

FACT SHEET
Criminal Procedure Code
Law reform amendments

1. The new CPC Bill contains a wide range of law reform amendments, many of which are technical in nature. This is a brief summary of some of these other amendments.

A. Improved powers of investigation

(i) Powers to seize property in certain circumstances (Section 35)

2. There are three types of property that the police may seize under this provision:
 - a. property in respect of which an offence is suspected to have been committed;
 - b. property which is suspected to have been used or intended to be used to commit an offence; and
 - c. property which is suspected to constitute evidence of an offence.
3. Such property will also include money in an account in a financial institution and any interest which has accrued. However, a court may order the release of seized property for certain purposes, such as the payment of basic expenses (e.g. foodstuff and rent), reasonable professional fees or the day-to-day operational expenses of a company.

(ii) Surrender and return of travel document (Sections 112 & 113)

4. Section 112 empowers police officers of at least the rank of sergeant, who have the written consent of the Commissioner of Police, to require a person to surrender his or her travel documents if there are reasonable grounds for believing that that person has committed an offence. Failure by a person to surrender his or her travel documents when so required may lead to an arrest.
5. Section 113 provides that a person whose travel documents are seized can apply to the Commissioner of Police for the return of his or her travel documents.

B. Easier Community Mediation Referrals

- (i) *Procedure in non-arrestable Cases (Section 16(1)(c))*
- 6. The police can now refer appropriate cases involving non-arrestable offences to community mediation.
- (ii) *Examination of Complaint (Section 151(2)(b)(iii))*
- 7. Magistrates may also refer complainants to mediation in appropriate cases.

C. Streamlining prosecution

- (i) *Public Prosecutor may compound offences (Section 242)*
- 8. The Public Prosecutor is now empowered to compound certain offences by requiring a person to pay a composition sum. Where investigations have commenced for an offence which is subsequently compounded, no further proceedings will be taken against the suspect. Where the offence is compounded only after an accused person is charged in court, the accused person will be acquitted.
- (ii) *Private prosecution (Section 11(10))*
- 9. Private persons may now commence prosecutions before the Magistrate's Court (without the involvement of the Public Prosecutor) for offences which are punishable by fine only or offences which carry a maximum term of imprisonment of not more than three years.

D. Bail and bond refinements

- (i) *Duties of surety (Section 104)*
- 10. The duties of a surety are expressly set out. If any of these duties are breached, a court may forfeit the bond given by the surety. In addition, the court has the power to order that the bond amount be paid by the surety in instalments.

E. Jurisdiction of the courts

- (i) *Criminal jurisdiction of Magistrates' Courts (Section 7)*
- 11. The Magistrates' Courts now have jurisdiction to try offences for which the maximum term of imprisonment does not exceed five years.
- (ii) *Sentences (Section 303)*
- 12. The sentencing powers of the Magistrate's Court and the District Court will be increased from two to three years' imprisonment and seven to ten years'

imprisonment respectively. These increases are necessary, as the penalties for Penal Code offences have been increased with the recent amendments to the Penal Code. Furthermore, the fine limit for a Magistrate's Court and the District Court will be increased from \$2,000 to \$10,000 and \$10,000 to \$30,000 respectively. This revision is necessary to bring the fine quantum in line with the present value of money.

F. Trial procedure

- (i) *Power of court to prohibit certain communication (Section 224)*
13. Where satisfied that certain conditions are met (relating to public safety, public security or propriety, public order, national interest or national security of Singapore), a judge may order that any information contained in the documents exchanged between the parties in the course of the Criminal Case Discovery Process not be communicated by the accused or his advocate to any other person.
- (ii) *Procedure if accused pleads guilty (Section 227)*
14. The provision clarifies that where an accused wishes to plead guilty to an offence which carries the death penalty, the High Court shall not apply the usual process for recording a guilty plea for other offences, but will instead withhold from recording the guilty plea unless the prosecution is able to prove its case against the accused at the trial.
- (iii) *Procedure to determine admissibility of evidence (Section 279)*
15. Formal procedures are laid out for the conduct of ancillary hearings to determine whether evidence which the prosecution wishes to use against an accused should be accepted by the court.
- (iv) *Case mentions via video or television links (Section 281)*
16. Video conferencing will now be made available for instances where an accused person is first produced before a Magistrate in accordance with Article 9(4) of the Constitution. This procedure will be subject to these safeguards:
- (a) the Courts will have the discretion to direct that an accused person be physically produced in court at any time before or during the first mentions;
 - (b) the video conferencing procedure will not be used for juveniles; and
 - (c) the video conferencing procedure will not be used for accepting guilty pleas or for sentencing.

G. Judgment and sentences

(i) Judgment (Section 301)

17. The Court will be empowered to rectify clerical errors in its judgment at any time and, more significantly, be able to rectify any other error, including an error in the exercise of its sentencing powers, by no later than the next working day after it has delivered its judgment.

(ii) Limit on number of strokes (Section 238)

18. It is now clarified that an accused person, when sentenced for any number of offences, can only be sentenced to a maximum cap of 24 strokes of the cane (for an adult) and 10 strokes of the cane (for a juvenile). In place of any excess strokes which could not be ordered against an accused because of this provision, the court may impose a term of imprisonment of up to 12 months.

H. Appeals on questions of law

(i) Application to state case directly to Court of Appeal (Section 396)

19. In appropriate cases, a party to a criminal proceeding who wishes to bring an appeal on a question of law may now by-pass the intermediate appellate court (for example, the High Court) and have its case heard directly by the Court of Appeal. However, this can only be done with the permission of the Court of Appeal.

**MINISTRY OF LAW
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