

The following Act was passed by Parliament on 19th May 2010 and assented to by the President on 10th June 2010:—

CRIMINAL PROCEDURE CODE 2010

(No. 15 of 2010)

I assent.

S R NATHAN
President.

Date of Commencement: 2nd January 2011

An Act to repeal and re-enact with amendments the Criminal Procedure Code (Chapter 68 of the 1985 Revised Edition) and to make consequential and related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I PRELIMINARY

Short title and commencement

1.

—(1) This Act may be cited as the Criminal Procedure Code 2010 and is generally referred to in this Act as this Code.

(2) This Code shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.

—(1) In this Code, unless the context otherwise requires —

“advocate” means an advocate and solicitor lawfully entitled to practise criminal law in Singapore;

“arrestable offence” and “arrestable case” mean, respectively, an offence for which and a case in which a police officer may ordinarily arrest without warrant according to the third column of the First Schedule or under any other written law;

“bailable offence” means an offence shown as bailable in the fifth column of the First Schedule or which is made bailable by any other written law, and “non-bailable offence” means any offence other than a bailable offence;

“complaint” means any allegation made orally or in writing to a Magistrate with a view to his taking action under this Code that some person, whether known or unknown, has committed or is guilty of an offence;

“computer” has the same meaning as in the Computer Misuse Act (Cap. 50A);

“court” means the Court of Appeal, the High Court, a District Court or a Magistrate’s Court, as the case may be, which exercises criminal jurisdiction;

“criminal record” means the record of any —

order that the accused be tried by a trial court of competent jurisdiction, if it is not satisfied that, based on the records before the court, there is sufficient evidence to convict the accused on the altered charge.

(9) At the hearing of the appeal, the appellate court may on the application of the Public Prosecutor, and with the consent of the accused, take into consideration any outstanding offences which he admits to have committed for the purposes of sentencing him.

(10) The sentencing powers of the appellate court in the exercise of its appellate jurisdiction shall not exceed the sentencing power of the trial court whose judgment, sentence or order is appealed against.

Omission to frame charge

391.

—(1) A judgment, sentence or order pronounced or passed shall not be invalid merely because no charge was framed, unless the appellate court is of the opinion that it has caused a failure of justice.

(2) If the appellate court is of such opinion, the appellate court must order a new trial.

Taking additional evidence

392.

—(1) In dealing with any appeal under this Part, the appellate court may, if it thinks additional evidence is necessary, either take such evidence itself or direct it to be taken by the trial court.

(2) Unless the appellate court directs otherwise, the accused or his advocate must be present when the additional evidence is taken.

(3) When the trial court has taken the additional evidence, it must send the record of the proceedings duly certified by it to the appellate court for it to deal with in the appeal.

(4) The trial court must also state what effect, if any, the additional evidence taken has on its earlier verdict.

(5) Sections 233 and 285 to 289 shall apply, with the necessary modifications, to the taking of additional evidence under this section.

Death of party to appeal

393.

—(1) Where a person has died —

(a) any relevant appeal which might have been begun by him if he were alive may be begun by a person approved by the High Court; and

(b) where any relevant appeal was begun by him while he was alive or is begun in relation to his case under paragraph (a), any further step which might have been taken by him in connection with the appeal if he were alive may be taken by a person so approved.

(2) The High Court may only give an approval to —

(a) the widow or widower of the deceased;

(b)

a person who is the personal representative of the deceased; or

(c) any person appearing to the High Court to have, by reason of a family or similar relationship with the deceased, a substantial financial or other interest in the determination of a relevant appeal relating to him.

(3) An application for an approval may not be made after the end of the period of one year beginning with the date of death.

(4) Where this section applies, any reference to the appellant in any written law shall, where appropriate, be construed as being or including a reference to the person approved under this section.

(5) Unless the approval is given under subsection (2), every appeal commenced shall finally abate on the death of an accused.

(6) In this section, “relevant appeal” means an appeal made under this Part.

Grounds for reversal by appellate court

394. Any judgment, sentence or order of a trial court may be reversed or set aside only where the appellate court is satisfied that it was wrong in law or against the weight of the evidence or, in the case of a sentence, manifestly excessive or manifestly inadequate in all the circumstances of the case.

Division 2 — Points reserved

Power of court to state case

395.

—(1) A trial court hearing any criminal case, may on the application of any party to the proceedings or on its own motion, state a case to the relevant court on any question of law.

(2) Any application or motion made —

(a) on a question of law which arises as to the interpretation or effect of any provision of the Constitution may be made at any stage of the proceedings after the question arises and must set out the question to be referred to the relevant court;

(b) on any other question of law must be made in writing within 10 days from the time of the making or passing of the judgment, sentence or order by the trial court and set out briefly the facts under deliberation and the question of law to be decided on them.

(3) The trial court shall —

(a) upon an application or motion made on a question of law which arises as to the interpretation or effect of any provision of the Constitution, state the case to the relevant court by setting out the question which in its opinion has arisen as to the interpretation or effect of the Constitution, which question shall, so far as may be possible, be in a form which shall permit of an answer being given in the affirmative or the negative; and

(b) upon an application or motion made on any other question of law, state the case to the relevant court by briefly setting out the facts that it considers proved and the question of law to be reserved for the opinion of the relevant court.