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## No. S 533

### CRIMINAL PROCEDURE CODE 2010

#### CRIMINAL PROCEDURE (AMENDMENT) RULES 2024

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 2024 and come into operation on 28 June 2024.

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

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

(a) in paragraph (2), after “section 394H(3) of the Code”, insert “and subject to paragraph (2A)”;

(b) in paragraph (2)(a), replace sub-paragraphs (i) to (vii) with —

“(i) the date on which each advocate was instructed, and who instructed each advocate;

(ii) the reason why it is necessary to review the earlier decision of the appellate court;

(iii) the material (being evidence or legal arguments) that will be relied on in the review application;

(iv) the date on which the material mentioned in sub-paragraph (iii) was first obtained, regardless

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whether by the applicant or the advocate;

- (v) there is good reason why the material could not have been adduced in court earlier, at any stage of the proceedings in the criminal matter in respect of which the earlier decision was made;
- (vi) the details of the reason mentioned in sub-paragraph (v);
- (vii) the reason for the length of the interval of time between the date mentioned in sub-paragraph (iv) and the date on which the application for permission is filed;
- (viii) whether any argument similar to those in the review application had been made previously by any person in any court and if so, whether the argument was dismissed by the court;
- (ix) the details of every other application for permission, and every review application, made by the applicant (whether alone or together with any other person) with or without the involvement of any advocate (including the date and case number of such application, the order sought in such application, the decision of the court in such application, and whether there was any finding of abuse of process in such application);
- (x) that each advocate genuinely believes the review application to be of merit;

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- (xi) the reason why each advocate believes the review application to be of merit, including the reason why the advocate believes the legal arguments in the review application to be persuasive;
  - (xii) that each advocate is satisfied that the legal arguments that will be relied on in the review application are new, and were not dismissed by the appellate court during the proceedings in the criminal matter in respect of which the earlier decision was made;
  - (xiii) that each advocate is aware of the consequences of making any false statement in the affidavit;”;
- (c) in paragraph (2)(b), replace sub-paragraphs (i) to (iv) with —
- “(i) the reason why it is necessary to review the earlier decision of the appellate court;
  - (ii) the material (being evidence or legal arguments) that will be relied on in the review application;
  - (iii) the date on which the applicant first obtained the material mentioned in sub-paragraph (ii);
  - (iv) there is good reason why the material could not have been adduced in court earlier, at any stage of the proceedings in the criminal matter in respect of which the earlier decision was made;
  - (v) the details of the reason mentioned in sub-paragraph (iv);

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- (vi) the reason for the length of the interval of time between the date mentioned in sub-paragraph (iii) and the date on which the application for permission is filed;
  - (vii) the details of every other application for permission, and every review application, made by the applicant (whether alone or together with any other person) with or without the involvement of any advocate (including the date and case number of such application, the order sought in such application, the decision of the court in such application, and whether there was any finding of abuse of process in such application);
  - (viii) whether the applicant is or was assisted by any person or organisation in the commencement, continuation or conduct of the application for permission or the review application and if so, who provided the assistance and the manner of assistance provided;”;
- (d) after paragraph (2), insert —

“(2A) Where the applicant is a PACP, any affidavit mentioned in paragraph (2)(a) or (b) (as the case may be) must, in addition to the information mentioned in that provision, also state all of the following matters:

- (a) the details of every application for PACC permission, and every PACC application, made by the applicant (whether alone or together with any other person) with or without the involvement of any advocate (including the date and case number of

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such application, the order sought in such application, the decision of the court in such application, and whether there was any finding of abuse of process in such application);

(b) the details of —

- (i) every application (other than an application mentioned in sub-paragraph (a) or paragraph (2)(a)(ix) or (b)(vii)) made by the applicant (whether alone or together with any other person) on or after 28 June 2024; and
- (ii) every action filed by the applicant (whether alone or together with any other person) on or after 28 June 2024,

with or without the involvement of any advocate, in relation to which the appellate court has found that the applicant had abused the process of the court in order to delay or frustrate the carrying out of the sentence of death (including the date and case number of such application or action, the order sought in such application or action, and the decision of the appellate court in such application or action).

(2B) To avoid doubt, any affidavit mentioned in paragraph (2)(a) or (b) must state the information mentioned in that provision and (where applicable) paragraph (2A)(a), even if that information relates to any event that took place before 28 June 2024.”;

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- (e) after paragraph (3), insert —
- “(3A) The written submissions mentioned in paragraph (3) are subject to a page limit of 35 pages (including any cover page and contents page), unless the appellate court otherwise allows.”;
- (f) in paragraph (4), after “serve that application,” insert “the written submissions in support of that application.”;
- (g) in paragraph (6), replace sub-paragraph (a) with —
- “(a) all of the matters mentioned in paragraph (2)(a)(i) to (xiii) and (where applicable) paragraph (2A)(a) and (b); and”;
- (h) after paragraph (8), insert —
- “(8A) The written submissions mentioned in paragraph (8) are subject to a page limit of 35 pages (including any cover page and contents page), unless the appellate court otherwise allows.”;
- (i) after paragraph (9), insert —
- “(9A) The appellate court may allow the page limit mentioned in paragraphs (3A) and (8A) to be exceeded in special circumstances.”; and
- (j) replace paragraph (10) with —
- “(10) In this rule, “application for PACC permission”, “PACC application” and “PACP” have the meanings given by section 60F of the Supreme Court of Judicature Act 1969.”.

### **Amendment of rule 12**

#### **3. In the Criminal Procedure Rules 2018, in rule 12 —**

- (a) in paragraph (3)(a), replace “within the day on which the review application is made” with “at the same time as the filing of the review application”; and

(b) after paragraph (6), insert —

“(6A) The written submissions mentioned in paragraphs (3)(b) and (5) are subject to a page limit of 35 pages (including any cover page and contents page), unless the appellate court otherwise allows.

(6B) The appellate court may allow the page limit mentioned in paragraph (6A) to be exceeded in special circumstances.”.

*[G.N. Nos. S 55/2019; S 446/2019; S 852/2019;  
S 1048/2020; S 267/2022; S 525/2022]*

Made on 24 June 2024.

LUKE GOH  
*Permanent Secretary,  
Ministry of Law,  
Singapore.*

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

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