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CRIMINAL PROCEDURE CODE (CHAPTER 68)

CRIMINAL PROCEDURE CODE (AUDIOVISUAL RECORDING) REGULATIONS 2018

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In exercise of the powers conferred by section 428 of the Criminal Procedure Code, the Minister for Law makes the following Regulations:

Citation and commencement

1. These Regulations are the Criminal Procedure Code (Audiovisual Recording) Regulations 2018 and come into operation on 17 September 2018.

Definitions

2. In these Regulations, unless the context otherwise requires —

“copy”, in relation to an audiovisual recording —

(a) means any of the following:

- (i) a copy of the whole or any part of the audiovisual recording;
- (ii) a copy of the whole or any part of the aggregate of visual images embodied in the audiovisual recording;
- (iii) a copy of the whole or any part of the aggregate of sounds embodied in the audiovisual recording;
- (iv) a photograph or screenshot of any visual image embodied in the audiovisual recording;
- (v) a copy of any copy, photograph or screenshot mentioned in sub-paragraph (i), (ii), (iii) or (iv); but

(b) excludes any of the following:

- (i) a drawing of any visual image embodied in the audiovisual recording;
- (ii) a transcript of the whole or any part of —
 - (A) the audiovisual recording; or
 - (B) the aggregate of sounds embodied in the audiovisual recording;

“relevant officer”, in relation to a statement or an audiovisual recording mentioned in regulation 3 —

(a) means —

- (i) if the statement is recorded during a criminal investigation by any officer of a public office mentioned in the first column of the First Schedule — any of the following:

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- (A) the public officer mentioned opposite that public office in the second column of that Schedule;
 - (B) the Public Prosecutor;
 - (C) any Deputy Public Prosecutor who is authorised by the Public Prosecutor to exercise the powers of a relevant officer;
- (ii) if the statement is recorded during a criminal investigation other than by any officer of a public office mentioned in the first column of the First Schedule — either of the following:
- (A) the Public Prosecutor;
 - (B) any Deputy Public Prosecutor who is authorised by the Public Prosecutor to exercise the powers of a relevant officer;
- and
- (b) includes —
- (i) if the statement or audiovisual recording is produced before, or is the subject of an order mentioned in section 235(7) of the Code made by, the Court of Appeal or the High Court — the Registrar of the Supreme Court;
 - (ii) if the statement or audiovisual recording is produced before, or is the subject of an order mentioned in section 235(7) of the Code made by, a Family Court or a Youth Court — the Registrar of the Family Justice Courts; and
 - (iii) if the statement or audiovisual recording is produced before, or is the subject of an order mentioned in section 235(7) of the Code made by, a District Court or a Magistrate’s Court — the Registrar of the State Courts.

Applicable statements and audiovisual recordings

3. These Regulations apply to —
- (a) every statement that is made by a person examined under section 22 of the Code and recorded in the form of an audiovisual recording;
 - (b) every statement that is made by an accused in answer to a notice read to the accused under section 23(1) of the Code and recorded in the form of an audiovisual recording; and
 - (c) every audiovisual recording mentioned in paragraph (a) or (b).

Other prescribed places for viewing applicable audiovisual recording

4. For the purposes of sections 23(6)(a), 162(2), 166(2), 214(2), 218(2), 225B(3) and 235(7)(b) of the Code, the other prescribed places at which an audiovisual recording mentioned in regulation 3 may be viewed are the premises set out in the Second Schedule.

Offences relating to applicable statements and audiovisual recordings

5.—(1) A person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both, if the person —

- (a) without the authorisation of a relevant officer, makes a copy of an audiovisual recording mentioned in regulation 3;
- (b) knows or has reason to believe that the audiovisual recording the person is making a copy of is one mentioned in regulation 3; and
- (c) knows or has reason to believe that the making of that copy is not authorised by any relevant officer.

(2) A person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both, if the person —

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- (a) without the authorisation of a relevant officer, makes any audio recording, visual recording or audiovisual recording of the making of a statement mentioned in regulation 3(a) or (b);
 - (b) knows or has reason to believe that the statement, the making of which the person is making an audio recording, a visual recording or an audiovisual recording of, is one mentioned in regulation 3(a) or (b); and
 - (c) knows or has reason to believe that the making of that recording is not authorised by any relevant officer.

(3) To avoid doubt, neither of the following constitutes the making under paragraph (2)(a) of an audio recording, a visual recording, or an audiovisual recording, of the making of a statement mentioned in regulation 3(a) or (b):

- (a) the making of a drawing of any part of the process of making the statement;
- (b) the making of a transcript of the whole or any part of any of the following:
 - (i) the statement;
 - (ii) the process of making the statement;
 - (iii) the aggregate of sounds made during that process.

(4) A person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both, if the person —

- (a) without the authorisation of a relevant officer, uses or distributes the original or a copy of an audiovisual recording mentioned in regulation 3;
- (b) knows or has reason to believe that the audiovisual recording, the original or a copy of which the person uses or distributes, is one mentioned in regulation 3; and
- (c) knows or has reason to believe that the use or distribution of that original or copy of that recording is not authorised by any relevant officer.

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- (5) Paragraph (4) does not apply to any of the following:
- (a) the use of the original or a copy of an audiovisual recording mentioned in regulation 3 for a viewing, pursuant to section 23(6)(a), 162(2), 166(2), 214(2), 218(2), 225B(3) or 235(7)(b) of the Code, of the audiovisual recording;
 - (b) the disclosure of the original or a copy of an audiovisual recording mentioned in regulation 3 by the prosecution to an accused or the accused's advocate (if any) for the purposes of any criminal proceedings, whether such disclosure is voluntary or pursuant to any written law or rule of law or any order of court.

Possession of recording device during viewing of applicable audiovisual recording

6. A person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both, if the person —

- (a) without the authorisation of a relevant officer, possesses a recording device during the viewing, pursuant to section 23(6)(a), 162(2), 166(2), 214(2), 218(2), 225B(3) or 235(7)(b) of the Code, of an audiovisual recording mentioned in regulation 3;
- (b) knows or has reason to believe that the audiovisual recording, during the viewing of which the person possesses a recording device, is an audiovisual recording mentioned in regulation 3; and
- (c) knows or has reason to believe that the possession of that recording device during that viewing is not authorised by any relevant officer.

Exemption from regulations 5(1), (2) and (4) and 6

7. Regulations 5(1), (2) and (4) and 6 do not apply to the doing, in good faith, of any thing mentioned in regulations 5(1), (2) and (4) and 6, respectively, by any person mentioned in the following paragraphs in the discharge, or purported discharge, of that person's official duties:

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- (a) any Judge of Appeal, Judge, District Judge or Magistrate;
 - (b) the Registrar of the Supreme Court;
 - (c) the Registrar of the Family Justice Courts;
 - (d) the Registrar of the State Courts;
 - (e) any officer or employee of a court;
 - (f) any person appointed by a court as an interpreter for any court proceedings;
 - (g) any person appointed by a court to make a recording or transcript of any court proceedings;
 - (h) any person whose duty is to preserve order in the court, or to place or keep any person in confinement.

Arrestable offences

8. Every offence under regulation 5(1), (2) or (4) or 6 is an arrestable offence.

Conditions for authorisation by relevant officer

9. A relevant officer may authorise the doing of any thing mentioned in regulation 5(1)(a), (2)(a) or (4)(a) or 6(a), only if the relevant officer is satisfied that the doing of that thing —

- (a) is necessary for any purpose relating to an investigation, a prosecution, the training of any person, or the review of any policy; or
- (b) is in the public interest.

FIRST SCHEDULE

Regulation 2

RELEVANT OFFICERS

<i>First column</i>	<i>Second column</i>
<i>Public office</i>	<i>Public officer</i>
1. Commercial Affairs Department of the Singapore Police Force	(a) Director, Commercial Affairs Department of the Singapore Police Force (b) Deputy Director or Assistant Director of the Commercial Affairs Department of the Singapore Police Force who is authorised by the officer in paragraph (a) to exercise the powers of a relevant officer
2. Any other department or Division of the Singapore Police Force	(a) Director, Criminal Investigation Department of the Singapore Police Force (b) Deputy Director or Assistant Director of the Criminal Investigation Department of the Singapore Police Force who is authorised by the officer in paragraph (a) to exercise the powers of a relevant officer
3. Central Narcotics Bureau	(a) Director of the Investigation Division of the Central Narcotics Bureau (b) Deputy Director or Assistant Director of the Investigation Division of the Central Narcotics Bureau who is authorised by the officer in paragraph (a) to exercise the powers of a relevant officer
4. Corrupt Practices Investigation Bureau	(a) Director of the Corrupt Practices Investigation Bureau (b) Deputy Director or Assistant Director of the Corrupt Practices Investigation Bureau who is authorised by the officer in paragraph (a) to exercise the powers of a relevant officer

SECOND SCHEDULE

Regulation 4

PRESCRIBED PLACES

1. The premises of the Supreme Court at 1 Supreme Court Lane, Singapore 178879
2. The premises of the Family Justice Courts at 3 Havelock Square, Singapore 059725
3. The premises of the State Courts at 1 Havelock Square, Singapore 059724
4. The premises of the Singapore Police Force Central Division at 391 New Bridge Road, Police Cantonment Complex Block A, Singapore 088762
5. The premises of the Singapore Police Force Clementi Division at 20 Clementi Avenue 5, Singapore 129858
6. The premises of the Singapore Police Force Tanglin Division at 21 Kampong Java Road, Singapore 228892
7. The premises of the Singapore Police Force Ang Mo Kio Division at 51 Ang Mo Kio Avenue 9, Singapore 569784
8. The premises of the Singapore Police Force Bedok Division at 30 Bedok North Road, Singapore 469676
9. The premises of the Singapore Police Force Jurong Division at 2 Jurong West Avenue 5, Singapore 649482
10. The premises of the Singapore Police Force Woodlands Division at 1 Woodlands Street 12, Singapore 738622
11. The premises of the Commercial Affairs Department of the Singapore Police Force at 391 New Bridge Road, Police Cantonment Complex, Singapore 088762
12. The premises of the Criminal Investigation Department of the Singapore Police Force at 391 New Bridge Road, Police Cantonment Complex, Singapore 088762
13. The premises of the Central Narcotics Bureau at 393 New Bridge Road, Singapore 088763
14. The premises of the Corrupt Practices Investigation Bureau at 2 Lengkok Bahru, Singapore 159047
15. The premises of Cluster Management A at 982 Upper Changi Road North, Changi Prison Complex, Singapore 507709
16. The premises of Institution A1, Cluster A at 982A Upper Changi Road North, Changi Prison Complex, Singapore 506978

SECOND SCHEDULE — *continued*

17. The premises of Institution A2, Cluster A at 982B Upper Changi Road North, Changi Prison Complex, Singapore 506979
18. The premises of Institution A3, Cluster A at 982C Upper Changi Road North, Changi Prison Complex, Singapore 506980
19. The premises of Institution A4, Cluster A at 982D Upper Changi Road North, Changi Prison Complex, Singapore 506981
20. The premises of Institution A5, Cluster A at 982E Upper Changi Road North, Changi Prison Complex, Singapore 506982
21. The premises of Cluster Management B at 984 Upper Changi Road North, Changi Prison Complex, Singapore 506969
22. The premises of Institution B1, Cluster B at 984A Upper Changi Road North, Changi Prison Complex, Singapore 506983
23. The premises of Institution B2, Cluster B at 984B Upper Changi Road North, Changi Prison Complex, Singapore 506984
24. The premises of Institution B3, Cluster B at 984C Upper Changi Road North, Changi Prison Complex, Singapore 506985
25. The premises of Institution B4, Cluster B at 984D Upper Changi Road North, Changi Prison Complex, Singapore 506986
26. The premises of Institution B5, Cluster B at 984E Upper Changi Road North, Changi Prison Complex, Singapore 506987
27. The premises of Institution TM1 at 10 Tanah Merah Besar Road, Singapore 498834
28. The premises of Institution TM2 at 10 Tanah Merah Besar Road, Singapore 498834
29. The premises of Singapore Boys' Home at 30 Jurong West Street 24, Singapore 649696
30. The premises of Singapore Girls' Home at 1 Defu Avenue 1, Singapore 539540

Made on 14 September 2018.

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

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