THE STATUTES OF THE REPUBLIC OF SINGAPORE

CRIMINAL PROCEDURE CODE

(CHAPTER 68)

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CHAPTER 68

Criminal Procedure Code

ARRANGEMENT OF SECTIONS

Section

Section

Section

Section

Section

PART VIIA

DEFERRED PROSECUTION AGREEMENTS

Section

PART VIII

INITIATION OF CRIMINAL PROCEEDINGS AND COMPLAINT TO MAGISTRATE

PART IX

PRE-TRIAL PROCEDURES IN THE STATE COURTS

Division 1 — General matters

Division 2 — Criminal case disclosure procedures

Division 3 — Non-compliance with Division 2

Division 4 — Where criminal case disclosure procedures do not apply

PART X

PRE-TRIAL PROCEDURES IN HIGH COURT

Division 1 — General matters

Division 5 — Transmission proceedings

Division 6 — Non-compliance with certain requirements in Division 5

PART XI

GENERAL PROVISIONS RELATING TO PRE-TRIAL AND PLEAD GUILTY PROCEDURES IN ALL COURTS

Division 1 — General pre-trial procedures

Section

Section

PART XVI

SENTENCES

Division 1 — Sentences in general

Division 2 — Sentence of caning

Section

Section

Section

An Act relating to criminal procedure.

[2nd January 2011]

PART I

PRELIMINARY

Short title

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

Interpretation

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

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

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

"audiovisual recording" means an aggregate of visual images and sounds embodied in a thing, so as to be capable, by the

use of that thing, of being produced electronically and shown as a moving picture with associated sounds;

[Act 19 of 2018 wef 17/09/2018]

"bailable offence" means an offence shown as bailable in the fifth column of the First Schedule or which is made bailable by any other written law, and "non-bailable offence" means any offence other than a bailable offence;

"child abuse offence" means an offence under section 5(1), 6, 7, 11(2), 12 or 13 of the Children and Young Persons Act (Cap. 38), and includes an abetment of, a conspiracy to commit, or an attempt to commit, such an offence;

[Act 19 of 2018 wef 17/09/2018]

"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);

[Act 3 of 2013 wef 13/03/2013]

[Act 9 of 2018 wef 31/08/2018]

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

[Act 27 of 2014 wef 01/10/2014]

"Criminal Procedure Rules" —

(*a*) means the Criminal Procedure Rules made under this Code and any other written law by the Criminal Procedure Rules Committee constituted under section 428A; and

(*b*) includes any subsidiary legislation deemed under section 428A(15) to be Criminal Procedure Rules;

[Act 19 of 2018 wef 17/09/2018]

"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(1) of the Criminal Law (Temporary Provisions) Act (Cap. 67); and

[Act 12 of 2018 wef 01/01/2019]

(*e*) order as may be prescribed by the Minister charged with the responsibility for home affairs to be a criminal record for the purposes of this Code;

"data" has the same meaning as in the Computer Misuse Act;

[Act 19 of 2018 wef 17/09/2018]

"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;

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

[Act 19 of 2018 wef 17/09/2018]

"Judge" means a Judge of the High Court and includes the Chief Justice and any person sitting in the High Court in accordance with section 9 of the Supreme Court of Judicature Act (Cap. 322);

[Act 42 of 2014 wef 01/01/2015]

"Judge of Appeal" includes the Chief Justice and any person sitting in the Court of Appeal in accordance with section 29 of the Supreme Court of Judicature Act;

[Act 42 of 2014 wef 01/01/2015]

"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 criminal case disclosure conference and a pre-trial conference, held under Part IX or X, as the case may be;

[Act 19 of 2018 wef 17/09/2018]

"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;

[*Deleted by Act 5 of 2014 wef 07/03/2014*]

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

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

"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;

"sexual offence" means —

(*a*) an offence under section 354, 354A, 355, 356, 357, 358, 372, 373, 373A, 375, 376, 376A, 376B, 376C, 376D, 376E, 376F, 376G, 377(3), 377A or 377B(3) of the Penal Code (Cap. 224); or

(*b*) an offence under section 140, 141, 142, 143, 144, 145, 146, 146A, 147 or 148 of the Women's Charter (Cap. 353),

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

[Act 19 of 2018 wef 17/09/2018]

"signed" or "signature" and its grammatical variations has the same meaning as in section 2(1) of the Electronic Transactions Act (Cap. 88);

[Act 19 of 2018 wef 31/10/2018]

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

[Act 5 of 2014 wef 07/03/2014]

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

[*Deleted by Act 5 of 2014 wef 07/03/2014*]

"terrorist act" has the meaning given by section 2(2) and (3) of the Terrorism (Suppression of Financing) Act (Cap. 325);

[Act 19 of 2018 wef 31/10/2018]

"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.

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

[Act 19 of 2018 wef 31/10/2018]

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

(*a*) by delivering it personally to that person;

(*b*) by addressing it to that person and delivering it at the last known residential address of that person to an adult person who is a member of his 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;

(*ea*) by addressing it to that person, and transmitting it to an electronic mail address specified by that person in accordance with subsection (4A);

[Act 19 of 2018 wef 31/10/2018]

(*eb*) by addressing it to that person's advocate (if any), and transmitting it to an electronic mail address specified by the advocate in accordance with subsection (4B);

[Act 19 of 2018 wef 31/10/2018]

(*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;

[Act 19 of 2018 wef 31/10/2018]

(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;

(vii) by addressing it to that body corporate or limited liability partnership, and transmitting it to an electronic mail address specified by that body corporate or limited liability partnership in accordance with subsection (4A); or

[Act 19 of 2018 wef 31/10/2018]

(viii) by addressing it to the advocate (if any) of the body corporate or limited liability partnership, and transmitting it to an electronic mail address specified by the advocate in accordance with subsection (4B);

[Act 19 of 2018 wef 31/10/2018]

(*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;

[Act 19 of 2018 wef 31/10/2018]

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

(vii) by addressing it to that partnership, and transmitting it to an electronic mail address specified by that partnership in accordance with subsection (4A); or

[Act 19 of 2018 wef 31/10/2018]

(viii) by addressing it to the advocate (if any) of the partnership, and transmitting it to an electronic mail address specified by the advocate in accordance with subsection (4B);

[Act 19 of 2018 wef 31/10/2018]

(*i*) in the case of an unincorporated association —

(i) by delivering it to the president, the secretary or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee, at the address of the unincorporated association;

(ii) by delivering it to the advocate (if any) of the unincorporated association at the advocate's office;

(iii) by sending it by registered post addressed to the unincorporated association at the address of the unincorporated association;

(iv) by sending it by registered post addressed to the advocate (if any) of the unincorporated association at the advocate's office;

(v) by addressing it to that unincorporated association and transmitting it to the last known facsimile number of the unincorporated association;

[Act 19 of 2018 wef 31/10/2018]

(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;

[Act 19 of 2018 wef 31/10/2018]

(vii) by addressing it to that unincorporated association, and transmitting it to an electronic mail address

specified by that unincorporated association in accordance with subsection (4A); or

[Act 19 of 2018 wef 31/10/2018]

(viii) by addressing it to the advocate (if any) of the unincorporated association, and transmitting it to an electronic mail address specified by the advocate in accordance with subsection (4B); or

[Act 19 of 2018 wef 31/10/2018]

(*j*) by any other prescribed method.

[Act 19 of 2018 wef 31/10/2018]

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

(3) In the case of service under subsection (1)(*b*) and (*c*), the family member or employee to whom the notice, order or document is delivered must, if so required by the serving officer, acknowledge its receipt by signing on an acknowledgment slip and writing down his 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.

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

(*a*) the person to whom the notice, order or document is to be served gives that person's prior written consent for the notice, order or document to be served in that manner;

(*b*) that person specifies, in that written consent, the electronic mail address to which the notice, order or document is to be transmitted.

[Act 19 of 2018 wef 31/10/2018]

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

(*a*) the advocate (if any) of the person to whom the notice, order or document is to be served gives the advocate's prior written consent for the notice, order or document to be served in that manner;

(*b*) the advocate specifies, in that written consent, the electronic mail address to which the notice, order or document is to be transmitted.

[Act 19 of 2018 wef 31/10/2018]

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

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

[Act 41 of 2014 wef 01/01/2015]

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 STATE COURTS

[Act 5 of 2014 wef 07/03/2014]

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 a fine-only offence;

[Act 19 of 2018 wef 17/09/2018]

(*b*) [*Deleted by Act 19 of 2018 wef 17/09/2018*]

(*c*) inquire into a complaint of any offence and summon and examine any witness who may give evidence relating to such offence;

(*d*) summon, apprehend and issue warrants for the apprehension of criminals and offenders, and deal with them according to law;

(*e*) issue a warrant to search or cause to be searched any place wherein any stolen goods or any goods, article or thing with which or in respect of which any offence has been committed is alleged to be kept or concealed;

(*f*) require any person to furnish security for keeping the peace or for 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*) 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.

[Act 19 of 2018 wef 17/09/2018]

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

Criminal jurisdiction of District Courts

8.—(1) District Courts 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 a fine-only offence.

[Act 19 of 2018 wef 31/10/2018]

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

Enlargement of jurisdiction of State Courts

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

(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) 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.

[Act 5 of 2014 wef 07/03/2014]

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 (Cap. 224);

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

[Act 41 of 2014 wef 01/01/2015]

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

[Act 41 of 2014 wef 01/01/2015]

(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 Deputy Attorney-General referred to in subsection (2), 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.

[Act 41 of 2014 wef 01/01/2015]

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

[Act 41 of 2014 wef 01/01/2015]

(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 Deputy Attorney-General referred to in subsection (2), the Solicitor-General, a Deputy Public Prosecutor, or a person authorised under subsection (5) who is an advocate.

[Act 41 of 2014 wef 01/01/2015]

(8) Subject to subsections (9) and (10), any proceeding relating to a criminal matter before a State Court must be conducted only by the

Public Prosecutor, the Deputy Attorney-General referred to in subsection (2), the Solicitor-General, a Deputy Public Prosecutor, an Assistant Public Prosecutor, or any other person authorised under subsection (5).

[Act 5 of 2014 wef 07/03/2014]

[Act 41 of 2014 wef 01/01/2015]

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

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

[Act 19 of 2018 wef 31/10/2018]

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 Deputy Attorney-General referred to in section 11(2), 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.

[Act 41 of 2014 wef 01/01/2015]

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, a 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, or an authorised person, considers that any document or 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, the police officer or authorised person may —

(*a*) issue a written order to require a person in whose possession or power the document or thing is believed to be —

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

(ii) to give a police officer or an authorised person access to the document or thing; or

(iii) in the case of a document or thing that is in electronic form —

(A) to produce a copy of the document or thing, at the time and place stated in the order; or

(B) to give a police officer or an authorised person access to a copy of the document or thing; or

(*b*) in the case of a document or thing that is contained in or available to a computer — issue a written order to require a person who is believed to have power to access the document or thing from that computer —

(i) to produce a copy of the document or thing, at the time and place stated in the order; or

(ii) to give a police officer or an authorised person access to a copy of the document or thing.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) issue a written order to require a person in whose possession or power the data is believed to be —

(i) to authenticate the data; and

(ii) to produce the data, at the time and place stated in the order; or

(*b*) in the case of any data that is contained in or available to a computer — issue a written order to require a person who is believed to have power to access the data from that computer —

(i) to authenticate a copy of the data; and

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

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) must only be made by a police officer of or above the rank of inspector, or an authorised person; and

[Act 19 of 2018 wef 17/09/2018]

(*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.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) to deliver that document or thing, at the time and place stated in the order, to a person stated in the order; or

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

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) issue a written order to require the Postal Authority or public postal licensee —

(i) to authenticate the data; and

(ii) to produce the data, at the time and place stated in the order; or

(*b*) in the case of any data that is contained in or available to a computer — issue a written order to require the Postal Authority or public postal licensee —

(i) to authenticate a copy of the data; and

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

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

(5) A police officer, or an authorised person, 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, or data.

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) in any case where the person is a body corporate, a limited liability partnership, a partnership or an unincorporated association — to a fine not exceeding $10,000;

(*b*) in any case where the person is an individual, and the written order states that it is issued for the investigation or trial of an arrestable offence — to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or to both; or

(*c*) in any other case — to a fine not exceeding $1,500 or to imprisonment for a term not exceeding one month or to both.

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

(9) In this section —

"authorised person" means —

(*a*) any person who is authorised in writing by the Commissioner of Police for the purposes of this section; or

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

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

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

[Act 19 of 2018 wef 17/09/2018]

Power to require attendance of witnesses

21.—(1) In conducting an investigation under this Part, a police officer may issue a written order requiring anyone within the limits of Singapore, who appears to be acquainted with any of the facts and circumstances of the case, to attend before 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, or a forensic specialist acting in the course of his duty as such in accordance with the written authorisation of the Commissioner under the Police Force Act (Cap. 235) and the lawful directions of the police officer or law enforcement officer he assists, may examine orally any person who appears to be acquainted with any of the facts and circumstances of the case —

(*a*) whether before or after that person or anyone else is charged with an offence in connection with the case; and

(*b*) whether or not that person is to be called as a witness in any inquiry, trial, or other proceeding under this Code in connection with the case.

[Act 10 of 2015 wef 01/06/2015]

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

(*a*) in writing; or

(*b*) in the form of an audiovisual recording.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) be read over to the person;

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

(*c*) be signed by the person.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) due to an operational exigency, it is not feasible to record the statement in the form of an audiovisual recording;

(*b*) the equipment designated for recording the statement in the form of an audiovisual recording —

(i) does not work; and

(ii) cannot be repaired or replaced within a reasonable time;

(*c*) the person requests that the statement be recorded in writing instead of in the form of an audiovisual recording, and the police officer or forensic specialist examining the person reasonably believes that the granting of the request will facilitate the investigation.

[Act 19 of 2018 wef 17/09/2018]

(6) Despite subsection (5) —

(*a*) a mere failure to comply with subsection (5) does not render a statement by a person examined under this section inadmissible if the statement is otherwise admissible; and

(*b*) no inference is to be drawn by the court from a mere failure to comply with that subsection.

[Act 19 of 2018 wef 17/09/2018]

(7) Except as provided in subsection (5), any police officer or forensic specialist examining a person under this section may decide

whether a statement made by the person during the examination is to be recorded —

(*a*) in writing; or

(*b*) in the form of an audiovisual recording.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) in writing; or

(*b*) in the form of an audiovisual recording.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) be read over to the accused;

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

(*c*) be signed by the accused.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) due to an operational exigency, it is not feasible to record the statement in the form of an audiovisual recording;

(*b*) the equipment designated for recording the statement in the form of an audiovisual recording —

(i) does not work; and

(ii) cannot be repaired or replaced within a reasonable time;

(*c*) the accused requests that the statement be recorded in writing instead of in the form of an audiovisual recording, and the police officer or person to whom the accused intends to make the statement reasonably believes that the granting of the request will facilitate the investigation.

[Act 19 of 2018 wef 17/09/2018]

(3C) Despite subsection (3B) —

(*a*) a mere failure to comply with subsection (3B) does not render a statement made by an accused in answer to a

notice read to the accused under subsection (1) inadmissible, if the statement is otherwise admissible; and

(*b*) no inference is to be drawn by the court from a mere failure to comply with subsection (3B).

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) in writing; or

(*b*) in the form of an audiovisual recording.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) in writing; and

(*b*) in the form of an audiovisual recording.

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) if requested by the defence, arrangements must be made for the accused and the accused's advocate (if any) to view the audiovisual recording of the statement, as soon as

practicable after the audiovisual recording is made, at a police station or at any other prescribed place; and

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

[Act 19 of 2018 wef 17/09/2018]

Division 2 — Search and seizure

When search warrant may be issued

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

(*a*) the court has reason to believe that a person who has been or may be issued an order under section 20(1), (1A), (3) or (3A), or a summons under section 235(1), would not produce any document or other thing (including data), or a copy of the document or thing, as required by the order or summons;

[Act 19 of 2018 wef 17/09/2018]

(*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 any document or other thing (including data), or any copy of the document or thing, in the custody of the Postal Authority or a public postal licensee.

[Act 19 of 2018 wef 17/09/2018]

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 any of those persons 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 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 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.

Execution of search warrant

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

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

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

(*a*) identify himself to the occupier and —

(i) if he is a police officer, show the occupier documentary evidence that he is such a police officer; or

(ii) if he is not a police officer, show the occupier his original identity card or travel document as proof of his identity;

(*b*) show the occupier the warrant; and

(*c*) if requested, give the occupier a copy of the warrant.

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

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

Search for person wrongfully confined

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

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

(3) The confined person, if found, must as soon as reasonably practicable, be taken before the court, and the court 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 if —

(*a*) he considers 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.

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

[Act 10 of 2015 wef 01/06/2015]

(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.

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

[Act 10 of 2015 wef 01/06/2015]

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 in or from Singapore of a computer (whether in Singapore or elsewhere) that the police officer or authorised person has reasonable cause to suspect is or has been used in connection with, or contains or contained evidence relating to, the arrestable offence;

(*b*) use any such computer in or from Singapore, or cause any such computer to be used in or from Singapore —

(i) to search any data contained in or available to such computer; and

(ii) to make a copy of any such data;

(*c*) prevent any other person from gaining access to, or using, any such computer (including by changing any username, password or other authentication information required to gain access to the computer); or

(*d*) order any person —

(i) to stop accessing or using or to not access or use any such computer; or

(ii) to access or use any such computer only under such conditions as the police officer or authorised person may specify.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) any person whom the police officer or authorised person reasonably suspects of using, or of having used, the computer in connection with the arrestable offence;

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

(*c*) any person whom the police officer or authorised person reasonably believes has knowledge of or access to any username, password or other authentication information required to gain access to the computer.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) assistance to gain access to the computer (including assistance through the provision of any username, password or other authentication information required to gain access to the computer);

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

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) may exercise the powers under subsection (1) in relation to that computer, or any data contained in or available to that computer, if —

(i) the owner of that computer consents to the exercise of those powers; or

(ii) the police officer or authorised person obtains access to that computer through the exercise of any power of investigation under any written law, such as in any of the following circumstances:

(A) the access is obtained with the assistance mentioned in subsection (2A)(*a*) provided under subsection (2) by a person having

charge of, or otherwise concerned with the operation of, that computer;

(B) the access is obtained through an active connection with, or through any username, password or other authentication information stored in, another computer, which has been seized under section 35 and accessed under subsection (1);

(C) the access is obtained through any username, password or other authentication information contained in any document seized under section 35;

(D) the access is obtained through any username, password or other authentication information provided in any statement made by any person examined under section 22; and

(*b*) may exercise the powers under subsection (1)(*b*) in relation to any data contained in or available to that computer, if the owner of that data consents to the exercise of those powers.

[Act 19 of 2018 wef 17/09/2018]

(3) Any person who obstructs the lawful exercise by a police officer or an authorised person of any power under subsection (1)(*a*), (*b*) or (*c*), or who fails to comply with any order of the police officer or authorised person under subsection (1)(*d*) or (2), shall be guilty of an offence and shall be liable on conviction —

(*a*) in any case where the person is a body corporate, a limited liability partnership, a partnership or an unincorporated association — to a fine not exceeding $10,000; or

(*b*) in any other case — to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or to both.

[Act 19 of 2018 wef 17/09/2018]

(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 (1)(*d*) or (2) shall

not be liable in any criminal or civil proceedings for any loss or damage resulting from the act.

[Act 19 of 2018 wef 17/09/2018]

(6) In this section and section 40 —

"authorised person" means —

(*a*) a forensic specialist appointed under section 65A of the Police Force Act (Cap. 235), or any other person, who is authorised in writing by the Commissioner of Police for the purposes of this section or section 40 or both; or

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

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

[Act 19 of 2018 wef 17/09/2018]

Power to access decryption information

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

(2) The police officer or authorised person 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 Infrastructure Protection Act 2017;

[Act 41 of 2017 wef 18/12/2018]

(*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 or 504 of the Penal Code (Cap. 224), under section 13A, 13B, 13C or 13D of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) in force before the date of commencement of the Protection from Harassment Act 2014 or under section 3, 4, 5 or 6 of the Protection from Harassment Act 2014;

[Act 17 of 2014 wef 15/11/2014]

[Act 5 of 2015 wef 01/04/2015]

(*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 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.

[Act 19 of 2018 wef 31/10/2018]

(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 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.

[Act 19 of 2018 wef 31/10/2018]

Protection against prosecution for acts done under this Division

62. No prosecution against the Minister or any police officer or officer, sailor, soldier or airman in the Singapore Armed Forces for any act purporting to be done under this Division 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 the Singapore Armed Forces 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.

[Act 19 of 2018 wef 31/10/2018]

Division 4 — Preventive action of police

Prevention of offences and use of lethal force by police

63.—(1) Any police officer who has reasonable grounds to suspect that any offence may be committed may intervene for the purpose of preventing and must, to the best of his 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 —

(*a*) removing a person from any place; and

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

[Act 19 of 2018 wef 31/10/2018]

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) Unless the court orders otherwise under section 92(3)(*a*) or 93(3B)(*a*), 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.

[Act 19 of 2018 wef 31/10/2018]

(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 of any law enforcement agency, or any person of a similar rank in such law enforcement agency.

[Act 19 of 2018 wef 31/10/2018]

(2) An arrest warrant —

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

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

[Act 19 of 2018 wef 31/10/2018]

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

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

Arrest of person subject to warrant

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

Form of arrest warrant

71.—(1) An arrest warrant issued by a court under this Code must be in writing bearing the seal of the court and signed by a Magistrate or District Judge, as the case may be, or in the case of the 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.—(1) Except as provided in subsection (2), whenever it is necessary to cause a woman to be searched, the search must be made by a relevant officer who is a woman.

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

(*a*) the relevant officer reasonably suspects the woman of committing, attempting to commit, abetting the commission of, or being a party to a criminal conspiracy to commit, a terrorist act;

(*b*) the relevant officer believes in good faith that the terrorist act is imminent;

(*c*) the relevant officer believes in good faith that the search cannot be made within a reasonable time by a relevant officer who is a woman.

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

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

[Act 19 of 2018 wef 31/10/2018]

Power to pursue and arrest after escape or rescue

84.—(1) If a person in lawful custody escapes or is rescued, the person from whose custody he 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 normally be released on bail or personal bond, or on both

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

(*a*) is arrested or detained without warrant by a police officer, or appears or is brought before a court; and

(*b*) is prepared to give bail at any time while in the police officer's custody or at any stage of the proceedings before the court,

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

(2) Despite subsection (1) —

(*a*) the police officer or the court may, instead of taking bail from the person, release the person if the person signs a personal bond without sureties; and

(*b*) the court may, instead of releasing the person on bail, release the person on bail and on personal bond by requiring the person to sign a personal bond without sureties, in addition to taking bail from the person.

[Act 19 of 2018 wef 31/10/2018]

(3) Despite subsections (1) and (2), where the person is accused of an offence that is not a fine-only offence, and a court believes, on any ground prescribed in the Criminal Procedure Rules, that the person, if released, will not surrender to custody, be available for investigations or attend court, the court may order as follows:

(*a*) if the person is arrested or detained without warrant by a police officer — order the police officer not to release the person on bail or on personal bond;

(*b*) if the person appears or is brought before the court — refuse to release the person, whether on bail, on personal bond, or on bail and on personal bond.

[Act 19 of 2018 wef 31/10/2018]

(4) Where —

(*a*) a State Court orders the release of a person under this section on bail, on personal bond, or on bail and on personal bond; and

(*b*) the prosecution applies to the State Court to stay execution on the order pending a review of the order by the High Court,

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

[Act 19 of 2018 wef 31/10/2018]

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

[2/2012]

(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.

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

[Act 19 of 2018 wef 31/10/2018]

(3B) Despite subsections (2), (3) and (3A), where there are grounds for further investigations as to whether the accused has committed a bailable offence that is not a fine-only offence, and a court believes,

on any ground prescribed in the Criminal Procedure Rules, that the accused, if released, will not surrender to custody, be available for investigations or attend court, the court may —

(*a*) order the police officer not to release the accused on bail or on personal bond; or

(*b*) refuse to release the accused, whether on bail, on personal bond, or on bail and on personal bond.

[Act 19 of 2018 wef 31/10/2018]

(3C) Where —

(*a*) a State Court orders the release on bail, on personal bond, or on bail and on personal bond, of a person accused of a non-bailable offence; and

(*b*) the prosecution applies to the State Court to stay execution on the order pending a review of the order by the High Court,

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

[Act 19 of 2018 wef 31/10/2018]

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

(*a*) the accused must surrender the accused's travel document;

(*b*) the accused must surrender to custody, be available for investigations, or attend court, on the day and at the time and place appointed for the accused to do so, as the case may be;

(*c*) the accused must not commit any offence while released on bail or on personal bond;

(*d*) the accused must not interfere with any witness or otherwise obstruct the course of justice, whether in relation to the accused or in relation to any other person;

(*e*) in the case of bail — any person offered as surety for an accused in a criminal matter must not be a co-accused in the same matter.

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

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

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

[Act 19 of 2018 wef 17/09/2018]

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 or imprisonment for life;

(*b*) the accused is accused of any non-bailable offence, and the court believes, on any ground prescribed in the Criminal Procedure Rules, that the accused, if released, will not surrender to custody, be available for investigations or attend court; or

[Act 19 of 2018 wef 31/10/2018]

(*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.

[2/2012]

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

(*a*) direct that any juvenile or any sick or infirm person accused of such an offence be released on bail;

[Act 19 of 2018 wef 31/10/2018]

(*b*) release on bail an accused charged with an offence referred to in subsection (1)(*a*), if —

(i) the offence is also punishable with an alternative punishment other than death or life imprisonment; and

(ii) the offence is to be tried before a District Court or a Magistrate's Court; or

[2/2012]

[Act 19 of 2018 wef 31/10/2018]

(*c*) release on bail an accused who has been arrested or taken into custody under a warrant mentioned in subsection (1)(*c*), if the conditions prescribed in the Criminal Procedure Rules for such release are satisfied.

[Act 19 of 2018 wef 31/10/2018]

(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.

Powers of High Court regarding bail

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

(*a*) release any accused before the High Court on bail, on personal bond, or on bail and on personal bond;

(*b*) vary the amount or conditions of the bail or personal bond required by a police officer or a State Court, or impose such other conditions for the bail or personal bond as the High Court thinks fit;

(*c*) where a State Court orders the release of a person on bail, on personal bond, or on bail and on personal bond, stay execution on the order pending a review of the order by the High Court; or

(*d*) direct that any person who has been released on bail, on personal bond, or on bail and on personal bond, under this Division be arrested, and commit that person to custody.

(2) Where —

(*a*) a State Court orders the release on bail, on personal bond, or on bail and on personal bond, of a person accused of a non-bailable offence; and

(*b*) the prosecution applies to the High Court to stay execution on the order pending a review of the order by the High Court,

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

[Act 19 of 2018 wef 31/10/2018]

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.

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

103.—(1) If a released person under a duty to surrender to custody, or to make himself 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 on the day and at the 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 on the day and at the 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.

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

(*a*) to surrender to custody;

(*b*) to be available for investigations; or

(*c*) to attend court on the day and at the time and place appointed for the released person to do so.

[Act 19 of 2018 wef 31/10/2018]

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

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

(*b*) on the date of the failure to comply with the duty, the released person, being outside Singapore, remains outside Singapore without the permission of the police officer or the court, as the case may be.

[Act 19 of 2018 wef 31/10/2018]

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 on the day and at the 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 police officer referred to in section 92 or 93 (as the case may be) or the court to leave Singapore.

[2/2012]

(2) [*Deleted by Act 19 of 2018 wef 31/10/2018*]

(3) [*Deleted by Act 19 of 2018 wef 31/10/2018*]

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.

Prohibition against agreements to indemnify surety, etc.

106A.—(1) Any agreement (whether made before, on or after the date of commencement of section 24 of the Criminal Justice Reform Act 2018) indemnifying or purporting to indemnify any person against any liability which that person may incur as a surety to a bail bond is void.

(2) Any person who, on or after the date of commencement of section 24 of the Criminal Justice Reform Act 2018, knowingly enters into an agreement mentioned in subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine or to imprisonment for a term not exceeding 3 years or to both.

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

(*a*) whether the agreement is entered into before or after the person to be indemnified becomes a surety;

(*b*) whether or not the person to be indemnified becomes a surety; and

(*c*) whether the agreement contemplates compensation in money or money's worth.

[Act 19 of 2018 wef 31/10/2018]

Procedure on forfeiture of personal bond without sureties

107.—(1) This section provides for the forfeiture of a personal bond without sureties.

(2) If it is proved to a court's satisfaction that the released person bound by the bond has failed, without reasonable excuse, to comply with any duty imposed on the released person to surrender to custody, to be available for investigations, or to attend court on the day and at the time and place appointed for the released person to do so, the court —

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

(*b*) must forfeit the bond;

(*c*) may summon before the court the released person;

(*d*) may call upon the released person to pay a sum, being the whole or any part of the amount of the bond, or to explain why the released person should not pay that sum; and

(*e*) may order that the sum mentioned in paragraph (*d*) be paid by instalments.

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

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

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

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

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

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

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

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

[Act 19 of 2018 wef 31/10/2018]

Procedure on forfeiture of bond with sureties

107A.—(1) This section provides for the forfeiture of a bond with one or more sureties.

(2) If it is proved to a court's satisfaction that the released person for whose appearance the bond was executed has failed, without reasonable excuse, to comply with any duty imposed on the released person to surrender to custody, to be available for investigations, or to attend court on the day and at the time and place appointed for the released person to do so, the court —

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

(*b*) must forfeit the bond, as far as it relates to the released person;

(*c*) may summon before the court each person bound by the bond;

(*d*) may call upon each surety bound by the bond to explain why the bond, as far as it relates to that surety, should not be forfeited; and

(*e*) may call upon the released person to pay a sum, being the whole or any part of the amount of the bond, or to explain why the released person should not pay that sum.

(3) If the court calls upon the released person to pay the sum mentioned in subsection (2)(*e*), or to explain why the released person should not pay that sum, section 107(3) to (8) applies to the released person as it applies to a released person bound by a personal bond without sureties.

(4) If the explanation given by a surety is inadequate, and it is proved to the court's satisfaction that the surety is in breach of any of the surety's duties mentioned in section 104, the court —

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

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

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

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

(5) The court may order that any amount forfeited under subsection (4)(*b*) be paid by instalments.

(6) If any amount forfeited under subsection (4)(*b*) is not paid in full, the court may recover the amount unpaid by issuing an order for the attachment of any property, movable or immovable, belonging to the surety —

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

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

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

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

(9) If the amount forfeited under subsection (4)(*b*) is not paid in full and cannot be fully recovered by such attachment and sale, the court may commit to prison the surety for a term not exceeding 12 months.

(10) Any unsatisfied part of the amount forfeited under subsection (4)(*b*) constitutes a judgment debt in favour of the Government, and nothing in this section prevents the Government from recovering it as such.

(11) The court may, on the application of a surety at any time after the surety is ordered to pay the amount forfeited under subsection (4)(*b*), reduce that amount and enforce part-payment only.

[Act 19 of 2018 wef 31/10/2018]

Appeal from orders

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

[Act 19 of 2018 wef 31/10/2018]

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 or 107A in respect of a bond to appear before the High Court or District Court.

[Act 19 of 2018 wef 31/10/2018]

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 an authorised director of any other law enforcement agency or a person of a similar rank; or

[Act 19 of 2018 wef 31/10/2018]

(*c*) any officer of a prescribed law enforcement agency, with the written consent of the head or an authorised director of that law enforcement agency or a person of a similar rank,

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

[Act 19 of 2018 wef 31/10/2018]

(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 an authorised director of any law

enforcement agency or a person of a similar rank, or the head or an authorised director of any prescribed law enforcement agency or a person of a similar rank, as the case may be, to the effect that the prisoner has complied with the requirements to surrender his travel document is sufficient warrant for the Commissioner of Prisons to release the prisoner.

[Act 1 of 2014 wef 01/07/2014]

[Act 19 of 2018 wef 31/10/2018]

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

(*a*) that person has applied under section 113 for the return of that travel document; and

(*b*) that travel document is returned to that person.

[Act 19 of 2018 wef 31/10/2018]

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

[Act 19 of 2018 wef 31/10/2018]

(5) In this section and section 113 —

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

[Act 19 of 2018 wef 31/10/2018]

"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 an authorised director of the law enforcement agency or a person of similar rank, or the head or an authorised director of the prescribed law enforcement agency or a person of a similar rank, as the case may be, for the return of the travel document.

[Act 19 of 2018 wef 31/10/2018]

(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.

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

[Act 19 of 2018 wef 31/10/2018]

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

(6) A representative for the purposes of this section may be appointed by a 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 fine-only offence

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

[Act 19 of 2018 wef 31/10/2018]

Proof of service

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

Issue of warrant instead of or in addition to summons

120. A court in any case in which it is empowered to issue a summons for the appearance of a person may, after recording its reasons in writing, issue a warrant for 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, it must begin the proceeding against the person separately.

[Act 19 of 2018 wef 17/09/2018]

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.

(6A) If the accused is subject to a remission order made under the Prisons Act (Cap. 247) and it is intended to prove the remission order for the purpose of affecting the punishment the court is competent to award, the charge must state —

(*a*) the fact of the remission order; and

(*b*) the remaining duration of the remission order on the date of the offence stated in the charge,

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

[Act 1 of 2014 wef 01/07/2014]

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

(*a*) it is sufficient for the charge —

(i) to specify the gross sum in respect of which the offence is alleged to have been committed without specifying particular items; and

(ii) to specify the dates between which the offence is alleged to have been committed (being a period that does not exceed 12 months) without specifying exact dates; and

(*b*) the charge so framed is deemed to be a charge of one offence.

[Act 19 of 2018 wef 31/10/2018]

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

(*a*) any offence under section 403, 404, 406, 407, 408, 409, 411, 412, 413 or 414 of the Penal Code (Cap. 224);

(*b*) any offence under section 43, 44, 46 or 47 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A);

(*c*) any other offence (being an offence involving property) that is prescribed.

[Act 19 of 2018 wef 31/10/2018]

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

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

(i) the charge —

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

(B) either —

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

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

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

(D) specifies the dates between which all of those incidents are alleged to have occurred, without

specifying the exact date for each particular alleged incident;

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

(iii) the charge so framed does not specify any offence punishable with death; and

(*b*) the charge so framed is deemed to be a charge of one offence.

Illustrations

(*a*) *A* is charged under section 465 of the Penal Code (Cap. 224) with committing forgery by making a false document. By virtue of section 463 of that Code, *A*'s conduct in making the false document is conduct that is an element of the offence that *A* is charged with.

(*b*) *A* is charged under section 325 of the Penal Code with voluntarily causing grievous hurt to *B*. *A*'s conduct in causing grievous hurt to *B* is conduct that is an element of the offence that *A* is charged with.

(*c*) *A* is charged under section 426 of the Penal Code with committing mischief by setting fire to a dustbin, and thereby causing the destruction of the dustbin. By virtue of section 425 of that Code, the destruction of the dustbin is an outcome (caused by *A*'s conduct of setting fire to the dustbin) that is an element of the offence that *A* is charged with.

(*d*) *A* is charged under section 417 of the Penal Code with cheating *B* by deceiving *B*, and thereby intentionally inducing *B* to do a thing which *B* would not do if *B* were not so deceived. By virtue of section 415 of that Code, the thing that *B* is induced to do is an outcome (caused by *A*'s conduct of deceiving *B*) that is an element of the offence that *A* is charged with.

[Act 19 of 2018 wef 31/10/2018]

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

(*a*) where the offence is one that has an identifiable victim, the victim in each alleged incident is the same person or belongs to the same class of persons;

(*b*) all of the alleged incidents involve the employment of the same method or similar methods;

(*c*) all of the alleged incidents occurred in the same place, in similar places, or in places that are located near to each other;

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

[Act 19 of 2018 wef 31/10/2018]

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

[Act 19 of 2018 wef 31/10/2018]

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

[Act 19 of 2018 wef 31/10/2018]

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

(*a*) the court may sentence that person —

(i) in any case where the charge is framed under subsection (2) — to 2 times the amount of punishment to which that person would otherwise have been liable for that offence; or

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

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

[Act 19 of 2018 wef 31/10/2018]

(9) Despite anything to the contrary in this Code, where a Magistrate's Court or District Court would (apart from this section) have jurisdiction and power to try a particular type of offence, and a charge specifying an offence of that type is framed under subsection (2) or (4) — the Magistrate's Court or District Court (as the case may be) —

(*a*) has jurisdiction to hear and determine all proceedings for the offence specified in that charge; and

(*b*) has power to award the full punishment provided under subsection (8) in respect of the offence specified in that charge.

[Act 19 of 2018 wef 31/10/2018]

(10) Subsections (8) and (9) do not apply to a charge framed under subsection (2) or (4) in respect of any act or omission that took place before the date of commencement of section 32 of the Criminal Justice Reform Act 2018.

[Act 19 of 2018 wef 31/10/2018]

When manner of committing offence must be stated

125. If the particulars mentioned in sections 123 and 124 do not give the accused sufficient notice of what 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.

Illustration

A is accused of a theft on one occasion and of causing grievous hurt on another occasion. *A* must be separately charged and separately tried for the theft and causing grievous hurt. However, 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.

(*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, causing 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 (Cap. 224).

(*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.

Acts forming one offence but when combined form different offence

136. If several acts of which one or more than one would by itself or themselves constitute an offence but when combined constitute a different offence, the person accused of them may be charged with and tried at one trial for the offence constituted by those acts when combined or for any offence constituted by any one or more of those acts.

Illustration

A robs *B*, and in doing so voluntarily hurts 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.

Illustration

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. Despite section 143, persons accused of different offences, whether under the same written law or under different written laws, may be charged separately and tried together, if either or both of the following apply:

(*a*) those offences arise from the same series of acts, whether or not those acts form the same transaction;

(*b*) there is any agreement between those persons for each person to engage in conduct from which arises the offence that person is charged with.

Illustrations

(*a*) *A* agrees to let *B* keep 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)(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*), respectively, of the Prevention of Corruption Act (Cap. 241) as the offences arise from the same series of acts.

(*e*) Members of opposing factions in an unlawful assembly or a riot may be separately charged and tried jointly as the offence of unlawful assembly or rioting arises from the same series of acts.

(*f*) *A*, *B* and *C* are present when officers from the Corrupt Practices Investigation Bureau conduct a search of certain premises during an investigation into an offence under the Prevention of Corruption Act. *A* states to the officers that there is no evidence of the offence in those premises, when *A* knows the statement is false. *B* overhears *A*'s statement and, knowing *A*'s statement is false, tells *C* to repeat the same false account to the officers. *A* and *B* are charged separately with an offence under section 28(*b*) of the Prevention of Corruption Act and an offence under section 204A of the Penal Code (Cap. 224), respectively. *A* and *B* may be tried together for those offences, as those offences arise from the same series of acts.

(*g*) *A*, *B* and *C* enter into an agreement for *A* to traffic in a controlled drug, *B* to manage a brothel and *C* to import uncustomed goods, with the profits from these activities to be shared among them. *A*, *B* and *C* are charged separately for an offence under section 5(1)(*a*) of the Misuse of Drugs Act, an offence under section 148(1) of the Women's Charter (Cap. 353) and an offence under section 128F of the Customs Act (Cap. 70), respectively. *A*, *B* and *C* may be tried together for those offences, as there was an agreement between those persons for each person to engage in conduct from which arose the offence that person is charged with.

[Act 19 of 2018 wef 31/10/2018]

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 under subsection (2), and subject to any order of the court setting aside the conviction, the court may proceed with the trial of the charge or charges previously withdrawn.

Outstanding offences

148.—(1) If the accused is found guilty of an offence in any criminal proceedings begun by or on behalf of the Public Prosecutor, the court in determining and passing sentence may, with the consent of the prosecution and the accused, take into consideration any other outstanding offences that the accused admits to have committed.

(2) If the outstanding offences 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 transmission proceedings under Division 5 of Part X have been held in respect of those outstanding offences.

[Act 19 of 2018 wef 17/09/2018]

(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 VIIA

DEFERRED PROSECUTION AGREEMENTS

Interpretation of this Part

149A. In this Part —

"alleged offence" means an offence specified in the Sixth Schedule;

"deferred prosecution agreement" or "DPA" means an agreement entered into between the Public Prosecutor and a person who has been charged with, or whom the Public Prosecutor is considering prosecuting for, an alleged offence, under which —

(*a*) the person agrees to comply with the requirements imposed on the person by the agreement; and

(*b*) the Public Prosecutor agrees that, upon the approval of the agreement by the High Court under section 149F, sections 149C and 149I apply in relation to the prosecution of the person for the alleged offence;

"give public notice", in relation to a matter, means to cause a notice of the matter to be published in the *Gazette*;

"subject" means a person who enters into a DPA with the Public Prosecutor.

[Act 19 of 2018 wef 31/10/2018]

Entering into DPA, etc.

149B.—(1) A DPA may be entered into in respect of any alleged offence, whether alleged to have been committed before, on or after the date of commencement of section 35 of the Criminal Justice Reform Act 2018.

(2) A DPA in respect of an alleged offence —

(*a*) may be entered into before, on or after the date on which a subject is charged with the alleged offence; but

(*b*) cannot be entered into after the commencement of the trial for that alleged offence.

(3) One DPA may be entered into in respect of 2 or more different alleged offences.

(4) A person may choose whether to enter into a DPA with the Public Prosecutor.

(5) Before a DPA is in force, any party to the DPA may withdraw from any negotiation concerning the DPA, from the DPA itself, and from any proceeding under section 149F relating to the DPA, without giving any reason for the withdrawal.

[Act 19 of 2018 wef 31/10/2018]

Effect of DPA on court proceedings while DPA is in force

149C. After a DPA is entered into between the Public Prosecutor and a subject in respect of an alleged offence, the following apply:

(*a*) if the subject has been charged with the alleged offence, the subject is deemed to have been granted a discharge not amounting to an acquittal in relation to the alleged offence, when the DPA comes into force;

(*b*) while the DPA is in force, the subject cannot be prosecuted for the alleged offence in any criminal proceedings;

(*c*) while the DPA is in force, any limitation period or time limit for the commencement of any of the following matters is suspended:

(i) the prosecution of the alleged offence;

(ii) any civil penalty action in respect of the alleged offence;

(iii) any proceedings for an order for disgorgement of a benefit derived from the alleged offence;

(iv) any proceedings for the confiscation of any property that —

(A) is used, or intended to be used, for the commission of the alleged offence; or

(B) constitutes a benefit derived from the alleged offence;

(v) any disciplinary proceedings, or other proceedings relating to the imposition of any regulatory measure, under any written law, that arise from the facts of the alleged offence.

[Act 19 of 2018 wef 31/10/2018]

Persons who may enter into DPA with Public Prosecutor

149D.—(1) A subject may be a body corporate, a limited liability partnership, a partnership or an unincorporated association, but cannot be an individual.

(2) In the case of a DPA between the Public Prosecutor and a partnership —

(*a*) the DPA must be entered into in the name of the partnership (and not in the name of any of the partners); and

(*b*) any money payable under the DPA must be paid out of the funds of the partnership.

(3) In the case of a DPA between the Public Prosecutor and an unincorporated association —

(*a*) the DPA must be entered into in the name of the association (and not in the name of any of its members); and

(*b*) any money payable under the DPA must be paid out of the funds of the association.

(4) A subject must be represented by an advocate at the time the subject enters into a DPA.

[Act 19 of 2018 wef 31/10/2018]

Content of DPA

149E.—(1) A DPA must contain —

(*a*) a charge or draft charge (prepared by the Public Prosecutor) relating to the alleged offence; and

(*b*) a statement of facts relating to the alleged offence, which may include admissions made by the subject that enters into the DPA.

(2) A DPA must specify a date (called in this Part the expiry date) on which the DPA ceases to have effect if the DPA is not already terminated under section 149G.

(3) The requirements that a DPA may impose on the subject that enters into the DPA include, but are not limited to, the following requirements:

(*a*) to pay to the Public Prosecutor a financial penalty;

(*b*) to compensate victims of the alleged offence;

(*c*) to donate money to a charity or any other third party;

(*d*) to disgorge any profits made by the subject from the alleged offence;

(*e*) to implement a compliance programme, or make changes to an existing compliance programme, relating to the subject's policies or to the training of the subject's employees or both;

(*f*) to appoint a person —

(i) to assess and monitor the subject's internal controls;

(ii) to advise the subject, and the Public Prosecutor, of any improvements to the subject's compliance programme that are necessary, or that will reduce the risk of a recurrence of any conduct prohibited by the DPA; and

(iii) to report to the Public Prosecutor any misconduct in the implementation of the subject's compliance programme or internal controls;

(*g*) to cooperate in —

(i) any investigation relating to the alleged offence; and

(ii) any investigation relating to any possible offence, committed by any officer, employee or agent of the

subject, that arises from the same or substantially the same facts as the alleged offence;

(*h*) to pay any reasonable costs of the Public Prosecutor in relation to the alleged offence or the DPA.

(4) A DPA may impose time limits within which the subject of the DPA must comply with the requirements imposed on the subject.

(5) A DPA may include a term setting out the consequences of a failure by the subject of the DPA to comply with any of its terms.

[Act 19 of 2018 wef 31/10/2018]

Court approval of DPA

149F.—(1) When the Public Prosecutor and the subject have agreed on the terms of a DPA, the Public Prosecutor must apply by criminal motion to the High Court for a declaration (called in this section the relevant declaration) that —

(*a*) the DPA is in the interests of justice; and

(*b*) the terms of the DPA are fair, reasonable and proportionate.

(2) At the hearing of an application under subsection (1) —

(*a*) the Public Prosecutor and the subject may submit on the application jointly or separately; and

(*b*) the High Court may —

(i) make the relevant declaration;

(ii) refuse the application; or

(iii) adjourn the hearing of the application —

(A) for the Public Prosecutor and the subject to amend the DPA; or

(B) for any other reason.

(3) A DPA comes into force only when the High Court approves the DPA by making the relevant declaration.

(4) An application under subsection (1) must be heard and dealt with in camera.

(5) Upon the High Court making a relevant declaration, the Public Prosecutor must give public notice of the following, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the High Court under section 149J(1) or (2):

(*a*) the DPA to which the relevant declaration relates;

(*b*) the relevant declaration;

(*c*) if any reasons are given by the High Court for its decision to make the relevant declaration, those reasons.

(6) A refusal by the High Court of an application under subsection (1) in respect of a DPA entered into between the Public Prosecutor and a subject in respect of an alleged offence, does not prevent the Public Prosecutor from making another application under that subsection, for a relevant declaration in respect of a different DPA entered into with the same subject in respect of the same alleged offence.

[Act 19 of 2018 wef 31/10/2018]

Breach of DPA

149G.—(1) If the Public Prosecutor believes that the subject that entered into a DPA has failed to comply with the terms of the DPA, the Public Prosecutor may make an application to the High Court under this section.

(2) On an application under subsection (1), the Public Prosecutor must prove, on a balance of probabilities, that the subject that entered into a DPA has failed to comply with the terms of the DPA.

(3) If the High Court is satisfied that the subject that entered into a DPA has failed to comply with the terms of the DPA, the High Court must terminate the DPA.

(4) Where the High Court decides that the subject that entered into a DPA did not fail to comply with the terms of the DPA, the Public Prosecutor must give public notice of the following, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the High Court under section 149J(1) or (2):

(*a*) the decision of the High Court;

(*b*) if any reasons are given by the High Court for that decision, those reasons.

(5) Where the High Court terminates a DPA under subsection (3), the Public Prosecutor must give public notice of the following, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the High Court under section 149J(1) or (2):

(*a*) the fact that the DPA has been terminated by the High Court following a failure by the subject that entered into the DPA to comply with the terms of the DPA;

(*b*) if any reasons are given by the High Court for its decisions under subsections (2) and (3), those reasons.

(6) Where the High Court terminates a DPA under subsection (3), the subject —

(*a*) is not entitled to recover any money that the subject had paid, before the termination, pursuant to any requirement imposed by the DPA; and

(*b*) is not entitled to any relief for any detriment caused to the subject by the subject's compliance with the terms of the DPA before the termination.

[Act 19 of 2018 wef 31/10/2018]

Variation of terms of DPA

149H.—(1) At any time when a DPA is in force, the Public Prosecutor and the subject that entered into the DPA may agree to vary the terms of the DPA.

(2) When the Public Prosecutor and the subject that entered into a DPA have agreed to vary the terms of the DPA, the Public Prosecutor must apply by criminal motion to the High Court for a declaration (called in this section the relevant declaration) that —

(*a*) the variation is in the interests of justice; and

(*b*) the terms of the DPA as varied are fair, reasonable and proportionate.

(3) A variation of the terms of a DPA only takes effect when the High Court approves the variation by making the relevant declaration.

(4) Where the High Court decides to approve the variation, the Public Prosecutor must give public notice of the following, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the High Court under section 149J(1) or (2):

(*a*) the DPA as varied;

(*b*) the relevant declaration;

(*c*) if any reasons are given by the High Court for its decision to make the relevant declaration, those reasons.

(5) Where the High Court decides not to approve the variation, the Public Prosecutor must give public notice of the following, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the High Court under section 149J(1) or (2):

(*a*) the decision of the High Court;

(*b*) if any reasons are given by the High Court for that decision, those reasons.

[Act 19 of 2018 wef 31/10/2018]

Expiry of DPA

149I.—(1) If a DPA in respect of an alleged offence remains in force until its expiry date, then after the DPA has expired —

(*a*) the Public Prosecutor must —

(i) give written notice to the High Court that the Public Prosecutor does not intend to prosecute the subject for the alleged offence; and

(ii) give public notice that the Public Prosecutor has given that written notice to the High Court, unless the Public Prosecutor is prohibited from doing so by or under any written law or by an order of the High Court under section 149J(1) or (2); and

(*b*) except as provided in subsection (2), the subject cannot be prosecuted for the alleged offence after the Public Prosecutor gives that written notice to the High Court.

(2) Despite subsection (1), the Public Prosecutor may initiate new criminal proceedings against the subject that entered into a DPA in respect of the alleged offence in that DPA, if the Public Prosecutor finds (whether before, on or after the expiry date of the DPA) that during the course of the negotiations for the DPA (including any variation of the terms of the DPA that is approved by the High Court under section 149H) —

(*a*) the subject provided inaccurate, misleading or incomplete information to the Public Prosecutor; and

(*b*) the subject knew or ought to have known that the information was inaccurate, misleading or incomplete.

(3) Where —

(*a*) a DPA is entered into between the Public Prosecutor and a subject in respect of an alleged offence;

(*b*) the subject is deemed under section 149C(*a*) to have been granted a discharge not amounting to an acquittal in relation to the alleged offence; and

(*c*) the DPA remains in force until its expiry date,

after the DPA has expired, the High Court may, on the application of the Public Prosecutor, grant the subject a discharge amounting to an acquittal in relation to the alleged offence.

(4) For the purposes of subsections (1) and (3), a DPA is not to be treated as having expired if an application by the Public Prosecutor under section 149G, about an alleged failure by the subject that entered into the DPA to comply with the terms of the DPA, is pending on the expiry date of the DPA.

(5) In the case mentioned in subsection (4) —

(*a*) if the High Court decides that the subject did not fail to comply with the terms of the DPA, the DPA is to be treated as expiring when the application under section 149G is decided; or

(*b*) if the High Court terminates the DPA —

(i) the DPA is to be treated as not having remained in force until its expiry date; and

(ii) therefore, subsections (1) and (3) do not apply.

[Act 19 of 2018 wef 31/10/2018]

Publication of information

149J.—(1) The High Court may postpone the giving of public notice under section 149F(5), 149G(4) or (5), 149H(4) or (5) or 149I(1)(*a*)(ii) for such period as the High Court considers necessary, if it appears to the High Court that the postponement is necessary to avoid substantial risk of prejudice to the administration of justice in —

(*a*) any legal proceedings;

(*b*) any investigation under this Code; or

(*c*) any criminal investigation under any other written law.

(2) In any proceedings under this Part, the High Court may, if satisfied that it is expedient in the interests of justice, public safety, public security or propriety, or for other sufficient reason, to do so, make either or both of the following orders:

(*a*) an order that any information, which is contained in any court document intended to be produced before the court, be removed or be sufficiently redacted;

(*b*) an order that no person is to publish any such information, or do any other act that is likely to lead to the publication of any such information.

(3) Any person who does any act in contravention of an order under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 3 years or to both.

[Act 19 of 2018 wef 31/10/2018]

Use of material in criminal proceedings

149K.—(1) Subsections (2) and (3) apply where a DPA in respect of an alleged offence is approved by the High Court under section 149F.

(2) The statement of facts contained in the DPA is, in any criminal proceedings brought against the subject for the alleged offence, to be treated as an admission by the subject under section 267.

(3) However, the admission mentioned in subsection (2) cannot be withdrawn by the subject under section 267(4).

(4) Subsections (5) and (6) apply where the Public Prosecutor and a subject have entered into negotiations for a DPA in respect of an alleged offence, but the DPA has not been approved by the High Court under section 149F.

(5) The material described in subsection (6) may be used in evidence against the subject only —

(*a*) on a prosecution for an offence consisting of the provision of inaccurate, misleading or incomplete information; or

(*b*) on a prosecution for some other offence, if both of the following apply:

(i) in giving evidence, the subject makes a statement that is not consistent with the material;

(ii) evidence relating to the material is adduced, or a question relating to the material is asked, by or on behalf of the subject in the proceedings arising out of the prosecution.

(6) For the purposes of subsection (5), the material is either or both of the following:

(*a*) material that shows that the subject entered into negotiations for a DPA, including, in particular —

(i) any draft of the DPA;

(ii) any draft of a statement of facts intended to be included within the DPA; and

(iii) any statement indicating that the subject entered into such negotiations;

(*b*) material that was created solely for the purpose of preparing the DPA or statement of facts.

(7) Any material or information obtained by the Public Prosecutor in the course of negotiations for a DPA or proceedings under this Part (other than the material described in subsection (6)) may, if determined (in accordance with the rules of evidence under written law and any relevant rules of law) to be admissible in evidence, be used against the subject that enters into the DPA or any other person in any criminal proceedings relating to any offence.

[Act 19 of 2018 wef 31/10/2018]

Money received by prosecutor under DPA

149L. Any money received by the Public Prosecutor under any of the following terms of a DPA must be paid into the Consolidated Fund:

(*a*) a term requiring the subject that enters into the DPA to pay a financial penalty to the Public Prosecutor;

(*b*) a term requiring the subject that enters into the DPA to disgorge any profits made by the subject from the alleged offence.

[Act 19 of 2018 wef 31/10/2018]

Appeals from certain decisions under this Part

149M.—(1) The following decisions of the High Court under this Part are appealable:

(*a*) a decision, on an application under section 149F(1), not to approve a DPA;

(*b*) a decision, on an application under section 149G(1), that the subject that entered into a DPA has failed to comply with the terms of the DPA;

(*c*) a decision, on an application under section 149G(1), that the subject that entered into a DPA did not fail to comply with the terms of the DPA;

(*d*) a decision, on an application under section 149H(2), not to approve a variation of the terms of a DPA.

(2) An appeal against a decision mentioned in subsection (1)(*a*) or (*d*) may only be made by the Public Prosecutor.

(3) An appeal against a decision mentioned in subsection (1)(*b*) or (*c*) may be made by the Public Prosecutor or the subject concerned.

(4) An appeal against a decision mentioned in subsection (1)(*a*) must be heard and dealt with in camera.

(5) A refusal by the Court of Appeal, on an appeal against a decision mentioned in subsection (1)(*a*), to approve a DPA entered into between the Public Prosecutor and a subject in respect of an alleged offence, does not prevent the Public Prosecutor from making another application under section 149F(1), for the approval of a different DPA entered into with the same subject in respect of the same alleged offence.

[Act 19 of 2018 wef 31/10/2018]

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 (Cap. 49A) 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.—(1) The following apply where an accused does not appear at the time and place mentioned in the summons or notice to attend court:

(*a*) the court may proceed ex parte to hear and determine the complaint if —

(i) the court is satisfied on oath that —

(A) the summons or notice was duly served on the accused at least 7 days (or such shorter period as the court may consider reasonable in a particular case) before the time appointed in the summons or notice for appearing; and

(B) the accused was notified, when the summons or notice was served on the accused, that the court may hear and determine the complaint in the absence of the accused, if the accused fails

to appear at the time and place mentioned in the summons or notice; and

(ii) no sufficient ground is shown for an adjournment;

(*b*) unless the court proceeds ex parte under paragraph (*a*) to hear and determine the complaint, the court must postpone the hearing to a future day.

(2) Where the court has proceeded ex parte under subsection (1)(*a*) to hear and determine the complaint, the accused may apply to the court to declare the ex parte proceedings to be void.

(3) The court can and must make a declaration that the ex parte proceedings are void only if the accused proves, on a balance of probabilities, that —

(*a*) the accused was unaware of both of the following until after the ex parte proceedings began:

(i) the summons or notice to attend court;

(ii) the ex parte proceedings; and

(*b*) the accused made the application under subsection (2) within 21 days after the date on which the accused first knew of either of the following:

(i) the summons or notice to attend court;

(ii) the ex parte proceedings.

(4) Subsections (2) and (3) do not apply to an accused body corporate, limited liability partnership, partnership or unincorporated association that —

(*a*) does not appear at the time and place mentioned in the summons or notice to attend court; or

(*b*) fails to comply with the legal formalities relating to the appointment of a representative who purports to appear for the accused body corporate, limited liability partnership, partnership or unincorporated association at the time and place mentioned in the summons or notice to attend court.

(5) The accused is not discharged by a declaration made under subsection (3).

(6) Subsections (2) and (3) do not affect any right to appeal against any decision made by the court in the ex parte proceedings.

[Act 19 of 2018 wef 31/10/2018]

PART IX

PRE-TRIAL PROCEDURES IN THE STATE COURTS

[Act 5 of 2014 wef 07/03/2014]

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 defence, on or before the date of the first criminal case disclosure conference fixed by a court under section 161(1), or such other date to which the first criminal case disclosure conference is adjourned under section 238, informs the court that the accused does not wish to have the criminal case disclosure procedures apply.

[Act 19 of 2018 wef 17/09/2018]

(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 defence 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.

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

When Case for the Prosecution is served

161.—(1) In a case where the criminal case disclosure procedures apply by virtue of section 159, and on the date the accused is asked by the court how 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 defence does not indicate that the accused wishes to plead guilty to the charge, the prosecution must file in court the Case for the Prosecution and serve a copy of this on the accused and every co-accused, if any, not later than 2 weeks from the date of the first criminal case disclosure conference or such date to which the first criminal case disclosure conference is adjourned.

[Act 19 of 2018 wef 17/09/2018]

(3) Where at a criminal case disclosure conference, the defence indicates that the accused wishes to claim trial to more than one charge, the Case for the Prosecution to be served under subsection (2) shall only relate to those charges that the prosecution intends to proceed with at the trial.

[Act 19 of 2018 wef 17/09/2018]

(4) The court may at any time fix a date for a further criminal case disclosure conference not earlier than 7 days from the date the Case for the Prosecution is to be filed under this section.

Contents of Case for the Prosecution

162.—(1) The Case for the Prosecution must contain —

(*a*) the charge which the prosecution intends to proceed with at the trial;

(*b*) a summary of the facts in support of the charge;

(*c*) a list of the names of the witnesses for the prosecution;

(*d*) a list of the exhibits that are intended by the prosecution to be admitted at the trial;

[Act 19 of 2018 wef 17/09/2018]

(*e*) any written statement made by the accused at any time and recorded by an officer of a law enforcement agency under any law, which the prosecution intends to adduce in evidence as part of the case for the prosecution;

[Act 19 of 2018 wef 17/09/2018]

(*f*) a list of every statement, made by the accused at any time to an officer of a law enforcement agency under any law, that is recorded in the form of an audiovisual recording,

and that the prosecution intends to adduce in evidence as part of the case for the prosecution; and

[Act 19 of 2018 wef 17/09/2018]

(*g*) for every statement mentioned in paragraph (*f*), a transcript (if any) of the audiovisual recording of that statement.

Illustrations

(*a*) *A* is charged with theft of a shirt from a shop. The summary of facts should state the facts in support of the charge, for example, that *A* was seen taking a shirt in the shop and putting it into 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 written 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.

[Act 19 of 2018 wef 17/09/2018]

[Act 19 of 2018 wef 17/09/2018]

(2) Where the Case for the Prosecution has been served on the defence, the prosecution must, if requested by the defence, arrange for the defence to view the audiovisual recording of each statement mentioned in subsection (1)(*f*) at a police station or at any other prescribed place.

[Act 19 of 2018 wef 17/09/2018]

When Case for the Defence is served

163.—(1) At the further criminal case disclosure conference held on the date mentioned in section 161(4), or such other date to which the further criminal case disclosure conference has been adjourned under section 238, if the defence does not indicate that the accused wishes to plead guilty, the defence must —

(*a*) file in court the Case for the Defence; and

(*b*) serve a copy of that Case on the prosecution and on every co-accused who is claiming trial with the accused (if any),

not later than 2 weeks after the date on which the further criminal case disclosure conference is held.

[Act 19 of 2018 wef 17/09/2018]

(2) The court may at any time fix a date for a further criminal case disclosure conference which is to be held after the Case for the Defence is to be filed under subsection (1) and after the prosecution is to serve on the defence copies of the statements, exhibits and records referred to in section 166(1).

[Act 19 of 2018 wef 17/09/2018]

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 1

A is charged with robbery. The summary should state the nature of the defence, the facts on which it is based (for example, that the victim gave the items to *A* voluntarily) and any issue of law which *A* intends to rely on (for example, that *A*'s act did not amount to robbery as the elements of that offence were not made out, or that a general exception in Chapter IV of the Penal Code (Cap. 224) applied in this case).

Illustration 2

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 after the date on which the Case for the Defence is served, serve on the defence copies of —

(*a*) every other written statement given by the accused and recorded by an officer of a law enforcement agency under any law in relation to the charge or charges which the prosecution intends to proceed with at the trial;

[Act 19 of 2018 wef 17/09/2018]

(*aa*) for every other statement given by the accused and recorded, in the form of an audiovisual recording, by an officer of a law enforcement agency under any law in relation to the charge or charges that the prosecution intends to proceed with at the trial, a transcript (if any) of the audiovisual recording of that statement;

[Act 19 of 2018 wef 17/09/2018]

(*b*) each documentary exhibit mentioned in section 162(1)(*d*); and

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

(2) Where the documents mentioned in subsection (1) have been served on the defence, the prosecution must, if requested by the defence, arrange for the defence to view the audiovisual recording of each statement mentioned in subsection (1)(*aa*) at a police station or at any other prescribed place.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) need not serve on the defence any written statement, exhibit, transcript or record mentioned in subsection (1);

(*b*) need not arrange for the viewing mentioned in subsection (2) of the audiovisual recording of any statement mentioned in subsection (1)(*aa*); and

(*c*) may use any such statement, exhibit, transcript, record or audiovisual recording at the trial.

[Act 19 of 2018 wef 17/09/2018]

(4) Where the Case for the Defence has been served on the prosecution, the defence must, within 2 weeks after the date on which the Case for the Defence is served, serve on the prosecution a copy of each documentary exhibit that is set out in the list mentioned in section 165(1)(*c*) and is in the possession, custody or power of the accused.

[Act 19 of 2018 wef 17/09/2018]

(5) The obligations of the prosecution under subsections (1) and (2) and the obligation of the defence under subsection (4) are independent of each other.

[Act 19 of 2018 wef 17/09/2018]

Fixing dates for trial

167. If, at the further criminal case disclosure conference held on the date referred to in section 163(2), the defence does not indicate

that the accused wishes to plead guilty, the court may fix a date for trial.

[Act 19 of 2018 wef 17/09/2018]

If co-accused charged subsequently

168. If, subsequent to any criminal case disclosure conference held under this Division in relation to an accused, a co-accused is charged, the court may do all or any of the following:

(*a*) order the prosecution to serve on the co-accused the Case for the Prosecution in relation to the accused;

(*b*) order the accused to serve on the co-accused 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 defence, or the defence fails to serve the Case for the Defence after the Case for the Prosecution has been served on the defence;

[Act 19 of 2018 wef 17/09/2018]

(*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;

[Act 19 of 2018 wef 17/09/2018]

(*ba*) the prosecution fails to serve on the defence any copy of a statement, transcript, documentary exhibit or criminal record that the prosecution is required under section 166(1) to serve on the defence;

[Act 19 of 2018 wef 17/09/2018]

(*bb*) the defence fails to serve on the prosecution a copy of each documentary exhibit that is set out in the list mentioned in section 165(1)(*c*) and is in the possession, custody or power of the accused; or

[Act 19 of 2018 wef 17/09/2018]

(*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) A court may order a discharge not amounting to an acquittal in relation to a charge that the prosecution intends to proceed with at trial, if —

(*a*) the prosecution fails to serve the Case for the Prosecution in respect of that charge within the time permitted under section 161;

(*b*) the Case for the Prosecution does not contain any or any part of the items specified in section 162; or

(*c*) the prosecution fails to serve on the defence, within the time permitted under section 166(1), any copy of a statement, transcript, documentary exhibit or criminal record that the prosecution is required under that provision to serve on the defence.

[Act 19 of 2018 wef 17/09/2018]

Division 4 — Where criminal case disclosure procedures do not apply

Court to try accused or transfer case

170. In a case where the criminal case disclosure procedures do not apply by virtue of section 159, and on the date the accused is asked by the court how 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 section 217;

[Act 19 of 2018 wef 17/09/2018]

"Case for the Prosecution" means the document by that name referred to in section 214;

[Act 19 of 2018 wef 17/09/2018]

"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 accordance with section 238.

[2/2012]

Procedure for cases to be tried in High Court

175. The transmission procedures under Division 5 apply to every offence that is to be tried in the High Court.

[Act 19 of 2018 wef 17/09/2018]

[*Repealed by Act 19 of 2018 wef 17/09/2018*]

[*Repealed by Act 19 of 2018 wef 17/09/2018*]

[*Repealed by Act 19 of 2018 wef 17/09/2018*]

Division 5 — Transmission proceedings

Transmission of case to High Court

210.—(1) Where the Public Prosecutor is of the opinion that an offence must or ought to be tried in the High Court, the Public Prosecutor must, by fiat in writing signed by the Public Prosecutor, designate the High Court to try the offence.

[Act 19 of 2018 wef 17/09/2018]

(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.

(3) To avoid doubt, a Magistrate's Court can continue to exercise powers under Division 5 of Part VI in relation to a case that has been transmitted under subsection (2) to the High Court for the purpose of trial.

[Act 19 of 2018 wef 17/09/2018]

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.

When criminal case disclosure procedures apply

211A.—(1) The criminal case disclosure procedures in this Division apply to any offence —

(*a*) that must be tried in the High Court; or

(*b*) that —

(i) is set out in a written law specified in the Second Schedule; and

(ii) the Public Prosecutor designates the High Court to try.

(2) The criminal case disclosure procedures in this Division also apply to any offence that is to be tried in the High Court, but is not mentioned in subsection (1), if all parties consent to have those procedures apply to that offence.

[Act 19 of 2018 wef 17/09/2018]

Procedure after case has been transmitted to High Court

212.—(1) Where the criminal case disclosure procedures in this Division apply by virtue of section 211A, after the case has been transmitted to the High Court, the prosecution and the defence 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.

[Act 19 of 2018 wef 17/09/2018]

(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 the defence informs the Registrar of the Supreme Court during any criminal case disclosure conference conducted under this

Division that the accused intends to plead guilty to the charge, the Registrar must fix a date for the accused's plea to be taken in accordance with Division 3 of Part XI.

[Act 19 of 2018 wef 17/09/2018]

When Case for the Prosecution is served

213.—(1) If, at the first criminal case disclosure conference held on the date referred to in section 212(1), or on such other date to which the first criminal case disclosure conference has been adjourned under section 238, the defence does not indicate that the accused wishes to plead guilty to the charge, the prosecution must file in the 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.

[Act 19 of 2018 wef 17/09/2018]

(2) Where at a criminal case disclosure conference, the defence indicates that the accused wishes to claim trial to more than one charge, the Case for the Prosecution to be served under subsection (1) shall only relate to those charges that the prosecution intends to proceed with at the trial.

[Act 19 of 2018 wef 17/09/2018]

(3) The Registrar of the Supreme Court may at any time fix a date for a further criminal case disclosure conference not earlier than 7 days from the date the Case for the Prosecution is to be filed under this section.

Contents of Case for the Prosecution

214.—(1) The Case for the Prosecution must contain the following:

(*a*) a copy of the charge which the prosecution intends to proceed with at the trial;

(*b*) a list of the names of the witnesses for the prosecution;

(*c*) a list of exhibits that are intended by the prosecution to be admitted at the trial;

(*d*) the statements of the witnesses under section 264 that are intended by the prosecution to be admitted at the trial;

[Act 19 of 2018 wef 17/09/2018]

(*e*) any written statement made by the accused at any time and recorded by an officer of a law enforcement agency under any law, which the prosecution intends to adduce in evidence as part of the case for the prosecution;

[Act 19 of 2018 wef 17/09/2018]

(*f*) a list of every statement, made by the accused at any time to an officer of a law enforcement agency under any law, that is recorded in the form of an audiovisual recording, and that the prosecution intends to adduce in evidence as part of the case for the prosecution;

[Act 19 of 2018 wef 17/09/2018]

(*g*) for every statement mentioned in paragraph (*f*), a transcript (if any) of the audiovisual recording of that statement.

[Act 19 of 2018 wef 17/09/2018]

[Act 19 of 2018 wef 17/09/2018]

(2) Where the Case for the Prosecution has been served on the defence, the prosecution must, if requested by the defence, arrange for the defence to view the audiovisual recording of each statement mentioned in subsection (1)(*f*) at a police station or at any other prescribed place.

[Act 19 of 2018 wef 17/09/2018]

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 defence does not indicate that the accused 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 the accused, if any, not later than 2 weeks from the date of the further criminal case disclosure conference; or

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

(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 further 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 1

A is charged with robbery. The summary should state the nature of the defence, the facts on which it is based (for example, that the victim gave the items to *A*

voluntarily) and any issue of law which *A* intends to rely on (for example, that *A*'s act did not amount to robbery as the elements of that offence were not made out, or that a general exception in Chapter IV of the Penal Code (Cap. 224) applied in this case).

Illustration 2

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, etc.

218.—(1) After the Case for the Defence has been served on the prosecution, the prosecution must, within 2 weeks after the date on which the Case for the Defence is served, serve on the defence copies of —

(*a*) every other written statement given by the accused and recorded by an officer of a law enforcement agency under any law in relation to the charge or charges which the prosecution intends to proceed with at the trial;

[Act 19 of 2018 wef 17/09/2018]

(*aa*) for every other statement given by the accused and recorded, in the form of an audiovisual recording, by an officer of a law enforcement agency under any law in relation to the charge or charges that the prosecution intends to proceed with at the trial, a transcript (if any) of the audiovisual recording of that statement; and

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

(2) Where the documents mentioned in subsection (1) have been served on the defence, the prosecution must, if requested by the defence, arrange for the defence to view the audiovisual recording of each statement mentioned in subsection (1)(*aa*) at a police station or at any other prescribed place.

[Act 19 of 2018 wef 17/09/2018]

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

(*a*) need not serve on the defence any written statement, transcript or record mentioned in subsection (1);

(*b*) need not arrange for the viewing mentioned in subsection (2) of the audiovisual recording of any statement mentioned in subsection (1)(*aa*); and

(*c*) may use any such statement, transcript, record or audiovisual recording at the trial.

[Act 19 of 2018 wef 17/09/2018]

(4) Where the Case for the Defence has been served on the prosecution, the defence must, within 2 weeks after the date on which the Case for the Defence is served, serve on the prosecution a copy of each documentary exhibit that is set out in the list mentioned in section 217(1)(*c*) and is in the possession, custody or power of the accused.

[Act 19 of 2018 wef 17/09/2018]

(5) The obligations of the prosecution under subsections (1) and (2) and the obligation of the defence under subsection (4) are independent of each other.

[Act 19 of 2018 wef 17/09/2018]

Fixing dates for trial

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

[Act 19 of 2018 wef 17/09/2018]

If co-accused charged subsequently

220. If, subsequent to any criminal case disclosure conference held under this Division in relation to an accused, a co-accused is charged, the Registrar of the Supreme Court may do all or any of the following:

(*a*) order the prosecution to serve on the co-accused the Case for the Prosecution in relation to the accused;

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

Pre-trial conference

220A. Regardless whether the criminal case disclosure procedures in this Division apply by virtue of section 211A, the Registrar of the Supreme Court may, at any time, fix the date for and conduct a pre-trial conference to settle any administrative matter in relation to a trial.

[Act 19 of 2018 wef 17/09/2018]

Division 6 — Non-compliance with certain requirements in Division 5

Consequences of non-compliance with certain requirements in Division 5

221. The court may draw such inference as it thinks fit if —

(*a*) the Case for the Prosecution or the Case for the Defence does not contain any or any part of the items specified in section 214 or 217(1), respectively;

[Act 19 of 2018 wef 17/09/2018]

(*aa*) the prosecution fails to serve on the defence any copy of a statement, transcript or criminal record that the prosecution is required under section 218(1) to serve on the defence;

[Act 19 of 2018 wef 17/09/2018]

(*ab*) the defence fails to serve on the prosecution a copy of each documentary exhibit that is set out in the list mentioned in section 217(1)(*c*) and is in the possession, custody or power of the accused; or

[Act 19 of 2018 wef 17/09/2018]

(*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 and 214;

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

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 State Courts or the Registrar of the Supreme Court, as the case may be, conducting a criminal case disclosure conference under Part IX or X.

[Act 5 of 2014 wef 07/03/2014]

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 and 214;

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

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

[Act 19 of 2018 wef 17/09/2018]

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.

Restrictions on use of material disclosed by prosecution

225A.—(1) Where the prosecution discloses (whether before, on or after the date of commencement of section 60 of the Criminal Justice Reform Act 2018) any material to the accused or the accused's advocate (if any) for the purposes of any criminal proceedings —

(*a*) that material may be disclosed, for the purposes of those criminal proceedings, to any co-accused in those criminal proceedings, or to the advocate (if any) of any such co-accused, by any of the following persons:

(i) the accused;

(ii) the accused's advocate (if any);

(iii) any other co-accused or advocate to whom that material was disclosed under this paragraph; and

(*b*) on and after the date of commencement of section 60 of the Criminal Justice Reform Act 2018, each of the following persons is deemed to give an undertaking to the court not to use that material for any purpose (other than the purposes of those criminal proceedings) without the permission of the Public Prosecutor:

(i) the accused;

(ii) the accused's advocate (if any);

(iii) any co-accused or advocate to whom that material is disclosed under paragraph (*a*).

(2) Subsection (1) applies regardless whether the material is disclosed by the prosecution voluntarily or pursuant to any written law or rule of law or any order of court.

(3) The undertaking in subsection (1)(*b*) ceases to apply to that material after that material is adduced as evidence in court in those criminal proceedings.

[Act 19 of 2018 wef 17/09/2018]

Mode of disclosing statement recorded in form of audiovisual recording

225B.—(1) This section applies where any rule of law requires the prosecution to disclose to the defence any statement made by a person examined under section 22 that is recorded in the form of an audiovisual recording.

(2) The prosecution is not required to produce either of the following to the defence:

(*a*) the audiovisual recording of the statement;

(*b*) a copy of that audiovisual recording.

(3) The prosecution must, if requested by the defence, arrange for the defence to view the audiovisual recording of the statement at a police station or at any other prescribed place.

[Act 19 of 2018 wef 17/09/2018]

Division 2 — When accused pleads guilty electronically

Pleading guilty electronically

226.—(1) A person who is accused of a prescribed offence and is a prescribed person under subsection (7)(*b*) may plead guilty electronically to that offence by paying the fine and any prescribed fee under subsection (7)(*c*) in accordance with this section.

(2) To plead guilty electronically, the accused must —

(*a*) enter a plea of guilty at a computer terminal designated by the Registrar of the State Courts for that purpose within the prescribed time; and

[Act 5 of 2014 wef 07/03/2014]

(*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 State Courts must, within a reasonable time after the accused has entered the plea and paid the fine, send to the supervising Magistrate a record of the guilty plea and of the fine paid.
[Act 5 of 2014 wef 07/03/2014]

(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, etc.

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 evidence is led by the prosecution to prove its case at the trial.

[Act 19 of 2018 wef 17/09/2018]

(4) Where a case is transmitted for trial in the High Court under Division 5 of Part X, the court may order the parties to the case to attend a criminal case disclosure conference for the purpose of settling the matters mentioned in section 212, and the criminal case

disclosure procedures in Division 5 of Part X apply, with the necessary modifications, in relation to the case, if —

(*a*) either of the following applies:

(i) the accused is charged with an offence mentioned in section 211A(1);

(ii) the accused is charged with any other offence that is to be tried in the High Court, and all parties consent to have those procedures apply to that offence;

(*b*) a date is fixed for a plea of guilty to be taken from the accused; and

(*c*) on that date, the accused refuses to plead, does not plead or claims trial.

[Act 19 of 2018 wef 17/09/2018]

(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.

[Act 4 of 2014 wef 10/03/2014]

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 to further prosecute at any stage of trial

232.—(1) At any stage of any proceedings in court —

(*a*) before an accused is acquitted of any charge; or

(*b*) where an accused has been convicted of any charge but before 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 State Courts, any Magistrate's Court or District Court, as the case may be, may grant the accused a discharge amounting to an acquittal on the application of the Public Prosecutor.

[Act 5 of 2014 wef 07/03/2014]

(4) Where an accused had previously been granted a discharge not amounting to an acquittal by a Magistrate's Court or District Court in relation to an offence triable in the 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.

(7) Despite subsection (1), where a statement made by a person is recorded in the form of an audiovisual recording, if a court considers that the production of the audiovisual recording is necessary or desirable for the purposes of any inquiry, trial or other proceeding under this Code by or before the court, the court may only order the prosecution to do either or both of the following:

(*a*) to produce the audiovisual recording in court;

(*b*) to arrange for the defence to view the audiovisual recording at a police station or at any other prescribed place.

[Act 19 of 2018 wef 17/09/2018]

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.

[2/2012]

(2) Subject to subsection (3), if the accused is not on bail, the court may by a warrant remand him in custody as it thinks fit.

[2/2012]]

(3) If it appears likely that further evidence may be obtained by a remand, the court may so remand the accused in custody for the purpose of any investigation by a law enforcement agency but not for more than 8 days at a time.

[2/2012]

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

[2/2012]

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

[2/2012]

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 State Court;

[Act 5 of 2014 wef 07/03/2014]

(*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 State Court to any other State Court of equal or superior jurisdiction; or

[Act 5 of 2014 wef 07/03/2014]

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

[Act 5 of 2014 wef 07/03/2014]

(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; or

[Act 19 of 2018 wef 17/09/2018]

(*b*) forward the case to the Public Prosecutor, to enable the transmission procedures under Division 5 of Part X to be held.

[Act 19 of 2018 wef 17/09/2018]

(*c*) [*Deleted by Act 19 of 2018 wef 17/09/2018*]

(2) In any trial before a District Court in which it appears at any stage of the proceedings that from any cause the case is one that the District Court is not competent to try or one that in the opinion of the District Court ought to be tried by the High Court, or if before or during the trial an application is made by the Public Prosecutor, the District Court must —

(*a*) stay proceedings; and

(*b*) forward the case to the Public Prosecutor, to enable the transmission procedures under Division 5 of Part X to be held.

[Act 19 of 2018 wef 17/09/2018]

(2A) Where the case is forwarded to the Public Prosecutor under subsection (1)(*b*) or (2)(*b*), Division 5 of Part X applies in relation to the case.

[Act 19 of 2018 wef 17/09/2018]

(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 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 (Cap. 68) 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) A designated medical practitioner 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.

[Act 33 of 2012 wef 01/01/2013]

Certificate of designated medical practitioner

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

[Act 33 of 2012 wef 01/01/2013]

(2) If the designated medical practitioner 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.

[Act 33 of 2012 wef 01/01/2013]

(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 designated medical practitioner shall be admissible as evidence under this section.

[Act 33 of 2012 wef 01/01/2013]

(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.

[Act 33 of 2012 wef 01/01/2013]

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 a trial or other proceeding is —

(*a*) postponed for the accused to be detained for observation in a psychiatric institution under section 247; or

(*b*) stayed under section 248,

the court may at any time begin the inquiry or trial or other proceeding afresh and require the accused to appear or be brought before the court.

(2) If the accused has been released under section 249, the court may require the accused to appear or be brought before it and may again proceed under section 247.

Acquittal on ground of unsound mind

251. If an accused is acquitted 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 reported able to make defence

254.—(1) If a person is confined under section 249 and is certified by the principal officer and 2 of the visitors of the psychiatric institution to be capable of making his 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.

[Act 33 of 2012 wef 01/01/2013]

(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 the principal officer at such time as the Minister directs; and

[Act 33 of 2012 wef 01/01/2013]

(*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 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, an inducement or a promise, as the case may be, which will render the statement inadmissible.

Explanation 2 — If a statement is otherwise admissible, it will not be rendered inadmissible merely because it was made in any of the following circumstances:

(*a*) under a promise of secrecy, or in consequence of a deception practised on the accused for the purpose of obtaining it;

(*aa*) where the accused is informed in writing by a person in authority of the circumstances in section 33B of the Misuse of Drugs Act (Cap. 185) under which life imprisonment may be imposed in lieu of death;

(*b*) when the accused was intoxicated;

(*c*) in answer to questions which the accused need not have answered whatever may have been the form of those questions;

(*d*) where the accused was not warned that he was not bound to make the statement and that evidence of it might be given against him;

(*e*) where the recording officer or the interpreter of an accused's statement recorded under section 22 or 23 did not fully comply with that section; or

(*f*) where an accused's statement under section 22 or 23 is in writing, when section 22(5) or 23(3B) (as the case may be) requires the statement to be recorded in the form of an audiovisual recording.

[Act 19 of 2018 wef 17/09/2018]

[Act 30 of 2012 wef 01/01/2013]

(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.

(4A) For the purposes of subsection (3), the making of a statement by an accused is not to be regarded as caused by any inducement, threat or promise merely because a person in authority had earlier informed the accused that the accused was required or legally bound to give information under section 27 of the Prevention of Corruption Act (Cap. 241), if that person believed in good faith, when so informing the accused, that —

(*a*) the accused was concerned in an offence under that Act; or

(*b*) a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion

exists, that the accused was concerned in an offence under that Act.

[Act 19 of 2018 wef 31/10/2018]

(5) When 2 or more persons are tried jointly in any of the following circumstances, and a confession made by one such person affecting that person and any other such person is proved, the court may take into consideration the confession as against the other person as well as against the person who made the confession:

(*a*) all of those persons are tried jointly for the same offence;

(*b*) the proof of the facts alleged in the charge for the offence for which one of those persons (*A*) is tried (excluding any fact relating to any intent or state of mind on the part of *A* necessary to constitute the offence for which *A* is tried) would, for each of the rest of those persons, result in the proof of the facts alleged in the charge for the offence for which that person is tried (excluding any fact relating to any intent or state of mind on the part of that person necessary to constitute the offence for which that person is tried);

(*c*) at least one of those persons is tried for an offence under section 411, 412, 413 or 414 of the Penal Code (Cap. 224) in respect of any property, and the rest of those persons are tried for one or more of the offences of theft, extortion, robbery, criminal misappropriation, criminal breach of trust or cheating under Chapter XVII of the Penal Code in respect of the same property.

[Act 19 of 2018 wef 31/10/2018]

(5A) Despite subsection (5), the court may refuse to take into consideration a confession as against a person (other than the maker of the confession), if the prejudicial effect of the confession on that person outweighs the probative value of the confession.

[Act 19 of 2018 wef 31/10/2018]

(5B) In subsection (5), "offence" includes an abetment of, a conspiracy to commit, or an attempt to commit, the offence.

[Act 19 of 2018 wef 31/10/2018]

Illustrations

(*a*) *A* and *B* are jointly tried for the murder of *C*. It is proved that *A* said "*B* and I murdered *C*". The court may consider the effect of this confession as against *B*.

(*b*) *A* is on trial for the murder of *C*. There is evidence to show that *C* was murdered by *A* and *B* and that *B* said "*A* and I murdered *C*". This statement may not be taken into consideration by the court against *A* as *B* is not being jointly tried.

(*c*) *A* is charged with an offence of corruptly giving a gratification to *B* under section 5(*b*) of the Prevention of Corruption Act (Cap. 241). *B* is charged with an offence of corruptly receiving the same gratification from *A* under section 5(*a*) of the Prevention of Corruption Act. *A* and *B* are jointly tried for those offences. If a confession made by *A* affecting both *A* and *B* is proved, and the same facts are alleged in the charges against *A* and *B*, the court may take into consideration the confession as against *B*, even though *A* and *B* are charged with offences that have different elements.

[Act 19 of 2018 wef 31/10/2018]

(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.

Admissibility of Case for the Defence

258A.—(1) Where any person is charged with an offence, the Case for the Defence filed under section 163(1) or 215(1) by or on behalf of that person —

(*a*) is admissible in evidence at that person's trial (including during the presentation of the prosecutor's statement under section 230(1)(*d*)); and

(*b*) if that person tenders himself as a witness, may be used in cross-examination and for the purpose of impeaching that person's credit.

(2) When 2 or more persons are tried jointly in any of the following circumstances, and the Case for the Defence filed under section 163(1) or 215(1) by or on behalf of any such person affects that person and any other such person, the court may take into consideration that Case for the Defence as against the other person as well as against the person by or on behalf of whom that Case for the Defence was filed:

(*a*) all of those persons are tried jointly for the same offence;

(*b*) the proof of the facts alleged in the charge for the offence for which one of those persons (*A*) is tried (excluding any fact relating to any intent or state of mind on the part of *A* necessary to constitute the offence for which *A* is tried) would, for each of the rest of those persons, result in the proof of the facts alleged in the charge for the offence for which that person is tried (excluding any fact relating to any intent or state of mind on the part of that person necessary to constitute the offence for which that person is tried);

(*c*) at least one of those persons is tried for an offence under section 411, 412, 413 or 414 of the Penal Code (Cap. 224) in respect of any property, and the rest of those persons are tried for one or more of the offences of theft, extortion, robbery, criminal misappropriation, criminal breach of trust or cheating under Chapter XVII of the Penal Code in respect of the same property.

(3) Despite subsection (2), the court may refuse to take into consideration a Case for the Defence as against a person (other than the person by or on behalf of whom that Case for the Defence was filed), if the prejudicial effect of that Case for the Defence on that person outweighs the probative value of that Case for the Defence.

(4) In subsection (2), "offence" includes an abetment of, a conspiracy to commit, or an attempt to commit, the offence.

[Act 19 of 2018 wef 31/10/2018]

Reference to certain documents in Case for the Prosecution

258B. Where any person is charged with an offence, any document mentioned in section 162(1)(*a*), (*b*), (*c*) or (*d*) or 214(*a*), (*b*) or (*c*), which is contained in the Case for the Prosecution filed under section 161(2) or 213(1) for the purposes of the trial of that person, may be referred to during that trial as if that document is part of the prosecutor's statement under section 230(1)(*d*).

[Act 19 of 2018 wef 31/10/2018]

Witness's statement inadmissible except in certain circumstances

259.—(1) Any statement made by a person other than the accused in the course of any investigation by any law enforcement agency is inadmissible in evidence, except where the statement —

(*a*) is admitted under section 147 of the Evidence Act (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(1)(*a*) of the Evidence Act.

[4/2012]

(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, 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.

[Act 19 of 2018 wef 17/09/2018]

(2) The following provisions also apply to any written statement given in evidence under this section:

(*a*) if the statement is by a person below 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 proceeding a written statement made by any person is admitted in evidence under this section —

(*a*) the party by whom or on whose behalf a copy of the statement was served may call the person to give evidence; and

(*b*) the court may, of its own motion or on the application of any party to the proceeding, require the person to attend before the court and give evidence.

(4) Unless the court directs otherwise, so much of any statement as is admitted in evidence under this section must be read aloud at the hearing.

[Act 19 of 2018 wef 17/09/2018]

(4A) Where the court directs under subsection (4) that any part of a statement admitted in evidence under this section need not be read aloud at the hearing, the court may also direct that an account be given orally of the part of that statement that is not read aloud.

[Act 19 of 2018 wef 17/09/2018]

(5) A document or an object referred to as an exhibit and identified in a written statement given in evidence under this section must be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

Statement recorded in form of audiovisual recording

264A.—(1) Despite anything in this Code or in any other written law, a statement made by a person that is recorded in the form of an audiovisual recording (called in this section a recorded statement) is admissible as evidence in a criminal proceeding, to the same extent and to the same effect as oral evidence given by the person, if —

(*a*) the criminal proceeding relates to an offence alleged to have been committed against or in relation to the person;

(*b*) any of the following conditions is satisfied:

(i) the offence alleged to have been committed against or in relation to the person is —

(A) a child abuse offence;

(B) an offence under section 24(2) of the Children and Young Persons Act (Cap. 38), an abetment of, a conspiracy to commit, or an attempt to commit, that offence;

(C) a sexual offence;

(D) an offence under section 169(3) of the Women's Charter (Cap. 353), an abetment of, a conspiracy to commit, or an attempt to commit, that offence; or

(E) an offence under section 3(1) or (2) or 6(1) of the Prevention of Human Trafficking Act 2014 (Act 45 of 2014), an abetment of, a conspiracy to commit, or an attempt to commit, that offence;

(ii) both of the following apply:

(A) the offence alleged to have been committed against or in relation to the person is an offence under section 323, 324, 325, 326, 327, 328, 329, 330, 331, 334, 335, 336, 337 or 338 of the Penal Code (Cap. 224), an abetment of, a conspiracy to commit, or an attempt to commit, that offence;

(B) any of the following applies:

(BA) the person is below 16 years of age;

(BB) the person is suffering from a mental disability;

(BC) the person is a domestic maid, and the offence is alleged to have been committed by the employer of the person or by a member of the employer's household;

(iii) all of the following apply:

(A) the offence alleged to have been committed against or in relation to the person is any other offence;

(B) any of the following applies:

(BA) the person is below 16 years of age;

(BB) the person is suffering from a mental disability;

(BC) the person is a domestic maid, and the offence is alleged to have been committed by the employer of the person or by a member of the employer's household;

(C) the court grants leave for the recorded statement to be admitted in evidence;

(*c*) in a case where the person is below 21 years of age, the recorded statement states the person's age; and

(*d*) in a case where the recorded statement is to be used in lieu of oral evidence given by the person as evidence in chief in the criminal proceeding, the person has confirmed in the recorded statement that what the person states in the recorded statement is true.

(2) Where a recorded statement is admissible as evidence in a criminal proceeding under subsection (1), a transcript of the audiovisual recording of the recorded statement is also admissible as evidence in the criminal proceeding, to the same extent and to the same effect as the recorded statement.

(3) Where in any criminal proceeding a recorded statement of a person, or a transcript of the audiovisual recording of a recorded

statement of a person, is admitted in evidence under this section, the court may, of its own motion or on the application of any party to the proceeding, require the person to attend before the court and give evidence.

(4) Unless the court directs otherwise —

(*a*) the audiovisual recording of so much of a recorded statement as is admitted in evidence under this section must be displayed at the hearing; and

(*b*) so much of a transcript as is admitted in evidence under this section must be read aloud at the hearing.

(5) Where the court directs under subsection (4) that any part of the audiovisual recording of a recorded statement admitted in evidence under this section need not be displayed at the hearing, the court may also direct that an account be given orally of the part of the audiovisual recording that is not displayed.

(6) Where the court directs under subsection (4) that any part of a transcript admitted in evidence under this section need not be read aloud at the hearing, the court may also direct that an account be given orally of the part of the transcript that is not read aloud.

(7) Where a document or an object is referred to as an exhibit and identified in a recorded statement of a person, or in a transcript of the audiovisual recording of a recorded statement of a person, and the recorded statement or transcript (as the case may be) is admitted in evidence under this section, the document or object must be treated as if the document or object had been produced as an exhibit and identified in court by the person.

(8) Where a document is referred to as an exhibit in a recorded statement, or in a transcript of the audiovisual recording of a recorded statement, and the recorded statement or transcript (as the case may be) is admitted in evidence under this section, the prosecution must —

(*a*) serve a copy of that document on the defence; or

(*b*) allow the defence to inspect that document or a copy of that document.

(9) In this section, "domestic maid" and "member of the employer's household" have the same meanings as in section 73(4) of the Penal Code.

[Act 19 of 2018 wef 17/09/2018]

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 in criminal proceedings

268. In any criminal proceedings, a statement is admissible as evidence of any fact stated therein to the extent that it is so admissible by this Code, the Evidence Act (Cap. 97), or any other written law.
[4/2012]

269. to **277.** [*Repealed by Act 4 of 2012*]

Notice of alibi

278.—(1) In any trial, the accused may not, without the leave of the court, offer evidence in support of an alibi unless 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 or giving of evidence

[Act 19 of 2018 wef 31/10/2018]

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*) a child abuse offence;

[Act 19 of 2018 wef 31/10/2018]

(*c*) an offence under section 24(2) of the Children and Young Persons Act (Cap. 38);

[Act 19 of 2018 wef 31/10/2018]

(*ca*) an offence punishable under the Organised Crime Act 2015;

[Act 26 of 2015 wef 01/06/2016]

(*d*) a sexual offence;

[Act 19 of 2018 wef 31/10/2018]

(*da*) an offence under section 169(3) of the Women's Charter (Cap. 353); and

[Act 19 of 2018 wef 31/10/2018]

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

(2A) Where a psychiatrist or psychologist has prepared a report on how a witness may be affected if the witness is required to give evidence in the presence of the accused, and that report is placed before the court, the court must consider that report before deciding whether to allow under subsection (1) the evidence of the witness to be given through a live video or live television link.

[Act 19 of 2018 wef 31/10/2018]

(3) Despite any provision of this Code or of any other written law, unless the court directs otherwise, while an accused is in remand in Singapore, the accused is to appear before the court through a live video or live television link in any of the following proceedings:

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

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

(*c*) proceedings for a State Court to record a plea of guilty from the accused, and to convict the accused;

(*d*) proceedings in a State Court for the sentencing of the accused, after the conviction of the accused in earlier proceedings;

(*e*) any other proceedings that the Minister may prescribe by regulations under this section, after consulting the Chief Justice.

[Act 19 of 2018 wef 31/10/2018]

(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 live 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 live television link system stops working and it would cause unreasonable delay to wait until a working system becomes available;

(*b*) it is necessary for the court to do so to comply with its duty to ensure fairness in the proceedings;

(*c*) it is necessary for the court to do so in order that the witness can identify a person or a thing or so that the witness can participate in or view a demonstration or an experiment;

(*d*) it is necessary for the court to do so because part of the proceedings is being heard outside a courtroom; or

(*e*) there has been a material change in the circumstances after the court has made the order.

(8) The court must not make an order under this section, or include a particular provision in such an order, if to do so would be inconsistent with its duty to ensure that the proceedings are conducted fairly to all parties.

(9) An order made under this section does not cease to apply merely because the person in respect of whom it was made reaches 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 live television link, the evidence is to be regarded for the purposes of sections 193, 194, 195, 196, 205 and 209 of the Penal Code 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 live 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.

Measures to prevent witness from seeing accused

281A.—(1) Despite any provision of this Code or any other written law, but subject to this section, the court may make an order allowing a witness to give evidence while prevented by a shielding measure from seeing the accused, if —

(*a*) the witness is below 16 years of age;

(*b*) the witness is the alleged victim of a sexual offence or child abuse offence that the accused is charged with; or

(*c*) the court is satisfied that —

(i) either or both of the following apply:

(A) the witness is afraid of the accused, or of giving evidence in the presence of the accused;

(B) the witness will be distressed if the witness is required to give evidence in the presence of the accused; and

(ii) the reliability of the witness' evidence will be diminished by such fear or distress (as the case may be).

(2) The shielding measure must not prevent the witness from being able to see, and to be seen by, any of the following:

(*a*) the court;

(*b*) the prosecutor;

(*c*) any advocate representing the accused;

(*d*) any interpreter or other person appointed to assist the witness.

(3) An order under subsection (1) does not cease to apply merely because the witness in respect of whom the order was made reaches 16 years of age before the proceedings in which the order was made are finally concluded.

(4) If a witness gives evidence in accordance with this section, for the purposes of this Code and the Evidence Act (Cap. 97), the witness is regarded as giving evidence in the presence of the accused.

(5) In this section, "shielding measure" means a screen or any other arrangement in a courtroom that prevents a witness from seeing the accused.

[Act 19 of 2018 wef 31/10/2018]

Evidence to be given in camera in certain cases

281B.—(1) Despite any provision of any other written law but subject to subsection (2), in any case where the accused is charged with a sexual offence or child abuse offence, the court must order that the evidence of a witness be given in camera, if —

(*a*) the witness is the alleged victim of that offence; and

(*b*) the witness does not elect to give evidence in an open and public court to which the public generally may have access.

(2) Subsection (1) does not apply to a matter or proceeding if —

(*a*) any other written law requires the matter or proceeding to be heard in camera; or

(*b*) the court has ordered, under any other written law, that the matter or proceeding be heard in camera.

[Act 19 of 2018 wef 31/10/2018]

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 State Courts, District Judge or Magistrate, as the case may be.

[Act 5 of 2014 wef 07/03/2014]

Power of court to summon and examine persons

283.—(1) A court may, on its own motion or on the application of the prosecution or the defence, at the close of the case for the defence, or at the end of any proceeding under this Code, summon a person as a witness or examine a person in attendance as a witness, whether or not summoned, or recall and re-examine a person already examined.

(2) The court must summon and examine or recall and re-examine such a person if it thinks 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.

287. [*Repealed by Act 19 of 2018 wef 17/09/2018*]

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 records of the court in which that conviction, acquittal or order was carried out, whether in Singapore or elsewhere; or

(*b*) alternatively —

(i) in the case of a previous conviction in Singapore, either by a certificate signed by the officer who has custody of the records of the prison in Singapore in which the punishment or any part of it was inflicted, or by production of the warrant of commitment under which the punishment was suffered; or

(ii) in the case of a previous conviction elsewhere, either by a certificate signed by the officer in charge of the prisons in that place in which the punishment or any part of it was inflicted, or by production of the warrant of commitment under which the punishment was suffered,

together with evidence as to the identity of the accused and the person so convicted or acquitted or against whom the order was made.

(2) The certificate referred to in subsection (1)(*b*) purporting to be signed by the officer who has custody of the records of the prison 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, the accused may not give evidence except on oath or affirmation, and if he does so, he is liable to cross-examination.

[Act 19 of 2018 wef 17/09/2018]

(2) An accused who is not represented by an advocate has the right to address the court without being sworn or affirmed in circumstances where, if 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 trial.

[Act 19 of 2018 wef 17/09/2018]

(2) For all courts other than the High Court, 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.

[Act 19 of 2018 wef 17/09/2018]

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 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.

[Act 19 of 2018 wef 17/09/2018]

(3) If it appears that an offence punishable with death or with imprisonment for life has been committed by some person or persons unknown, a Magistrate's Court may hold an inquiry and examine any witnesses who can give evidence concerning the offence.

(4) Any deposition so taken under subsection (3) may be given in evidence against any person who is subsequently accused of the offence if the deponent is dead or incapable of giving evidence or is outside Singapore.

Procedure when prospective witness is ill

294.—(1) Where it appears to a Magistrate that a person able to give material evidence for the prosecution or defence concerning any offence is so dangerously ill that it is not practicable to take 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 under Division 2 of Part X as in force immediately before the date of commencement of section 47 of the Criminal Justice Reform Act 2018, the evidence of any witness has been taken for the purpose of proving the custody or disposal of any matter or thing forwarded in the course of the inquiry to any public officer for examination or analysis or report, or of proving the custody or disposal of any instrument, weapon, matter or thing used in or for the commission of any offence, or of proving the accuracy of any plan or survey made or photograph taken by that witness for the purpose of the case, the 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.

[Act 19 of 2018 wef 17/09/2018]

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 any 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, or any sentence of imprisonment and fine.

[Act 19 of 2018 wef 31/10/2018]

(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, or any sentence of imprisonment and fine.

[Act 19 of 2018 wef 31/10/2018]

(3) Before sentencing any offender to corrective training or preventive detention, the court must call for and consider any report submitted by the Commissioner of Prisons, or any person authorised by the Commissioner of Prisons to submit the report on 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 submitted.

[Act 1 of 2014 wef 01/07/2014]

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

[Act 1 of 2014 wef 01/07/2014]

(5) Where an offender who is sentenced under subsection (1) or (2) is also convicted at the same trial of any offence other than an offence punishable with imprisonment for 2 years or more, the court may, on the application of the Public Prosecutor, instead of imposing any term of imprisonment as may be prescribed for that offence, take into account 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.

[3/2011]

(2) Where a young person has been ordered by a Youth 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 Youth Court might have dealt with him.

[Act 27 of 2014 wef 01/10/2014]

(3) Before imposing any sentence of reformative training, the court must call for and consider any report submitted by the Commissioner of Prisons, or any person authorised by the Commissioner of Prisons to submit the report on his behalf, on the offender's physical and mental condition, the offender's suitability for the sentence, and the nature of the rehabilitation that is recommended for the offender; and if the court has not received such a report, it must remand the offender in custody for a period or periods, not exceeding one month in the case of any single period, to enable the report to be submitted.

[Act 1 of 2014 wef 01/07/2014]

[Act 19 of 2018 wef 31/10/2018]

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

[Act 1 of 2014 wef 01/07/2014]

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

(6) A sentence of reformative training must specify, as the minimum period of detention, such of the following periods as the court may determine to be the most appropriate for the rehabilitation of the offender:

(*a*) 6 months beginning on the date the sentence takes effect;

(*b*) 12 months beginning on the date the sentence takes effect.

[Act 19 of 2018 wef 31/10/2018]

(7) A sentence of reformative training (including any period of supervision under the sentence) must not extend beyond 54 months after the date the sentence takes effect.

[Act 19 of 2018 wef 31/10/2018]

(8) The period of detention under a sentence of reformative training must not extend beyond —

(*a*) 54 months after the date the sentence takes effect, in any case that may be prescribed; or

(*b*) 36 months after the date the sentence takes effect, in any other case.

[Act 19 of 2018 wef 31/10/2018]

(9) A sentence of reformative training (including any period of supervision under the sentence) that is imposed on a person expires if, while the person is serving the sentence —

(*a*) a sentence of corrective training, or another sentence of reformative training, is imposed on the person; or

(*b*) the person is detained under an order made under section 30(1) of the Criminal Law (Temporary Provisions) Act (Cap. 67).

[Act 19 of 2018 wef 31/10/2018]

(10) Where a person, while serving a sentence of reformative training (including any period of supervision under the sentence), is sentenced to imprisonment, the sentence of reformative training does not expire, but runs concurrently with the sentence of imprisonment.

[Act 19 of 2018 wef 31/10/2018]

Sentence in case of conviction for several offences at one trial

306.—(1) Where a person is convicted at one trial of any 2 or more distinct offences, the court must sentence 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 for offence made up of several offences

308.—(1) Where anything which is an offence is made up of parts, any of which parts is itself an offence, the person who committed the offence 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 Commissioner of Prisons in accordance with such prescribed form;

[Act 1 of 2014 wef 01/07/2014]

(*b*) the warrant shall be full authority to the Commissioner 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;

[Act 1 of 2014 wef 01/07/2014]

(*c*) the trial Judge who tried the accused must, within a reasonable time after sentence has been pronounced, prepare a copy of the notes of evidence taken at the trial and a report in writing signed by him stating whether, in his

opinion, there is any reason (and, if so, particulars of the reason) why the death sentence should not be carried out;

[Act 33 of 2012 wef 01/01/2013]

[Act 19 of 2018 wef 31/10/2018]

(*d*) 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 a notice of appeal has been given or petition for confirmation has been lodged, as the case may be;

[Act 33 of 2012 wef 01/01/2013]

(*e*) if the Court of Appeal dismisses the appeal or confirms the imposition of the sentence of death, then the Chief Justice or other presiding Judge must, within a reasonable time, forward to the Minister the notes of evidence and report referred to in paragraph (*c*), 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;

[Act 33 of 2012 wef 01/01/2013]

(*f*) the President must, acting in accordance with the Constitution —

(i) transmit to the Court of Appeal 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;

[Act 33 of 2012 wef 01/01/2013]

(*g*) on receiving the copy of the President's order the Court of Appeal must, if the sentence is to be carried out, cause a warrant to be issued under the seal of the Supreme Court and signed by the Chief Justice or other presiding Judge, or in the absence thereof any other Judge of Appeal or High

Court Judge, setting out the time and place of execution as prescribed in the order of the President;

[Act 33 of 2012 wef 01/01/2013]

(*h*) the President may, at any time before the warrant is carried out, order a respite of the execution of the warrant and afterwards appoint some other time or other place for its execution;

(*i*) the warrant must be directed to the Commissioner of Prisons who must carry out the sentence in accordance with law;

[Act 1 of 2014 wef 01/07/2014]

(*j*) there must be present at the execution of the sentence the superintendent of the prison, a medical officer of the prison, and any other prison officers that the Commissioner of Prisons requires;

[Act 1 of 2014 wef 01/07/2014]

(*k*) there may also be present a minister of religion in attendance at the prison and any other persons that the Commissioner of Prisons thinks proper to admit;

[Act 1 of 2014 wef 01/07/2014]

(*l*) immediately after the death sentence has been carried out, the medical officer of the prison present must examine the body of the person executed, ascertain the fact of death and sign a death certificate and deliver it to the Commissioner of Prisons;

[Act 1 of 2014 wef 01/07/2014]

(*m*) within 24 hours after the execution, a Coroner must hold an inquiry as provided under the Coroners Act 2010 (Act 14 of 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 Commissioner of Prisons or an officer appointed by him for that purpose who must receive into his custody the person named in the warrant.

[Act 1 of 2014 wef 01/07/2014]

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

[Act 1 of 2014 wef 01/07/2014]

Date that sentence begins

318.—(1) Subject to this Code and any other written law, a sentence of imprisonment, reformative training, corrective training or preventive detention 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.

[Act 19 of 2018 wef 31/10/2018]

(2) To avoid doubt, where a court has directed under subsection (1) that a sentence of imprisonment, reformative training, corrective training or preventive detention is to take effect on a date later than the date the sentence was passed —

(*a*) the court may under that subsection further direct that the sentence is to take effect on another date; and

(*b*) the court may release the offender, during the period before the sentence is to take effect, on bail or on the offender's personal bond.

[Act 19 of 2018 wef 31/10/2018]

(3) To avoid doubt, a court may under subsection (1) direct that a sentence of imprisonment, reformative training, corrective training or preventive detention is to take effect on a date earlier than the date the sentence is passed.

[Act 19 of 2018 wef 31/10/2018]

(4) Where an offender has been remanded in custody, or remanded in a psychiatric institution (whether for observation or otherwise)

under Division 5 of Part XIII, for an offence, a court must consider directing that a sentence of imprisonment, reformative training, corrective training or preventive detention, which is to be imposed for that offence, is to take effect on a date earlier than the date the sentence is passed.

[Act 19 of 2018 wef 31/10/2018]

(5) Before directing the date on which a sentence of imprisonment, reformative training, corrective training or preventive detention, which is to be imposed for an offence, is to take effect, a court must consider all the circumstances of the case, including the following matters:

(*a*) the date on which the offender was arrested for the offence;

(*b*) the length of the period (if any) during which the offender was remanded in custody in relation to the offence;

(*c*) the length of the period (if any) during which the offender was remanded in a psychiatric institution (whether for observation or otherwise) under Division 5 of Part XIII in relation to the offence;

(*d*) the length of the period (if any), after the offender was arrested for the offence, during which the offender was not in custody.

[Act 19 of 2018 wef 31/10/2018]

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 of such property which may be sold and the proceeds applied towards the payment of such fine; or

(B) by appointing a receiver who shall be at liberty to take possession of and sell such property and apply the proceeds towards the payment of such fine;

(iv) direct any person who owes money to the offender to pay the court the amount of that debt due or accruing or the amount that is sufficient to pay off the fine;

(v) direct that in default of payment of the fine, the offender must suffer imprisonment for a certain term which must be consecutive with any other imprisonment to which 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;

(vi) 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, and 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;

[Act 33 of 2012 wef 01/01/2013]

(*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*)(iv), it shall be recoverable as though it were a judgment debt due to the court.

[Act 33 of 2012 wef 01/01/2013]

(3) Any person may, not later than 7 days after the date of the seizure of any property under subsection (1)(*b*)(iii)(A) or the taking of possession of any property by the receiver under subsection (1)(*b*)(iii)(B), as the case may be, make a claim against that property by applying to the court for the property to be excluded from the order of attachment issued under subsection (1)(*b*)(iii) and the court shall make such order as it sees fit.

[Act 33 of 2012 wef 01/01/2013]

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 Commissioner 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.

[Act 1 of 2014 wef 01/07/2014]

Division 2 — Sentence of caning

Execution of sentence of caning forbidden in certain cases

325.—(1) The following persons shall not be punished with caning:

(*a*) women;

(*b*) men who are more than 50 years of age at the time of infliction of the caning; 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 any of the following is prescribed by law:

(i) a specified minimum sentence of imprisonment or caning;

(ii) a mandatory minimum sentence of imprisonment, fine or caning;

[Act 19 of 2018 wef 31/10/2018]

(*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 exceeding 3 months, other than a term of imprisonment served by him in default of payment of a fine;

[Act 19 of 2018 wef 31/10/2018]

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

[Act 19 of 2018 wef 31/10/2018]

(*f*) a person who had previously been detained or subject to police supervision under section 30(1) of the Criminal Law (Temporary Provisions) Act (Cap. 67);

[Act 12 of 2018 wef 01/01/2019]

(*g*) a person who has been admitted —

(i) at least twice to an approved institution under section 34 of the Misuse of Drugs Act (Cap. 185) (called in this section an approved institution);

(ii) at least twice to an approved centre under section 17 of the Intoxicating Substances Act (Cap. 146A) (called in this section an approved centre); or

(iii) at least once to an approved institution, and at least once to an approved centre;

[Act 19 of 2018 wef 31/10/2018]

(*ga*) an offence under the Misuse of Drugs Act, the Misuse of Drugs Regulations (Cap. 185, Rg 1) or the Intoxicating Substances Act, if the offender had previously been admitted to an approved institution or an approved centre;

[Act 19 of 2018 wef 31/10/2018]

(*h*) a fine-only offence; or

[Act 19 of 2018 wef 31/10/2018]

(*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*) is a person mentioned in subsection (1)(*d*) or (*g*);

[Act 19 of 2018 wef 31/10/2018]

(*b*) is convicted of an offence under the Misuse of Drugs Act, the Misuse of Drugs Regulations or the Intoxicating Substances Act, after having previously been admitted to an approved institution or an approved centre; or

[Act 19 of 2018 wef 31/10/2018]

(*c*) is convicted of an offence that is punishable with imprisonment for a term exceeding 3 years but not exceeding 7 years, and is prescribed.

[Act 19 of 2018 wef 31/10/2018]

(3) A court may not make a community work order in respect of any case referred to in subsection (1) except that it may do so under section 344 even if the offender is convicted of —

(*a*) a fine-only offence; or

[Act 19 of 2018 wef 31/10/2018]

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

[Act 19 of 2018 wef 31/10/2018]

(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.

(6) Despite subsection (5), before a court passes a community sentence in respect of any offence, the court may —

(*a*) impose on the offender any sentence of imprisonment that is provided for that offence; and

(*b*) suspend, for the period when any community order made in respect of that offence is in force, the sentence of imprisonment that is imposed for that offence.

[Act 19 of 2018 wef 31/10/2018]

(7) Where the court sentences an offender under subsection (6)(*a*) to imprisonment for at least 3 distinct offences, the court must, in accordance with section 307(1), order the sentences for at least 2 of those offences to run consecutively, before the court —

(*a*) passes a community sentence in respect of all of those offences; and

(*b*) suspends under subsection (6)(*b*) all of those sentences of imprisonment.

[Act 19 of 2018 wef 31/10/2018]

(8) Subject to subsection (7), where the court sentences an offender under subsection (6)(*a*) to imprisonment for 2 or more distinct offences, the court may, in accordance with section 306, direct the sentences for those offences to run consecutively or concurrently, before the court —

(*a*) passes a community sentence in respect of all of those offences; and

(*b*) suspends under subsection (6)(*b*) all of those sentences of imprisonment.

[Act 19 of 2018 wef 31/10/2018]

(9) Where a sentence of imprisonment imposed on an offender for an offence is suspended under subsection (6)(*b*) for the period when a community order made in respect of that offence is in force, the court must lift the suspension and direct that the sentence of imprisonment be carried out, if that community order is revoked under section 352(5)(*c*) or 354(6)(*a*) or (7)(*a*).

[Act 19 of 2018 wef 31/10/2018]

(10) Despite section 377(2), where —

(*a*) a court directs under subsection (9) that a sentence of imprisonment, which was suspended under subsection (6)(*b*), be carried out; and

(*b*) no notice of appeal was lodged by any party against the sentence of imprisonment when the sentence was imposed under subsection (6)(*a*),

a party who is not satisfied with the sentence of imprisonment may lodge with the Registrar of the Supreme Court (if the sentence was imposed by the High Court) or the Registrar of the State Courts (if the sentence was imposed by a State Court) a notice of appeal against the sentence of imprisonment within 14 days after the date of the court's direction under subsection (9).

[Act 19 of 2018 wef 31/10/2018]

(11) Except as provided in subsection (10), Division 1 of Part XX applies to an appeal commenced under that subsection as if the notice of appeal had been lodged in accordance with section 377(2).

[Act 19 of 2018 wef 31/10/2018]

Combination of community orders

338. A court may make a community order in respect of one or more offences or it may make one or more community orders in respect of one offence.

Mandatory treatment orders

339.—(1) Subject to subsections (2), (3) and (4), where an offender is convicted of an offence, and if the court by or before which 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 36 months.

[Act 19 of 2018 wef 31/10/2018]

(1A) A mandatory treatment order may also require an offender to reside in a psychiatric institution during the whole or a specified part of the period that the offender is required to undergo psychiatric treatment.

[Act 19 of 2018 wef 31/10/2018]

(2) Before making a mandatory treatment order, the court must call for a report to be submitted by an appointed psychiatrist.

(3) A court may make a mandatory treatment order in respect of an offender only if the report submitted by an appointed psychiatrist states that —

(*a*) the offender is suffering from a psychiatric condition which is susceptible to treatment;

(*b*) the offender is suitable for the treatment; and

(*c*) the psychiatric condition of the offender is one of the contributing factors for his 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*).

(4A) A court may include the requirement mentioned in subsection (1A) in a mandatory treatment order only upon the recommendation of the appointed psychiatrist.

[Act 19 of 2018 wef 31/10/2018]

(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 at such time and 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 at such time and 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 Commissioner of Prisons may appoint any person to be a day reporting officer for the purposes of this section.

[Act 1 of 2014 wef 01/07/2014]

(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 at such time and reporting centre as the day reporting officer may require;

(*b*) undergo such counselling and rehabilitation programme as the day reporting officer may require;

(*c*) notify the day reporting officer of any change in 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 and at such time and place as the community work officer may require;

(*b*) notify the community work officer of any change of the offender's address;

(*c*) perform the community work in a satisfactory manner;

(*d*) not disturb or interfere with any other person participating in or doing anything under a community work order;

(*e*) not assault, threaten, insult or use abusive language to a community work officer;

(*f*) comply with such other conditions which a court may impose under section 344(7); and

(*g*) comply with any regulations made under section 344(11)(*c*).

Community service orders

346.—(1) Subject to subsection (2), where an offender who is 16 years of age or above is convicted of an offence, and if the court by or before which he 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 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 the probation of offenders may —

(*a*) appoint any person to be a community service officer for the purposes of this section;

(*b*) prescribe the minimum and maximum hours of community service which an offender is required to perform under a community service order; and

(*c*) make regulations, not inconsistent with the provisions of this Part, to make further provisions for the manner in which a community service order may be performed including the imposition of additional requirements and the service of any instructions or notice on an offender in respect of whom such an order has been made.

[Act 25 of 2012 wef 28/03/2013]

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 and at such time and place as the community service officer may require;

(*b*) notify the community service officer of any change of the offender's address or occupation;

(*c*) perform the community service in a satisfactory manner;

(*d*) not disturb or interfere with any other person participating in or doing anything under a community service order;

(*e*) not assault, threaten, insult or use abusive language to a community service officer;

(*f*) comply with such other conditions which a court may impose under section 346(6); and

(*g*) comply with any regulations made under section 346(9)(*c*).

Short detention orders

348.—(1) Where an offender who is 16 years of age or above is convicted of an offence, and if the court by or before which he 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 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 —

(*a*) the court may, 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;

[Act 19 of 2018 wef 31/10/2018]

(*b*) subject to paragraph (*c*), the court may, taking into account the extent to which the offender has complied with the order, revoke the order and impose such sentence which is provided for the offence or offences in respect of which the order has been made; or

[Act 19 of 2018 wef 31/10/2018]

(*c*) where the order was made in respect of an offence after the court had imposed and suspended under section 337(6) a sentence of imprisonment for that offence, the court must revoke the order.

[Act 19 of 2018 wef 31/10/2018]

(6) Where an offender is in breach of a short detention order, a court may, on the application of the Commissioner of Prisons or any person authorised by the Commissioner of Prisons, revoke the order and, taking into account the period the offender has been detained under that order, impose such sentence which is provided for the offence or offences in respect of which the order has been made.

[Act 1 of 2014 wef 01/07/2014]

(7) If it is proved to the satisfaction of a court that an offender in respect of whom a day reporting order, community work order or community service order is in force is in breach of the order, the court may, without 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 36 months from the date the order is first in force.

[Act 19 of 2018 wef 31/10/2018]

(10) Where a court varies a day reporting order under subsection (5)(*a*)(ii) by extending the period the offender has to report to a day reporting officer under the order, the period so extended 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 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 or personal bond 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.

[Act 19 of 2018 wef 31/10/2018]

(6) Where a community order has been made by a court in respect of an offender, and it is proved to the satisfaction of the court that the offender has been convicted and dealt with in respect of any offence committed during the period when the community order is in force, the court —

(*a*) in any case where the community order was made in respect of an offence after the court had imposed and suspended under section 337(6) a sentence of imprisonment for that offence — must revoke the community order; or

(*b*) in any other case — may, taking into account the extent to which the offender has complied with the community order, revoke the community order and impose any sentence that is prescribed for the offence in respect of which the community order has been made.

[Act 19 of 2018 wef 31/10/2018]

(7) If a Magistrate's Court has made a community order in respect of an offender, and the offender is convicted before the High Court, a District Court or any other Magistrate's Court of an offence committed during the period when the community order is in force, the High Court, District Court or other Magistrate's Court (as the case may be) —

(*a*) in any case where the community order was made in respect of an offence after the firstmentioned Magistrate's Court had imposed and suspended under section 337(6) a sentence of imprisonment for that offence — must revoke the community order; or

(*b*) in any other case — may, taking into account the extent to which the offender has complied with the community order, revoke the community order and impose any sentence that is prescribed for the offence in respect of which the community order has been made.

[Act 19 of 2018 wef 31/10/2018]

PART XVIII

COMPENSATION AND COSTS

Order for payment of costs by 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, make an order for costs, of an amount fixed by the court, to be paid by the person to any other party to the proceedings in which the person is convicted of the offence.

[Act 19 of 2018 wef 31/10/2018]

(2) If an accused is acquitted of any charge for any offence, and if it is proved to the satisfaction of the court that the prosecution was frivolous or vexatious, the court may order the prosecution or the complainant or the person on whose information the prosecution was instituted to pay full costs, charges and expenses incurred by the accused in and for his defence, to be taxed by the Registrar of the Supreme Court or the Registrar of the State Courts, as the case may be.

[Act 5 of 2014 wef 07/03/2014]

(3) The court may direct that either an order for payment of costs under subsection (1) or an order for payment of compensation under section 359(1) be paid in priority to the other, and if no direction is given, the order for payment of costs takes priority over the order for payment of compensation.

[Act 19 of 2018 wef 31/10/2018]

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 —

(*a*) on its own motion, make an order for costs to be paid by any party to any other party as the Court thinks fit; or

(*b*) on the application of any party, make an order for costs, of such amount as the Court thinks fit, to be paid to that party by any other party.

[Act 19 of 2018 wef 31/10/2018]

(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) Before 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 —

(*a*) the commencement, continuation or conduct of the matter under Part XX by the accused was an abuse of the process of the Court; or

(*b*) the conduct of the matter under Part XX by the accused was done in an extravagant and unnecessary manner.

[Act 19 of 2018 wef 31/10/2018]

(4) If the prosecution applies to the Court of Appeal or the High Court for an order for the costs of any matter under Division 1B of Part XX to be paid by an accused to the prosecution on the ground that the commencement, continuation or conduct of that matter by the accused was an abuse of the process of the Court, the Court must state whether it is satisfied that the commencement, continuation or conduct of that matter by the accused was an abuse of the process of the Court.

[Act 19 of 2018 wef 31/10/2018]

Costs against defence counsel

357.—(1) Where it appears to a court that costs have been incurred unreasonably or improperly in any proceedings (for example, by commencing, continuing or conducting a matter the commencement, continuation or conduct of which is an abuse of the process of the Court) or have been wasted by a failure to conduct proceedings with reasonable competence and expedition, the court may make against

any advocate whom it considers responsible (whether personally or through an employee or agent) an order —

(*a*) disallowing the costs as between the advocate and his client; or

(*b*) directing the advocate to repay to his client costs which the client has been ordered to pay to any person.

[Act 19 of 2018 wef 31/10/2018]

(1A) If the Court of Appeal or the High Court makes an order under subsection (1)(*a*) or (*b*) in respect of any proceedings for a matter under Division 1B of Part XX, and the prosecution has applied to the Court for an order for the costs of that matter to be paid to the prosecution on the ground that the commencement, continuation or conduct of that matter was an abuse of the process of the Court, the Court must state whether it is satisfied that the commencement, continuation or conduct of that matter was an abuse of the process of the Court.

[Act 19 of 2018 wef 31/10/2018]

(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 of such property which may be sold and the proceeds applied towards the payment of that sum; or

(ii) by appointing a receiver who shall be at liberty to take possession of and sell such property and apply the proceeds towards the payment of that sum;

[Act 33 of 2012 wef 01/01/2013]

(*ca*) direct any person who owes money to the person ordered to pay compensation to pay the court the amount of that debt due or accruing or the amount that is sufficient to pay off the compensation sum;

[Act 33 of 2012 wef 01/01/2013]

(*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)(*ca*), it shall be recoverable as though it were a judgment debt due to the court.

[Act 33 of 2012 wef 01/01/2013]

(8) Any person may, not later than 7 days after the date of the seizure of any property under subsection (1)(*c*)(i) or the taking of possession of any property by the receiver under subsection (1)(*c*)(ii), as the case may be, make a claim against that property by applying to the court for the property to be excluded from the order of attachment issued under subsection (1)(*c*) and the court shall make such order as it sees fit.

[Act 33 of 2012 wef 01/01/2013]

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 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 the Criminal Procedure Rules.

[Act 19 of 2018 wef 31/10/2018]

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 law enforcement officer seizes any property in the exercise of any power under section 35 or 78, the law enforcement

officer must make a report of the seizure to the relevant court at the earlier of the following times:

(*a*) when the law enforcement officer considers that the property is not relevant for the purposes of any investigation, inquiry, trial or other proceeding under any written law;

(*b*) one year after the date of seizure of the property.

(2) Subject to subsection (3), and to any provisions on forfeiture, confiscation, destruction or delivery in any other written law under which property may be seized, the relevant court must, upon receiving a report mentioned in subsection (1), make such of the following orders as may be applicable:

(*a*) in any case where the property consists of a computer and any data stored in the computer, and the relevant court is satisfied that an offence was committed in respect of the data, or that the data was used or intended to be used to commit an offence — an order for —

(i) the deletion of the data from the computer, and the delivery of the computer (after the deletion of the data) to the person entitled to possession of the computer; or

(ii) if that person cannot be ascertained, the deletion of the data from the computer, and the custody and production of the computer (after the deletion of the data);

(*b*) in any case where the relevant court is satisfied that an offence was committed in respect of the property, or that the property was used or intended to be used to commit an offence — such order as the relevant court thinks fit for the disposal of the property;

(*c*) in any case where the relevant court is satisfied that the property consists of anything into which any property mentioned in paragraph (*b*) has been converted, anything for which any property mentioned in paragraph (*b*) has been exchanged, or anything acquired (whether

immediately or later) by this conversion or exchange — such order as the relevant court thinks fit for the disposal of the property;

(*d*) in any case where the relevant court is satisfied that the property does not consist of any property mentioned in paragraph (*a*), (*b*) or (*c*), and the person entitled to possession of the property consents to the use of the property for compensation or restitution, or to the forfeiture of the property — such order as the relevant court thinks fit for the disposal of the property;

(*e*) in any other case, an order relating to —

(i) the delivery of the property to the person entitled to possession of the property; or

(ii) if that person cannot be ascertained, the custody and production of the property.

(3) The relevant court must not dispose of the property if —

(*a*) there is any pending court proceeding under any written law in relation to the property; or

(*b*) the relevant court is satisfied that the property is relevant for the purposes of any investigation, inquiry, trial or other proceeding under any written law.

(4) Where the relevant court is not a Magistrate's Court, the relevant court may, instead of making an order under subsection (2), direct that the property be delivered to a Magistrate, who must deal with the property in accordance with subsection (2) as if the report mentioned in subsection (1) was made to a Magistrate's Court.

(5) On and after the date of commencement of section 100 of the Criminal Justice Reform Act 2018 —

(*a*) this section applies to any property seized or taken before that date, under section 370(1) of this Code as in force immediately before that date, or under section 35 or 78 — if no Magistrate's Court has exercised, in relation to that property, any power under section 370 of this Code as in force immediately before that date;

(*b*) this section applies to any report made before that date, under section 370(1) of this Code as in force immediately before that date, of the seizure of any property, as if that report had been made under subsection (1) — if no Magistrate's Court has exercised, in relation to that property, any power under section 370 of this Code as in force immediately before that date; and

(*c*) section 370 of this Code as in force immediately before that date continues to apply, in every case where a Magistrate's Court has exercised before that date any power under that section, as if this section had not been enacted.

(6) In this section and sections 371 and 372 —

"law enforcement officer" means —

(*a*) a police officer;

(*b*) an officer of the Central Narcotics Bureau;

(*c*) an immigration officer appointed under section 3 of the Immigration Act (Cap. 133);

(*d*) a Commercial Affairs Officer appointed under section 64 of the Police Force Act (Cap. 235);

(*e*) a public officer appointed as the Director, a deputy director, an assistant director or a special investigator of the Corrupt Practices Investigation Bureau; or

(*f*) any other officer, of a prescribed law enforcement agency;

"relevant court" means —

(*a*) in any case where the property was seized for the purposes of a particular inquiry, trial or proceeding — the court before which that inquiry, trial or proceeding is held; or

(*b*) in any other case, a Magistrate's Court.

[Act 19 of 2018 wef 31/10/2018]

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 relevant 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.

[Act 19 of 2018 wef 31/10/2018]

(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 relevant court may, after one month from the expiry of that period, cause the property to be sold.

[Act 19 of 2018 wef 31/10/2018]

(4) Notwithstanding the other provisions in this section, if the property is perishable or if, in the opinion of the relevant court, its value is less than $500, the relevant court may cause the property to be sold at any time.

[Act 19 of 2018 wef 31/10/2018]

(5) The relevant court must cause the net proceeds of the sale under subsection (3) or (4) to be paid, on demand, to the person entitled.

[Act 19 of 2018 wef 31/10/2018]

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 relevant court may direct that it be detained in police custody and the Commissioner of Police must, in that case, issue a public notice, specifying the articles of which the property consists and requiring any person who has a claim to it to appear before him and establish his claim within 6 months from the date of the public notice.

[Act 19 of 2018 wef 31/10/2018]

(2) Every notice under subsection (1) must be published in the *Gazette* or any daily newspaper if, in the opinion of the Commissioner of Police, the value of the property is at least $1,000.

(3) If no person establishes a claim to the property within one month from the publication of a notice under subsection (1) and if the person in whose possession the property was found cannot show 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 relevant court may order the property to be destroyed or otherwise disposed of at any time if in its opinion —

(*a*) the property is of no appreciable value; or

(*b*) its value is so small as to —

(i) make its sale impracticable; or

(ii) make the keeping of it in police custody unreasonably expensive or inconvenient.

[Act 19 of 2018 wef 31/10/2018]

PART XX

APPEALS, POINTS RESERVED, REVISIONS AND CRIMINAL MOTIONS

Division 1 — Appeals

Interpretation of this Part

373. In this Part —

"appellate court" —

(*a*) means any court when exercising its appellate criminal jurisdiction; and

(*b*) includes, for the purposes only of Division 1B, the Court of Appeal when exercising its jurisdiction under Division 1A or section 397;

[Act 19 of 2018 wef 31/10/2018]

"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, or any decision of the High Court mentioned in section 149M(1), may only be made as provided for by this Code or by any other written law.

[Act 19 of 2018 wef 31/10/2018]

(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.

(4A) No appeal may lie against the conviction of an accused of any offence by a trial court until after the trial court imposes a sentence in relation to that offence.

[Act 33 of 2012 wef 01/01/2013]

(5) No appeal may lie against any order made by a Magistrate, a District Judge, the Registrar of the State Courts or the Registrar of the Supreme Court in any criminal case disclosure conference held under Part IX or X.

[Act 5 of 2014 wef 07/03/2014]

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 with the Registrar of the Supreme Court (if the trial court is the High Court) or the Registrar of the State Courts (if the trial court is a District Court or a Magistrate's Court) —

(*a*) in the case of an appeal against conviction, or an appeal against conviction and sentence, within 14 days after the date of the sentence; and

(*b*) in any other case, within 14 days after the date of the judgment, sentence or order.

[Act 33 of 2012 wef 01/01/2013]

[Act 5 of 2014 wef 07/03/2014]

(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 State 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.

[Act 5 of 2014 wef 07/03/2014]

(6) Subject to subsection (6A), 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.

[2/2012]

(6A) The Registrar of the State Courts or the Registrar of the Supreme Court, as the case may be, may, as he thinks fit, furnish

copies of the record of proceedings and the grounds of decision free of charge in any specific case or category of cases.

[2/2012]

[Act 5 of 2014 wef 07/03/2014]

(7) After the notice of appeal has been lodged in accordance with subsection (2) by an appellant who is the Public Prosecutor, the Registrar of the Supreme Court (if the trial court is the High Court) or the Registrar of the State Courts (if the trial court is a Magistrate's Court or District Court) must, as soon as possible, serve on the Public Prosecutor a copy each of the record of proceedings and the grounds of decision free of charge.

[Act 5 of 2014 wef 07/03/2014]

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 State Courts (if the trial court is a Magistrate's Court or District Court).

[Act 5 of 2014 wef 07/03/2014]

(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 State 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.

[Act 5 of 2014 wef 07/03/2014]

(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.

(5A) Where every party to the appeal consents to the withdrawal of the appeal, the court may summarily give leave to withdraw the appeal by an order under the hand of a Judge of Appeal or a Judge, without the appeal being set down for hearing.

[Act 19 of 2018 wef 31/10/2018]

(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 State 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.

[Act 5 of 2014 wef 07/03/2014]

Records of court proceedings to be sent to appellate court and respondent

379. Where the petition of appeal has been filed under section 378, the trial court appealed from must send to the appellate court and the Public Prosecutor or to the respondent or 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 State Courts, as the case may be.

[Act 5 of 2014 wef 07/03/2014]

Bail pending appeal

382. A State 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.

[Act 5 of 2014 wef 07/03/2014]

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 after the sentence is confirmed by the Court of Appeal pursuant to an appeal by the accused or a petition for confirmation by the Public Prosecutor.

[Act 33 of 2012 wef 01/01/2013]

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.

(11) To avoid doubt, everything done by the appellate court under this section is done in the exercise of its appellate jurisdiction.

[Act 19 of 2018 wef 31/10/2018]

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 1A — Review of sentence of death when no appeal filed

Public Prosecutor to file petition for confirmation

394A.—(1) Where the High Court passes a sentence of death on an accused —

(*a*) if there is no appeal by the accused pending immediately after the expiry of the time allowed under this Code for an appeal — the Public Prosecutor must, on the expiry of 90 days after the time allowed under this Code for an appeal —

(i) lodge a petition for confirmation with the Registrar of the Supreme Court; and

(ii) serve the petition on the accused; or

(*b*) if there is an appeal by the accused pending immediately after the expiry of the time allowed under this Code for an appeal, but the accused subsequently withdraws that appeal — the Public Prosecutor must, on the expiry of 90 days after the date of the withdrawal of that appeal —

(i) lodge a petition for confirmation with the Registrar of the Supreme Court; and

(ii) serve the petition on the accused.

[Act 19 of 2018 wef 31/10/2018]

(2) When a petition for confirmation has been lodged, the trial court shall transmit to the Court of Appeal, the Public Prosecutor, and the accused or his advocate, a signed copy of the record of the proceedings and the grounds of decision free of charge.

[Act 33 of 2012 wef 01/01/2013]

Court of Appeal to review sentence of death

394B. The Court of Appeal shall examine the record of proceedings and the grounds of decision and shall satisfy itself as to the correctness, legality and propriety of —

(*a*) the conviction of the accused for the offence for which the sentence of death is imposed; and

(*b*) the imposition of the sentence of death for the offence, where the sentence of death is not mandatory by law.

[Act 33 of 2012 wef 01/01/2013]

Powers of Court of Appeal in petition for confirmation

394C. The Court of Appeal may in any proceeding relating to a petition for confirmation exercise such powers as it may exercise in an appeal by the accused.

[Act 33 of 2012 wef 01/01/2013]

Permission for parties to be heard

394D.—(1) No party has the right to be heard either personally or by advocate before the Court of Appeal in any proceeding relating to a petition for confirmation.

(2) The Court of Appeal may, if it thinks fit, hear any party either personally or by advocate.

[Act 33 of 2012 wef 01/01/2013]

Orders on review

394E.—(1) If the Court of Appeal is satisfied as to the correctness, legality and propriety of —

(*a*) the conviction of the accused for the offence for which the sentence of death is imposed; or

(*b*) the imposition of the sentence of death for the offence, where the sentence of death is not mandatory by law,

it shall issue a certificate to the Public Prosecutor and the accused or his advocate confirming the imposition of the sentence of death on the accused.

(2) If the Court of Appeal is not satisfied as to the correctness, legality and propriety of —

(*a*) the conviction of the accused for the offence for which the sentence of death is imposed; or

(*b*) the imposition of the sentence of death for the offence, where the sentence of death is not mandatory by law,

it shall set aside the sentence of death, and may make such further order as it deems fit.

[Act 33 of 2012 wef 01/01/2013]

Division 1B — Review of earlier decision of appellate court

Interpretation of this Division

394F.—(1) In this Division, unless the context otherwise requires —

"civil application" means an application to a court when exercising its civil jurisdiction, and includes, where the court is the Court of Appeal, an appeal to the Court of Appeal from any judgment or order of the High Court in such an application;

"leave application" means an application for leave to make a review application;

"review application" means an application to review an earlier decision of an appellate court.

(2) In this Division, unless the context otherwise requires, a civil application is related to a review application made in respect of an earlier decision if —

(*a*) any common question of law or fact arises in both applications; or

(*b*) any relief claimed in the civil application —

(i) may affect the review application in any way; or

(ii) may affect the outcome of the criminal matter in respect of which the earlier decision was made.

(3) In this Division, unless the context otherwise requires, a reference to a decision of a court is a reference to everything decided by the court, and everything comprised in the judgment, sentence or order (if any) of the court, when the court —

(*a*) delivers judgment in a criminal trial, criminal appeal, case stated, criminal revision or criminal reference; or

(*b*) issues a certificate under section 394E(1) confirming the imposition of the sentence of death on the accused.

[Act 19 of 2018 wef 31/10/2018]

Conditions for making review application

394G.—(1) A review application cannot be made in respect of an earlier decision of an appellate court unless any of the following applies:

(*a*) the earlier decision is a decision of the appellate court on the merits of an appeal;

(*b*) the earlier decision is a decision of the appellate court to dismiss an appeal under section 387(3) after the appellant fails to appear at the hearing of the appeal, and the appellate court does not reinstate the appeal under section 387(3);

(*c*) where the appellate court is the Court of Appeal — the earlier decision is a decision of the Court of Appeal to issue a certificate under section 394E(1) confirming the imposition of the sentence of death on the accused;

(*d*) where the appellate court is the Court of Appeal — the earlier decision is —

(i) a determination by the Court of Appeal of any question of law of public interest referred to the Court of Appeal under section 397; or

(ii) an order made by the Court of Appeal under section 397(5).

(2) A review application cannot be made by the Public Prosecutor, unless the Public Prosecutor alleges that the earlier decision is tainted by fraud or a breach of the rules of natural justice, and that the integrity of the judicial process is thereby compromised.

[Act 19 of 2018 wef 31/10/2018]

Application for leave to make review application

394H.—(1) Before making a review application, the applicant must apply to the appellate court for, and obtain, the leave of that court to do so.

(2) A leave application must be fixed for hearing within such period as is prescribed by the Criminal Procedure Rules.

(3) The applicant in a leave application must file written submissions in support of that application, and such other documents as are prescribed in the Criminal Procedure Rules, within such periods as are prescribed in the Criminal Procedure Rules.

(4) The respondent in a leave application may file written submissions in relation to that application within such period as is prescribed in the Criminal Procedure Rules.

(5) The appellate court may extend any period mentioned in subsection (2), (3) or (4).

(6) A leave application is to be heard —

(*a*) in any case where the appellate court is the Court of Appeal — by a single Judge of Appeal; or

(*b*) in any case where the appellate court is the High Court — by the Judge who made the decision to be reviewed or, if that Judge is not available, by any Judge.

(7) A leave application may, without being set down for hearing, be summarily dealt with by a written order of the appellate court.

(8) Before summarily refusing a leave application, the appellate court —

(*a*) must consider the applicant's written submissions (if any); and

(*b*) may, but is not required to, consider the respondent's written submissions (if any).

(9) Before summarily granting leave to make a review application, the appellate court —

(*a*) must consider the applicant's written submissions (if any); and

(*b*) must consider the respondent's written submissions (if any).

[Act 19 of 2018 wef 31/10/2018]

Hearing of review application

394I.—(1) Where the appellate court grants leave to make a review application, the review application must be made to the appellate court, and fixed for hearing, within such period as is prescribed by the Criminal Procedure Rules.

(2) The applicant in a review application must file such documents in support of that application, within such period, as are prescribed in the Criminal Procedure Rules.

(3) The respondent in a review application must file such documents in relation to that application, within such period, as are prescribed in the Criminal Procedure Rules.

(4) The appellate court may extend any period mentioned in subsection (1), (2) or (3).

(5) A review application is to be heard —

(*a*) in any case where the appellate court is the Court of Appeal — by 3 Judges of Appeal or, if the Chief Justice so directs, by 5 or any greater uneven number of Judges of Appeal; or

(*b*) in any case where the appellate court is the High Court — by a single Judge or, if the Chief Justice so directs, by 3 or any greater uneven number of Judges.

(6) The appellate court may hear a review application and any related civil application at the same time or one immediately after another.

(7) Despite subsections (1), (5) and (6) —

(*a*) the Court of Appeal may hear a review application made to the High Court in respect of an earlier decision of the High Court;

(*b*) the Court of Appeal may hear a civil application, made to the High Court, that is related to a review application (whether made to the Court of Appeal or to the High Court);

(*c*) where the Court of Appeal so orders, the Court of Appeal may hear a review application (whether made to the Court of Appeal or to the High Court) and any related civil application (whether made to the Court of Appeal or to the High Court) at the same time or one immediately after another; and

(*d*) every review application or civil application heard by the Court of Appeal under this subsection is to be heard by 3 Judges of Appeal or, if the Chief Justice so directs, by 5 or any greater uneven number of Judges of Appeal.

(8) An appellate court, which hears a review application in respect of an earlier decision of that court, may exercise any power and make any order that could have been exercised and made, respectively, by the court that made the earlier decision.

(9) Where the appellate court is the High Court, but a review application made in respect of an earlier decision of the appellate court is heard by the Court of Appeal —

(*a*) the Court of Appeal may exercise any power and make any order that could have been exercised and made, respectively, by the appellate court that made the earlier decision; and

(*b*) any reference in this Division to the exercise of a power, or the doing of a thing, by the appellate court in relation to the review application includes a reference to the exercise of that power, or the doing of that thing, by the Court of Appeal.

(10) A review application may, without being set down for hearing, be summarily dealt with by a written order of the appellate court.

(11) Before summarily refusing a review application, the appellate court —

(*a*) must consider the applicant's written submissions (if any); and

(*b*) may, but is not required to, consider the respondent's written submissions (if any).

(12) Except where subsection (11) applies, before summarily deciding a review application on its merits, the appellate court —

(*a*) must consider the applicant's written submissions (if any); and

(*b*) must consider the respondent's written submissions (if any).

[Act 19 of 2018 wef 31/10/2018]

Requirements for exercise of power of review under this Division

394J.—(1) This section —

(*a*) sets out the requirements that must be satisfied by an applicant in a review application before an appellate court will exercise its power of review under this Division; and

(*b*) does not affect the inherent power of an appellate court to review, on its own motion, an earlier decision of the appellate court.

(2) The applicant in a review application must satisfy the appellate court that there is sufficient material (being evidence or legal arguments) on which the appellate court may conclude that there has been a miscarriage of justice in the criminal matter in respect of which the earlier decision was made.

(3) For the purposes of subsection (2), in order for any material to be "sufficient", that material must satisfy all of the following requirements:

(*a*) before the filing of the application for leave to make the review application, the material has not been canvassed at any stage of the proceedings in the criminal matter in respect of which the earlier decision was made;

(*b*) even with reasonable diligence, the material could not have been adduced in court earlier;

(*c*) the material is compelling, in that the material is reliable, substantial, powerfully probative, and capable of showing almost conclusively that there has been a miscarriage of justice in the criminal matter in respect of which the earlier decision was made.

(4) For the purposes of subsection (2), in order for any material consisting of legal arguments to be "sufficient", that material must, in addition to satisfying all of the requirements in subsection (3), be based on a change in the law that arose from any decision made by a court after the conclusion of all proceedings relating to the criminal matter in respect of which the earlier decision was made.

(5) For the purposes of subsection (2), the appellate court may conclude that there has been a miscarriage of justice in the criminal matter in respect of which the earlier decision was made, only if —

(*a*) the earlier decision (being a decision on conviction or sentence) is demonstrably wrong; or

(*b*) the earlier decision is tainted by fraud or a breach of the rules of natural justice, such that the integrity of the judicial process is compromised.

(6) For the purposes of subsection (5)(*a*), in order for an earlier decision on conviction to be "demonstrably wrong" —

(*a*) it is not sufficient that there is a real possibility that the earlier decision is wrong; and

(*b*) it must be apparent, based only on the evidence tendered in support of the review application and without any further inquiry, that there is a powerful probability that the earlier decision is wrong.

(7) For the purposes of subsection (5)(*a*), in order for an earlier decision on sentence to be "demonstrably wrong", it must be shown that the decision was based on a fundamental misapprehension of the law or the facts, thereby resulting in a decision that is blatantly wrong on the face of the record.

[Act 19 of 2018 wef 31/10/2018]

Other matters concerning review applications and leave applications

394K.—(1) An applicant cannot make more than one review application in respect of any decision of an appellate court.

(2) An applicant cannot make a review application in respect of an earlier decision of an appellate court after —

(*a*) in any case where a court hears a related civil application made by the same applicant and reserves judgment in that related civil application — the time that court reserves judgment in that related civil application; or

(*b*) in any other case where a court hears a related civil application made by the same applicant — the time that court delivers judgment in that related civil application.

(3) Where the appellate court is the High Court, no appeal may lie against a decision of the appellate court on a leave application or a review application.

(4) Where the appellate court is the High Court, no application under section 397(1), and no reference under section 397(2), may be made in respect of a decision of the appellate court on a leave application or a review application.

(5) No leave application, and no review application, may be made in respect of a decision of an appellate court on a leave application or a review application.

[Act 19 of 2018 wef 31/10/2018]

Division 2 — Points reserved

Power of court to state case

395.—(1) A trial court hearing any criminal case, may on the application of any party to the proceedings or on its own motion, state a case to the relevant court on any question of law.

(2) Any application or motion made —

(*a*) on a question of law which arises as to the interpretation or effect of any provision of the Constitution may be made at any stage of the proceedings after the question arises and

must set out the question to be referred to the relevant court; and

(*b*) on any other question of law must be made in writing within 10 days from the time of the making or passing of the judgment, sentence or order by the trial court and set out briefly the facts under deliberation and the question of law to be decided on them.

(3) The trial court 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 State Court; and

[Act 5 of 2014 wef 07/03/2014]

(*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 State Court for the opinion of the High Court under section 395, apply to state a case directly to the Court of Appeal.

[Act 5 of 2014 wef 07/03/2014]

(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.

(3A) Where an application under subsection (1) or a reference under subsection (2) is made, the High Court must send to the Court of Appeal a signed copy of the record of the proceedings, and the

grounds of decision, for the matter to which the application or reference relates.

[Act 19 of 2018 wef 31/10/2018]

(3B) Where —

(*a*) a party applies under subsection (1) for leave to refer a question to the Court of Appeal; and

(*b*) it appears to the Court of Appeal that the question is not a question of law of public interest which has arisen in the matter, and the determination of which has affected the case, to which the application relates,

the application may, without being set down for hearing, be summarily refused by an order, under the hand of a presiding Judge of Appeal, certifying that the Court of Appeal is satisfied that the application was made without any sufficient ground.

[Act 19 of 2018 wef 31/10/2018]

(3C) A decision of the Court of Appeal to summarily refuse under subsection (3B) an application under subsection (1) can only be made by a unanimous decision of all the Judges of Appeal.

[Act 19 of 2018 wef 31/10/2018]

(3D) Notice of a refusal under subsection (3B) of an application under subsection (1) must be served on the applicant.

[Act 19 of 2018 wef 31/10/2018]

(3E) Where, after the Court of Appeal has summarily refused under subsection (3B) an application under subsection (1) (called in this subsection the leave application), the applicant gives, within 14 days after the service of the notice of the refusal on the applicant, to the Registrar of the Supreme Court —

(*a*) notice of an application to amend the leave application, so as to raise a question of law of public interest which has arisen in the matter, and the determination of which has affected the case, to which the leave application relates; and

(*b*) a certificate signed by an advocate specifying the question to be raised and undertaking to argue it,

the Chief Justice may allow the applicant to amend the leave application accordingly, and must restore the leave application for hearing.

[Act 19 of 2018 wef 31/10/2018]

(4) In granting leave to refer any question of law of public interest under subsection (1), or where the Public Prosecutor refers any question of law of public interest under subsection (2), the Court of Appeal may reframe the question or questions to reflect the relevant issue of law of public interest, and may make such orders as the Court of Appeal may see fit for the arrest, custody or release on bail of any party in the case.

(5) The Court of Appeal, in hearing and determining any questions referred, may make such orders as the 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, each of the following is deemed to be a question of public interest:

(*a*) any question of law regarding which there is a conflict of judicial authority;

(*b*) any question of law that the Public Prosecutor refers.

[Act 19 of 2018 wef 31/10/2018]

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 State Courts where the trial court which stated the case is a State Court; and

[Act 5 of 2014 wef 07/03/2014]

(*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 the Court of Appeal made under section 398.

Division 3 — Revision of proceedings before State Courts

[Act 5 of 2014 wef 07/03/2014]

Power to call for records of State Courts

400.—(1) Subject to this section and section 401, the High Court may, on its own motion or on the application of a State Court, the Public Prosecutor or the accused in any proceedings, call for and examine the record of any criminal proceeding before any State Court to satisfy itself as to the correctness, legality or propriety of any judgment, sentence or order recorded or passed and as to the regularity of those proceedings.

[Act 5 of 2014 wef 07/03/2014]

(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 State Court which recorded or passed the judgment, sentence or order and that Court must make the requisite orders to give effect to the decision or order.

[Act 5 of 2014 wef 07/03/2014]

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 State Courts or the Registrar of the Supreme Court to satisfy itself as to the correctness, legality or propriety of any order recorded or passed at the criminal case disclosure conference, and as to the regularity of the criminal case disclosure conference.

[Act 5 of 2014 wef 07/03/2014]

(2) Any application by the Public Prosecutor or the accused under subsection (1) must be made within 7 days from the date of the order so recorded or passed at the criminal case disclosure conference to which the application relates.

(3) On examining a record under revision in this Division, the High Court may affirm, vary or set aside any of the orders made by the Magistrate, District Judge, Registrar of the State Courts or Registrar of the Supreme Court, as the case may be, who presided over the criminal case disclosure conference.

[Act 5 of 2014 wef 07/03/2014]

(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 State Courts or Registrar of the Supreme Court, as the case may be, who recorded or passed the order at the criminal case disclosure conference and that Magistrate, District Judge, Registrar of the State Courts or the Registrar of the Supreme Court, as the case may be, must make the requisite orders to give effect to the decision or order.

[Act 5 of 2014 wef 07/03/2014]

Division 5 — Criminal motions

Motion

405.—(1) A motion to the High Court or the Court of Appeal in respect of any criminal matter must be made in accordance with this Division.

(2) In this Division, the relevant court is the court to which the motion is made.

[Act 19 of 2018 wef 31/10/2018]

Notice of motion

406.—(1) No motion shall be made without previous notice to the other party to the proceedings.

(2) There must be at least 7 clear days between the service of the notice of a criminal motion and the day named in the notice for hearing the motion, unless —

(*a*) the relevant court gives leave to the contrary; or

(*b*) each party required to be served with the notice consents to the relief or remedy that is sought under the motion.

[Act 19 of 2018 wef 31/10/2018]

Form and issue of notice of motion

407.—(1) The notice of a criminal motion must be in the prescribed form.

(2) The notice of a criminal motion must be —

(*a*) supported by an affidavit setting out a concise statement of the facts, the relief or remedy required and the reasons for the relief or remedy; and

(*b*) sealed by an officer of the Registry of the Supreme Court.

Adjournment of hearing

408. The hearing of a criminal motion may be adjourned from time to time by the relevant court on such terms as the relevant court thinks fit.

[Act 19 of 2018 wef 31/10/2018]

Dealing with motion in absence of parties, etc.

408A.—(1) The relevant court may deal with a criminal motion in the absence of the parties to the proceedings, if —

(*a*) the respondent is —

(i) the prosecution; or

(ii) an accused who is represented by an advocate; and

(*b*) each party —

(i) consents to the motion being dealt with in the absence of that party; and

(ii) consents to the relief or remedy that is sought under the motion.

(2) Where subsection (1) applies, but the relevant court is not inclined to grant the relief or remedy that is sought under the motion —

(*a*) the motion must be set down for hearing; and

(*b*) each party to the proceedings must be informed of the date and time appointed for the hearing.

(3) The relevant court may, after hearing every party that attends the hearing mentioned in subsection (2), make such order as the relevant court thinks fit.

(4) Where every party to the proceedings consents to the withdrawal of the motion, the relevant court may summarily give leave to withdraw the motion by an order under the hand of a Judge of Appeal or a Judge, without the motion being set down for hearing.

[Act 19 of 2018 wef 31/10/2018]

Decision or order affecting lower court

408B. Where, on hearing or dealing with a criminal motion, the relevant court makes a decision or an order that affects a lower court, the relevant court must certify its decision or order to the lower court.

[Act 19 of 2018 wef 31/10/2018]

Costs

409. If the relevant court dismisses a criminal motion and is of the opinion that the motion was frivolous or vexatious or otherwise an abuse of the process of the relevant court, it may, either on the application of the respondent or on its own motion, order the applicant of the criminal motion to pay to the respondent costs on an indemnity basis or otherwise fixed by the relevant court.

[Act 19 of 2018 wef 31/10/2018]

PART XXI

SPECIAL PROCEEDINGS

[*Repealed by Act 19 of 2016 wef 01/10/2017*]

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.

Prohibition against publication, etc., that identifies complainant or alleged victim of sexual offence or child abuse offence

425A.—(1) Subject to subsection (2), where any person knows that an individual is a complainant, or an alleged victim, of a sexual offence or child abuse offence, that person must not do any of the following things:

(*a*) publish the name, address or photograph of the individual;

(*b*) publish any evidence, or any other thing, that is likely to lead to the identification of the individual as a complainant, or an alleged victim, of a sexual offence or child abuse offence;

(*c*) do any other act that is likely to lead to the identification of the individual as a complainant, or an alleged victim, of a sexual offence or child abuse offence.

(2) Subsection (1) ceases to apply to an individual who is a complainant of a sexual offence or child abuse offence, if —

(*a*) the individual is convicted of any offence under section 182, 193, 194, 195, 196, 199, 200, 201, 202, 203, 204, 204A, 204B, 209, 211, 213 or 214 of the Penal Code (Cap. 224); and

(*b*) the conviction involves a finding by the court that the individual's complaint of the sexual offence or child abuse offence was false in any material point.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) To avoid doubt, this section does not affect any other written law that may prohibit a person from doing any thing mentioned in subsection (1)(*a*), (*b*) or (*c*).

[Act 19 of 2018 wef 31/10/2018]

Copies of proceedings

426.—(1) Any person (other than the Public Prosecutor) affected by any judgment, sentence or order made by a court may, on

application to the court and upon payment of the prescribed fee, be furnished with a copy of any judgment, sentence, order, deposition or any other part of the record of proceedings.

(2) [*Deleted by Act 19 of 2018 wef 17/09/2018*]

(3) The court may, if it thinks fit, waive the payment of any fee under this section.

(4) The Public Prosecutor may apply to the court and must be furnished, free of charge, with a copy of any judgment, sentence, order, deposition or any other part of the record of proceedings.

(5) Every application to the court under subsection (1) or (4) may be dealt with, and the power of the court under subsection (3) may be exercised, by —

(*a*) the Registrar of the Supreme Court, if the court is the Court of Appeal or the High Court;

(*b*) the Registrar of the Family Justice Courts, if the court is a Family Court or a Youth Court; or

(*c*) the Registrar of the State Courts, if the court is a District Court or a Magistrate's Court.

[Act 19 of 2018 wef 31/10/2018]

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 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;

[Act 19 of 2018 wef 17/09/2018]

(*b*) the recording of statements in the form of audiovisual recordings, and the prevention of the following:

(i) the making of any unauthorised copy of any such audiovisual recording;

(ii) the unauthorised possession of any recording device during the recording of any such statement or the viewing of any such audiovisual recording;

(iii) the unauthorised use or distribution of any such audiovisual recording;

[Act 19 of 2018 wef 17/09/2018]

(*c*) the prescribing of any additional method mentioned in section 3(1)(*j*) for serving any notice, order or document (other than a summons or a notice to attend court issued under this Code) required or permitted to be served on a person under this Code, including —

(i) prescribing different additional methods of service for different types of notices, orders or documents;

(ii) restricting the application of a particular additional method of service to a particular type of notice, order or document; and

(iii) prescribing the conditions for the application of any particular additional method of service, whether generally or to any particular type of notice, order or document;

[Act 19 of 2018 wef 17/09/2018]

(*d*) the prescribing of any matters relating to section 20(1), (1A), (3) and (3A), including prescribing —

(i) the persons who must set up a system for receiving and responding automatically to a written order under section 20(1)(*b*), (1A), (3)(*b*) or (3A) and the operational details of the system;

(ii) any matters concerning the service of a written order under section 20(1), (1A), (3) or (3A);

(iii) the form and manner in which a person must produce, give access to or deliver a copy of a document or thing for the purposes of section 20(1)(*a*)(iii) or (*b*)(i) or (ii) or (3)(*b*);

(iv) the manner in which a person must authenticate data, or a copy of data, for the purposes of section 20(1A)(*a*)(i) or (*b*)(i) or (3A)(*a*)(i) or (*b*)(i);

(v) the form and manner in which a person must produce data, or a copy of data, for the purposes of section 20(1A)(*a*)(ii) or (*b*)(ii) or (3A)(*a*)(ii) or (*b*)(ii);

[Act 19 of 2018 wef 17/09/2018]

(*da*) [*Deleted by Act 19 of 2018 wef 17/09/2018*]

(*e*) the electronic monitoring of the whereabouts of an accused who is granted bail or released on personal bond, for the purposes of section 94;

[Act 19 of 2018 wef 17/09/2018]

(*f*) the prescribing of anything that is required or permitted by this Code to be prescribed.

[Act 19 of 2018 wef 17/09/2018]

(3) The regulations made for or with respect to the matters in subsection (2)(*b*) —

(*a*) may provide that a contravention of any specified provision of those regulations shall be an offence;

(*b*) may provide for penalties not exceeding a fine of $2,000 or imprisonment for a term not exceeding 2 years or both for each offence; and

(*c*) may provide for any offence under those regulations to be an arrestable offence.

[Act 19 of 2018 wef 17/09/2018]

(4) The powers conferred by this section do not extend to any matter for which Criminal Procedure Rules may be made under section 428A.

[Act 19 of 2018 wef 17/09/2018]

Criminal Procedure Rules Committee and Criminal Procedure Rules

428A.—(1) A committee called the Criminal Procedure Rules Committee is constituted by this section.

(2) The Criminal Procedure Rules Committee consists of the following members:

(*a*) the Chief Justice, who is the chairperson of the Committee;

(*b*) 2 Judges of the Supreme Court (excluding the Presiding Judge of the State Courts), each of whom is appointed by the Chief Justice for such period as the Chief Justice may specify in writing;

(*c*) the Presiding Judge of the State Courts;

(*d*) the Registrar of the Supreme Court;

(*e*) a District Judge, who is appointed by the Chief Justice for such period as the Chief Justice may specify in writing;

(*f*) the Public Prosecutor, or a member appointed by the Public Prosecutor under this paragraph for such period as the Public Prosecutor may specify in writing;

(*g*) 2 members, each of whom is appointed by the Public Prosecutor under this paragraph for such period as the Public Prosecutor may specify in writing;

(*h*) 2 practising advocates and solicitors, each of whom is appointed by the Minister for such period as the Minister may specify in writing;

(*i*) 2 public officers, each of whom is appointed by the Minister charged with the responsibility for home affairs for such period as that Minister may specify in writing.

(3) The Criminal Procedure Rules Committee may make Criminal Procedure Rules regulating and prescribing the procedure and the practice to be followed in each court in all matters in or with respect to which that court for the time being exercises criminal jurisdiction and any matters incidental to or relating to any such procedure or practice.

(4) Without limiting subsection (3), Criminal Procedure Rules may be made for or with respect to all or any of the following matters:

(*a*) any form that is to be used by any person in relation to any matter under this Code;

(*b*) the disclosure of and access to any document or material in the possession of the prosecution or the defence, including any statement recorded under section 22 or 23 in the form of an audiovisual recording;

(*c*) for giving effect to Parts IX, X and XI;

(*d*) the rates or scales of payment of the expenses and compensation that may be ordered under section 363, and any matter concerning the payment of the expenses and compensation;

(*e*) in relation to documents being filed with, served on, delivered or otherwise conveyed to any court or any party to any criminal matter —

(i) the establishment of any electronic filing service and any other matter that relates to the use or operation of the electronic filing service;

(ii) the manner and form of any such filing, service, delivery or conveyance;

(iii) the modification of such provisions of the Evidence Act (Cap. 97) as may be necessary for the purpose of facilitating the use in court of documents filed,

served, delivered or conveyed using the electronic filing service;

(iv) the burden of proof and rebuttable presumptions in relation to the identity and authority of the person filing, serving, delivering or conveying the documents by the use of the electronic filing service;

(v) the authentication of documents filed, served, delivered or conveyed by the use of the electronic filing service; and

(vi) the means by which particular facts may be proved, and the mode in which evidence of those facts may be given, in any proceedings which involve the use or operation of the electronic filing service;

(*f*) the prescribing of anything that is required or permitted to be prescribed by Criminal Procedure Rules.

(5) The quorum for a meeting of the Criminal Procedure Rules Committee is 7 members.

(6) Each member has one vote.

(7) A decision is adopted by the Criminal Procedure Rules Committee at a meeting if a majority of the votes cast on it are in favour of it.

(8) A member present at a meeting of the Criminal Procedure Rules Committee is presumed to have agreed to, and to have cast a vote in favour of, a decision of the Committee, unless the member expressly votes against the decision at the meeting.

(9) The members may, in place of the procedure described in subsections (7) and (8), adopt a decision by assenting to the decision in writing, if —

(*a*) all of the members are given (whether by post, personal delivery or electronic communication) the terms of the decision to be made; and

(*b*) a majority of those members who are entitled to vote on the matter sign or approve a document containing the terms of

the decision to be made and a statement that they are in favour of those terms.

(10) Where subsection (9) applies, the decision is deemed to have been adopted at a meeting of the Criminal Procedure Rules Committee on the date on which the document containing the terms of the decision to be made is signed or approved by the last member required to form the majority of members in favour of the decision.

(11) For the purposes of subsections (9) and (10), the adoption of a decision by the Criminal Procedure Rules Committee may consist of several documents containing the same terms of the decision to be made, each signed or approved by one or more members.

(12) Criminal Procedure Rules made under this section cannot come into operation unless they have been approved by the Chief Justice and the Minister.

(13) All Criminal Procedure Rules made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

(14) This section does not affect either of the following:

(*a*) any other written law that confers power to make subsidiary legislation for regulating or prescribing the procedure and practice to be followed by any court when exercising criminal jurisdiction, or jurisdiction of a quasi-criminal nature, in any proceedings;

(*b*) any subsidiary legislation made under any such written law.

(15) Until the Criminal Procedure Rules Committee makes Criminal Procedure Rules on any matter mentioned in subsection (3) or (4), or for any other purpose mentioned in this Code —

(*a*) the Minister may make rules under this subsection for that matter or purpose; and

(*b*) the following are deemed to be Criminal Procedure Rules:

(i) any rules mentioned in paragraph (*a*);

(ii) any regulations made, before the date of commencement of section 117 of the Criminal Justice Reform Act 2018, under section 428 as in force before that date, for that matter or purpose.

(16) When the Criminal Procedure Rules Committee makes Criminal Procedure Rules on any matter mentioned in subsection (3) or (4), or for any other purpose mentioned in this Code —

(*a*) any subsidiary legislation mentioned in subsection (15) that was made for that matter or purpose must be revoked; and

(*b*) those Criminal Procedure Rules may contain such provisions of a saving or transitional nature consequent on the enactment of those Criminal Procedure Rules, or on the revocation of that subsidiary legislation, as the Criminal Procedure Rules Committee may consider necessary or expedient.

[Act 19 of 2018 wef 17/09/2018]

Savings and transitional provisions

429.—(1) This Code shall not affect —

(*a*) any inquiry, trial or other proceeding commenced or pending under the repealed Code before 2nd January 2011, and every such inquiry, trial or other proceeding may be continued and everything in relation thereto may be done in all respects after that date as if this Code had not been enacted; and

(*b*) any further proceedings which may be taken under the repealed Code in respect of any inquiry, trial or other proceeding which has commenced or is pending before 2nd January 2011, and such further proceedings may be taken and everything in relation thereto may be done in all respects after that date as if this Code had not been enacted.

(2) Any application, authorisation, consent, direction, fiat, instruction, order, requirement or sanction of the Public Prosecutor given or made under the repealed Code before 2nd January 2011 and

which remains in force or which is not complied with before that date 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.

(3) Any summons, warrant or requisition issued by a court under the repealed Code before 2nd January 2011 and which has not been complied with or executed before that date 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.

(4) 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.

(5) Any authorisation given by the Commissioner of Police under section 70 of the repealed Code which is not acted on before 2nd January 2011 shall be treated as if it were an authorisation of the Commissioner of Police given under section 33.

(6) Any written order of a police officer under section 58 of the repealed Code which is not complied with before 2nd January 2011 shall be treated as if it were a written order of a police officer under section 20.

(7) Any order of a police officer under section 120 of the repealed Code which is not complied with before 2nd January 2011 shall be treated as if it were an order of a police officer under section 21.

(8) Any requisition made by a police officer or authorised person under section 125A or 125B of the repealed Code before 2nd January 2011 which is not complied with before that date shall be deemed to be a requisition made by a police officer or an authorised person under section 39 or 40, respectively.

(9) Any plea of guilty by letter under section 137 of the repealed Code which is not dealt with by a court before 2nd January 2011 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.

(10) Any plea of guilty under section 137A of the repealed Code which is not dealt with by a court before 2nd January 2011 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.

(11) Any bond executed by any person under the repealed Code before 2nd January 2011 and which remains in force on or after that date shall be treated as if it were a bond executed under the corresponding provisions of this Code.

(12) Any person who is subject to the supervision of the police under section 11 of the repealed Code shall be treated as if he were a person subject to police supervision under section 309 of this Code.

(13) Any information received or recorded under section 115 of the repealed Code which is not dealt with in accordance with the provisions of the repealed Code before 2nd January 2011 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.

(14) Any complaint which is received by a Magistrate before 2nd January 2011 and which is not disposed of before that date, 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.

(15) Any offence which is to be compounded under section 199A of the repealed Code and which is not so compounded before 2nd January 2011 shall be treated as an offence which is to be compounded under section 243 of this Code.

(16) 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.

(17) Where any period of time specified in any provision in the repealed Code is current immediately before 2nd January 2011, 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 2nd January 2011; and

(*b*) to expire (subject to any provision of this Code for its extension) whenever it would have expired if this Code had not been enacted,

and any rights, priorities, liabilities, reliefs, obligations, requirements, powers, duties or exemptions dependent on the beginning, duration or end of such a period as abovementioned shall be under this Code as they were or would have been under that provision in the repealed Code.

(18) Any subsidiary legislation made under the repealed Code and in force immediately before 2nd January 2011 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.

(19) 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.

(20) 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.

(21) 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.

(22) Where before 2nd January 2011 any inquiry is held under Chapter XXX of the repealed Code and has not been concluded immediately before that date, the inquiry may continue in accordance with the provisions under the repealed Code relating to such inquiry as if this Code had not been enacted.

(23) For a period of 2 years after 2nd January 2011, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the repeal of the repealed Code as he may consider necessary or expedient.

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	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	a different 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 the 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
116	If the abettor or the person	Ditto	Ditto	Ditto	Imprisonment extending to	Ditto

FIRST SCHEDULE — *continued*

	abetted is a public servant whose duty it is to prevent the offence				half of the longest term provided for the offence, or fine, or both	
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
118	If the offence is not committed	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto

FIRST SCHEDULE — *continued*

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
119	If the offence is punishable with death or	Ditto	Ditto	Not bailable	Imprisonment for 7 years, and fine	Ditto

FIRST SCHEDULE — *continued*

	imprisonment for life but is not committed					
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 if arrest for the offence which	According as to whether warrant or summons	According as to whether the offence which is the object of the	The same punishment as if the offence which is the object of the	The court by which the offence which is the object of the conspiracy is triable

FIRST SCHEDULE — *continued*

		is the object of the conspiracy may be made without warrant, but not otherwise	may issue for the offence which is the object of the conspiracy	conspiracy is bailable or not	conspiracy was abetted	
CHAPTER VI — 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 section 121A or 121B	Ditto	Ditto	Ditto	Punishment provided for offences under	

FIRST SCHEDULE — *continued*

					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 property so received	Ditto

FIRST SCHEDULE — *continued*

	sections 125 and 126					
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 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	According as to whether a	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	made without warrant for the offence or not	warrant or 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

FIRST SCHEDULE — *continued*

152	Assaulting or obstructing public servant when suppressing riot, etc.	Ditto	Ditto	Ditto	Imprisonment for 8 years, or fine, or both	Ditto
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	Ditto	Ditto	Ditto	Fine	Ditto

FIRST SCHEDULE — *continued*

	lawful means to prevent it					
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						

FIRST SCHEDULE — *continued*

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act	May arrest without warrant	Warrant	Bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant	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	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	defined in sections 162 and 163 with 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	

FIRST SCHEDULE — *continued*

167	Public servant framing an incorrect document or electronic record with intent to cause injury	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
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	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

	servant with fraudulent intent					
CHAPTER X — CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS						
172	Absconding to avoid service of summons or other proceeding from a public servant	May arrest without warrant	Warrant	Bailable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
172	If summons or notice requires attendance in person, etc., in a court of justice	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

FIRST SCHEDULE — *continued*

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
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	Shall not arrest without warrant	Summons	Ditto	Imprisonment for one month, or fine*, or both	District Court

FIRST SCHEDULE — *continued*

	to a public servant by a person legally bound to produce or deliver such document or electronic record					
[*Deleted by Act 19 of 2016 wef 01/10/2017*]						
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	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

	the commission of an offence, etc.					
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	District Court
179	Being legally bound to state truth, and refusing to answer questions to a public servant	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

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 annoyance of any person	Ditto	Summons	Ditto	Imprisonment for one year, or fine*, or both	Ditto
183	Resistance to the taking of property by the lawful authority	May arrest without warrant	Warrant	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

	of a public servant					
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 obligations incurred thereby	Ditto	Ditto	Ditto	Ditto	Ditto
186	Obstructing public servant in discharge of his public functions	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

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 public servant, if such disobedience causes obstruction, annoyance or injury to persons	Shall not arrest without warrant	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto

FIRST SCHEDULE — *continued*

	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
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

FIRST SCHEDULE — *continued*

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	
194	If innocent person is thereby convicted and executed	Ditto	Ditto	Ditto	Death, or as above	
195	Giving or fabricating false	According as to whether	Ditto	Ditto	The same as for the offence	The court by which the offence is triable

FIRST SCHEDULE — *continued*

	evidence with intent to procure conviction of an offence punishable with imprisonment for life or imprisonment for 7 years or upwards	arrest may be made without warrant for the offence or not				
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	The court by which the offence of giving or fabricating evidence is triable
197	Knowingly 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

FIRST SCHEDULE — *continued*

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
201	Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the	According as to whether arrest may be made without warrant for the offence or not	Ditto	Not bailable	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

	offender, if the offence is capital					
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
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	Ditto	Warrant	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	offence committed					
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
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

FIRST SCHEDULE — *continued*

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
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	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	execution of a decree						
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	Ditto
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	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	with intent to injure					
211	If offence charged is punishable with death, or imprisonment for 7 years or upwards	May arrest without warrant	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
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

FIRST SCHEDULE — *continued*

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 life or imprisonment for 20 years	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
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 screening	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

	offender, if the offence is capital					
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 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
215	Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing	Shall not arrest without warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	apprehension of offender					
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
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

FIRST SCHEDULE — *continued*

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
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	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

	or pronouncing an order, a report, a verdict or a decision which he knows to be contrary to law					
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law	Ditto	Ditto	Ditto	Ditto	Ditto
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

FIRST SCHEDULE — *continued*

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 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	Ditto	Ditto	Not bailable	Imprisonment for life, or imprisonment for 20 years, and fine	
222	If under sentence of imprisonment	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

	for 20 years or upwards					
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
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	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	from lawful custody					
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
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	

FIRST SCHEDULE — *continued*

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
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

FIRST SCHEDULE — *continued*

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 remission of punishment	Shall not arrest without warrant	Ditto	Ditto	Punishment of original sentence, or, if part of the punishment has been undergone, the residue	
228	Intentional insult or interruption to a public servant sitting in any stage of a	Ditto	Summons	Bailable	Imprisonment for one year, or fine*, or both	District Court

FIRST SCHEDULE — *continued*

	judicial proceeding					
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
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	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	counterfeiting coin					
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 counterfeiting coin	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
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	Ditto

FIRST SCHEDULE — *continued*

					within Singapore	
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
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	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

240	The same with respect to current coin	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
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
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	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

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	Magistrate's Court or District Court	
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	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court	

FIRST SCHEDULE — *continued*

	composition of current coin						
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 pass as a coin of a different description	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court	
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	

FIRST SCHEDULE — *continued*

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 when he became possessed thereof	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine*	Ditto

FIRST SCHEDULE — *continued*

	not know to be altered					
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	Magistrate's Court or District Court
255	Counterfeiting a Government stamp	Ditto	Ditto	Bailable	Imprisonment for 10 years, and fine	District Court
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto
257	Making, buying or selling	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	instrument for the purpose of counterfeiting a Government stamp					
258	Sale of counterfeit Government stamp	Ditto	Ditto	Ditto	Ditto	Ditto
259	Having possession of a counterfeit Government stamp	Ditto	Ditto	Ditto	Ditto	Ditto
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	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	removing from a document a stamp used for it with intent to cause loss to Government					
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 stamp has been used	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
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

FIRST SCHEDULE — *continued*

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						
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	Ditto	Summons	Bailable	Imprisonment for one year, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	infection of any disease dangerous to life					
270	Malignantly doing any act known to or likely to spread infection of any disease dangerous to life	Ditto	Warrant	Ditto	Imprisonment for 4 years, or fine, or both	Ditto
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

FIRST SCHEDULE — *continued*

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
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

FIRST SCHEDULE — *continued*

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 so rashly or negligently as to endanger human life, etc.	May arrest without warrant	Ditto	Ditto	Ditto	Ditto
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	Ditto	Summons	Ditto	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	vessel in such a state, or so loaded, as to endanger his life					
283	Causing danger, obstruction or injury in any public way or line of navigation	Ditto	Ditto	Ditto	Fine*	Ditto
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	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	endanger human life, etc.					
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 life by the fall of any building being pulled down or repaired	Ditto	Ditto	Ditto	Ditto	Ditto
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

FIRST SCHEDULE — *continued*

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
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	May arrest without warrant	Summons	Bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	sacred object with intent to insult the religion of any class of persons					
296	Causing a disturbance to an assembly engaged in religious worship	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
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

FIRST SCHEDULE — *continued*

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 causing any matter however represented to be seen or heard by that person, with intention to wound his religious or racial feelings	Shall not arrest without warrant	Ditto	Ditto	Ditto	Ditto
298A	Promoting enmity between different groups on grounds of religion or race, and doing acts	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	prejudicial to maintenance of harmony					
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 amounting to murder if act by which the death is caused is done with intention of causing death, etc.	Ditto	Ditto	Ditto	Imprisonment for life, or 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	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or caning, or any combination of	District Court

FIRST SCHEDULE — *continued*

	intention to cause death, etc.					
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 or delirious person or, an idiot, or a person intoxicated	Ditto	Ditto	Not bailable	Death, or imprisonment for life, or imprisonment 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	

FIRST SCHEDULE — *continued*

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 amounting to murder	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
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	

FIRST SCHEDULE — *continued*

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
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	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court

FIRST SCHEDULE — *continued*

	intent to cause miscarriage					
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	District Court
316	Causing death of a quick unborn child by an act amounting to culpable homicide	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
317	Exposure of a child under 12 years of age by parent or person having care of	Ditto	Ditto	Bailable	Imprisonment for 7 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

	such child, with intention of wholly abandoning the child						
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 weapons or means	May arrest without warrant	Ditto	Ditto	Imprisonment for 7 years, or fine, or caning, or any combination of such punishments	Ditto	
325	Voluntarily causing grievous hurt	Ditto	Ditto	Ditto	Imprisonment for 10 years,	Ditto	

FIRST SCHEDULE — *continued*

					and fine, or caning	
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 commission of an offence	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto
328	Administering stupefying drug with intent to cause hurt, etc.	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

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 restoration of property, etc.	Ditto	Ditto	Bailable	Imprisonment for 7 years, and fine, or caning	Ditto
331	Voluntarily causing grievous hurt to extort confession or information, or	Ditto	Ditto	Not bailable	Imprisonment for 10 years, and fine, or caning	Ditto

FIRST SCHEDULE — *continued*

	to compel restoration of property, etc.						
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	
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	

FIRST SCHEDULE — *continued*

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
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

FIRST SCHEDULE — *continued*

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
			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	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

FIRST SCHEDULE — *continued*

	person for 3 or more days					
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
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

FIRST SCHEDULE — *continued*

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 sudden provocation	Shall not arrest without warrant	Summons	Bailable	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court
353	Assault or use of criminal force to deter a public servant from discharge of his 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	Ditto	Ditto	Bailable	Imprisonment for 2 years, or	Ditto

FIRST SCHEDULE — *continued*

	a person with intent to outrage modesty				fine, or caning, or any combination of such punishments	
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
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	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	against any person under 14 years of age					
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
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

FIRST SCHEDULE — *continued*

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 fine, or caning, or any combination of such punishments	Ditto
364	Kidnapping or abducting in order to murder	Ditto	Ditto	Ditto	Death, or imprisonment for life, and caning	
365	Kidnapping or abducting with intent secretly	Ditto	Ditto	Ditto	Imprisonment for 10 years,	District Court

FIRST SCHEDULE — *continued*

	and wrongfully to confine a person				and fine, or caning	
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc.	Ditto	Ditto	Ditto	Ditto	District Court
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	Ditto	Ditto	Ditto	Ditto	District Court
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 to take property	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto

FIRST SCHEDULE — *continued*

	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	District Court
372	Selling or letting to hire a minor for purposes of prostitution, etc.	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
373	Buying or obtaining possession of a minor for the same purposes	Ditto	Ditto	Ditto	Ditto	District Court
373A	Importing woman by fraud with intent, etc.	Ditto	Ditto	Ditto	Ditto	District Court

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	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

	minor under 16 years of age					
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

FIRST SCHEDULE — *continued*

376C(2)	Communicating with a person for purpose of commercial sex with minor under 18 years of age outside Singapore	Shall not arrest without warrant	Summons	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court	
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	

FIRST SCHEDULE — *continued*

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	Magistrate's Court or District Court
376G(4)	Incest by a man with a woman under 14 years of age	Ditto	Ditto	Ditto	Imprisonment for 14 years	District Court
376G(5)	Incest by a woman	Ditto	Ditto	Ditto	Imprisonment for 5 years	Magistrate's Court or 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

FIRST SCHEDULE — *continued*

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 penetrate a living animal	Ditto	Warrant	Not bailable	Imprisonment for 20 years, and fine, or caning	
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	Ditto

FIRST SCHEDULE — *continued*

					as the court may order from holding or obtaining a driving licence	
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	District Court
			Extortion			
384	Extortion	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, and caning	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

385	Putting or attempting to put in fear of harm, in order to commit extortion	Ditto	Ditto	Ditto	Imprisonment for 5 years, and caning	Ditto
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	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto

FIRST SCHEDULE — *continued*

	imprisonment for 10 years					
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

FIRST SCHEDULE — *continued*

393	Attempt to commit robbery	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	Ditto
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	

FIRST SCHEDULE — *continued*

399	Making preparation to commit gang-robbery	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	
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

FIRST SCHEDULE — *continued*

Criminal misappropriation of property						
403	Dishonest misappropriation of movable property, or converting it to one's own use	Shall not arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
404	Dishonest misappropriation of property, knowing that it was in the possession of a 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						

FIRST SCHEDULE — *continued*

406	Criminal breach of trust	May arrest without warrant	Warrant	Not bailable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
407	Criminal breach of trust 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

FIRST SCHEDULE — *continued*

411(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
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,	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

	knowing it to be stolen					
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

FIRST SCHEDULE — *continued*

419	Cheating by personation	Ditto	Ditto	Ditto	Ditto	Ditto
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	Magistrate's Court or District Court
			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	District Court
451	House-trespass in order to commit an offence punishable with imprisonment	Ditto	Ditto	Bailable	Imprisonment for 2 years, and fine	Magistrate's Court or District Court

FIRST SCHEDULE — *continued*

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 concerned	Ditto	Ditto	Ditto	Imprisonment for 20 years	

FIRST SCHEDULE — *continued*

	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 instrument with	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court

FIRST SCHEDULE — *continued*

	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 descriptions mentioned in section 466	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
474	If the document is one of the descriptions mentioned in section 467	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto
475	Counterfeiting a device or mark used for	Ditto	Ditto	Ditto	Ditto	Ditto

FIRST SCHEDULE — *continued*

	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 destroy or	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto

FIRST SCHEDULE — *continued*

	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 [*Deleted by Act 5 of 2015 wef 01/04/2015*]	Uttering any word or making any gesture intended to insult the modesty of a woman, etc.	Ditto	Summons	Ditto	Ditto	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 punishable with imprisonment or fine or with a combination of	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 provided for the offence	The court by which the offence attempted is triable

FIRST SCHEDULE — *continued*

	such punishments (other than imprisonment for life), and in such attempt doing any act towards the commission of 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
		If punishable with imprisonment for 3 years or	Ditto	Ditto	Ditto	According to sections 7, 8 and 9 of this Code

FIRST SCHEDULE — *continued*

	upwards but less than 7 years					
	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

FIRST SCHEDULE — *continued*

[S 664/2011]

[Act 5 of 2015 wef 01/04/2015]

[Act 19 of 2016 wef 01/10/2017]

[Act 19 of 2018 wef 31/10/2018]

SECOND SCHEDULE

Sections 159(1) and 211A(1)(*b*)

LAWS TO WHICH CRIMINAL CASE DISCLOSURE PROCEDURES APPLY

1. Arms and Explosives Act (Cap. 13)
2. Arms Offences Act (Cap. 14)

2A. Banishment Act (Cap. 18)

[S 724/2018 wef 31/10/2018]

3. Banking Act (Cap. 19)

[S 724/2018 wef 31/10/2018]

3A. Casino Control Act (Cap. 33A)

[Act 19 of 2018 wef 31/10/2018]

4. Computer Misuse Act (Cap. 50A)

[Act 3 of 2013 wef 13/03/2013]

[Act 9 of 2018 wef 31/08/2018]

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)

9A. Infrastructure Protection Act 2017 (Act 41 of 2017)

[S 820/2018 wef 18/12/2018]

10. Internal Security Act (Cap. 143)
11. Maintenance of Religious Harmony Act (Cap. 167A)
12. Misuse of Drugs Act (Cap. 185)

12A. Moneylenders Act (Cap. 188)

[Act 19 of 2018 wef 31/10/2018]

13. Oaths and Declarations Act (Cap. 211)
14. Official Secrets Act (Cap. 213)
15. Passports Act (Cap. 220)
16. Penal Code (Cap. 224)

16A. Prevention of Corruption Act (Cap. 241)

[Act 19 of 2018 wef 31/10/2018]

SECOND SCHEDULE — *continued*

16B. Prevention of Human Trafficking Act 2014 (Act 45 of 2014)
[Act 19 of 2018 wef 31/10/2018]

17. Prisons Act (Cap. 247)

18. Protected Areas and Protected Places Act (Cap. 256)

19. Public Entertainments Act (Cap. 257)
[Act 28 of 2017 wef 01/08/2017]

20. Public Order and Safety (Special Powers) Act 2018
[Act 26 of 2018 wef 16/05/2018]

20A. Remote Gambling Act 2014 (Act 34 of 2014)
[Act 19 of 2018 wef 31/10/2018]

21. Securities and Futures Act (Cap. 289)

22. Sedition Act (Cap. 290)

23. Vandalism Act (Cap. 341).
[Act 19 of 2018 wef 17/09/2018]

THIRD SCHEDULE

Sections 22(5) and 23(3B)

OFFENCES FOR WHICH STATEMENTS MUST BE RECORDED IN FORM OF AUDIOVISUAL RECORDING

1. Section 375(1)(*a*) of the Penal Code (Cap. 224).
[Act 19 of 2018 wef 17/09/2018]

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	Compoundable by the victim if this Code or

FOURTH SCHEDULE — *continued*

First column	*Second column*	*Third column*	*Fourth column*
Item No.	*Section*	*Offence*	*When compoundable/ By whom compoundable*
		in consequence, and where no express provision is made for its punishment	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
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

FOURTH SCHEDULE — *continued*

First column	*Second column*	*Third column*	*Fourth column*
Item No.	*Section*	*Offence*	*When compoundable/ By whom compoundable*
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
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

FOURTH SCHEDULE — *continued*

First column	*Second column*	*Third column*	*Fourth column*
Item No.	*Section*	*Offence*	*When compoundable/ By whom compoundable*
18.	120	If the offence is not committed	Ditto
Chapter XV — Offences relating to religion or race			
19.	298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person or causes any matter however represented to be seen or 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
23.	337(*a*)	Causing hurt by a rash act which endangers human life, etc.	Ditto

FOURTH SCHEDULE — *continued*

First column	*Second column*	*Third column*	*Fourth column*
Item No.	*Section*	*Offence*	*When compoundable/ By whom compoundable*
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

FOURTH SCHEDULE — *continued*

First column	*Second column*	*Third column*	*Fourth column*
Item No.	*Section*	*Offence*	*When compoundable/ By whom compoundable*
Chapter XVII — Offences against property			
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

FOURTH SCHEDULE — *continued*

First column	*Second column*	*Third column*	*Fourth column*
Item No.	*Section*	*Offence*	*When compoundable/ By whom compoundable*
Chapter XXIII — Attempts to commit offences			
44.	511	Attempting (where no express provision is made by the Penal Code or by 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	Compoundable by the victim if this Code or any other written law under which the attempted offence is committed provides for the attempted offence to be compoundable by the victim
45.	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	Compoundable by the person obstructed, etc.

FOURTH SCHEDULE — *continued*

First column	*Second column*	*Third column*	*Fourth column*
Item No.	*Section*	*Offence*	*Explanatory Note*
		inconvenience to any person bathing at any place set aside as a bathing place	
48.	11(1)(*g*)	Nuisance — setting on or urging any dog or other animal to attack, worry or put in fear any person	Compoundable by the person attacked, worried or put in fear
49.	12(1)(*b*)	Offences relating to animals — allowing animal to stray upon, or tethers or pickets any animal on land in the possession of any private person	Compoundable by the owner or lawful occupier of land
50.	[*Deleted by Act 17 of 2014 wef 15/11/2014*]		
51.	[*Deleted by Act 17 of 2014 wef 15/11/2014*]		
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

PART III

OFFENCES UNDER PROTECTION FROM HARASSMENT ACT 2014

First column	*Second column*	*Third column*	*Fourth column*
Item No.	*Section*	*Offence*	*Explanatory Note*
54.	3	Intentionally causing harassment, alarm or distress	Compoundable by the victim within the meaning of section 3 of the Protection from Harassment Act 2014

FOURTH SCHEDULE — *continued*

55.	5	Fear or provocation of violence	Compoundable by the victim within the meaning of section 5 of the Protection from Harassment Act 2014
56.	7	Unlawful stalking	Compoundable by the victim within the meaning of section 7 of the Protection from Harassment Act 2014

[Act 17 of 2014 wef 15/11/2014]

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;

(*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 149A

OFFENCES IN RESPECT OF WHICH DEFERRED PROSECUTION AGREEMENTS MAY BE ENTERED INTO

1. Any offence under section 39, 43, 44, 45, 46, 47, 48, 48C, 48E, 48F, 48I, 48J or 48K of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A).

2. Any offence under section 59, read with section 39, 43, 44, 45, 46, 47, 48, 48C, 48E, 48F, 48I, 48J or 48K, of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act.

SIXTH SCHEDULE — *continued*

3. Any offence under section 27B(2) of the Monetary Authority of Singapore Act (Cap. 186).
4. Any offence under section 411 or 477A of the Penal Code (Cap. 224).
5. Any offence under section 5, 6, 10 or 12 of the Prevention of Corruption Act (Cap. 241).
6. Any offence under section 82, 204, 212 or 221 of the Securities and Futures Act (Cap. 289).
7. Any offence under section 331, read with section 82, 204, 212 or 221, of the Securities and Futures Act.
8. Any offence of attempting to commit, abetting the commission of, or being a party to a criminal conspiracy to commit, any other offence specified in this Schedule.

[Act 19 of 2018 wef 31/10/2018]

TABLE OF DERIVATIONS

This Table shows in the first column the provisions of the Code and in the second and third columns the corresponding provisions of the repealed Code and other legislation, respectively, in respect of which amendments (whether or not of a drafting nature) may have been made.

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
1	1	—
2	2	—
3	New	—
4	3	—
5	4	—
6	5	—
7	8	—
8(1) and (2)	7(1) and (3)	—
9(1)	10	—
10	129, 130 and 131	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
11	336	—
12	New	—
13	New	—
14	115	—
15	New	—
16	116	—
17	119	—
18	118	—
19	127	—
20	58	—
21	120	—
22	121	—
23	122(6), (7) and (8)	—
24	61(1) and (2)	—
25	62	—
26	61(3) to (5) and 63(1) and (2)	—
27	New	—
28	New	—
29	New	—
30	64	—
31	65	—
32	69	—
33	70	—
34	125	—
35(8)	—	Regulation 5(3), Monetary Authority of

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
		Singapore (Freezing of Assets of Former President of Liberia and Connected Persons) Regulations 2004 (S 260/2004)
36	68A	—
37	66	—
38	67	—
39	125A	—
40	125B	—
41	71	—
42	72	—
43	73	—
44	74	—
45	75	—
46	76	—
47	77, 78 and 79	—
48	80	—
49	81	—
50	82	—
51	84	—
52	85	—
53	86	—
54	87	—
55	88	—
56	90	—
57	91	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
58	92	—
59	93	—
60	94	—
61	95	—
62	96	—
63(1)	111	—
63(3)	—	Section 2(2), Terrorism (Suppression of Financing) Act (Cap. 325, 2003 Ed.)
64	32	—
65	33	—
66	34	—
67	35	—
68	36	—
69	48	—
70	New	—
71	46	—
72	47	—
73	49	—
74	50	—
75	24	—
76	28(1)	—
77	25	—
78	29	—
79	30	—
80	31	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
81	26	—
82	27	—
83	28(2)	—
84(1)	40	—
84(2)	41	—
85	37	—
86	20	—
87	21	—
88	51	—
89	52(1) to (6)	—
90	52(7) to (12)	—
91	New	—
92	351	—
93	352	—
94	New	—
95	New	—
96	353	—
97	354	—
98	329	—
99	355	—
100	356	—
101	350	—
102(2), (3)	357	—
103	New	—
104	New	—
105	358	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
106	359	—
107	361	—
108	362	—
109	363	—
110	New	—
111	126	—
112	New	—
113	New	—
114	New	—
115	42	—
116(1)	43(1)	—
116(6)	43(4)	—
116(7)	44	—
117	New	—
118	New	—
119	45	—
120	54	—
121	55	—
122	56 and 201	—
123(1) to (6)	158	—
123(7)	179	—
124	159	—
125	160	—
126	161	—
127	162	—
128	163	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
129(1) to (3)	164	—
129(4)	165	—
130	166	—
131	167	—
132	168	—
133	169	—
134	170(1)	—
135	170(2)	—
136	170(3)	—
137	170(4)	—
138	172	—
139	173	—
140	174	—
141	175	—
142	New	—
143	176	—
144	New	—
145	New	—
146	171	—
147	177	—
148	178	—
149	New	—
150	New	—
151	New	—
152	New	—
153	New	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
154	137	—
155	180(*o*)	—
156	180(*p*)	—
157	New	—
158	New	—
159	New	—
160	New	—
161	New	—
162	New	—
163	New	—
164	New	—
165	New	—
166	New	—
167	New	—
168	New	—
169	New	—
170	New	—
171	New	—
172	New	—
173	New	—
174	New	—
175	New	—
176	New	—
177	138	—
178(1)	139	—
179	141	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
180	142	—
181	143	—
182	144	—
183	145	—
184	153	—
185	146	—
186	148	—
187	149	—
188	150	—
189	152	—
190	154	—
191	156	—
192	New	—
193	New	—
194	New	—
195	New	—
196	New	—
197	New	—
198	New	—
199	338	—
200	339	—
201	342	—
202	343	—
203	344	—
204	345	—
205	346	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
206	347	—
207	348	—
208	349	—
209	New	—
210	New	—
211	New	—
212	New	—
213	New	—
214	New	—
215	New	—
216	New	—
217	New	—
218	New	—
219	New	—
220	New	—
221	New	—
222	New	—
223	New	—
224	New	—
225	New	—
226	137A	—
227	New	—
228	New	—
229	New	—
230	180, 181, 187, 188, 189, 190, 191 and 192	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
231	New	—
232(1) and (2)	184 and 193	—
233	203	—
234	194	—
235	58 and 60	—
236	195	—
237	200	—
238	198	—
239	185	—
240	186	—
241	New	—
242	New	—
243	199A	—
244	239	—
245	240	—
246	New	—
247	308	—
248	309	—
249	310	—
250	311 and 312	—
251	314	—
252	315	—
253	316	—
254(1)	317	—
255	319	—
256	318	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
257	New	—
258(3)	Proviso to 122(5)	—
258(3) *Explanation 2*		Section 29 (repealed), Evidence Act (Cap. 97, 1997 Ed.)
258(4)		Section 28 (repealed), Evidence Act (Cap. 97, 1997 Ed.)
258(5)		Section 30 (repealed), Evidence Act (Cap. 97, 1997 Ed.)
258(6)(*a*)	122(4)	—
258(6)(*b*)	122(3)	—
258(6)(*c*)		Section 27 (repealed), Evidence Act (Cap. 97, 1997 Ed.)
259	New	—
260	117	—
261	123	—
262	398	—
263	New	—
264	371	—
265	373	—
266	374	—
267	376	—
268	377	—
269 (repealed)	378(3)	—
270 (repealed)	378(1) and (2)	—
271 (repealed)	379	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
272(repealed)	380	—
273 (repealed)	381	—
274(repealed)	382	—
275(repealed)	383	—
276(repealed)	384	—
277(repealed)	385	—
278	155 and 182	—
279	New	—
280	124	—
281	364A	—
282	332	—
283	399	—
284	366	—
285	204	—
286	205 to 207	—
287	208	—
288	209	—
289	210	—
290	372	—
291	196	—
292	197	—
293	375	—
294	364	—
295	New	—
296	367	—
297	368	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
298	New	—
299	259	—
300	215	—
301	New	—
302	219	—
303	11(1), (3) and (5)	—
304	12	—
305	13	—
306	17	—
307(1)	18	—
308	—	Section 71 (repealed), Penal Code (Cap. 224, 2008 Ed.)
309	11(2), (4) and (6)	—
310	14	—
311	15	—
312	16	—
313	220	—
314	213	—
315	214	—
316	216	—
317	222	—
318	223	—
319	224	—
320	225	—
321	226	—
322	234	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
323	235	—
324	236	—
325(1)	231	—
326	227	—
327	228	—
328	New	—
329	229(2), (3) and (4)	—
330(1)	231	—
331	232	—
332	New	—
333	237	—
334	238	—
335	New	—
336	New	—
337	New	—
338	New	—
339	New	—
340	New	—
341	New	—
342	New	—
343	New	—
344	New	—
345	New	—
346	New	—
347	New	—
348	New	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
349	New	—
350	New	—
351	New	—
352	New	—
353	New	—
354	New	—
355	New	—
356(1)	New	—
357	New	—
358	262(2) and (3)	—
359	New	—
360	403	—
361	New	—
362	404 and 405	—
363	406	—
364	386	—
365	387	—
366(1)	388	—
367	389	—
368	390	—
369	391	—
370	New	—
371(1)	392(2) and (3)	—
372	392(4) and (5) and 393	—
373	New	—
374(1)	241	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
375	244	—
376	New	—
377	New	—
378	New	—
379	249	—
380	250	—
381	New	—
382	248	—
383(1)	251	—
384	New	—
385	New	—
386	New	—
387	253	—
388	254	—
389	New	—
390(1)	256	—
391	395	—
392(1) and (2)	257	—
393	New	—
394	261	—
395	263	Section 56A (repealed), Subordinate Courts Act (Cap. 321, 2007 Ed.)
396	New	—
397	—	Section 60 (repealed), Supreme Court of Judicature Act (Cap. 322, 2007 Ed.)

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
398	264	—
399	New	—
400(1)	266	—
401	267 and 268	—
402	270	—
403	269	—
404	New	—
405	New	—
406	New	—
407	New	—
408	New	—
409	New	—
410	320	—
411	321	—
412	322	—
413	323	—
414	324	—
415	325	—
416	326	—
417	327	—
418	328	—
419	330	—
420	331	—
421	333	—
422	335	—
423	396	—

SIXTH SCHEDULE — *continued*

First column	*Second column*	*Third column*
Criminal Procedure Code (Cap. 68, 2012 Ed.)	*Criminal Procedure Code (Cap. 68, 1985 Ed.)*	*Others*
424	22(1)	—
425	New	—
426	400	—
427	New	—
428	New	—

LEGISLATIVE HISTORY

CRIMINAL PROCEDURE CODE
(CHAPTER 68)

This Legislative History is provided for the convenience of users of the Criminal Procedure Code. It is not part of the Code.

1. Act 15 of 2010 — Criminal Procedure Code 2010

Date of First Reading	:	26 April 2010 (Bill No. 11/2010 published on 26 April 2010)
Date of Second and Third Readings	:	19 May 2010
Date of commencement	:	2 January 2011

Note: The Criminal Procedure Code 2010 repealed and re-enacted with amendments the Criminal Procedure Code (Chapter 68, 1985 Revised Edition).

2. Act 3 of 2011 — Children and Young Persons (Amendment) Act 2011
(Consequential amendments made to Act by)

Date of First Reading	:	22 November 2010 (Bill No. 35/2010 published on 22 November 2010
Date of Second and Third Readings	:	10 January 2011
Date of commencement	:	20 July 2011

3. G.N. No. S 664/2011 — Criminal Procedure Code (Amendment of First Schedule) Order 2011

Date of commencement	:	20 December 2011

4. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012

Date of First Reading	:	21 November 2011 (Bill No. 22/2011 published on 21 November 2011)
Date of Second and Third Readings	:	18 January 2012
Date of commencement	:	1 March 2012 (Section 21 — Amendment of Criminal Procedure Code 2010)

5. Act 4 of 2012 — Evidence (Amendment) Act 2012
(Consequential amendments made to Act by)

Date of First Reading	:	16 January 2012 (Bill No. 2/2012 published on 16 January 2012)
Date of Second and Third Readings	:	14 February 2012
Date of commencement	:	1 August 2012

6. 2012 Revised Edition — Criminal Procedure Code (Chapter 68)

Date of operation	:	31 August 2012

7. Act 30 of 2012 — Misuse of Drugs (Amendment) Act 2012
(Consequential amendments made to Act by)

Date of First Reading	:	15 October 2012 (Bill No. 27/2012 published on 15 October 2012)
Date of Second and Third Readings	:	14 November 2012
Date of commencement	:	1 January 2013

8. Act 33 of 2012 — Criminal Procedure Code (Amendment) Act 2012
(Consequential amendments made by)

Date of First Reading	:	15 October 2012 (Bill No. 34/2012 published on 15 October 2012)
Date of Second and Third Readings	:	14 November 2012
Date of commencement	:	1 January 2013

9. Act 3 of 2013 — Computer Misuse (Amendment) Act 2013
(Consequential amendments made to Act by)

Date of First Reading	:	12 November 2012 (Bill No. 36/2012 published on 12 November 2012)
Date of Second and Third Readings	:	14 January 2013
Date of commencement	:	13 March 2013

10. Act 25 of 2012 — Statutes (Miscellaneous Amendments) (No. 2) Act 2012

Date of First Reading	:	10 September 2012 (Bill No. 23/2012 published on 10 September 2012)
Date of Second and Third Readings	:	15 October 2012

Date of commencement : 28 March 2013

11. Act 5 of 2014 — Subordinate Courts (Amendment) Act 2014
(Consequential amendments made to Act by)

Date of First Reading : 11 November 2013 (Bill No. 26/2013 published on 11 November 2013)

Date of Second and Third Readings : 21 January 2014

Date of commencement : 7 March 2014

12. Act 4 of 2014 — Statutes (Miscellaneous Amendments) Act 2014

Date of First Reading : 11 November 2013 (Bill No. 25/2013 published on 11 November 2013)

Date of Second and Third Readings : 21 January 2014

Date of commencement : 10 March 2014

13. Act 1 of 2014 — Prisons (Amendment) Act 2014
(Consequential amendments made to Act by)

Date of First Reading : 11 November 2013 (Bill No. 22/2013 published on 11 November 2013)

Date of Second and Third Readings : 21 January 2014

Date of commencement : 1 July 2014

14. Act 27 of 2014 — Family Justice Act 2014
(Consequential amendments made to Act by)

Date of First Reading : 8 July 2014 (Bill No. 21/2014 published on 8 July 2014)

Date of Second and Third Readings : 4 August 2014

Date of commencement : 1 October 2014

15. Act 17 of 2014 — Protection from Harassment Act 2014
(Consequential amendments made by)

Date of First Reading : 3 March 2014 (Bill No. 12/2014 published on 3 March 2014)

Date of Second and Third Readings : 13 March 2014

Date of commencement : 15 November 2014

16. Act 42 of 2014 — Supreme Court of Judicature (Amendment) Act 2014
(Consequential amendments made to Act by)

Date of First Reading	:	7 October 2014 (Bill No. 38/2014 published on 7 October 2014)
Date of Second and Third Readings	:	4 November 2014
Date of commencement	:	1 January 2015

17. Act 41 of 2014 — Statutes (Miscellaneous Amendments — Deputy Attorney-General) Act 2014

Date of First Reading	:	7 October 2014 (Bill No. 37/2014 published on 7 October 2014)
Date of Second and Third Readings	:	4 November 2014
Date of commencement	:	1 January 2015

18. Act 5 of 2015 — Liquor Control (Supply and Consumption) Act 2015

Date of First Reading	:	19 January 2015 (Bill No. 1/2015 published on 19 January 2015)
Date of Second and Third Readings	:	30 January 2015
Date of commencement	:	1 April 2015

19. Act 10 of 2015 — Police Force (Amendment) Act 2015

Date of First Reading	:	29 January 2015 (Bill No. 5/2015 published on 29 January 2015)
Date of Second and Third Readings	:	13 March 2015
Date of commencement	:	1 June 2015

20. Act 26 of 2015 — Organised Crime Act 2015

Date of First Reading	:	13 July 2015 (Bill No. 21/2015 published on 13 July 2015)
Date of Second and Third Readings	:	17 August 2015
Date of commencement	:	1 June 2016

21. Act 28 of 2017 — Public Entertainments and Meetings (Amendment) Act 2017

Date of First Reading	:	3 April 2017 (Bill No. 22/2017 published on 3 April 2017)
Date of Second and Third Readings	:	8 May 2017
Date of commencement	:	1 August 2017

22. Act 19 of 2016 — Administration of Justice (Protection) Act 2016

Date of First Reading	:	11 July 2016 (Bill No. 23/2016 published on 11 July 2016)
Date of Second and Third Readings	:	15 August 2016
Date of commencement	:	1 October 2017

23. Act 26 of 2018 — Public Order and Safety (Special Powers) Act 2018

Date of First Reading	:	27 February 2018 (Bill No. 11/2018 published on 27 February 2018)
Date of Second and Third Readings	:	21 March 2018
Date of commencement	:	16 May 2018

24. Act 9 of 2018 — Cybersecurity Act 2018

Date of First Reading	:	8 January 2018 (Bill No. 2/2018 published on 8 January 2018)
Date of Second and Third Readings	:	5 February 2018
Date of commencement	:	31 August 2018

25. Act 19 of 2018 — Criminal Justice Reform Act 2018

Date of First Reading	:	28 February 2018 (Bill No. 14/2018 published on 28 February 2018)
Date of Second and Third Readings	:	19 March 2018
Date of commencement	:	17 September 2018 31 October 2018

26. G. N. No. S 724/2018 — Criminal Procedure Code (Amendment of Second Schedule) Order 2018

Date of commencement	:	31 October 2018

27. Act 41 of 2017 — Infrastructure Protection Act 2017

Date of First Reading	:	11 September 2017 (Bill No. 32/2017)
Date of Second and Third Readings	:	2 October 2017
Date of commencement	:	18 December 2018

28. G. N. No. S 820/2018 — Criminal Procedure Code (Amendment of Second Schedule) (No. 2) Order 2018

Date of commencement	:	18 December 2018

29. Act 12 of 2018 — Criminal Law (Temporary Provisions) (Amendment) Act 2018

Date of First Reading	:	9 January 2018 (Bill No. 5/2018 published on 9 January 2018)
Date of Second and Third Readings	:	6 February 2018
Date of commencement	:	1 January 2019