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CRIMINAL JUSTICE REFORM ACT 2018 (ACT 19 OF 2018)

CRIMINAL JUSTICE REFORM (SAVING AND TRANSITIONAL PROVISIONS) (NO. 2) REGULATIONS 2018

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In exercise of the powers conferred by section 128(7) of the Criminal Justice Reform Act 2018, the Minister for Law makes the following Regulations:

Citation and commencement

1. These Regulations are the Criminal Justice Reform (Saving and Transitional Provisions) (No. 2) Regulations 2018 and come into operation on 31 October 2018.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “Act” means the Criminal Justice Reform Act 2018 (Act 19 of 2018);
- “Code” means the Criminal Procedure Code (Cap. 68) as amended by the Act;
- “unamended Code” means the Code as in force on 30 October 2018.

Order to release person on bail or personal bond

3.—(1) Despite section 17(*a*) of the Act, section 92(4) of the Code does not apply to an order made by a State Court before 31 October 2018 for the release of a person under section 92 of the Code on bail or on personal bond.

(2) Despite section 18 of the Act, section 93(3C) of the Code does not apply to an order made by a State Court before 31 October 2018 for the release on bail or on personal bond of a person accused of a non-bailable offence.

(3) Despite section 21 of the Act, section 97(2) of the Code does not apply to an order made by a State Court before 31 October 2018 for the release on bail or on personal bond of a person accused of a non-bailable offence.

Statements and confessions

4.—(1) Despite section 74(*c*) of the Act, section 258(4A) of the Code does not apply to a determination of whether an accused’s statement was caused by any inducement, threat or promise, if a person in authority first informed the accused before 31 October 2018 that the accused was required or legally bound to give information under section 27 of the Prevention of Corruption Act (Cap. 241).

(2) Despite section 74(*d*) of the Act, section 258(5), (5A) and (5B) of the Code does not apply to a determination of whether the court may take into consideration a confession, made during an investigation of an offence, as against a person (other than the

maker of the confession), if that investigation began before 31 October 2018.

Admissibility of Case for the Defence

5. Despite section 75 of the Act, section 258A of the Code does not apply to a Case for the Defence filed by or on behalf of a person charged with an offence, if the person was charged with that offence before 31 October 2018.

Appearance of accused through video or television link

6. Despite section 80(d) of the Act, section 281(3) of the unamended Code continues to apply to any appearance of an accused before the court through a live video or live television link for any matter relating to an offence that the accused was charged with before 31 October 2018.

Reformatory training

7. Section 88 of the Act applies to the sentencing of an accused for an offence that the accused —

(a) is charged with or convicted of before, on or after 31 October 2018; but

(b) is sentenced for on or after 31 October 2018.

Community sentences

8.—(1) Despite section 91 of the Act, section 337 of the unamended Code continues to apply to the sentencing of an accused for any offence that the accused was charged with before 31 October 2018.

(2) Section 92(b) and (c) of the Act does not apply to a mandatory treatment order made in respect of any offence that the offender was charged with before 31 October 2018.

(3) Despite section 93(a) to (e) of the Act, section 352(5) of the unamended Code continues to apply to a mandatory treatment order, day reporting order, community work order or community service order made in respect of any offence that the offender was charged with before 31 October 2018.

(4) Section 93(*f*) of the Act does not apply to a mandatory treatment order made in respect of any offence committed before 31 October 2018.

(5) Despite section 94(*b*) of the Act, section 354(6) and (7) of the unamended Code continues to apply to a community order made in respect of any offence that the offender was charged with before 31 October 2018.

Order for payment of costs against accused

9. Despite section 95 of the Act, section 355 of the unamended Code continues to apply to the making of an order for payment of costs against a person convicted of an offence that the person was charged with before 31 October 2018.

Petition for confirmation

10. Despite section 107 of the Act, section 394A(1) of the unamended Code continues to apply to a petition for confirmation lodged by the Public Prosecutor in relation to a sentence of death that was passed on an accused before 31 October 2018.

Review of earlier decision of appellate court

11. Section 108 of the Act does not apply to either of the following:

- (*a*) an application, to review an earlier decision of an appellate court, that was made to the High Court or the Court of Appeal before 31 October 2018, and is pending on 30 October 2018;
- (*b*) a review, of an earlier decision of an appellate court pursuant to an application mentioned in paragraph (*a*), that is pending on 30 October 2018.

Determination of question of public interest

12.—(1) Despite section 109(*a*) of the Act, section 397(3B) to (3E) of the Code does not apply to an application for leave to refer a question to the Court of Appeal that was made before 31 October 2018 under section 397(1) of the Code.

(2) Despite section 109(b) of the Act, section 397(6) of the unamended Code continues to apply to a determination of whether a question of law referred to the Court of Appeal before 31 October 2018 is a question of public interest.

Application of First Schedule

13. Despite section 118(a) and (b) of the Act, the items in the First Schedule to the unamended Code mentioned in section 118(a) and (b) of the Act continue to apply to a determination of whether an offence that an accused was charged with before 31 October 2018 is a bailable offence or a non-bailable offence.

Application of Second Schedule

14. Despite section 119 of the Act, the Second Schedule to the unamended Code continues to apply to a determination of whether the criminal case disclosure procedures in Division 2 of Part IX and Division 5 of Part X of the Code apply to an offence that an accused was charged with before 31 October 2018.

Made on 30 October 2018.

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

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