CRIMINAL PROCEDURE CODE 2010

(No. 15 of 2010)

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An Act to repeal and re-enact with amendments the Criminal Procedure Code (Chapter 68 of the 1985 Revised Edition) and to make consequential and related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the Criminal Procedure Code 2010 and is generally referred to in this Act as this Code.

(2) This Code shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

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;

"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;

"complaint" means any allegation made orally or in writing to a Magistrate with a view to his taking action under this Code that some person, whether known or unknown, has committed or is guilty of an offence;

"computer" has the same meaning as in the Computer Misuse Act (Cap. 50A);

"court" means the Court of Appeal, the High Court, a District Court or a Magistrate's Court, as the case may be, which exercises criminal jurisdiction;

"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 (Cap. 295);

(*b*) order made under section 34(2) of the Misuse of Drugs Act (Cap. 185);

(*c*) supervision order made under section 16 of the Intoxicating Substances Act (Cap. 146A);

(*d*) order made under section 30 of the Criminal Law (Temporary Provisions) Act (Cap. 67); 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;

"financial institution" has the same meaning as in section 2 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A);

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

"Judge" means a Judge of the High Court and includes the Chief Justice and any person appointed to exercise the powers of a Judge;

"Judge of Appeal" includes the Chief Justice and a Judge of the High Court sitting as a judge of the Court of Appeal under section 29(3) of the Supreme Court of Judicature Act (Cap. 322);

"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 the age of 16 years 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 same meaning as in the Police Force Act (Cap. 235);

"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" and "public postal licensee" have the same meanings as in section 2 of the Postal Services Act (Cap. 237A);

"proceeding" includes a committal hearing, criminal case disclosure conference and a pre-trial conference, held under Part IX or X, 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 Subordinate Courts" includes a Deputy Registrar of the Subordinate 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 Ed.) repealed by this Code;

"signed" or "signature" and its grammatical variations, in relation to documents signed by a person who is a Judge of the Supreme Court, the Registrar of the Supreme Court, the Registrar of the Subordinate Courts, a District Judge or a Magistrate, shall have the same meaning as defined in section 2 of the Electronic Transactions Act 2010;

"stolen property" has the same meaning as in section 410 of the Penal Code (Cap. 224);

"Subordinate Court" means any court constituted under the Subordinate Courts Act (Cap. 321) for the administration of criminal justice;

"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.

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

Service of notices, orders and documents

3.—(1) 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 family;

(*c*) by addressing it to that person and delivering it at the last known business address of that person to his employee or by addressing it to his 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 his last known residential or business address, or sending it by registered post addressed to his advocate (if any) at the advocate's office;

(*e*) by addressing it to that person and transmitting it by facsimile to his last known facsimile number, or addressing it to his advocate (if any) and transmitting it by facsimile to the advocate's office facsimile number;

(*f*) by leaving it at his 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 like 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 facsimile number of the body corporate or limited liability partnership; or

(vi) by addressing it to the advocate (if any) of the body corporate or limited liability partnership and transmitting it by facsimile to the advocate's office facsimile number;

(*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 like 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 facsimile number of the partnership; or

(vi) by addressing it to the advocate (if any) of the partnership and transmitting it by facsimile to the advocate's office facsimile number;

(*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 the unincorporated association and transmitting it to the last known facsimile number of the unincorporated association; or

(vi) by addressing it to the advocate (if any) of the unincorporated association and transmitting it by facsimile to the advocate's office facsimile number; or

(*j*) by any other prescribed method.

(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 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 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.

(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 shall be admissible in evidence.

Trial of offences under Penal Code or other laws

4.—(1) Offences under the Penal Code (Cap. 224) 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 shall derogate from the jurisdiction or powers of the Court of Appeal or the High Court or the Judges thereof, or the Attorney-General or the Solicitor-General.

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 II

CRIMINAL JURISDICTION OF SUBORDINATE COURTS

Criminal jurisdiction of Magistrates' Courts

7.—(1) Subject to this Code, Magistrates'Courts shall 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 punishable with a fine only;

(*b*) conduct a committal hearing into any offence with a view to committal for trial by the High Court;

(*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 the peace or for his 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.

(2) The jurisdiction and powers conferred on Magistrates' Courts under subsection (1)(*a*) and (*b*) 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.

(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 shall 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 punishable with a fine only.

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

Enlargement of jurisdiction of Subordinate 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.

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

(*a*) under the Penal Code (Cap. 224), 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, if the offence is shown to be triable by a Magistrate's Court under that law.

(3) Notwithstanding 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) 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 (Cap. 224)) 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 shall 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;

(*b*) an offence under Chapter VA, VI (except section 127) or XVIII of the Penal Code;

(*c*) an offence under Chapter XXI of the Penal Code; or

(*d*) an abetment of, or an attempt to commit, any offence referred to 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 his arrest may be issued and executed, and any such person may be remanded in custody or released on bail, notwithstanding that the consent of the Public Prosecutor has not been obtained, but the case shall 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 shall be explained to him but he shall 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 shall remain in force unless acted upon within one month from the date on which it was given.

(6) Subsections (2) to (5) shall 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 III

POWERS OF ATTORNEY-GENERAL AND PUBLIC PROSECUTOR

Public Prosecutor

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

(2) The Solicitor-General shall have all the powers of a Deputy Public Prosecutor and shall act as Public Prosecutor when the Attorney-General is absent or unable to act.

(3) Subject to this section, the Public Prosecutor may appoint 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.

(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 —

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

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

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

as the case may be.

(5) The Public Prosecutor, the Solicitor-General or a Deputy Public Prosecutor may authorise any person, on such terms and conditions as he 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.

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

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

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

(*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 punishable with a fine only.

Public Prosecutor's fiat

12.—(1) Notwithstanding any provision in this Code, the Public Prosecutor may by fiat, and on such terms and conditions as he thinks fit, permit any person to prosecute, on the person's own behalf, any particular offence punishable under the Penal Code (Cap. 224) 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 Solicitor-General, a Deputy Public Prosecutor or an Assistant Public Prosecutor, the Public Prosecutor may, if he thinks fit, take over the conduct of the prosecution at any stage of the proceedings and continue or discontinue the prosecution.

PART IV

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, he must ensure that all of the following are recorded in a report:

(*a*) the date and time of his 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 referred to in subsection (3).

(5) If the information is given orally and it is impracticable for the recording officer to write it down immediately, he 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 shall 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 referred to 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 shall thereupon be investigated by a police officer;

(*b*) the informant shall, 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 (Cap. 49A), 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 referred to in subsection (2) may also exercise the same powers in respect of the investigation as he 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) shall be supplied with a copy of any report filed or recorded under section 14 or 15 on which shall 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 reasons if he 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 is unable to attend to the case, another police officer acting in his 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) Notwithstanding subsection (1) —

(*a*) if the police officer has reason to believe that the case is not of a serious nature, there shall be 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 shall not do so.

(3) In each of the cases mentioned in subsection (2)(*a*) and (*b*), the police officer receiving the information shall state in his report his 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 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 progress, setting out —

(*a*) the time at which any order for investigation reached him;

(*b*) the times at which he began and closed his investigation;

(*c*) the places he visited; and

(*d*) the findings of his investigation.

(2) Notwithstanding anything in the Evidence Act (Cap. 97), an accused is not entitled to call for or inspect such a diary before or during an inquiry, trial or other proceeding under this Code.

(3) Where, for the purposes of section 161 or 162 of the Evidence Act, 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 considers that a document or other thing (other than a document or thing in the custody of a Postal Authority or public postal licensee) is necessary or desirable for any investigation, inquiry, trial or other proceeding under this Code, he may issue a written order to the person in whose possession or power the document or thing is believed to be, to require that person —

(*a*) to produce the document or thing at the time and place stated in the order; or

(*b*) to give a police officer access to such document or thing.

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

(*a*) must only be made by a police officer of or above the rank of inspector; 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.

(3) If any document or thing in the custody of a Postal Authority or a public postal licensee is, in the opinion of the Public Prosecutor, required for any investigation, inquiry, trial or other proceeding under

this Code, he may require the Postal Authority or public postal licensee to deliver that document or thing to the person whom the Public Prosecutor so requires it to be delivered.

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

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

(6) In this section, "customer information" has the same meaning as in section 40A of the Banking Act (Cap. 19).

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 him, 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, in his discretion, issue a warrant ordering the person to attend.

Power to examine witnesses

22.—(1) In conducting an investigation under this Part, a police officer 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.

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

(3) A statement made by any person examined under this section must —

(*a*) be in writing;

(*b*) be read over to him;

(*c*) if he does not understand English, be interpreted for him in a language that he understands; and

(*d*) be signed by him.

Cautioned statements

23.—(1) If, during an investigation, a person (referred to in this section as 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 he may be prosecuted for an offence, he must be served with and have read to him a notice in writing 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 —

(*a*) remains silent; or

(*b*) says or does anything which intimates his refusal to give a statement,

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

(3) A statement made by an accused after the notice under subsection (1) is read to him must —

(*a*) be in writing;

(*b*) be read over to him;

(*c*) if he does not understand English, be interpreted for him in a language that he understands; and

(*d*) be signed by him.

(4) No statement made by an accused in answer to a notice read to him under subsection (1) shall 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) A copy of a statement recorded under this section must be given to the accused at the end of the recording of such statement.

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), or a requisition under section 20(3), or a summons under section 235(1), would not produce the document or other thing as required by the order, requisition 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.

(2) Nothing in this section shall authorise any court other than the High Court to grant a warrant to search for a document in the custody of the Postal Authority or a public postal licensee.

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, 5 or 6 of the Consumer Protection (Trade Descriptions and Safety Requirements) Act (Cap. 53);

(*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 —

(i) to enter that place with such assistance as may be required;

(ii) to search it in the manner, if any, specified in the warrant;

(iii) to take possession of any goods, property, document, seal, stamp or coin found in it which he reasonably suspects to be the subject of an offence committed under section 4, 5 or 6 of the Consumer Protection (Trade Descriptions and Safety Requirements) Act (Cap. 53) or to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instrument and material as aforesaid;

(iv) 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 to otherwise to dispose thereof in some place of safety; and

(v) 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 —

(A) the goods to have been the subject of an offence committed under section 4, 5 or 6 of the Consumer Protection (Trade Descriptions and Safety Requirements) Act;

(B) the property to have been stolen or otherwise unlawfully obtained;

(C) the document, seal, stamp or coin to have been forged, falsified or counterfeited; or

(D) 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 High Court, by a Judge of the High Court or by the Registrar of the Supreme Court.

(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 shall remain 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; and

(*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.

Reinstatement of registration

29. The Board may in its discretion, after the expiration of not less than one year from the cancellation of registration of any person, consider any application for registration by that person in accordance with the provisions of Part IV.

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 shall 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 he 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 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 shall be 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 he has good grounds for believing that by reason of the delay in obtaining a search warrant such property is likely to be removed, he 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 shall 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 his representative shall accompany the officer in the search for that property under subsection (1) unless that person or his 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 referred to 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 he 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 —

(*a*) if he considers that the document or thing to be necessary for his investigation and if he 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*) he has reason to believe that the document or thing, which he considers to be necessary for his investigation, is likely to be removed; or

(*c*) it is not known who possesses the document or thing which he considers to be necessary for his investigation.

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

(3) The provisions of this Code relating to searches pursuant to search warrants shall, with the necessary modifications, apply 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 receipt of the property at a police station.

(4) A police officer may exercise the powers conferred under this section notwithstanding 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 such account, or any other payments, may be credited into such account after the date on which the written order was made; and

(*b*) any such interest, other earnings or payments shall be 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 such property or any part of such property.

(8) The court shall 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 such 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 referred to 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.

Forfeiture of counterfeit coin or counterfeit currency note or bank note, etc.

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

(*a*) any counterfeit coin or current coin or any die, instrument or material for the purpose of counterfeiting any coin or current coin; or

(*b*) any forged or counterfeit currency note or bank note or any machinery, instrument or material used for the forging or counterfeiting of any currency note or bank note,

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

(2) Anything seized under subsection (1) shall, 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 shall be destroyed or otherwise disposed of in such manner as the Minister may direct.

(3) In this section, "coin", "current coin", "die" and "instrument" have the same meanings as in the Penal Code (Cap. 224).

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 his behalf, 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 of a computer that he has reasonable cause to suspect is or has been used in connection with the arrestable offence; or

(*b*) use or cause to be used any such computer to search any data contained in or available to such computer.

(2) The police officer or authorised person may also require any assistance he needs to gain such access from —

(*a*) any person whom he reasonably suspects of using the computer in connection with the arrestable offence or of having used it in this way; or

(*b*) any person having charge of, or otherwise concerned with the operation of, such computer.

(3) Any person who obstructs the lawful exercise by a police officer or an authorised person of the powers under subsection (1), or who fails to comply with any requirement of the police officer or authorised person 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 6 months or to both.

(4) An offence under subsection (3) shall be an arrestable offence.

(5) A person who had acted in good faith under subsection (1) 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.

(6) In this section and section 40, "authorised person" means a person authorised in writing by the Commissioner of Police for the purposes of this section or section 40 or both.

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 referred to in subsection (1) shall be 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 he 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 him with such reasonable technical and other assistance as he may require for the purposes of paragraph (*a*); and

(*c*) require any person whom he reasonably suspects to be in possession of any decryption information to grant him 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, he 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 (Cap. 13);

(*e*) the Chemical Weapons (Prohibition) Act (Cap. 37B);

(*f*) the Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65);

(*g*) the Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124);

(*h*) the Kidnapping Act (Cap. 151);

(*i*) the Maritime Offences Act (Cap. 170B);

(*j*) the Official Secrets Act (Cap. 213);

(*k*) the Protected Areas and Protected Places Act (Cap. 256);

(*l*) the Statutory Bodies and Government Companies (Protection of Secrecy) Act (Cap. 319);

(*m*) the Strategic Goods (Control) Act (Cap. 300);

(*n*) the Terrorism (Suppression of Financing) Act (Cap. 325);

(*o*) the United Nations (Anti-Terrorism Measures) Regulations (Cap. 339, Rg 1); and

(*p*) such other written law as the Minister may, by order published in the *Gazette*, specify.

(6) No offence shall be 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 shall be 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 his possession at the time the request was made; and

(*b*) continued not to be in his 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.

PART V

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, 504 or 510 of the Penal Code (Cap. 224) or under section 13A, 13B, 13C or 13D of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184);

(*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 he 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 him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace for a period not exceeding 2 years.

(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 he should be ordered to execute a bond to keep the peace, the court may require him to show cause why he 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 shall not be 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 that person to show cause why he 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 he should not be ordered to execute a bond for his good behaviour for a period not exceeding 2 years, if it appears to the court that —

(*a*) the person is trying to conceal his presence and there is reason to believe that he is doing so with a view to committing an offence;

(*b*) the person has no apparent means of supporting himself or is unable to give a satisfactory account of himself; 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 (Cap. 290) or any material which forms the subject matter of a charge under section 267C, 298A or 505 of the Penal Code (Cap. 224); or

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

(2) No proceeding shall 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 he should not be ordered to execute a bond for his 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, if he wishes, explained to him.

(2) If the person subject to the order is not present in court, the court must issue a summons requiring him to appear or, if he is in custody, a warrant instructing the officer in whose custody he is to bring him 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 him 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 his 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 shall 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 shall, as the case may be, bind him —

(*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, in its discretion, 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 him to prison for a period not exceeding the period for which the security is ordered to be given.

(2) If the person referred to in subsection (1) is already in prison, he shall stay there until the end of the term that the court has determined under subsection (1) or until he 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 High Court shall not exercise this power except in cases where the imprisonment is under its own order or that of a similar court.

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 him to provide adequate security for the remaining term of the bond.

(4) Every such order referred to in subsection (3) shall be treated as made under section 41 or 50 and in such a case, sections 52 to 55 shall 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 shall derogate from the powers conferred on any person under the Public Order Act 2009 (Act 15 of 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 may require any commissioned or

non-commissioned officer in command of any sailors, soldiers or airmen in the Singapore Armed Forces or in any visiting force lawfully present in Singapore 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.

(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall 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 or in any visiting force lawfully present in Singapore 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 is acting under this section it becomes practicable for him to communicate with the Minister, the Commissioner of Police or a Deputy Commissioner of Police, he shall do so and thereafter obey the instructions of the Minister, the Commissioner of Police or the Deputy Commissioner of Police as to whether he shall or shall not continue the action.

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 or in any visiting force lawfully present in Singapore for any act purporting to be done under this Division shall 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 any of the Singapore Armed Forces or of any visiting force lawfully present in Singapore doing any act in obedience to any order which under naval, military or air force law he was bound to obey,

shall be deemed thereby to have committed an offence.

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 ability, use all lawful means to prevent the commission of the offence.

(2) Without affecting the generality of 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 removing a person from any place and taking away any thing which the person has in his possession which the police officer reasonably suspects is intended to be used in the commission of the offence;

"terrorist act" means the use or threat of action —

(*a*) where the action —

(i) involves serious violence against a person or which endangers a person's life;

(ii) involves serious damage to any building or structure;

(iii) creates a serious risk to the health or the safety of the public or a section of the public;

(iv) involves the use of firearms or explosives; or

(v) involves releasing into the environment or any part thereof, or distributing or otherwise exposing the public or any part thereof to —

(A) any dangerous, hazardous, radioactive or harmful substance;

(B) any toxic chemical; or

(C) any microbial or other biological agent, or toxin; and

(*b*) where the use or threat of action is intended or reasonably regarded as intending to —

(i) influence or compel the Government, any other government, or any international organisation to do or refrain from doing any act; or

(ii) intimidate the public or a section of the public.

PART VI

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 his 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 duty, or has escaped or tries to escape from lawful custody;

(*f*) is reasonably suspected of being a deserter from any force referred to in section 140B of the Penal Code (Cap. 224) or to which Chapter VII of that Code may be extended;

(*g*) is trying to conceal his presence in circumstances that suggest he 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;

(*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, he refuses to give his 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, he 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 he 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 his 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 him to a police station.

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

(4) If there is reason to believe that the arrested person has committed a non-arrestable offence and he refuses to give his 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, he may be dealt with under section 65.

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

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

(*a*) his name and residential address are unknown;

(*b*) he gives a residential address outside Singapore; or

(*c*) he 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 referred to in paragraph (*c*).

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

(8) If any person being lawfully apprehended under subsection (6) assaults or forcibly resists the person by whom he is so apprehended, he 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 shall, 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) No police officer shall 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.

(2) Such period shall 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 or director of any law enforcement agency, or any person of a similar rank in such law enforcement agency.

(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 or director of any law enforcement agency, or any person of a similar rank in such law enforcement agency, may be executed by any person appointed by the head, director or any person of a similar rank.

(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 High Court, by a Judge of the High Court or by the Registrar of the Supreme Court.

(2) The arrest warrant shall remain 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 his 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 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 he is required by law to produce that 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 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 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 him 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 shall be 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 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 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.

(2) A police officer investigating an arrestable offence under Part IV 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 he has about his person, and shall 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 may be searched to find out his 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 any other person who, having lawfully gone inside to make an arrest, is detained in it.

Mode of searching women

83. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

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 escaped or was rescued, or any police officer, may immediately pursue and arrest him for the purpose of returning him to the place where he was in lawful custody.

(2) Sections 77 and 82 shall 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 his 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 his 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 him 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 (Cap. 329A) 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 (Cap. 227) 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 his 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 his 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 High Court under its civil jurisdiction.

(5) An attachment of immovable property shall have no effect until the order of attachment is registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157), as the case may be.

(6) If the proclaimed person does not appear within the time specified in the proclamation, the attached property shall be 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 shall 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 personal bond, as the case may be;

"surrender to custody", in relation to a released person, means to surrender himself 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 to do so.

When person must be released on bail or personal bond

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.

(2) Instead of taking bail from the person, the police officer or the court may release him if he signs a personal bond without sureties.

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, he may be released on bail by a police officer of or above the rank of sergeant or by the court.

(2) 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 him.

(3) Notwithstanding 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 own personal bond.

(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 him to prison.

Conditions of bail or personal bond

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

(2) The conditions imposed in relation to an accused under subsection (1) may include the following requirements:

(*a*) to surrender any travel document in his possession;

(*b*) to surrender to custody or to make himself available for investigations or to attend court at the day, time and place appointed for him to do so;

(*c*) not to commit any offence while released on bail or on personal bond; and

(*d*) not to interfere with any witness or otherwise obstruct the course of justice whether in relation to himself or any other person.

Exceptions to bail or release on personal bond

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

(*a*) he is charged for an offence punishable with death, imprisonment for life or imprisonment for a term of 20 years or more;

(*b*) having been previously released on bail or personal bond in any criminal proceedings, he had not surrendered to custody or made himself available for investigations or attended court, and the court believes that in view of this failure, he would not surrender to custody, or make himself available for investigations or attend court if released; or

(*c*) he has been arrested or taken into custody under a warrant issued under section 10, 24 or 34 of the Extradition Act (Cap. 103) or endorsed under section 33 of that Act.

(2) Notwithstanding subsection (1), the court may direct that any juvenile or any sick or infirm person accused of such an offence be released on bail.

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

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.

High Court's powers to grant or vary bail

97.—(1) Whether there is an appeal against conviction or not, the High Court may grant bail to any accused before it, release him on personal bond or vary the amount or conditions of the bail or personal bond required by a police officer or a Subordinate Court, and impose such other conditions for the bail or personal bond as it thinks fit.

(2) At any stage of any proceeding under this Code, the High Court may cause any person released under this section to be arrested and may commit him to custody.

Application for bail or release on personal bond in High Court

98.—(1) An application to 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.

(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 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 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 on receiving the order.

(3) No person shall 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 an address where he 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 for any other reason, any notice or process left for him at the address given shall be treated as duly served on him.

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 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 to provide sufficient sureties.

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

Liability to arrest for absconding or breaking conditions of bail or personal bond

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

(2) If a released person leaves the court at any time after he has surrendered into its custody or after he has attended court at the day and time appointed for him 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 arrest.

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

(*a*) there are reasonable grounds for believing that he is unlikely to surrender to custody, or to make himself available for investigations or to attend court;

(*b*) there are reasonable grounds for believing that he is likely to break or has broken any of the conditions of his bail or personal bond; or

(*c*) any of his sureties informs the police or court that the person is unlikely to surrender to custody, or to make himself available for investigations or to attend court and that the surety therefore wishes to be relieved of his 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 he —

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

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

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

Duties of surety

104.—(1) A surety must —

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

(*c*) ensure that the released person is within Singapore unless the released person has been permitted by the court to leave Singapore.

(2) If the surety is in breach of any of his duties, the court may, having regard to all the circumstances of the case, forfeit the whole or any part of the amount of the bond.

(3) The court may order that any amount forfeited under subsection (2) be paid by instalments.

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.

(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 stood surety and immediately bring him 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 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 him to enter into his own personal bond and provide security acceptable to the court or officer.

Procedure on forfeiture of bond

107.—(1) If it is proved to a court's satisfaction that a bond taken under this Code has been forfeited, the court —

(*a*) must record the basis of such proof;

(*b*) may summon before it the person bound by the bond; and

(*c*) may call on him to pay the amount of the bond or to explain why he should not pay it.

(2) If his explanation is inadequate and the amount of the bond is not paid, the court may recover the amount by issuing an order for the attachment and sale of his property.

(3) If immovable property attached under subsection (2) 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.

(4) If the amount of the bond is not paid or cannot be recovered by such attachment and sale, the court may commit to prison the person bound by the bond for a term not exceeding 12 months.

(5) Any unsatisfied amount of the bond shall constitute a judgment debt in favour of the Government and nothing in this section shall prevent the Government from recovering it as such.

(6) The court may reduce the amount of the bond and enforce part-payment only.

Appeal from orders

108. All orders made under section 107 by any Magistrate's Court or District Court are appealable.

Power to direct levy of amount due on bond

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

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, he 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 IV, 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, he 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) Notwithstanding 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 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 director of that law enforcement agency or a person of a similar rank,

may require a person whom he has reasonable grounds for believing has committed any offence to surrender his travel document.

(2) Any person who fails to surrender his 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 travel document, the Magistrate may commit him to prison until he surrenders his travel document.

(4) For the purposes of subsection (3), a certificate signed by an authorised officer, or the head or director of any law enforcement agency or a person of a similar rank, or the head or 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 travel document is sufficient warrant for the Director of Prisons to release the prisoner.

(5) In this section and section 113 —

"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 referred to 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.

Return of travel document

113.—(1) A person who has surrendered his travel document under section 112 may apply to the authorised officer, or the head or director of the law enforcement agency or a person of similar rank, or the head or 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.

(2) Where an application under subsection (1) has been refused, the person may apply to a District Judge for the return of his 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 for his 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 High Court, by a Judge of that Court or by the Registrar of the Supreme Court.

(2) The summons shall remain 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 referred to 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 referred to 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 referred to 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 referred to 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) Notwithstanding subsections (1) to (4), a summons may be served in any manner referred to 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 like 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 like officer of a partnership (other than a limited liability partnership) on whom the summons is to be served; or

(*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 with some adult member of his family or with his employee residing with him.

(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 shall 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, shall be 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 his 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.

(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 statement in writing 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 like 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 like 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 statement in writing shall, for the purposes of this section, be admissible without further proof as prima facie evidence that the person has been duly appointed as representative.

Service for offences punishable with fine only

118. Notwithstanding section 116, a summons for an offence punishable with a fine only may be served by sending a copy of the summons by registered post to the last known address of the person to be summoned.

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 his arrest if —

(*a*) before or after the issue of the summons but before the time fixed for his appearance, the court has reason to believe that he has absconded or will not obey the summons; or

(*b*) at such time fixed for his appearance, he fails to appear, and the summons is proved to have been duly served in time to enable him 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 shall for the purposes of this Code be 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 shall be produced as soon as possible before a Magistrate in Singapore, who shall, if satisfied that he 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 shall while in such custody, be 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 for reasons to be recorded by him he is satisfied 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 his 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), he shall attend at the appropriate court at the time specified in the summons, unless he can satisfy the court that he 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 that person appears to have committed.

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

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

PART VII

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 he 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 shall 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 (Cap. 224); that he did not come within any of the general

exceptions in Chapter IV 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 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 IV 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, that *A* committed murder or cheating or theft or extortion or criminal intimidation or that he 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 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.

(7) All charges upon which persons are tried before the High Court shall 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 him in that behalf and in the latter case, the words "By authority of the Public Prosecutor" shall be prefixed to the signature.

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 he is charged with.

(2) If the accused is charged with criminal breach of trust or dishonest misappropriation of money or other movable property, it shall be sufficient to specify —

(*a*) the gross sum in respect of which the offence is alleged to have been committed; and

(*b*) the dates between which the offence is alleged to have been committed, which period shall not exceed 12 months,

without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence.

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 he 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 his public functions at a given time and place. The charge must state how *A* obstructed *B* in discharging his 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 shall be 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 shall be regarded at any stage of the case as material unless the accused was in fact misled by that error or omission.

Illustrations

(*a*) *A* is charged under section 242 of the Penal Code (Cap. 224) with "having been in possession of a counterfeit coin having known at the time when he became possessed of it that the coin was counterfeit", but the word "fraudulently" is omitted from the charge. Only if *A* was actually misled by this omission may the error be regarded as material.

(*b*) *A* is charged with cheating *B*. How he cheated *B* is not stated in the charge or is stated incorrectly. *A* defends himself, calls witnesses and gives his 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 he 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 him 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 his 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.

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 his plea and to state whether he is ready to be tried on this altered or new charge.

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

Illustrations

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, he does not need to be separately tried if he pleads guilty to both charges or if he 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, he 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 he 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 (Cap. 224).

(*b*) *A* has in his possession several seals that he knows to be counterfeit and intends to use them to commit forgeries punishable under section 466 of the Penal Code. *A* may be separately charged with the possession of each seal under section 473 of the Penal Code.

(*c*) Intending to cause injury to *B*, *A* begins a criminal proceeding against him 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 (Cap. 224).

(*d*) Intending to cause injury to *B*, *A* falsely accuses him 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.

(*e*) *A*, with 6 others, commits the offences of rioting, grievous hurt and assaulting a public servant trying to suppress the riot in the discharge of his duty. *A* may be separately charged with offences under sections 145, 325 and 152 of the Penal Code.

(*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.

(*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.

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.

(*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.

(*c*) *A* exposes her child with the knowledge that by doing so she 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.

(*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. *A* may be

separately charged with offences under sections 471 (read with section 466) and 196 of the Penal Code (Cap. 224).

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.

Illustrations

A robs *B*, and in doing so voluntarily hurts him. *A* may be separately charged with offences under sections 323, 392 and 394 of the Penal Code and he 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 shall affect 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 he 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. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he 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 he saw *B* hit *C* with a club. Before 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 he committed a different offence for which he might have been charged under that section, he may be convicted of the offence that he is shown to have committed although he was not charged with it.

Illustrations

A is charged with theft. In evidence it appears that he committed the offence of criminal breach of trust or of receiving stolen goods. He may be convicted of criminal breach of trust or of receiving stolen goods, as the case may be, although he was not charged with that offence.

Conviction of attempt or abetment

140. When the accused is charged with an offence, he 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, he may be convicted of the lesser offence although he 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, he may be convicted of the lesser offence although he is not charged with it.

Illustrations

(*a*) *A* is charged under section 407 of the Penal Code (Cap. 224) with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 of the Penal Code in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406 of the Penal Code.

(*b*) *A* is charged under section 325 of the Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of the Penal Code.

Where court finds offence referred to in section 10 proved

142. Where the court makes a finding under section 139 or 141 that any offence referred to 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 (Cap. 224), 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 XII of the Penal Code relating to a counterfeit coin, and a person accused of any other offence under that Chapter relating to the same coin;

(*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 he 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.

Joint trials for connected offences

144. Notwithstanding section 143, a person may be separately charged and tried together with any other person accused of another offence under the same written law, if both offences arise from the same series of acts, whether or not they form the same transaction.

Illustrations

(*a*) *A* agrees to let *B* keep his 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 43(1)(*a*) and 46(1)(*a*) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A) 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 (Cap. 185) as the offences arise from the same series of acts.

(*c*) *A* has in his possession a secret official code word which has been entrusted in confidence to him 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 he has no right to retain it. *A* and *B* may be separately charged and tried together for offences under sections 5(1)(*d*)(iv) and 6(2)(*a*) of the Official Secrets Act (Cap. 213) 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*) of the Prevention of Corruption Act (Cap. 241) respectively 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.

Joint trials with consent

145.—(1) A court may try offences together at one trial or order a joint trial notwithstanding that 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;

(*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) Notwithstanding subsection (1), the court shall 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. Notwithstanding 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 his defence because —

(*a*) he 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*) he 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 he 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 he 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) Such withdrawal shall have 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 in 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 referred to 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 High Court may, under subsection (1), take into consideration any outstanding offences an accused admits to have committed when passing sentence, notwithstanding that no committal hearing under Division 2 of Part X or no transmission proceedings under Division 5 of Part X have been held in respect of those outstanding offences.

(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 his conviction for the original offence under subsection (1) is set aside, be charged or tried for any such 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 he is dead.

PART VIII

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, issue a summons to compel the attendance before him of any person who may be able to help him 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 (Cap. 49A); 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 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 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 such failure or refusal.

(3) If the Magistrate dismisses the complaint, he must record his reasons.

Issue of summons or warrant

153.—(1) A Magistrate must issue a summons for the attendance of an accused if —

(*a*) he 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*) he 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*) he 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 shall 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 (Cap. 49A) 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 such 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, he may do so or, if he 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 such 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 him 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 his 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 him according to law, and sentence him to a fine with or without a sentence of imprisonment if he fails to pay the fine.

(4) If the accused pleads guilty by letter, he must state in the letter a postal address.

(5) Notwithstanding 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 his 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 plea of guilty and claim trial when he appears pursuant to subsection (8), then the court must, notwithstanding any order of conviction made in his absence permit him to withdraw his plea and then hear and determine the case, and if the court convicts him, pass sentence according to law.

(10) Nothing in this section shall affect 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 his defence, discharge the accused if the complainant is absent.

Absence of accused

156. If —

(*a*) an accused does not appear at the time and place mentioned in the summons or notice to attend court and it appears to the court on oath that the summons or notice was duly served a reasonable time before the time appointed in it for appearing; and

(*b*) no sufficient ground is shown for an adjournment,

the court may either proceed ex parte to hear and determine the complaint or may postpone the hearing to a future day.

PART IX

PRE-TRIAL PROCEDURES IN THE SUBORDINATE COURTS

Division 1 — General matters

Interpretation of this Part

157. In this Part —

"Case for the Defence" means the document by that name referred to in section 165;

"Case for the Prosecution" means the document by that name referred to 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 him;

(*b*) the accused must be asked whether he 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; and

(*c*) if the accused, after he has been asked to plead —

(i) pleads guilty to the charge, Division 3 of Part XI 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 shall 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 shall not apply if the accused, 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 he does not wish to have the criminal case disclosure procedures apply.

(3) For any offence other than an offence referred to in subsection (1), the criminal case disclosure procedures shall 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 accused shall 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; and

(*e*) the trial date.

(2) The Magistrate or District Judge who presides over a criminal case disclosure conference must not make any order in relation to any matter referred to 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 an accused informs the court during any criminal case disclosure conference conducted under this Division that he intends to plead guilty to the charge, the court must fix a date for his plea to be taken in accordance with Division 3 of Part XI.

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 he 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 accused does not indicate that he 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.

(3) Where at a criminal case disclosure conference, the accused indicates that he wishes to claim trial to more than one charge, the

Case for the Prosecution to be served under subsection (2) shall only relate to those charges that the prosecution intends to proceed with at the trial.

(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. 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; and

(*e*) any 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.

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 his 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 statements, X, Y and Z were recorded from him 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.

When Case for the Defence is served

163.—(1) At the further criminal case disclosure conference held on the date referred to 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 does not indicate that he wishes to plead guilty, the defence must file in court the Case for the Defence and serve a copy on the prosecution and on every co-accused who is claiming trial with him, if any, not later than 2 weeks from the date of the further criminal case disclosure conference or such date to which the further criminal case disclosure conference is adjourned.

(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 referred to in section 166(1).

Court to explain to unrepresented accused certain requirements and consequences

164. At the further criminal case disclosure conference held on the date referred to 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 him, 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

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 IV of the Penal Code (Cap. 224) applied in this case).

Illustration

The accused, *A*, intends to challenge, at the trial, the voluntariness of his 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 he intends to challenge and the facts that he intends to rely on to support his challenge.

(2) Notwithstanding 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 from the date of service, serve on the accused copies of —

(*a*) all other statements 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;

(*b*) the documentary exhibits referred to in section 162(*d*); and

(*c*) criminal records, if any, of the accused, upon payment of the prescribed fee.

(2) Where the Case for the Defence has not been served on the prosecution, the prosecution —

(*a*) need not serve on the defence any of the statements, exhibits or records referred to in subsection (1); and

(*b*) may use any such statements, exhibits or records at the trial.

Fixing dates for trial

167. If, at the further criminal case disclosure conference held on the date referred to in section 163(2), the accused does not indicate that he wishes to plead guilty, the court may fix a date for trial.

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 his 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 accused or the defence fails to serve the Case for the Defence after the Case for the Prosecution has been served on him;

(*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; 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.

(2) If the prosecution fails to serve the Case for the Prosecution in respect of any charge which the prosecution intends to proceed with at trial within the time permitted under section 161 or the Case for the Prosecution does not contain any or any part of the items specified in section 162, a court may order a discharge not amounting to an acquittal in relation to the charge.

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 he 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 XII 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 X

PRE-TRIAL PROCEDURES IN HIGH COURT

Division 1 — General matters

Interpretation of this Part

172. In this Part —

"Case for the Defence" means the document by that name referred to in sections 195 and 217;

"Case for the Prosecution" means the document by that name referred to in sections 176(4) and 214;

"co-accused" means any person who is to be tried jointly with an accused in the High Court.

When accused first produced in court

173. In a case that is triable only in the High Court, the accused shall be first produced before a Magistrate's Court and the charge shall be explained to him but he shall not be called upon to plead thereto.

Remand of accused

174. Any such person produced under section 173 may be remanded in custody for not more than 8 days at a time.

Procedure for cases to be tried in High Court

175.—(1) Before a case is to be tried in the High Court, the committal procedures under Division 2 or the transmission procedures under Division 5 shall apply in accordance with this section.

(2) Subject to subsections (3), (4) and (5), the committal procedures under Division 2 shall be held for the purpose of committing an accused to stand trial in the High Court where the accused is to be tried in the High Court for an offence.

(3) The transmission procedures under Division 5 shall apply to any offence specified in the Third Schedule which is to be tried in the High Court.

(4) Where an accused may be tried at the same trial in the High Court for an offence specified in the Third Schedule, together with an offence which is not specified in the Third Schedule and is not punishable with death, the transmission procedures under Division 5 shall apply to both offences.

(5) Where an accused may be tried at the same trial in the High Court for an offence specified in the Third Schedule, together with an offence which is not specified in the Third Schedule and is punishable with death, the transmission procedures under Division 5 shall apply to the offence specified in the Third Schedule and the committal procedures under Division 2 shall apply to the other offence.

Division 2 — Committal procedures for cases triable by High Court

Committal hearing

176.—(1) The prosecution and the accused shall attend a criminal case disclosure conference as directed by a court for the purpose of settling the following matters:

(*a*) the charge that the prosecution intends to proceed with;

(*b*) whether the accused intends to plead guilty or claim trial to the charge; and

(*c*) the date for the holding of a committal hearing.

(2) If the accused intends to plead guilty to an offence other than an offence punishable with death, the court shall fix a date for a committal hearing to be conducted in accordance with section 178(1).

(3) If the accused intends to plead guilty to an offence punishable with death, or intends to claim trial —

(*a*) the court shall fix a date for a committal hearing; and

(*b*) 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 less than 7 days before the date fixed for the committal hearing.

(4) The Case for the Prosecution filed under subsection (3)(*b*) must contain the following:

(*a*) 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 witnesses which are intended by the prosecution to be admitted under section 179(1); and

(*e*) any 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.

Examining Magistrate to conduct committal hearing

177.—(1) A committal hearing under this Division shall be held before a Magistrate (referred to as the examining Magistrate).

(2) Whenever from any cause an examining Magistrate conducting a committal hearing is unable to conveniently complete the proceedings of the hearing himself, another examining Magistrate may complete the hearing and proceed as if he had heard and recorded all the evidence himself.

Committal hearing where accused wishes to plead guilty

178.—(1) Subject to subsection (2), where an accused who is brought before an examining Magistrate states that he wishes to plead guilty to the charge preferred against him, the Magistrate shall record the facts of the case presented by the prosecution and if the facts disclose sufficient grounds for committing the accused, he shall satisfy himself that the accused understands the nature of the charge and intends to admit without qualification the offence alleged against him and, on being so satisfied, shall commit the accused for trial for the offence.

(2) Where the accused wishes to plead guilty to an offence punishable with death, the examining Magistrate shall proceed to hear all the evidence tendered by the prosecution and the defence, which shall consist of the written statements referred to in

section 179, and satisfy himself that the statements disclose sufficient evidence for him to commit the accused for trial for the offence.

(3) After an accused has been committed for trial for any offence under this section, the Registrar of the Supreme Court may at any time fix a date for the plea of guilty by the accused to be taken in accordance with Division 3 of Part XI.

Use of written statements

179.—(1) Notwithstanding anything in this Code or in any other written law, in a committal hearing conducted under this Division, a written statement made by any person is admissible as evidence to the same extent and to the same effect as oral evidence 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 his knowledge and belief and that he made the statement knowing that, if it were given in evidence, he would be liable to prosecution if he stated in it anything he knew to be false or did not believe to be true; and

(*c*) before 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 committal hearing not less than 7 days before the date of the committal hearing.

(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 the age of 21 years, it must state his age;

(*b*) if it is made by a person who cannot read it, it must be read to him before he signs it and must be accompanied by a declaration by the person who read the statement to him, stating that it was so read; and

(*c*) if it refers to any other document as an exhibit, the copy of the written statement served on any other party to the committal hearing under subsection (1)(*c*) 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 make a copy of it.

(3) Where a written statement made by any person is admitted in evidence under this section, the examining Magistrate may, of his own motion or on the application of any party to the committal hearing, require the person to attend before the examining Magistrate and give evidence.

(4) So much of any statement as is admitted in evidence under this section must, unless the examining Magistrate otherwise directs, be read aloud at the hearing and where the examining Magistrate so directs, an account shall be given orally of so much of any statement as is not read aloud.

(5) A document or 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.

(6) Section 297 shall apply to any written statement tendered in evidence at a committal hearing under this section, as it applies to a deposition taken in the committal hearing.

When accused to be discharged

180.—(1) When the written statements and all the other evidence, if any, in support of the prosecution have been received in evidence, the examining Magistrate shall, if he finds that there are insufficient grounds for committing the accused for trial, discharge him.

(2) Nothing in this section shall be deemed to prevent an examining Magistrate from discharging the accused at any previous stage of the case if for reasons to be recorded by the examining Magistrate, he considers the charge to be groundless.

(3) When the examining Magistrate is of the opinion that there are peculiar difficulties or circumstances connected with the case or

whenever he is so directed by the Public Prosecutor, he shall remand the accused or admit him to bail and shall forthwith forward the evidence before the court to the Public Prosecutor in order that he may give such instructions as to him appear requisite.

When charge to be framed

181. If after taking the written statements and all the other evidence, if any, in support of the prosecution, the examining Magistrate is of the opinion that, on the evidence as it stands, the accused should be committed for trial on the charge that the prosecution tenders to the examining Magistrate, the charge shall be read and explained to the accused and the examining Magistrate shall say to him these words or words to the like effect:

"Having heard the evidence, do you wish to say anything in answer to the charge? You have nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to you to induce you to make any confession of your guilt. You are not bound to say anything unless you desire to do so but whatever you say will be taken down in writing and may be given in evidence at your trial.".

Committal when defence reserved

182. If the accused elects to reserve his defence, he shall forthwith be committed for trial before the High Court.

Defence of accused

183.—(1) If the accused elects to make his defence before the examining Magistrate instead of making a written statement under section 179, the statement made by the accused, if any, shall be taken down in writing and read over to him and shall be signed by the examining Magistrate and kept with the written statements made under section 179 and depositions, if any, and forwarded with them as hereinafter mentioned.

(2) The evidence of the accused if he tenders himself as a witness in his own behalf in lieu of making a statement under subsection (1) or section 179 and of any witnesses whom he may desire to call shall then be taken.

(3) Notwithstanding anything in the Evidence Act (Cap. 97), the accused shall be a competent witness in his own behalf in a committal hearing under this Division.

Addresses

184. In a committal hearing under this Division, the accused or his advocate may at the end of the prosecution case and, if the accused has elected to make his defence, at the end of the defence case, address the examining Magistrate on a submission that there is insufficient evidence to put the accused on trial for the offence of which he is charged, and the person conducting the prosecution shall have the right of reply.

Discharge or committal after defence

185. When sections 183 and 184 have been complied with, the examining Magistrate shall —

(*a*) if he finds that there are insufficient grounds for committing the accused for trial, discharge the accused; or

(*b*) if he finds that there are sufficient grounds for committing the accused for trial, commit the accused for trial before the High Court.

Bonds of witnesses

186.—(1) Witnesses for the prosecution and the defence whose attendance before the High Court is necessary and who have appeared before the examining Magistrate pursuant to section 179(3) or whose written statements have been admitted by the examining Magistrate under that section shall execute bonds binding themselves to be in attendance when called upon at the High Court to give evidence.

(2) If any witness refuses to execute such bond, the examining Magistrate may commit him to prison until the trial or until he gives satisfactory security that he will give evidence at the trial.

Attendance at trial of person making report

187.—(1) Where any report under section 20 of the Coroners Act 2010 or any document under section 263(1) has been used as

evidence in a committal hearing, the examining Magistrate shall then inform the accused that he has the right to require the attendance of the person under whose hand the report or document is made as a witness at the trial, and that he may, to this end, give notice at any time before the trial to the Registrar of the Supreme Court, or to the officer in charge of the prison in which he is kept, of his wish that that person be required to attend at the trial.

(2) On receiving any such notice from the accused, the officer in charge of the prison shall notify the Registrar of the Supreme Court.

(3) The Registrar of the Supreme Court on receipt of such notice from the accused or from the officer in charge of the prison shall forthwith issue a summons to compel the attendance of that person at the trial.

(4) Nothing in this section shall render such report or document inadmissible in evidence when the person who made it is dead or cannot be found or is incapable of giving evidence, or if his presence cannot be obtained without an amount of delay or expense which under the circumstances of the case the court considers unreasonable.

(5) At any committal hearing, any report made under section 20 of the Coroners Act 2010 shall be admissible as evidence, and shall be prima facie evidence of the facts stated therein.

Procedure after committal of accused for trial

188.—(1) When the accused is committed for trial, the examining Magistrate shall send a copy of the record of the committal hearing to the Public Prosecutor and to the accused and, when the Magistrate receives an order from the Public Prosecutor to do so, forward the original record and any document, weapon or other thing which is to be produced in evidence to the Registrar of the Supreme Court.

(2) Any such thing which from its bulk or otherwise cannot conveniently be forwarded to the Registrar of the Supreme Court may remain in the custody of the police or any other law enforcement agency.

(3) A list of all exhibits with a note of their distinguishing marks and showing which of those exhibits are forwarded with the record

and which remain in the custody of the police or any other law enforcement agency shall be forwarded to the Registrar of the Supreme Court with the record.

(4) The record shall comprise the following particulars:

(*a*) the serial number;

(*b*) the date of the commission of the offence;

(*c*) the date of the complaint, if any;

(*d*) the name and residence of the complainant, if any;

(*e*) the name, residence, if known, and nationality of the accused;

(*f*) the offence complained of and the offence, if any, proved and the value of the property, if any, in respect of which the offence has been committed;

(*g*) the date of the summons or warrant and of the return day of the summons, if any, or on which the accused was first arrested;

(*h*) the date on which the accused first appeared or was brought before the Magistrate's Court;

(*i*) the date of the making of each adjournment or postponement, if any, and the date to which the adjournment or postponement was made and the grounds of making the same;

(*j*) the date on which the proceedings terminated;

(*k*) the order made;

(*l*) the written statements referred to in section 179;

(*m*) the depositions;

(*n*) the statement or evidence of the accused under section 183, if any; and

(*o*) the charge.

Custody of accused pending trial

189.—(1) The Magistrate's Court shall, subject to the provisions of this Code regarding the taking of bail, commit the accused by warrant to custody until and during the trial.

(2) This section shall not apply where the accused is a corporation.

Restrictions on reports of committal hearing

190.—(1) Except as provided by subsections (2) and (3), it shall not be lawful to publish a report of any committal hearing containing any matter other than that permitted by subsection (4).

(2) A Magistrate's Court shall, on an application for the purpose made with reference to any committal hearing by the accused person or one of the accused persons, as the case may be, order that subsection (1) shall not apply to reports of those proceedings.

(3) It shall not be unlawful under this section to publish a report of any committal hearing containing any matter other than that permitted by subsection (4) —

(*a*) where the examining Magistrate determines not to commit the accused person or persons for trial, after he so determines; and

(*b*) where an examining Magistrate commits the accused person or any of the accused persons for trial, after the conclusion of his trial or, as the case may be, the trial of the last to be tried.

(4) The following matters may be contained in a report of a committal hearing published without an order under subsection (2) before the time authorised by subsection (3):

(*a*) the identity of the court and the name of the examining Magistrate;

(*b*) the names, and occupations of the parties and the ages of the accused person or persons;

(*c*) the offence or offences, or a summary of them, with which the accused person or persons is or are charged;

(*d*) the names of advocates engaged in the proceedings;

(*e*) any decision of the court to commit the accused person or any of the accused persons for trial, and any decision of the court on the disposal of the case of any accused person not committed;

(*f*) where the court commits the accused person or any of the accused persons for trial, the charge or charges, or a summary of them, on which he is committed;

(*g*) where the committal hearing is adjourned, the date to which it is adjourned;

(*h*) any arrangements as to bail on committal or adjournment.

(5) 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.

(6) Proceedings for an offence under this section shall not be instituted otherwise than by or with the consent of the Public Prosecutor.

(7) Subsection (1) shall be 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 a Magistrate's Court and any other court.

(8) In this section —

"broadcast" means any transmission of signs or signals for general reception, using wireless telecommunications or any other means of delivery, 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.

Certain provisions to prevail

191. If a conflict arises between sections 176 to 190 and any other provisions of this Code or of any other written law, sections 176 to 190 shall prevail.

Procedure after case has been committed to High Court

192.—(1) After the accused has been committed to stand trial in the High Court (not being a committal for trial under section 178), the Registrar of the Supreme Court shall hold a criminal case disclosure conference not earlier than 7 days from the date the record of the committal hearing has been served on the parties under section 188.

(2) The accused and the prosecution shall attend a criminal case disclosure conference as directed by the Registrar of the Supreme Court in accordance with this Division for the purpose of settling the following matters:

(*a*) the filing of 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 the parties to the case intend to adduce at the trial; and

(*e*) the trial date.

(3) The court must not make any order in relation to any matter referred to in subsection (2) in the absence of any party if the order is prejudicial to that party.

When Case for the Defence is served

193.—(1) If, at the criminal case disclosure conference held on the date referred to in section 192(1), or on such other date to which the criminal case disclosure conference is adjourned under section 238, the accused does not indicate that he wishes to plead guilty, the defence may file in court the Case for the Defence and serve a copy on the prosecution and on every co-accused who is claiming trial with him, if any, not later than 2 weeks from the date of the criminal case disclosure conference.

(2) If the accused indicates that he does not wish to file the Case for the Defence, the Registrar of the Supreme Court may fix a date for trial in the High Court.

(3) 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 subsection (1) and after the prosecution is to serve on the defence copies of the statements and records referred to in section 196(1).

Court to explain to unrepresented accused certain matters

194. If, at the criminal case disclosure conference held on the date referred to in section 192(1), the accused is not represented by an advocate, the Registrar of the Supreme Court must explain to him, in accordance with the prescribed form, what he may do under section 193(1), the effect of section 196 and the consequences provided under section 209.

Contents of Case for the Defence

195.—(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 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 adduced; and

(iii) the points of law in support of such objection.

Illustration

A is charged with murder. The summary should state the nature of the defence, the facts on which it is based (for example, that the victim attacked *A* with a knife first) and any issue of law (for example, that exceptions 2 (private defence) and 4 (sudden fight) to section 300 of the Penal Code (Cap. 224) apply).

Illustration

The accused, *A*, intends to challenge, at the trial, the voluntariness of his 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 he intends to challenge and the facts that he intends to rely on to support his challenge.

(2) Notwithstanding 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

196.—(1) After the Case for the Defence has been served on the prosecution, the prosecution must, within 2 weeks from the date of service, serve on the accused or his advocate copies of —

(*a*) all other statements 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; and

(*b*) criminal records, if any, of the accused, upon payment of the prescribed fee.

(2) Where the Case for the Defence has not been served on the prosecution, the prosecution —

(*a*) need not serve on the defence any statement or record referred to in subsection (1); and

(*b*) may use any such statement or record at the trial.

Fixing dates for trial

197. If, at the further criminal case disclosure conference referred to in section 193(3), the accused does not indicate that he wishes to plead guilty, the Registrar of the Supreme Court may fix a date for trial.

If co-accused charged subsequently

198. 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 or the record of the committal hearing referred to in section 188(1) in relation to the accused;

(*b*) order the accused to serve on the co-accused his Case for the Defence, if any.

Division 3 — Supplementary provisions to committal procedures

Persons to be deemed to have been brought before High Court in due course of law

199. All persons appearing before the High Court (under a commitment for trial or in pursuance of bail so to appear) against whom charges are preferred by or at the instance of the Public Prosecutor shall, unless the contrary is shown, be deemed to have been brought before the Court in due course of law, and, subject to this Code, shall be tried upon the charges so preferred.

When Public Prosecutor may direct that accused be discharged

200.—(1) When a copy of the record of any committal hearing before a Magistrate's Court has been transmitted to the Public Prosecutor as required by section 188, the Public Prosecutor, if he is of the opinion that no further proceedings should be taken in the case, may make an order in writing, signed by himself, directing the accused to be discharged from the matter of the charge and, if the accused is in custody, from further detention upon the charge.

(2) The Public Prosecutor shall send such order to the Magistrate's Court by which the accused was committed or held to bail and thereupon that Court shall cause the accused to be brought before it and discharged and shall record the order and the discharge made on it upon the proceedings.

(3) The powers given to the Public Prosecutor by this section shall be exercised only by him.

Public Prosecutor may by fiat designate court of trial when criminal offence disclosed

201.—(1) Whenever the Public Prosecutor is of the opinion that a criminal offence is disclosed by the record and that further proceedings should be taken against the accused and that the evidence taken is sufficient to afford a foundation for a full and proper trial, he shall, by his fiat in writing signed by himself, designate the court, whether the High Court, a District Court or a Magistrate's Court, before which the case shall be placed for trial and shall order the record of the case to be transmitted to the court so designated.

(2) Such fiat shall be filed with and form part of the record of the case.

Procedure when court designated is High Court

202.—(1) If the court so designated is the High Court, the Public Prosecutor shall, with his fiat, send to the Magistrate's Court a signed charge as required by section 123(7) which shall be annexed to and form part of the record.

(2) The Magistrate's Court shall forthwith serve a copy of that charge on the accused.

Procedure when court designated is not High Court

203.—(1) If the court so designated is other than the High Court, the accused and his sureties shall, if he is at large on bail, be served with a copy of the fiat and thereupon the bail of the accused shall be taken to refer to the court named in the fiat in the same manner as if that court had been the High Court.

(2) If the accused is detained in prison, the court shall cause a copy of the fiat to be left with the officer in charge of the prison who shall make and deliver a copy of it to the accused and shall produce the prisoner for trial accordingly.

(3) Any fiat made under this section shall be subject to any order made by the High Court under section 239.

Witnesses to be notified of change of court

204.—(1) If the court designated by the fiat of the Public Prosecutor for the trial of the accused is a court other than the High Court, that court shall cause notices to that effect to be served on the witnesses who have been bound over to appear and give evidence.

(2) Thereupon the bail bond given by or for those witnesses shall be taken to refer to the court and time named in the notice in the same manner as if they had been bound over to appear and give evidence at that court and time, and the witnesses shall be legally bound to attend at the time appointed by that court for the trial of the case.

Public Prosecutor may issue subsequent fiat

205. If the Public Prosecutor has by his fiat designated the High Court for the trial of the accused, he may nevertheless by subsequent fiat addressed to the High Court designate some other court for the trial, and sections 201(2), 203 and 204 shall then take effect as if the previous fiat had not been issued.

Public Prosecutor may alter or redraw charge

206. Before ordering the record of the committal hearing to be forwarded to the court of trial, the Public Prosecutor shall, if it appears to him necessary or expedient to do so, alter or redraw the charge or frame an additional charge or additional charges against the accused having regard to the regulations made under this Code as to the form of charges.

Public Prosecutor may order proceedings before Magistrate's Court to be transmitted to him

207. Every Magistrate's Court shall, whenever required to do so by the Public Prosecutor, immediately transmit to the Public Prosecutor the proceedings in any case in which a committal hearing has been or is being held before the Court and thereupon the hearing shall be suspended in the like manner as upon an adjournment of it.

Public Prosecutor may thereupon give instructions to Magistrate

208.—(1) The Public Prosecutor, upon the proceedings in any case being transmitted to him under section 207, may give such instructions with regard to the committal hearing to which those proceedings relate as he considers requisite, and thereupon the Magistrate shall carry into effect, subject to this Code, those instructions and shall conduct and conclude the committal hearing in accordance with the terms of those instructions.

(2) The powers given to the Public Prosecutor by section 207 and this section shall be exercised only by him.

Division 4 — Non-compliance with certain requirements in Division 2

Consequences of non-compliance with certain requirements in Division 2

209. 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 176(4) or 195(1), respectively; 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.

Division 5 — Transmission proceedings

Transmission of case to High Court

210.—(1) Whenever the Public Prosecutor is of the opinion that there is sufficient evidence to afford a foundation for a full and proper trial, he shall, by fiat in writing signed by himself, designate the High Court to try —

(*a*) an offence specified in the Third Schedule; or

(*b*) the offences referred to in section 175(4) for which an accused may be tried at the same trial in the High Court.

(2) Upon receipt of the fiat referred to in subsection (1) together with the charge, the Magistrate's Court shall cause the charge to be read and explained to the accused and thereafter —

(*a*) transmit the case to the High Court for the purpose of trial; and

(*b*) order that the accused shall be remanded in custody until and during the trial, unless he is released on bail.

Public Prosecutor may issue subsequent fiat

211. If the Public Prosecutor has by his fiat designated the High Court for the trial of the accused, he may nevertheless by subsequent

fiat addressed to the High Court designate a District Court or a Magistrate's Court for the trial.

Procedure after case has been transmitted to High Court

212.—(1) After the case has been transmitted to the High Court, the accused and the prosecution shall, 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; and

(*e*) the trial date.

(2) The Registrar of the Supreme Court must not make any order in relation to any matter referred to in subsection (1) in the absence of any party if the order is prejudicial to that party.

(3) Where an accused informs the Registrar of the Supreme Court during any criminal case disclosure conference conducted under this Division that he intends to plead guilty to the charge, the Registrar must fix a date for his plea to be taken in accordance with Division 3 of Part XI.

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 accused does not indicate that he wishes to plead guilty to the charge, the prosecution must file in the High Court the Case for the Prosecution and serve a copy of this on the accused and every co-accused claiming trial with him, 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.

(2) Where at a criminal case disclosure conference, the accused indicates that he 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.

(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. 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; and

(*e*) any 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.

When Case for the Defence is served

215.—(1) If, at the further criminal case disclosure conference held on the date referred to 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 accused does not indicate that he wishes to plead guilty, the defence may file in the High Court the Case for the

Defence and serve a copy on the prosecution and on every co-accused claiming trial with him, if any, not later than 2 weeks from the date of the criminal case disclosure conference; or

(*b*) the accused indicates that he does not wish to file the Case for the Defence, the Registrar of the Supreme Court may fix a date for trial in the High Court.

(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 referred to in section 218(1).

Court to explain to unrepresented accused certain matters

216. If, at the criminal case disclosure conference held on the date referred to in section 215(1), the accused is not represented by an advocate, the Registrar of the Supreme Court must explain to him, in accordance with the prescribed form, what he 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

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 IV of the Penal Code (Cap. 224) applied in this case).

Illustration

The accused, *A*, intends to challenge, at the trial, the voluntariness of his 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 he intends to challenge and the facts that he intends to rely on to support his challenge.

(2) Notwithstanding 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

218.—(1) After the Case for the Defence has been served on the prosecution, the prosecution must, within 2 weeks from the date of service, serve on the accused or his advocate copies of —

(*a*) all other statements 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; and

(*b*) criminal records, if any, of the accused, upon payment of the prescribed fee.

(2) Where the Case for the Defence has not been served on the prosecution, the prosecution —

(*a*) need not serve on the defence any statement or record referred to in subsection (1); and

(*b*) may use any such statement or record at the trial.

Fixing dates for trial

219. If, at the further criminal case disclosure conference held on the date referred to in section 215(2), the accused does not indicate that he wishes to plead guilty, the Registrar of the Supreme Court may fix a date for trial.

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 his Case for the Defence, if any.

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; 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.

PART XI

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 IX or X, 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 IX or X.

(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 referred to in sections 162, 176(4) and 214;

(*b*) the Case for the Defence referred to in sections 165(1), 195(1) and 217(1); or

(*c*) the statements, exhibits or records referred to in section 166(1), 196(1) or 218(1),

shall not be communicated to any other person by the accused, and if the accused is represented by an advocate, by his advocate as well.

(2) Notwithstanding subsection (1), an accused or his 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 he is satisfied that such communication is necessary and desirable for the accused to conduct his defence.

(3) The relevant judge who grants an application under subsection (2) may impose any condition as he 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" referred to in this section means a District Judge, Magistrate, the Registrar of the Subordinate Courts or the Registrar of the Supreme Court, as the case may be, conducting a criminal case disclosure conference under Part IX or X.

Restrictions on reports of restricted information

225.—(1) It shall not be lawful to publish a report of any information contained in —

(*a*) the Case for the Prosecution referred to in sections 162, 176(4) and 214;

(*b*) the Case for the Defence referred to in sections 165(1), 195(1) and 217(1); or

(*c*) the statements, exhibits or records referred to in section 166(1), 196(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.

(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 shall not be instituted otherwise than by or with the consent of the Public Prosecutor.

(4) Subsection (1) shall be 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.

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 Subordinate 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.

(3) The Registrar of the Subordinate 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.

(4) When the supervising Magistrate is satisfied that the fine fixed under subsection (2)(*b*) has been paid, he shall 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 his attendance by —

(*a*) issuing a summons if the case appears to be one in which, according to the fourth column of the First Schedule, he 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 he thinks fit, by issuing a summons causing the accused to be brought or to appear at a certain time before him.

(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 referred to 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 referred to in subsection (2)(*a*).

Division 3 — Plead guilty procedures

Procedure if accused pleads guilty or retracts plea

227.—(1) If the accused pleads guilty to the charge after it has been read and explained to him, whether as originally framed or as amended, his plea must be recorded and he may be convicted on it.

(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 his 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 his plea; and

(ii) intends to admit to the offence without qualification.

(3) The High Court shall not record a plea of guilty in a case where the accused pleads guilty to an offence punishable with death unless the accused has been committed to stand trial in the High Court under Division 2 of Part X for the offence, and evidence is led by the prosecution to prove its case at the trial.

(4) Where —

(*a*) an accused has been committed for trial under section 178 or a case has been transmitted for trial in the High Court under Division 5 of Part X;

(*b*) a date is fixed for a plea of guilty to be taken from the accused who has been committed for trial or whose case has been so transmitted; 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 referred to in section 212 and the procedure in Division 5 of Part X shall, with the necessary modifications, apply in relation to the case.

(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 referred to in section 160 and the procedures in Division 2 of Part IX shall, with the necessary modifications, apply 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 XII

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 his plea taken;

(*b*) if the accused pleads guilty to the charge, the court must follow the procedure set out in Division 3 of Part XI;

(*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 his case and state shortly the nature of the offence with which the accused is charged and the evidence by which he proposes to prove the guilt of the accused;

(*e*) the prosecutor must then examine his 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 his 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 his 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 XI;

(*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 his 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*) shall be deemed to prevent 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 his defence, the court must inform the accused that he will be called upon by the court to give evidence in his own defence and what the effect will be if, when so called on, he 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 two 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 his 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 XI; or

(ii) choose to give his defence;

(*o*) when the accused is called on to begin his defence, he may, before producing his evidence, open his case by stating the facts or law on which he intends to rely and make such comments as he thinks necessary on the evidence for the prosecution;

(*p*) if the accused is giving evidence in his own defence, the evidence shall be taken in the following order:

(i) the accused shall give evidence and then be cross-examined first by the other co-accused (if any) and then by the prosecutor after which he may be re-examined;

(ii) any witness for the defence of the accused shall 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 he may be re-examined;

(iii) where there are other co-accused persons, they and their witnesses shall 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 his reasonable expenses incurred in attending the trial be deposited in court by the defence;

(*t*) at the close of the defence case, the prosecution shall have 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 him;

(*u*) at the close of the defence case, the accused may sum up his case;

(*v*) the prosecution shall have 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 shall, provided no other charge is pending against him, 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 shall 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 as a witness or produce an exhibit not disclosed in the Case for the Prosecution or the Case for the Defence respectively only if it has given prior notice

in writing to the court and the other parties to the trial of his intention to call that witness or to produce that exhibit.

(2) The notice must state the name of the witness and an outline of his evidence, or provide a brief description of the exhibit, as the case may be.

Public Prosecutor may decline further to 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 he is sentenced for that charge,

the Public Prosecutor may, if he thinks fit, inform the court that he will not further prosecute the accused upon the charge, and the proceedings on the charge against the accused must then be stayed and he shall be discharged from and of the same.

(2) Except in cases referred to in section 147, a discharge under subsection (1) shall 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 Subordinate 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.

(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 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.

(5) A discharge under subsection (4) shall have the effect of an acquittal.

(6) An application under subsection (3) or (4) may be granted by the court notwithstanding 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 his personal attendance is dispensed with, in the presence of his advocate.

Trial before a single judge

234. Every trial before the High Court shall be heard and disposed of before a single judge of the High Court.

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 a Postal Authority or public postal licensee 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 or public postal licensee to deliver that document or thing to such person as the court directs.

(3) If a person is required merely to produce any document or thing, he 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 (Cap. 97).

(5) Sections 115, 116 and 119 shall apply in relation to a summons issued under this section.

(6) For the avoidance of doubt, the power of a court under subsection (1) shall not be exercisable by any court which presides or is to preside over any criminal case disclosure conference or pre-trial conference held under Part IX or X, as the case may be.

PART XIII

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 predecessor or recorded partly by his predecessor and partly by himself; 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 he 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) If the accused is not on bail, the court may by a warrant remand him in custody as it thinks fit.

(3) If the accused is on bail, the court may extend the bail.

(4) No Magistrate's Court may remand an accused in custody under this section for more than 8 days at a time.

Explanation — If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

(5) The court must record in writing the reasons for the postponement or adjournment of the proceedings.

Division 2 — Transfer of cases

High Court's power to transfer cases

239.—(1) Where in respect of any case it appears to the High Court that —

(*a*) a fair and impartial trial cannot be had in any Subordinate 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 High Court may order —

(i) that the case be transferred from a Subordinate Court to any other Subordinate Court of equal or superior jurisdiction; or

(ii) that the case be transferred to and tried before the High Court.

(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 Subordinate Courts in Part IX, and the order may be granted at any time thereafter before the conclusion of the trial.

(3) The application for the transfer of a case shall be by way of a motion and Division 5 of Part XX shall apply, 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 High Court may, if it thinks fit, order him to execute a bond with or without sureties requiring him, if convicted, to pay the costs of the prosecution.

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 High Court, or if before or during the trial an application is made by the Public Prosecutor, the Magistrate's Court shall stay proceedings and —

(*a*) transfer the case to a District Court;

(*b*) in a case where the committal procedures under Division 2 of Part X are to be held by virtue of section 175, arrange for a criminal case disclosure conference to be held in accordance with section 176, and that Division shall apply in relation to the case; or

(*c*) in a case where the transmission procedures under Division 5 of Part X are to be held by virtue of section 175, forward the case to the Public Prosecutor, and that Division shall apply in relation to the case.

(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 which the

District Court is not competent to try or one which in the opinion of that Court ought to be tried by the High Court, or if before or during the trial an application is made by the Public Prosecutor, the District Court shall stay proceedings and —

(*a*) in a case where the committal procedures under Division 2 of Part X are to be held by virtue of section 175, arrange for a criminal case disclosure conference to be held in accordance with section 176 and that Division shall apply in relation to the case; or

(*b*) in a case where the transmission procedures under Division 5 of Part X are to be held by virtue of section 175, forward the case to the Public Prosecutor, and that Division shall apply in relation to the case.

(3) The Magistrate's Court and the District Court shall 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, shall 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 shall record its order on the proceedings.

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 his behalf.

(2) Notwithstanding 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 shall only be compounded with the consent of the Public Prosecutor on such conditions as he 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 shall 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 he may determine, at any time compound any offence or class of offences as may be prescribed by collecting from the a person who is reasonably suspected of having committed the offence a sum of money which shall not exceed —

(*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 shall 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 shall have 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 him under this section.

(6) The Minister shall 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 (Cap. 224)) contains an express provision for the composition of offences thereunder, the person authorised under that provision to compound such offences shall 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) does not contain any provision for the composition of offences thereunder, any offence under that Act or any subsidiary legislation made thereunder 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 shall include the power —

(*a*) to prescribe the offences under that Act or any subsidiary legislation made thereunder as offences 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 shall 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 such sum of money, no further proceedings shall 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 he 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 him 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 he 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 he was convicted.

(4) A person acquitted or convicted of any offence constituted by certain acts may, notwithstanding the acquittal or conviction, be charged later with and tried for any other offence constituted by the same acts which he may have committed if the court that first tried

him was not competent to try the offence with which he 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, he 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. He 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 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 he 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 he 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 same meaning as in the Mental Health (Care and Treatment) Act 2008 (Act 21 of 2008);

"principal officer", in relation to any psychiatric institution, has the same meaning as in the Mental Health (Care and Treatment) Act 2008;

"psychiatric institution" has the same meaning as in 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 defence, the court shall 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 he 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 his 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 defence, the court shall postpone the inquiry or trial or other proceeding and shall order that person to be remanded for observation in a psychiatric institution for a period not exceeding one month.

(4) The principal officer must keep the accused under observation and provide any necessary treatment during his remand and, before

the expiry of that period, shall certify in writing to the court his opinion as to the person's state of mind and if he is unable within that period to form any conclusion, shall so certify to the court and shall ask for a further remand, which may extend to a period of 2 months.

Certificate of principal officer

248.—(1) If the principal officer certifies that the accused is of sound mind and capable of making his defence, the court shall, unless satisfied to the contrary, proceed with the inquiry or trial or other proceeding.

(2) If the principal officer certifies that that person is of unsound mind and incapable of making his defence, the court shall unless satisfied to the contrary, find accordingly, and thereupon the inquiry or trial or other proceeding shall be stayed but if the court is satisfied that the accused is of sound mind and capable of making his defence the court shall proceed with the inquiry or trial or other proceeding, as the case may be.

(3) The determination of the issue as to whether or not the accused is of unsound mind and incapable of making his defence shall, if the finding is that he is of sound mind and capable of making his defence, be deemed to be part of his trial before the court.

(4) The certificate of the principal officer shall be admissible as evidence under this section.

(5) If the accused is certified to be of unsound mind and incapable of making his defence it shall not be necessary for him to be present in court during proceedings under this section and he 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 defence, and if the offence charged is bailable, the court may release him on sufficient security being given that —

(*a*) he will be properly taken care of;

(*b*) he will be prevented from injuring himself or any other person;

(*c*) he 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 shall report the case to the Minister who may, in his discretion, order the accused to be confined in a psychiatric institution, or any other suitable place of safe custody and the court shall 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 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 on the ground that at the time at which he is alleged to have committed an offence he was by reason of unsoundness of mind incapable of knowing the nature of the act as constituting the offence or that it was wrong or contrary to law, the finding must state specifically whether he committed the act or not.

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 shall, 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 shall 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 him to ascertain his 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 a principal officer and 2 of the visitors of the psychiatric institution to be capable of making his defence, the court must proceed with the inquiry or trial or other proceeding, as the case may be, and the certificate shall be admissible as evidence.

(2) Where after the trial is proceeded with against the person referred to 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 (Act 21 of 2008).

(3) Where after the trial is proceeded with against the person referred to 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) shall be 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 care and custody, he 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 any other person;

(*c*) that person will be produced for inspection by a 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, he may order the person to be delivered to that relative or friend.

(2) If a person is confined under section 249(2), the Minister may further require the relative or friend to give security to his satisfaction that if at any time the Minister thinks the person is capable of making his defence, the relative or friend will produce the person for trial.

(3) Sections 253 and 256 shall apply with the necessary modifications to a person delivered under this section.

(4) Notwithstanding that 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 referred to 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 their judgment the person may be discharged without danger of injuring himself or any other person, the Minister may order him to be discharged, detained in custody or in prison, or sent to a psychiatric institution if he has not already been sent there.

(2) If the Minister orders the person to be sent to a psychiatric institution, he 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 XIV

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 his trial; and if that person tenders

himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit.

(2) Where a statement referred to in subsection (1) is made by any person to a police officer, no such statement shall be used in evidence if it is made to a police officer below the rank of sergeant.

(3) The court shall 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 him reasonable for supposing that by making the statement he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Explanation 1 — If a statement is obtained from an accused by a person in authority who had acted in such a manner that his 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, he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him, such acts will amount to a threat, inducement or 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;

(*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 he was not bound to make the statement and that evidence of it might be given against him; or

(*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.

(4) If the statement referred to in subsection (3) is made after the impression caused by any such inducement, threat or promise referred to in that subsection has, in the opinion of the court, been fully removed, it shall be admissible.

(5) When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the court may take into consideration the confession as against the other person as well as against the person who makes the confession.

Explanation — "Offence" as used in this section includes the abetment of or 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.

(6) Notwithstanding 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 him 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 him stating or suggesting the inference that he committed that offence.

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 (Cap. 97);

(*b*) is used for the purpose of impeaching his credit in the manner provided in section 157 of the Evidence Act;

(*c*) is made admissible as evidence in any criminal proceeding by virtue of any other provisions in this Code or the Evidence Act or any other written law;

(*d*) is made in the course of an identification parade; or

(*e*) falls within section 32(*a*) of the Evidence Act.

(2) Where any person is charged with any offence in relation to the making or contents of any statement made by him 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 he may be prosecuted for an offence, failed to mention any fact which he subsequently relies on in his defence, being a fact which in the circumstances existing at the time he 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 his presence relating to the conduct for which he is charged, in so far 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 (Cap. 322);

(*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 shall 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 him 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) Notwithstanding 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 (other than a committal hearing held under Division 2 of Part X), 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 his knowledge and belief and that he made the statement knowing that, if it were given in evidence, he would be liable to prosecution if he stated in it anything he 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; and

(*e*) the court is satisfied that the accused is aware of this section or is represented by an advocate during the criminal proceeding.

(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 the age of 21 years, it must state his age;

(*b*) if it is made by a person who cannot read it, it must be read to him before he signs it and must be accompanied by a declaration by the person who read the statement to him, stating that it was so read; and

(*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 proceedings 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 proceedings, require the person to attend before the court and give evidence.

(4) So much of any statement as is admitted in evidence under this section must, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

(5) A document or 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.

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 his possession stolen property, evidence may be given at any stage of the proceedings that there was found in his 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 his possession stolen property; and

(*b*) evidence is given that the stolen property was found in his possession,

then, if he 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 his 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 shall as against that party be 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 advocate; and

(*e*) if made before the trial by an accused who is an individual, must be approved by his advocate before or at the proceedings in question.

(3) An admission under this section for the purpose of proceedings relating to any matter shall be 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 admissible only under this Code or other law

268. In any criminal proceedings, a statement other than one given orally in those proceedings is admissible as evidence of any fact stated therein to the extent that it is so admissible by this Code or any other written law.

Definitions, etc., for sections 270 to 277

269.—(1) In this section and in sections 270 to 277 —

"document" includes, in addition to a document in writing —

(*a*) any map, plan, graph or drawing;

(*b*) any photograph;

(*c*) any disc, tape, sound-track, or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from it; and

(*d*) any film, negative, tape or other device in which one or more visual images are embodied so that they can be likewise reproduced from it;

"film" includes a microfilm.

(2) In this section and in sections 270 to 277, a reference to a copy of a document includes —

(*a*) in the case of a document falling within paragraph (*c*) but not paragraph (*d*) of the definition of "document", a transcript of the sounds or other data embodied in it;

(*b*) in the case of a document falling within paragraph (*d*) but not paragraph (*c*) of that definition, a reproduction or still reproduction of the image or images embodied in it, whether enlarged or not;

(*c*) in the case of a document falling within paragraphs (*c*) and (*d*) of that definition, such a transcript together with such a still reproduction; and

(*d*) in the case of a document not falling within paragraph (*d*) of that definition of which a visual image is embodied in a document falling within that paragraph, a reproduction of that image, whether enlarged or not,

and any reference to a copy of the material part of a document must be construed accordingly.

(3) For the purposes of this section and of sections 270 to 277, a protest, greeting or other verbal utterance may be treated as stating any fact that the utterance implies.

Admissibility of out-of-court statements as evidence of facts stated

270.—(1) Subject to this section and section 271 and to the rules of law governing the admissibility of accused's statements, any statement made, whether orally or in a document or otherwise, by a person is admissible as evidence in any criminal proceedings of any fact given in that statement of which direct oral evidence by him would be admissible if —

(*a*) being compellable to give evidence on behalf of the party desiring to give the statement in evidence, he attends or is brought before the court, but refuses to be sworn or affirmed, or is sworn or affirmed but refuses to give any evidence; or

(*b*) it is shown with respect to him —

(i) that he is dead or is unfit because of his bodily or mental condition to attend as a witness;

(ii) that despite reasonable efforts to locate him, he cannot be found whether within or outside Singapore;

(iii) that he is outside Singapore and it is not practicable to secure his attendance; or

(iv) that, being competent but not compellable to give evidence on behalf of the party desiring to give the statement in evidence, he refuses to do so.

(2) Where a person makes an oral statement to or in the hearing of another person who, at the request of the maker of the statement, puts it (or the substance of it) into writing at the time or reasonably soon afterwards, thereby producing a corresponding statement in a document, the statement in the document shall be treated for the purposes of this section (and sections 271 and 273 so far as they have effect for the purposes of this section) as the statement of the maker of the oral statement.

Restrictions on admissibility of statements under section 270

271.—(1) A statement shall not be admissible in evidence in any criminal proceedings by virtue of section 270(1)(*a*) or (*b*)(ii), (iii) or (iv), if it was made after the commencement of investigations into the offence which is the subject-matter of the proceedings.

(2) Subject to subsection (1), evidence under section 270(1)(*b*) may not be given on behalf of a party to the proceedings, unless —

(*a*) that party has previously served a notice in writing on each of the other parties of his intention to introduce the evidence;

(*b*) the notice complies with the requirements of subsection (3); and

(*c*) the leave of the court is obtained.

(3) The requirements referred to in subsection (2)(*b*) are as follows:

(*a*) the notice must state on which of the grounds in section 270(1)(*b*) it is claimed that the statement is admissible;

(*b*) in the case of a statement not made in a document, the notice must state the manner in which it was made (whether orally or otherwise), and must also state —

(i) the time and place at which the statement was made;

(ii) the name of the maker of the statement and (unless he is dead) his address, if known;

(iii) the name and address of the person who heard or otherwise perceived the statement being made; and

(iv) the substance of the statement or, if it was made orally and the actual words used in making it are material, the words used; and

(*c*) in the case of a statement made in a document, the notice must contain or have attached to it a copy of that document, or of the relevant part of it, and must also state —

(i) the matters mentioned in paragraph (*b*)(i) and (ii); and

(ii) if the maker of the document is different from the maker of the statement, the name of the maker of the document and (unless he is dead) his address, if known,

if the information is not readily apparent from the document or the relevant part of the document.

Admissibility of certain records as evidence of facts stated

272.—(1) Without prejudice to section 35 of the Evidence Act (Cap. 97), in any criminal proceedings a statement in a document is, subject to this section, admissible as evidence of any fact stated in it of which direct oral evidence would be admissible if —

(*a*) the document is, or forms part of, a record compiled by a person acting under a duty from information which —

(i) was supplied by a person (whether acting under a duty or not) who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with in that information; and

(ii) if not supplied by that person to the compiler of the record directly, was supplied by him to the compiler of the record indirectly through one or more intermediaries each acting under a duty; and

(*b*) the person who originally supplied the information from which the record containing the statement was compiled satisfies the condition specified in subsection (2)(*a*) or (*b*) or any of the conditions specified in subsection (2)(*c*).

(2) The conditions referred to in subsection (1)(*b*) are —

(*a*) that the person in question has been or is to be called as a witness in the proceedings;

(*b*) that the person in question, being compellable to give evidence on behalf of the party wishing to give the statement in evidence, attends or is brought before the court —

(i) but refuses to be sworn or affirmed; or

(ii) is sworn or affirmed but refuses to give any evidence; or

(*c*) that it is shown with respect to the person in question —

(i) that he is dead or is unfit by reason of his bodily or mental condition to attend as a witness;

(ii) that despite reasonable efforts to locate him, he cannot be found whether within or outside Singapore;

(iii) that he is outside Singapore and that it is not practicable to secure his attendance;

(iv) that, being competent but not compellable to give evidence on behalf of the party desiring to give the statement in evidence, he refuses to do so; or

(v) that, because of the time that has elapsed since he supplied the information and considering all the circumstances, he cannot reasonably be expected to remember the matters dealt with in the statement.

(3) A statement shall not be admissible in evidence in any criminal proceedings by virtue of subsection (2)(*b*) or (*c*)(ii), (iii) or (iv) if the person who originally supplied the information from which the record containing the statement was compiled did so after the

commencement of investigations into the offence which is the subject-matter of the proceedings.

(4) Where a document setting out the evidence which a person could be expected to give as a witness has been prepared for the purpose of any pending or contemplated proceedings, whether civil or criminal, and that document falls within subsection (1)(*a*), then in any criminal proceedings in which that person has been or is to be called as a witness, a statement contained in that document shall not be given in evidence by virtue of subsection (2)(*a*) or (*c*)(v) without the leave of the court; and the court shall not give leave under this subsection in respect of any such statement unless it is of the opinion that, in the particular circumstances in which that leave is sought, it is in the interests of justice for the witness's oral evidence to be supplemented by the reception of that statement or for the statement to be received as evidence of any matter about which he is unable or unwilling to give oral evidence.

(5) A reference in this section to a person acting under a duty includes a reference to a person acting in the course of any trade, business, profession or other occupation in which he is engaged or employed for the purposes of any paid or unpaid office he holds.

Provisions supplementary to section 270 or 272

273.—(1) Where in criminal proceedings a statement in a document is admissible in evidence under section 270 or 272, it may be proved by the production of that document or (whether or not that document is still in existence) by the production of a copy of that document, or of the material part of it, authenticated in a manner approved by the court.

(2) The court may, in deciding whether a statement is admissible in evidence under section 270 or 272, draw any reasonable inference from the circumstances in which the statement was made or otherwise came into being or from any other circumstances, including, in the case of a statement in a document, the form and contents of that document.

(3) In estimating any weight to be attached to a statement admissible in evidence under section 270 or 272, the court must

consider all the circumstances from which it might reasonably infer the accuracy of the statement, and in particular —

(*a*) in the case of a statement falling within section 270(1), whether the statement was made at the same time as the stated facts occurred or existed, and whether the maker of the statement had any incentive to conceal or misrepresent the facts; and

(*b*) in the case of a statement falling within section 272, whether the person who originally supplied the information from which the record containing the statement was compiled did so at the same time as the facts dealt with in that information occurred or existed, and whether that person, or any person concerned with compiling or keeping the record containing the statement, had any incentive to conceal or misrepresent the facts.

(4) For the purpose of any rule of law or practice that requires evidence to be corroborated or that regulates the manner in which uncorroborated evidence is to be treated —

(*a*) a statement that is admissible in evidence under section 270 is not capable of corroborating evidence given by the maker of the statement; and

(*b*) a statement that is admissible in evidence under section 272 is not capable of corroborating evidence given by the person who originally supplied the information for the record containing the statement.

Admissibility of hearsay evidence by agreement of parties

274.—(1) As regards a statement in a document or made by a person in any other form than a document, if the parties to any criminal proceedings agree at a hearing that for the purpose of those proceedings the statement may be given in evidence, then, unless the court otherwise directs, the statement is admissible in those proceedings and in any proceedings arising out of them (including any appeal or retrial) as evidence of any fact stated therein.

(2) An agreement under subsection (1) does not enable a statement to be given in evidence under this section on the prosecution's behalf unless at the time the agreement is made the accused or any of the co-accused is represented by an advocate.

(3) An agreement under subsection (1) shall be of no effect for the purpose of any proceedings before the High Court or any proceedings arising out of proceedings before the High Court if made during proceedings before an examining Magistrate conducting a committal hearing under Division 2 of Part X.

(4) Where in any criminal proceedings a statement in a document is admissible under this section, it may be proved by the production of that document or (whether or not that document is still in existence) by the production of a copy of that document, or of the material part of it, authenticated in a manner approved by the court.

(5) Where a statement is given in evidence under this section but might have become admissible in evidence under section 270 or 272, section 273(4) applies to it as if it were admissible under section 270 or 272, as the case may be.

Admissibility of evidence as to credibility of maker, etc., of statement admitted under certain provisions of this Part

275.—(1) Where in criminal proceedings a statement made by a person who is not called as a witness in those proceedings is given in evidence under section 270 —

(*a*) any evidence which, if that person had been so called, would be admissible for the purpose of undermining or supporting that person's credibility as a witness, is admissible for that purpose in those proceedings; and

(*b*) as regards any matter which, if that person had been so called, could have been put to him in cross-examination for the purpose of undermining his credibility as a witness, being a matter of which, if he had denied it, evidence could not have been adduced by the cross-examining party, evidence of that matter may with the leave of the court be given for that purpose.

(2) Where in criminal proceedings a statement made by a person who is not called as a witness in those proceedings is given in evidence under section 270, evidence tending to prove that, whether before or after he made that statement, he made another statement (orally, written or otherwise) inconsistent with the first-mentioned statement is admissible for the purpose of showing that he has contradicted himself.

(3) Subsections (1) and (2) apply in relation to a statement given in evidence under section 272 as they apply to a statement given under section 270, except that references to the person who made the statement and to his making the statement must be read respectively as references to the person who originally supplied the information from which the record containing the statement was compiled and to his supplying that information.

(4) Section 270(2) applies for the purposes of this section as it applies for the purposes of section 270.

Saving for exceptions to the rule against hearsay in Evidence Act

276. This Part does not prejudice the admissibility in criminal proceedings of a statement that would, under the Evidence Act (Cap. 97) or any other law, be admissible as evidence of a fact stated therein.

Application of sections 270 to 275 to statements of opinion

277.—(1) Subject to this section, sections 270 to 275 apply to statements of opinion as they apply to statements of fact, subject to the necessary modifications and in particular the modification that a reference in those sections to a fact stated in a statement must be read as a reference to a matter dealt with in the statement.

(2) Section 272, as applied by subsection (1), does not make admissible in criminal proceedings a statement of opinion in a record unless that statement would be admissible in those proceedings if made while giving oral evidence by the person who originally supplied the information from which the record was compiled; but where a statement of opinion in a record deals with a matter on which

the person who originally supplied that information is (or if living would be) qualified to give oral expert evidence, section 272, as applied by subsection (1), has effect in relation to that statement as if so much of section 272(1) as requires personal knowledge on the part of that person were omitted.

(3) Where a person is called as a witness in criminal proceedings, a statement of opinion by him on a relevant matter on which he is not qualified to give expert evidence, if made as a way of conveying relevant facts personally perceived by him, is admissible as evidence of what he perceived.

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 he gives notice of particulars of the alibi.

(2) Without prejudice to 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 he gives the notice, any information he 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, he immediately gives notice of the name, address or other information, as the case may be; and

(*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 he 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 his 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 he 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 him to forward to the Public Prosecutor, within 14 days from the date he is charged in court for the first time with the offence for which he 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 him, or left at his office, or sent in a registered letter addressed to him at his 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 his 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 his 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 he 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 he 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 him that he 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 shall be limited only to the ancillary issue.

(3) The following procedure shall be complied with at an ancillary hearing:

(*a*) the party seeking to admit the evidence shall produce his evidence on the ancillary issue;

(*b*) the party must then examine his witnesses, if any, and each of them 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 them;

(*c*) after the party has concluded his case, the court shall call on the other party to present his evidence;

(*d*) when the other party is called on to present his evidence, the other party shall examine his witnesses, if any, and each of them may in turn be cross-examined by the first party and every co-accused, as the case may be, after which they 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 shall have 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 other party and every co-accused, after which the first party may re-examine him;

(*i*) at the close of the other party's case, the first party may sum up his case;

(*j*) the first party shall have 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 shall be 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 shall 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 of evidence

Power of Magistrate to record statements

280.—(1) A Magistrate may record a statement made to him 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 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, he 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 him in his own language or in a language he understands, and the note referred to 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) Notwithstanding 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 the age of 16 years;

(*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.

(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 (Cap. 224);

(*b*) an offence under Part II of the Children and Young Persons Act (Cap. 38) (relating to protection of children and young persons);

(*c*) an offence under sections 354 to 358 and sections 375 to 377B of the Penal Code;

(*d*) an offence under Part XI of the Women's Charter (Cap. 353) (relating to offences against women and girls); and

(*e*) any other offence that the Minister may, after consulting the Chief Justice, prescribe.

(3) Notwithstanding any provision of this Code or of any other written law, the court may order an accused to appear before it through a live video or live television link while in remand in Singapore in proceedings for any of the following matters:

(*a*) an application for bail or release on personal bond at any time after an accused is first produced before a Magistrate pursuant to Article 9(4) of the Constitution;

(*b*) an extension of the remand of an accused under section 238; and

(*c*) any other matters that the Minister may, after consulting the Chief Justice, prescribe.

(4) Notwithstanding 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 he 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 referred to 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 television link system including compliance with such minimum

technical standards as may be determined by the Chief Justice;

(*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 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 the age of 16 years before the proceedings in which it was made are finally concluded.

(10) When a witness gives evidence in proceedings through a live video or television link, the evidence is to be regarded for the purposes of sections 193, 194, 195, 196, 205 and 209 of the Penal Code (Cap. 224) as having been given in those proceedings.

(11) If a witness gives evidence in accordance with this section, for the purposes of this Code and the Evidence Act (Cap. 97), he 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 television link under subsection (3) or (4).

(13) The Chief Justice may make such rules as appear to him to be necessary or expedient to give effect to this section and for prescribing anything that may be prescribed under this section.

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 him 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 his safe custody during his 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 Subordinate Courts, District Judge or Magistrate, as the case may be.

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 his 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 he gives satisfactory security that he 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 him for his 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 shall form 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.

Reading over evidence and correction

287.—(1) The evidence of each witness taken in committal hearings under Division 2 of Part X shall be read over to him and shall, after correction if necessary, be signed by him.

(2) If the witness denies the correctness of any part of the evidence when it is read over to him, the Magistrate may, instead of correcting the evidence, make a memorandum on it of the objection made to it by the witness and shall add such remarks as the Magistrate thinks necessary.

(3) If the witness does not understand English the evidence so taken down shall be interpreted for him in the language in which it was given or in a language which he understands.

(4) The substance of any correction made and of any memorandum made by the Magistrate shall be explained to the accused.

Interpretation of evidence to accused

288.—(1) Where evidence is given in a language not understood by the accused and he is present in person, it must be interpreted for him immediately in a language which the court is satisfied he 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 court records 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 prison records 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 referred to in subsection (1)(*b*) purporting to be signed by the officer who has custody of the prison records in Singapore or elsewhere shall be admitted in evidence on its production by the prosecution without proof of signature and, until the contrary is proved, shall be proof of all matters contained therein.

Accused not to give evidence except on oath or affirmation

291.—(1) In all criminal proceedings except a committal hearing, the accused may not give evidence except on oath or affirmation, and if he does so, he is liable to cross-examination.

(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 he were so represented, the advocate could address the court on his behalf.

(3) If an accused —

(*a*) after being called by the court to give evidence or after he or the advocate representing him has informed the court that he 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 his own behalf, and he will not be guilty of contempt of court if he 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 shall be taken to do so without good cause unless —

(*a*) he is entitled to refuse to answer by section 122(4) of the Evidence Act (Cap. 97) or another written law or on the ground of privilege; or

(*b*) the court excuses him from answering it.

(6) Subsection (3) does not apply to an accused if it appears to the court that his physical or mental condition makes it undesirable for him 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 committal hearing or trial.

(2) For all courts other than the High Court, if the committal hearing results in a committal to stand trial in the High Court or if the trial results in a conviction, then the court must forward the proceedings to the High Court with a report of the circumstances of the case and the High Court must make such order or pass such sentence as it thinks fit.

Record of evidence in absence of accused

293.—(1) If it is proved that an accused has absented himself so that there is no immediate prospect of arresting him, the court competent to try the accused may, in his 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 at the committal hearing or trial for the relevant offence, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without unreasonable delay, expense or inconvenience.

(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 his 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 his intention to take it and of when and where he 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 he 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 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 he or his advocate might have been present and might have had, if he 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 shall 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 his 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 him 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 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 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 High Court although the deponent is not called as a witness.

PART XV

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 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 shall 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 shall 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, he must be produced before the court.

(10) If the accused is not in custody, he must attend to hear judgment delivered except when his 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 written law, but it is doubtful which of those offences he 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 (Cap. 224). In so far 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 after the coming into force of the Penal Code (Amendment) Act 2007 (Act 51 of 2007). The Magistrate's Court, however, imposed a sentence on *A* based on the penalty provision in the Penal Code 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. In so far 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. In so far 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) For the avoidance of doubt, any error resulting from a sentence imposed by a court which it subsequently views as being too harsh or too lenient is not such 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 XVI

SENTENCES

Division 1 — Sentences in general

Sentences

303.—(1) The High Court may pass any sentence authorised by law.

(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.

Corrective training and preventive detention

304.—(1) Where a person of the age of 18 years or above —

(*a*) is convicted before 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 reached the age of 16 years for offences punishable with such a sentence; or

(*b*) is convicted at one trial before 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 reached the age of 16 years 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 his reformation and the prevention of crime that he should receive training of a corrective character for a substantial period of time, followed by a period of supervision if released before the expiration of his sentence, the court, unless it has special reasons for not doing so, shall sentence him to corrective training for a period of 5 to 14 years in lieu of any sentence of imprisonment.

(2) Where a person of the age of 30 years or above —

(*a*) is convicted before 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 reached the age of 16 years of 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 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 reached the age of 16 years 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 he should be detained in custody for a substantial period of time, followed by a period of supervision if released before the expiration of his sentence, the court, unless it has special reasons for not doing so, shall sentence him to preventive detention for a period of 7 to 20 years in lieu of any sentence of imprisonment.

(3) Before sentencing any offender to corrective training or preventive detention, the court must call for and consider any report submitted by the Director of Prisons, or any person authorised by the Director of Prisons to submit the report on his behalf, on the offender's physical and mental condition and his 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 made.

(4) The court must give a copy of the report of the Director of Prisons to the offender or his advocate and to the Public Prosecutor.

(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 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 such 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 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 conviction —

(*a*) of or above the age of 16 years but below the age of 21 years; or

(*b*) of or above the age of 14 years but below the age of 16 years 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 64 of the Children and Young Persons Act (Cap. 38),

the court may impose a sentence of reformative training in lieu of any other sentence if it is satisfied, having regard to his character, previous conduct and the circumstances of the offence, that to reform him and to prevent crime he should undergo a period of training in a reformative training centre.

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(2) Where a young person has been ordered by a Juvenile Court under the Children and Young Persons Act 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 him he should undergo a period of training in a reformative training centre, sentence him to reformative training instead of any other sentence; or

(*b*) in any case, deal with him in the manner that the Juvenile Court might have dealt with him.

(3) Before imposing any sentence of reformative training, the court must call for and consider any report submitted by the Director of Prisons, or any person authorised by the Director of Prisons to submit the report on his behalf, on the offender's physical and mental condition and his suitability for the 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.

(4) The court must give a copy of any report submitted by the Director of Prisons to the offender or his advocate and to the Public Prosecutor.

(5) A person sentenced to reformative training must be detained in accordance with the regulations made under section 428.

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 him 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 he 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 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.

Limit of punishment of offence which is 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 shall 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 shall not be punished with a more severe punishment than the court which tries him 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, he might be imprisoned for 50 years, one for each blow. But he 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 him to any other punishment, order that he be placed under police supervision for a period starting immediately after the last sentence passed on him ends.

(2) The period of supervision imposed by 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.

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 and notify the place of his residence to the officer in charge of the police division in which his residence is situated;

(*b*) where he changes his residence, personally present himself and notify the change of residence to the officer in charge of the police division in which his new residence is situated;

(*c*) where he changes his residence to a place outside Singapore, personally present himself and notify the change of residence and the place to which he is going to reside to the officer in charge of the police division in which his last residence in Singapore is situated;

(*d*) if, having changed his residence to a place outside Singapore, he later returns to Singapore, personally present himself and notify his return and his place of residence in Singapore to the officer in charge of the police division in which his residence in Singapore is situated; and

(*e*) if he intends to be absent from his last notified residence for more than 48 hours without changing his place of residence, personally present himself and notify his intention, where he intends to go and how long he will be away to the officer in charge of the police division in which his 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 him.

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 and notifying the place of his 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 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),

he shall in every such case, unless he proves to the satisfaction of the court before which he is tried that he did his 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 him to any other punishment, order that he remain under police supervision for a further period of not more than one year, commencing immediately after the end of the sentence passed on him 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 he 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 Director of Prisons in accordance with such prescribed form;

(*b*) the warrant shall be full authority to the Director of Prisons, or any officer appointed by him for that purpose, for receiving into his custody and detaining the person sentenced until he receives the court's further warrant or order;

(*c*) in cases in which notice of appeal or notice of an application for leave to appeal is not given within the prescribed period, the trial Judge who tried the accused must, within a reasonable time after that period has elapsed, send to the Minister a copy of the notes of evidence taken at the trial, with a report in writing signed by him stating whether, in his opinion, there are any reasons (and, if so, what reasons) why the death sentence should or should not be carried out;

(*d*) in cases where notice of appeal is given or notice of an application for leave to appeal is given, the trial Judge must forward to the Court of Appeal the notes of evidence and report referred to in paragraph (*c*), within a reasonable time after being notified by the Registrar of the Supreme Court that the notice has been given;

(*e*) if the Court of Appeal dismisses the appeal or the application for leave to appeal, as the case may be, then the Chief Justice or other presiding Judge must, within a reasonable time, forward to the Minister the notes of evidence and report, stating whether he 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 High Court a copy signed and sealed by him of any order he 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 High Court must, if the sentence is to be carried out, cause a warrant to be issued under the seal of the Court and signed by the trial Judge, or in his absence any other High 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 Director 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 Director of Prisons requires;

(*k*) there may also be present a minister of religion in attendance at the prison and any other persons that the Director 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 Director 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 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 his recapture that 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.

No sentence of death against person below 18 years

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, he was below the age of 18 years, but instead the court must sentence him 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 referred to 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 he must be hanged by the neck until he is dead but shall 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 Director of Prisons or an officer appointed by him for that purpose who must receive into his custody the person named in the warrant.

(2) The warrant shall be full authority to the Director of Prisons or the officer appointed by him for receiving into custody and detaining the accused and carrying out the sentence.

Date that sentence begins

318. Subject to this Code and any other written law, a sentence of imprisonment shall take effect from the date it was passed, unless the court passing the sentence or, when there has been an appeal, the appellate court, otherwise directs.

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 shall be 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;

(B) by appointing a receiver; or

(C) by directing 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;

(iv) 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 he 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 he may be liable under a commutation of a sentence;

(v) direct that the person be searched, and that any money found on him when so searched or which, in the event of his being committed to prison, may be found on him when taken to prison, shall be applied towards the payment of such fine, the surplus, if any, being returned to him; provided that the money shall

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 he 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 shall 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 shall end 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 death be legally liable for his debts.

(2) If a person fails to pay the court the amount which he is directed to pay under subsection (1)(*b*)(iii)(C), it shall be recoverable as though it were a judgment debt due to the court.

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 his executing a bond with or without sureties, as the court thinks fit, on condition that he 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 successor or other Judge, District Judge or Magistrate acting in his 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 he 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 he is liable upon his former or subsequent conviction.

Juvenile may be dealt with under Children and Young Persons Act

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 to fine or imprisonment, deal with the juvenile in the manner provided by the Children and Young Persons Act (Cap. 38).

Return of warrant of execution

324. Where a death sentence has been carried out pursuant to a warrant issued under section 313(*i*), the Director of Prisons who carried out the sentence must return the warrant to the court which issued it with an endorsement signed by him, certifying that the sentence has been carried out.

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; and

(*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 (referred to in this section as 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) notwithstanding that 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) notwithstanding that 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) shall not apply in relation to any offence which is committed before the date of commencement of this Division.

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 expiration 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) Notwithstanding 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 (referred to in this section as the relevant offences), the aggregate sentence of caning imposed by the court in respect of the relevant offences shall 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) notwithstanding that 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) notwithstanding that 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) shall not apply in relation to any offence which is committed before the date of commencement of this Division.

(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 shall be inflicted on such part of the person as the Minister from time to time generally directs.

(3) The rattan shall not be more than 1.27 centimetres in diameter.

(4) In the case of a juvenile, caning shall be inflicted with a light rattan.

Caning not to be carried out by instalments

330.—(1) No sentence of caning shall 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 he has been sentenced for the offence or offences in respect of which the court has imposed caning (referred to in this section as the relevant offences).

(3) A court may impose a term of imprisonment under subsection (2)(*b*) notwithstanding that 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*) notwithstanding that 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*) shall not apply in relation to any offence which is committed before the date of commencement of this Division.

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, shall 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 opinion as to whether the application should be granted or refused, and the judge shall state his 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 such 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 XVII

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 (Cap. 174).

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; or

(*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 shall 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 a specified minimum sentence or mandatory minimum sentence of imprisonment or fine or caning is prescribed by law;

(*c*) an offence which is specified in the Third Schedule to the Registration of Criminals Act (Cap. 268);

(*d*) a person who had previously been sentenced to a term of imprisonment, other than a term of imprisonment served by him in default of payment of a fine;

(*e*) a person who had previously been sentenced to reformative training, corrective training or preventive detention;

(*f*) a person who had previously been detained or subject to police supervision under section 30 of the Criminal Law (Temporary Provisions) Act (Cap. 67);

(*g*) a person who had previously been admitted to an approved institution under section 34 of the Misuse of Drugs Act (Cap. 185) or to an approved centre under section 17 of the Intoxicating Substances Act (Cap. 146A);

(*h*) an offence which is punishable with a fine only; or

(*i*) an offence which is punishable with a term of imprisonment which exceeds 3 years.

(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*) had previously been sentenced to a term of imprisonment, whether or not it is a term of imprisonment served by him in default of payment of a fine; or

(*b*) had previously been admitted to an approved institution under section 34 of the Misuse of Drugs Act (Cap. 185) or to an approved centre under section 17 of the Intoxicating Substances Act (Cap. 146A).

(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*) an offence which is punishable with a fine only; or

(*b*) an offence for which a specified minimum sentence of fine or a mandatory minimum sentence of fine is prescribed by law.

(4) If an offender convicted of 2 or more offences is sentenced at the same court proceeding for those offences, a court shall 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 shall be in lieu of any sentence of imprisonment, caning and fine which the court may impose for that offence.

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 he 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 24 months.

(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;

(*c*) the psychiatric condition of the offender is one of the contributing factors for his 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 he is not satisfied with any of the matters referred to in subsection (3)(*a*) to (*c*).

(5) In assessing whether an offender is a person suitable for treatment for his 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 time and at such place as the appointed psychiatrist may require;

(*b*) the physical and mental state of the offender; and

(*c*) the financial standing of the offender and his ability to pay all or any part of the costs of his treatment which it is reasonable for him 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 shall take into consideration the report made by the psychiatrist engaged by the offender.

(9) Any report made by the appointed psychiatrist shall be 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 shall 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 he 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 shall extend a copy of any report made by an appointed psychiatrist to the offender or his 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 shall —

(*a*) attend the treatment sessions on such day and time and at such place as the appointed psychiatrist may require;

(*b*) comply with such other conditions in connection with his 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 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 him 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) For the avoidance of doubt, a court may make a day reporting order notwithstanding that 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 shall —

(*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 shall 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 he 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 Director 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 shall not make a day reporting order which includes the requirements referred to 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 shall —

(*a*) report to the day reporting officer on such day and time and at such 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 his address or employment status;

(*d*) give to the day reporting officer, upon the request of that officer, any information relating to his daily routine or whereabouts;

(*e*) comply with the requirements referred to 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, including the provisions in this Part, shall 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 is convicted is satisfied that it is expedient with a view to his reformation that he shall be required to perform community work that is associated with that offence, the court may make a community work order requiring him 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 has done by committing that offence.

(5) A court shall not make a community work order in respect of an offender unless the court is satisfied that suitable arrangements can be made for him to perform work under such order.

(6) The number of hours which an offender may be required to work under a community work order shall be specified in the order and shall 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 shall 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 he 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 shall 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 shall 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 his 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 his 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 shall 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 shall —

(*a*) perform, for the number of hours specified in the order, such work and on such day, 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 is convicted is satisfied that it is expedient with a view to his reformation that he 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 him to perform any unpaid community service under the supervision of a community service officer.

(2) A court shall 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 is a suitable person to perform community service under such an order; and

(*b*) suitable arrangements can be made for him 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) For the avoidance of doubt, a court may make a community service order notwithstanding that 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 shall be specified in the order and shall not exceed the prescribed maximum hours of community service which the offender may be required to perform community service 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 shall 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 he 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 shall 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 shall 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 community development, youth and sports 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.

Obligations of offender subject to community service order

347. An offender in respect of whom a community service order is in force shall —

(*a*) perform, for the number of hours specified in the order, such community service and on such day, 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 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 him to be detained in prison for a period which shall not exceed 14 days.

(2) Sections 317 and 318 shall 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 shall 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, shall 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 shall be without prejudice to the taking of proceedings against any person under this Part.

(3) Notice of the forfeiture of any security or any part thereof shall 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 shall be 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 such 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 shall 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 shall 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 shall 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 shall not exceed the prescribed maximum hours of community service which the offender may be required to perform community service 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 fails, without reasonable excuse, to comply with any of his obligations under section 340, 343, 345 or 347, respectively.

(2) An offender is in breach of a short detention order if he commits an aggravated prison offence as defined in section 73 of the Prisons Act (Cap. 247) when there is in force in respect of him 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, the court may —

(*a*) without prejudice to 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 him a fine not exceeding $1,000; 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.

(6) Where an offender is in breach of a short detention order, a court may, on the application of the Director of Prisons or any person authorised by the Director 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.

(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 prejudice to the continuance of the order, make an order for the offender to be detained in prison for a period which shall not exceed 14 days.

(8) Sections 317 and 318 shall 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 shall not exceed 24 months from the date the order is first in force.

(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 shall 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 shall 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 shall not exceed the prescribed maximum hours of community service which the offender may be required to perform community service 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 shall be deemed to be in breach of all the community orders; and

(*b*) the court shall 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 him 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 shall thereafter be dealt with in accordance with section 354 as if he 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.

(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 pays the fine amount, shall continue serving the sentence under the community order; or

(*b*) if he defaults on paying the fine amount, shall 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 shall sentence him to any punishment which is prescribed for that offence or those offences and he shall thereafter be dealt with in accordance with section 354 as if he 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.

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 his arrest.

(2) A Magistrate may not issue a warrant under subsection (1) except on information in writing.

(3) The following persons shall have jurisdiction for the purposes of subsection (1):

(*a*) if the community order was made by the High Court, a Judge of the High Court;

(*b*) if the community order was made by a District Court, a District Judge; and

(*c*) if the community order was made by a Magistrate's Court, a Magistrate.

(4) A summons or warrant issued under this section shall 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 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 him to custody or release him on bail (with or without sureties) until he can be brought or appears before the court by which the community order has been made; and if he does so the Magistrate's Court shall send to 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.

(6) Where it is proved to the satisfaction of the court by which a community order has been made that the offender in respect of whom the community order has been made has been convicted and dealt with in respect of an offence or offences committed during the period when the community order is in force in respect of the offender, that court may, taking into account the extent to which the offender has complied with the order, revoke the order made and impose such sentence which is prescribed for the offence or offences in respect of which the order has been made.

(7) If an offender in respect of whom a community order has been made by a Magistrate's Court is convicted before the High Court or a District Court or another Magistrate's Court of an offence committed during the period when the community order is in force in respect of the offender, the High Court or the District Court or such other Magistrate's Court (as the case may be) may, taking into account the extent to which the offender has complied with the order, revoke the order made and impose such sentence which is prescribed for the offence or offences in respect of which the order has been made.

PART XVIII

COMPENSATION AND COSTS

Order for payment of costs of prosecution against accused and order for payment of costs incurred by accused in his 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, order that person to pay a sum to be fixed by the court by way of costs of his prosecution.

(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 his defence, to be taxed by the Registrar of the Supreme Court or the Registrar of the Subordinate Courts, as the case may be.

(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 High Court

356.—(1) The Court of Appeal or the High Court in the exercise of its powers under Part XX may award costs to be paid by or to the parties as it thinks fit.

(2) Where the Court of Appeal or the High Court makes any order for costs to be paid by the prosecution to an accused, the Court must be satisfied that the conduct of the matter under Part XX by the prosecution was frivolous or vexatious.

(3) Where the Court of Appeal or the High Court makes any order for costs to be paid by an accused to the prosecution, the Court must be satisfied that the conduct of the matter under Part XX by the accused was done in an extravagant and unnecessary manner.

Costs against defence counsel

357.—(1) Where it appears to a court that costs have been incurred unreasonably or improperly in any proceedings 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 client; or

(*b*) directing the advocate to repay to his client costs which the client has been ordered to pay to any person.

(2) No order under this section shall be made against an advocate unless he 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 shall be paid out of the Consolidated Fund and costs awarded to and received by the Public Prosecutor shall be paid into the Consolidated Fund.

(2) The Public Prosecutor shall not be personally liable for any costs awarded against him.

Order for payment of compensation

359.—(1) The court before which a person is convicted of any offence shall, 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 representative, in respect of his 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 referred to 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) shall 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 his representative for civil damages in respect of the same injury arising from the offence, shall be deemed to have been satisfied to the extent of the amount paid to him under an order for compensation.

(5) The order for compensation made under subsection (3) shall 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 shall be deemed to have been satisfied to the extent of the amount paid to him 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;

(ii) by appointing a receiver; or

(iii) by directing any other person who owes money to the person 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 he may be sentenced or to which he may be liable under a commutation of sentence;

(*e*) direct that that person be searched, and that any money found on him when so searched or which, in the event of his being committed to prison, may be found on him when taken to prison, shall be applied towards the payment of that sum; the surplus, if any, being returned to him.

(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 he 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*) shall 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 shall 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 shall terminate 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 he is directed to pay under subsection (1)(*c*)(iii), it shall be recoverable as though it were a judgment debt due to the court.

Costs recoverable as judgment debt

361. Any order for costs made under this Part shall be recoverable as a judgment debt.

Reward for unusual exertions and compensation for family of person killed or injured 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 him 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 such regulations as may be prescribed by the Minister.

PART XIX

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 accused

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 him 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 him 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 his representatives for civil damages in respect of the purchase of stolen property arising from the offence, shall be deemed to have been satisfied to the extent of the amount paid to him under that order.

Stay of order

367. 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 High Court and may modify, alter or annul that order.

Destruction of libellous and other matter

368.—(1) On a conviction under section 292, 293, 500, 501 or 502 of the Penal Code (Cap. 224), 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, 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 police officer seizes property which is taken under section 35 or 78, or alleged or suspected to have been stolen, or found under circumstances that lead him to suspect an offence, he must make a report of the seizure to a Magistrate's Court at the earlier of the following times:

(*a*) when the police officer considers that such property is no longer relevant for the purposes of any investigation, inquiry, trial or other proceeding under this Code; or

(*b*) one year from the date of seizure of the property.

(2) Subject to subsection (3), the Magistrate's Court must, upon the receipt of such report referred to in subsection (1), make such order as it thinks fit respecting the delivery of the property to the person entitled to the possession of it or, if that person cannot be ascertained, respecting the custody and production of the property.

(3) The Magistrate's Court must not dispose of any property if there is any pending court proceeding under any written law in relation to the property in respect of which the report referred to in subsection (1) is made, or if it is satisfied that such property is relevant for the purposes of any investigation, inquiry, trial or other proceeding under this Code.

Procedure when person entitled to property is known

371.—(1) If the person entitled to the property referred to in section 370 is known, the Magistrate's Court must cause a notice to be served on that person instructing him 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.

(2) Section 116 shall apply as nearly as may be practicable to the procedure governing the service of the notice referred to in subsection (1) as if a summons were a notice.

(3) If the person entitled to the property referred to in section 370 fails to take delivery of the property within the period specified in the notice referred to in subsection (1), the Magistrate's Court may, after one month from the expiry of that period, cause the property to be sold.

(4) Notwithstanding the other provisions in this section, if the property is perishable or if, in the opinion of the Magistrate's Court, its value is less than $500, the Magistrate's Court may cause the property to be sold at any time.

(5) The Magistrate's Court must pay the net proceeds of the sale under subsections (3) and (4) on demand to the person entitled.

Procedure when person entitled to property is unknown or cannot be found

372.—(1) If the person entitled to the property referred to in section 370 is unknown or cannot be found, the Magistrate's 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 him and establish his claim within 6 months from the date of the public notice.

(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 he had legally acquired it, then the property may be sold on the order of the Commissioner of Police.

(4) Notwithstanding 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 shall apply, 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 referred to in subsection (1), the ownership of the property or (if sold) its net proceeds shall pass and be vested in the Government absolutely.

(6) If a person establishes his claim to the property within 6 months from the publication of the notice referred to in subsection (1), and the property has already been sold by the Commissioner of Police, that person shall only be entitled to the net proceeds.

(7) In respect of property to which the person entitled is unknown or cannot be found, the Magistrate's 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.

PART XX

APPEALS, POINTS RESERVED, REVISIONS AND CRIMINAL MOTIONS

Division 1 — Appeals

Interpretation of this Part

373. In this Part —

"appellate court" means any court when exercising its appellate criminal jurisdiction;

"trial court" means any court when exercising its original criminal jurisdiction.

When appeal may be made

374.—(1) An appeal against any judgment, sentence or order of a court may only be made as provided for by this Code or by any other written law.

(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 shall 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 shall be against his conviction, the sentence imposed on him or an order of the trial court.

(5) No appeal may lie against any order made by a Magistrate, a District Judge, the Registrar of the Subordinate Courts or the Registrar of the Supreme Court in any criminal case disclosure conference held under Part IX or X.

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 shall 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 he may, by fiat, and on such terms and conditions as he 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 he 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 within 14 days with the Registrar of the Supreme Court (if the trial court is the High Court) or the Registrar of the Subordinate Courts (if the trial court is a District Court or a Magistrate's Court), from the date of that judgment, sentence or order.

(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 his advocate; and

(*c*) unless it is given orally under section 381, be signed by the appellant or his advocate.

(4) In the case of an appeal by the Public Prosecutor under this Part against the judgment, sentence or order of the High Court hearing a criminal case, the notice of appeal shall be signed by him only.

(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 High Court) or the Registrar of the Subordinate Courts (if the trial court is a Magistrate's Court or District Court) must, as soon as possible, serve on the appellant or his 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.

(6) Where an appellant makes an application pursuant to subsection (5), he shall be served with a copy each of the record of proceedings and the grounds of decision upon the payment of the prescribed fee, unless the Registrar of the Subordinate Courts or the Registrar of the Supreme Court, as the case may be, for some special reason thinks it fit to furnish them free of charge.

(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 High Court) or the Registrar of the Subordinate 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.

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 his advocate must lodge a petition of appeal with the Registrar of the Supreme Court (if the trial court is the High Court) or Registrar of the Subordinate Courts (if the trial court is a Magistrate's Court or District Court).

(2) The petition of appeal must be signed by the appellant or his 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 High Court) or the Registrar of the Subordinate Courts (if the trial court is a Magistrate's Court or District Court), a notice of discontinuance of the appeal, and if he does so, he must serve the notice on the other party to the appeal on the date of the filing.

(5) The appellant may, after he 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.

(6) Except with the leave of the appellate court, the appellant shall not be 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 shall notify the Registrar of the Subordinate Courts (if the trial court is a Magistrate's Court or District Court) accordingly and any stay of execution shall immediately cease to have effect.

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 his 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 him 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 his 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 shall be deemed to have complied with the requirements in sections 377 and 378 if he 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 Subordinate Courts, as the case may be.

Bail pending appeal

382. A Subordinate Court or the High Court may grant bail to a person who has filed a notice of appeal against his conviction or sentence in accordance with section 377.

Stay of execution pending appeal

383.—(1) An appeal shall 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 shall be excluded in computing the term of his 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 —

(*a*) after the time allowed under this Code for appeal; or

(*b*) if an appeal is made within the time allowed under this Code for appeal, after the sentence is confirmed by the appellate court.

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 or Judges of Appeal.

(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 him, notice to the Registrar of the Supreme Court of an application for leave to amend his 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 High Court Judge (in the case where the appeal is made to the High Court) may grant leave to amend the grounds of appeal accordingly and shall restore the appeal for hearing.

(5) For the purposes of subsection (4), the question whether a sentence ought to be reduced shall be 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 shall 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 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.

(2) An appeal before the Court of Appeal may ordinarily be heard by 3 Judges 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.

(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 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.

(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 shall hear the appellant or his advocate, if he appears, and if it thinks fit, the

respondent or his advocate, if he appears, and shall hear the appellant or his advocate in reply.

(2) If the appellant is in custody and does not appear at the hearing to support his appeal in person or by advocate, the appellate court may consider his 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 his non-appearance was not due to his 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 him, 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 him 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 he is absent at the hearing of the appeal, the court may hear the appeal in his absence.

Arrest of respondent in certain cases

389.—(1) Where the High Court is informed that the Public Prosecutor intends to appeal against the acquittal of an accused, the 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.

(2) Where the Public Prosecutor appeals against an acquittal after an application under subsection (1), the High Court that acquitted the accused may commit him to prison pending the disposal of the appeal or admit him to bail.

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 shall be made or that the accused shall be retried, or remit the matter, with the opinion of the appellate court, to the trial court; or

(ii) find him guilty and pass sentence on him according to law;

(*b*) in an appeal from a conviction —

(i) reverse the finding and sentence and acquit or discharge the accused or order him 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) shall 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) Notwithstanding section 375 and without prejudice to the generality of 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) Notwithstanding 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 he intends to offer a defence.

(7) If the accused indicates that he 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 he 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 he admits to have committed for the purposes of sentencing him.

(10) The sentencing powers of the appellate court in the exercise of its appellate jurisdiction shall not exceed the sentencing power of the trial court whose judgment, sentence or order is appealed against.

Omission to frame charge

391.—(1) A judgment, sentence or order pronounced or passed shall not be 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 his 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 shall 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 him if he were alive may be begun by a person approved by the High Court; and

(*b*) where any relevant appeal was begun by him while he was alive or is begun in relation to his case under paragraph (*a*), any further step which might have been taken by him in connection with the appeal if he were alive may be taken by a person so approved.

(2) 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 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 him.

(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 shall, where appropriate, 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 shall finally abate 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 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;

(*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 shall —

(*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 shall, so far as may be possible, be in a form which shall permit of 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) Notwithstanding 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) shall cause the case to be transmitted to the Registrar of the Supreme Court.

(7) The relevant court shall 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 shall 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 must send a copy to every party to the proceedings and to the Public Prosecutor (if he is not a party), and fix a date for the hearing of the case stated.

(12) The Public Prosecutor shall have a right of hearing at the hearing of the case stated.

(13) Where the High Court is hearing the case stated, it shall 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.

(14) Where the Court of Appeal is hearing the case stated, it shall ordinarily be heard by 3 Judges 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 of Appeal.

(15) In this section, "relevant court" means —

(*a*) the High Court where the trial court which stated the case is a Subordinate Court; and

(*b*) the Court of Appeal where the trial court which stated the case is the High Court.

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 Subordinate Court for the opinion of the High Court under section 395, apply to state a case directly to the Court of Appeal.

(2) An application under subsection (1) shall 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) shall apply to the case stated under this section, except that any reference to the relevant court in those provisions shall be a reference to the Court of Appeal.

Reference to Court of Appeal of criminal matter determined by High Court in exercise of its appellate or revisionary jurisdiction

397.—(1) When a criminal matter has been determined by 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.

(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) shall 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 shall be made by him or with his written consent.

(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 High Court might have made as the Court of Appeal considers just for the disposal of the case.

(6) For the purposes of this section, any question of law which any party applies to be referred regarding which there is a conflict of judicial authority shall be deemed to be a question of public interest.

Determination and order

398.—(1) 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.

(2) Any judge stating a case under this Code shall not be liable to any costs incurred with respect to it.

Opinion on case stated

399.—(1) The opinion 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.

(2) The Registrar of the Supreme Court must deliver a copy of the opinion 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 Subordinate Courts where the trial court which stated the case is a Subordinate Court; and

(*c*) every party to the proceedings in which the case stated arose.

(3) If the opinion 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 High Court or Court of Appeal made under section 398.

Division 3 — Revision of proceedings before Subordinate Courts

Power to call for records of Subordinate Courts

400.—(1) Subject to this section and section 401, the High Court may, on its own motion or on the application of a Subordinate Court, the Public Prosecutor or the accused in any proceedings, call for and examine the record of any criminal proceeding before any Subordinate 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.

(2) No application may be made by any party under this section in relation to any judgment, sentence or order which he 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 High Court on revision

401.—(1) On examining a record under revision in this Division, 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.

(2) 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.

(3) The High Court may not proceed under subsection (1) or (2) without first giving the parties adversely affected by the High Court so proceeding an opportunity of being heard either personally or by advocate.

(4) This section does not authorise the High Court to convert an acquittal into a conviction.

Orders on revision

402. Where a case is revised under this Division, the High Court must certify its decision or order to the Subordinate 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.

Permission for parties to appear

403.—(1) No party has any right to be heard either personally or by advocate before the High Court when the High Court is exercising its powers of revision under this Division or Division 4.

(2) 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 shall be deemed to affect sections 401(3) and 404(4).

Division 4 — Revision of orders made at criminal case disclosure conference

Power to revise orders made at criminal case disclosure conference

404.—(1) 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 IX or X before a Magistrate, a District Judge, the Registrar of the Subordinate 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.

(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 in respect to which the application relates.

(3) On examining a record under revision in this Division, the High Court may affirm, vary or set aside any of the orders made by the Magistrate, District Judge, Registrar of the Subordinate Courts or Registrar of the Supreme Court, as the case may be, who presided over the criminal case disclosure conference.

(4) The High Court may not proceed under subsection (3) without first giving the parties adversely affected by the High Court so proceeding an opportunity of being heard either personally or by advocate.

(5) Where a case is revised under this Division, the High Court must certify its decision or order to the Magistrate, District Judge, Registrar of the Subordinate 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 Subordinate 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.

Division 5 — Criminal motions

Motion

405. A motion to the High Court in respect of any criminal matter must be made in accordance with this Division.

Notice of motion

406.—(1) No motion shall be made without previous notice to the other party to the proceedings.

(2) Unless the High Court gives leave to the contrary, 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.

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 any criminal motion may be adjourned from time to time on such terms as the High Court thinks fit.

Costs

409. If the High 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 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 Court.

PART XXI

SPECIAL PROCEEDINGS

Division 1 — Proceedings in case of certain offences affecting administration of justice

Procedure as to offences committed in court, etc.

410. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Penal Code (Cap. 224) is committed in the view or presence of any civil or criminal court other than the High Court, the court may cause the offender to be detained in custody and

at any time before the rising of the court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to a fine not exceeding $500 or to imprisonment for a term not exceeding 3 months or to both.

Record of facts constituting offence

411.—(1) In every case referred to in section 410, the court shall record the facts constituting the offence with the statement, if any, made by the offender as well as the finding and sentence.

(2) If the offence is under section 228 of the Penal Code the record must show the nature and stage of the judicial proceeding in which the court interrupted or insulted was sitting and the nature of the interruption or insult.

Alternative procedure

412. If the court in any case considers that a person accused of any of the offences referred to in section 410 and committed in its view or presence may be better dealt with by ordinary process of law, the court, after recording the facts constituting the offence and the statement of the accused as provided in section 411, may direct the accused to be prosecuted and may require security to be given for the appearance of the accused before a Magistrate's Court or, if sufficient security is not given, may take that person under custody to a Magistrate's Court.

Power to remit punishment

413. When any court has under section 410 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do or for any intentional insult or interruption, the court may, in its discretion, discharge the offender or remit the punishment or any part of it on his submission to the order or requisition of the court or on apology being made to its satisfaction.

Refusal to give evidence

414.—(1) If any witness before a criminal court refuses to answer such questions as are put to him or to produce any document in his possession or power which the court requires him to produce and does

not offer any reasonable excuse for such refusal, that court may, for reasons to be recorded in writing, sentence him to imprisonment for a term which may extend to 7 days unless in the meantime he consents to be examined and to answer or to produce the document.

(2) In the event of his persisting in his refusal, he may be dealt with according to section 410 or 412 notwithstanding any sentence he has undergone under this section.

Appeal

415.—(1) Any person sentenced by any court under this Division may appeal to the High Court.

(2) Division 1 of Part XX shall, so far as it is applicable, apply to appeals under this section and the appellate court may alter or reverse the finding or reduce, alter or reverse the sentence appealed against.

Magistrate not to try certain offences committed before himself

416. Except as provided in sections 410 and 414, no Magistrate shall try any person for any offence referred to in section 10(1) when the offence is committed before himself or in contempt of his authority or is brought under his notice as such Magistrate in the course of a judicial proceeding.

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 High Court for an order for review of detention.

(2) On an application by a person detained on a warrant of extradition, the High Court shall 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.

(3) Notice of the application together with copies of all the evidence used on the application shall be served on the Public Prosecutor.

Orders for review of detention

418. The High Court may, whenever it thinks fit, order that a prisoner detained in any prison within the limits of Singapore shall 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.

Court martial

419.—(1) Every application for a prisoner detained in custody to be brought before a court martial for trial shall 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 he is required to be produced.

(2) The Registrar of the Supreme Court shall submit the letter as soon as possible after the receipt thereof to, and obtain the order thereon of, a Judge of the High Court.

(3) If an order is made under this section, it shall be drawn up with a direction that a warrant shall be issued accordingly and the warrant shall 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 High Court.

(4) The warrant when issued shall 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 shall be made to the High Court or a Judge of the High Court and shall be supported by an affidavit stating —

(*a*) where the prisoner is detained in custody;

(*b*) to what other custody it is proposed to remove him; and

(*c*) the reason for the change of custody.

(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 shall be drawn up with a direction that a warrant shall be issued accordingly.

(3) The warrant shall 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 High Court.

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 shall act in accordance with it and shall provide for the safe custody of the prisoner during his 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 High Court or Judge of the High Court may at any time adjourn the hearing for the decision of a Court consisting of 3 or more Judges.

PART XXII

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 VI, VII, VIII, XII and XVI of the Penal Code (Cap. 224) or under any of the following sections of the Penal Code:

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, 430A, 435, 436, 437, 438, 440, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 489A, 489B, 489C, 489D and 506,

shall, in the absence of reasonable excuse, the burden of proving which shall lie 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.

Irregularity in attachment

425.—(1) An attachment made under this Code shall not be considered unlawful, nor shall any person making it be 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 referred to in subsection (1) shall not be considered to have done wrong from the start on account of any irregularity that he afterwards commits, but anyone wronged by the irregularity may take such proceedings in a civil court as he thinks fit to recover damages for any loss or harm he might have suffered.

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) Notwithstanding subsection (1), an accused committed to stand trial in the High Court shall receive free of charge a copy of the depositions of the witnesses recorded by the Magistrate.

(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.

Amendment of Schedules

427.—(1) The Minister may, by order published 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) shall 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 prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

(*a*) the rates or scales of payment of the expenses and compensation to be ordered under section 363 and concerning the payment of them;

(*b*) the treatment, training and detention of persons sentenced to reformative 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;

(*c*) any form which is to be used by any person in relation to any matter under this Code;

(*d*) for carrying into effect the purposes of Division 2 of Part X;

(*e*) the prescribing of anything that is required or permitted to be prescribed under this Code.

Repeal, savings and transitional provisions

429.—(1) The Criminal Procedure Code (Cap. 68) is repealed.

(2) This Code shall not affect —

(*a*) any inquiry, trial or other proceeding commenced or pending under the repealed Code before the appointed day, and every such inquiry, trial or other proceeding may be continued and everything in relation thereto may be done in all respects after that day 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 the

appointed day, and such further proceedings may be taken and everything in relation thereto may be done in all respects after that day as if this Code had not been enacted.

(3) Any application, authorisation, consent, direction, fiat, instruction, order, requirement or sanction of the Public Prosecutor given or made under the repealed Code before the appointed day and which remains in force or which is not complied with before that day shall be 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.

(4) Any summons, warrant or requisition issued by a court under the repealed Code before the appointed day and which has not been complied with or executed before that day shall be treated as if it were a summons, warrant or requisition, as the case may be, issued under the corresponding provisions of this Code.

(5) Any proclamation published by a court under section 51 of the repealed Code shall be treated as if it were a proclamation published under section 88.

(6) Any authorisation given by the Commissioner of Police under section 70 of the repealed Code which is not acted on before the appointed day shall be treated as if it were an authorisation of the Commissioner of Police given under section 33.

(7) Any written order of a police officer under section 58 of the repealed Code which is not complied with before the appointed day shall be treated as if it were a written order of a police officer under section 20.

(8) Any order of a police officer under section 120 of the repealed Code which is not complied with before the appointed day shall be treated as if it were an order of a police officer under section 21.

(9) Any requisition made by a police officer or authorised person under section 125A or 125B of the repealed Code before the appointed day which is not complied with before the appointed day shall be deemed to be a requisition made by a police officer or an authorised person under section 39 or 40, respectively.

(10) Any plea of guilty by letter under section 137 of the repealed Code which is not dealt with by a court before the appointed day shall be treated as if it were a plea of guilty by letter under section 154 and that provision shall apply accordingly to the plea of guilty.

(11) Any plea of guilty under section 137A of the repealed Code which is not dealt with by a court before the appointed day shall be treated as if it were a plea of guilty under section 226 and that provision shall apply accordingly to the plea of guilty.

(12) Any bond executed by any person under the repealed Code before the appointed day and which remains in force on or after that day shall be treated as if it were a bond executed under the corresponding provisions of this Code.

(13) Any person who is subject to the supervision of the police under section 11 of the repealed Code shall be treated as if he were a person subject to police supervision under section 309 of this Code.

(14) 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 the appointed day shall be treated as if the information were received or recorded under section 14 and the police shall deal with the matter in accordance with the provisions of this Code.

(15) Any complaint which is received by a Magistrate before the appointed day and which is not disposed of before that day, shall be treated as if it were a complaint received by a Magistrate under this Code and the provisions of this Code shall, with the necessary modifications, apply in relation to the complaint.

(16) Any offence which is to be compounded under section 199A of the repealed Code and which is not so compounded before the appointed day shall be treated as an offence which is to be compounded under section 243 of this Code.

(17) Notwithstanding any other provisions in this Code, Part XIX shall, with the necessary modifications, apply 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.

(18) Where any period of time specified in any provision in the repealed Code is current immediately before the appointed day, this Code shall have effect as if the corresponding provision in this Code had been in force when the period began to run; and (without prejudice to the foregoing) any period of time so specified and current shall be deemed for the purposes of this Code —

(*a*) to run from the day or event from which it was running immediately before that appointed day; 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 shall be under this Code as they were or would have been under that provision in the repealed Code.

(19) Any subsidiary legislation made under the repealed Code and in force immediately before the appointed day shall, so far as it is not inconsistent with the provisions of this Code, continue to be in force as if made under this Code until it is revoked or repealed by subsidiary legislation made under this Code.

(20) In so far 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 shall be construed, respectively, as a reference to an arrestable offence or a non-arrestable offence under this Code.

(21) Where in any written law reference is made to the sanction of the Public Prosecutor or a Deputy Public Prosecutor, such reference shall be read as a reference to the consent of the Public Prosecutor or a Deputy Public Prosecutor.

(22) In any written law or document in which a reference is made to the repealed Code, such reference shall be read as a reference to this Code.

(23) Where before the appointed day any inquiry is held under Chapter XXX of the repealed Code and has not been concluded immediately before that day, 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.

(24) For a period of 2 years after the appointed day, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of subsection (1) as he may consider necessary or expedient.

(25) In this section, "appointed day" means the date of commencement of this Code.

Consequential and related amendments to other written laws

430. The provisions of the Acts specified in the first column of the Sixth Schedule are amended in the manner set out in the second column thereof.

FIRST SCHEDULE

Sections 2(1), 9(2) and (3), 153(1) and (3) and 226(5)

TABULAR STATEMENT OF OFFENCES UNDER THE PENAL CODE

Explanatory Notes. (1) The entries in the second and sixth columns of this Schedule, headed respectively "Offence" and "Maximum punishment under the Penal Code" are not intended as definitions of the offences and punishments described in the several corresponding sections of the Penal Code, 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; 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.

FIRST SCHEDULE — *continued*

1	2	3	4	5	6	7
Penal Code 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	By what court triable besides the High Court
CHAPTER V — 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 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	The court by which the offence abetted is triable
110	Abetment of any offence, if the person abetted does the act with a different	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	intention from that of the abettor					
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso	Ditto	Ditto	Ditto	The same punishment as for the offence intended to be abetted	Ditto
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor	Ditto	Ditto	Ditto	The same punishment as for the offence committed	Ditto
114	Abetment of any offence, if the abettor is present when offence is committed	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

115	Abetment of an offence punishable with death or imprisonment for life, if the offence is not committed in consequence of the abetment	Ditto	Ditto	Not bailable	Imprisonment for 7 years, and fine	Ditto
115	If an act which causes harm is done in consequence of the abetment	Ditto	Ditto	Ditto	Imprisonment for 14 years, and fine	Ditto
116	Abetment of an offence punishable with imprisonment, if the offence is not committed in consequence of the abetment	Ditto	Ditto	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	Ditto

FIRST SCHEDULE — *continued*

116	If the abettor or the person abetted is a public servant whose duty it is to prevent the offence	Ditto	Ditto	Ditto	Imprisonment extending to half of the longest term provided for the offence, or fine, or both	Ditto
117	Abetting the commission of an offence by the public, or by more than 10 persons	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
118	Concealing a design to commit an offence punishable with death or imprisonment for life, if the offence is committed	Ditto	Ditto	Not bailable	Imprisonment for 7 years, and fine	Ditto

FIRST SCHEDULE — *continued*

118	If the offence is not committed	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence is committed	Ditto	Ditto	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	Ditto
119	If the offence is punishable with death or imprisonment for life	Ditto	Ditto	Not bailable	Imprisonment for 15 years, and fine	Ditto
119	If the offence is not committed	Ditto	Ditto	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	Ditto

FIRST SCHEDULE — *continued*

119	If the offence is punishable with death or imprisonment for life but is not committed	Ditto	Ditto	Not bailable	Imprisonment for 7 years, and fine	Ditto
120	Concealing a design to commit an offence punishable with imprisonment, if the offence is committed	Ditto	Ditto	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	Ditto
120	If the offence is not committed	Ditto	Ditto	Ditto	Imprisonment extending to one-eighth of the longest term provided for the offence, or fine, or both	Ditto
			CHAPTER VA — CRIMINAL CONSPIRACY			
120B	Criminal conspiracy	May arrest without warrant	According as to whether warrant	According as to whether the	The same punishment as if	The court by which the

FIRST SCHEDULE — *continued*

		if arrest for the offence the object of the conspiracy may be made without warrant, but not otherwise	or summons may issue for the offence the object of the conspiracy	offence the object of the conspiracy is bailable or not	the offence the object of the conspiracy was abetted	offence the object of the conspiracy is triable
CHAPTER V1 — OFFENCES AGAINST THE STATE						
121	Waging or attempting to wage war, or abetting the waging of war, against the Government	May arrest without warrant	Warrant	Not bailable	Death, or imprisonment for life, and fine	
121A	Offences against the President's person	Ditto	Ditto	Ditto	Ditto	
121B	Offences against authority	Ditto	Ditto	Ditto	Imprisonment for life, and fine	
121C	Abetting offences under	Ditto	Ditto	Ditto	Punishment provided for offences under	

FIRST SCHEDULE — *continued*

	section 121A or 121B				section 121A or 121B	
121D	Intentional omission to give information of offences against section 121, 121A, 121B or 121C	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court
122	Collecting arms, etc., with the intention of waging war against the Government	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	
123	Concealing with intent to facilitate a design to wage war	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	
124	Assaulting the President, etc., with intent to compel or	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment	

FIRST SCHEDULE — *continued*

	restrain the exercise of any lawful power				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	Ditto	Ditto	Ditto	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 peace with the Government	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, and forfeiture of certain property	District Court
127	Receiving property taken by war or depredation mentioned in	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine, and forfeiture of	Ditto

FIRST SCHEDULE — *continued*

	sections 125 and 126				property so received	
128	Public servant voluntarily allowing prisoner of State or war in his custody to escape	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine	
129	Public servant negligently suffering prisoner of State or war in his custody to escape	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
130	Aiding escape of, rescuing, or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine	
CHAPTER VIA — PIRACY						

FIRST SCHEDULE — *continued*

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	Ditto	Ditto	Ditto	Death	
130C	Piratical acts	Ditto	Ditto	Ditto	Imprisonment for 15 years, and caning	
			CHAPTER VIB — GENOCIDE			
130E	Genocide where offence consists of the killing of any person	May arrest without warrant	Warrant	Not bailable	Death	

FIRST SCHEDULE — *continued*

130E	Genocide in any other case	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years	
CHAPTER VII — OFFENCES RELATING TO THE ARMED FORCES						
131	Abetting mutiny, or attempting to seduce an officer, a sailor, a soldier or an airman from his allegiance or duty	May arrest without warrant	Warrant	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	
132	Abetment of mutiny, if mutiny is committed in consequence thereof	Ditto	Ditto	Ditto	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	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	superior officer, when in the execution of his office					
134	Abetment of such assault, if the assault is committed	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
135	Abetment of the desertion of an officer, a sailor, a soldier or an airman	Ditto	Ditto	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
136	Harbouring such an officer, a sailor, a soldier or an airman who has deserted	Ditto	Ditto	Ditto	Ditto	Ditto
137	Deserter concealed on board merchant vessel, through negligence of	Shall not arrest without warrant	Summons	Ditto	Fine*	Ditto

FIRST SCHEDULE — *continued*

	master or person in charge thereof					
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	Ditto	Imprisonment for 6 months, or fine, or both	Ditto
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 is such	Ditto	Summons	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
CHAPTER VIII — 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

FIRST SCHEDULE — *continued*

144	Joining an unlawful assembly armed with any deadly weapon	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or caning, or any combination of such punishments	Ditto
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
147	Rioting	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	Ditto
148	Rioting, armed with a deadly weapon	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	Ditto
149	Offence committed by member of an	According as to whether arrest may be made	According as to whether a warrant or	According as to whether the	The same as for the offence	The court by which offence is triable

FIRST SCHEDULE — *continued*

	unlawful assembly, other members guilty	without warrant for the offence or not	summons may issue for the offence	offence is bailable or not		
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	Ditto	The same as for a member of such assembly, and for any offence committed by any member of such assembly	Ditto
151	Knowingly joining or continuing in any assembly of 5 or more persons after it has been commanded to disperse	Ditto	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
152	Assaulting or obstructing public servant when	Ditto	Ditto	Ditto	Imprisonment for 8 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	suppressing riot, etc.					
153	Wantonly giving provocation with intent to cause riot, if rioting is committed	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
153	If not committed	Ditto	Ditto	Bailable	Imprisonment for one year, or fine, or both	Ditto
154	Owner or occupier of land not giving information of riot, etc.	Shall not arrest without warrant	Summons	Ditto	Fine*	Ditto
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it	Ditto	Ditto	Ditto	Fine	Ditto

FIRST SCHEDULE — *continued*

156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it	Ditto	Ditto	Ditto	Ditto	Ditto
157	Harbouring persons hired for an unlawful assembly	May arrest without warrant	Warrant	Not bailable	Imprisonment for 2 years, or fine, or both	Ditto
158	Being hired to take part in an unlawful assembly or riot	Ditto	Ditto	Ditto	Ditto	Ditto
158	Or to go armed	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
CHAPTER IX — OFFENCES BY OR RELATING TO PUBLIC SERVANTS						
161	Being or expecting to be a public servant, and taking a	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	gratification other than legal remuneration in respect of an official act					
162	Taking a gratification in order by corrupt or illegal means to influence a public servant	Ditto	Ditto	Ditto	Ditto	Ditto
163	Taking a gratification for the exercise of personal influence with a public servant	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
164	Abetment by public servant of the offences defined in sections 162 and 163 with	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	reference to himself					
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by the public servant	Shall not arrest without warrant	Summons	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
166	Public servant disobeying a direction of the law with intent to cause injury to any person	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
167	Public servant framing an incorrect document or electronic record	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	with intent to cause injury					
168	Public servant unlawfully engaging in trade	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
169	Public servant unlawfully buying or bidding for property	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased	Ditto
170	Personating a public servant	May arrest without warrant	Warrant	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
171	Wearing garb or carrying token used by public servant with fraudulent intent	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
CHAPTER X — CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS						
172	Absconding to avoid service of summons or	May arrest without warrant	Warrant	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	other proceeding from a public servant					
172	If summons or notice requires attendance in person, etc., in a court of justice	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
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	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto
173	If summons, etc., requires attendance in person, etc., in a court of justice	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto
174	If the order requires personal attendance, etc., in a court of justice	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
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	Shall not arrest without warrant	Summons	Ditto	Imprisonment for one month, or fine*, or both	The court in which the offence is committed subject to the provisions of Chapter XXXII, or if not committed in a court, a District Court

FIRST SCHEDULE — *continued*

	document or electronic record					
175	If the document or electronic record is required to be produced in or delivered to a court of justice	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give the notice or information	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
176	If the notice or information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

177	Knowingly furnishing false information to a public servant	Ditto	Ditto	Ditto	Ditto	Ditto
177	If the information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
178	Refusing oath when duly required to take an oath by a public servant	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	The court in which the offence is committed, subject to the provisions of Chapter XXXII, or if not committed in a court, a District Court
179	Being legally bound to state truth, and	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	refusing to answer questions to a public servant					
180	Refusing to sign a statement made to a public servant when legally required to do so	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine*, or both	Ditto
181	Knowingly stating to a public servant on oath as true that which is false	Ditto	Warrant	Ditto	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 to use his lawful power to the injury or	Ditto	Summons	Ditto	Imprisonment for one year, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

	annoyance of any person					
183	Resistance to the taking of property by the lawful authority of a public servant	May arrest without warrant	Warrant	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
184	Obstructing sale of property offered for sale by authority of a public servant	Shall not arrest without warrant	Summons	Ditto	Imprisonment for one month, or fine*, or both	Ditto
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	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	obligations incurred thereby					
186	Obstructing public servant in discharge of his public functions	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine*, or both	Ditto
187	Omission to assist public servant when bound by law to give such assistance	May arrest without warrant	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto
187	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
188	Disobedience to an order lawfully promulgated by a	Shall not arrest without warrant	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

	public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed					
188	If such disobedience causes danger to human life, health or safety, etc.	Ditto	Warrant	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

190	Threatening any person to induce him to refrain from making a legal application for protection from injury	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
CHAPTER XI — FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE						
193	Giving or fabricating false evidence in a judicial proceeding	Shall not arrest without warrant	Warrant	Bailable	Imprisonment for 7 years, and fine	District Court
193	Giving or fabricating false evidence in any other case	Ditto	Ditto	Ditto	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	Ditto	Not bailable	Imprisonment for life, or imprisonment for 20 years, and fine	

FIRST SCHEDULE — *continued*

194	If innocent person is thereby convicted and executed	Ditto	Ditto	Ditto	Death, or as above	
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for life or imprisonment for 7 years or upwards	According as to whether arrest may be made without warrant for the offence or not	Ditto	Ditto	The same as for the offence	
196	Corruptly using or attempting to use evidence known to be false or fabricated	Shall not arrest without warrant	Ditto	Bailable	The same as for giving or fabricating false evidence	District Court

FIRST SCHEDULE — *continued*

197	Knowingly or issuing or signing a false certificate relating to any fact of which that certificate is by law admissible in evidence	Ditto	Ditto	Ditto	The same as for giving false evidence	Ditto
198	Using as a true certificate one known to be false in a material point	Ditto	Ditto	Ditto	Ditto	Ditto
199	False statement made in any declaration which is by law receivable as evidence	Ditto	Ditto	Ditto	Ditto	Ditto
200	Using as true any such declaration known to be false	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

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	Ditto	Not bailable	Imprisonment for 10 years, and fine	Ditto
201	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
201	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Bailable	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

202	Intentional omission to give information of an offence by a person legally bound to inform	Shall not arrest without warrant	Summons	Ditto	Imprisonment for 6 months, or fine, or both	Ditto
203	Giving false information respecting an offence committed	Ditto	Warrant	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
204	Secreting or destroying any document or electronic record to prevent its production as evidence	Ditto	Ditto	Ditto	Ditto	Ditto
204A	Obstructing, preventing, perverting or defeating course of justice	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

204B	Bribery of witnesses	Ditto	Ditto	Ditto	Ditto	Ditto
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security	Ditto	Ditto	Ditto	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 under sentence, or in execution of a decree	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

207	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	Ditto	Ditto	Ditto	Ditto	Ditto
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

209	False claim in a court of justice	Ditto	Ditto	Ditto	Imprisonment for 2 years, and fine	Ditto
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
211	False charge of offence made with intent to injure	Ditto	Ditto	Ditto	Ditto	Ditto
211	If offence charged is punishable with death, or imprisonment for a term of 7 years or upwards	May arrest without warrant	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court

FIRST SCHEDULE — *continued*

212	Harbouring an offender, if the offence is capital	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
212	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
212	If punishable with imprisonment for one year and not for 20 years	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
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	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
213	If punishable with imprisonment for	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	life or imprisonment for 20 years					
213	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
214	Offering gift or restoration of property in consideration of the screening offender, if the offence is capital	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
214	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
214	If punishable with	Ditto	Ditto	Ditto	Imprisonment for a quarter of	Ditto

FIRST SCHEDULE — *continued*

	imprisonment for less than 20 years				the longest term provided for the offence, or fine, or both	
215	Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender	Shall not arrest without warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence is capital	May arrest without warrant	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

216	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	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	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
216A	Harbouring robbers or gang-robbers	Ditto	Ditto	Ditto	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	Shall not arrest without warrant	Summons	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture	Ditto	Warrant	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
219	Public servant in a judicial proceeding corruptly making or pronouncing an order, a report, a verdict or a decision which he knows to be contrary to law	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
220	Commitment for trial or confinement by a person having authority, who	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	knows that he is acting contrary to law					
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	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
221	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
221	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
222	Intentional omission to	Ditto	Ditto	Not bailable	Imprisonment for life, or	

FIRST SCHEDULE — *continued*

	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				imprisonment for 20 years, and fine	
222	If under sentence of imprisonment for 20 years or upwards	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
222	If under sentence of imprisonment for less than 20 years, or lawfully committed to custody	Ditto	Ditto	Bailable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
223	Escape from confinement negligently suffered by a public servant	Shall not arrest without warrant	Summons	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

224	Resistance or obstruction by a person to his lawful apprehension	May arrest without warrant	Warrant	Ditto	Ditto	Ditto
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
225	If charged with an offence punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Not bailable	Imprisonment for 7 years, and fine	Ditto
225	If charged with a capital offence	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

225	If the person is sentenced to imprisonment for 10 years or upwards	Ditto	Ditto	Ditto	Ditto	Ditto
225	If under sentence of death	Ditto	Ditto	Ditto	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	Ditto	Ditto	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
225A	Negligent omission to do same	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

225B	Resistance or obstruction by a person to the lawful apprehension of himself or any other person in a case not otherwise provided for	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
225C	Illegal act or omission for which punishment is not provided	Shall not arrest without warrant	Summons	Ditto	Fine*	Ditto
226	Unlawful return from banishment	May arrest without warrant	Warrant	Not bailable	Imprisonment for the original term of banishment or expulsion, and fine	
227	Violation of condition of	Shall not arrest without warrant	Ditto	Ditto	Punishment of original sentence, or, if	

FIRST SCHEDULE — *continued*

	remission of punishment				part of the punishment has been undergone, the residue	
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding	Ditto	Summons	Bailable	Imprisonment for one year, or fine*, or both	The court in which the offence is committed, subject to the provisions of Chapter XXXII
229	Personation of an assessor	May arrest without warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
CHAPTER XII — OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS						
231	Counterfeiting, or performing any part of the process of counterfeiting coin	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and fine	District Court

FIRST SCHEDULE — *continued*

232	Counterfeiting, or performing any part of the process of counterfeiting current coin	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
233	Making, buying or selling instrument for the purpose of counterfeiting coin	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
234	Making, buying or selling instrument for the purpose of counterfeiting current coin	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
235	Possession of instrument or material for the purpose of using the same for	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	counterfeiting coin					
235	If current coin	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
236	Abetting in Singapore the counterfeiting out of Singapore of coin or current coin	Ditto	Ditto	Ditto	The punishment provided for abetting the counterfeiting of such coin or current coin within Singapore	Ditto
237	Import or export of counterfeit coin, knowing the same to be counterfeit	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
238	Import or export of counterfeits of current coin, knowing the same to be counterfeit	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

239	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto
240	The same with respect to current coin	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

241A	Delivery to another of current coin as genuine which, when first possessed, the deliverer did not know to be counterfeit	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	District Court
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
243	Possession of current coin by a person who knew it to be counterfeit when he became possessed thereof	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	District Court

FIRST SCHEDULE — *continued*

246	Fraudulently diminishing the weight or altering the composition of any coin	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
247	Fraudulently diminishing the weight or altering the composition of current coin	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
249	Altering appearance of current coin with intent that it shall	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court

FIRST SCHEDULE — *continued*

	pass as a coin of a different description					
250	Delivery to another of coin possessed with the knowledge that it is altered	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Magistrate's Court or District Court
251	Delivery of current coin possessed with the knowledge that it is altered	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
253	Possession of current coin by a person who knew it to be altered	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto

FIRST SCHEDULE — *continued*

	when he became possessed thereof					
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine*	Ditto
254A	Delivery to another of current coin as genuine which, when first possessed, the deliverer did not know to be altered	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	District Court
255	Counterfeiting a Government stamp	Ditto	Ditto	Bailable	Imprisonment for 10 years, and fine	Ditto

FIRST SCHEDULE — *continued*

256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp	Ditto	Ditto	Ditto	Ditto
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp	Ditto	Ditto	Ditto	Ditto
258	Sale of counterfeit Government stamp	Ditto	Ditto	Ditto	Ditto
259	Having possession of a counterfeit Government stamp	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

260	Using as genuine a Government stamp known to be counterfeit	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	Ditto
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	Ditto	Ditto	Ditto	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	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
263	Erasure of mark denoting that	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	stamp has been used					
CHAPTER XIII — OFFENCES RELATING TO WEIGHTS AND MEASURES						
264	Fraudulent use of false instrument for weighing	Shall not arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
265	Fraudulent use of false weight or measure	Ditto	Ditto	Ditto	Ditto	Ditto
266	Being in possession of false weights or measures for fraudulent use	Ditto	Ditto	Ditto	Ditto	Ditto
267	Making or selling false weights or measures for fraudulent use	Ditto	Ditto	Ditto	Ditto	Ditto
CHAPTER XIV — OFFENCES AFFECTING THE PUBLIC TRANQUILITY, PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS						

FIRST SCHEDULE — *continued*

267B	Committing affray	May arrest without warrant	Warrant	Not 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.	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life	Ditto	Summons	Bailable	Imprisonment for one year, or fine, or both	Ditto
270	Malignantly doing any act known to be or likely to spread infection of any disease dangerous to life	Ditto	Warrant	Ditto	Imprisonment for 4 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

271	Knowingly disobeying any quarantine rule	Shall not arrest without warrant	Summons	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
272	Adulterating food or drink intended for sale, so as to make the same noxious	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
273	Selling any food or drink as food and drink knowing the same to be noxious	Ditto	Ditto	Ditto	Ditto	Ditto
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	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated	Ditto	Ditto	Ditto	Ditto	Ditto
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation	Ditto	Ditto	Ditto	Ditto	Ditto
277	Fouling the water of a public spring or reservoir	May arrest without warrant	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
278	Making atmosphere noxious to health	Shall not arrest without warrant	Ditto	Ditto	Ditto	Ditto
279	Driving or riding on a public way	May arrest without warrant	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	so rashly or negligently as to endanger human life, etc.					
280	Navigating any vessel so rashly or negligently as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto
281	Exhibition of a false light, mark or buoy	Ditto	Warrant	Ditto	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 life	Ditto	Summons	Ditto	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	Ditto	Ditto	Ditto	Fine*	Ditto

FIRST SCHEDULE — *continued*

284	Dealing with any poisonous substance so as to endanger human life, etc.	Ditto	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
285	Dealing with fire or any combustible matter so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto
286	Dealing with any explosive substance so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto
287	Dealing with any machinery so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto
288	Omitting to take order to guard against probable danger to human	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	life by the fall of any building being pulled down or repaired					
289	Omitting to take order with any animal in person's possession, so as to guard against danger to human life, or to grievous hurt, from that animal	Ditto	Ditto	Ditto	Ditto	Ditto
290	Committing a public nuisance	Ditto	Ditto	Ditto	Fine*	Ditto
291	Continuance of nuisance after injunction to discontinue	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine, or both	Ditto
292	Sale, etc., of obscene books, etc.	Ditto	Warrant	Ditto	Imprisonment for 3 months, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

293	Sale, etc., of obscene objects to persons under the age of 21 years	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
294	Doing obscene act or reciting obscene song in a public place	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine, or both	Ditto
CHAPTER XV — 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	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	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

297	Trespassing in place of worship or sepulture, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse	Ditto	Ditto	Ditto	Ditto	Ditto
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	Shall not arrest without warrant	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	however represented to be seen or heard by that person, with intention to wound his religious or racial feeling					
298A	Promoting enmity between different groups on grounds of religion or race, and doing acts prejudicial to maintenance of harmony	Ditto	Ditto	Ditto	Ditto	Ditto
	CHAPTER XVI — OFFENCES AFFECTING THE HUMAN BODY					
	Offences affecting life					
302	Murder	May arrest without warrant	Warrant	Not bailable	Death	
304(*a*)	Culpable homicide not	Ditto	Ditto	Ditto	Imprisonment for life, or	

FIRST SCHEDULE — *continued*

	amounting to murder if act by which the death is caused is done with intention of causing death, etc.				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.	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or caning, or any combination of such punishments	
304A(*a*)	Causing death by rash act	Ditto	Ditto	Bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
304A(*b*)	Causing death by negligent act	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
305	Abetment of suicide committed by a child, or insane	Ditto	Ditto	Not bailable	Death, or imprisonment for life, or imprisonment	

FIRST SCHEDULE — *continued*

	or delirious person or, an idiot, or a person intoxicated				for 10 years, and fine	
306	Abetting the commission of suicide	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
307(1)	Attempt to murder	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	
307(1)	If hurt is caused to any person by such act	Ditto	Ditto	Ditto	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	Ditto	Ditto	Ditto	Death	
308	Attempt to commit culpable homicide not	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

	amounting to murder					
308	If hurt is caused to any person by such act	Ditto	Ditto	Ditto	Imprisonment for 15 years, or fine, or caning, or any combination of such punishments	
309	Attempt to commit suicide	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
311	Infanticide	Ditto	Ditto	Bailable	Imprisonment for life, or imprisonment for 10 years, and fine	District Court
Causing miscarriage; injuries to unborn children; exposure of infants; and concealment of births						
312	Causing miscarriage	Shall not arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
312	If the woman is quick with child	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court

FIRST SCHEDULE — *continued*

313	Causing miscarriage without woman's consent	May arrest without warrant	Ditto	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	
314	Death caused by an act done with intent to cause miscarriage	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
314	If act done without woman's consent	Ditto	Ditto	Ditto	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 the child to die after his birth	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	
316	Causing death of a quick unborn child by an act amounting to	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	

FIRST SCHEDULE — *continued*

	culpable homicide					
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	Ditto	Ditto	Bailable	Imprisonment for 7 years, or fine, or both	District Court
318	Concealment of birth by secret disposal of dead body	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
			Hurt			
323	Voluntarily causing hurt	Shall not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine*, or both	Magistrate's Court or District Court
324	Voluntarily causing hurt by dangerous	May arrest without warrant	Ditto	Ditto	Imprisonment for 7 years, or fine, or caning,	Ditto

FIRST SCHEDULE — *continued*

	weapons or means				or any combination of such punishments	
325	Voluntarily causing grievous hurt	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto
326	Voluntarily causing grievous hurt by dangerous weapons or means	Ditto	Warrant	Not bailable	Imprisonment for life, or imprisonment for 15 years, and fine, or caning	District 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	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto

FIRST SCHEDULE — *continued*

	commission of an offence					
328	Administering stupefying drug with intent to cause hurt, etc.	Ditto	Ditto	Ditto	Ditto	Ditto
329	Voluntarily causing grievous 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	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine, or caning	Ditto
330	Voluntarily causing hurt to extort confession or information, or to compel	Ditto	Ditto	Bailable	Imprisonment for 7 years, and fine, or caning	Ditto

FIRST SCHEDULE — *continued*

	restoration of property, etc.					
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	Ditto	Ditto	Not bailable	Imprisonment for 10 years, and fine, or caning	Ditto
332	Voluntarily causing hurt to deter public servant from his duty	Ditto	Ditto	Bailable	Imprisonment for 7 years, or fine, or caning, or any combination of such punishments	Magistrate's Court or District Court
333	Voluntarily causing grievous hurt to deter public servant from his duty	Ditto	Ditto	Not bailable	Imprisonment for 15 years, and fine, or caning	District Court

FIRST SCHEDULE — *continued*

334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	Shall not arrest without warrant	Summons	Bailable	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	May arrest without warrant	Ditto	Ditto	Imprisonment for 6 years, or fine*, or both	Ditto
336(*a*)	Doing any rash act which endangers human life or the personal safety of others	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

336(*b*)	Doing any negligent act which endangers human life or the personal safety of others	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine*, or both	Ditto
337(*a*)	Causing hurt by a rash act which endangers human life, etc.	Ditto	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
337(*b*)	Causing hurt by a negligent act which endangers human life, etc.	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
338(*a*)	Causing grievous hurt by a rash act which endangers human life, etc.	Ditto	Ditto	Ditto	Imprisonment for 4 years, or fine*, or both	Ditto
338(*b*)	Causing grievous hurt by a negligent act which endangers human life, etc.	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

Wrongful restraint and wrongful confinement						
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	Ditto	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
343	Wrongfully confining any person for 3 or more days	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
344	Wrongfully confining any person for 10 or more days	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation	Ditto	Ditto	Ditto	Imprisonment for 2 years, in addition to imprisonment under any other section	Ditto

FIRST SCHEDULE — *continued*

346	Wrongful confinement in secret	Ditto	Ditto	Ditto	Ditto	Ditto
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	Ditto	Ditto	Ditto	Ditto	Ditto
			Criminal force and assault			
352	Assault or use of criminal force otherwise than on grave and	Shall not arrest without warrant	Summons	Bailable	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	sudden provocation					
353	Assault or use of criminal force to deter a public servant from discharge of his duty	May arrest without warrant	Warrant	Not bailable	Imprisonment for 4 years, or fine, or both	Ditto
354(1)	Assault or use of criminal force to a person with intent to outrage modesty	Ditto	Ditto	Bailable	Imprisonment for 2 years, or fine, or caning, or any combination of such punishments	Ditto
354(2)	If committed against any person under 14 years of age	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or caning, or any combination of such punishments	Ditto

FIRST SCHEDULE — *continued*

354A(1)	Voluntarily causing or attempting to cause death, hurt, etc., in committing the offence of outraging modesty	Ditto	Ditto	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	Ditto	Ditto	Ditto	Ditto	Ditto
355	Assault or use of criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation	Shall not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

356	Assault or use of criminal force in committing or attempting to commit theft of property worn or carried by a person	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and caning	District Court
357	Assault or use of criminal force in attempting wrongfully to confine a person	Ditto	Ditto	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	Shall not arrest without warrant	Summons	Ditto	Imprisonment for one month, or fine*, or both	Ditto
			Kidnapping, abduction, slavery and forced labour			
363	Kidnapping	May arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine, or caning	District Court
363A	Abduction	Ditto	Ditto	Ditto	Imprisonment for 7 years, or	Ditto

FIRST SCHEDULE — *continued*

					fine, or caning, or any combination of such punishments	
364	Kidnapping or abducting in order to murder	Ditto	Ditto	Ditto	Death, or imprisonment for life, and caning	
364A	Kidnapping or abducting in order to compel the Government to do or abstain from doing any act	Ditto	Ditto	Ditto	Death, or imprisonment for life, and fine, or caning	
364A	Kidnapping or abducting in order to compel any person to do or abstain from doing any act	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine, or caning	
365	Kidnapping or abducting with intent secretly	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	District Court

FIRST SCHEDULE — *continued*

	and wrongfully to confine a person					
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc.	Ditto	Ditto	Ditto	Ditto	
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	Ditto	Ditto	Ditto	Ditto	
368	Concealing or keeping in confinement a kidnapped person	Ditto	Ditto	Ditto	Punishment for kidnapping or abduction	District Court
369	Kidnapping or abducting a child with intent	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto

FIRST SCHEDULE — *continued*

	to take property from the person of such child					
370	Buying or disposing of any person as a slave	Ditto	Ditto	Bailable	Imprisonment for 7 years, and fine	Ditto
371	Habitual dealing in slaves	Ditto	Ditto	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	
372	Selling or letting to hire a minor for purposes of prostitution, etc.	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
373	Buying or obtaining possession of a minor for the same purposes	Ditto	Ditto	Ditto	Ditto	
373A	Importing woman by fraud with intent, etc.	Ditto	Ditto	Ditto	Ditto	

FIRST SCHEDULE — *continued*

374	Unlawful compulsory labour	Ditto	Ditto	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
			Sexual offences			
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	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	
375(3)(*b*)	Rape of woman under 14 years of age without her consent	Ditto	Ditto	Ditto	Ditto	

FIRST SCHEDULE — *continued*

376(3)	Sexual assault by penetration	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine, or caning	
376(4)(*a*)	If in order to commit or to facilitate the commission of sexual assault by penetration, voluntarily causes hurt or puts a person in fear of death or hurt	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	
376(4)(*b*)	Sexual assault by penetration of person under 14 years of age without his or her consent	Ditto	Ditto	Ditto	Ditto	
376A(2)	Sexual penetration of minor under 16 years of age	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

376A(3)	Sexual penetration of minor under 14 years of age	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine, or caning	
376B(1)	Commercial sex with minor under 18 years of age	Ditto	Ditto	Bailable	Imprisonment for 7 years, or fine, or both	District Court
376B(2)	Communicating with a person for purpose of commercial sex with minor under 18 years of age	Shall not arrest without warrant	Summons	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
376C(2)	Commercial sex with minor under 18 years of age outside Singapore	May arrest without warrant	Warrant	Ditto	Imprisonment for 7 years, or fine, or both	District Court
376C(2)	Communicating with a person for purpose of commercial sex	Shall not arrest without warrant	Summons	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	with minor under 18 years of age outside Singapore					
376D(3)	Tour outside Singapore for commercial sex with 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)	Sexual grooming of minor under 16 years of age	Ditto	Summons	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
376F(2)	Procurement of sexual activity with a person with mental disability	Shall not arrest without warrant	Warrant	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
376F(3)	If penetration is involved	May arrest without warrant	Ditto	Not bailable	Imprisonment for 10 years, or fine, or both	District Court
376G(3)	Incest by a man	Ditto	Ditto	Ditto	Imprisonment for 5 years	Ditto

FIRST SCHEDULE — *continued*

376G(4)	Incest by a man with a woman under 14 years of age	Ditto	Ditto	Ditto	Imprisonment for 14 years	Ditto
376G(5)	Incest by a woman	Ditto	Ditto	Ditto	Imprisonment for 5 years	District Court
377(2)	Sexual penetration of a corpse	Ditto	Ditto	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	Ditto	Ditto	Not bailable	Imprisonment for 20 years, and fine, or caning	
377A	Outrages on decency	Ditto	Ditto	Ditto	Imprisonment for 2 years	Magistrate's Court or District Court
377B(2)	Sexual penetration with living animal	Ditto	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Ditto
377B(4)	Causing another person to sexually	Ditto	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	

FIRST SCHEDULE — *continued*

	penetrate a living animal					
377B(4)	Causing another person to be sexually penetrated by a living animal	Ditto	Ditto	Ditto	Ditto	
	CHAPTER XVII — OFFENCES AGAINST PROPERTY					
	Theft					
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	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine, and disqualification for such period as the court may order from holding or obtaining a driving licence	Ditto

FIRST SCHEDULE — *continued*

380	Theft in a building, tent or vessel	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto
381	Theft by clerk or servant of property in possession of master or employer	Ditto	Ditto	Ditto	Ditto	Ditto
382	Theft after preparation made for causing death or hurt in order to commit theft	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	
			Extortion			
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,	Ditto	Ditto	Ditto	Imprisonment for 5 years, and caning	Ditto

FIRST SCHEDULE — *continued*

	in order to commit extortion					
386	Extortion by putting a person in fear of death or grievous hurt	Ditto	Ditto	Ditto	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	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	Ditto
388	Extortion by threat of accusation of an offence punishable with death, or imprisonment for life, or imprisonment for 10 years	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto

FIRST SCHEDULE — *continued*

389	Putting a person in fear of accusation of offence punishable with death, or imprisonment for life, or imprisonment for 10 years, in order to commit extortion	Ditto	Ditto	Ditto	Ditto	Ditto
			Robbery and gang-robbery			
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.	Ditto	Ditto	Ditto	Imprisonment for 14 years, and caning	Ditto
393	Attempt to commit robbery	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	Ditto

FIRST SCHEDULE — *continued*

394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	Ditto
395	Gang-robbery	Ditto	Ditto	Ditto	Ditto	
396	Gang-robbery with murder	Ditto	Ditto	Ditto	Death, or imprisonment for life, and caning	
397	Robbery when armed or with attempt to cause death or grievous hurt	Ditto	Ditto	Ditto	Caning in addition to the punishment under any other section	
399	Making preparation to commit gang-robbery	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	

FIRST SCHEDULE — *continued*

400	Belonging to a gang of persons associated for the purpose of habitually committing gang-robbery	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and caning	
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing theft	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	District Court
402	Being one of 5 or more persons assembled for the purpose of committing gang-robbery	Ditto	Ditto	Ditto	Ditto	Ditto
			Criminal misappropriation of property			
403	Dishonest misappropriation of movable	Shall not arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	property, or converting it to one's own use					
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
404	If by clerk or person employed by deceased	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
			Criminal breach of trust			
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

FIRST SCHEDULE — *continued*

407	Criminal breach of trust by a carrier, wharfinger, etc.	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	District Court
408	Criminal breach of trust by a clerk or servant	Ditto	Ditto	Ditto	Ditto	Ditto
409	Criminal breach of trust by public servant, or by banker, merchant or agent, etc.	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	Ditto
			Receiving stolen property			
411(1)	Dishonestly 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	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine, and	Ditto

FIRST SCHEDULE — *continued*

	any component part thereof				disqualification for such period as the court may order from holding or obtaining a driving licence	
412	Dishonestly receiving or retaining stolen property, knowing that it was obtained by gang-robbery	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
413	Habitually dealing in stolen property	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine	
414(1)	Assisting in concealment or disposal of stolen property, knowing it to be stolen	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

414(2)	If the stolen property is a motor vehicle or any component part thereof	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine, and disqualification for such period as the court may order from holding or obtaining a driving licence	Ditto
			Cheating			
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	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
419	Cheating by personation	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
			Fraudulent deeds and dispositions of property			
421	Fraudulent removal or concealment of property, etc., to prevent distribution among creditors	Shall 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 his creditors a debt	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	or demand due to the offender					
423	Fraudulent execution of deed of transfer containing a false statement of consideration	Ditto	Ditto	Ditto	Ditto	Ditto
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing, thereof, or dishonestly releasing any demand or claim to which he is entitled	Ditto	Ditto	Ditto	Ditto	Ditto
Mischief						

FIRST SCHEDULE — *continued*

426	Mischief	Shall not arrest without warrant	Summons	Bailable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
427	Mischief, and thereby causing damage to the amount of $500 or upwards	Ditto	Warrant	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
428	Mischief by killing, poisoning, maiming or rendering useless, any animal	May arrest without warrant	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
430	Mischief by causing diminution of supply of water for agricultural or industrial purposes, etc.	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

430A	Mischief affecting railway engine, train, etc.	Ditto	Ditto	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	
431	Mischief by injury to public road, bridge, navigable river or channel, and rendering it impassable or less safe for travelling or conveying property	Ditto	Ditto	Bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
431A	Mischief by injury to telegraph cable, wire, etc.	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
432	Mischief by causing inundation or obstruction to	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	public drainage, attended with damage					
433	Mischief by destroying or moving, or rendering less useful a lighthouse or sea-mark	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
434	Mischief by destroying or moving, etc., a landmark fixed by public authority	Shall not arrest without warrant	Ditto	Ditto	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
435	Mischief by fire or explosive substance	May arrest without warrant	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
436	Mischief by fire or explosive substance with intent to destroy a house, etc.	Ditto	Ditto	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	

FIRST SCHEDULE — *continued*

437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
438	The mischief described in section 437 when committed by fire or any explosive substance	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
439	Running vessel ashore with intent to commit theft, etc.	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
440	Mischief committed after preparation made for causing death or hurt, etc.	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto
Criminal trespass						

FIRST SCHEDULE — *continued*

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-trespass	Ditto	Warrant	Ditto	Imprisonment for one year, or fine*, or both	Ditto
449	House-trespass in order to commit an offence punishable with death	Ditto	Ditto	Not bailable	Imprisonment for life, or imprisonment for 10 years, and fine	
450	House-trespass in order to commit an offence punishable with imprisonment for life	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
451	House-trespass in order to commit an offence	Ditto	Ditto	Bailable	Imprisonment for 2 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	punishable with imprisonment					
451	If the offence is theft	Ditto	Ditto	Not bailable	Imprisonment for 7 years, and fine	Ditto
452	House-trespass, after preparation made for causing hurt, assault, etc.	Ditto	Ditto	Ditto	Ditto	Ditto
453	Lurking house-trespass or house-breaking	Ditto	Ditto	Ditto	Imprisonment for 2 years, and fine	Ditto
454	Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
454	If the offence is theft	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, etc.	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	Ditto
456	Lurking house-trespass or house-breaking by night	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
457	Lurking house-trespass or house-breaking by night in order to commit an offence punishable with imprisonment	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto
457	If the offence is theft	Ditto	Ditto	Ditto	Imprisonment for 14 years, and fine	District Court
458	Lurking house-trespass or house-breaking	Ditto	Ditto	Ditto	Imprisonment for 14 years, and caning	Ditto

FIRST SCHEDULE — *continued*

	by night, after preparation made for causing hurt, etc.					
458A	Committing an offence under section 454 or 457 subsequent to having been convicted of an offence under section 454, 455, 457 or 458	Ditto	Ditto	Ditto	Caning in addition to the punishment prescribed for the offence	Ditto
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	
460	Death or grievous hurt caused by one of several persons jointly	Ditto	Ditto	Ditto	Imprisonment for 20 years	

FIRST SCHEDULE — *continued*

	concerned in house-breaking by night, etc.					
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property	Ditto	Ditto	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
CHAPTER XVIII — 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

FIRST SCHEDULE — *continued*

466	Forgery of a record of a court of justice or of a register of births, etc., kept by a public servant	Ditto	Ditto	Not bailable	Imprisonment for 10 years, and fine	District Court
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, etc.	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto
468	Forgery for the purpose of cheating	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
469	Forgery for the purpose of harming the reputation of any person, or knowing that it	Ditto	Ditto	Bailable	Imprisonment for 5 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	is likely to be used for that purpose					
471	Using as genuine a forged document or forged electronic record which is known to be forged	Ditto	Ditto	Ditto	Punishment for forgery	The court by which the forgery of the document is triable
472	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	Ditto	Ditto	Not bailable	Imprisonment for 15 years, and fine	District Court

FIRST SCHEDULE — *continued*

473	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, plate, etc., knowing the same to be counterfeit	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
473A	Making or possessing equipment for making false instrument	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
473B	Making or possessing equipment for making false	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

	instrument with intent to induce prejudice					
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 description mentioned in section 466	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
474	If the document is one of the description mentioned in section 467	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto
475	Counterfeiting a device or mark	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	used for authenticating documents described in section 467, or possessing counterfeit marked material					
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	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
477	Fraudulently destroying or defacing, or attempting to	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto

FIRST SCHEDULE — *continued*

	destroy or deface, or secreting a will, etc.					
477A	Falsification of accounts by clerk or servant	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	Ditto
	Currency notes and bank notes					
489A	Forging or counterfeiting currency notes or bank notes	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine	
489B	Using as genuine forged or counterfeit currency notes or bank notes	Ditto	Ditto	Ditto	Ditto	
489C	Possession of forged or counterfeit currency notes or bank notes, with intent	Ditto	Ditto	Ditto	Imprisonment for 15 years	

FIRST SCHEDULE — *continued*

489D	Making or possessing instruments or materials for forging or counterfeiting currency notes or bank notes	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine	
CHAPTER XX — OFFENCES RELATING TO MARRIAGE						
493	A man by deceit causing a woman not lawfully married to him, to believe that she is lawfully married to him, and to cohabit with him in that belief	Shall not arrest without warrant	Warrant	Not bailable	Imprisonment for 10 years, and fine	District Court
494	Marrying again during the lifetime of a husband or wife	Ditto	Ditto	Bailable	Imprisonment for 7 years, and fine	Ditto

FIRST SCHEDULE — *continued*

495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted	Ditto	Ditto	Not bailable	Imprisonment for 10 years, and fine	Ditto
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto
CHAPTER XXI — DEFAMATION						
500	Defamation	Shall not arrest without warrant	Summons	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

501	Printing or engraving matter knowing it to be defamatory	Ditto	Ditto	Ditto	Ditto	Ditto
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	Ditto	Ditto	Ditto	Ditto	Ditto
	CHAPTER XXII — CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE					
504	Insult intended to provoke a breach of the peace	Shall 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	Ditto	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

506	Criminal intimidation	May arrest without warrant	Ditto	Bailable	Imprisonment for 2 years, or fine, or both	Ditto
506	If threat is to cause death or grievous hurt, etc.	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	Ditto
507	Criminal intimidation by anonymous communication or having taken precaution to conceal from where the threat comes	Ditto	Ditto	Not bailable	Imprisonment for 2 years, in addition to the punishment under section 506	Ditto
508	Act caused by inducing a person to believe that he will be rendered an object of divine displeasure	Shall not arrest without warrant	Ditto	Bailable	Imprisonment for one year, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

509	Uttering any word or making any gesture intended to insult the modesty of a woman, etc.	Ditto	Summons	Ditto	Ditto	Ditto
510	Appearing in a public place, etc., in a state of intoxication, and causing annoyance to any person	May arrest without warrant	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
CHAPTER XXIII — ATTEMPTS TO COMMIT OFFENCES						
511	Attempting (where no express provision is made by the Penal Code or by other written law) to commit offences	According as to whether the offence is one in respect of which the police may arrest without warrant or not	According as to whether the offence is one in respect of which a summons or warrant shall ordinarily issue	According as to whether the offence contemplated by the offender is bailable or not	The punishment provided for the offence, provided that any term of imprisonment shall not exceed one-half of the longest term	The court by which the offence attempted is triable

FIRST SCHEDULE — *continued*

	punishable with imprisonment or fine or with a combination of such punishments (other than imprisonment for life), and in such attempt doing any act towards the commission of the offence				provided for the offence	
511	If the attempted offence is punishable with imprisonment for life	Ditto	Ditto	Ditto	Imprisonment for 15 years	Ditto
OFFENCES AGAINST LAWS OTHER THAN THE PENAL CODE						
	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	

FIRST SCHEDULE — *continued*

	If punishable with imprisonment for 3 years or upwards but less than 7 years	Ditto	Ditto	Ditto	According to sections 7, 8 and 9 of this Code
	If punishable with imprisonment for less than 3 years	Shall 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
	If punishable with fine only	Ditto	Ditto	Ditto	According to sections 7, 8 and 9 of this Code

SECOND SCHEDULE

Section 159(1)

LAWS TO WHICH CRIMINAL CASE DISCLOSURE PROCEDURES APPLY

1. Arms and Explosives Act (Cap. 13)
2. Arms Offences Act (Cap. 14)
3. Banishment Act (Cap. 18)
4. Computer Misuse Act (Cap. 50A)
5. Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65)
6. Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A)
7. Criminal Law (Temporary Provisions) Act (Cap. 67)
8. Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124)
9. Immigration Act (Cap. 133) (other than sections 6 and 15)
10. Internal Security Act (Cap. 143)
11. Maintenance of Religious Harmony Act (Cap. 167A)
12. Misuse of Drugs Act (Cap. 185)
13. Oaths and Declarations Act (Cap. 211)
14. Official Secrets Act (Cap. 213)
15. Passports Act (Cap. 220)
16. Penal Code (Cap. 224)
17. Prisons Act (Cap. 247)
18. Protected Areas and Protected Places Act (Cap. 256)
19. Public Entertainments and Meetings Act (Cap. 257)
20. Public Order (Preservation) Act (Cap. 258)
21. Securities and Futures Act (Cap. 289)
22. Sedition Act (Cap. 290)
23. Vandalism Act (Cap. 341).

THIRD SCHEDULE

Sections 175(3), (4) and (5) and 210(1)

OFFENCES TO WHICH TRANSMISSION PROCEDURES APPLY

1. Sections 375 to 377B of the Penal Code (Cap. 224).

FOURTH SCHEDULE

Section 241(1) and (2)

OFFENCES THAT MAY BE COMPOUNDED BY VICTIM

PART I

OFFENCES UNDER PENAL CODE (CAP. 224)

First column	*Second column*	*Third column*	*Fourth column*
Item No.	*Section*	*Offence*	*When compoundable/ By whom compoundable*
Chapter V — 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
2.	110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor	Ditto
3.	111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso	Ditto
4.	113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor	Ditto

FOURTH SCHEDULE — *continued*

5.	114	Abetment of any offence, if the abettor is present when offence is committed	Ditto
6.	115	Abetment of an offence punishable with death or imprisonment for life, if the offence is not committed in consequence of the abetment	Ditto
7.	115	If an act which causes harm is done in consequence of the abetment	Ditto
8.	116	Abetment of an offence punishable with imprisonment, if the offence is not committed in consequence of the abetment	Ditto
9.	116	If the abettor or the person abetted is a public servant whose duty it is to prevent the offence	Ditto
10.	117	Abetting the commission of an offence by the public, or by more than 10 persons	Ditto
11.	118	Concealing a design to commit an offence punishable with death or imprisonment for life, if the offence is committed	Ditto
12.	118	If the offence is not committed	Ditto
13.	119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence is committed	Ditto
14.	119	If the offence is punishable with death or imprisonment for life	Ditto

FOURTH SCHEDULE — *continued*

15.	119	If the offence is not committed	Ditto
16.	119	If the offence is punishable with death or imprisonment for life but is not committed	Ditto
17.	120	Concealing a design to commit an offence punishable with imprisonment, if the offence is committed	Ditto
18.	120	If the offence is not committed	Ditto
Chapter XV — Offences relating to religion			
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 heard by that person, with intention to wound his religious or racial feeling	Compoundable by the person whose religious or racial feeling is intended to be wounded
Chapter XVI — 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	Ditto
22.	335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	Ditto

FOURTH SCHEDULE — *continued*

23.	337(*a*)	Causing hurt by a rash act which endangers human life, etc.	Ditto
24.	337(*b*)	Causing hurt by a negligent act which endangers human life, etc.	Ditto
25.	338(*a*)	Causing grievous hurt by a rash act which endangers human life, etc.	Ditto
26.	338(*b*)	Causing grievous hurt by a negligent act which endangers human life, etc.	Ditto
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	Ditto
31.	355	Assault or use of criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation	Ditto
32.	358	Assault or use of criminal force on grave and sudden provocation	Ditto
33.	374	Unlawful compulsory labour	Compoundable by the person compelled to labour
Chapter XVII — Offences against property			

FOURTH SCHEDULE — *continued*

34.	426	Mischief	Compoundable by the private person who suffers loss or damage
35.	427	Mischief, and thereby causing damage to the amount of $500 or upwards	Ditto
36.	447	Criminal trespass	Compoundable by the person in possession of the property trespassed upon
37.	448	House-trespass	Ditto
Chapter XXI — Defamation			
38.	500	Defamation	Compoundable by the person defamed
39.	501	Printing or engraving matter knowing it to be defamatory	Ditto
40.	502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	Ditto
Chapter XXII — 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.	509	Uttering any word or making any gesture intended to insult the modesty of a woman, etc.	Compoundable by the woman insulted
Chapter XXIII — Attempts to commit offences			
44.	511	Attempting (where no express provision is made by the Penal Code or by	Compoundable by the victim if this Code or any other written law

FOURTH SCHEDULE — *continued*

		other written law) to commit offences punishable with imprisonment or fine or with a combination of such punishments (other than imprisonment for life), and in such attempt doing any act towards the commission of the offence	under which the attempted offence is committed provides for the attempted offence to be compoundable by the victim
45.	511	If the attempted offence is punishable with imprisonment for life	Ditto

PART II

OFFENCES UNDER MISCELLANEOUS OFFENCES (PUBLIC ORDER AND NUISANCE) ACT (CAP. 184)

First column	*Second column*	*Third column*	*Fourth column*
Item No.	*Section*	*Offence*	*Explanatory Note*
Part II — 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
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

FOURTH SCHEDULE — *continued*

49.	12(1)(*b*)	Offences relating to animals — allowing animal to stray upon, or tethers or pickets any animal on land in possession of any private person	Compoundable by the owner of lawful occupier of land
50.	13A	Intentional harassment, alarm or distress	Compoundable by the person harassed, alarmed or distressed
51.	13C	Fear or provocation of violence	Compoundable by the person towards whom threatening, abusive or insulting words were used, or to whom threatening, abusive or insulting writing, sign or other visible representation was distributed or displayed
52.	17	Penalty for depositing corpse or dying person in any private place	Compoundable by the owner of the private place
Part V — Touting			
53.	32	Touting for business	Compoundable by the person solicited

FIFTH SCHEDULE

Section 346(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;

FIFTH SCHEDULE — *continued*

(*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

Section 430

CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER WRITTEN LAWS

First column	Second column
1. Accounting and Corporate Regulatory Authority Act (Chapter 2A, 2005 Ed.)	
Section 33(1)	Insert, immediately after the words "the Second Schedule may", the words ", with the authorisation of the Public Prosecutor,".
2. Administration of Muslim Law Act (Chapter 3, 2009 Ed.)	
Section 43	Delete the words "Chapter XXXII of the Criminal Procedure Code (Cap. 68)" in paragraph (*e*) and substitute the words "Division 1 of Part XXI of the Criminal Procedure Code 2010".
3. Animals and Birds Act (Chapter 7, 2002 Ed.)	
Section 67	Delete subsection (2) and substitute the following subsection: "(2) For the purpose of section 151 of the Criminal Procedure Code 2010, on receiving the complaint in writing and signed by the Director-General or an authorised officer, the Magistrate must proceed to issue a summons or warrant

SIXTH SCHEDULE — *continued*

	in accordance with section 153 of the Criminal Procedure Code 2010.".
4. Arms and Explosives Act (Chapter 13, 2003 Ed.)	
Section 40	(i) Delete the words "written sanction" in subsection (1) and substitute the word "consent". (ii) Delete the word "sanction" wherever it appears in subsections (2), (3) and (4) and substitute in each case the word "consent". (iii) Delete the section heading and substitute the following section heading: "**Consent**".
5. Banishment Act (Chapter 18, 1985 Ed.)	
Section 8(4)	(i) Delete the words "section 43 of the Criminal Procedure Code" and substitute the words "section 116 of the Criminal Procedure Code 2010". (ii) Delete the marginal reference "Cap. 68.".
6. Banking Act (Chapter 19, 2008 Ed.)	
Section 73	(i) Delete the word "Attorney-General" and substitute the words "Public Prosecutor". (ii) Delete the word "Attorney-General" in the section heading

SIXTH SCHEDULE — *continued*

	and substitute the words "Public Prosecutor".
7. Betting Act (Chapter 21, 1985 Ed.)	
(*a*) Section 5(6)	(i) Delete the words "section 352 of the Criminal Procedure Code" and substitute the words "section 93 of the Criminal Procedure Code 2010".
	(ii) Delete the marginal reference "Cap. 68.".
(*b*) Section 19(2)	(i) Delete the words "section 74 of the Criminal Procedure Code" and substitute the words "section 44 of the Criminal Procedure Code 2010".
	(ii) Delete the marginal reference "Cap. 68.".
8. Broadcasting Act (Chapter 28, 2003 Ed.)	
Section 55	Insert, immediately after the words "this Act may", the words ", with the authorisation of the Public Prosecutor,".
9. Casino Control Act (Chapter 33A, 2007 Ed.)	
Section 182	Insert, immediately after subsection (2), the following subsection:
	"(2A) For the purposes of subsection (2), when an inspector or authorised person who is not a police officer is exercising the powers of a police officer under that subsection, he

SIXTH SCHEDULE — *continued*

	shall be deemed to be an officer not below the rank of inspector of police.".
10. Census Act (Chapter 35, 1991 Ed.)	
Section 22	(i) Delete the words "previous sanction, in writing, of the Attorney-General" and substitute the words "consent of the Public Prosecutor". (ii) Delete the marginal note and insert the following section heading: "**Consent of Public Prosecutor**".
11. Central Provident Fund Act (Chapter 36, 2001 Ed.)	
(*a*) Section 62	(i) Delete subsection (4) and substitute the following subsection: "(4) On an accused person appearing before a court in pursuance of such a notice, the court shall proceed as though he were produced before the court in pursuance of section 153 of the Criminal Procedure Code 2010.". (ii) Delete the words "section 136 of the Criminal Procedure Code" in subsection (6)(*a*) and substitute the words "section 153 of the Criminal Procedure Code 2010".
(*b*) Section 67	Insert, immediately after the words "this Act may", the words ", with the authorisation of the Public Prosecutor,".

SIXTH SCHEDULE — *continued*

12. Charities Act (Chapter 37, 2007 Ed.)		
	Section 47A	(i) Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,". (ii) Delete the words "with the consent of the Attorney-General".
13. Children and Young Persons Act (Chapter 38, 2001 Ed.)		
	(*a*) Section 20	(i) Delete the words "take cognizance of" and substitute the word "try". (ii) Delete the words "written sanction" and substitute the word "consent". (iii) Delete the words "take cognizance of" in the section heading and substitute the word "try".
	(*b*) Section 44	Delete the words "section 13 of the Criminal Procedure Code (Cap. 68)" in subsections (1)(*k*) and (7)(*b*) and substitute in each case the words "section 305 of the Criminal Procedure Code 2010".
14. Chit Funds Act (Chapter 39, 1985 Ed.)		
	Section 58	(i) Delete the word "Attorney-General" and substitute the words "Public Prosecutor".

SIXTH SCHEDULE — *continued*

		(ii) Delete the marginal note and insert the following section heading: "**Consent of Public Prosecutor**".
15. Cinematograph Film Hire Duty Act (Chapter 40, 2001 Ed.)		
	(*a*) Section 13(4)	Delete the words "section 33 of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 65 of the Criminal Procedure Code 2010".
	(*b*) Section 15	Insert, immediately after the words "Director-General or", the words "with the consent of".
	(*c*) Section 16	Insert, immediately after the words "this Act may", the words ", with the authorisation of the Public Prosecutor,".
16. Civil Aviation Authority of Singapore Act 2009 (Act 17 of 2009)		
	Section 79	(i) Delete the words "take cognizance of" and substitute the word "try". (ii) Delete the word "sanction" and substitute the word "consent". (iii) Delete the word "Sanction" in the section heading and substitute the word "Consent".
17. Civil Defence Act (Chapter 42, 2001 Ed.)		
	Section 87	Renumber the section as subsection (1) of that section,

SIXTH SCHEDULE — *continued*

	and insert immediately thereafter the following subsection:
	"(2) For the purposes of subsection (1), when a provost officer is exercising the powers of a police officer under the Criminal Procedure Code 2010, the provost officer shall be deemed to be an officer not below the rank of inspector of police.".
18. Civil Defence Shelter Act (Chapter 42A, 1998 Ed.)	
Section 23	Insert, immediately after the words "the regulations may", the words ", with the authorisation of the Public Prosecutor,".
19. Commodity Trading Act (Chapter 48A, 2009 Ed.)	
Section 58(1)	Delete the word "Attorney-General" in paragraphs (*a*) and (*b*) and substitute in each case the words "Public Prosecutor".
20. Common Gaming Houses Act (Chapter 49, 1985 Ed.)	
Section 23	Delete the words "Chapter VII of the Criminal Procedure Code" and substitute the words "Divisions 1 and 2 of Part V of the Criminal Procedure Code 2010".
21. Community Mediation Centres Act (Chapter 49A, 1998 Ed.)	
Section 15(1)	(i) Delete the words "takes cognizance of an offence upon

SIXTH SCHEDULE — *continued*

	receiving a complaint made by a private person under section 128 of the Criminal Procedure Code (Cap. 68)" and substitute the words "receives a complaint made by a private person under section 151 of the Criminal Procedure Code 2010".
	(ii) Delete the words "Schedule A to the Criminal Procedure Code" in paragraph (*a*) and substitute the words "the First Schedule to the Criminal Procedure Code 2010".
22. Companies Act (Chapter 50, 2006 Ed.)	
Section 409(1)	Insert, immediately after the words "this Act may", the words ", with the authorisation of the Public Prosecutor,".
23. Competition Act (Chapter 50B, 2006 Ed.)	
Section 91A(1)	Insert, immediately after the words "this Act may", the words ", with the authorisation of the Public Prosecutor,".
24. Computer Misuse Act (Chapter 50A, 2007 Ed.)	
(*a*) Section 14	Delete the words "section 125A of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 39 of the Criminal Procedure Code 2010".
(*b*) Section 15A(2)	Delete the words "sections 125A and 125B of the Criminal Procedure Code" and substitute the words "sections 39 and 40 of the Criminal Procedure Code 2010".

SIXTH SCHEDULE — *continued*

25. Consumer Protection (Trade Descriptions and Safety Requirements) Act (Chapter 53, 1985 Ed.)		
	Section 31(1)	Delete the words "section 403 of the Criminal Procedure Code" and substitute the words "section 360 of the Criminal Procedure Code 2010".
26. Control of Essential Supplies Act (Chapter 55, 1985 Ed.)		
	Section 10(3)	Insert, immediately after the words "under this Act may", the words ", with the authorisation of the Public Prosecutor,".
27. Control of Vectors and Pesticides Act (Chapter 59, 2002 Ed.)		
	Section 46	(i) Delete the words "section 136 of the Criminal Procedure Code (Cap. 68)" in subsection (3) and substitute the words "section 153 of the Criminal Procedure Code 2010". (ii) Delete the words "section 136 of the Criminal Procedure Code" in subsection (5)(*a*) and substitute the words "section 153 of the Criminal Procedure Code 2010".
28. Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A, 2000 Ed.)		

SIXTH SCHEDULE — *continued*

(*a*) Section 13(5)	Delete the word "Attorney-General" and substitute the words "Public Prosecutor".
(*b*) Section 14(1)	Delete the words "section 224 of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 319 of the Criminal Procedure Code 2010".
(*c*) Section 15(2)	Delete the words "officially informed under section 122(6) of the Criminal Procedure Code (Cap. 68)" in paragraph (*a*) and substitute the words "informed under section 23(1) of the Criminal Procedure Code 2010".
(*d*) Section 22(4)	Delete the words "section 224 of the Criminal Procedure Code (Cap. 68)" in paragraph (*b*) and substitute the words "section 319 of the Criminal Procedure Code 2010".
(*e*) Section 31	(i) Delete the word "Attorney-General" in subsection (1) and substitute the words "Public Prosecutor". (ii) Delete the word "Attorney-General" wherever it appears in subsection (2)(*a*) and (*b*) and substitute in each case the words "Public Prosecutor".
(*f*) Section 53(1)	Delete the word "Attorney-General" and substitute the words "Public Prosecutor".
(*g*) Section 58	(i) Delete the words "take cognizance of" and substitute the word "try". (ii) Delete the word "sanction" and substitute the word "consent". (iii) Delete the word "Sanction" in the section heading and substitute the word "Consent".

SIXTH SCHEDULE — *continued*

29. Criminal Law (Temporary Provisions) Act (Chapter 67, 2000 Ed.)		
	Section 33(1)	Delete the words "section 14 of the Criminal Procedure Code (Cap. 68)" in paragraph (*a*) and substitute the words "section 310 of the Criminal Procedure Code 2010".
30. Currency Act (Chapter 69, 2002 Ed.)		
	Section 26	(i) Delete the word "sanction" and substitute the word "consent". (ii) Delete the word "Sanction" in the section heading and substitute the word "Consent".
31. Customs Act (Chapter 70, 2004 Ed.)		
	Section 113	Insert, immediately after the word "under this Act, may", the words ", with the authorisation of the Public Prosecutor,".
32. Dangerous Fireworks Act (Chapter 72, 1999 Ed.)		
	(*a*) Section 4(2)	Delete the words "section 231 of the Criminal Procedure Code (Cap. 68)" and substitute the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
	(*b*) Section 6(2)	Delete the words "section 231 of the Criminal Procedure Code (Cap. 68)" in paragraph (*b*) and substitute the words

SIXTH SCHEDULE — *continued*

	"sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
33. Diplomatic and Consular Officers (Oaths and Fees) Act (Chapter 82, 1985 Ed.)	
Section 10	(i) Delete the words "prior sanction in writing of the Attorney-General" and substitute the words "consent of the Public Prosecutor". (ii) Delete the marginal note and insert the following section heading: "**Consent of Public Prosecutor**".
34. Employment of Foreign Manpower Act (Chapter 91A, 2009 Ed.)	
(*a*) Section 16(5)	Insert, immediately after the words "appear in court and", the words "may, with the authorisation of the Public Prosecutor,".
(*b*) Section 21G(1)	Delete the words "section 386(1) of the Criminal Procedure Code (Cap. 68)" in paragraph (*a*) and substitute the words "section 364(1) of the Criminal Procedure Code 2010".
(*c*) Section 24	Repeal and substitute the following section: "**Complaint by employment inspector** **24.** For the purpose of section 151 of the Criminal Procedure Code 2010, on receiving the complaint in writing and signed by any employment inspector,

SIXTH SCHEDULE — *continued*

	the Magistrate must proceed to issue a summons or warrant in accordance with section 153 of the Criminal Procedure Code 2010.".
35. Endangered Species (Import and Export) Act (Chapter 92A, 2008 Ed.)	
Section 24	Delete subsection (2) and substitute the following subsection: "(2) For the purpose of section 151 of the Criminal Procedure Code 2010, on receiving the complaint in writing and signed by the Director-General or an authorised officer, the Magistrate must proceed to issue a summons or warrant in accordance with section 153 of the Criminal Procedure Code 2010.".
36. Enlistment Act (Chapter 93, 2001 Ed.)	
Section 36(2)	Delete the words "sections 35 and 36 of the Criminal Procedure Code (Cap. 68)" and substitute the words "sections 67 and 68 of the Criminal Procedure Code 2010".
37. Entertainments Duty Act (Chapter 94, 1985 Ed.)	
(*a*) Section 16(2)	(i) Delete the words "section 33 of the Criminal Procedure Code" and substitute the words "section 65 of the Criminal Procedure Code 2010". (ii) Delete the marginal reference "Cap. 68.".

SIXTH SCHEDULE — *continued*

(*b*) Section 20	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".
38. Environmental Public Health Act (Chapter 95, 2002 Ed.)	
Section 21A(3)	Delete the words "section 18 of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 307(1) of the Criminal Procedure Code 2010".
39. Evidence Act (Chapter 97, 1997 Ed.)	
(*a*) Sections 24 to 30	Repeal.
(*b*) Section 122(5)	Delete the words "section 373 or 374 of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 265 or 266 of the Criminal Procedure Code 2010".
40. Extradition Act (Chapter 103, 2000 Ed.)	
Section 2	Insert, immediately after subsection (6), the following subsection: "(6A) Every District Judge and Magistrate shall have the jurisdiction to hear a case and commit a fugitive to prison to await his return under this Act.".
41. Finance Companies Act (Chapter 108, 2000 Ed.)	
Section 52	(i) Delete the words "under the direction of, the Attorney-

SIXTH SCHEDULE — *continued*

	General" and substitute the words "with the consent of, the Public Prosecutor". (ii) Delete the section heading and substitute the following section heading: "**Consent of Public Prosecutor**".
42. Fire Safety Act (Chapter 109A, 2000 Ed.) Section 52	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".
43. Free Trade Zones Act (Chapter 114, 1985 Ed.) Section 19	(i) Insert, immediately after the words "section 9 may" in paragraph (*a*), the words ", with the authorisation of the Public Prosecutor,". (ii) Insert, immediately after the words "made thereunder may" in paragraph (*b*), the words ", with the authorisation of the Public Prosecutor,".
44. Goods and Services Tax Act (Chapter 117A, 2005 Ed.) Section 69	(i) Delete the words "at the instance, or with the sanction," and substitute the words "with the consent". (ii) Delete the section heading and substitute the following section heading:

SIXTH SCHEDULE — *continued*

	"**Consent of Public Prosecutor**".
45. Housing and Development Act (Chapter 129, 2004 Ed.)	
Section 82	Insert, immediately after the words "under this Act may", the words ", with the authorisation of the Public Prosecutor,".
46. Housing Developers (Control and Licensing) Act (Chapter 130, 1985 Ed.)	
Section 29	(i) Delete the words "save by or under the direction" and substitute the words "except with the consent". (ii) Delete the marginal note and insert the following section heading: "**Consent of Public Prosecutor**".
47. Immigration Act (Chapter 133, 2008 Ed.)	
(*a*) Section 6(3)	Delete the words "section 231 of the Criminal Procedure Code (Cap. 68)" in paragraph (*a*) and substitute the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
(*b*) Section 11A(6)	Delete the words "section 231 of the Criminal Procedure Code (Cap. 68)" in paragraph (*b*) and substitute the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010".

SIXTH SCHEDULE — *continued*

(*c*) Section 15(3)	Delete the words "section 231 of the Criminal Procedure Code (Cap. 68)" in paragraph (*b*) and substitute the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
(*d*) Section 38	(i) Insert, immediately after the words "appear in court and" in subsection (2), the words "may, with the authorisation of the Public Prosecutor,".
	(ii) Insert, immediately after subsection (3), the following subsection:
	"(4) For the purposes of subsection (3), when an immigration officer is exercising the powers of a police officer under the Criminal Procedure Code 2010, the immigration officer shall be deemed to be an officer not below the rank of inspector of police.".
(*e*) Section 51(4)	Delete the words "sections 35 and 36 of the Criminal Procedure Code (Cap. 68)" and substitute the words "sections 67 and 68 of the Criminal Procedure Code 2010".
(*f*) Section 57	(i) Delete the words "section 231 of the Criminal Procedure Code (Cap. 68)" in subsection (1)(i*a*)(A) and (iii) and substitute in each case the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
	(ii) Delete the words "section 231 of the Criminal Procedure Code" in subsections (1A) and (1B) and substitute in each case the words

SIXTH SCHEDULE — *continued*

	"sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
48. Infectious Diseases Act (Chapter 137, 2003 Ed.)	
(*a*) Section 23(6)	Delete the word "Attorney-General" wherever it appears and substitute the words "Public Prosecutor".
(*b*) Section 25(1)	Delete the words "section 22 or 121 of the Criminal Procedure Code (Cap. 68)" in paragraph (*ba*) and substitute the words "section 22 or 424 of the Criminal Procedure Code 2010".
49. Inland Revenue Authority of Singapore Act (Chapter 138A, 1993 Ed.)	
Section 26(1)	(i) Insert, immediately after the words "those Acts may", the words ", with the authorisation of the Public Prosecutor,". (ii) Delete the words "with the consent of the Attorney-General".
50. Inquiries Act (Chapter 139A, 2008 Ed.)	
The Schedule, paragraph 9(2)	Delete the words "Chapter XIII of the Criminal Procedure Code (Cap. 68)" in sub-paragraph (*a*) and substitute the words "Division 1 of Part IV (other than section 20) and sections 34, 39, 40, 111, 258, 260, 261 and 280 of the Criminal Procedure Code 2010".

SIXTH SCHEDULE — *continued*

51. Institute of Technical Education Act (Chapter 141A, 1993 Ed.)		
	(*a*) Section 41	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".
	(*b*) Section 42	(i) Delete the word "sanction" and substitute the word "consent". (ii) Delete the marginal note and insert the following section heading: "**Consent of Public Prosecutor**".
52. Intellectual Property Office of Singapore Act (Chapter 140, 2002 Ed.)		
	Section 34(1)	Insert, immediately after the words "the Third Schedule may", the words ", with the authorisation of the Public Prosecutor,".
53. Internal Security Act (Chapter 143, 1985 Ed.)		
	Section 68	Repeal and substitute the following section: "**Medical officers of armed forces to be regarded as pathologist or medical practitioner under supervision of pathologist** **68.** The provisions of the Coroners Act 2010 shall, in respect of any inquiries into any death in any security area, have effect as if reference therein to a pathologist, or a medical

SIXTH SCHEDULE — *continued*

	practitioner under the supervision of a pathologist, included reference in each case to a medical officer of the Singapore Armed Forces when acting in the course of his duty: Provided that no such medical officer of the Singapore Armed Forces shall, without his consent, be required by any order or otherwise to perform a post-mortem examination of any body.".
54. International Enterprise Singapore Board Act (Chapter 143B, 2002 Ed.)	
(*a*) Section 22	Insert, immediately after the words "this Act may", the words ", with the authorisation of the Public Prosecutor,".
(*b*) Section 23	(i) Delete the words "take cognizance of" and substitute the word "try". (ii) Delete the words "sanction" and substitute the word "consent". (iii) Delete the word "Sanction" in the section heading and substitute the word "Consent".
55. Intoxicating Substances Act (Chapter 146A, 2001 Ed.)	
Section 12	Renumber the section as subsection (1) of that section, and insert immediately thereafter the following subsection: "(2) For the purposes of subsection (1), when an officer of the Bureau is exercising the powers of a police officer under the Criminal Procedure Code 2010, the officer of the Bureau shall be deemed to be an

SIXTH SCHEDULE — *continued*

	officer not below the rank of inspector of police.".
56. Judicial Proceedings (Regulation of Reports) Act (Chapter 149, 1985 Ed.)	
Section 4	(i) Delete the word "sanction" and substitute the word "consent". (ii) Delete the marginal note and insert the following section heading: "**Consent of Public Prosecutor**".
57. Jurong Town Corporation Act (Chapter 150, 1998 Ed.)	
(*a*) Section 64	(i) Delete the words "take cognizance of" and substitute the word "try". (ii) Delete the word "sanction" and substitute the word "consent". (iii) Delete the section heading and substitute the following section heading: "**Consent of Public Prosecutor**".
(*b*) Section 65	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".
58. Land Transport Authority of Singapore Act (Chapter 158A, 1996 Ed.)	

SIXTH SCHEDULE — *continued*

	(*a*) Section 39(2)	(i) Delete the words "sections 35 and 36 of the Criminal Procedure Code" and substitute the words "sections 67 and 68 of the Criminal Procedure Code 2010".
		(ii) Delete the marginal reference "Cap. 68.".
	(*b*) Section 40(1)	(i) Insert, immediately after the words "such written law, may", the words ", with the authorisation of the Public Prosecutor,".
		(ii) Delete the words "with the consent of the Attorney-General".
59.	Maintenance of Religious Harmony Act (Chapter 167A, 2001 Ed.)	
	Section 17	(i) Delete the words "take cognizance of" and substitute the word "try".
		(ii) Delete the word "Sanction" in the section heading and substitute the word "Consent".
60.	Mental Health (Care and Treatment) Act 2008 (Act 21 of 2008)	
	Section 28(1)	Delete the words "section 310 or 315 of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 249 or 252 of the Criminal Procedure Code 2010".
61.	Merchant Shipping Act (Chapter 179, 1996 Ed.)	

SIXTH SCHEDULE — *continued*

Section 192	Delete the word "sanction" and substitute the word "consent".
62. Miscellaneous Offences (Public Order and Nuisance) Act (Chapter 184, 1997 Ed.)	
Section 35(10)	Delete the words "Sections 65 and 66 of the Criminal Procedure Code (Cap. 68)" and substitute the words "Sections 31 and 37 of the Criminal Procedure Code 2010".
63. Misuse of Drugs Act (Chapter 185, 2008 Ed.)	
(*a*) Section 32	Insert, immediately after subsection (2), the following subsection: "(3) For the purposes of subsections (1) and (2)(*a*), when an officer of the Bureau is exercising the powers of a police officer under the Criminal Procedure Code 2010, the officer of the Bureau shall be deemed to be an officer not below the rank of inspector of police.".
(*b*) Section 33(3)	Delete the words "section 231 of the Criminal Procedure Code (Cap. 68)" and substitute the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
64. Monetary Authority of Singapore Act (Chapter 186, 1999 Ed.)	

SIXTH SCHEDULE — *continued*

Section 39	(i) Delete the word "Attorney-General" and substitute the words "Public Prosecutor". (ii) Delete the section heading and substitute the following section heading: "**Consent of Public Prosecutor**".
65. Moneylenders Act (Chapter 188, 2010 Ed.)	
(*a*) Section 14(1A)	Delete the words "section 231 of the Criminal Procedure Code (Cap. 68)" and substitute the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
(*b*) Section 28(3)	Delete the words "section 231 of the Criminal Procedure Code (Cap. 68)" and substitute the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
(*c*) Section 28B(2)	Delete the words "section 231 of the Criminal Procedure Code (Cap. 68)" and substitute the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
66. Multi-Level Marketing and Pyramid Selling (Prohibition) Act (Chapter 190, 2000 Ed.)	
Section 7(3)	Delete the words "section 178 of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 148 of the Criminal Procedure Code 2010".

SIXTH SCHEDULE — *continued*

67. Newspaper and Printing Presses Act (Chapter 206, 2002 Ed.)		
	Section 37	(i) Delete the words "previous sanction in writing of the Attorney-General or the Solicitor-General" and substitute the words "consent of the Public Prosecutor". (ii) Delete the word "Sanction" in the section heading and substitute the word "Consent".
68. Oaths and Declarations Act (Chapter 211, 2001 Ed.)		
	Section 14	Insert, after subsection (3), the following subsection: "(4) No prosecution shall be instituted under this section without the written consent of the Public Prosecutor.".
69. Official Secrets Act (Chapter 213, 1985 Ed.)		
	(*a*) Section 14	(i) Delete the word "Attorney-General" wherever it appears in subsections (1) (including the proviso) and (2) and substitute in each case the words "Public Prosecutor". (ii) Delete the words "section 180 of the Criminal Procedure Code" in subsection (2) and substitute the words "section 230 of the Criminal Procedure Code 2010". (iii) Delete the marginal reference "Cap. 68." in subsection (2).

SIXTH SCHEDULE — *continued*

(*b*) Section 17(2)	Delete the words "sanction of the Attorney-General" and substitute the words "consent of the Public Prosecutor".
70. Parks and Trees Act (Chapter 216, 2006 Ed.)	
Section 52	Insert, immediately after the words "this Act may", the words ", with the authorisation of the Public Prosecutor,".
71. Parliament (Privileges, Immunities and Powers) Act (Chapter 217, 2000 Ed.)	
(*a*) Section 21(1)	Delete the word "Attorney-General" in paragraph (*c*) and substitute the words "Public Prosecutor".
(*b*) Section 37	Delete the word "Attorney-General" and substitute the words "Public Prosecutor".
72. Parliamentary Elections Act (Chapter 218, 2007 Ed.)	
(*a*) Section 55(5)	Delete the word "sanction" and substitute the word "consent".
(*b*) Section 61(3)	Delete the word "sanction" and substitute the word "consent".
(*c*) Section 79(2)	(i) Delete the word "sanction" and substitute the word "consent". (ii) Delete the words "Chapter XIII of the Criminal Procedure Code (Cap. 68)" and substitute the words "Division 1 of Part IV (other than section 20) and sections 34, 39, 40, 111, 258,

SIXTH SCHEDULE — *continued*

	260, 261 and 280 of the Criminal Procedure Code 2010".
73. Passports Act (Chapter 220, 2008 Ed.)	
Section 32	(i) Delete the words "sections 35 and 36 of the Criminal Procedure Code (Cap. 68)" in subsection (2) and substitute the words "sections 67 and 68 of the Criminal Procedure Code 2010".
	(iii) Insert, immediately after subsection (3), the following subsection:
	"(3A) For the purposes of subsection (3), when an immigration officer is exercising the powers of a police officer under the Criminal Procedure Code 2010, the immigration officer shall be deemed to be an officer not below the rank of inspector of police.".
	(iii) Insert, immediately after the words "appear in court and" in subsection (4), the words "may, with the authorisation of the Public Prosecutor,".
74. Penal Code (Chapter 224, 2008 Ed.)	
(*a*) Section 40(2)	Delete "71,".
(*b*) Section 71	Repeal.
(*c*) Section 86(1)	Delete the words "sections 314 and 315 of the Criminal Procedure Code (Cap. 68)" and substitute the words "sections 251 and 252 of the Criminal Procedure Code 2010".

SIXTH SCHEDULE — *continued*

75. Poisons Act (Chapter 234, 1999 Ed.)		
	Section 18	(i) Delete the words "sanction in writing of the Attorney-General" in subsection (1) and substitute the words "consent of the Public Prosecutor". (ii) Delete the words "such sanctions" in subsection (1) and substitute the words "such consents". (iii) Delete the word "Sanction" in the section heading and substitute the word "Consent".
76. Police Force Act (Chapter 235, 2006 Ed.)		
	(*a*) Section 41(3)	Delete the words "previous sanction in writing" and substitute the word "consent".
	(*b*) Section 59	Delete the word "Attorney-General" wherever it appears in subsections (2) and (3) and substitute in each case the words "Public Prosecutor".
	(*c*) Section 77(3)	Delete the words "previous sanction in writing" and substitute the word "consent".
77. Political Donations Act (Chapter 236, 2001 Ed.)		
	(*a*) Section 11(10)	Delete the words "section 224(*b*)(iii) of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 319(1)(*b*)(iii) of the Criminal Procedure Code 2010".

SIXTH SCHEDULE — *continued*

(*b*) Section 17(9)	Delete the words "section 224(*b*)(iii) of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 319(1)(*b*)(iii) of the Criminal Procedure Code 2010".
(*c*) Section 28	(i) Delete the word "sanction" and substitute the word "consent". (ii) Delete the section heading and substitute the following section heading: "**Consent of Public Prosecutor**".
78. Postal Services Act (Chapter 237A, 2000 Ed.)	
Section 34(1)	Insert, immediately after the words "or the direction of a court" in paragraph (*c*), the words "or the requirement by the Public Prosecutor under section 20 of the Criminal Procedure Code 2010".
79. Presidential Elections Act (Chapter 240A, 2007 Ed.)	
(*a*) Section 37(5)	Delete the word "sanction" and substitute the word "consent".
(*b*) Section 42	(i) Delete the word "sanction" in subsection (2) and substitute the word "consent". (ii) Delete the words "Chapter XIII of the Criminal Procedure Code (Cap. 68)" in subsection (3) and substitute the words "Division 1 of Part IV (other than section 20) and sections 34, 39, 40, 111, 258, 260, 261 and 280 of the Criminal Procedure Code 2010".

SIXTH SCHEDULE — *continued*

(*c*) Section 61	(i) Delete the word "sanction" in subsection (2) and substitute the word "consent".
	(ii) Delete the words "Chapter XIII of the Criminal Procedure Code (Cap. 68)" in subsection (3) and substitute the words "Division 1 of Part IV (other than section 20) and sections 34, 39, 40, 111, 258, 260, 261 and 280 of the Criminal Procedure Code 2010".
80. Prevention of Corruption Act (Chapter 241, 1993 Ed.)	
(*a*) Section 13(2)	(i) Delete the words "section 178 of the Criminal Procedure Code" and substitute the words "section 148 of the Criminal Procedure Code 2010".
	(ii) Delete the marginal reference "Cap. 68.".
(*b*) Section 16(2)	(i) Delete the words "Chapters XXXV and XXXVI of the Criminal Procedure Code" and substitute the words "Division 5 of Part VI of the Criminal Procedure Code 2010".
	(ii) Delete the words "section 351 of the Criminal Procedure Code" in paragraph (*b*) and substitute the words "section 92 of the Criminal Procedure Code 2010".
	(iii) Delete the marginal reference "Cap. 68.".
(*c*) Section 17	(i) Delete the words "section 122 of the Criminal Procedure Code" in the proviso to subsection (1) and substitute the words "sections 23

SIXTH SCHEDULE — *continued*

	and 258 of the Criminal Procedure Code 2010".
	(ii) Delete the marginal reference "Cap. 68." in the proviso to subsection (1).
	(iii) Delete subsection (2) and substitute the following subsection:
	"(2) For the purpose of sections 20(1) and 258(2) of the Criminal Procedure Code 2010, the Director or a special investigator shall be deemed to be an officer not below the rank of inspector of police.".
81. Price Control Act (Chapter 244, 1985 Ed.)	
Section 12	(i) Delete the words "section 32 of the Criminal Procedure Code" in the proviso to subsection (1)(*a*) and substitute the words "section 64 of the Criminal Procedure Code 2010".
	(ii) Delete the marginal reference "Cap. 68." in the proviso to subsection (1)(*a*).
	(iii) Insert, immediately after the words "Deputy Public Prosecutor or" in subsection (3), the words ", with the authorisation of the Public Prosecutor,".
82. Prisons Act (Chapter 247, 2000 Ed.)	
(*a*) Section 2	Insert, immediately after the definition of "juvenile", the following definition:

SIXTH SCHEDULE — *continued*

	"“lock-up prisoner” means any person, whether convicted or not, who is confined in a lock-up, or who is transported to, or from, a lock-up;”.
(*b*) Section 4(2)	Delete the words “Chapter XXV of the Criminal Procedure Code (Cap. 68)” and substitute the words “sections 313 to 332 of the Criminal Procedure Code 2010”.
(*c*) Section 29	(i) Delete the words “and prisoners” in paragraph (*a*) and substitute the words “, lock-ups, prisoners and lock-up prisoners”. (ii) Insert, immediately after the word “prison” in paragraph (*b*), the words “or lock-up”.
(*d*) Section 31	(i) Insert, immediately after the word “prisoner” wherever it appears in subsections (1) to (6), the words “or lock-up prisoner”. (ii) Insert, immediately after the word “prison” wherever it appears in subsections (1)(*c*)(i) and (2)(*b*)(i), the words “or lock-up”. (iii) Delete the words “any prisoner or prisoners” in subsection (8) and substitute the words “any one or more prisoners or lock-up prisoners”.
(*e*) Section 32	Renumber the section as subsection (1) of that section, and insert immediately thereafter the following subsection: “(2) Every prison officer while acting as such and exercising the powers of a police officer shall be deemed to be an

SIXTH SCHEDULE — *continued*

officer not below the rank of inspector of police.".

(*f*) Section 44(3) — Delete the words "section 13(7) of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 305(5) of the Criminal Procedure Code 2010".

(g) — Insert, immediately after section 50, the following Part:

"Part Va
Custody and Removal of Lock-up Prisoners

Lock-up prisoners deemed in legal custody

50A. Every lock-up prisoner who is confined in any lock-up, or who is transported to, or from, any lock-up, shall be deemed to be in the legal custody of the Director or any person authorised by the Director.

Employment of auxiliary police officers as escorts and guards

50B.—(1) For the purpose of assisting him in the discharge of his duties under this Act, the Director may employ such numbers of auxiliary police officers as he considers fit as escorts or guards to ensure the safe custody of the lock-up prisoners who are under his custody while the lock-up prisoners are transported to, or from, any lock-up and while the lock-up prisoners are at any place outside a lock-up.

SIXTH SCHEDULE — *continued*

(2) A lock-up prisoner who is delivered into the custody of an auxiliary police officer under this section shall be deemed to be in lawful custody.

(3) Every auxiliary police officer who is employed as an escort or a guard under subsection (1) shall, in the course of carrying out his duties as an escort or a guard, have the powers of a prison officer conferred under section 31.

(4) Every auxiliary police officer employed under subsection (1) shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

(5) In this section, "auxiliary police officer" means a member of an auxiliary police force established under any other written law.

Delivery of persons remanded in lock-up

50C.—(1) Every person remanded in any lock-up by any court, Judge, Magistrate or Justice of the Peace, charged with any crime or offence, shall be delivered to the Director or any person authorised by the Director to take custody of such persons, together with a warrant of commitment.

(2) The Director or any person authorised by the Director to take custody of lock-up prisoners shall detain a lock-up prisoner according to the terms of the warrant, and

SIXTH SCHEDULE — *continued*

shall cause the lock-up prisoner to be delivered to such court, Judge, Magistrate or Justice of the Peace, or shall discharge that person at the time named in and according to the terms of the warrant.

Extramural custody of lock-up prisoners

50D. A lock-up prisoner, when being taken to, or from, any lock-up in which he may be lawfully confined, or whenever he is outside or is otherwise beyond the limits of any such lock-up, and is in or under legal custody, shall be deemed to be in a lock-up, and shall be subject to all the same incidents as if he were actually in a lock-up.".

(*h*) The Schedule — Delete paragraph (4).

83. Probation of Offenders Act (Chapter 252, 1985 Ed.)

(*a*) Section 2 — Insert, immediately after the definition of "Chief Probation Officer", the following definition:

"'"community service officer" means any officer appointed as a community service officer under section 346(9)(*a*) of the Criminal Procedure Code 2010;".

(*b*) Section 5 — Delete subsection (3) (including the proviso) and substitute the following subsections:

SIXTH SCHEDULE — *continued*

"(3) Without prejudice to the generality of subsection (2), a probation order may include —

(*a*) requirements relating to the residence of the offender; or

(*b*) a requirement that the offender performs such unpaid community service under the supervision of a community service officer.

(3A) Before making a probation order containing any such requirements referred to in subsection (3)(*a*), the court shall consider the home surroundings of the offender; and where the order requires the offender to reside in an approved institution, the name of the institution and the period for which he is so required to reside shall be specified in the order, and that period shall not extend beyond 12 months from the date of the order.

(3B) A court shall only include the requirement referred to in subsection (3)(*b*) if it is satisfied that —

(*a*) based on the mental and physical condition of the offender, the offender is a suitable person to perform community service of a type which is specified in the Fifth Schedule to the Criminal Procedure Code 2010; and

SIXTH SCHEDULE — *continued*

	(*b*) suitable arrangements can be made for him to perform such community service.
	(3C) A court must, before including the requirement referred to in subsection (3)(*b*), call for a report from a community service officer regarding the suitability of the offender to perform community service.
	(3D) The number of hours which an offender has to perform community service shall be specified in the probation order and shall not exceed the prescribed maximum hours of community service which an offender may be required to perform community service under a community service order referred to in section 346 of the Criminal Procedure Code 2010.
	(3E) If a probation order in relation to an offender requires an offender to perform community service, it shall also be a requirement of the probation order that the offender complies with the obligations referred to in section 347 of the Criminal Procedure Code 2010 as if he were a person in respect of whom a community service order is made under section 346 of that Code.".
(*c*) Section 7(2)	Delete the words "$500, or" and substitute the words "$1,000 or order that the probationer be detained in prison for a period which shall not exceed 14 days, or the Court".
(*d*) Section 9(1)	(i) Insert, immediately after the words "the judge or magistrate may", the words "fix a hearing date to determine whether the person is in breach of a

SIXTH SCHEDULE — *continued*

		probation order and may at any time".
		(ii) Delete the words "and on oath" in the proviso.
84. Public Entertainments and Meetings Act (Chapter 257, 2001 Ed.)		
	Section 18(2)	Delete the words "section 33 of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 65 of the Criminal Procedure Code 2010".
85. Public Order (Preservation) Act (Chapter 258, 1985 Ed.)		
	Section 20(2)	(i) Delete the words "Chapter IV of the Criminal Procedure Code" and substitute the words "sections 64 to 68 and 75 to 85 of the Criminal Procedure Code 2010".
		(ii) Delete the marginal reference "Cap. 68.".
86. Registration of Births and Deaths Act (Chapter 267, 1985 Ed.)		
	(*a*) Section 13(4)	(i) Delete the words "section 224(*b*)(iii) of the Criminal Procedure Code" and substitute the words "section 319(1)(*b*)(iii) of the Criminal Procedure Code 2010".
		(ii) Delete the marginal reference "Cap. 68.".

SIXTH SCHEDULE — *continued*

(*b*) Section 28	Delete the words "sanction of the Attorney-General, the Solicitor-General," and substitute the words "consent of the Public Prosecutor,".
87. Registration of Criminals Act (Chapter 268, 1985 Ed.)	
(*a*) —	Insert, immediately after section 7D, the following section: "**Criminal record rendered spent when community sentence completed** **7DA.** Notwithstanding any provisions in this Part, the record in the register of a person's conviction within Singapore for a crime for which a community sentence (as defined in section 336 of the Criminal Procedure Code 2010) is passed by a court shall become spent on the date on which the community sentence is completed.".
(*b*) First Schedule, Part II	Insert, immediately above the item relating to "Customs Act", the following item: "Criminal Procedure Code 2010 — Sections 41 to 45, 54 and 311.".
88. Regulation of Imports and Exports Act (Chapter 272A, 1996 Ed.)	
(*a*) Section 35	Insert, immediately after the words "this Act may", the words ", with the authorisation of the Public Prosecutor,".
(*b*) Section 43	(i) Delete the words "take cognizance of" and substitute the word "try".

SIXTH SCHEDULE — *continued*

	(ii) Delete the word "sanction" and substitute the word "consent".
	(iii) Delete the marginal note and insert the following section heading: "**Consent of Public Prosecutor**".
89. Residential Property Act (Chapter 274, 2009 Ed.)	
Section 23A(9)	(i) Delete the words "section 224 of the Criminal Procedure Code (Cap. 68)" in paragraph (*a*) and substitute the words "section 319 of the Criminal Procedure Code 2010".
	(ii) Delete the words "section 224(*b*)(iv) of the Criminal Procedure Code" in paragraph (*b*) and substitute the words "section 319(1)(*b*)(iv) of the Criminal Procedure Code 2010".
90. Road Traffic Act (Chapter 276, 2004 Ed.)	
(*a*) Section 19(3)	Delete the words "section 54 of the Criminal Procedure Code (Cap. 68)" in paragraph (*c*) and substitute the words "section 120 of the Criminal Procedure Code 2010".
(*b*) Section 66	Delete subsection (2).
(*c*) Section 67A(1)	(i) Delete the words "section 11 of the Criminal Procedure Code (Cap. 68)" in paragraph (*b*) and substitute the words

SIXTH SCHEDULE — *continued*

	"sections 303 and 309 of the Criminal Procedure Code 2010".
	(ii) Delete the words "section 231 of the Criminal Procedure Code" in paragraph (*b*) and substitute the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010".
(*d*) Section 133	(i) Delete the words "section 136 of the Criminal Procedure Code (Cap. 68)" in subsection (4) and substitute the words "section 153 of the Criminal Procedure Code 2010".
	(ii) Delete the words "section 136 of the Criminal Procedure Code" in subsection (6)(*a*) and substitute the words "section 153 of the Criminal Procedure Code 2010".
91. Rubber Industry Act (Chapter 280, 1993 Ed.)	
(*a*) Section 21	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".
(*b*) Section 22	(i) Delete the words "take cognizance of" and substitute the word "try".
	(ii) Delete the word "sanction" and substitute the word "consent".
	(iii) Delete the marginal note and insert the following section heading: "**Consent of Public Prosecutor**".

SIXTH SCHEDULE — *continued*

92. Securities and Futures Act (Chapter 289, 2006 Ed.)		
	(*a*) Section 168C(1)	Delete the words "Chapters VI and XIII of the Criminal Procedure Code (Cap. 68)" and substitute the words "Divisions 1 and 2 of Part IV and sections 111, 258, 260, 261 and 280 of the Criminal Procedure Code 2010".
	(*b*) Section 236(4)	Delete the words "section 247 of the Criminal Procedure Code (Cap. 68)" in paragraph (*c*) and substitute the words "sections 377 and 378 of the Criminal Procedure Code 2010".
	(*c*) Section 336	(i) Delete the word "Attorney-General" in subsection (1) and substitute the words "Public Prosecutor". (ii) Delete the word "Attorney-General" in the section heading and substitute the words "Public Prosecutor".
93. Singapore Armed Forces Act (Chapter 295, 2000 Ed.)		
	(*a*) Section 94	(i) Delete the words "sections 158 to 178, 224 (other than paragraph (*d*) thereof), 225, 227 to 230, 232, 233, 239, 240, 307 to 319, 331 to 333, 364, 366 to 388, 390 to 396, 398 and 399 to 403 of the Criminal Procedure Code (Cap. 68)" in subsection (1) and substitute the words "sections 123 to 148, 244 to 256, 262 to 276, 282, 283, 284, 290, 293, 294, 296, 297, 319 (other than subsection (1)(*e*) thereof), 320, 326 to 332, 359, 360, 364, 365, 366, 368 to 372,

SIXTH SCHEDULE — *continued*

		391, 423 and 426 of the Criminal Procedure Code 2010".
		(ii) Delete the words "section 224 of the Criminal Procedure Code (other than paragraph (*d*) thereof)" in subsection (2) and substitute the words "section 319 of the Criminal Procedure Code 2010 (other than subsection (1)(*e*) thereof)".
		(iii) Delete the words "Section 230 of the Criminal Procedure Code" in subsection (3) and substitute the words "Section 328 of the Criminal Procedure Code 2010".
		(iv) Delete the words "section 232 of the Criminal Procedure Code" in subsection (4) and substitute the words "section 331 of the Criminal Procedure Code 2010".
	(*b*) Section 201C(9)	Delete the words "Chapters IV and XII and section 68 of the Criminal Procedure Code (Cap. 68)" in paragraph (*a*) and substitute the words "sections 63 to 68 and 75 to 85 of the Criminal Procedure Code 2010".
	(*c*) Section 201G(1)	(i) Delete the words "section 34(2), (3) and (4) of the Criminal Procedure Code (Cap. 68)" and substitute the words "section 66(3), (4) and (5) of the Criminal Procedure Code 2010".
		(ii) Delete the words "section 34(1)" and substitute the words "section 66(1) and (2)".
94. Singapore Land Authority Act (Chapter 301, 2002 Ed.)		

SIXTH SCHEDULE — *continued*

Section 34(1)	Insert, immediately after the words "the Third Schedule may", the words ", with the authorisation of the Public Prosecutor,".
95. Singapore Tourism Board Act (Chapter 305B, 1997 Ed.)	
Section 23	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".
96. Singapore Tourism (Cess Collection) Act (Chapter 305C, 1997 Ed.)	
(*a*) Section 22	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".
(*b*) Section 23	(i) Delete the words "take cognizance of" and substitute the word "try". (ii) Delete the word "sanction" and substitute the word "consent". (iii) Delete the word "Sanction" in the section heading and substitute the word "Consent".
97. Skills Development Levy Act (Chapter 306, 1998 Ed.)	
Section 18	(i) Delete the words "take cognizance of" and substitute the word "try". (ii) Delete the word "sanction" and substitute the word "consent".

SIXTH SCHEDULE — *continued*

		(iii) Delete the word "Sanction" in the section heading and substitute the word "Consent".
98. Societies Act (Chapter 311, 1985 Ed.)		
	Section 30(2)	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".
99. Stamp Duties Act (Chapter 312, 2006 Ed.)		
	Section 68(1)	(i) Delete the word "sanction" and substitute the word "consent". (ii) Delete the word "Attorney-General" and substitute the words "Public Prosecutor".
100. Standards, Productivity and Innovation Board Act (Chapter 303A, 2002 Ed.)		
	Section 38	Delete the words "consent of the Attorney-General" and substitute the words "authorisation of the Public Prosecutor".
101. State Lands Encroachments Act (Chapter 315, 1985 Ed.)		
	Section 15	Repeal.
102. States of Malaya Customs Duties Collection Act (Chapter 316, 1985 Ed.)		

SIXTH SCHEDULE — *continued*

Section 30	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".
103. Statutory Bodies and Government Companies (Protection of Secrecy) Act (Chapter 319, 2004 Ed.)	
Section 4	Delete the word "Attorney-General" and substitute the words "Public Prosecutor".
104. Strategic Goods (Control) Act (Chapter 300, 2003 Ed.)	
Section 23	Insert, immediately after the words "under this Act may", the words ", with the authorisation of the Public Prosecutor,".
105. Subordinate Courts Act (Chapter 321, 2007 Ed.)	
(*a*) Section 7	(i) Insert, immediately after subsection (2), the following subsection: "(2A) A subordinate court may, in any matter or proceeding or any part thereof tried or held or to be tried or held before it, 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, order that — (*a*) the name, address or photograph of any witness; or (*b*) any evidence or any other thing likely to

SIXTH SCHEDULE — *continued*

		lead to the identification of such witness by a person other than the party to that matter or proceeding,
		which is contained in any court document intended to be produced before the court, be removed or be sufficiently redacted.".
		(ii) Delete subsection (3) and substitute the following subsection:
		"(3) A subordinate court may at any time order that no person shall —
		(*a*) publish the name, address or photograph of any witness in any matter or proceeding or any part thereof tried or held or to be tried or held before it, or any evidence or any other thing likely to lead to the identification of any such witness; or
		(*b*) do any other act which is likely to lead to the identification of such a witness.".
		(iii) Delete the words "subsection (3)" in subsection (4) and substitute the words "subsection (2A) or (3)".
(*b*)	Section 8(4)	Delete the word "Attorney-General" and substitute the words "Public Prosecutor".
(*c*)	Section 56A (including the sub-heading	Repeal.

SIXTH SCHEDULE — *continued*

	"Reference of Constitutional Question")	
106. Supreme Court of Judicature Act (Chapter 322, 2007 Ed.)		
(*a*) Section 8		(i) Insert, immediately after subsection (2), the following subsection:

"(2A) A court may, in any matter or proceeding or any part thereof tried or held or to be tried or held before it, 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, order that —

(*a*) the name, address or photograph of any witness; or

(*b*) any evidence or any other thing likely to lead to the identification of such witness by a person other than the party to that matter or proceeding,

which is contained in any court document intended to be produced before the court, be removed or be sufficiently redacted.".

(ii) Delete subsection (3) and substitute the following subsection:

"(3) A court may at any time order that no person shall —

SIXTH SCHEDULE — *continued*

	(*a*) publish the name, address or photograph of any witness in any matter or proceeding or any part thereof tried or held or to be tried or held before it, or any evidence or any other thing likely to lead to the identification of any such witness; or (*b*) do any other act which is likely to lead to the identification of such a witness.”.
	(iii) Delete the words “subsection (3)” in subsection (4) and substitute the words “subsection (2A) or (3)”.
(*b*) Section 30(3)	Delete the words “point reserved by him under section 59” in paragraph (*c*) and substitute the words “case stated by him under section 395 of the Criminal Procedure Code 2010”.
(*c*) Part V	Repeal.
107. Terrorism (Suppression of Financing) Act (Chapter 325, 2003 Ed.)	
Sections 11(1), 12, 13, 15(1) and (2), 18 (including the section heading), 19(2)(*a*), (4) and (5), 20(3), 21, 22 and 23(1) and (2)	Delete the word “Attorney-General” wherever it appears and substitute in each case the words “Public Prosecutor”.
108. Tokyo Convention Act (Chapter 327, 1985 Ed.)	

SIXTH SCHEDULE — *continued*

	Section 3(2)	Delete the word "Attorney-General" and substitute the words "Public Prosecutor".
109. Trade Disputes Act (Chapter 331, 1985 Ed.)		
	Section 13	(i) Delete the word "Attorney-General" wherever it appears and substitute in each case the words "Public Prosecutor". (ii) Delete the marginal note and insert the following section heading: "**Consent of Public Prosecutor to proceed with charge under section 5, 6 or 7**".
110. Trade Unions Act (Chapter 333, 2004 Ed.)		
	Section 60	Delete the word "Attorney-General" and substitute the words "Public Prosecutor".
111. Travel Agents Act (Chapter 334, 1998 Ed.)		
	(*a*) Section 25	(i) Delete the words "take cognizance of" and substitute the word "try". (ii) Delete the words "sanction in writing" and substitute the word "consent". (iii) Delete the section heading and substitute the following section heading: "**Consent of Public Prosecutor**".

SIXTH SCHEDULE — *continued*

(*b*) Section 26	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".

112. Trust Companies Act (Chapter 336, 2006 Ed.)

Section 68	(i) Delete the word "Attorney-General" and substitute the words "Public Prosecutor". (ii) Delete the word "Attorney-General" in the section heading and substitute the words "Public Prosecutor".

113. Urban Redevelopment Authority Act (Chapter 340, 1990 Ed.)

(*a*) Section 47	Insert, immediately after the words "made thereunder may", the words ", with the authorisation of the Public Prosecutor,".
(*b*) Section 48	(i) Delete the words "take cognizance of" and substitute the word "try". (ii) Delete the word "sanction" and substitute the word "consent". (iii) Delete the marginal note and insert the following section heading: "**Consent of Public Prosecutor**".

114. Vandalism Act (Chapter 341, 1985 Ed.)

SIXTH SCHEDULE — *continued*

Section 3	(i) Delete the words "section 231 of the Criminal Procedure Code" and substitute the words "sections 325(1) and 330(1) of the Criminal Procedure Code 2010". (ii) Delete the marginal reference "Cap. 68.".
115. Women's Charter (Chapter 353, 2009 Ed.)	
(*a*) Section 42	(i) Delete the words "authority in writing of the Attorney-General or the Solicitor-General" and substitute the words "consent of the Public Prosecutor". (ii) Delete the word "Sanction" in the section heading and substitute the word "Consent".
(*b*) Section 154	(i) Delete the word "cognizable" in subsection (1) and substitute the word "triable". (ii) Delete the words "previous sanction" in subsection (2) and substitute the word "consent". (iii) Insert, immediately after the words "under this Part may" in subsection (4), the words ", with the authorisation of the Public Prosecutor,".
(*c*) Section 174(2)	Delete the words "sections 36 and 37 of the Criminal Procedure Code (Cap. 68)" and substitute the words "sections 68 and 85 of the Criminal Procedure Code 2010".

SIXTH SCHEDULE — *continued*

116. Work Injury Compensation Act (Chapter 354, 2009 Ed.)		
	Section 37	Repeal and substitute the following section: "**When Magistrate may try offence** **37.** For the purpose of section 151 of the Criminal Procedure Code 2010, on receiving the complaint in writing and signed by the Commissioner, the Magistrate must proceed to issue a summons or warrant in accordance with section 153 of the Criminal Procedure Code 2010.".
117. Workplace Safety and Health Act (Chapter 354A, 2009 Ed.)		
	Section 55	Repeal and substitute the following section: "**When Magistrate may try offence** **55.** For the purpose of section 151 of the Criminal Procedure Code 2010, on receiving the complaint in writing and signed by an inspector, the Magistrate must proceed to issue a summons or warrant in accordance with section 153 of the Criminal Procedure Code 2010.".