indignity to a human corpse</p> <p>Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person or causing any matter however represented to be seen or heard by that person, with intention to wound his or her religious or racial feelings</p>	May not arrest without warrant	Summons	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
298A	Promoting enmity between different groups on grounds of religion or race, and doing acts	May not arrest without warrant	Summons	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	prejudicial to maintenance of harmony					

CHAPTER 16 — OFFENCES AFFECTING THE HUMAN BODY

*Offences affecting life*

302	Murder	May arrest without warrant	Warrant	Not bailable	Death	
304(a)	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, imprisonment for 20 years, and fine, or caning	
304(b)	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, or fine, or caning, or any combination of such punishments	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
304A(a)	Causing death by rash act	May arrest without warrant	Warrant	Bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
304A(b)	Causing death by negligent act	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
304B	Causing death of child below 14 years of age, domestic worker or vulnerable person by sustained abuse	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	District Court
304C	Causing or allowing death of child below 14 years of age, domestic worker or vulnerable person in same household	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
305(1)(a)	Abetment of suicide of minor, or person who lacks capacity	May arrest without warrant	Warrant	Not bailable	Death, or imprisonment for life, or imprisonment for 20 years, and fine	
305(1)(b)	Abetment of attempted suicide committed by minor, or person who lacks capacity	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	District Court
305(1)(c)	Abetment of attempted suicide of minor, or person who lacks capacity where hurt is caused	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 20 years, and fine	District Court
306	Abetting the commission of suicide or attempted suicide	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	
307(1)	Attempt to murder	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
307(1)	If hurt is caused to any person by such act	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 20 years, and caning, or fine, or both	
307(2)	Attempt by life-convict to murder, if hurt is caused	May arrest without warrant	Warrant	Not bailable	Death	
308	Attempt to commit culpable homicide not amounting to murder	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	District Court
308	If hurt is caused to any person by such act	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, or fine, or caning, or any combination of such punishments	

FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
308A	Causing death in furtherance of group's object	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 20 years, and caning	
308B	Concealment, desecration or disposal of corpse that impedes discovery, identification, criminal investigations or prosecutions	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years	District Court
311	Infanticide	May arrest without warrant	Warrant	Bailable	Imprisonment for life, or imprisonment for 10 years, and fine	District Court
<i>Causing miscarriage; injuries to unborn children; exposure of infants; and concealment of births</i>						
312	Causing miscarriage	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
312	If the woman's pregnancy is more than 16 weeks	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court
313	Causing miscarriage without woman's consent	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	
314	Death caused by an act done with intent to cause miscarriage	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
314	If act done without woman's consent	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	
315	Act done with intent to prevent a child being born alive, or to cause	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, or fine, or both	District Court



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	the child to die after his or her birth					
316	Causing death of a quick unborn child by an act amounting to culpable homicide	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
317	Exposure of a child under 12 years of age by parent or person having care of such child, with intention of wholly abandoning the child	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	District Court
318	Concealment of birth by secret disposal of dead body	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
<i>Hurt</i>						
323	Voluntarily causing hurt	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 years, or fine*, or both	Magistrate's Court or District Court
323A	Voluntarily causing hurt which causes grievous hurt	May arrest without warrant	Summons	Bailable	Imprisonment for 5 years, or fine*, or both	Magistrate's Court or District Court
324	Voluntarily causing hurt by dangerous weapons or means	May arrest without warrant	Summons	Not bailable	Imprisonment for 7 years, or fine, or caning, or any combination of such punishments	Magistrate's Court or District Court
325	Voluntarily causing grievous hurt	May arrest without warrant	Summons	Not bailable	Imprisonment for 10 years, and fine, or caning	Magistrate's Court or District Court
326	Voluntarily causing grievous hurt by	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence	May arrest without warrant	Warrant	Not bailable	imprisonment for 15 years, and fine, or caning Imprisonment for 10 years, and fine, or caning	District Court
328	Administering poison, etc., with intent to cause hurt, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine, or caning	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
330	illegal or which may facilitate the commission of an offence Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine, or caning	District Court
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court
332	Voluntarily causing hurt to deter public servant from his or her duty	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or caning	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
333	Voluntarily causing grievous hurt to deter public servant from his or her duty	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine, or caning	District Court
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	May not arrest without warrant	Summons	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
334A	Voluntarily causing hurt on provocation which causes grievous hurt	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any	May arrest without warrant	Summons	Bailable	Imprisonment for 6 years, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
335A(5)(a)	other than the person who gave the provocation Allowing neglect or physical or sexual abuse of domestic worker or vulnerable person where death is caused	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine*, or both	District Court
335A(5)(b)	Allowing neglect or physical or sexual abuse of domestic worker or vulnerable person where death is not caused	May arrest without warrant	Warrant	Not bailable	Imprisonment for 4 years, or fine*, or both	District Court
335B	Act which endangers human life, etc., with knowledge or belief that it is likely to cause death	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
336(a)	Doing any rash act which endangers human life or the personal safety of others	May arrest without warrant	Summons	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
336(b)	Doing any negligent act which endangers human life or the personal safety of others	May arrest without warrant	Summons	Bailable	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court
337(a)	Causing hurt by a rash act which endangers human life, etc.	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
337(b)	Causing hurt by a negligent act which endangers human life, etc.	May arrest without warrant	Summons	Bailable	Imprisonment for 6 months, or fine*, or both	Magistrate's Court or District Court
338(a)	Causing grievous hurt by a rash act which	May arrest without warrant	Summons	Bailable	Imprisonment for 4 years, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
338(b)	endangers human life, etc. Causing grievous hurt by a negligent act which endangers human life, etc.	May arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine*, or both	Magistrate's Court or District Court
<i>Wrongful restraint and wrongful confinement</i>						
341	Wrongfully restraining any person	May arrest without warrant	Summons	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
342	Wrongfully confining any person	May arrest without warrant	Summons	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
345	Keeping any person in wrongful confinement, knowing that a writ has	May arrest without warrant	Summons	Not bailable	Imprisonment for 2 years, in addition to imprisonment	Magistrate's Court or District Court



FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
346	Wrongful confinement in secret	May arrest without warrant	Summons	Not bailable	Imprisonment for 2 years, in addition to imprisonment under any other section	Magistrate's Court or District Court
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	May arrest without warrant	Summons	Not bailable	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	May arrest without warrant	Summons	Not bailable	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
<i>Criminal force and assault</i>						
352	Assault or use of criminal force otherwise than on grave and sudden provocation	May not arrest without warrant	Summons	Bailable	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court
353	Assault or use of criminal force to deter a public servant from discharge of his or her duty	May arrest without warrant	Warrant	Not bailable	Imprisonment for 4 years, or fine, or both	Magistrate's Court or District Court
354(1)	Assault or use of criminal force to a person with intent to outrage modesty	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or caning, or any combination of such punishments	Magistrate's Court or District Court
354(2)	If committed against any person under 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or caning, or any	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
354A(1)	Voluntarily causing or attempting to cause death, hurt, etc., in committing the offence of outraging modesty	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and caning	District Court
354A(2)	If committed in a lift in any building or against any person under 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and caning	District Court
355	Assault or use of criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation	May not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
356	Assault or use of criminal force in committing or	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and caning	District Court

## FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
357	attempting to commit theft of property worn or carried by a person Assault or use of criminal force in attempting wrongfully to confine a person	May arrest without warrant	Warrant	Bailable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
358	Assault or use of criminal force on grave and sudden provocation	May not arrest without warrant	Summons	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
<i>Kidnapping, abduction, slavery and forced labour</i>						
363	Kidnapping	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court
363A	Abduction	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or caning, or any	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
364	Kidnapping or abducting in order to murder	May arrest without warrant	Warrant	Not bailable	Death, or imprisonment for life, and caning	
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
368	Concealing or keeping in confinement a kidnapped person	May arrest without warrant	Warrant	Not bailable	Punishment for kidnapping or abduction	District Court
370	Buying or disposing of any person as a slave	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court
371	Habitual dealing in slaves	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	District Court
372	Selling or letting to hire a minor for purposes of prostitution, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
373	Buying or obtaining possession of a minor for the same purposes	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
373A	Importing woman by fraud with intent, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
374	Unlawful labour	May arrest without warrant	Warrant	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
<i>Sexual offences</i>						
375(2)	Rape	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	
375(3)(a)	If in order to commit or to facilitate the commission of an offence of rape, voluntarily causes hurt or puts a person in fear of death or hurt	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and caning	
375(3)(b)	Rape of person below 14 years of age without person's consent	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and caning	

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
375(3)(c)	Exploitative rape of person below 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and caning	
376(3)	Sexual assault involving penetration	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	
376(4)(a)	If in order to commit or to facilitate the commission of sexual assault involving penetration, voluntarily causes hurt or puts a person in fear of death or hurt	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and caning	
376(4)(b)	Sexual assault involving penetration of person under 14 years of age without his or her consent	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and caning	



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
376(4)(c)	Exploitative sexual assault involving penetration of person below 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and caning	
376A(2)(a)	Exploitative sexual penetration of minor of or above 14 but below 16 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	District Court
376A(2)(b)	Sexual penetration of minor of or above 14 but below 16 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, or fine, or both	District Court
376A(3)	Sexual penetration of minor under 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	District Court
376AA	Exploitative sexual penetration of minor of or above 16 but below 18 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine, or caning	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
376B(1)	Commercial sex or touching involving minor under 18 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	District Court
376B(2)	Communicating with a person for purpose of commercial sex or sexual touching involving minor under 18 years of age	May not arrest without warrant	Summons	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
376C(2)	Commercial sex or touching involving minor under 18 years of age outside Singapore	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	District Court
376C(2)	Communicating with a person for purpose of commercial sex or	May not arrest without warrant	Summons	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	sexual touching involving minor under 18 years of age outside Singapore					
376D(3)	Tour outside Singapore for commercial sex or sexual touching involving minor under 18 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, or fine, or both	District Court
376E(4)(a)	Sexual grooming of minor below 14 years of age	May arrest without warrant	Summons	Not bailable	Imprisonment for 4 years, or fine, or both	Magistrate's Court or District Court
376E(4)(b)	Sexual grooming of minor of or above 14 but below 16 years of age	May arrest without warrant	Summons	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
376EA(4)	Exploitative sexual grooming of minor of or	May arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	above 16 but below 18 years of age					
376EB(3)(a)	Sexual communication with minor below 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
376EB(3)(b)	Sexual communication with minor of or above 14 but below 16 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
376EC(3)	Exploitative sexual communication with minor of or above 16 but below 18 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
376ED(1)	Engaging in sexual activity in presence of minor below 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
376ED(1)	Engaging in sexual activity in presence of minor of or above 14 but below 16 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
376ED(2)	Causing minor below 14 years of age to observe sexual image	May arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
376ED(2)	Causing minor of or above 14 but below 16 years of age to observe sexual image	May arrest without warrant	Warrant	Not bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
376EE(1)	Engaging in sexual activity in presence of minor of or above 16 but below 18 years of age with exploitative relationship	May arrest without warrant	Summons	Not bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
376EE(2)	Causing minor of or above 16 but below 18 years of age to observe sexual image with exploitative relationship	May arrest without warrant	Summons	Not bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
376F(2)	Procurement of sexual activity with a person with mental disability	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
376F(3)	If penetration is involved	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	District Court
376G	Incest	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years	Magistrate's Court or District Court
376H(2)(a)	Procurement of sexual activity by deception or false representation if penetration is involved	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, or fine, or caning	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
376H(2)(b)	Procurement of sexual activity by deception or false representation in any other case	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	District Court
377(2)	Sexual penetration of a corpse	May arrest without warrant	Warrant	Bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
377(4)	Causing another person to sexually penetrate a corpse	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	
377A	Outrages on decency	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years	Magistrate's Court or District Court
377B(2)	Sexual penetration with living animal	May arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
377B(4)	Causing another person to sexually penetrate a living animal	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	
377B(4)	Causing another person to be sexually penetrated by a living animal	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	
377BA	Uttering any word or making any gesture intended to insult the modesty of a person, etc.	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
377BB(7)	Voyeurism	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or caning	Magistrate's Court or District Court
377BB(8)	If committed against any person below 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, and fine, or caning	Magistrate's Court or District Court



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
377BC(3)	Distribution of voyeuristic image or recording	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or caning	Magistrate's Court or District Court
377BC(4)	If committed against any person below 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, and fine, or caning	Magistrate's Court or District Court
377BD(2)	Possession of or gaining access to voyeuristic or intimate image or recording	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
377BD(3)	If committed against any person below 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, and fine, or caning	Magistrate's Court or District Court
377BE(3)	Distributing or threatening to distribute intimate image or recording	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or caning	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
377BE(4)	If committed against any person below 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, and fine, or caning	Magistrate's Court or District Court
377BF(3)	Sexual exposure	May arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
377BF(4)	If committed against any person below 14 years of age	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, and fine, or caning	Magistrate's Court or District Court
377BG(2)	Using or involving child in production of child abuse material	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court
377BH(2)	Producing child abuse material	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
377BJ(2)	Distributing or selling child abuse material	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine, or caning	District Court
377BJ(3)	Advertising or seeking child abuse material	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, and fine, or caning	Magistrate's Court or District Court
377BK(2)	Possession of or gaining access to child abuse material	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, and fine, or caning	Magistrate's Court or District Court
377BL(2)	Exploitation by abusive material of minor of or above 16 but below 18 years of age by using, causing or procuring minor in production of abusive material	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
377BL(3)	Exploitation by producing abusive material of minor	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court
377BL(4)	Exploitation by distributing or sale of abusive material of minor	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine, or caning	District Court
CHAPTER 17 — OFFENCES AGAINST PROPERTY						
<i>Theft</i>						
379	Theft	May arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
379A	Theft of motor vehicle or any component part thereof	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine, and disqualification for such period as the court may order from holding or	Magistrate's Court or District Court

FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
380	Theft in a building, tent or vessel	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
381	Theft by clerk or servant of property in possession of master or employer	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
382	Theft after preparation made for causing death or hurt in order to commit theft	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and caning	District Court
<i>Extortion</i>						
384	Extortion	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and caning	Magistrate's Court or District Court
385	Putting or attempting to put in fear of harm, in order to commit extortion	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, and caning	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
386	Extortion by putting a person in fear of death or grievous hurt	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and caning	District Court
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and caning	District Court
388	Extortion by threat of accusation of an offence punishable with death, or imprisonment for life, or imprisonment for 10 years	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court
389	Putting a person in fear of accusation of offence punishable with death, or imprisonment for life, or imprisonment for	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court

FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	10 years, in order to commit extortion					
<i>Robbery and gang-robbery</i>						
392	Robbery	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and caning	District Court
392	If committed after 7 p.m. and before 7 a.m.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 14 years, and caning	District Court
393	Attempt to commit robbery	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and caning	District Court
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and caning	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
395	Gang-robbery	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and caning	
396	Gang-robbery with murder	May arrest without warrant	Warrant	Not bailable	Death, or imprisonment for life, and caning	
397	Robbery when armed or with attempt to cause death or grievous hurt	May arrest without warrant	Warrant	Not bailable	Caning in addition to the punishment under any other section	
399	Making preparation to commit gang-robbery	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and caning	
400	Belonging to a gang of persons associated for the purpose of habitually committing gang-robbery	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 10 years, and caning	



FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
401	Belonging to a gang of persons associated for the purpose of habitually committing theft	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and caning	District Court
402	Being one of 5 or more persons assembled for the purpose of committing gang-robbery	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and caning	District Court
<i>Criminal misappropriation of property</i>						
403	Dishonest misappropriation of movable property, or converting it to one's own use	May not arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
404	Dishonest misappropriation of property, knowing that it was in the possession of a	May not arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
404	deceased person at his or her death, and that it has not since been in the possession of any person legally entitled to it If by clerk or person employed by deceased	May not arrest without warrant	Warrant	Bailable	Imprisonment for 7 years, and fine	District Court
<i>Criminal breach of trust</i>						
406	Criminal breach of trust	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
407	Criminal breach of trust of property entrusted for purposes of transportation or storage	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	District Court
408	Criminal breach of trust by employees	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
409	Criminal breach of trust by public servant, or by banker, merchant, agent, director, officer, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine	District Court
<i>Receiving stolen property</i>						
411(1)	Receiving or retaining stolen property, knowing it to be stolen	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
411(2)	If the stolen property is a motor vehicle or any component part thereof	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, and fine, and disqualification for such period as the court may order from holding or obtaining a driving licence	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
412	Receiving property stolen in the commission of gang-robbery	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine	District Court
413	Habitually dealing in stolen property	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine	District Court
414(1)	Assisting in concealment or disposal of stolen property, knowing it to be stolen	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
414(2)	If the stolen property is a motor vehicle or any component part thereof	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, and fine, and disqualification for such period as the court may order from holding or obtaining a driving licence	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
416A(5)	Illegally obtained personal information	May arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine*, or both	Magistrate's Court or District Court
<i>Cheating</i>						
417	Cheating	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect	May arrest without warrant	Warrant	Bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
419	Cheating by personation	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
420	Cheating and thereby dishonestly inducing	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
420A	delivery of property, or the making, alteration or destruction of a valuable security Obtaining services dishonestly or fraudulently	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, or fine, or both	Magistrate's Court or District Court
<i>Fraudulent deeds and dispositions of property</i>						
421	Fraudulent removal or concealment of property, etc., to prevent distribution among creditors	May not arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
422	Fraudulently preventing from being made available for creditors a debt or demand due to the offender	May not arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
423	Fraudulent execution of deed of transfer containing a false statement of consideration	May not arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
424	Fraudulent removal or concealment of property of the person or any other person, or assisting in the doing, thereof, or dishonestly releasing any demand or claim to which the person is entitled	May not arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
424A(3)	Fraud by false representation, non-disclosure or abuse of position not connected	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
424B(3)	with contracts for goods or services Fraud by false representation, non-disclosure or abuse of position — where otherwise	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, or fine, or both	Magistrate's Court or District Court
<i>Mischief</i>						
426	Mischief	May not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
427	Mischief, and thereby causing disruption to key service, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, or fine, or both	Magistrate's Court or District Court
428	Mischief by killing, poisoning, maiming or	May arrest without warrant	Warrant	Bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
435	rendering useless, any animal Mischief by fire or explosive substance	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court
436	Mischief by fire or explosive substance with intent to destroy a house, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
438	The mischief described in section 437 when committed by fire or any explosive substance	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
439	Running vessel ashore with intent to commit theft, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
440	Mischief committed after preparation made for causing death or hurt, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, and fine	Magistrate's Court or District Court
<i>Criminal trespass</i>						
447	Criminal trespass	May arrest without warrant	Summons	Bailable	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court
448	House-breaking	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
449	House-breaking in order to commit an offence punishable with death	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 15 years, and fine	for or imprisonment for 15 years, and fine

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
450	House-breaking in order to commit an offence punishable with imprisonment for life	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	District Court
451	House-breaking in order to commit an offence punishable with imprisonment	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	Magistrate's Court or District Court
452	House-breaking, after preparation made for causing hurt, assault, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	Magistrate's Court or District Court
453	Possession of house-breaking implements or offensive weapons	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both and forfeiture of any instrument or article found in the possession of that person	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
458A	Committing an offence under section 449, 450, 451 or 452 subsequent to having been convicted of an offence under section 449, 450, 451 or 452	May arrest without warrant	Warrant	Not bailable	Caning in addition to the punishment prescribed for the offence	District Court
459	Grievous hurt caused while committing house-breaking	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and caning	
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years	
461	Dishonestly breaking open or unfastening any closed receptacle	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
462	Containing or supposed to contain property Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
CHAPTER 18 — OFFENCES RELATING TO DOCUMENTS OR ELECTRONIC RECORDS, FALSE INSTRUMENTS, AND TO CURRENCY NOTES AND BANK NOTES						
465	Forgery	May arrest without warrant	Warrant	Bailable	Imprisonment for 4 years, or fine, or both	Magistrate's Court or District Court
466	Forgery of a record of a court of justice or of a register of births, etc., kept by a public servant	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	District Court
468	Forgery for the purpose of cheating	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose	May arrest without warrant	Warrant	Bailable	Imprisonment for 5 years, and fine	Magistrate's Court or District Court
471	Using as genuine a forged document or forged electronic record	May arrest without warrant	Warrant	Bailable	Punishment for forgery	The court by which the forgery of the document is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
472	<p>which is known to be forged</p> <p>Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable under section 467, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit</p>	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	District Court
473	<p>Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable otherwise than under section 467, or possessing with like intent any such seal,</p>	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
473A	plate, etc., knowing the same to be counterfeit Making or possessing equipment for making false instrument	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
473B	Making or possessing equipment for making false instrument with intent to induce prejudice	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, or fine, or both	District Court
474	Having possession of a document or an electronic record knowing it to be forged, with intent to use it as genuine, if the document or electronic record is one of the descriptions mentioned in section 466	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court



FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
474	If the document is one of the descriptions mentioned in section 467	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	District Court
475	Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	District Court
476	Counterfeiting a device or mark used for authenticating documents or electronic records other than those described in section 467, or possessing counterfeit marked material	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	District Court
477A	Falsification of accounts by clerk or servant	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, or fine, or both	District Court
<i>Currency and bank notes</i>						
489A	Forging or counterfeiting currency or bank notes	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine	District Court
489B	Using as genuine forged or counterfeit currency or bank notes	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine	District Court
489C	Possession of forged or counterfeit currency or bank notes, with intent	May arrest without warrant	Warrant	Not bailable	Imprisonment for 15 years, and fine	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
489D	Making or possessing instruments or materials for forging or counterfeiting currency or bank notes	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine	District Court
489E	Abetting in Singapore counterfeiting of currency out of Singapore	May arrest without warrant	Warrant	Not bailable	The punishment provided for abetting the counterfeiting of such currency within Singapore	District Court
489F	Fraudulently or dishonestly diminishing weight or altering composition of coin	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court
489G	Altering appearance of currency with intent that it passes as currency of different description	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
489H	Delivering to another of altered currency	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
489I	Possession of altered currency	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, and fine	Magistrate's Court or District Court
CHAPTER 20 — <i>[Deleted by Act 15 of 2019]</i>						
CHAPTER 21 — DEFAMATION						
500	Defamation	May not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
501	Printing or engraving matter knowing it to be defamatory	May not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	May not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
<b>CHAPTER 22 — CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE</b>						
504	Insult intended to provoke a breach of the peace	May not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
505	False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace	May not arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
506	Criminal intimidation	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
506	If threat is to cause death or grievous hurt, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, or fine, or both	Magistrate's Court or District Court
507	Criminal intimidation by anonymous	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, in addition	Magistrate's Court or District Court

FIRST SCHEDULE — continued

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	communication or having taken precaution to conceal from where the threat comes				to the punishment under section 506	
CHAPTER 23 — ATTEMPTS TO COMMIT OFFENCES						
512(1)	Attempting (where no express provision is made by the Penal Code 1871 or by other written law) to commit offences punishable with death or imprisonment for life	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	The court by which the offence attempted is triable
512(2)	If the attempted offence is punishable with any punishment or combination of punishments other than	According as to whether the offence is one in respect of which the police may	According as to whether the offence is one in respect of which a summons or	According as to whether the offence attempted is bailable or not	The punishment provided for the offence, except that the court is not bound to impose any specified minimum	The court by which the offence attempted is triable

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
	death or imprisonment for life	arrest without warrant or not	warrant shall ordinarily issue		sentence or mandatory minimum sentence of imprisonment, or fine or caning	
OFFENCES AGAINST LAWS OTHER THAN THE PENAL CODE 1871						
	If punishable with death, imprisonment for 7 years or upwards	May arrest without warrant	Warrant	Not bailable	According to sections 7, 8 and 9 of this Code	
	If punishable with imprisonment for 3 years or upwards but less than 7 years	May arrest without warrant	Warrant	Not bailable	According to sections 7, 8 and 9 of this Code	
	If punishable with imprisonment for less than 3 years	May not arrest without warrant unless specifically empowered to do	Summons	Bailable	According to sections 7, 8 and 9 of this Code	

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 1871 Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Maximum punishment under the Penal Code 1871	By what court triable besides the General Division of High Court
		so by the law offended against				
If punishable with fine only		May not arrest without warrant unless specifically empowered to do so by the law offended against	Summons	Bailable	According to sections 7, 8 and 9 of this Code	



FIRST SCHEDULE — *continued*

*[5/2015; 19/2016; 19/2018; 15/2019; 40/2019;  
S 851/2019]*

## SECOND SCHEDULE

Sections 159(1), 211A(1) and 427(1)

LAWS TO WHICH CRIMINAL CASE DISCLOSURE  
PROCEDURES APPLY

1. Arms and Explosives Act 1913
2. Arms Offences Act 1973
- 2A. Banishment Act 1959
3. Banking Act 1970
- 3A. Casino Control Act 2006
4. Computer Misuse Act 1993
5. Corrosive and Explosive Substances and Offensive Weapons Act 1958
6. Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992
7. Criminal Law (Temporary Provisions) Act 1955
8. Hijacking of Aircraft and Protection of Aircraft and International Airports Act 1978
9. Immigration Act 1959 (other than sections 6 and 15)
- 9A. Infrastructure Protection Act 2017
10. Internal Security Act 1960
11. Maintenance of Religious Harmony Act 1990
12. Misuse of Drugs Act 1973
- 12A. Moneylenders Act 2008
13. Oaths and Declarations Act 2000
14. Official Secrets Act 1935
15. Passports Act 2007
16. Penal Code 1871
- 16A. Prevention of Corruption Act 1960
- 16B. Prevention of Human Trafficking Act 2014
17. Prisons Act 1933
18. Protected Areas and Protected Places Act (Cap. 256, 2013 Revised Edition)
19. Public Entertainments Act 1958

SECOND SCHEDULE — *continued*

20. Public Order and Safety (Special Powers) Act 2018  
 20A. Remote Gambling Act 2014  
 21. Securities and Futures Act 2001  
 22. Sedition Act 1948  
 23. Vandalism Act 1966

[3/2013; 28/2017; 9/2018; 19/2018; 26/2018; S 724/2018;  
 S 820/2018]

## THIRD SCHEDULE

Sections 22(5), 23(3B) and 427(1)

OFFENCES FOR WHICH STATEMENTS MUST BE  
 RECORDED IN FORM OF AUDIOVISUAL RECORDING

1. Section 375(1)(a) of the Penal Code 1871.

[19/2018]

## FOURTH SCHEDULE

Sections 241(1) and (2) and 427(1)

OFFENCES THAT MAY BE COMPOUNDED BY VICTIM

PART 1

OFFENCES UNDER PENAL CODE 1871

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>When compoundable/ By whom compoundable</i>
Chapter 5 — Abetment			
1.	109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>When compoundable/ By whom compoundable</i>
2.	110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
3.	111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
4.	113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
5.	114	Abetment of any offence, if the abettor is present when offence is committed	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>When compoundable/ By whom compoundable</i>
6.	115	Abetment of an offence punishable with death or imprisonment for life, if the offence is not committed in consequence of the abetment	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
7.	115	If an act which causes harm is done in consequence of the abetment	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
8.	116	Abetment of an offence punishable with imprisonment, if the offence is not committed in consequence of the abetment	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
9.	[Deleted by Act 15 of 2019]		
10.	117	Abetting the commission of an offence by the public, or by more than 10 persons	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
11.	118	Concealing a design to commit an offence	Compoundable by the victim if this Code or

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>When compoundable/ By whom compoundable</i>
		punishable with death or imprisonment for life, if the offence is committed	any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
12.	118	If the offence is not committed	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
13.	119	A public servant concealing a design to commit an offence which it is his or her duty to prevent, if the offence is committed	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
14.	119	If the offence is punishable with death or imprisonment for life	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
15.	119	If the offence is not committed	Compoundable by the victim if this Code or any other written law under which the offence is committed provides

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>When compoundable/ By whom compoundable</i>
			for the offence abetted to be compoundable by the victim
16.	119	If the offence is punishable with death or imprisonment for life but is not committed	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
17.	120	Concealing a design to commit an offence punishable with imprisonment, if the offence is committed	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
18.	120	If the offence is not committed	Compoundable by the victim if this Code or any other written law under which the offence is committed provides for the offence abetted to be compoundable by the victim
Chapter 15 — Offences relating to religion or race			
19.	298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person or causes any matter however represented to be seen or	Compoundable by the person whose religious or racial feeling is intended to be wounded

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>When compoundable/ By whom compoundable</i>
		heard by that person, with intention to wound his or her religious or racial feeling	
Chapter 16 — Offences affecting the human body			
20.	323	Voluntarily causing hurt	Compoundable by the person hurt
21.	334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	Compoundable by the person hurt
21A.	334A	Voluntarily causing hurt on grave and sudden provocation which causes grievous hurt	Compoundable by the person hurt
22.	335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	Compoundable by the person hurt
23.	337(a)	Causing hurt by a rash act which endangers human life, etc.	Compoundable by the person hurt
24.	337(b)	Causing hurt by a negligent act which endangers human life, etc.	Compoundable by the person hurt
25.	338(a)	Causing grievous hurt by a rash act which endangers human life, etc.	Compoundable by the person hurt



FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>When compoundable/ By whom compoundable</i>
26.	338(b)	Causing grievous hurt by a negligent act which endangers human life, etc.	Compoundable by the person hurt
27.	341	Wrongfully restraining any person	Compoundable by the person wrongfully restrained
28.	342	Wrongfully confining any person	Compoundable by the person wrongfully confined
29.	352	Assault or use of criminal force otherwise than on grave and sudden provocation	Compoundable by the person assaulted or to whom force was used
30.	354(1)	Assault or use of criminal force to a person with intent to outrage modesty	Compoundable by the person assaulted or to whom force was used
31.	355	Assault or use of criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation	Compoundable by the person assaulted or to whom force was used
32.	358	Assault or use of criminal force on grave and sudden provocation	Compoundable by the person assaulted or to whom force was used
33.	374	Unlawful compulsory labour	Compoundable by the person compelled to labour
33A.	377BA	Word or gesture intended to insult modesty of any person	Compoundable by the person insulted
33B.	377BB(1) read with 377BB(7)	Voyeurism by intentional observation of another person	Compoundable by the person of or above 14 years of age whose private act was observed

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>When compoundable/ By whom compoundable</i>
33C.	377BF(1) read with 377BF(3)	Sexual exposure	Compoundable by the person of or above 14 years of age to whom the offender's genitals were exposed
Chapter 17 — Offences against property			
34.	426	Mischief	Compoundable by the private person who suffers loss or damage
35.	[Deleted by Act 15 of 2019]		
36.	447	Criminal trespass	Compoundable by the person in possession of the property trespassed upon
37.	[Deleted by Act 15 of 2019]		
Chapter 21 — Defamation			
38.	500	Defamation	Compoundable by the person defamed
39.	501	Printing or engraving matter knowing it to be defamatory	Compoundable by the person defamed
40.	502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	Compoundable by the person defamed
Chapter 22 — Criminal intimidation, insult and annoyance			
41.	504	Insult intended to provoke a breach of the peace	Compoundable by the person insulted
42.	506	Criminal intimidation except where threat is to cause death or grievous hurt, etc.	Compoundable by the person intimidated
43.	[Deleted by Act 15 of 2019]		

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>When compoundable/ By whom compoundable</i>
Chapter 23 — Attempts to commit offences			
44.	512(1)	Attempting (where no express provision made by the Penal Code 1871 or by other written law) to commit offences punishable with death or imprisonment for life	Compoundable by the victim if this Code or any other written law under which the attempted offence is committed provides for the attempted offence to be compoundable by the victim
45.	512(2)	Where the attempted offence in section 512(1) is not an offence punishable with death or life imprisonment	Compoundable by the victim if this Code or any other written law under which the attempted offence is committed provides for the attempted offence to be compoundable by the victim

## PART 2

OFFENCES UNDER MISCELLANEOUS OFFENCES  
(PUBLIC ORDER AND NUISANCE) ACT 1906

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>Explanatory Note</i>
Part 2 — Offences against public order and nuisance			
46.	11(1)(a)	Nuisance — affixing or causing to be affixed any advertisement, etc., or writing, defacing or marking on any building, wall or fence being private property	Compoundable by the owner or the occupier of the private property

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>Explanatory Note</i>
47.	11(1)(c)	Nuisance — obstructing or causing trouble or inconvenience to any person bathing at any place set aside as a bathing place	Compoundable by the person obstructed, etc.
48.	11(1)(g)	Nuisance — setting on or urging any dog or other animal to attack, worry or put in fear any person	Compoundable by the person attacked, worried or put in fear
49.	12(1)(b)	Offences relating to animals — allowing animal to stray upon, or tethers or pickets any animal on land in the possession of any private person	Compoundable by the owner or lawful occupier of land
50.	[Deleted by Act 17 of 2014]		
51.	[Deleted by Act 17 of 2014]		
52.	17	Penalty for depositing corpse or dying person in any private place	Compoundable by the owner of the private place
Part 5 — Touting			
53.	32	Touting for business	Compoundable by the person solicited

## PART 3

OFFENCES UNDER PROTECTION FROM  
HARASSMENT ACT 2014

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>Explanatory Note</i>
54.	3	Intentionally causing harassment, alarm or distress	Compoundable by the victim within the meaning of section 3 of the

FOURTH SCHEDULE — *continued*

			Protection from Harassment Act 2014
55.	5	Fear or provocation of violence	Compoundable by the victim within the meaning of section 5 of the Protection from Harassment Act 2014
56.	7	Unlawful stalking	Compoundable by the victim within the meaning of section 7 of the Protection from Harassment Act 2014

[17/2014; 15/2019]

## FIFTH SCHEDULE

Sections 346(1) and 427(1)

## TYPES OF WORK

The type of work under a community service order includes general cleaning, repair, maintenance and restoration works, the provision of care services and any other work that contributes to the community at any of the following places:

- (a) any hospital or any charitable, educational, cultural, or recreational institution or organisation, or any other organisation that contributes to a social cause;
- (b) any land of which the Government or any public body is the owner or lessee or occupier, or any land that is administered, maintained or kept clean by the Government or any public body.

## SIXTH SCHEDULE

Sections 149A and 427(1)

OFFENCES IN RESPECT OF WHICH  
DEFERRED PROSECUTION AGREEMENTS  
MAY BE ENTERED INTO

1. Any offence under section 45, 50, 51, 52, 53, 54, 57, 60, 62, 63, 67, 68 or 69 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992.
2. Any offence under section 80, read with section 45, 50, 51, 52, 53, 54, 57, 60, 62, 63, 67, 68 or 69, of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992.
3. Any offence under section 27B(2) of the Monetary Authority of Singapore Act 1970.
4. Any offence under section 411 or 477A of the Penal Code 1871.
5. Any offence under section 5, 6, 10 or 12 of the Prevention of Corruption Act 1960.
6. Any offence under section 82, 204, 210 or 221 of the Securities and Futures Act 2001 or section 212 of that Act as in force before 8 October 2018.
7. Any offence under section 331 of the Securities and Futures Act 2001, read with section 82, 204, 210 or 221 of the Securities and Futures Act 2001 or with section 212 of that Act as in force before 8 October 2018.
8. Any offence of attempting to commit, abetting the commission of, or being a party to a criminal conspiracy to commit, any other offence specified in this Schedule.

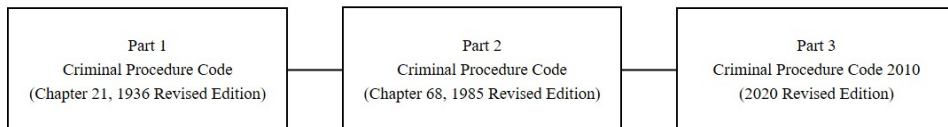
*[19/2018]*

# LEGISLATIVE HISTORY

## CRIMINAL PROCEDURE CODE 2010

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

### PICTORIAL OVERVIEW OF PREDECESSOR ACTS



### LEGISLATIVE HISTORY DETAILS

#### PART 1

#### CRIMINAL PROCEDURE CODE

#### (CHAPTER 21, 1936 REVISED EDITION)

#### 1. Ordinance V of 1870 — Criminal Procedure Ordinance, 1870

Bill	:	S.S.G.G. No. 22/1870
First Reading	:	23 May 1870
Second Reading	:	25 May 1870
Notice of Amendments	:	27 June 1870
Third Reading	:	27 June 1870
Commencement	:	27 June 1870 (passed)

#### 2. Ordinance VI of 1873 — The Criminal Procedure Ordinance, 1873

Bill	:	Information not available
First Reading	:	4 June 1873
Second Reading	:	28 July 1873
Notice of Amendments	:	2 September 1873
Third Reading	:	9 September 1873
Commencement	:	9 September 1873 (passed)

#### 3. Ordinance XI of 1890 — The Criminal Procedure Ordinance Amendment Ordinance 1890

Bill	:	G.N. No. 516/1890
First Reading	:	2 October 1890

Second Reading	:	24 October 1890
Third Reading	:	30 October 1890
Commencement	:	30 October 1890

**4. Ordinance XXI of 1900 — The Criminal Procedure Code 1900**

Bill	:	G.N. No. 194/1900
First Reading	:	27 February 1900
Second Reading	:	3 April 1900
Notice of Amendments	:	23 October 1900
Third Reading	:	6 November 1900
Commencement	:	1 January 1902

**5. Ordinance XVII of 1901 — The Criminal Procedure Code 1900  
Amendment Ordinance 1901**

Bill	:	G.N. No. 1122/1901
First Reading	:	24 September 1901
Second Reading	:	1 October 1901
Notice of Amendments	:	8 October 1901
Third Reading	:	29 October 1901
Commencement	:	1 January 1902

**6. Ordinance XXVII of 1902 — The Criminal Procedure Code Amendment  
Ordinance 1902**

Bill	:	G.N. No. 1041/1902
First Reading	:	22 August 1902
Second Reading	:	29 August 1902
Notice of Amendments	:	5 September 1902
Third Reading	:	10 October 1902
Commencement	:	10 October 1902

**7. Ordinance XII of 1905 — The Whipping Regulation Ordinance 1905**

Bill	:	G.N. No. 486/1905
First Reading	:	14 April 1905
Second Reading	:	5 May 1905
Notice of Amendments	:	26 May 1905



Third Reading	:	26 May 1905
Commencement	:	26 May 1905

**8. Ordinance III of 1908 — The Criminal Procedure Code 1900  
Amendment Ordinance 1907**

Bill	:	Information not available
First, Second and Third Readings	:	25 March 1908
Commencement	:	25 March 1908

**9. Ordinance XXXII of 1907 — The Criminal Procedure Code 1900  
Amendment Ordinance 1907**

Bill	:	G.N. No. 1046/1907
First Reading	:	11 October 1907
Second Reading	:	15 November 1907
Notice of Amendments	:	2 December 1907
Third Reading	:	20 December 1907
Commencement	:	1 April 1908

**10. Ordinance X of 1910 — The Criminal Procedure Code 1910**

Bill	:	G.N. No. 712/1909
First Reading	:	2 July 1909
Second Reading	:	9 July 1909
Notice of Amendments	:	22 April 1910
Third Reading	:	22 April 1910
Commencement	:	1 June 1910

**11. Ordinance 10 of 1917 — Criminal Law (Amendment) Ordinance 1917**  
(Amendments made by sections 11 to 33 and section 34 read with the Schedule to the above Ordinance)

Bill	:	G.N. No. 1571/1916
First Reading	:	8 January 1917
Second Reading	:	20 March 1917
Notice of Amendments	:	20 March 1917
Third Reading	:	26 March 1917

Commencement : 3 April 1917 (sections 11 to 33 and section 34 read with the Schedule)

**12. Ordinance 19 of 1918 — Criminal Law (Currency Notes Forgery) Ordinance, 1918**

(Amendments made by sections 6 and 7 of the above Ordinance)

Bill : G.N. No. 815/1918  
 First Reading : 1 July 1918  
 Second Reading : 29 July 1918  
 Notice of Amendments : 29 July 1918  
 Third Reading : 29 July 1918  
 Commencement : 1 August 1918 (sections 6 and 7)

**13. Ordinance 6 of 1920 — Criminal Law (Amendment) Ordinance, 1920**  
 (Amendments made by section 6 of the above Ordinance)

Bill : G.N. No. 1789/1919  
 First Reading : 19 December 1919  
 Second Reading : 19 January 1920  
 Third Reading : 8 March 1920  
 Commencement : 17 March 1920 (section 6)

**14. Ordinance 24 of 1920 — Criminal Procedure Code (Amendment) Ordinance, 1920**

Bill : G.N. No. 1488/1920  
 First Reading : 3 September 1920  
 Second Reading : 13 October 1920  
 Third Reading : 25 October 1920  
 Commencement : 10 November 1920

**15. 1920 Revised Edition — Criminal Procedure Code (Ordinance No. 121)**

Operation : 28 November 1921

*Note: This Revised Edition consolidated The Criminal Procedure Code 1910 (Ordinance X of 1910) and The Whipping Regulation Ordinance 1905 (Ordinance XII of 1905).*

**16. Ordinance 26 of 1921 — Statute Laws (Revised Edition) Operation Ordinance, 1921**

(Amendments made by section 3(a) read with Schedule B to the above Ordinance)

Bill	:	G.N. No. 1854/1921
First and Second Readings	:	22 November 1921
Notice of Amendments	:	22 November 1921
Third Reading	:	22 November 1921
Commencement	:	28 November 1921 (section 3(a) read with Schedule B)

**17. Ordinance 25 of 1923 — Criminal Law Amendment Ordinance, 1923**

(Amendments made by section 7 of the above Ordinance)

Bill	:	G.N. No. 1862/1923
First and Second Readings	:	17 December 1923
Notice of Amendments	:	17 December 1923
Third Reading	:	17 December 1923
Commencement	:	31 December 1923 (section 7)

**18. 1926 Revised Edition — Criminal Procedure Code (Ordinance No. 121)**

Operation	:	1 August 1926
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**19. Ordinance 18 of 1927 — Criminal Procedure Amendment Code, 1927**

Bill	:	G.N. No. 1747/1927
First Reading	:	10 October 1927
Second Reading	:	31 October 1927
Notice of Amendments	:	31 October 1927
Third Reading	:	12 December 1927
Commencement	:	24 December 1927

**20. Ordinance 12 of 1928 — Criminal Procedure Code (Amendment) Ordinance, 1928**

Bill	:	G.N. No. 215/1928
First Reading	:	26 March 1928
Second Reading	:	7 May 1928
Notice of Amendments	:	7 May 1928

Third Reading	:	2 July 1928
Commencement	:	21 July 1928

**21. Ordinance 36 of 1933 — Criminal Procedure Code (Amendment) Ordinance, 1933**

Bill	:	G.N. No. 1867/1933
First Reading	:	2 October 1933
Second Reading	:	25 October 1933
Notice of Amendments	:	4 December 1933
Third Reading	:	4 December 1933
Commencement	:	22 December 1933

**22. Ordinance 7 of 1935 — Criminal Procedure Code (Amendment) Ordinance, 1935**

Bill	:	G.N. No. 2647/1934
First Reading	:	3 December 1934
Second Reading	:	18 February 1935
Notice of Amendments	:	18 February 1935
Third Reading	:	18 February 1935
Commencement	:	6 March 1935

**23. Ordinance 33 of 1935 — Criminal Procedure Code (Amendment No. 2) Ordinance 1935**

Bill	:	G.N. No. 1360/1935
First Reading	:	17 June 1935
Second Reading	:	26 August 1935
Notice of Amendments	:	26 August 1935
Third Reading	:	26 August 1935
Commencement	:	9 September 1935

**24. Ordinance 52 of 1935 — The Criminal Procedure Code (Amendment No. 3) Ordinance 1935**

Bill	:	G.N. No. 2658/1935
First Reading	:	28 October 1935
Second and Third Readings	:	20 November 1935

- Commencement : 2 December 1935
- 25. 1936 Revised Edition — Criminal Procedure Code (Chapter 21)**
- Operation : 1 September 1936
- 26. Ordinance 18 of 1936 — Criminal Procedure Code (Amendment) Ordinance, 1936**
- Bill : G.N. No. 2325/1936
- First Reading : 24 August 1936
- Second Reading : 26 October 1936
- Notice of Amendments : 26 October 1936
- Third Reading : 26 October 1936
- Commencement : 10 November 1936
- 27. Ordinance 47 of 1937 — Criminal Procedure Code (Amendment) Ordinance, 1937**
- Bill : G.N. No. 3280/1937
- First Reading : 17 November 1937
- Second and Third Readings : 15 December 1937
- Commencement : 29 December 1937
- 28. Ordinance 1 of 1938 — Treasury Officers (Titles and Powers) Ordinance, 1938**
- (Amendments made by section 2 read with the Schedule to the above Ordinance)
- Bill : G.N. No. 3593/1937
- First Reading : 15 December 1937
- Second Reading : 14 February 1938
- Notice of Amendments : 14 February 1938
- Third Reading : 14 February 1938
- Commencement : 7 March 1938 (section 2 read with the Schedule)
- 29. Ordinance 13 of 1938 — Criminal Procedure Code (Amendment) Ordinance, 1938**
- Bill : G.N. No. 1227/1938
- First Reading : 25 April 1938

Second Reading	:	13 June 1938
Notice of Amendments	:	13 June 1938
Third Reading	:	13 June 1938
Commencement	:	2 July 1938

**30. Ordinance 20 of 1949 — Registration of Criminals Ordinance, 1949**  
(Amendments made by section 16(2) read with the Fourth Schedule to the above Ordinance)

Bill	:	G.N. No. S 184/1949
First Reading	:	17 May 1949
Second and Third Readings	:	21 June 1949
Commencement	:	29 June 1949 (section 16(2) read with the Fourth Schedule)

**31. Ordinance 10 of 1950 — Departmental Titles (Alteration) Ordinance, 1950**

(Amendments made by section 2 read with the Schedule to the above Ordinance)

Bill	:	G.N. No. S 31/1950
First Reading	:	22 February 1950
Second Reading	:	21 March 1950
Notice of Amendments	:	21 March 1950
Third Reading	:	21 March 1950
Commencement	:	28 March 1950 (section 2 read with the Schedule)

**32. Ordinance 14 of 1950 — Criminal Procedure Code (Amendment) Ordinance, 1950**

Bill	:	G.N. No. S 89/1950
First Reading	:	21 March 1950
Second and Third Readings	:	25 April 1950
Commencement	:	3 May 1950

**33. Ordinance 30 of 1950 — Criminal Procedure Code (Amendment) (No. 2) Ordinance, 1950**

Bill	:	G.N. No. S 153/1950
First Reading	:	25 April 1950

Second Reading	:	23 May 1950
Select Committee Report	:	Council Paper No. 51 of 1950
Third Reading	:	18 July 1950
Commencement	:	24 July 1950

**34. Ordinance 27 of 1951 — Probation of Offenders Ordinance, 1951**  
(Amendments made by section 14 read with the Schedule to the above Ordinance)

Bill	:	G.N. No. S 162/1951
First Reading	:	22 May 1951
Second Reading	:	19 June 1951
Notice of Amendments	:	19 June 1951
Third Reading	:	19 June 1951
Commencement	:	9 July 1951 (section 14 read with the Schedule)

**35. Ordinance 29 of 1953 — Criminal Procedure Code (Amendment) Ordinance, 1953**

Bill	:	15/1953
First Reading	:	21 July 1953
Second Reading	:	18 August 1953
Notice of Amendments	:	18 August 1953
Third Reading	:	18 August 1953
Commencement	:	14 October 1953

PART 2  
CRIMINAL PROCEDURE CODE  
(CHAPTER 68, 1985 REVISED EDITION)

**36. Ordinance 13 of 1955 — Criminal Procedure Code, 1955**

Bill	:	27/1954
First Reading	:	17 August 1954
Second Reading	:	21 September 1954
Select Committee Report	:	Council Paper No. 89 of 1954
Notice of Amendments	:	28 January 1955

- |               |   |                 |
|---------------|---|-----------------|
| Third Reading | : | 28 January 1955 |
| Commencement  | : | 16 May 1955     |
- 37. 1955 Revised Edition — Criminal Procedure Code (Chapter 132)**
- |           |   |             |
|-----------|---|-------------|
| Operation | : | 1 July 1956 |
|-----------|---|-------------|
- 38. Ordinance 37 of 1956 — Criminal Procedure Code (Amendment) Ordinance, 1956**
- |                           |   |                  |
|---------------------------|---|------------------|
| Bill                      | : | 76/1956          |
| First Reading             | : | 20 November 1956 |
| Second and Third Readings | : | 5 December 1956  |
| Commencement              | : | 1 July 1957      |
- 39. Ordinance 29 of 1957 — Criminal Procedure Code (Amendment) Ordinance, 1957**
- |                           |   |                   |
|---------------------------|---|-------------------|
| Bill                      | : | 110/1957          |
| First Reading             | : | 21 August 1957    |
| Second and Third Readings | : | 11 September 1957 |
| Commencement              | : | 1 November 1957   |
- 40. Ordinance 10 of 1958 — Criminal Procedure Code (Amendment) Ordinance, 1958**
- |                           |   |               |
|---------------------------|---|---------------|
| Bill                      | : | 129/1958      |
| First Reading             | : | 22 April 1958 |
| Second and Third Readings | : | 11 June 1958  |
| Commencement              | : | 5 July 1958   |
- 41. Ordinance 38 of 1959 — Laws of Singapore (Miscellaneous Amendments) Ordinance, 1959**  
(Amendments made by section 10 of the above Ordinance)
- |                      |   |                          |
|----------------------|---|--------------------------|
| Bill                 | : | 215/1959                 |
| First Reading        | : | 3 March 1959             |
| Second Reading       | : | 18 March 1959            |
| Notice of Amendments | : | 18 March 1959            |
| Third Reading        | : | 18 March 1959            |
| Commencement         | : | 3 June 1959 (section 10) |



**42. G.N. No. S 223/1959 — Singapore Constitution (Modification of Laws) Order, 1959**

Commencement : 3 June 1959

**43. G.N. No. S (N.S.) 67/1959 — Singapore Constitution (Modification of Laws) (No. 2) Order 1959**

Commencement : 21 August 1959

**44. G.N. No. S (N.S.) 177/1959 — Singapore Constitution (Modification of Laws) (No. 3) Order, 1959**

Commencement : 20 November 1959

**45. G.N. No. S (N.S.) 178/1959 — Singapore Constitution (Modification of Laws) (No. 4) Order, 1959**

Commencement : 20 November 1959

**46. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959**

Commencement : 20 November 1959

**47. Ordinance 18 of 1960 — Criminal Procedure Code (Amendment) Ordinance, 1960**

Bill : 13/1959

First Reading : 13 August 1959

Second Reading : 2 September 1959

Select Committee Report : Sessional Paper No. L.A. 1 of 1960

Third Reading : 13 February 1960

Commencement : 14 April 1960

**48. Ordinance 2 of 1962 — Criminal Procedure Code (Amendment) Ordinance, 1962**

Bill : 157/1961

First Reading : 6 December 1961

Second Reading : 15 January 1962

Notice of Amendments : 15 January 1962

Third Reading : 15 January 1962

Commencement : 2 February 1962

**49. L.N. 234/1963 (G.N. Sp. No. S 6/1963) — Modification of Laws (Public Prosecutor) Order, 1963**

Commencement : 16 September 1963

**50. L.N. 228/1965 (G.N. Sp. No. S 109/1965) — Modification of Laws (Criminal Procedure) (Powers of Arrest) (Malaysia) Order, 1965**

Commencement : 16 September 1963

**51. L.N. 107/1964 (G.N. Sp. No. S 68/1964) — Modification of Laws (Criminal Procedure) Order, 1964**

Commencement : 16 April 1964

**52. M. Act 6 of 1965 — Warrants and Summonses (Special Provisions) Act, 1965**

(Amendments made by section 5 read with item 3 of the Schedule to the above Act)

Commencement : 21 January 1965 (section 5 read with item 3 of the Schedule)

**53. M. Act 25 of 1965 — Criminal Procedure Code (Singapore) (Amendment) Act, 1965**

Commencement : 1 April 1965

**54. L.N. 214/1965 (G.N. Sp. No. S 105/1965) — Modification of Laws (Criminal Procedure) (Singapore) Order, 1965**

Commencement : 27 May 1965

**55. Act 12 of 1966 — Criminal Procedure Code (Amendment) Act, 1966**

Bill : 6/1966

First Reading : 23 February 1966

Second and Third Readings : 21 April 1966

Commencement : 16 May 1966

**56. Act 10 of 1967 — Criminal Procedure Code (Amendment) Act, 1967**

Bill : 18/1967

First, Second and Third Readings : 29 June 1967

Commencement : 30 June 1967

**57. Act 18 of 1967 — Criminal Procedure Code (Amendment No. 2) Act, 1967**

Bill	:	23/1967
First, Second and Third Readings	:	7 September 1967
Commencement	:	15 September 1967

**58. 1969 Reprint — Criminal Procedure Code**

Reprint	:	3 June 1969
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**59. Act 14 of 1969 — Statute Law Revision Act, 1969**

(Amendments made by section 2 read with the First Schedule to the above Act)

Bill	:	22/1969
First Reading	:	15 October 1969
Second Reading	:	22 December 1969
Notice of Amendments	:	22 December 1969
Third Reading	:	22 December 1969
Commencement	:	2 January 1970 (section 2 read with the First Schedule)

**60. Act 17 of 1969 — Criminal Procedure Code (Amendment) Act, 1969**

Bill	:	4/1969
First Reading	:	8 April 1969
Second Reading	:	11 June 1969
Select Committee Report	:	Parl. 8 of 1969
Third Reading	:	22 December 1969
Commencement	:	5 January 1970

**61. Act 20 of 1970 — Criminal Procedure Code (Amendment) Act, 1970**

Bill	:	7/1970
First Reading	:	9 March 1970
Second and Third Readings	:	30 March 1970
Commencement	:	12 June 1970

**62. Act 19 of 1970 — Subordinate Courts Act, 1970**

(Amendments made by section 70(1) read with the Second Schedule to the above Act)

Bill	:	10/1970
First Reading	:	26 March 1970
Second and Third Readings	:	7 May 1970
Commencement	:	1 January 1971 (section 70(1) read with the Second Schedule)

**63. 1970 Revised Edition — Criminal Procedure Code (Chapter 113)**

Operation	:	15 April 1971
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**64. Act 12 of 1972 — Criminal Procedure Code (Amendment) Act, 1972**

Bill	:	8/1972
First Reading	:	7 March 1972
Second and Third Readings	:	23 March 1972
Commencement	:	4 August 1972

**65. Act 21 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act, 1973**

(Amendments made by section 2 read with the Schedule to the above Act)

Bill	:	16/1973
First Reading	:	7 March 1973
Second and Third Readings	:	20 March 1973
Commencement	:	6 April 1973 (section 2 read with the Schedule)

**66. Act 10 of 1976 — Criminal Procedure Code (Amendment) Act, 1976**

Bill	:	35/1975
First Reading	:	29 July 1975
Second Reading	:	19 August 1975
Select Committee Report	:	Parl. 4 of 1976
Third Reading	:	23 July 1976
Commencement	:	1 January 1977

**67. 1980 Reprint — Criminal Procedure Code (Chapter 113)**

Reprint	:	31 July 1980
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**68. G.N. No. S 341/1980 — The Criminal Procedure Code (Corrigenda)**

Commencement : 31 July 1980

**69. Act 10 of 1983 — Criminal Procedure Code (Amendment) Act, 1983**

Bill : 2/1983

First Reading : 4 March 1983

Second and Third Readings : 24 March 1983

Commencement : 15 April 1983

**70. Act 9 of 1984 — Criminal Procedure Code (Amendment) Act 1984**

Bill : 2/1984

First Reading : 17 January 1984

Second and Third Readings : 2 March 1984

Commencement : 19 May 1984

**71. Act 24 of 1984 — Criminal Procedure Code (Amendment No. 2) Act 1984**

Bill : 11/1984

First Reading : 29 June 1984

Second and Third Readings : 26 July 1984

Commencement : 31 August 1984

**72. G.N. No. S 267/1985 — Metrication (Criminal Procedure Code) Order 1985**

Commencement : 27 September 1985

**73. Act 5 of 1986 — Criminal Procedure Code (Amendment) Act 1986**

Bill : 21/1985

First Reading : 31 October 1985

Second and Third Readings : 10 January 1986

Commencement : 1 March 1986

**74. 1985 Revised Edition — Criminal Procedure Code (Chapter 68)**

Operation : 30 March 1987

**75. G.N. No. S 337/1987 — Revised Edition of the Laws (Rectification) Order 1987**

Operation : 30 March 1987

**76. G.N. No. S 22/1989 — Revised Edition of the Laws (Rectification) Order 1989**

Operation : 30 March 1987

**77. Act 13 of 1992 — Criminal Procedure Code (Amendment) Act 1992**

Bill : 12/1992  
 First Reading : 27 February 1992  
 Second and Third Readings : 19 March 1992  
 Commencement : 18 April 1992

**78. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993**  
 (Amendments made by section 29(2) of the above Act)

Bill : 12/1993  
 First Reading : 26 February 1993  
 Second Reading : 12 April 1993  
 Notice of Amendments : 12 April 1993  
 Third Reading : 12 April 1993  
 Commencement : 1 July 1993 (section 29(2))

**79. Act 2 of 1994 — Judicial Committee (Repeal) Act 1994**  
 (Amendments made by section 3 read with item (1) of the Schedule to the above Act)

Bill : 2/1994  
 First Reading : 17 January 1994  
 Second and Third Readings : 23 February 1994  
 Commencement : 8 April 1994 (section 3 read with item (1) of the Schedule)

**80. Act 39 of 1995 — Criminal Procedure Code (Amendment) Act 1995**

Bill : 32/1995  
 First Reading : 27 September 1995  
 Second and Third Readings : 1 November 1995  
 Commencement : 2 January 1996

**81. Act 31 of 1996 — Criminal Procedure Code (Amendment) Act 1996**

Bill : 19/1996  
 First Reading : 12 July 1996

Second and Third Readings	:	27 August 1996
Commencement	:	1 November 1996

**82. Act 7 of 1997 — Statutes (Miscellaneous Amendments) Act 1997**

(Amendments made by section 5(1) and section 7 read with item (11) of the Second Schedule to the above Act)

Bill	:	6/1997
First Reading	:	11 July 1997
Second and Third Readings	:	25 August 1997
Commencement	:	1 October 1997 (section 5(1) and section 7 read with item (11) of the Second Schedule)

**83. Act 8 of 1998 — Holidays Act 1998**

(Amendments made by section 11(2) of the above Act)

Bill	:	1/1998
First Reading	:	14 January 1998
Second and Third Readings	:	19 February 1998
Commencement	:	10 April 1998 (section 11(2))

**84. Act 46 of 1998 — Trade Marks Act 1998**

(Amendments made by section 111 read with item (3) of the Fourth Schedule to the above Act)

Bill	:	42/1998
First Reading	:	12 October 1998
Second and Third Readings	:	26 November 1998
Commencement	:	15 January 1999 (section 111 read with item (3) of the Fourth Schedule)

**85. Act 38 of 2000 — Oaths and Declarations Act 2000**

(Amendments made by section 20(2) of the above Act)

Bill	:	24/2000
First Reading	:	9 October 2000
Second and Third Readings	:	13 November 2000
Commencement	:	1 January 2001 (section 20(2))

**86. Act 4 of 2001 — Health Sciences Authority Act 2001**  
(Amendments made by section 42 read with item (2) of the Second Schedule to the above Act)

Bill	:	3/2001
First Reading	:	12 January 2001
Second and Third Readings	:	22 February 2001
Commencement	:	1 April 2001 (section 42 read with item (2) of the Second Schedule)

**87. Act 20 of 2001 — Children and Young Persons (Amendment) Act 2001**  
(Amendments made by section 47 of the above Act)

Bill	:	12/2001
First Reading	:	22 February 2001
Second and Third Readings	:	20 April 2001
Commencement	:	1 October 2001 (section 47)

**88. Act 25 of 2002 — Currency (Amendment) Act 2002**  
(Amendments made by section 9 read with item (3) of the Schedule to the above Act)

Bill	:	23/2002
First Reading	:	8 July 2002
Second and Third Readings	:	23 July 2002
Commencement	:	1 October 2002 (section 9 read with item (3) of the Schedule)

**89. Act 6 of 2004 — Statutes (Miscellaneous Amendments) Act 2004**  
(Amendments made by section 4 of the above Act)

Bill	:	4/2004
First Reading	:	5 January 2004
Second and Third Readings	:	6 February 2004
Commencement	:	8 March 2004 (section 4)

**90. Act 20 of 2004 — Trade Marks (Amendment) Act 2004**  
(Amendments made by section 37 of the above Act)

Bill	:	18/2004
First Reading	:	19 May 2004
Second and Third Readings	:	15 June 2004



Commencement : 1 July 2004 (section 37)

**91. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**  
(Amendments made by section 15, section 6 read with item (5) of the Fourth Schedule and section 7 read with item (8) of the Fifth Schedule to the above Act)

Bill : 30/2005  
 First Reading : 17 October 2005  
 Second and Third Readings : 21 November 2005  
 Commencement : 1 January 2006 (section 15, section 6 read with item (5) of the Fourth Schedule and section 7 read with item (8) of the Fifth Schedule)

**92. Act 2 of 2007 — Statutes (Miscellaneous Amendments) Act 2007**  
(Amendments made by section 9 of the above Act)

Bill : 14/2006  
 First Reading : 8 November 2006  
 Second and Third Readings : 22 January 2007  
 Commencement : 1 March 2007 (section 9)

**93. Act 51 of 2007 — Penal Code (Amendment) Act 2007**  
(Amendments made by section 108 of the above Act)

Bill : 38/2007  
 First Reading : 17 September 2007  
 Second Reading : 22 October 2007  
 Third Reading : 23 October 2007  
 Commencement : 1 February 2008 (section 108)

PART 3  
 CRIMINAL PROCEDURE CODE 2010  
 (2020 REVISED EDITION)

**94. Act 15 of 2010 — Criminal Procedure Code 2010**

Bill : 11/2010  
 First Reading : 26 April 2010  
 Second Reading : 18 May 2010  
 Third Reading : 19 May 2010

Commencement : 2 January 2011

**95. Act 3 of 2011 — Children and Young Persons (Amendment) Act 2011**  
(Amendments made by section 35 of the above Act)

Bill : 35/2010

First Reading : 22 November 2010

Second and Third Readings : 10 January 2011

Commencement : 20 July 2011 (section 35)

**96. G.N. No. S 664/2011 — Criminal Procedure Code (Amendment of First Schedule) Order 2011**

Commencement : 20 December 2011

**97. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012**  
(Amendments made by section 21 of the above Act)

Bill : 22/2011

First Reading : 21 November 2011

Second Reading : 18 January 2012

Notice of Amendments : 18 January 2012

Third Reading : 18 January 2012

Commencement : 1 March 2012 (section 21)

**98. Act 4 of 2012 — Evidence (Amendment) Act 2012**  
(Amendments made by section 21 of the above Act)

Bill : 2/2012

First Reading : 16 January 2012

Second and Third Readings : 14 February 2012

Commencement : 1 August 2012 (section 21)

**99. 2012 Revised Edition — Criminal Procedure Code (Chapter 68)**

Operation : 31 August 2012

**100. Act 30 of 2012 — Misuse of Drugs (Amendment) Act 2012**  
(Amendments made by section 28 of the above Act)

Bill : 27/2012

First Reading : 15 October 2012

Second Reading : 12 November 2012

Third Reading : 14 November 2012

- Commencement : 1 January 2013 (section 28)
- 101. Act 33 of 2012 — Criminal Procedure Code (Amendment) Act 2012**
- Bill : 34/2012
- First Reading : 15 October 2012
- Second and Third Readings : 14 November 2012
- Commencement : 1 January 2013
- 102. Act 3 of 2013 — Computer Misuse (Amendment) Act 2013**  
(Amendments made by section 5 read with item 2 of the Schedule to the above Act)
- Bill : 36/2012
- First Reading : 12 November 2012
- Second and Third Readings : 14 January 2013
- Commencement : 13 March 2013 (section 5 read with item 2 of the Schedule)
- 103. Act 25 of 2012 — Statutes (Miscellaneous Amendments) (No. 2) Act 2012**  
(Amendments made by section 4 of the above Act)
- Bill : 23/2012
- First Reading : 10 September 2012
- Second and Third Readings : 15 October 2012
- Commencement : 28 March 2013 (section 4)
- 104. Act 5 of 2014 — Subordinate Courts (Amendment) Act 2014**  
(Amendments made by section 11(9) read with item 8 of the Schedule to the above Act)
- Bill : 26/2013
- First Reading : 11 November 2013
- Second and Third Readings : 21 January 2014
- Commencement : 7 March 2014 (section 11(9) read with item 8 of the Schedule)
- 105. Act 4 of 2014 — Statutes (Miscellaneous Amendments) Act 2014**  
(Amendments made by section 5 of the above Act)
- Bill : 25/2013
- First Reading : 11 November 2013

Second and Third Readings	:	21 January 2014
Commencement	:	10 March 2014 (section 5)

**106. Act 1 of 2014 — Prisons (Amendment) Act 2014**

(Amendments made by section 22 read with item 2 of the Schedule to the above Act)

Bill	:	22/2013
First Reading	:	11 November 2013
Second Reading	:	20 January 2014
Notice of Amendments	:	21 January 2014
Third Reading	:	21 January 2014
Commencement	:	1 July 2014 (section 22 read with item 2 of the Schedule)

**107. Act 27 of 2014 — Family Justice Act 2014**

(Amendments made by section 54 of the above Act)

Bill	:	21/2014
First Reading	:	8 July 2014
Second Reading	:	4 August 2014
Notice of Amendments	:	4 August 2014
Third Reading	:	4 August 2014
Commencement	:	1 October 2014 (section 54)

**108. Act 17 of 2014 — Protection from Harassment Act 2014**

(Amendments made by section 22(1) of the above Act)

Bill	:	12/2014
First Reading	:	3 March 2014
Second and Third Readings	:	13 March 2014
Commencement	:	15 November 2014 (section 22(1))

**109. Act 42 of 2014 — Supreme Court of Judicature (Amendment) Act 2014**

(Amendments made by section 16 read with item 2 of the Schedule to the above Act)

Bill	:	38/2014
First Reading	:	7 October 2014
Second and Third Readings	:	4 November 2014

- Commencement : 1 January 2015 (section 16 read with item 2 of the Schedule)
- 110. Act 41 of 2014 — Statutes (Miscellaneous Amendments — Deputy Attorney-General) Act 2014**  
(Amendments made by section 3 of the above Act)
- Bill : 37/2014
- First Reading : 7 October 2014
- Second and Third Readings : 4 November 2014
- Commencement : 1 January 2015 (section 3)
- 111. Act 5 of 2015 — Liquor Control (Supply and Consumption) Act 2015**  
(Amendments made by section 38(1) of the above Act)
- Bill : 1/2015
- First Reading : 19 January 2015
- Second and Third Readings : 30 January 2015
- Commencement : 1 April 2015 (section 38(1))
- 112. Act 10 of 2015 — Police Force (Amendment) Act 2015**  
(Amendments made by section 46(2) of the above Act)
- Bill : 5/2015
- First Reading : 29 January 2015
- Second and Third Readings : 13 March 2015
- Commencement : 1 June 2015 (section 46(2))
- 113. Act 26 of 2015 — Organised Crime Act 2015**  
(Amendments made by section 84(2) of the above Act)
- Bill : 21/2015
- First Reading : 13 July 2015
- Second and Third Readings : 17 August 2015
- Commencement : 1 June 2016 (section 84(2))
- 114. Act 28 of 2017 — Public Entertainments and Meetings (Amendment) Act 2017**  
(Amendments made by section 24(5) of the above Act)
- Bill : 22/2017
- First Reading : 3 April 2017
- Second and Third Readings : 8 May 2017

- Commencement : 1 August 2017 (section 24(5))
- 115. Act 19 of 2016 — Administration of Justice (Protection) Act 2016**  
(Amendments made by section 39 of the above Act)
- Bill : 23/2016
- First Reading : 11 July 2016
- Second and Third Readings : 15 August 2016
- Commencement : 1 October 2017 (section 39)
- 116. Act 26 of 2018 — Public Order and Safety (Special Powers) Act 2018**  
(Amendments made by section 55 of the above Act)
- Bill : 11/2018
- First Reading : 27 February 2018
- Second Reading : 21 March 2018
- Notice of Amendments : 21 March 2018
- Third Reading : 21 March 2018
- Commencement : 16 May 2018 (section 55)
- 117. Act 9 of 2018 — Cybersecurity Act 2018**  
(Amendments made by section 50(2) of the above Act)
- Bill : 2/2018
- First Reading : 8 January 2018
- Second and Third Readings : 5 February 2018
- Commencement : 31 August 2018 (section 50(2))
- 118. Act 19 of 2018 — Criminal Justice Reform Act 2018**  
(Amendments made by sections 2 to 122 of the above Act)
- Bill : 14/2018
- First Reading : 28 February 2018
- Second and Third Readings : 19 March 2018
- Commencement : 17 September 2018 (sections 2(a) to (d) and (f) to (i), 4 to 9, 19, 31, 34, 37 to 63, 74(a) and (b), 76, 77, 82 to 86, 115(a), 116, 117, 119(a) and 120)  
31 October 2018 (sections 2(j), (k) and (l), 3, 10 to 18, 20 to 30, 32, 33, 35, 36, 74(c), (d) and (e), 75, 79, 80, 81, 87 to

97, 99 to 114, 115(b), 118, 119(b) to  
(e), 121 and 122)

**119. G.N. No. S 724/2018 — Criminal Procedure Code (Amendment of  
Second Schedule) Order 2018**

Commencement : 31 October 2018

**120. G.N. No. S 820/2018 — Criminal Procedure Code (Amendment of  
Second Schedule) (No. 2) Order 2018**

Commencement : 18 December 2018

**121. Act 41 of 2017 — Infrastructure Protection Act 2017**  
(Amendments made by section 86(2) of the above Act)

Bill : 32/2017

First Reading : 11 September 2017

Second and Third Readings : 2 October 2017

Commencement : 18 December 2018 (section 86(2))

**122. Act 12 of 2018 — Criminal Law (Temporary Provisions) (Amendment)  
Act 2018**

(Amendments made by section 10(1) of the above Act)

Bill : 5/2018

First Reading : 9 January 2018

Second and Third Readings : 6 February 2018

Commencement : 1 January 2019 (section 10(1))

**123. Act 14 of 2019 — Criminal Procedure Code (Amendment) Act 2019**

Bill : 7/2019

First Reading : 11 February 2019

Second and Third Readings : 8 March 2019

Commencement : 21 June 2019

**124. Act 15 of 2019 — Criminal Law Reform Act 2019**  
(Amendments made by section 169 of the above Act)

Bill : 6/2019

First Reading : 11 February 2019

Second Reading : 6 May 2019

Notice of Amendments : 6 May 2019

Commencement : 1 January 2020 (section 169 (except section 169(1)(i) and (j))  
10 February 2020 (section 169(1)(i) and (j))

**125. G.N. No. S 851/2019 — Criminal Procedure Code (Amendment of First Schedule) Order 2019**

Commencement : 2 January 2020

**126. Act 30 of 2019 — Children and Young Persons (Amendment) Act 2019**  
(Amendments made by section 59 of the above Act)

Bill : 22/2019

First Reading : 5 August 2019

Second Reading : 3 September 2019

Third Reading : 4 September 2019

Commencement : 1 July 2020 (section 59(a))

**127. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019**  
(Amendments made by section 28(1) read with item 37 of the Schedule to the above Act)

Bill : 32/2019

First Reading : 7 October 2019

Second Reading : 5 November 2019

Notice of Amendments : 5 November 2019

Third Reading : 5 November 2019

Commencement : 2 January 2021 (section 28(1) read with item 37 of the Schedule)

**128. Act 10 of 2021 — Postal Services (Amendment) Act 2021**  
(Amendments made by section 27 of the above Act)

Bill : 5/2021

First Reading : 5 March 2021

Second and Third Readings : 5 April 2021

Commencement : 14 May 2021 (section 27)

**129. Act 17 of 2019 — Protection from Harassment (Amendment) Act 2019**  
(Amendments made by section 30 of the above Act)

Bill : 11/2019



First Reading	:	1 April 2019
Second and Third Readings	:	7 May 2019
Commencement	:	1 June 2021 (section 30)

### Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE  
CRIMINAL PROCEDURE CODE 2010

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

<b>2020 Ed.</b>	<b>2012 Ed.</b>
<b>104</b>	<b>104—(1)</b>
—	<i>(2) [Deleted by Act 19 of 2018]</i>
—	<i>(3) [Deleted by Act 19 of 2018]</i>
<i>[Omitted as spent]</i>	<b>429—(23)</b>