

Criminal Procedure Code (Amendment) Bill

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Bill No: 35/1975

Read the first time: 29th July 1975

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Criminal Procedure Code (Amendment) Bill

Bill No. 35/1975

Read the first time on 29th July 1975.

An Act to amend the Criminal Procedure Code (Chapter 113 of the Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Criminal Procedure Code (Amendment) Act, 1975, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 11

2. Section 11 of the Criminal Procedure Code (hereinafter in this Act referred to as “the Code”) is hereby amended —

- (a) by deleting the word “three” appearing in paragraph (a) of subsection (3) thereof and substituting therefor the word “five”;
- (b) by deleting the word “seven” appearing in the penultimate line of the proviso to subsection (3) thereof and substituting therefor the word “ten”;
- and
- (c) by deleting the words “one year” appearing in paragraph (a) of subsection (5) thereof and substituting therefor the words “two years”.

Amendment of section 12

3. Section 12 of the Code is hereby amended by deleting subsections (1) and (2) thereof and substituting therefor the following: —

“(1) Where a person who is not less than eighteen years of age —

- (a) is convicted before the High Court or a District Court of an offence punishable with imprisonment for a term of two years or upwards;
- and
- (b) has been convicted on at least two previous occasions since he attained the age of sixteen years of offences punishable with such a sentence,

then, if the court is satisfied that it is expedient with a view to his reformation and the prevention of crime that he should receive training of a corrective character for

a substantial period of time, followed by a period of supervision if released before the expiration of his sentence, the court, unless it has special reasons for not so doing, shall pass, in lieu of any sentence of imprisonment, a sentence of corrective training for such term of not less than three nor more than seven years as the court may determine.

(2) Where a person who is not less than thirty years of age —

- (a) is convicted before the High Court or a District Court of an offence punishable with imprisonment for a term of two years or upwards; and
- (b) has been convicted on at least three previous occasions since he attained the age of sixteen years of offences punishable with such a sentence, and was on at least two of those occasions sentenced to imprisonment or corrective training,

then, if the court is satisfied that it is expedient for the protection of the public that he should be detained in custody for a substantial period of time, followed by a period of supervision if released before the expiration of his sentence, the court, unless it has special reasons for not so doing, shall pass, in lieu of any sentence of imprisonment, a sentence of preventive detention for such term of not less than five nor more than fourteen years as the court may determine.”.

Amendment of section 17

4. Section 17 of the Code is hereby amended —

- (a) by deleting the comma appearing after the word “inflict” in the fourth line thereof and substituting therefor a semi-colon; and
- (b) by inserting immediately after the word “punishment” appearing in the second line of the proviso thereto the words “of imprisonment”.

Amendment of section 121

5. Section 121 of the Code is hereby amended —

- (a) by deleting the proviso to subsection (5) thereof and substituting therefor the following: —

“Provided that the court may in its discretion refuse to admit such statement or allow it to be used as aforesaid if the making of the statement appears to the court to have been caused by any inducement, threat or promise having reference to the charge against

such person, proceeding from a person in authority and sufficient, in the opinion of the court, to give such person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.”; and

- (b) by inserting immediately after subsection (5) thereof the following new subsections: —

“(6) Where any person is charged with an offence he shall be served with a notice in writing, which shall be explained to him, to the following effect: —

“You have been charged with (set out the charge).

Do you wish to say anything in answer to the charge? If there is any fact on which you intend to rely in your defence in court, you are advised to mention it now. If you hold it back till you go to court, your evidence may be less likely to be believed and this may have a bad effect on your case in general. If you wish to mention any fact now, and you would like it written down, this will be done.”.

(7) No statement made by an accused person in answer to a written notice served on him pursuant to subsection (6) shall be construed as a statement caused by any inducement, threat or promise as is described in the proviso to subsection (5), if it is otherwise voluntary.”.

Repeal and re-enactment of section 122

6. Section 122 of the Code is hereby repealed and the following substituted therefor —

“Circumstances in which inferences may be drawn from accused’s failure to mention particular facts when questioned, charged, etc.

122.—(1) Where in any criminal proceedings against a person for an offence evidence is given that the accused —

- (a) at any time before he was charged with the offence, on being questioned by a police officer trying to discover whether or by whom the offence had been committed, failed to mention any fact relied on in his defence in those proceedings; or