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CRIMINAL PROCEDURE CODE (CHAPTER 68)

CRIMINAL PROCEDURE CODE (PRODUCTION OF DOCUMENT OR OTHER THING) REGULATIONS 2019

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Definitions
 3. Production or grant of access to document or thing under section 20(1) of Code
 4. Delivery of document or thing under section 20(3) of Code
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In exercise of the powers conferred by section 428(1) of the Criminal Procedure Code, the Minister for Law makes the following Regulations:

Citation and commencement

1. These Regulations are the Criminal Procedure Code (Production of Document or Other Thing) Regulations 2019 and come into operation on 31 January 2019.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “authorised person” and “customer information” have the meanings given by section 20(9) of the Code;
- “authorised police officer” means —
- (a) in relation to a written order under section 20(1) of the Code (other than for the production of customer information by a financial institution or access to

customer information kept by a financial institution) — a police officer of or above the rank of sergeant; or

- (b) in relation to a written order under section 20(1) of the Code for the production of customer information by a financial institution or access to customer information kept by a financial institution — a police officer of or above the rank of inspector;

“electronic communication” and “information system” have the meanings given by section 2(1) of the Electronic Transactions Act (Cap. 88);

“recognised format”, in relation to a document, means —

- (a) a software format that bears the filename extension “pdf”, “doc”, “docx”, “jpeg”, “jpg”, “xls”, “csv”, “wmv” or “mpeg4”;
- (b) where an authorised police officer or an authorised person requires a person to produce, or give the authorised police officer or authorised person access to, a document that is in electronic form or is contained in or available to a computer — any other software format specified by the authorised police officer or authorised person, in a written order issued under section 20(1) of the Code, for the production or grant of access to the document; or
- (c) where the Public Prosecutor requires a Postal Authority or public postal licensee to deliver a document that is in electronic form or is contained in or available to a computer — any other software format specified by the Public Prosecutor, in a written order issued under section 20(3) of the Code, for the delivery of the document;

“transcript”, in relation to a document, means a transcript of the entire contents of that document.

Production or grant of access to document or thing under section 20(1) of Code

3. For the purposes of section 20(1) of the Code, an authorised police officer or authorised person who issues a written order under that section requiring any person to produce any document or thing or a copy of any document or thing, or to give the authorised police officer or authorised person access to any document or thing or a copy of any document or thing —

(a) may require that person to submit —

(i) to the authorised police officer or authorised person —

(A) that document or thing;

(B) a physical copy of that document or thing or the transcript of that document (if any); or

(C) an electronic copy (in a recognised format and on a medium specified in the order) of that document or the transcript of that document (if any);

(ii) to such electronic mail address as the authorised police officer or authorised person may specify, an electronic mail that —

(A) encloses an electronic copy (in a recognised format) of that document or the transcript of that document (if any); or

(B) sets out the transcript of that document (if any);
or

(iii) to the authorised police officer or authorised person through such computer system or information system as the authorised police officer or authorised person may specify, an electronic communication that —

(A) encloses an electronic copy (in a recognised format) of that document or the transcript of that document (if any); or

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- (B) sets out the transcript of that document (if any);
and
- (b) may, for the purposes of an investigation, inquiry, trial or other proceeding under the Code, retain or make copies of —
- (i) that document or thing;
 - (ii) the physical copy of that document or thing or the transcript of that document (if any);
 - (iii) the electronic copy of that document or the transcript of that document (if any);
 - (iv) the electronic mail; or
 - (v) the electronic communication,
- as the case may be.

Delivery of document or thing under section 20(3) of Code

4.—(1) For the purposes of section 20(3) of the Code, the Public Prosecutor, when issuing a written order under that section to require a Postal Authority or public postal licensee to deliver any document or thing, may require the Postal Authority or public postal licensee to submit —

- (a) to a person stated in the order —
- (i) that document or thing;
 - (ii) a physical copy of that document or thing or the transcript of that document (if any); or
 - (iii) an electronic copy (in a recognised format and on a medium specified in the order) of that document or the transcript of that document (if any);
- (b) to such electronic mail address as a person stated in the order may specify, an electronic mail that —
- (i) encloses an electronic copy (in a recognised format) of that document or the transcript of that document (if any); or

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- (ii) sets out the transcript of that document (if any); or
 - (c) to a person stated in the order, through such computer system or information system as that person may specify, an electronic communication that —
 - (i) encloses an electronic copy (in a recognised format) of that document or the transcript of that document (if any); or
 - (ii) sets out the transcript of that document (if any).

(2) A person stated in a written order issued by the Public Prosecutor under section 20(3) of the Code may, for the purposes of an investigation, inquiry, trial or other proceeding under the Code, retain or make copies of —

- (a) the document or thing to which the order relates;
- (b) the physical copy of that document or thing or the transcript of that document (if any);
- (c) the electronic copy of that document or the transcript of that document (if any);
- (d) the electronic mail mentioned in paragraph (1)(b); or
- (e) the electronic communication mentioned in paragraph (1)(c),

as the case may be.

Made on 29 January 2019.

NG HOW YUE
*Permanent Secretary,
Ministry of Law,
Singapore.*