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SINGAPORE ARMED FORCES ACT
(CHAPTER 295)

SINGAPORE ARMED FORCES (SUBORDINATE MILITARY
COURTS) REGULATIONS 2004

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation and commencement
2. Definitions

PART II

CHARGE-SHEETS AND CHARGES

3. Charge-sheets
4. Charges
5. Joint charges
6. Construction of charge-sheets and charges
7. Preparation of charge-sheets

PART III

CONVENING OF SUBORDINATE MILITARY COURTS

8. Appointment of general courts martial panel
9. Duties of convening authority for general courts martial
10. Duties of convening authority of field general court martial
11. Pre-trial administration
12. Preparation of defence

PART IV

COMMENCEMENT OF TRIAL

13. Preliminary matters to be considered
14. Challenges by accused

Regulation

15. No right to object to judge advocate or prosecutor
16. Swearing of field general court martial and judge advocate
17. Appointment of, and objection to, interpreter or shorthand writer
18. Form of oath or affirmation

PART V

ARRAIGNMENT OF ACCUSED

19. Arraignment of accused
20. Objection to jurisdiction of court
21. Objection to charge
22. Objection under section 108 or 111 of Act
23. Application for separate trial where accused charged jointly
24. Application by accused to have charges tried separately
25. Pleas to charge

PART VI

PROCEDURE ON PLEA OF GUILTY

26. Acceptance of plea of guilty
27. Plea on alternative charge
28. Procedure on finding of guilty after plea of guilty
29. Order of trial involving pleas of guilty and not guilty

PART VII

CHANGE OF PLEA

30. Changes of plea

PART VIII

PROCEDURE ON PLEA OF NOT GUILTY

31. Application for adjournment
32. Case for prosecution
33. Submission of no case to answer
34. Explanation of rights of accused
35. Case for defence
36. Calling or recalling of witness
37. Closing addresses
38. Summing up by judge advocate

PART IX
FINDING

Regulation

39. Deliberation on finding
40. Expression of opinions on, and type of, finding
41. Announcement of finding

PART X

PROCEDURE AFTER ANNOUNCEMENT OF FINDING

42. Trial of charges in other charge-sheets before deliberation on sentence
43. Release of accused
44. Accused's record and plea on mitigation
45. Request for other offences to be taken into consideration
46. Deliberation on sentence
47. Sentence
48. Postponement of deliberation on sentence
49. Judgment and sentence

PART XI

RECORD OF PROCEEDINGS AND EXHIBITS

50. Record of proceedings
51. Exhibits
52. Custody and inspection of record of proceedings during trial

PART XII

REVIEW OF FINDINGS AND SENTENCES

53. Petitions

PART XIII

RESPONSIBILITY OF COURT, JUDGE ADVOCATE, PROSECUTOR AND
DEFENDING OFFICER OR COUNSEL

54. Duties of president
55. Duty of judge advocate
56. Judge advocate sitting alone
57. Duties of prosecutor and defending officer or counsel
58. Exercise of right of accused

PART XIV

ATTENDANCE, CALLING AND EXAMINATION OF WITNESSES

Regulation

59. Procuring attendance of witnesses
60. Exclusion of witnesses
61. Examination of witnesses
62. Examination by court and judge advocate
63. Interview of witnesses

PART XV

WITHDRAWAL AND AMENDMENT OF CHARGE-SHEETS AND CHARGES

64. Withdrawal of charge-sheets and charges
65. Amendments of charge-sheets and charges by court

PART XVI

ADJOURNMENT AND DISSOLUTION OF COURT

66. Adjournment
67. View by court
68. Procedure on death, sickness or absence

PART XVII

SENTENCE OF DEATH

69. Sentence of death

PART XVIII

MISCELLANEOUS PROVISIONS

70. Minor punishments
 71. Restitution order
 72. Suspension of sentence of imprisonment or detention
 73. Deviations from forms in Schedules
 74. Cases not covered by Regulations
 75. Revocation and transitional provision
- The Schedules
-

In exercise of the powers conferred by section 93 of the Singapore Armed Forces Act, the Armed Forces Council hereby makes the following Regulations:

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Singapore Armed Forces (Subordinate Military Courts) Regulations 2004 and shall come into operation on 31st December 2004.

Definitions

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

“court” means a subordinate military court;

“investigation material” means the investigation material referred to in section 179 of the Act;

“officer cadet” includes a midshipman;

[S 191/2010 wef 01/04/2010]

“president” means the president of a subordinate military court;

“prosecutor” means any military prosecutor appointed under section 82(5) of the Act;

“reviewing authority” means the reviewing authority referred to in section 116 of the Act.

PART II
CHARGE-SHEETS AND CHARGES

Charge-sheets

3.—(1) A charge-sheet —

(a) shall set out all the issues to be tried at the same time; and

(b) may contain more than one charge, if the charges are founded on the same facts or form or are part of a series of offences of the same or a similar character,

but any charge under section 22, 23, 42 or 47(1) of the Act may be included in any charge-sheet, notwithstanding that the charge is not founded on the same facts, and does not form and is not part of a series of offences of the same or a similar character, as any other charge in that charge-sheet.

(2) Every charge-sheet shall contain —

- (a) a commencement; and
- (b) the charge or charges.

(3) The commencement of each charge-sheet shall —

- (a) state the NRIC number, rank or grade, name and unit of the accused or, where these are not known, any other particulars sufficient for his identification; and
- (b) show by the description of the accused or directly by an express averment that he is subject to military law or otherwise liable to trial by a subordinate military court.

(4) If there is more than one charge in a charge-sheet —

- (a) the charges should be numbered; and
- (b) when any charge is laid in the alternative, the alternative nature of that charge shall be indicated on the charge-sheet.

(5) Every charge-sheet shall, as far as practicable, be drawn in the form and according to the illustrations given in the First Schedule.

Charges

4.—(1) Each charge in a charge-sheet shall —

- (a) allege only one offence; and
- (b) be divided into the following parts:
 - (i) a statement of the offence with which the accused is charged; and

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- (ii) a statement of the particulars of the offence, including any act, omission, disorder or neglect constituting the offence.

(2) Every statement of an offence in a charge-sheet shall provide sufficient details to enable the accused to know exactly what he is charged with.

(3) Every statement of the particulars of an offence shall, as far as practicable, provide details of the date and time when, and the place where, the offence was allegedly committed.

(4) Where the accused is charged with 2 or more offences in the alternative —

- (a) each offence shall be set out in a separate charge; and
- (b) the charges shall be set out in the charge-sheet in order of gravity, beginning with the most serious charge.

Joint charges

5.—(1) Two or more accused may be charged in the same charge-sheet —

- (a) in respect of separate offences alleged to have been committed by each of them individually, if the acts on which the charges are founded are so connected that it is in the interests of justice that the charges be tried together; or
- (b) in respect of a single offence alleged to have been committed by them jointly.

(2) When 2 or more accused are charged in the same charge-sheet under paragraph (1), each accused may, at the same time, be charged in the same charge-sheet with any other offence alleged to have been committed —

- (a) by him individually; or
- (b) by them jointly,

if the charge relating to the other offence could, had he been tried separately, have been included under regulation 3(1) in the same charge-sheet.

Construction of charge-sheets and charges

6.—(1) In construing any charge-sheet or charge, there shall be presumed, in support of the charge-sheet or charge, every proposition which, though not expressly stated, may reasonably be presumed to have been impliedly included in the charge-sheet or charge.

(2) In construing any charge, the statement of the offence and the statement of the particulars of the offence shall be read and construed together.

Preparation of charge-sheets

7.—(1) Where the Director, Legal Services of the Singapore Armed Forces has directed that a charge be tried by a judge court martial or panel court martial, he or a prosecutor acting under his direction shall prepare the charge-sheet and send it to —

- (a) the convening authority for general courts martial or, where the convening authority has authorised any person other than the registrar for subordinate military courts to perform the duties imposed on the convening authority under section 81 (2), (8) or (11) of the Act or regulation 9, that person; and
- (b) the registrar for subordinate military courts.

(2) Where the Director, Legal Services of the Singapore Armed Forces has directed that a charge be tried by a field general court martial, he or a prosecutor acting under his direction shall prepare the charge-sheet and send it to —

- (a) the convening authority for that field general court martial; and
- (b) the serviceman appointed under section 83(6) of the Act to perform the functions of the registrar of that field general court martial.

(3) Where —

- (a) the Military Court of Appeal has made an order authorising a retrial under sections 149 and 150 of the Act; or

- (b) the reviewing authority has made an order for a retrial under section 117 read with sections 149 and 150 of the Act,

the Director, Legal Services of the Singapore Armed Forces or a prosecutor acting under his direction shall prepare the charge-sheet, and the accused shall be retried, in accordance with section 149(3) of the Act and with any direction or directions which may have been given by the Military Court of Appeal or reviewing authority, as the case may be, under section 149(4) of the Act.

PART III

CONVENING OF SUBORDINATE MILITARY COURTS

Appointment of general courts martial panel

8.—(1) The convening authority for general courts martial shall appoint the general courts martial panel by issuing a convening order in the appropriate form set out in the Second Schedule.

(2) The convening authority may at any time augment the general courts martial panel by issuing a supplementary convening order in the appropriate form set out in the Second Schedule.

(3) The convening authority may at any time revoke the appointment of any member of the general courts martial panel by issuing an order to that effect in the appropriate form set out in the Second Schedule.

(4) An oath or affirmation in the appropriate form in the Third Schedule shall be administered to each member of the general courts martial panel in accordance with section 87(1) of the Act before the member assumes his office in a general court martial.

Duties of convening authority for general courts martial

9.—(1) The convening authority for general courts martial shall —

- (a) constitute each judge court martial or panel court martial from the members of the general courts martial panel in accordance with paragraphs (2) and (3);

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- (b) where none of the members of a panel court martial is a qualified person, designate a judge advocate to officiate in any trial before that panel court martial;
- (c) upon constituting any judge court martial or panel court martial, issue a convening order in respect of that judge court martial or panel court martial in the appropriate form set out in the Second Schedule; and
- (d) in respect of any trial before a judge court martial or panel court martial, take steps to procure the attendance before that judge court martial or panel court martial of —
- (i) all witnesses to be called for the prosecution; and
 - (ii) subject to paragraph (4), all witnesses whose attendance the accused has reasonably requested in accordance with regulation 12.
- (2) The convening authority shall designate by name —
- (a) the president of each judge court martial; and
 - (b) the president and other members of each panel court martial, except any president of a panel court martial who is a Supreme Court Judge appointed under section 81(7) of the Act.
- [S 118/2021 wef 01/03/2021]*
- (3) The convening authority shall ensure that every person whom he designates to serve in a court under paragraph (2) —
- (a) is qualified under section 81(3) to (6) of the Act to serve in that court; and
 - (b) is not disqualified under section 84 of the Act from serving in that court.
- (4) The convening authority may require an accused to defray or to undertake to defray, as the convening authority thinks fit, the cost of the attendance of a witness whose attendance the accused has requested in accordance with regulation 12, and if the accused refuses to defray or to undertake to defray, as the case may be, such cost, the convening authority shall not be obliged to take any further steps to procure the attendance of that witness.

(5) Where the convening authority has authorised the registrar for subordinate military courts or any other person to perform the duties imposed on the convening authority under this regulation, the registrar or person shall —

- (a) be entitled to perform those duties for and on behalf of the convening authority; and
- (b) forward to the convening authority a copy of the convening order referred to in paragraph (1)(c).

Duties of convening authority of field general court martial

10.—(1) The convening authority of a field general court martial shall —

- (a) constitute the field general court martial in accordance with paragraphs (2) and (3);
 - (b) if he considers that a judge advocate should be appointed to officiate in a trial before the field general court martial, take steps to procure the appointment of the judge advocate;
 - (c) upon constituting the field general court martial, issue a convening order in the appropriate form set out in the Second Schedule;
 - (d) appoint the date, time and place for the trial before the field general court martial; and
 - (e) take steps to procure the attendance before the field general court martial of —
 - (i) all witnesses to be called for the prosecution; and
 - (ii) subject to paragraph (4), all witnesses whose attendance the accused has reasonably requested in accordance with regulation 12.
- (2) The convening authority shall —
- (a) appoint the president of the field general court martial by name; and

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- (b) appoint the other members of the field general court martial —
- (i) by name; or
 - (ii) by detailing a commanding officer to appoint those members from amongst officers and senior military experts of one or more specified ranks.
- [S 191/2010 wef 01/04/2010]*
- (3) The convening authority shall ensure that every person whom he appoints to serve in a court under paragraph (2) —
- (a) is qualified under section 83 of the Act to serve in that court; and
 - (b) is not disqualified under section 84 of the Act from serving in that court.
- (4) The convening authority may require an accused to defray or to undertake to defray, as the convening authority thinks fit, the cost of the attendance of a witness whose attendance the accused has requested in accordance with regulation 12, and if the accused refuses to defray or to undertake to defray, as the case may be, such cost, the convening authority shall not be obliged to take any further steps to procure the attendance of that witness.

Pre-trial administration

- 11.—**(1) When a judge court martial has been constituted to try the accused, the registrar for subordinate military courts shall —
- (a) send the original of each charge-sheet relating to the accused and the convening order in respect of the judge court martial to the president of the judge court martial;
 - (b) send a copy of each such charge-sheet and the convening order to the commanding officer of the accused; and
 - (c) send a copy of the convening order to the Director, Legal Services of the Singapore Armed Forces.
- (2) When a panel court martial has been constituted to try the accused, the registrar for subordinate military courts shall —

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- (a) send the original of each charge-sheet relating to the accused and the convening order in respect of the panel court martial to the president of the panel court martial;
 - (b) send a copy of each such charge-sheet and the convening order —
 - (i) to each of the other members of the panel court martial;
 - (ii) to any judge advocate who has been appointed to officiate in the trial; and
 - (iii) to the commanding officer of the accused; and
 - (c) send a copy of the convening order to the Director, Legal Services of the Singapore Armed Forces.

(3) When a field general court martial has been convened to try the accused, the serviceman appointed under section 83(6) of the Act to perform the functions of the registrar of the field general court martial shall —

- (a) send the original of each charge-sheet relating to the accused and the convening order in respect of the panel court martial to the president of the field general court martial;
- (b) send a copy of each such charge-sheet and the convening order —
 - (i) to each of the other members of the field general court martial;
 - (ii) to any judge advocate who has been appointed to officiate in the trial; and
 - (iii) to the commanding officer of the accused; and
- (c) send a copy of the convening order to the Director, Legal Services of the Singapore Armed Forces.

(4) Where a court has been constituted or convened to try the accused in respect of any charge, any person in possession of the investigation material relating to the charge shall, at the request of the prosecutor, send the investigation material to the prosecutor.

(5) Where a general court martial has been constituted to try the accused in respect of any charge —

- (a) the prosecutor and the accused may, before trial, apply to a judge court martial for directions for the conduct of the trial by giving written notice of the application to the registrar for subordinate military courts; and
- (b) any president of a judge court martial may —
 - (i) hear and determine any such application;
 - (ii) adjourn any such application for hearing before the general court martial constituted to try the accused; or
 - (iii) give directions for the conduct of the trial, whether or not any such application has been made.

Preparation of defence

12.—(1) Subject to paragraph (2) —

- (a) the accused shall be afforded a proper opportunity for preparing his defence, and in this regard —
 - (i) his commanding officer shall —
 - (A) ensure that he is informed of his right under section 102 of the Act to be represented by a defending officer or counsel; and
 - (B) if he wishes to be represented by a defending officer, assist him in procuring a defending officer; and
 - (ii) he shall be allowed proper communication with his defending officer or counsel and with his witnesses;
- (b) as soon as practicable after the commanding officer of the accused has received a copy of each charge-sheet and convening order under regulation 11(1), (2) or (3), and in any case not less than 24 hours before the commencement of the trial, the commanding officer shall ensure that the accused is given, and the accused shall be given —

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- (i) a copy of the charge-sheet; and
 - (ii) if the accused so requires, the rank or grade, name and unit of the president and, in the case of a panel court martial or a field general court martial, each other member of the court; and
- (c) when the accused is given a copy of the charge-sheet in accordance with this regulation, he shall —
- (i) if necessary, have the charge explained to him; and
 - (ii) be informed that, upon his making a written request to his commanding officer not less than 24 hours before his trial requiring the attendance at his trial of any witness (other than a witness for the prosecution) whom he desires to call in his defence (such witness to be named by him), reasonable steps will be taken in accordance with these Regulations to procure the attendance of any such witness at his trial.
- (2) In the case of a field general court martial, paragraph (1) need only be complied with so far as it is practicable to do so.
- (3) When it is intended to try 2 or more accused jointly, notice of this fact shall be given to each accused when he is given a copy of the charge-sheet, and —
- (a) if the trial is to take place before a general court martial —
 - (i) each accused may, before trial, apply to a judge court martial to be tried separately (on the ground that he would be prejudiced in his defence if he were not tried separately) by giving written notice of the application to the registrar for subordinate military courts;
 - (ii) any president of a judge court martial may hear and determine the application; and
 - (iii) the president of the judge court martial shall, if he is of the opinion that the interests of justice so require, after consulting the prosecutor, direct that the

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- accused who made the application be tried separately; or
- (b) if the trial is to take place before a field general court martial, where it is practicable —
- (i) each accused may, before trial, apply by written notice to the convening authority to be tried separately on the ground that he would be prejudiced in his defence if he were not tried separately; and
 - (ii) the convening authority shall, if he is of the opinion that the interests of justice so require, after consulting the Director, Legal Services of the Singapore Armed Forces, direct that the accused who made the application be tried separately.
- (4) When a charge-sheet contains more than one charge —
- (a) if the accused is to be tried before a general court martial —
- (i) the accused may, before trial, apply to a judge court martial to be tried separately on any charge in the charge-sheet (on the ground that he would be prejudiced in his defence if he were not tried separately on that charge) by giving written notice of the application to the registrar for subordinate military courts;
 - (ii) any president of a judge court martial may hear and determine the application; and
 - (iii) the president of the judge court martial shall, if he is of the opinion that the interests of justice so require, after consulting the prosecutor, direct that the accused be tried separately on that charge; or
- (b) if the accused is to be tried before a field general court martial, where it is practicable —
- (i) the accused may, before trial, apply by written notice to the convening authority to be tried separately on

any charge in the charge-sheet on the ground that he would be prejudiced in his defence if he were not tried separately on that charge; and

- (ii) the convening authority shall, if he is of the opinion that the interests of justice so require, after consulting the Director, Legal Services of the Singapore Armed Forces, direct that the accused be tried separately on that charge.

PART IV

COMMENCEMENT OF TRIAL

Preliminary matters to be considered

13.—(1) The president of a judge court martial shall, before commencing a trial, satisfy himself —

- (a) that he is qualified under section 81 (3) and (6)(a) of the Act to serve in that capacity;
- (b) that he is not disqualified under section 84 of the Act from serving in that capacity;
- (c) that the accused appears from the charge-sheet —
 - (i) to be subject to military law or otherwise liable to be tried by a subordinate military court; and
 - (ii) to be subject to the jurisdiction of the judge court martial; and
- (d) that each charge is on the face of it correct in law and framed in accordance with these Regulations.

(2) Upon a panel court martial assembling, the members of the panel court martial shall, before commencing a trial, satisfy themselves in closed court —

- (a) that the panel court martial has been constituted in accordance with the Act and these Regulations;
- (b) that the panel court martial consists of not less than the legal minimum of members;

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- (c) that they are qualified under section 81(4) to (7) of the Act to serve in the panel court martial;
 - (d) that none of them is disqualified under section 84 of the Act from serving in the panel court martial;
 - (e) where none of them is a qualified person, that a judge advocate has been duly appointed to officiate in any trial before the panel court martial;
 - (f) that the accused appears from the charge-sheet —
 - (i) to be subject to military law or otherwise liable to be tried by a subordinate military court; and
 - (ii) to be subject to the jurisdiction of the panel court martial; and
 - (g) that each charge is on the face of it correct in law and framed in accordance with these Regulations.
- (3) Upon a field general court martial assembling, the members of the field general court martial shall, before commencing a trial, satisfy themselves in closed court —
- (a) that the field general court martial has been convened in accordance with the Act and these Regulations;
 - (b) that the field general court martial consists of not less than the legal minimum of officers and senior military experts;
[S 191/2010 wef 01/04/2010]
 - (c) that they are qualified under section 83 of the Act to serve in the field general court martial;
 - (d) that none of them is disqualified under section 84 of the Act from serving in the field general court martial;
 - (e) where there is a judge advocate, that he has been duly appointed;
 - (f) that the accused appears from the charge-sheet —
 - (i) to be subject to military law or otherwise liable to be tried by a subordinate military court; and

(ii) to be subject to the jurisdiction of the field general court martial; and

(g) that each charge is on the face of it correct in law and framed in accordance with these Regulations.

(4) Where, before the commencement of any trial before a court, a vacancy occurs through the president or, in the case of a panel court martial or a field general court martial, any other member of the court being disqualified under the Act or being absent —

(a) if the court is a judge court martial, the vacancy shall be filled by another officer or senior military expert from the general courts martial panel who —

(i) is eligible for appointment as president of a judge court martial; and

(ii) has been designated by the convening authority to fill the vacancy;

[S 191/2010 wef 01/04/2010]

(b) if the court is a panel court martial, subject to section 81(7) of the Act, the vacancy shall be filled by another person from the general courts martial panel who —

(i) is eligible for the appointment; and

(ii) has been designated by the convening authority to fill the vacancy; or

(c) if the court is a field general court martial, the vacancy shall be filled by another officer or senior military expert who —

(i) is eligible for the appointment; and

(ii) has been designated by the convening authority to fill the vacancy.

[S 191/2010 wef 01/04/2010]

(5) For the avoidance of doubt, the convening authority may designate or appoint any eligible person to fill any vacancy referred to in paragraph (4) before the vacancy occurs.

(6) Where any person has been designated or appointed to fill any vacancy referred to in paragraph (4), the convening authority shall —

- (a) issue a new convening order in respect of the reconstituted court under regulation 9(1)(c) or 10(1)(c), as the case may be; or
- (b) where the designation or appointment is made before the vacancy occurs, as an alternative to complying with sub-paragraph (a), reflect the designation or appointment in the convening order issued under regulation 9(1)(c) or 10(1)(c), as the case may be.

(7) Where the convening authority for general courts martial has authorised the registrar for subordinate military courts or any other person to perform the duties imposed on the convening authority under paragraph (4)(a) or (b), (5) or (6), the registrar or person shall —

- (a) be entitled to perform those duties for and on behalf of the convening authority; and
- (b) forward to the convening authority a copy of the convening order referred to in paragraph (6).

(8) If the court is not satisfied on any matter referred to in paragraph (1), (2) or (3), as the case may be, and is not competent to rectify the matter itself under the Act or these Regulations, the court shall, before commencing the trial, report to the convening authority.

(9) When the court has complied with this regulation and is ready to proceed with the trial, the trial shall begin in open court.

Challenges by accused

14.—(1) The convening order and the name of each person constituting the court shall be read in the presence of the accused, who shall, subject to paragraph (2), be given an opportunity to object to that person in accordance with section 88 of the Act.

(2) The accused shall have no right to object to a president of a panel court martial who is a Supreme Court Judge.

[S 118/2021 wef 01/03/2021]

(3) When a court is convened to try more than one accused, whether jointly or separately, each accused shall —

(a) be given an opportunity to object to the president and, in the case of a panel court martial or a field general court martial, the other members of the court in accordance with paragraph (1); and

(b) be asked separately whether he has any such objection.

(4) When a court is convened to try more than one accused jointly, and any accused objects to the president or, in the case of a panel court martial or a field general court martial, any other member of the court, the court may, if it thinks fit —

(a) proceed to determine that objection in accordance with this regulation; or

(b) postpone the trial of that accused and proceed with the trial of the other accused only.

(5) The accused shall state the name of each person to whom he objects before any objection is disposed of.

(6) In the case of a panel court martial or a field general court martial, if more than one member of the court is objected to —

(a) the objection to each member shall be disposed of separately;

(b) any objection to the president shall be disposed of first; and

(c) the objections to the other members shall be disposed of in order of the members' seniority, beginning with the objection to the member who is the most junior in rank or grade.

(7) The accused may make a statement and call any person to make a statement in support of his objection.

(8) Any person to whom the accused has objected may state in open court anything relevant to the accused's objection, whether in support or in rebuttal thereof.

(9) Each objection shall be disposed of in accordance with section 88 of the Act.

(10) Where the court allows an objection, the person objected to shall retire and —

(a) if the court is a judge court martial, the convening authority shall designate another officer or senior military expert from the general courts martial panel who is eligible for appointment as president of a judge court martial to be the president of another judge court martial convened to try the accused;

[S 191/2010 wef 01/04/2010]

(b) if the court is a panel court martial, the vacancy shall be filled by another person from the general courts martial panel who —

(i) is eligible for the appointment; and

(ii) has been designated by the convening authority to fill the vacancy;

(c) if the court is a field general court martial, the vacancy shall be filled by another officer or senior military expert who —

(i) is eligible for the appointment; and

(ii) has been designated by the convening authority to fill the vacancy.

[S 191/2010 wef 01/04/2010]

(11) For the avoidance of doubt, the convening authority may designate or appoint any eligible person to fill any vacancy referred to in paragraph (10)(b) or (c) before the vacancy arises.

(12) Where any person has been designated or appointed to fill any vacancy referred to in paragraph (10)(b) or (c), the convening authority shall —

(a) issue a new convening order in respect of the reconstituted court under regulation 9(1)(c) or 10(1)(c), as the case may be; or

(b) where the designation or appointment is made before the vacancy occurs, as an alternative to complying with sub-paragraph (a), reflect the designation or appointment

in the convening order issued under regulation 9(1)(c) or 10(1)(c), as the case may be.

(13) Where the convening authority for general courts martial has authorised the registrar for subordinate military courts or any other person to perform the duties imposed on the convening authority under paragraph (10)(a) or (b), (11) or (12), the registrar or person shall —

- (a) be entitled to perform those duties for and on behalf of the convening authority; and
- (b) forward to the convening authority a copy of the convening order referred to in paragraph (12).

No right to object to judge advocate or prosecutor

15. The accused shall have no right to object to a judge advocate or prosecutor.

Swearing of field general court martial and judge advocate

16.—(1) Immediately after regulation 14 has been complied with —

- (a) where the court is a field general court martial, an oath or affirmation in the appropriate form in the Third Schedule shall be administered to the president and each member of the court in accordance with section 87(3) of the Act; and
[S 263/2023 wef 31/12/2021]
- (b) where there is a judge advocate, an oath or affirmation in the appropriate form in the Third Schedule shall be administered by the president of the court to the judge advocate.

(2) A field general court martial may be sworn or affirmed at one time to try any number of accused then present before it, whether they are to be tried jointly or separately.

(3) A judge advocate officiating in more than one trial before a court may be sworn or affirmed at one time in the presence of any number of accused whose trials he is officiating in, whether they are to be tried jointly or separately.

Appointment of, and objection to, interpreter or shorthand writer

17.—(1) The court may, at any time, appoint any competent and impartial person to act as an interpreter or as a shorthand writer at a trial before the court.

(2) Before any person acts as an interpreter or as a shorthand writer, an oath or affirmation in the appropriate form in the Third Schedule shall be administered to him in the presence of the accused.

(3) Before any person is sworn or affirmed as an interpreter or as a shorthand writer —

- (a) the accused shall be given an opportunity to object to him; and
- (b) if the court thinks that the objection is reasonable, that person shall not act as an interpreter or as a shorthand writer.

Form of oath or affirmation

18.—(1) An oath which is required to be administered under section 87 of the Act or these Regulations shall be administered in the appropriate form in the Third Schedule.

(2) Subject to paragraph (4), a person taking an oath shall —

- (a) place his left hand on the Bible or hold it in his left hand;
- (b) raise his right hand; and
- (c) say, or repeat after the person administering the oath, the words of the oath.

(3) Subject to paragraph (4), a person making an affirmation shall —

- (a) raise his right hand; and
- (b) say, or repeat after the person administering the affirmation, the words of the appropriate form of oath, except that he shall —
 - (i) substitute the words “solemnly, sincerely and truly declare and affirm” for the word “swear”; and

(ii) omit the words “So help me God”.

(4) Where a person is physically incapable of taking the oath or making the affirmation in the manner referred to in paragraph (2) or (3), as the case may be, the person shall take the oath or make the affirmation in such manner as is appropriate or expedient in the circumstances.

PART V

ARRAIGNMENT OF ACCUSED

Arraignment of accused

19.—(1) After —

(a) regulation 14 has been complied with; and

(b) where applicable, regulations 16 and 17 have been complied with,

the accused shall be arraigned by the president or, where there is a judge advocate, the judge advocate.

(2) Before arraigning the accused, the president or judge advocate, as the case may be, shall explain to the accused —

(a) the general effect of the accused’s plea; and

(b) in particular, the difference in procedure when the accused pleads guilty and when the accused pleads not guilty.

(3) During the arraignment of the accused —

(a) the charge-sheet shall be read to the accused; and

(b) the president or judge advocate, as the case may be, shall —

(i) explain to the accused the nature of the charge; and

(ii) ask the accused whether he pleads guilty or not guilty to each charge.

(4) If the accused refuses to plead, he shall be deemed to have pleaded not guilty.

(5) If there is more than one charge-sheet against the accused before the court, the court shall —

- (a) arraign and try the accused upon each charge in the first charge-sheet;
- (b) if the accused has pleaded guilty to any charge in the first charge-sheet, proceed in accordance with regulation 26 in relation to that charge; and
- (c) announce its finding in relation to each charge in the first charge-sheet,

before it arraigns the accused on any charge in any subsequent charge-sheet.

Objection to jurisdiction of court

20.—(1) The accused may, before pleading to a charge, object to the court trying him on the charge on the ground that the court does not have jurisdiction to try him on the charge.

(2) If the accused makes an objection under paragraph (1) —

- (a) the accused may adduce evidence in support of the objection and the prosecutor may adduce evidence in answer thereto; and
- (b) the prosecutor may address the court in answer to the objection and the accused may reply to the prosecutor's address.

(3) If the court decides that it does not have jurisdiction to try the accused on the charge, it shall record the reasons for its decision in the record of proceedings and —

- (a) if the charge is the only charge against the accused, the court shall be dissolved; or
- (b) if there is any other charge against the accused —
 - (i) to which the accused makes no objection under paragraph (1); or
 - (ii) which the court decides it has jurisdiction to try the accused on,

the court shall try the accused on that other charge.

- (4) Where a court is dissolved under paragraph (3) —
- (a) if the Director, Legal Services of the Singapore Armed Forces certifies that the reasons for the court's decision under paragraph (3) apply only to that court, the accused may be tried again by another court;
 - (b) if the Director, Legal Services of the Singapore Armed Forces certifies that the reasons for the court's decision under paragraph (3) apply only to certain courts, the accused may be tried again by another court to which those reasons do not apply; or
 - (c) if the court's decision under paragraph (3) is reversed by the Military Court of Appeal, the accused may be tried again by that court or another court.

Objection to charge

21.—(1) The accused may, before pleading to a charge, object to it on the ground that —

- (a) it is not correct in law; or
 - (b) it is not framed in accordance with these Regulations.
- (2) If the accused objects to a charge under paragraph (1) —
- (a) the prosecutor may address the court in answer to the objection; and
 - (b) the accused may reply to the prosecutor's address.
- (3) Where the accused objects to a charge under paragraph (1), the court may, if it upholds the objection —
- (a) alter the charge or frame a new charge in substitution for the charge in accordance with regulation 65;
 - (b) direct the prosecutor to frame a new charge in substitution for the charge; or
 - (c) direct that the accused be discharged.

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- (4) The court may grant an adjournment of the trial if the court —
- (a) alters the charge or frames a new charge in substitution for the charge under paragraph (3)(a); or
 - (b) directs the prosecutor to frame a new charge in substitution for the charge under paragraph (3)(b).
- (5) A discharge under paragraph (3)(c) shall not amount to an acquittal unless the court so directs.

Objection under section 108 or 111 of Act

22.—(1) The accused may, before pleading to a charge, object to the court trying him on the charge by reason of section 108 or 111 of the Act.

- (2) If the accused makes an objection under paragraph (1) —
- (a) the accused may adduce evidence in support of the objection and the prosecutor may adduce evidence in answer thereto; and
 - (b) the prosecutor may address the court in answer to the objection and the accused may reply to the prosecutor's address.
- (3) If the court decides that it cannot try the accused on the charge by reason of section 108 or 111 of the Act, it shall record the reasons for its decision in the record of proceedings and —
- (a) if the charge is the only charge against the accused, the court shall be dissolved; or
 - (b) if there is any other charge against the accused —
 - (i) to which the accused makes no objection under paragraph (1); or
 - (ii) which the court decides it is not precluded by section 108 or 111 of the Act from trying the accused on,the court shall try the accused on that other charge.

Application for separate trial where accused charged jointly

23.—(1) Where 2 or more accused are charged jointly, or are charged in the same charge-sheet with offences alleged to have been committed by them separately, any of them may, before pleading to the charge or charges, apply to the court to be tried separately on the ground that he would be prejudiced in his defence if he was not tried separately.

(2) If an accused makes an application under paragraph (1), the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address.

(3) If the court is of the opinion that the interests of justice so require, it shall allow the application and try separately the accused who made it.

Application by accused to have charges tried separately

24.—(1) Where a charge-sheet contains more than one charge against an accused, the accused may, before pleading to the charges, apply to the court to be tried separately on any charge in that charge-sheet on the ground that he would be prejudiced in his defence if he was not tried separately on that charge.

(2) If the accused makes an application under paragraph (1), the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address.

(3) If the court is of the opinion that the interests of justice so require, it shall allow the application and try the accused separately on the charge to which it relates as if that charge had been inserted in a separate charge-sheet.

Pleas to charge

25.—(1) After every objection under regulation 20, 21 or 22 or application under regulation 23 or 24 has been dealt with, subject to paragraph (2), the accused shall be required to plead either guilty or not guilty to each charge on which he has been arraigned.

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- (2) Where a court —
- (a) is empowered by section 90 of the Act to find an accused —
 - (i) guilty of an offence other than that for which the accused was charged; or
 - (ii) guilty of committing the offence for which the accused was charged in circumstances involving a lesser degree of punishment; or
 - (b) may, under regulation 40(3), make a finding that an accused is guilty of the offence charged subject to any exception or variation specified in the finding,

the accused may plead guilty to such other offence, to the offence charged as having been committed in such circumstances or to the offence charged subject to such exception or variation, as the case may be.

PART VI

PROCEDURE ON PLEA OF GUILTY

Acceptance of plea of guilty

26.—(1) If the accused pleads guilty to a charge, the prosecutor shall inform the court of the facts relating to the charge and the circumstances in which the offence was committed, including facts which show the nature and gravity of the offence and factors affecting mitigation or aggravation.

- (2) A court shall not accept a plea of guilty if —
- (a) the court is not satisfied that the accused understands the nature of the charge and the effect of his plea;
 - (b) the president, having regard to all the circumstances, considers that the accused should plead not guilty; or
 - (c) the accused is liable if convicted to be sentenced to death.
- (3) The court shall enter a plea of not guilty where —
- (a) a plea of guilty is not accepted by the court; or

(b) the accused either refuses to plead to the charge or does not plead to it intelligibly.

(4) Where a court is satisfied that it can properly accept a plea of guilty in respect of a charge, it shall record a finding of guilty in respect of that charge.

Plea on alternative charge

27.—(1) Where an accused pleads guilty to the first of 2 or more alternative charges, and the court accepts the accused's plea of guilty —

- (a) the court shall record a finding of guilty in respect of the first charge; and
- (b) the prosecutor shall withdraw any alternative charge before the accused is arraigned on it.

(2) Where an accused pleads guilty to any of 2 or more alternative charges other than the first such charge —

- (a) the court may —
 - (i) proceed as if the accused had pleaded not guilty to all the charges; or
 - (ii) with the concurrence of the prosecutor, record —
 - (A) a finding of guilty in respect of the charge to which the accused has pleaded guilty; and
 - (B) a finding of not guilty in respect of any alternative charge which is placed before it in the charge-sheet; and
- (b) if the court records any finding under sub-paragraph (a)(ii), the prosecutor shall withdraw any alternative charge not referred to in that sub-paragraph before the accused is arraigned on it.

Procedure on finding of guilty after plea of guilty

28. Subject to regulation 29, where the court has recorded a finding of guilty in respect of a charge to which the accused pleaded guilty, the court shall proceed in accordance with regulation 44.

Order of trial involving pleas of guilty and not guilty

29. Where the court has recorded a finding of guilty in respect of a charge to which the accused has pleaded guilty, if there is —

- (a) any other charge in the charge-sheet to which the accused has pleaded not guilty; or
- (b) any other accused who has pleaded not guilty to a charge in that charge-sheet,

the court shall not proceed in accordance with regulation 44 until after it has dealt with the other charge or tried the other accused and has announced and recorded its finding in respect thereof.

PART VII**CHANGE OF PLEA****Changes of plea**

30.—(1) An accused who has pleaded not guilty to a charge may, at any time before the court records its finding, withdraw his plea of not guilty and substitute a plea of guilty (including a plea of guilty under regulation 25(2)), and in such case the court shall —

- (a) proceed in accordance with regulation 26; and
- (b) if it is satisfied that it can accept the accused's changed plea, record a finding in accordance with the accused's changed plea.

(2) If at any time during the trial it appears to the court that an accused who has pleaded guilty to a charge does not understand the effect of his plea or the nature of the charge, the court shall —

- (a) enter a plea of not guilty and proceed with the trial as if the accused had pleaded not guilty to the charge; and
- (b) if any alternative charge has been withdrawn by the prosecutor under regulation 27, reinstate and arraign the accused on the alternative charge, and proceed with the trial as if the alternative charge had never been withdrawn.

PART VIII

PROCEDURE ON PLEA OF NOT GUILTY

Application for adjournment

31.—(1) After a plea of not guilty has been entered to any charge, the court may ask the accused whether he wishes to apply for an adjournment on the ground that —

- (a) any regulation relating to procedure before trial has not been complied with and the accused has been prejudiced thereby; or
- (b) the accused has not had sufficient opportunity for preparing his defence.

(2) If the accused applies for an adjournment under paragraph (1) —

- (a) the accused may adduce evidence in support of his application and the prosecutor may adduce evidence in answer thereto; and
- (b) the prosecutor may address the court in answer to the application and the accused may reply to the prosecutor's address.

(3) The court may grant an adjournment if it thinks the interests of justice so require.

Case for prosecution

32.—(1) The prosecutor may, if he wishes, and shall, if required by the court, make an opening address explaining the charge, the circumstances in which it is alleged the offence was committed, and the nature and general effect of the evidence which he proposes to adduce.

(2) The prosecutor shall then, in such order as he sees fit, call the witnesses for the prosecution to give evidence.

(3) When the examination of all the witnesses for the prosecution has been completed, the prosecutor shall inform the court that the case for the prosecution is closed.

Submission of no case to answer

33.—(1) At the close of the case for the prosecution, the accused may submit to the court, in respect of any charge, that —

- (a) the prosecution has failed to establish a prima facie case for him to answer; and
- (b) he should not be called upon to make his defence to that charge.

(2) If the accused makes a submission under paragraph (1), the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address.

(3) The court may close to deliberate on whether a prima facie case has been made out against the accused.

(4) The court shall announce its decision in open court.

(5) The court shall not allow a submission under paragraph (1) unless the court is satisfied that —

- (a) the prosecution has not established a prima facie case on the charge as laid; and
- (b) it is not open to the court, on the evidence adduced, to make a finding under section 90 of the Act or regulation 40(3).

(6) If the court allows a submission under paragraph (1), the court shall find the accused not guilty of the charge to which the submission relates.

(7) If the court disallows a submission under paragraph (1), the court shall proceed with the trial of the offence as charged.

(8) Whether or not a submission has been made under paragraph (1), the court may, at any time after the close of the case for the prosecution and after hearing the prosecutor, find the accused not guilty of a charge if the court is satisfied that —

- (a) the prosecution has not established a prima facie case on the charge as laid; and

- (b) it is not open to the court, on the evidence adduced, to make a finding under section 90 of the Act or regulation 40(3).

Explanation of rights of accused

34.—(1) After the close of the case for the prosecution, the president or, where there is a judge advocate, the judge advocate shall explain to the accused that —

- (a) the accused may —
- (i) give evidence on oath or affirmation as a witness; or
 - (ii) remain silent;
- (b) if the accused gives evidence as a witness, he may be —
- (i) cross-examined by the prosecutor; and
 - (ii) questioned by the court and, where there is a judge advocate, the judge advocate; and
- (c) whether the accused gives evidence or remains silent, he may call witnesses on his behalf both to the facts of the case and to his character.

(2) The president or, where there is a judge advocate, the judge advocate shall then ask the accused —

- (a) whether the accused intends to give evidence on oath or affirmation;
- (b) whether the accused intends to call any witness on his behalf; and
- (c) if the accused intends to call any witness, whether the witness is a witness to the facts or to character only.

(3) If the accused intends to call any witness to the facts of the case other than himself, he may make an opening address outlining the case for the defence before the evidence for the defence is given.

Case for defence

35.—(1) After regulation 34 has been complied with, the witnesses for the defence shall be called to give their evidence.

(2) Where the accused elects to give evidence and to call other witnesses as to facts, the accused shall, except in an exceptional case, be called before the other witnesses.

(3) Regulations 60, 61 and 62 shall apply to the witnesses and evidence for the defence as they apply to the witnesses and evidence for the prosecution.

(4) When the examination of all witnesses for the defence has been completed, the accused shall inform the court that the case for the defence is closed.

Calling or recalling of witness

36.—(1) When the case for the defence is closed, the prosecutor may, with the permission of the court, call or recall any witness to give evidence on any matter raised by the accused in his defence which —

(a) the prosecution could not properly have mentioned to the court before the accused disclosed his defence; or

(b) the prosecution could not reasonably have foreseen.

(2) The court may, at any time —

(a) before it makes its finding; or

(b) where there is a judge advocate, before the judge advocate begins to sum up,

call or recall any witness if, in the opinion of the court, it is in the interests of justice to do so.

(3) The prosecutor and the accused may, at any time —

(a) before the court makes its finding; or

(b) where there is a judge advocate, before the judge advocate begins to sum up,

with the permission of the court, recall any witness.

(4) Where any witness is called or recalled under this regulation, the prosecutor and the accused may put such questions to the witness as seem proper to the court.

Closing addresses

37.—(1) Subject to paragraph (3), after all the evidence has been given, the prosecutor and the accused may each make a closing address to the court.

(2) A prosecutor shall be entitled to make his closing address after the closing address made by or on behalf of the accused.

(3) Where 2 or more accused are represented by the same defending officer or counsel, the defending officer or counsel shall make only one closing address on behalf of those accused.

Summing up by judge advocate

38. After the closing addresses, where there is a judge advocate, the judge advocate shall sum up by —

- (a) advising the court on the law relating to the case;
- (b) summarising the evidence; and
- (c) advising the court on any special finding that it may make.

PART IX**FINDING****Deliberation on finding**

39.—(1) After the closing addresses or, where there is a judge advocate, after the judge advocate has summed up, the court may close to deliberate on its finding.

(2) If a panel court martial or field general court martial closes to deliberate on its finding, no person shall be present while the court is deliberating except the president and members of the court.

(3) Where there is a judge advocate, if the court, while deliberating on its finding in closed court, requires further advice from the judge advocate, the court shall —

- (a) suspend its deliberation; and
- (b) ask for and be given the advice in open court.

Expression of opinions on, and type of, finding

40.—(1) If a panel court martial or field general court martial closes to deliberate on its finding, the opinion of the president and each member of the court as to the finding shall be given —

- (a) in closed court, orally and on each charge separately; and
- (b) in order of the members' seniority, beginning with the member who is the most junior in rank or grade.

(2) Subject to paragraphs (3) and (4), the court shall record on each charge on which a plea of not guilty has been entered —

- (a) a finding of guilty;
- (b) a finding in accordance with section 90 of the Act;
- (c) a finding of not guilty; or
- (d) a finding of not guilty and honourably acquitted of the charge.

(3) Where the court is of the opinion, as regards any charge, that —

- (a) the facts which it finds to be proved in evidence differ from the facts alleged in the particulars of the charge, but are nevertheless sufficient to prove the offence stated in the charge; and
- (b) the difference is not so material as to have prejudiced the accused in his defence,

the court may, instead of recording a finding of not guilty, record a finding that the accused is guilty of the charge, subject to any exception or variation which it shall specify in the finding.

(4) Where the court has recorded a finding of guilty on a charge which is laid in the alternative, the court shall —

- (a) find the accused not guilty of any alternative charge which is placed before the charge in the charge-sheet; and
- (b) record no finding on any alternative charge which is placed after the charge in the charge-sheet.

Announcement of finding

41.—(1) The court shall announce its finding on each charge in open court.

(2) The finding shall, as far as practicable, be in the appropriate form set out in the Fourth Schedule.

PART X**PROCEDURE AFTER ANNOUNCEMENT OF FINDING****Trial of charges in other charge-sheets before deliberation on sentence**

42. Where there is any other charge-sheet against the accused before the court, the court shall not comply with regulations 43, 44 and 45 until it has complied with regulation 26(4) or 41 in respect of each charge in the other charge-sheet, unless that other charge-sheet is withdrawn under regulation 64.

Release of accused

43. If the finding on each charge against the accused is not guilty, the court shall order the accused to be released.

Accused's record and plea on mitigation

44.—(1) If —

(a) the finding on a charge against the accused is guilty; or

(b) the court makes a finding in accordance with section 90 of the Act,

the court shall, before deciding on the sentence, whenever possible, take evidence of the accused's age, rank and service record.

(2) The service record shall include particulars of —

(a) all recognised acts of gallantry or distinguished conduct on the part of the accused;

(b) every decoration or award to which the accused is entitled;

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- (c) every offence of which the accused has been found guilty during his service and which is recorded in his conduct sheet; and
- (d) every period during which the accused has been —
- (i) under arrest while awaiting trial; or
 - (ii) in confinement under a current sentence.
- (3) Evidence of the matters referred to in paragraphs (1) and (2) may be given by the prosecutor tendering to the court a written statement in the form set out in the Fifth Schedule.
- (4) The prosecutor —
- (a) may inform the court of any other matter which, in his opinion, might affect the severity of the punishment;
 - (b) shall, if directed by the court, call witnesses to prove that matter; and
 - (c) shall, if required by the accused, call the maker of the written statement referred to in paragraph (3) as a witness to verify the statement.
- (5) Any witness called shall be subject to —
- (a) cross-examination and re-examination; and
 - (b) questioning by the court.
- (6) If required by the accused, the service books relating to the accused, or a duly certified copy of the material entries therein, shall be produced to the court, and if the contents of the written statement referred to in paragraph (3) are in any respect not in accordance with the service books or certified copy, the court shall cause the written statement to be corrected accordingly.
- (7) After paragraphs (1) to (6) have been complied with, the accused may —
- (a) give evidence on oath;
 - (b) call witnesses in mitigation of punishment and to his character; and
 - (c) address the court in mitigation of punishment.

Request for other offences to be taken into consideration

45.—(1) Before the court decides on the sentence, a request may be made for the court to take into consideration any other offences which the accused admits to have committed.

(2) Upon such a request being made, the court may, with the consent of the prosecutor and the accused, take into consideration any of such other offences as to the court seems proper.

(3) A list of the offences which the court agrees to take into consideration shall be read to the accused by the president or, where there is a judge advocate, the judge advocate, who shall ask the accused if he admits having committed the offences.

(4) The accused shall sign a list of the offences which he admits having committed, and the court shall take the offences in the list into consideration.

(5) The list referred to in paragraph (4) shall be signed by the president and be attached to the record of proceedings as an exhibit.

Deliberation on sentence

46.—(1) The court may close to deliberate on the sentence.

(2) If a panel court martial or field general court martial closes to deliberate on the sentence, no person shall be present while the court is deliberating except the president and members of the court and, where there is a judge advocate, the judge advocate.

Sentence

47.—(1) The court may award —

(a) only one sentence in respect of all the offences of which the accused is found guilty; or

(b) one sentence in respect of each of those offences,

in the appropriate form set out in the Sixth Schedule.

(2) When the court has agreed to take into consideration an offence which is not included in the charge-sheet, the court shall award a sentence appropriate both to the offence of which the accused has been found guilty and to the other offence which it is taking into

consideration, but not greater than the maximum sentence which may be awarded under the Act for the offence of which the accused has been found guilty.

(3) The court may include in its sentence a direction that such deductions shall be made from the pay of the accused as it would have had the power to direct to be made if the accused had been found guilty of the offence taken into consideration as well as of the offence of which he has been found guilty.

Postponement of deliberation on sentence

48. Where 2 or more accused are tried separately by the same court on charges arising out of the same transaction, the court may, if it thinks that the interests of justice so require, postpone its deliberation upon the sentence to be awarded to any one or more of such accused until it has recorded and announced its findings in respect of all of such accused.

Judgment and sentence

49.—(1) The court shall, when it has arrived at a decision on the sentence to be imposed on an accused tried before it, announce the sentence in open court.

(2) The court may deliver a written judgment before announcing any sentence under paragraph (1).

(3) After a sentence has been passed by the court under these Regulations, the president shall announce in open court that the trial is concluded.

PART XI

RECORD OF PROCEEDINGS AND EXHIBITS

Record of proceedings

50.—(1) The proceedings of a general court martial shall be recorded in accordance with the following provisions:

- (a) the proceedings shall be recorded in writing in accordance with the appropriate form set out in the Seventh Schedule;

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- (b) when there is no shorthand writer present —
 - (i) the evidence may be taken down in narrative form, as nearly as possible to the words used; or
 - (ii) any particular question and answer may be taken down verbatim;
 - (c) when any objection, submission or application is made during a trial at which there is no shorthand writer —
 - (i) a record shall be made of the proceedings relating to such objection, submission or application in such detail as the court or any officiating judge advocate thinks fit; and
 - (ii) if the prosecutor or the accused so requests, a note shall be made of the objection, submission or application, the grounds therefor, the advice of any officiating judge advocate thereon and the decision of the court;
 - (d) when any address by the prosecutor or the accused or any summing up of any officiating judge advocate is not in writing and there is no shorthand writer present —
 - (i) it shall only be necessary to record so much of such address or summing up as the court or the judge advocate thinks proper; and
 - (ii) if the prosecutor or the accused so requests, a note shall be made of any particular point in such address or summing up;
 - (e) there shall not be recorded in the record of proceedings any matter not forming part of the trial, but if any comment or report seems to the court to be necessary, the president may forward it to the proper military authority in a separate document.
- (2) The proceedings of a field general court martial shall, so far as is practicable, be recorded in accordance with paragraph (1), and the record must in any event contain —

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- (a) the names of the president and other members constituting the court and, where there is a judge advocate, the judge advocate;
 - (b) the name and description of the accused;
 - (c) the charge-sheet;
 - (d) all pleas;
 - (e) a brief summary of the evidence; and
 - (f) the finding and sentence.

Exhibits

51.—(1) Subject to paragraph (2), any document or thing admitted in evidence shall be made an exhibit.

(2) When an original document or book is produced to the court by a witness —

- (a) the court may compare a copy of it or an extract of the relevant parts therefrom with the original; and
- (b) after —
 - (i) the court has satisfied itself that such copy or extract is correct; and
 - (ii) the president or any officiating judge advocate has certified thereon that the court has compared it with the original and found it to be correct,

the court may return the document or book to the witness and attach the copy or extract to the record of proceedings as an exhibit.

(3) Every exhibit shall —

- (a) be marked with a number or letter and be signed by the president or any officiating judge advocate, or have a label bearing a number or letter and the signature of the president or judge advocate affixed to it; and
- (b) be attached to or kept with the record of proceedings, unless, in the opinion of the court having regard to the

nature of the exhibit or for other good reason, it is not expedient to attach it to or keep it with the record.

(4) When an exhibit is not attached to or kept with the record of proceedings under paragraph (3)(b), the president shall ensure that proper steps are taken for its safe custody.

Custody and inspection of record of proceedings during trial

52.—(1) During any trial at which there is no judge advocate, the record of proceedings and the exhibits shall be deemed to be in the custody of the president.

(2) During a trial at which there is a judge advocate, the record of proceedings and the exhibits shall be deemed to be in the custody of —

- (a) the judge advocate; or
- (b) when the judge advocate is not present in closed court, the president.

(3) With the permission of the court, the prosecutor or the accused may, at any reasonable time before the trial is concluded —

- (a) have a particular part of the record of proceedings read to him; and
- (b) if proper precautions are taken for its safety, inspect any exhibit.

PART XII

REVIEW OF FINDINGS AND SENTENCES

Petitions

53.—(1) An accused who has been —

- (a) sentenced by a court; or
- (b) found by a court to be —
 - (i) unfit to stand trial; or
 - (ii) not guilty by reason of insanity,

shall, if he wishes to petition against the finding or sentence or both, present a petition to the reviewing authority in the form set out in the Eighth Schedule.

(2) A petition shall be presented within 14 days after the date on which the decision petitioned against was given.

PART XIII

RESPONSIBILITY OF COURT, JUDGE ADVOCATE, PROSECUTOR AND DEFENDING OFFICER OR COUNSEL

Duties of president

54. The president shall ensure —

- (a) that the trial is conducted in accordance with the Act and these Regulations and in a manner befitting a court of justice;
- (b) that the prosecutor and the defending officer or counsel conduct themselves in accordance with the Act and these Regulations;
- (c) that the accused does not suffer any disadvantage as a consequence of —
 - (i) his position as such;
 - (ii) ignorance;
 - (iii) the inability to examine or cross-examine witnesses, or to make his own evidence clear and intelligible; or
 - (iv) any other reason; or
- (d) where there is no judge advocate, that —
 - (i) the record of proceedings is properly made in accordance with regulation 50; and
 - (ii) the record of proceedings and the exhibits are properly safeguarded in accordance with regulation 52.

Duty of judge advocate

55.—(1) The judge advocate shall be accountable, for the proper discharge of his functions, to the Judge Advocate-General.

(2) Where a judge advocate has been appointed to officiate in a trial before a panel court martial or field general court martial, the prosecutor and the accused shall be entitled to his opinion on any question of law or procedure relating to any charge or the trial —

- (a) whether he is in or out of court; and
- (b) when he is in court, subject to the permission of the court.

(3) The judge advocate shall advise the court —

- (a) on the assembly of the court, of any defect in the constitution of the court or in the charge-sheet; and
- (b) during the trial, on all questions of law or procedure which may arise.

(4) The court shall accept the judge advocate's advice on all such matters unless the court has strong reasons for not doing so, and if the court does not accept the advice, the court's reasons for not doing so shall be recorded in the proceedings.

(5) The judge advocate has the same duty as the president to ensure that the accused does not suffer any disadvantage as a consequence of —

- (a) his position as such;
- (b) ignorance;
- (c) the inability to examine or cross-examine witnesses, or to make his own evidence clear and intelligible; or
- (d) any other reason.

Judge advocate sitting alone

56.—(1) Where a judge advocate has been appointed to officiate in a trial before a panel court martial or field general court martial, and during the trial —

- (a) any question arises as to the admissibility of evidence;

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- (b) any of 2 or more accused who are charged —
- (i) jointly; or
 - (ii) in the same charge-sheet with offences alleged to have been committed by them separately, makes an application to be tried separately; or
- (c) an accused makes an application for a charge to be tried separately,

the president may direct that the question or application be determined by the judge advocate in the absence of the president and members of the court.

(2) Where the president so directs, the president and members of the court shall withdraw from the court room.

(3) The judge advocate shall, when the president and members of the court have withdrawn in accordance with paragraph (2) —

- (a) hear the arguments and evidence relevant to the question or application; and
- (b) give his ruling upon the question or application and such reasons therefor as he may consider necessary.

(4) After the judge advocate has given his ruling —

- (a) the president and members of the court shall return to the court room;
- (b) the judge advocate shall announce his ruling to them; and
- (c) the court shall follow the judge advocate's ruling.

(5) When a judge advocate sits alone in accordance with this regulation —

- (a) the proceedings before him shall form part of the proceedings of the court;
- (b) sections 48 (1), 49, 87, 89, 97, 103, 104 and 113 of the Act, and regulations 18, 50, 51, 52, 57 to 62, 66, 67 and 73 shall apply to proceedings before the judge advocate sitting alone as they apply to proceedings before the president and members of the court; and

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- (c) anything which those sections and regulations authorise the court or president to do may be done by the judge advocate.

(6) Where a person subject to military law commits an offence under section 48 of the Act while a judge advocate is sitting alone in accordance with this regulation —

- (a) the judge advocate shall report the occurrence to the president; and
- (b) the president shall take such action as he considers appropriate.

(7) The judge advocate shall ensure that the president and members of the court do not see the record of the proceedings before the judge advocate when sitting alone until after the court has announced its finding.

Duties of prosecutor and defending officer or counsel

57.—(1) It shall be the duty of each of the prosecutor and the defending officer or counsel —

- (a) to assist the court in the administration of justice;
- (b) to treat the court and judge advocate with due respect;
- (c) to present his case fairly;
- (d) to conform with these Regulations and the practice of civil courts in Singapore relating to the examination, cross-examination and re-examination of witnesses;
- (e) not to refer to any matter which is not relevant to the charge before the court; and
- (f) not to state as a matter of fact any matter which is not proved or which he does not intend to prove by evidence.

(2) Without prejudice to the generality of paragraph (1), it shall be the duty of the prosecutor —

- (a) to bring the whole of the transaction before the court; and
- (b) not to take any unfair advantage of, or to withhold any evidence favourable to, the accused.

Exercise of right of accused

58.—(1) Any right of an accused —

- (a) under these Regulations to call or examine witnesses or to address the court;
- (b) to object to the admissibility of evidence; or
- (c) under regulation 12(1)(c), (3) or (4), 14, 17, 20, 21, 22, 23, 24, 31, 33, 45, 50, 52(3) or 55(2),

may be exercised by his defending officer or counsel on his behalf.

(2) Any reference in these Regulations to any address, request, application, claim, submission or objection made, taken or offered by an accused shall be construed as including any address, request, application, claim, submission or objection made, taken or offered by his defending officer or counsel on his behalf.

(3) An accused who is to be tried before a general court martial shall, not less than 24 hours before his trial, give the registrar for subordinate military courts a written notice stating —

- (a) whether he is to be defended by a defending officer or counsel; and
- (b) if so, the particulars of the defending officer or counsel.

PART XIV**ATTENDANCE, CALLING AND EXAMINATION OF WITNESSES****Procuring attendance of witnesses**

59.—(1) A witness who is subject to military law may be ordered by the proper military authority to attend a trial before a court.

(2) A witness who is not subject to military law may be summoned to attend a trial before a general court martial by an order in the form set out in the Ninth Schedule signed by —

- (a) any president of a judge court martial; or
- (b) the president of the general court martial.

(3) A witness who is not subject to military law may be summoned to attend a trial before a field general court martial by an order in the form set out in the Ninth Schedule signed by —

- (a) the convening authority or a staff officer on his behalf; or
- (b) the president of the field general court martial.

(4) Any order under paragraph (2) or (3) shall be served on the witness personally or by leaving it at his normal place of abode.

Exclusion of witnesses

60. During a trial —

- (a) a witness shall not be in court unless he —
 - (i) has the permission of the court; or
 - (ii) is the prosecutor or an accused; and
- (b) if, while a witness is under examination, a discussion arises as to whether any question with regard to the evidence should be allowed, the court may direct the witness to withdraw from the court room during such discussion.

Examination of witnesses

61.—(1) A witness may —

- (a) be examined by the person calling the witness;
- (b) be cross-examined by any opposing party in the proceedings; and
- (c) at the conclusion of any such cross-examination, be re-examined by the person who called the witness on matters arising out of the cross-examination.

(2) The person examining a witness shall put his questions to the witness orally and, unless an objection is raised by —

- (a) the witness, court or judge advocate; or
- (b) the prosecutor or accused, as the case may be,

the witness shall reply immediately.

(3) If such an objection is made, the witness shall not reply until the objection has been disposed of.

(4) The court may allow the cross-examination or re-examination of a witness to be postponed.

Examination by court and judge advocate

62.—(1) Questions may be put to a witness by —

- (a) the president;
- (b) where a judge advocate has been appointed to officiate in a trial, the judge advocate; or
- (c) in the case of a panel court martial or field general court martial and with the permission of the president, any member of the court.

(2) Upon any such question being answered, the prosecutor and the accused may put to the witness such questions arising from the answer which he has given as seem proper to the court.

Interview of witnesses

63.—(1) The prosecutor shall not —

- (a) after a trial has begun before a court, without the consent of the president of the court;
- (b) in any other case before a general court martial, without the consent of any president of a judge court martial; or
- (c) in any other case before a field general court martial, without the consent of the convening authority,

interview any witness for the accused.

(2) Neither the accused nor any person on his behalf shall —

- (a) after a trial has begun before a court, without the consent of the president of the court;
- (b) in any other case before a general court martial, without the consent of any president of a judge court martial; or

(c) in any other case before a field general court martial, without the consent of the convening authority, interview any witness for the prosecution.

PART XV

WITHDRAWAL AND AMENDMENT OF CHARGE-SHEETS AND CHARGES

Withdrawal of charge-sheets and charges

- 64.**—(1) A court may allow the prosecutor to withdraw —
- (a) a charge before the court records a finding thereon; or
 - (b) a charge-sheet before the court records a finding on any charge therein.
- (2) Where the prosecutor has withdrawn any charge against an accused, the court shall direct that the accused be discharged from and of the charge.
- (3) Where the prosecutor has withdrawn any charge-sheet against an accused, the court shall direct that the accused be discharged from and of each charge contained in the charge-sheet.
- (4) Subject to paragraph (5), such discharge shall not amount to an acquittal unless the court so directs.
- (5) Where there are 2 or more charges against an accused, and the accused has been found guilty of one or more of them —
- (a) the prosecutor may, with the consent of the court, withdraw any remaining charge or charges, and the court shall direct that the accused be discharged from and of the same; and
 - (b) such discharge shall have the effect of an acquittal unless any such finding of guilty is set aside, in which case the court may proceed to try the accused on any charge or charges so withdrawn.

Amendments of charge-sheets and charges by court

65.—(1) At any time during a trial, if it appears to the court that there is in the charge-sheet —

- (a) a mistake in the name or description of the accused;
- (b) a mistake which is attributable to a clerical error or omission,

the court may amend the charge-sheet so as to correct the mistake.

(2) If, at any time during a trial before —

- (a) a general court martial; or
- (b) a field general court martial which has —
 - (i) a judge advocate appointed to officiate therein; or
 - (ii) a president or other member who is a qualified person,

it appears to the court, before it makes its finding, that it is desirable in the interests of justice to alter any charge or frame a new charge, whether in substitution for or in addition to an existing charge, the court may, if such alteration can be made or a new charge can be framed without unfairness to the accused, make such alteration or frame such new charge.

(3) Where a judge advocate has been appointed to officiate in a trial before a panel court martial or field general court martial, the court shall not alter a charge or frame a new charge under paragraph (2) without the concurrence of the judge advocate.

(4) If, at any time during a trial before a field general court martial which does not have a judge advocate appointed to officiate therein or a president or member who is a qualified person, it appears to the court, before it makes its finding, that it is desirable in the interests of justice to alter any charge or frame a new charge, whether in substitution for or in addition to an existing charge, the court may, where an amendment cannot be made under paragraph (1), adjourn and report its opinion to the convening authority, who may —

- (a) alter the charge or frame a new charge, whether in substitution for or in addition to an existing charge, and

direct the court to continue with the trial on the altered or new charge, as the case may be, after due notice of the amendment or new charge has been given to the accused;

- (b) direct the court to proceed with the trial of an original charge; or
- (c) convene a new court to try the accused.

PART XVI

ADJOURNMENT AND DISSOLUTION OF COURT

Adjournment

66.—(1) During a trial, the court may adjourn from time to time and from place to place as the interests of justice require.

(2) A field general court martial which does not have —

- (a) a judge advocate appointed to officiate therein; or
- (b) a president or other member who is a qualified person,

may adjourn at any time to consult the convening authority on a point of law.

(3) If during a trial any matter emerges which makes it advisable that the court should not continue to hear the case, the court shall adjourn and report to the convening authority on the matter.

View by court

67.—(1) If at any time during a trial before the court makes its finding it appears to the court that it should, in the interests of justice, view any place or thing, it may adjourn for this purpose.

(2) When the court views any place or thing, the following persons shall be present:

- (a) the president;
- (b) in the case of a panel court martial or field general court martial —
 - (i) all other members of the court; and

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- (ii) where a judge advocate has been appointed to officiate in the trial, the judge advocate;
 - (c) the prosecutor;
 - (d) the accused;
 - (e) each defending officer or counsel.

Procedure on death, sickness or absence

68.—(1) If, after the commencement of a trial, the president of a panel court martial or field general court martial dies or is otherwise unable to attend —

- (a) the court shall adjourn;
- (b) the senior member of the court shall report —
 - (i) in the case of a panel court martial —
 - (A) to the convening authority; or
 - (B) where the convening authority has authorised the registrar for subordinate military courts or any other person to perform the duties imposed on the convening authority under section 89(1)(b) of the Act, to the registrar or person; or
 - (ii) in the case of a field general court martial, to the convening authority; and
- (c) the vacancy shall be filled in accordance with section 89(1) of the Act.

(2) If, after the commencement of a trial, any member of a panel court martial or field general court martial, other than the president, dies or is otherwise unable to attend —

- (a) the court shall adjourn;
- (b) the president shall report —
 - (i) in the case of a panel court martial —
 - (A) to the convening authority; or

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- (B) where the convening authority has authorised the registrar for subordinate military courts or any other person to perform the duties imposed on the convening authority under section 89(2) of the Act, to the registrar or person; or
- (ii) in the case of a field general court martial, to the convening authority; and
- (c) the vacancy shall be filled in accordance with section 89(2) or (3) of the Act, as the case may be.
- (3) If a judge advocate who has been appointed to officiate in a trial dies or is otherwise unable to attend —
- (a) the court shall adjourn;
- (b) the president shall report —
- (i) to the convening authority; or
- (ii) where the convening authority has authorised the registrar for subordinate military courts or any other person to perform the duties imposed on the convening authority under section 81(8) of the Act and regulation 9, to the registrar or person; and
- (c) the convening authority, registrar or person, as the case may be, shall arrange for the appointment of another judge advocate to officiate in the trial.
- (4) A trial shall not proceed before a panel court martial or field general court martial in the absence of the president or any other member of the court.
- (5) If during any trial the accused becomes ill and it appears to the court that the illness is such that it will be impossible to continue the trial, the court shall —
- (a) ascertain the facts of the illness;
- (b) if satisfied that it will be impossible to continue the trial, report this to the convening authority; and
- (c) be dissolved in accordance with section 89(4) of the Act.

PART XVII
SENTENCE OF DEATH

Sentence of death

69. With regard to sentence of death passed by a court, the following provisions shall apply:

- (a) in any case in which a notice of appeal is not given within the prescribed period, the president who presided at the trial shall, as soon as practicable after such period has elapsed, forward to the Armed Forces Council —
 - (i) a copy of the record of proceedings, including the written judgment or judgments; and
 - (ii) a report in writing signed by the president and members of the court stating —
 - (A) whether, in their opinion, there is any reason; and
 - (B) if so, the reason or reasons,why the sentence of death should or should not be carried out;
- (b) in any case in which a notice of appeal is given —
 - (i) the president who presided at the trial shall, as soon as practicable after receiving notification from the registrar of the Military Court of Appeal that such notice has been given, forward to the Military Court of Appeal the record of proceedings and report referred to in paragraph (a); and
 - (ii) if the Military Court of Appeal dismisses the appeal, the president of the Military Court of Appeal shall, as soon as practicable after such dismissal, forward to the Armed Forces Council —
 - (A) the record of proceedings and report referred to in paragraph (a);

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- (B) an intimation of the decision of the Military Court of Appeal; and
 - (C) any report on the case which the Military Court of Appeal may think fit to make, signed by the president and members of the Military Court of Appeal;
- (c) the Armed Forces Council shall cause the report referred to in paragraph (a) and any report made under paragraph (b)(ii) (C) to be forwarded to the Attorney-General, with instructions that the Attorney-General shall, after the Attorney-General has given his opinion thereon, send the reports together with the Attorney-General's opinion to the Cabinet so that the Cabinet may advise the President of Singapore in the exercise of the power conferred on the President of Singapore by section 126 of the Act;
- (d) the President of Singapore shall thereafter send the Military Court of Appeal a copy (under his hand and seal) of any order which he makes, which order —
- (i) if the sentence is to be carried out, shall state the time when and place where the execution is to be held;
 - (ii) if the sentence is commuted into any other punishment, shall so state; or
 - (iii) if the person sentenced is pardoned, shall so state;
- (e) on receiving the copy of the President of Singapore's order, the Military Court of Appeal shall —
- (i) cause the effect of the order to be entered on the calendar of sentences; and
 - (ii) if the sentence is to be carried out, issue a warrant under the seal of the Military Court of Appeal and the hand of the president of the Military Court of Appeal, setting out the time when and place where the execution is to be held, as prescribed in the order of

the President of Singapore, in the form set out in the Tenth Schedule;

- (f) the President of Singapore may order a respite of the execution of the warrant and afterwards appoint some other time or place for its execution;
- (g) such warrant shall be directed to the officer in charge of the military prison or the Director of Prisons, who shall carry the sentence into effect in accordance with the law.

PART XVIII

MISCELLANEOUS PROVISIONS

Minor punishments

70. A court may award such minor punishments as may be awarded by a disciplinary officer.

Restitution order

71. A restitution order under section 91 of the Act shall be recorded in the record of proceedings in the form set out in the Sixth Schedule.

Suspension of sentence of imprisonment or detention

72.—(1) A court which passes a sentence of imprisonment, special detention or detention may, under section 120(2) of the Act, order that the sentence be suspended for a period of not less than one year from the date of the order, and in that event the sentence shall not take effect unless during the period of suspension the offender commits another offence.

(2) An order of court cancelling a suspension order of a court under section 120(3) of the Act shall be recorded in the record of proceedings in the form set out in the Sixth Schedule.

Deviations from forms in Schedules

73. A deviation or an omission from a form or form of words set out in a Schedule shall not, by reason only of such deviation or omission, render any document, act or proceeding invalid.

Cases not covered by Regulations

74. In any case not provided for by these Regulations such course shall be adopted as appears best calculated to do justice.

Revocation and transitional provision

75.—(1) The Singapore Armed Forces (Subordinate Military Courts) Regulations (Rg 6) are revoked.

(2) Notwithstanding paragraph (1), the revoked Singapore Armed Forces (Subordinate Military Courts) Regulations (Rg 6) shall continue to apply to any trial before any court that was convened before 31st December 2004 as if those Regulations had not been revoked.

FIRST SCHEDULE

Regulation 3(5)

ILLUSTRATIONS OF CHARGE-SHEETS

1. The following is a specimen of a charge-sheet containing 2 charges:

CHARGE-SHEET

The accused, S1234123E Corporal D.E.F, Armoured Vehicle Maintenance and Repair Base, a full-time national serviceman, being subject to military law under section 3(a) of the Singapore Armed Forces Act (Cap. 295) is charged with —

1st charge

CONSUMING A CONTROLLED DRUG UNDER SECTION 34 OF THE SINGAPORE ARMED FORCES ACT,

in that he, on [date of offence] at or about [time of offence] hours at [place of commission of offence], Singapore, consumed cannabis, a controlled drug as defined in section 2(1) of the Misuse of Drugs Act (Cap. 185).

2nd charge

ABSENCE WITHOUT LEAVE FROM SERVICE UNDER SECTION 22(1) OF THE SINGAPORE ARMED FORCES ACT,

in that he, on [date of commencement of offence] at or about [time of commencement offence] hours at [place of commission of offence], Singapore, was absent without leave from service until [date of conclusion of offence] at or

FIRST SCHEDULE — *continued*

about [time of conclusion of offence] hours, when he [was arrested by/surrendered to] [the police/the military police/his Unit].

Director, Legal Services
of the Singapore Armed Forces

or

Military Prosecutor
for Director, Legal Services
of the Singapore Armed Forces

2. The following is a specimen of a charge-sheet containing 3 charges, one of them laid in the alternative:

CHARGE-SHEET

The accused, S1234567A Private A.B.C., 1st Battalion, Singapore Airborne Regiment, a regular serviceman, being subject to military law under section 3(a) of the Singapore Armed Forces Act (Cap. 295) is charged with —

1st charge

STEALING SINGAPORE ARMED FORCES PROPERTY UNDER SECTION 43(a) OF THE SINGAPORE ARMED FORCES ACT,

in that he, on [date of offence] at or about [time of offence] hours at [place of commission of offence], Singapore, stole 10 pairs of combat boots, being Singapore Armed Forces property, which had a total value of three hundred dollars (\$300).

2nd charge (alternative to 1st charge)

RECEIVING STOLEN SINGAPORE ARMED FORCES PROPERTY UNDER SECTION 43(b) OF THE SINGAPORE ARMED FORCES ACT,

in that he, on [date of offence] at or about [time of offence] hours at [place of commission of offence], Singapore, received 10 pairs of combat boots, being Singapore Armed Forces property, which had a total value of three hundred dollars (\$300), knowing them to have been stolen.

3rd charge

ESCAPING FROM LAWFUL CUSTODY UNDER SECTION 47(1) OF THE SINGAPORE ARMED FORCES ACT,

in that he, on [date of offence] at or about [time of offence] hours at [place of commission of offence], Singapore, while under arrest in his Unit Guard Room, escaped therefrom.

FIRST SCHEDULE — *continued*

Director, Legal Services
of the Singapore Armed Forces

or

Military Prosecutor
for Director, Legal Services
of the Singapore Armed Forces

3. The following is a specimen of a charge-sheet where 2 accused are charged jointly:

CHARGE-SHEET

The accused, S1234123E Private B.C.D. and S1212121F Private F.G.H., both of the 22nd Battalion, Singapore Infantry Regiment, operationally ready national servicemen, being subject to military law under section 3(b) of the Singapore Armed Forces Act (Cap. 295) are charged with —

Both accused jointly

COMMITTING A CIVIL OFFENCE UNDER SECTION 112 OF THE SINGAPORE ARMED FORCES ACT, THAT IS TO SAY, VOLUNTARILY CAUSING HURT UNDER SECTION 323 OF THE PENAL CODE (CAP. 224),

in that they, on [date of offence] at or about [time of offence] hours at [place of commission of offence], Singapore, punched S0123123A P.Q.R., a civilian.

Private F.G.H. only

STRIKING A PERSON SUPERIOR IN RANK CONTRARY TO SECTION 19(1)(a) OF THE SINGAPORE ARMED FORCES ACT,

in that he, on [date of offence] at or about [time of offence] hours at [place of commission of offence], Singapore, struck S2121212F Lieutenant M.N.O., a person superior in rank.

Director, Legal Services
of the Singapore Armed Forces

or

Military Prosecutor
for Director, Legal Services
of the Singapore Armed Forces

SECOND SCHEDULE

Regulations 8(1), (2) and (3), 9(1)(c)
and 10(1)(c)

FORMS FOR CONVENING ORDERS AND
REVOCATION OF APPOINTMENT TO
GENERAL COURTS MARTIAL PANEL

FORM 1

CONVENING ORDER FOR
GENERAL COURTS MARTIAL PANEL

ORDERS BY [rank, name and appointment of convening authority for general courts martial]

1. The following persons are hereby appointed as members of the general courts martial panel for the period from [date from which appointment starts] to [date at which appointment ends]:

[Insert rank/grade and name of each member of the general courts martial panel who is appointed under the convening order.]

2. For the purposes of regulations 11(5), 12(3) and (4), 59(2) and 63 of the Singapore Armed Forces (Subordinate Military Courts) Regulations 2004 (G.N. No. S 724/2004), the following persons are hereby appointed as presidents of judge courts martial for the period from [date from which appointment starts] to [date at which appointment ends]:¹

[Insert rank and name of each officer or senior military expert who is appointed as a president of a judge court martial under the convening order.]

Signed this day of 20

[Signature, rank and name of convening authority]
Convening Authority for General Courts Martial

¹Delete if not applicable.

[S 191/2010 wef 01/04/2010]

FORM 2

SUPPLEMENTARY CONVENING ORDER FOR
GENERAL COURTS MARTIAL PANEL

SECOND SCHEDULE — *continued*

ORDERS BY [rank, name and appointment of convening authority for general courts martial]

1. The following [person/persons] [is/are] hereby appointed as [a member/members] of the general courts martial panel for the period from [date from which appointment starts] to [date at which appointment ends]:

[Insert rank/grade and name of each member of the general courts martial panel who is appointed under the supplementary convening order.]

2. For the purposes of regulations 11(5), 12(3) and (4), 59(2) and 63 of the Singapore Armed Forces (Subordinate Military Courts) Regulations 2004 (G.N. No. S 724/2004), the following [person/persons] [is/are] hereby appointed as [a president of a judge court martial/presidents of judge courts martial] for the period from [date from which appointment starts] to [date at which appointment ends]:¹

[Insert rank and name of each officer or senior military expert who is appointed as a president of a judge court martial under the supplementary convening order.]

Signed this day of 20

[Signature, rank and name of convening authority]
Convening Authority for General Courts Martial

¹Delete if not applicable.

[S 191/2010 wef 01/04/2010]

FORM 3

REVOCATION OF APPOINTMENT TO
GENERAL COURTS MARTIAL PANEL

ORDERS BY [rank, name and appointment of convening authority for general courts martial]

1. The [appointment/appointments] of the following [person/persons] as [a member/members] of the general courts martial panel [is/are] hereby revoked with effect from [date of revocation of appointment]:

SECOND SCHEDULE — *continued*

[Insert rank/grade and name of each member of the general courts martial panel whose appointment is being revoked.]

2. The [appointment/appointments] of the following [person/persons] as [a president of a judge court martial/presidents of judge courts martial] for the purposes of regulations 11(5), 12(3) and (4), 59(2) and 63 of the Singapore Armed Forces (Subordinate Military Courts) Regulations 2004 (G.N. No. S 724/2004) [is/are] hereby revoked with effect from [date of revocation of appointment]:¹

[Insert rank and name of each officer or senior military expert whose appointment as a president of a judge court martial is being revoked.]

Signed this day of 20

[Signature, rank and name of convening authority]
Convening Authority for General Courts Martial

¹Delete if not applicable.

[S 191/2010 wef 01/04/2010]

FORM 4

CONVENING ORDER FOR
JUDGE COURT MARTIAL

ORDERS BY [rank, name and appointment of convening authority for general courts martial]

1. [Rank and name of officer or senior military expert appointed as president of judge court martial] of [unit of officer or senior military expert appointed as president of judge court martial] is hereby appointed as president of a judge court martial for any trial commencing in the period from to .

2. In the event that a vacancy occurs because he is disqualified or absent, [rank and name of officer or senior military expert designated to fill the vacancy] of [unit of officer or senior military expert designated to fill the vacancy] shall fill the vacancy.¹

Signed this day of 20

SECOND SCHEDULE — *continued*

[Signature, rank and name of convening authority]
 Convening Authority for General Courts Martial

or

[Signature, rank/grade, name and appointment of person
 authorised under regulation 9(5), 13(7) or 14(13)]
 for and on behalf of
 [rank and name of convening authority]
 Convening Authority for General Courts Martial

¹Delete if not applicable.

[S 191/2010 wef 01/04/2010]

FORM 5

CONVENING ORDER FOR
 PANEL COURT MARTIAL

ORDERS BY [rank, name and appointment of convening authority for general courts martial]

1. The following persons shall constitute a panel court martial for any trial commencing [in the period from to /on]:

President: [insert rank, name and unit of officer or senior military expert appointed as president]

Members: [insert rank/grade, name and unit of each member]

2. The president and members of the court shall assemble at such time and place as may be specified in administrative instructions issued by the registrar for subordinate military courts.

3. In the event that a vacancy occurs through the president or any member of the court being disqualified or absent, the following persons have been designated to fill the vacancy:¹

President: [insert rank, name and unit of officer or senior military expert designated to fill any vacancy in the appointment of president]¹

Member: [insert rank/grade, name and unit of person designated to fill any vacancy in the appointment of member]¹

4. [Name of judge advocate] is hereby designated as judge advocate.¹

5. The record of proceedings shall be forwarded to the registrar for subordinate military courts.

SECOND SCHEDULE — *continued*

Signed this day of 20

[Signature, rank and name of convening authority]
Convening Authority for General Courts Martial

or

[Signature, rank/grade, name and appointment of
person
authorised under regulation 9(5), 13(7) or 14(13)]
for and on behalf of
[rank and name of convening authority]
Convening Authority for General Courts Martial

¹Delete if not applicable.

[S 191/2010 wef 01/04/2010]

FORM 6

CONVENING ORDER FOR
FIELD GENERAL COURT MARTIAL

ORDERS BY [rank, name and appointment of convening authority for field general courts martial]

1. In the opinion of the convening authority, it is not practicable, without serious detriment to the public service, for a general court martial to be convened to try the accused person[s] referred to in paragraph 3.

2. The following persons shall constitute a field general court martial for the purpose referred to in paragraph 3:

President: [insert rank, name and unit of officer or senior military expert appointed as president]

Members: [insert rank, name and unit of each member]

3. The president and members of the court shall assemble on [date of trial] at [time of assembly of court] at [place where trial will be conducted] for the purpose of trying the following accused person[s]:

[Insert NRIC number, rank/grade, name and unit of each accused person in respect of whom the panel court martial is being convened.]

SECOND SCHEDULE — *continued*

4. In the event that a vacancy occurs through the president or any member of the court being disqualified or absent, the following persons have been appointed to fill the vacancy:¹

President: [insert rank, name and unit of officer or senior military expert appointed to fill any vacancy in the appointment of president]¹

Member: [insert rank, name and unit of person appointed to fill any vacancy in the appointment of member]¹

5. [Name of judge advocate] is hereby designated as judge advocate.¹

6. The record of proceedings shall be forwarded to [designation and unit of person to whom the record of proceedings is to be forwarded to].

Signed this day of 20

[Signature, rank, name and appointment of convening authority]

or

[Signature, rank/grade, name and appointment of
appropriate staff officer]
authorised to sign for
[appointment of convening authority]

¹Delete if not applicable.

[S 191/2010 wef 01/04/2010]

THIRD SCHEDULE

Regulations 8(4), 16(1), 17(2) and
18(1).

FORMS OF OATHS

FORM 1

OATH BY PRESIDENT OF PANEL COURT MARTIAL
WHO IS SUPREME COURT JUDGE

THIRD SCHEDULE — *continued*

I, _____, having been appointed president of a subordinate military court, do swear that I will faithfully discharge my official duties as president of the court, and I will duly administer justice according to law, without fear or favour, affection or ill-will, to the best of my ability, and I will be faithful and bear true allegiance to the Republic of Singapore. So help me God.

[S 118/2021 wef 01/03/2021]

FORM 2

OATH BY MEMBER OF
GENERAL COURTS MARTIAL PANEL

I, _____, having been appointed a member of the general courts martial panel, do swear that I will faithfully discharge my official duties as a member of the panel and of each subordinate military court to which I am appointed to serve, and I will duly administer justice according to law, without fear or favour, affection or ill-will, to the best of my ability, and I will not, at any time whatsoever, disclose the vote or opinion of any member of any court to which I am appointed to serve, unless required to in due course of law, and I will be faithful and bear true allegiance to the Republic of Singapore. So help me God.

FORM 3

OATH BY PRESIDENT OR MEMBER OF
FIELD GENERAL COURT MARTIAL

I, _____, swear that I will faithfully discharge my official duties as a member of this field general court martial, and I will duly administer justice according to law, without fear or favour, affection or ill-will, to the best of my ability, and I will not, at any time whatsoever, disclose the vote or opinion of any member of this court, unless required to in due course of law, and I will be faithful and bear true allegiance to the Republic of Singapore. So help me God.

FORM 4

OATH BY JUDGE ADVOCATE

I, _____, swear that I will faithfully discharge my official duties as judge advocate of this subordinate military court, without fear or favour, affection or ill-will, to the best of my ability, and I will not, at any time whatsoever, disclose the vote or opinion of any member of this court, unless required to in due course of law, and I will be faithful and bear true allegiance to the Republic of Singapore. So help me God.

THIRD SCHEDULE — *continued*

FORM 5

OATH BY SHORTHAND WRITER

I, _____, swear that I will truly take down, to the best of my ability, the evidence to be given before this court and such other matters as may be required, and will, when required, deliver to the court a true transcript of the same. So help me God.

FORM 6

OATH BY INTERPRETER

I, _____, swear that I will faithfully interpret and translate from the _____ language to the English language and from the English language to the _____ language, to the best of my knowledge, skill and ability, and without fear or favour, affection or ill-will. So help me God.

FORM 7

OATH BY WITNESS

I, _____, swear that the evidence which I shall give shall be the truth, the whole truth and nothing but the truth. So help me God.

FOURTH SCHEDULE

Regulation 41(2)

FINDINGS

Finding of not guilty on all charges

1. The form of the finding where the court finds the accused not guilty on all charges shall be —

- (a) “not guilty of [the charge/all the charges].”; or
- (b) “not guilty and honourably acquitted of [the charge/all the charges].”.

Finding of not guilty on some, but not all, charges

2. The form of the finding where the court finds the accused not guilty on some, but not all, charges shall be —

- (a) “not guilty of the [number of charge or charges as numbered in the charge-sheet] charge[s] but guilty of the [number of charge or charges as numbered in the charge-sheet] charge[s].”; or

FOURTH SCHEDULE — *continued*

- (b) “not guilty and honourably acquitted of the [number of charge or charges as numbered in the charge-sheet] charge[s] but guilty of the [number of charge or charges as numbered in the charge-sheet] charge[s].”.

Finding of guilty on all charges

3. The form of the finding where the court finds the accused guilty on all charges shall be “guilty of [the charge/all the charges].”.

Finding in accordance with section 90 of Act

4. The form of the finding where the court makes a finding in accordance with section 90 of the Act shall be “not guilty of the offence charged, but guilty of the offence of [description of offence of which the accused is found guilty in accordance with section 90 of the Act].”.

Finding of guilty subject to exception or variation

5. The form of the finding where the court makes a finding in accordance with regulation 40(3) shall be “guilty of the [number of charge as numbered in the charge-sheet, if any] charge, except that: [insert detailed description of exception or variation to which the finding is subject].”.

No finding on alternative charge

6. The form of the finding where the court makes no finding on an alternative charge in accordance with regulation 40(4)(b) shall be as follows:

“guilty of the [number of charge as numbered in the charge-sheet, if any] charge. The court records no finding on the [number of alternative charge as numbered in the charge-sheet, if any] alternative charge.”.

Accused unfit to stand his trial

7. The form of the finding where the accused is unfit to stand his trial shall be “unfit to stand his trial.”.

Finding of not guilty by reason of insanity

8. The form of the finding where the court finds the accused not guilty by reason of insanity shall be “not guilty by reason of insanity.”.

Discharge

- 9.—(1) Subject to sub-paragraphs (2) and (3), the form of the finding where the court directs, under regulation 21(3)(c) or 64(2) or (3), that the accused be

FOURTH SCHEDULE — *continued*

discharged shall be “to be discharged of the [number of charge or charges as numbered in the charge-sheet] charge[s], such discharge not amounting to an acquittal.”.

(2) The form of the finding where the court —

(a) directs, under regulation 21(3)(c) or 64(2) or (3), that the accused be discharged; and

(b) further directs, under regulation 21(5) or 64(4), as the case may be, that such discharge shall amount to an acquittal,

shall be “to be discharged of the [number of charge or charges as numbered in the charge-sheet] charge[s], such discharge amounting to an acquittal.”.

(3) The form of the finding, where the court directs, under regulation 64(5)(a), that the accused be discharged shall be “to be discharged of the [number of charge or charges as numbered in the charge-sheet] charge[s].”.

FIFTH SCHEDULE

Regulation 44(3)

SINGAPORE ARMED FORCES ACT
(CHAPTER 295)SINGAPORE ARMED FORCES
(SUBORDINATE MILITARY COURTS) REGULATIONS
SERVICE RECORD

1. NRIC number	2. Rank/grade and effective date
3. Name	
4. Unit	
5. Date of birth	6. Date of enlistment
7. Date of — (a) (for national serviceman in full-time service) transfer to operationally ready national service; or (b) (for regular serviceman) expiry of period of regular service	
8. Period of service remaining before — (a) (for national serviceman in full-time service) transfer to operationally ready national service; or (b) (for regular serviceman) expiry of period of regular service	

FIFTH SCHEDULE — *continued*

year(s)	month(s)	day(s)		
9. Service status (delete inapplicable words) Regular serviceman/Defence executive officer (DXO)/Full-time national serviceman (NSF)/Operationally ready national serviceman (ORNS)/Volunteer				
10. Type of service (for regular serviceman only)				
11. Marital status (delete inapplicable words) Single/Married/Divorced/Widowed		12. Number of children (if any)		
13. Gross monthly service pay				
14. Recognised act(s) of gallantry or distinguished conduct (if any)				
15. Type(s) of medal(s) received (if any) and date on which each medal was awarded				
16. Type(s) of other award(s) received (if any) and date on which each award was received				
17. Offence(s) of which serviceman has been found guilty during his service and which are recorded in his conduct sheet (arranged in chronological order) (if any)				
Date of Offence	Statutory provision(s) creating, and brief description of, offence	Sentenced by	Sentence awarded	Date of sentence
A true copy of each page of the conduct sheet is attached.				
18. The serviceman is/is not now under sentence. (delete inapplicable word or words)				
19. If the serviceman is now under sentence:				
(a) length of sentence				
(b) date from which sentence began				
(c) date from which sentence was suspended (if applicable)				
(d) where the sentence was suspended, date from which sentence was put into operation (if applicable)				
(e) date on which sentence ends				
20. Total period for which serviceman has been awaiting trial				
21. Breakdown of period for which serviceman has been awaiting trial:				
(a) ___ days were spent in civil custody (from ___ to ___);				
(b) ___ days were spent in close arrest (from ___ to ___); and				

FIFTH SCHEDULE — *continued*

(c) ___ days were spent in open arrest (from ___ to ___).	
Rank/grade, name and appointment of person providing information	
Signature	Date

SIXTH SCHEDULE

Regulations 47(1), 71 and 72(2)

SENTENCES AND ORDERS

Sentence against officer or senior military expert

1. Where a punishment under section 118 of the Act has been awarded against an officer or a senior military expert, the form of the sentence shall be as follows:

<i>Punishment</i>	<i>Sentence</i>
(a) Death and discharge with ignominy	To be discharged with ignominy from the Singapore Armed Forces and to suffer death.
(b) Imprisonment and discharge with ignominy	To be imprisoned for ___ and to be discharged with ignominy from the Singapore Armed Forces.
(c) Special detention in a disciplinary barrack and discharge with ignominy	To be under detention in a disciplinary barrack for ___ and to be discharged with ignominy from the Singapore Armed Forces.
(d) Detention and discharge with ignominy	To undergo detention for ___ and to be discharged with ignominy from the Singapore Armed Forces.
(e) Discharge with ignominy	To be discharged with ignominy from the Singapore Armed Forces.
(f) Dismissal	To be dismissed from the Singapore Armed Forces.
(g) Reduction in rank	To be reduced to the rank of ___.
(h) Forfeiture of seniority of rank	To take seniority in the rank of ___ in the Singapore Armed Forces as if his

SIXTH SCHEDULE — *continued*

	appointment to that rank bore the date _____.
(i) Forfeiture of service	To forfeit _____ service.
(j) Fine	To be fined _____.
(k) Deduction of pay	To suffer deduction of pay of _____.
(l) Reprimand	To be reprimanded.
(m) Forfeiture of pay	To forfeit _____ days pay.
(n) Forfeiture of military decoration or award	To forfeit his _____.
(o) Compensation	To pay compensation of _____.
(p) Caning	To be caned _____ strokes.
(q) Additional periods of operationally ready national service	To serve operationally ready national service for further _____.

[S 191/2010 wef 01/04/2010]

Sentence against soldier

2. Where a punishment under section 118 of the Act has been awarded against a soldier, the form of the sentence shall be as follows:

<i>Punishment</i>	<i>Sentence</i>
(a) Death and discharge with ignominy	To be discharged with ignominy from the Singapore Armed Forces and to suffer death.
(b) Imprisonment	To be imprisoned for _____.
(c) Special detention in a disciplinary barrack	To be under detention in a disciplinary barrack for _____.
(d) Detention	To undergo detention for _____.
(e) Discharge with ignominy	To be discharged with ignominy from the Singapore Armed Forces.
(f) Dismissal	To be dismissed from the Singapore Armed Forces.
(g) Reduction in rank	To be reduced to the rank of _____.

SIXTH SCHEDULE — *continued*

(h) Forfeiture of seniority of rank	To take seniority in the rank of _____ in the Singapore Armed Forces as if his appointment to that rank bore the date _____.
(i) Forfeiture of service	To forfeit _____ service.
(j) Fine	To be fined _____.
(k) Deduction of pay	To suffer deduction of pay of _____.
(l) Reprimand	To be reprimanded.
(m) Forfeiture of pay	To forfeit _____ days pay.
(n) Forfeiture of military decoration or award	To forfeit his _____.
(o) Compensation	To pay compensation of _____.
(p) Caning	To be caned _____ strokes.
(q) Additional periods of operationally ready national service	To serve operationally ready national service for further _____.
(r) Stoppage of leave	To be put under stoppage of leave for _____.
(s) Restriction of privileges	To be put under restriction of privileges for _____.
(t) Extra guard duty	To perform extra guard duty for _____.
(u) Extra drill	To perform extra drill for _____.
(v) Removal from appointment of officer cadet (applicable only to an officer cadet)	To be removed from the appointment of officer cadet.
(va) Removal from appointment of military expert senior trainee (applicable only to a military expert senior trainee)	To be removed from the appointment of military expert senior trainee.
(w) Restriction of cadet privileges (applicable only to an officer cadet)	To be put under restriction of cadet privileges for _____.

SIXTH SCHEDULE — *continued*

- | | |
|---|--|
| (wa) Restriction of military expert senior trainee privileges (applicable only to a military expert senior trainee) | To be put under restriction of military expert senior trainee privileges for ____. |
| (x) Stoppage of dining-out leave (applicable only to an officer cadet or a military expert senior trainee) | To be put under stoppage of dining-out leave for ____. |

[S 263/2023 wef 30/04/2023]

[S 191/2010 wef 01/04/2010]

Sentence against non-uniformed serviceman

3. Where a punishment under section 118 of the Act has been awarded against a non-uniformed serviceman, the form of the sentence shall be as follows:

<i>Punishment</i>	<i>Sentence</i>
(a) Death and discharge with ignominy	To be discharged with ignominy from the Singapore Armed Forces and to suffer death.
(b) Imprisonment	To be imprisoned for ____.
(c) Special detention in a disciplinary barrack	To be under detention in a disciplinary barrack for ____.
(d) Detention	To undergo detention for ____.
(e) Discharge with ignominy	To be discharged with ignominy from the Singapore Armed Forces.
(f) Dismissal	To be dismissed from the Singapore Armed Forces.
(g) Forfeiture of service	To forfeit ____ service.
(h) Fine	To be fined ____.
(i) Deduction of pay	To suffer deduction of pay of ____.
(j) Reprimand	To be reprimanded.
(k) Forfeiture of pay	To forfeit ____ days pay.
(l) Forfeiture of military decoration or award	To forfeit his ____.

SIXTH SCHEDULE — *continued*

- | | |
|-----------------------|--|
| (m) Compensation | To pay compensation of _____. |
| (n) Caning | To be caned _____ strokes. |
| (o) Stoppage of leave | To be put under stoppage of leave for _____. |

Restitution order

4. A restitution order under section 91 of the Act shall be in the following form:

“In accordance with section 91 of the Singapore Armed Forces Act, it is ordered that [description of property] be [delivered/paid] to [name of person to whom restitution is to be made].”.

Cancellation of suspension order

5. An order of court cancelling a suspension order of a court under section 120(3) of the Act shall be in the following form:

“It is ordered that the accused be committed to [imprisonment/special detention/detention] under the sentence passed on him by the [general court martial/field general court martial/disciplinary officer] held on [date] at [place], and that the sentence passed on the accused by this court shall run [concurrently/consecutively].”.

SEVENTH SCHEDULE

Regulation 50(1)(a)

SINGAPORE ARMED FORCES ACT
(CHAPTER 295)SINGAPORE ARMED FORCES
(SUBORDINATE MILITARY COURTS)
REGULATIONSRECORD OF PROCEEDINGS¹

Proceedings of a [field] general court martial held on _____ at _____.

President:

[Members:]

[Judge advocate:]

SEVENTH SCHEDULE — *continued*

Prosecutor:

Defending officer/counsel:

Trial of _____.²

PART 1 — COMMENCEMENT OF TRIAL

The court complies with regulation 13.

The accused is brought before the court.

At _____ hours the trial begins.

The convening order is read in the hearing of the accused, marked and signed by the president, and attached to the record.³

The name[s] of the president [and members] of the court is [are] read in the hearing of the accused.

Q. Do you object to being tried by me as president [or by any of the members whose names you have heard read]?

A. The proceedings relating to the objection[s] are recorded on page[s] _____.

¹In this form, a reference to a regulation shall be a reference to that regulation in the Singapore Armed Forces (Subordinate Military Court) Regulations 2004 (G.N. No. S 724/2004). All inapplicable printed matter in this form shall be deleted.

²Insert the NRIC number, rank/grade, name and unit or other description of the accused.

³The convening order shall be inserted immediately after the last page of this form.

[S 191/2010 wef 01/04/2010]

Page _____

The [president, members of the court and]4 judge advocate is [are] duly sworn/affirmed.

Q. Do you object to _____ acting as shorthand writer?

A.⁵ _____ is duly sworn/affirmed as shorthand writer.

Q. Do you object to _____ acting as interpreter?

A.⁵ _____ is duly sworn/affirmed as interpreter.

SEVENTH SCHEDULE — *continued*

Page _____

PART 2 — SPECIAL OBJECTIONS AND APPLICATIONS

The accused objects under regulation 20 on the ground that the court does not have jurisdiction to try him. The proceedings relating to the objection are recorded on page[s] _____.

The accused objects under regulation 21 to the _____ charge[s]. The proceedings relating to the objection are recorded on page[s] _____.

The accused objects under regulation 22 to the court trying him on the _____ charge[s] by reason of section 108/111 of the of the Singapore Armed Forces Act (Cap. 295). The proceedings relating to the objection are recorded on page[s] _____.

The _____ accused applies under regulation 23 to be tried separately. The proceedings relating to the application are corded on page[s] _____.

The accused applies under regulation 24 to have charges _____ and _____ tried separately. The proceedings relating to the objection are recorded on page [s] _____.

PART 3 — ARRAIGNMENT OF ACCUSED

Regulation 19(2) is complied with.

The charge-sheet is read to the accused and he is arraigned on each charge.

The charge-sheet is signed by the president and inserted in the record immediately before this page as page[s] _____.

Q. Are you guilty or not guilty of the first⁶ charge against you which you have heard read?

A.

Q. Are you guilty or not guilty of the second charge against you which you have heard read?

A.⁷

Q. Are you guilty or not guilty of the third charge against you which you have heard read?

A.⁷

Q. Are you guilty or not guilty of the fourth charge against you which you have heard read?

SEVENTH SCHEDULE — *continued*

Page _____

A.⁷

Q. Are you guilty or not guilty of the fifth charge against you which you have heard read?

A.⁷

Q. Are you guilty or not guilty of the sixth charge against you which you have heard read?

A.⁷

The accused's pleas to the remaining charges are recorded overleaf.⁷

PART 4 — PROCEEDINGS ON PLEA OF NOT GUILTY⁸

Q. Do you wish to apply for an adjournment under regulation 31(1) on the ground that any regulation relating to procedure before trial has not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.⁹

The Prosecutor [makes an opening address shortly outlining the facts] [makes an opening address which is summarised below] [hands in a written address which is read, signed by the president, marked _____ and attached to the record].

The witness[es] for the prosecution is [are] called.

First witness for the prosecution

_____ is duly sworn/affirmed.

The evidence for the prosecution is recorded on page[s] _____.

The case for the prosecution is closed.

The accused submits under regulation 33 that there is no case for him to answer in respect of the _____ charge[s].

The proceedings relating to this submission are recorded on page[s] _____.

The court [allows the submission of no case to answer in respect of the _____ charge[s] and finds the accused not guilty thereof] [disallows the submission of no case to answer and proceeds with the trial].

Regulation 34 is complied with.

SEVENTH SCHEDULE — *continued*

Page _____

Q. Do you apply to give evidence yourself on oath or affirmation?

A.

Q. Do you intend to call any other person as a witness on your behalf?

A.

Q. Is he a witness as to the facts or to character only?¹⁰

A.¹⁰

Q. Do you wish to make an opening address?¹⁰

A.¹⁰

The accused [makes an opening address which is summarised below] [hands in a written address which is read, signed by the president, marked _____ and attached to the record].¹⁰

The witness[es] for the defence is [are] called.

First witness for the defence

_____ is duly sworn/affirmed.

The evidence for the defence is recorded on page[s] _____.

The case for the defence is closed.

The accused [makes a closing address which is summarised on page[s] _____] [hands in a closing address which is read, marked _____ and signed by the president, and attached to the record].

The prosecutor [makes a closing address which is summarised on page[s] _____] [hands in a closing address which is read, marked _____ and signed by the president, and attached to the record].

The note of the summing-up of the judge advocate is recorded on page[s] _____.

[The court closes to deliberate on the finding.]

The court finds that the accused _____¹¹ is:¹²

The accused is brought before the court.

SEVENTH SCHEDULE — *continued*

Page _____

The finding is announced in open court.

PART 5 — PROCEEDINGS ON ACQUITTAL ON ALL CHARGES¹³

The accused is released.

Signed on _____ at _____.

[Signature, rank and name of president]

President

General Court Martial

[Signature and name of judge advocate]

[Judge Advocate]

PART 6 — PROCEEDINGS ON PLEA OF GUILTY¹⁴

The accused having pleaded guilty to the _____ charge[s], the prosecutor informs the court of the facts relating to the charge[s] and the circumstances in which the offence[s] was [were] committed, including facts which show the nature and gravity of the offence[s] and factors affecting mitigation or aggravation.

The court finds that the accused _____¹⁵ is guilty of the charge [all the charges].

The finding is announced in open court.

PART 7 — PROCEEDINGS ON CONVICTION

The prosecutor [tenders a statement of the accused's service record in accordance with regulation 44(3)] [calls evidence as to the accused's character and record].

_____ is duly sworn/affirmed.¹⁶

Q. Do you produce the service record of the accused?¹⁶

A. I produce.¹⁶

Q. Have you compared it with the service books?¹⁶

SEVENTH SCHEDULE — *continued*

Page _____

A.¹⁶

Q. Do the entries on it correspond with the entries in the service books?¹⁶

A.¹⁶

The statement of the accused's service record is read, marked _____ and signed by the president, and attached to the record.

The accused [declines] [elects] to cross-examine the [maker of the statement of his service record] [witness] [and the cross-examination is recorded on page[s] _____].

Q. Do you wish to give evidence yourself or to call other witnesses as to your character or mitigation of punishment?

A.

The evidence for the defence as to the accused's character and in mitigation of punishment, is recorded on page[s] _____.

Q. Do you wish to address the court in mitigation of punishment?

A.

The _____¹⁷ [make an address in mitigation of punishment, which is summarised [below] [on page[s] _____] [hands in a written address in mitigation of punishment, which is read, marked _____ and signed by the president, and attached to the record].

[The list of offences which the court has, with the consent of the prosecutor and the accused, agreed to take into consideration is read to the accused, signed by him, marked _____ and signed by the president, and attached to the record.]¹⁸

[The court closes to deliberate on the sentence.]

The court sentences the accused _____¹⁹ to:²⁰

The accused is brought before the court.

Any written judgment of the court is read.

The sentence is announced in open court.

The president announces that the trial is concluded.

Signed on _____ at _____.

SEVENTH SCHEDULE — *continued*

Page _____

[Signature, rank and name of president]
President
General Court Martial

[Signature and name of judge advocate]
[Judge Advocate]

⁴Delete unless the court is a field general court martial.

⁵If there is an objection, the proceedings relating to the objection shall be recorded on a separate numbered page, and the fact that this has been done should be recorded in this space with the number of the page.

⁶Delete “first” if there is only one charge.

⁷Delete if not applicable.

⁸Remove the pages under this Part if there is no plea of not guilty.

⁹If the accused asks for an adjournment, the proceedings relating to the application shall, if necessary, be recorded on a separate numbered page, and the fact that this has been done should be recorded in this space with the number of the page.

¹⁰Delete if the accused does not intend to call any witness as to the facts other than himself.

¹¹Insert the NRIC number, rank/grade, name and unit or other description of the accused.

¹²Set out the finding on each charge in the appropriate form in the Fourth Schedule.

¹³Remove this page if the accused is not acquitted of all charges.

¹⁴Remove this page if there is no plea of guilty.

¹⁵Insert the NRIC number, rank/grade, name and unit or other description of the accused.

¹⁶Delete if the prosecutor tenders a written statement of the accused’s service record in accordance with regulation 44(3) and the accused declines to cross-examine the maker of the written statement.

¹⁷Insert “accused”, “defending officer” or “defending counsel”, as the case may be.

¹⁸Delete this paragraph if the court has not been requested to take into consideration any other offence.

¹⁹Insert the NRIC number, rank/grade, name, and unit or other description of the accused.

²⁰Set out the sentence in the appropriate form in the Sixth Schedule.

EIGHTH SCHEDULE

Regulation 53(1)

SINGAPORE ARMED FORCES ACT (CHAPTER 295)

SINGAPORE ARMED FORCES (SUBORDINATE MILITARY COURTS) REGULATIONS

PETITION

I, _____,¹ having been convicted by a subordinate military court on _____² at _____,³ hereby petition against the finding(s) on the _____⁴ charge(s) and the sentence⁵ on the following grounds:

Signed: _____⁶

Date: _____

¹Insert the NRIC number, rank/grade, name and unit or other description of the accused.

²Insert the date when the accused was convicted.

³Insert the place where the trial was held.

⁴The words “the finding(s) on the _____ charge(s)” shall be omitted if the accused is only petitioning against sentence.

⁵The words “and the sentence” shall be omitted if the accused is not petitioning against sentence.

⁶A petition shall generally be signed by the accused himself, but may, if necessary, be signed on his behalf by his representative.

NINTH SCHEDULE

Regulation 59(2) and (3)

SINGAPORE ARMED FORCES ACT (CHAPTER 295)

SINGAPORE ARMED FORCES (SUBORDINATE MILITARY COURTS) REGULATIONS

SUMMONS TO WITNESS

To [name and address of person to whom summons is to be sent]

Whereas a subordinate military court will on [date of trial] at [place of trial] hear the trial of [NRIC number, rank/grade, name and unit or other description of the accused] on the following charge[s]:

NINTH SCHEDULE — *continued*

Pursuant to section 113 of the Singapore Armed Forces Act and regulation 59 of the Singapore Armed Forces (Subordinate Military Courts) Regulations 2004 (G.N. No. S 724/2004), you are hereby summoned and required to attend, as a witness before that court, on [date of trial] at [time of trial] at [place of trial] to testify as to what you know concerning the charge(s) made against the said accused [and to have with you then and there —

(a) any documents in your possession, custody or control relating to the charge(s); and

(b) in particular, the following documents:]

Thereafter, you are required to attend before that court from day to day until you are excused by that court.

If you fail to attend before that court as directed, you shall be liable to punishment in accordance with section 48 or 113 of the Singapore Armed Forces Act.

Signed on _____ at _____.

[Signature, rank and name of president]

President

General Court Martial

or

[Signature, rank, name and appointment of
convening authority for field general court martial]

[An officer/A senior military expert authorised to convene a
subordinate military court

or

[Signature, rank/grade, name and appointment of
appropriate staff officer]

authorised to sign for

[appointment of convening authority for
field general court martial]

[An officer/A senior military expert authorised to convene a
subordinate military court

[S 191/2010 wef 01/04/2010]

TENTH SCHEDULE

Regulation 69

SINGAPORE ARMED FORCES ACT
(CHAPTER 295)

SINGAPORE ARMED FORCES
(SUBORDINATE MILITARY COURTS)
REGULATIONS

DEATH WARRANT

To [the Commandant, Military Prison, or the Director of Prisons who is responsible for carrying the sentence into effect]

Whereas [NRIC number, rank/grade and name or other description of the person under sentence] was by a [Field] General Court Martial held at [place of trial] convicted of the offence(s) of:

[Set out a brief description (but not the particulars) of each offence and identify the corresponding provision or provisions in the Singapore Armed Forces Act (Cap. 295) and any other relevant penal legislation.]

and by a sentence passed on [date of sentence] sentenced to suffer death.

Now, therefore, I hereby order you to carry into effect the said sentence on [NRIC number, rank/grade and name or other description of the person under sentence] by [hanging/shooting], and for so doing, this shall be sufficient warrant.

When the said sentence has been carried into effect, the return below shall be completed and the warrant returned to me.

Signed on _____ at _____.

President
Military Court of Appeal

Return to Warrant

The above sentence passed on [date of trial] was carried into effect on [date sentence was carried out] at [time sentence was carried out] at [place where sentence was carried out].

Commandant, Military Prison/
Director of Prisons

Made this 1st day of November 2004.

LEE YUEN HEE
*Secretary,
Armed Forces Council,
Singapore.*

[MINDEF 4-4/26-5-1/LT; AG/LEG/SL/295/2002/1 Vol. 5]

(To be presented to Parliament under section 207 of the Singapore Armed Forces Act).