

Criminal Procedure Code (Electronic Filing and Service for State Courts and Youth Courts) Regulations 2013

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CRIMINAL PROCEDURE CODE
(CHAPTER 68)

CRIMINAL PROCEDURE CODE (ELECTRONIC FILING AND SERVICE FOR
STATE COURTS AND YOUTH COURTS) REGULATIONS 2013

In exercise of the powers conferred by section 428(2)(*da*) of the Criminal Procedure Code, the Minister for Law hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Procedure Code (Electronic Filing and Service for State Courts and Youth Courts) Regulations 2013 and shall come into operation on 19th July 2013.

*[S 145/2014 wef 07/03/2014]
[S 647/2014 wef 01/10/2014]*

Application

2. These Regulations shall apply only in relation to any criminal proceeding and any criminal matter in the District Court, Magistrate's Court and Youth Court —

(a) which relates to —

- (i) any pre-trial or plead guilty procedure;
- (ii) any procedure in respect of bails and bonds under Division 5 of Part VI of the Code;
- (iii) any procedure under section 370 of the Code;
- (iv) any procedure for the search of premises or persons and the seizure of property, including any procedure under section 35(7) of the Code (for the release of any property seized, or prohibited from being disposed of or dealt in, under section 35(1) of the Code);
- (v) any procedure for an inquiry to determine the order or orders to be made in respect of any property produced before the Court for which there are competing claims, other than any procedure under section 370 of the Code;
- (vi) any procedure for the surrender and return of travel documents under sections 112 and 113 of the Code;

- (vii) any procedure for issuing summonses to persons to appear before the Court under section 115 of the Code;
 - (viiia) any trial of any offence;
[S 506/2014 wef 31/07/2014]
 - (viii) any procedure for appeal under Division 1 of Part XX of the Code;
 - (ix) any procedure for the taking of evidence under section 21 of the Mutual Assistance in Criminal Matters Act (Cap. 190A); or
 - (x) any application for the issue of a warrant under section 10(1) or 24(1) of the Extradition Act (Cap. 103); and
[S 87/2014 wef 17/02/2014]
- (b) which —
- (i) is instituted by or on behalf of the Public Prosecutor, a police officer, an officer from a law enforcement agency, or a person acting with the authority of a public body against one or more accused, whether or not represented by an advocate and solicitor;
 - (ii) is instituted by a private complainant in a private prosecution who is represented by an advocate and solicitor against one or more accused, whether or not represented by an advocate and solicitor; or
 - (iii) is a private prosecution by an unrepresented complainant against one or more accused who is represented by an advocate and solicitor.

[S 87/2014 wef 17/02/2014]
[S 647/2014 wef 01/10/2014]

Definitions

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

“application”, in the context of the filing, service, delivery or conveyance of an application by means of electronic transmission or by using the electronic filing service, means a written application or request relating to any criminal proceeding or criminal matter;

[S 506/2014 wef 31/07/2014]

“authorised agent”, in relation to an authorised user, means a person who is

- designated under regulation 6 by the authorised user to be the authorised user's authorised agent;
- “authorised user” means any entity that is given access by the court to use the electronic filing system;
- “conditioned statement” means any statement which is intended to be admitted under section 264 of the Code;
- “confirmation receipt” means a confirmation that is transmitted to an authorised user or an authorised agent of the authorised user after the authorised user or authorised agent has filed any application or document through the electronic filing service;
- “court” means a District Court, a Magistrate’s Court or a Youth Court;
[S 647/2014 wef 01/10/2014]
- “deemed” means deemed until the contrary is proved;
- “document” has the same meaning as in the Evidence Act (Cap. 97);
- “electronic filing” means the process by which an authorised user or an authorised agent files with, serves on, or delivers or conveys to the court any application or document by means of an electronic transmission;
- “electronic filing service” means the electronic filing service established under regulation 4;
- “electronic filing service provider” means the electronic filing service provider appointed under regulation 5;
- “electronic transmission” means electronic transmission by an authorised user or an authorised agent through the electronic filing service;
- “entity” means a sole proprietorship, an incorporated or unincorporated partnership (including a limited liability partnership and a limited partnership), a law corporation, a company or other body corporate, the Attorney-General’s Chambers, a department of the Government or a public authority;
- “identification code” means the identification code of an authorised user or an authorised agent that is to be used in conjunction with the electronic filing service;
- “Registrar” means —
- (a) the registrar of the State Courts, in relation to any criminal proceeding or criminal matter in a District Court or Magistrate’s Court; and

- (b) the registrar of the Family Justice Courts, in relation to any criminal proceeding or criminal matter in a Youth Court.

[S 647/2014 wef 01/10/2014]

Establishment of electronic filing service

4.—(1) The Registrar may, with the approval of the Chief Justice, establish an electronic filing service for the filing, service, delivery or conveyance of —

- (a) any document initiating any criminal proceeding or any criminal matter to which these Regulations apply; and
- (b) every subsequent application and document relating to that proceeding or matter.

(2) The court will maintain in electronic form the official case file for any criminal proceeding or criminal matter to which these Regulations apply, and the electronic documents in that case file shall be the official court record.

(3) If a court makes an electronic record, document or image of a document that is filed, served, delivered or conveyed in hard copy, the electronic record, document or image shall be the official court record.

Electronic filing service provider and superintendent

5.—(1) The electronic filing service shall be operated by an electronic filing service provider appointed by the Registrar with the approval of the Chief Justice.

(2) The Registrar shall be the superintendent of any electronic filing service provider appointed under paragraph (1).

Authorised user and authorised agent

6.—(1) Any entity which is an authorised user may designate one or more of its officers or employees to be an authorised agent or authorised agents, in accordance with such procedure as may be required by the Registrar and on such terms and conditions as the Registrar thinks fit.

(2) Any person so designated by an authorised user under paragraph (1) shall be given access by the administrator of the authorised user to use the electronic filing service.

Electronic filing

7.—(1) Subject to paragraphs (4A), (4B) and (4C), every application or document referred to in regulation 4(1) must be filed, served, delivered or conveyed by an