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## No. S 628

### CRIMINAL PROCEDURE CODE 2010

### CRIMINAL PROCEDURE CODE (COMPENSATION ORDER) RULES 2024

#### ARRANGEMENT OF RULES

##### Rule

1. Citation and commencement
  2. Definitions
  3. Manner of notification
  4. Proceedings for compensation order
  5. Meaning of “representative”
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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 Code (Compensation Order) Rules 2024 and come into operation on 1 August 2024.

#### **Definitions**

2. In these Rules —

“compensation order” means an order under section 359(1) of the Code for the payment of compensation to a relevant person;

“legal guardian”, in relation to a victim, means a person who is lawfully appointed by deed or will or by the order of a competent court to be the guardian of the victim;

“next-of-kin”, in relation to a victim who is deceased, means —

(a) the spouse of the victim;

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- (b) where there is no such spouse, any child of the victim;
  - (c) where there is no such spouse or child, the victim's parent or legal guardian; or
  - (d) where there is no such spouse, child, parent or legal guardian, any sibling of the victim;

“relevant person” means —

- (a) a person mentioned in section 359(1)(a) of the Code;
- (b) a representative mentioned in section 359(1)(b) of the Code; or
- (c) a dependant mentioned in section 359(1)(c) of the Code.

### **Manner of notification**

3. For the purposes of section 359(2D)(a) of the Code, the court must notify the relevant person of the proceedings in which the court will decide whether to make a compensation order, by sending a written notification of the date, time and location of those proceedings —

- (a) by ordinary post to the address submitted by the prosecution as the relevant person's last known address; or
- (b) by electronic communication to the email address submitted by the prosecution as the relevant person's last known email address.

### **Proceedings for compensation order**

4.—(1) The court may fix the date of the proceedings in which the court will decide whether to make a compensation order.

(2) In fixing the date of the proceedings, the court may consider any relevant factor, including (but not limited to) the following:

- (a) whether the offender concerned is in remand and, if so, whether the offender's sentence is likely to be shorter than the period of remand;

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(b) whether a sentence of caning is likely to be imposed on the offender concerned and, if so, whether the offender is a man approaching 50 years of age.

(3) After a court has notified the relevant person in accordance with rule 3 of the proceedings in which the court will decide whether to make a compensation order, the court may conduct the proceedings even if the relevant person is absent from the whole or any part of those proceedings.

### **Meaning of “representative”**

5. For the purposes of section 359(6) of the Code, a “representative”, in relation to a person mentioned in section 359(1)(a) of the Code (called in this rule the victim), means —

- (a) where the victim is below 18 years of age and is not a person who lacks capacity within the meaning of section 4 of the Mental Capacity Act 2008 — the victim’s parent or legal guardian;
- (b) where the victim is a person who lacks capacity within the meaning of section 4 of the Mental Capacity Act 2008 and —
  - (i) where the victim is 21 years of age or above — the victim’s deputy or donee within the meaning of section 2(1) of that Act; or
  - (ii) where the victim is below 21 years of age —
    - (A) the victim’s deputy who is empowered to make decisions on the victim’s behalf under section 20 read with section 21 of that Act; or
    - (B) in the absence of such a deputy — the victim’s parent or legal guardian; or
- (c) where the victim is deceased and —
  - (i) where a grant of probate or letter of administration has been made in respect of the estate of the

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victim — an administrator or executor of the estate,  
as the case may be; or

- (ii) where no such grant of probate or letter of  
administration has been made — the victim's  
next-of-kin.

Made on 29 July 2024.

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

[63/009 Criminal Procedure Code Vol. 61;  
AG/LEGIS/SL/68/2020/23]

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