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CRIMINAL PROCEDURE CODE
(CHAPTER 68)

CRIMINAL PROCEDURE CODE
(ELECTRONIC FILING AND SERVICE)
REGULATIONS 2012

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In exercise of the powers conferred by section 428(2)(*da*) of the Criminal Procedure Code, the Minister for Law hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Procedure Code (Electronic Filing and Service) Regulations 2012 and shall come into operation on 1st January 2013.

Application

2. These Regulations shall have effect in relation to any document which, under the Criminal Procedure Code, is required to be filed with, served on, delivered or otherwise conveyed to the Supreme Court, the Registrar, or any party to any criminal matter that is to be heard in the Supreme Court.

Definitions

3. In these Regulations, unless the context otherwise requires —
- “authorised user” means a person who is designated as an authorised user under regulation 8;
 - “conditioned statement” means any statement which is intended to be admitted under section 264 of the Code;
 - “deemed” means deemed until the contrary is proved;
 - “electronic filing service” means the electronic filing service established under regulation 4;
 - “electronic filing service provider” means an electronic filing service provider appointed under regulation 5;
 - “electronic transmission” means electronic transmission by an authorised user or a registered user through the electronic filing service;
 - “entity” means a sole proprietorship, an incorporated or unincorporated partnership (including a limited liability partnership and a limited partnership), a law corporation, a company or other body corporate, the Attorney-General’s Chambers, a department of the Government or a public authority;

“identification code” means the identification code of an authorised user or a registered user that is to be used in conjunction with the electronic filing service;

“legal aid” means any legal aid or assistance granted under the Criminal Legal Aid Scheme or the Legal Assistance Scheme for Capital Offences or any other legal aid or assistance scheme for criminal offences as may be determined by the Registrar;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function;

“registered user” means an entity which is registered under regulation 8;

“Registrar” means the Registrar of the Supreme Court;

“service bureau” means a service bureau established under regulation 7;

“working day” means any day other than a Saturday, Sunday or public holiday;

“written statement” means any statement which is intended to be admitted under section 179(1) of the Criminal Procedure Code.

Establishment of electronic filing service

4.—(1) The Registrar may, with the approval of the Chief Justice, establish an electronic filing service and make provision for documents to be filed, served, delivered or otherwise conveyed using that service.

(2) The electronic filing service established under Order 63A, Rule 2 of the Rules of Court (Cap. 322, R 5) shall be deemed to be the electronic filing service established under paragraph (1).

Electronic filing service provider and superintendent

5.—(1) The electronic filing service shall be operated by an electronic filing service provider appointed by the Registrar with the approval of the Chief Justice.

(2) The Singapore Academy of Law shall be the superintendent of any electronic filing service provider appointed under paragraph (1).

(3) The electronic service provider appointed under Order 63A, Rule 3 of the Rules of Court (Cap. 322, R 5) shall be deemed to be the electronic service provider appointed under paragraph (1).

Computer system of electronic filing service provider

6. For the purposes of these Regulations, the computer system of an electronic filing service provider shall mean the computer servers and network equipment operated, maintained or used by the electronic filing service provider notwithstanding that such computer servers and network equipment may not be owned by that electronic service provider.

Service bureau

7.—(1) The Registrar may establish or appoint agents to establish a service bureau or service bureaux to assist in the filing, service, delivery or conveyance of documents using the electronic filing service.

(2) Any agent appointed by the Registrar pursuant to paragraph (1) shall not be treated as such for the purposes of the acceptance of the payment of fees or service charges.

(3) The Singapore Academy of Law shall be the superintendent of any agent appointed under this regulation.

(4) Any agent established or appointed under Order 63A, Rule 4(1) of the Rules of Court (Cap. 322, R 5) shall be deemed to be an agent established or appointed under paragraph (1).

(5) A service bureau shall not charge any fee for the use of the electronic filing service by an accused who receives any legal aid or who is not represented by an advocate or solicitor.

Registered user and authorised user

8.—(1) Any entity may apply to the Registrar to be a registered user in accordance with any procedure as may be required by the Registrar.

(2) Any entity which is a registered user may designate one or more of its partners, directors, officers or employees to be

an authorised user in accordance with any procedure as may be required by the Registrar.

(3) The Registrar may allow an entity to be a registered user or a person to be an authorised user on such terms and conditions as he thinks fit.

(4) A registered user which was registered or an authorised user who was designated before 1st January 2013 under Order 63A, Rule 5 of the Rules of Court (Cap. 322, R 5) shall be deemed to have been registered as a registered user or designated as an authorised user, as the case may be, under this regulation.

(5) A registered user which designates an authorised user and supplies the authorised user's identification code through the electronic filing service shall be deemed to approve the use of the identification code in conjunction with the electronic filing service by that authorised user.

(6) Before using the electronic filing service, the registered user shall —

- (a) enter into an agreement with the electronic filing service provider for the provision of the electronic filing service; and
- (b) make arrangements with the Registrar for the mode of payment of all applicable fees.

(7) The Registrar may waive the application of paragraph (6), in whole or in part, in relation to such registered users or class of registered users as he deems fit.

(8) For the purposes of these Regulations —

- (a) an entity that is registered by the Registrar as a registered user under Order 63A, Rule 5(1) of the Rules of Court shall be deemed to be a registered user under paragraph (1); and
- (b) a service bureau established under regulation 7 shall be deemed to be a registered user, and every employee of a service bureau shall be deemed to be an authorised user.

Electronic filing

9.—(1) Where a document is required under the Criminal Procedure Code to be filed with, served on, delivered or otherwise

conveyed to the Supreme Court or the Registrar, it must be so filed, served, delivered or otherwise conveyed —

- (a) using the electronic filing service in accordance with these Regulations; and
- (b) in accordance with any other requirements as may be determined by the Registrar.

(2) For the purpose of paragraph (1), any requirement for the filing, service, delivery or otherwise conveyance of a document is satisfied by the filing, service, delivery or otherwise conveyance of a single copy of the document using the electronic filing service in accordance with these Regulations.

(3) The filing, service, delivery or conveyance of any document using the electronic filing service pursuant to paragraph (1) may be done —

- (a) by electronic transmission; or
- (b) via a service bureau.

(4) Notwithstanding anything in paragraph (1), the Registrar may allow a document, part of a document or any class of documents to be filed, served, delivered or otherwise conveyed other than by using the electronic filing service.

(5) The form of any document shall be as set out —

- (a) in such form as the Registrar may require; or
- (b) where the document is remotely composed on the computer system of the electronic filing service provider, in the form made available through the electronic filing service,

and shall, in the absence of such prescription, be in the form prescribed by the Criminal Procedure Code (Prescribed Forms) Regulations 2010 (G.N. No. S 811/2010).

(6) Any document which is filed with, served on, delivered or otherwise conveyed to the Supreme Court or the Registrar through the electronic filing service by a registered user using an identification code shall be deemed to have been so filed, served, delivered or otherwise conveyed by the registered user and with his intention to do so.

(7) Any document which is filed with, served on, delivered or otherwise conveyed to the Supreme Court or the Registrar through

the electronic filing service by an authorised user (other than an employee of a service bureau) using an identification code shall be deemed to have been so filed, served, delivered or otherwise conveyed —

- (a) by the authorised user on behalf and with the authority of the registered user to whom the authorised user belongs; and
- (b) with the intention of that registered user to do so.

(8) Any document which is filed with, served on, delivered or otherwise conveyed to the Supreme Court or the Registrar through the electronic filing service by an authorised user, who is an employee of a service bureau, using an identification code shall be deemed to have been so filed, served, delivered or otherwise conveyed —

- (a) on behalf and with the authority of the person tendering the document to the service bureau for such purpose and with the intention of that person to do so; or
- (b) where the person tendering the document to the service bureau is acting as agent for his principal, on behalf and with the authority of his principal and with the intention of the principal to do so.

(9) For the avoidance of doubt, it is declared that any document which is filed with, served on, delivered or otherwise conveyed to the Supreme Court or the Registrar using an identification code in compliance with the security procedures of the electronic filing service is a secure electronic record within the meaning of the Electronic Transactions Act (Cap. 88).

Signing of electronic documents

10.—(1) Where a document is filed, served, delivered or otherwise conveyed using the electronic filing service, any requirement under the Code relating to the signing by or the signature of an authorised user or a registered user, shall be deemed to be complied with if the identification code of the authorised user or registered user has been applied to or associated with, directly or indirectly, the document or the transmission containing the document.

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- (2) For the purposes of paragraph (1) —
- (a) where the identification code of a registered user is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the electronic filing service —
 - (i) the document shall be deemed to be signed by the registered user; and
 - (ii) the contents of the document shall be deemed to be endorsed by the registered user;
 - (b) where the identification code of an authorised user (other than an employee of a service bureau) is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the electronic filing service —
 - (i) the document shall be deemed to be signed by the authorised user on behalf and with the authority of the registered user to whom the authorised user belongs; and
 - (ii) the contents of the document shall be deemed to be endorsed by that registered user; or
 - (c) where the identification code of an authorised user, who is an employee of a service bureau, is applied to or associated with, directly or indirectly, a document or a transmission containing a document in compliance with the security procedures of the electronic filing service —
 - (i) the document shall be deemed to be signed by the authorised user on behalf and with the authority of the person tendering the document to the service bureau and the contents of the document shall be deemed to be endorsed by that person; or
 - (ii) where the person tendering the document to the service bureau is acting as agent for his principal, the document shall be deemed to be signed on behalf and with the authority of his principal and the contents of the document shall be deemed to be endorsed by his principal.
- (3) For the avoidance of doubt, it is declared that the application to or association of the identification code of an authorised user

or a registered user, directly or indirectly, with a document or a transmission containing a document in compliance with the security procedures of the electronic filing service is a secure electronic signature within the meaning of the Electronic Transactions Act (Cap. 88).

Date of filing

11.—(1) Where a document is filed with, served on, delivered or otherwise conveyed to the Supreme Court or the Registrar using the electronic filing service and is subsequently accepted by the Registrar, it shall be deemed to be filed, served, delivered or conveyed —

- (a) where the document is filed, served, delivered or conveyed by electronic transmission from the computer system of the authorised user or registered user, on the date and at the time that the first part of the transmission is received in the computer system of the electronic filing service provider;
- (b) where the document is remotely composed on the computer system of the electronic filing service provider, on the date and at the time that the first part of the transmission containing instructions from the authorised user or registered user to so file, serve, deliver or convey the document is received in the computer system of the electronic filing service provider; and
- (c) where the document is filed, served, delivered or conveyed via a service bureau, on the date and at the time that the first part of the transmission is received in the computer system of the Registrar.

(2) The registered user may produce a record of the transmission issued by the electronic filing service provider or the service bureau, as the case may be, together with a copy of the notification of acceptance of the document by the Registrar as evidence of —

- (a) the filing, service, delivery or conveyance of the document;
or
- (b) the date and time of filing, service, delivery or conveyance.

(3) If the Registrar is satisfied for any reason that any document should be treated as having been filed with, served on, delivered or otherwise conveyed to the Supreme Court or the Registrar, or

issued by the Supreme Court or the Registrar, at some earlier date and time, than the date and time referred to in paragraph (1), he may cause the electronic filing service to reflect such earlier date and time, and that earlier date and time shall be deemed for the purposes of any proceedings in court to be the date and time on and at which the document was filed, served, delivered, conveyed or issued, as the case may be.

When time for service begins to run

12.—(1) Where any document is filed with, served on, delivered or otherwise conveyed to the Supreme Court or the Registrar by electronic transmission, the time for service of that document shall only begin to run from the time that the Registrar's notification of his acceptance of the document is received in the computer system of that registered user.

(2) Where a document is filed with, served on, delivered or otherwise conveyed to the Supreme Court or the Registrar via a service bureau, the time for service of that document shall only begin to run from the time that the Registrar's notification of his acceptance of the document is received by the service bureau.

(3) If the Registrar's notification referred to in paragraphs (1) and (2) is received in the computer system or the service bureau, respectively, on a day other than a working day, it shall be deemed for the purpose of this regulation to have been received on the next working day.

Service of documents

13.—(1) If a document —

- (a) other than a document which is required by the Code to be served personally; or
- (b) being a document which is required by the Code to be served personally and which the party upon whom it is to be served has agreed that the document may be served using the electronic filing service,

is required under any other provision of the Code to be served, delivered or otherwise conveyed by a person to any other person and that person is an authorised user or a registered user or is represented by a solicitor who is an authorised user or a registered

user (referred to in these Regulations as the person on whom the document is served), such service, delivery or conveyance may be effected by using the electronic filing service by electronic transmission or via a service bureau.

(2) For the purpose of paragraph (1)(b), a party who has instructed his solicitor to accept service of a document which is required by the Code to be served personally shall be deemed to have agreed to be served using the electronic filing service.

(3) The document shall be deemed to be served, delivered or otherwise conveyed —

(a) where the document is served, delivered or otherwise conveyed by electronic transmission from the computer system of the authorised user or registered user on the date and at the time that the first part of the transmission is received in the computer system of the electronic filing service provider; and

(b) where the document is remotely composed on the computer system of the electronic filing service provider, on the date and at the time that the first part of the transmission containing instructions from the authorised user or registered user to so serve, deliver or convey the document is received in the computer system of the electronic filing service provider.

(4) The person serving the document may produce a record of the service, delivery or conveyance to the person on whom the document is served which is issued by the electronic filing service provider or the service bureau as evidence of the service, delivery or conveyance, as well as the date and time of such service, delivery or conveyance.

(5) The person serving the document may file a Registrar's certificate of service issued through the electronic filing service provider or the service bureau in lieu of an affidavit of service and the certificate shall be regarded as prima facie evidence of such service, delivery or conveyance on the date and at the time as stated.

(6) Where a document has to be served, delivered or conveyed by the person serving the document to more than one person, he may effect such service, delivery or conveyance using the electronic filing service on such of those persons who are registered users or

authorised users, and paragraphs (1) to (5) shall apply with such modifications as are necessary.

(7) Any document which is served, delivered or otherwise conveyed by a registered user to a person through the electronic filing service using an identification code shall be deemed to have been so served, delivered or otherwise conveyed by the registered user and with his intention to do so.

(8) Any document which is served, delivered or otherwise conveyed by an authorised user (other than an employee of a service bureau) to a person through the electronic filing service using an identification code shall be deemed to have been so served, delivered or otherwise conveyed —

(a) by the authorised user on behalf and with the authority of the registered user to whom the authorised user belongs; and

(b) with the intention of that registered user to do so.

(9) Any document which is served, delivered or otherwise conveyed by an authorised user, who is an employee of a service bureau, shall be deemed to have been so served, delivered or otherwise conveyed —

(a) on behalf and with the authority of the person tendering the document to the service bureau for such purpose and with the intention of that person to do so; or

(b) where the person tendering the document to the service bureau is acting as agent for his principal, on behalf and with the authority of his principal and with the intention of the principal to do so.

(10) For the avoidance of doubt, it is declared that any document which is served, delivered or otherwise conveyed to a person using an identification code in compliance with the security procedures of the electronic filing service is a secure electronic record within the meaning of the Electronic Transactions Act (Cap. 88).

(11) Where the service of any document is effected under these Regulations on a working day before 4 p.m., it shall, for the purpose of computing any period of time after service of that document, be deemed to have been served on that working day, and, in any other case, on the next following working day.

(12) For the avoidance of doubt, it is declared that nothing in this regulation shall be construed as prescribing the hours within which service must be effected in order to be valid.

Notification of delivery by Supreme Court or Registrar

14. Where the Supreme Court or the Registrar is required by any other provision of the Code to notify or to deliver or furnish any document to a person who is a registered user, the Supreme Court or the Registrar may do so using the electronic filing service.

Documents

15.—(1) Every document must comply with such requirements and contain such information and particulars of parties or other persons as may be required by the Registrar.

(2) The Registrar, or any officer charged with the duty of receiving and filing any document, may reject it if it does not comply with the Code, these Regulations or with any requirements as may be determined by the Registrar.

(3) A document rejected hereunder shall be treated as having been filed only on the date on which it is subsequently accepted for filing by the Registrar, or any officer charged with the duty of receiving and filing any document, and not before.

(4) Every document if not in the English language must be accompanied by a translation thereof certified by a court interpreter or a translation verified by the affidavit of a person qualified to translate it before it may be received, filed or used in the Supreme Court.

(5) Amendments to any document shall be effected in the manner as may be determined by the Registrar.

Affidavits and statements

16.—(1) Affidavits, conditioned statements or written statements which are filed in the Supreme Court using the electronic filing service may be used in all proceedings to the same extent and for the same purposes as paper affidavits, conditioned statements or written statements filed in the Supreme Court.

(2) Where an affidavit is to be filed in the Supreme Court using the electronic filing service, it shall comply with the following requirements:

- (a) the affidavit must be sworn in the usual way in which the deponent signs the original paper affidavit;
- (b) a true and complete electronic image of the original paper affidavit must be created; and
- (c) the original paper affidavit must be retained by the party who filed it for a period of 7 years after it is filed.

(3) Notwithstanding paragraph (2)(c), if the original paper affidavit subsequently becomes unavailable within 7 years after it was filed, the Supreme Court may grant leave for the electronic image of the original paper affidavit filed in the Supreme Court using the electronic filing service to be used in the proceedings for which it was filed, or in any other proceedings.

(4) Paragraphs (2)(b) and (c) and (3) shall apply to conditioned statements and written statements to the same extent and in like manner as they apply to affidavits.

Discrepancy

17. Where a document was filed using the electronic filing service, and there is any inconsistency between —

- (a) the information entered into the electronic template of the document or of the transmission containing the document; and
- (b) the information contained in the document,

the information contained in the document shall prevail where that document is remotely composed on the computer system of the electronic filing service provider, and in all other cases the information entered into the electronic template of the document shall prevail.

Made this 20th day of December 2012.

BEH SWAN GIN
*Permanent Secretary,
Ministry of Law,
Singapore.*