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No. S 267

CRIMINAL PROCEDURE CODE 2010

CRIMINAL PROCEDURE (AMENDMENT) RULES 2022

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

Citation and commencement

1. These Rules are the Criminal Procedure (Amendment) Rules 2022 and come into operation on 1 April 2022.

New Part 3A

2. The Criminal Procedure Rules 2018 (G.N. No. S 727/2018) are amended by inserting, immediately after rule 6, the following Part:

“PART 3A

EVIDENCE THROUGH LIVE VIDEO OR LIVE TELEVISION LINKS

Prescribed matters to which court is to have regard

7.—(1) For the purposes of section 281(8A) of the Code, in making any order allowing an accused person to give evidence or to appear (other than to give evidence) by means of a live video or live television link under section 281(5A) of the Code, a court is to have regard to the following matters:

- (a) whether the order would affect the ability of any of the following persons to effectively conduct the defence of the accused person:
 - (i) the accused person;
 - (ii) an advocate representing the accused person;

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- (iii) any person assisting a child or young person (who is charged with an offence) in the child's or young person's defence to the charge;
 - (b) whether the order would affect the ability of the prosecutor to effectively conduct the prosecution of the accused person;
 - (c) whether the order would affect the ability of the accused person to consult and instruct his or her advocate in private;
 - (d) whether adequate technical measures are available to the court —
 - (i) to verify the identities of persons giving evidence or appearing by means of the live video or live television link;
 - (ii) to prevent the accused person from being coached or coerced while giving evidence or appearing by means of the live video or live television link;
 - (iii) to prevent the proceedings from being recorded; and
 - (iv) to control and restrict the persons who are able to access or observe the proceedings;
 - (e) the likelihood that the court may require the accused person to handle any physical evidence;
 - (f) whether a judgment or order requiring the accused person to be taken into custody may be delivered or made during the proceedings.

(2) For the purposes of section 281(8A) of the Code, in making any order allowing a witness (not being the accused person) to give evidence by means of a live video or live television link under section 281(1) or (5B) of the Code, a court is to have regard to the following matters:

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- (a) whether the order would affect the ability of any of the following persons to effectively conduct the defence of the accused person:
 - (i) the accused person;
 - (ii) an advocate representing the accused person;
 - (iii) any person assisting a child or young person (who is charged with an offence) in the child's or young person's defence to the charge;
 - (b) whether the order would affect the ability of the prosecutor to effectively conduct the prosecution of the accused person;
 - (c) whether adequate technical measures are available to the court —
 - (i) to verify the identities of persons giving evidence by means of the live video or live television link;
 - (ii) to prevent the witness from being coached or coerced while giving evidence by means of the live video or live television link;
 - (iii) to prevent the proceedings from being recorded; and
 - (iv) to control and restrict the persons who are able to access or observe the proceedings;
 - (d) the likelihood that the court may require the witness to handle any physical evidence;
 - (e) in the case of an order under section 281(1) of the Code — any report prepared by a psychiatrist or psychologist on how the witness may be affected if the witness is required to give evidence in the presence of the accused person, where the report is placed before the court;
 - (f) in the case of an order under section 281(5B) of the Code allowing an expert witness to give evidence

from a place that is not in Singapore — the reason why the expert witness is not giving evidence from Singapore.”.

Miscellaneous amendments

3. The Criminal Procedure Rules 2018 are amended —

(a) by deleting the word “leave” wherever it appears in the following provisions and substituting in each case the word “permission”:

Rule 11(rule heading)

Rule 12(1)

The Schedule, Forms 40 and 75;

(b) by deleting the words “a leave application” in the following provisions and substituting in each case the words “an application for permission”:

Rule 11(1), (2), (3), (4), (5) and (6); and

(c) by deleting the words “the leave application” in the following provisions and substituting in each case the words “the application for permission”:

Rule 11(1) and (2)(c).

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

Made on 30 March 2022.

LAI WEI LIN
*Permanent Secretary,
Ministry of Law,
Singapore.*

[LAW 06/015/001/ V14; AG/LEGIS/SL/68/2020/8 Vol. 1]

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