
First published in the Government *Gazette*, Electronic Edition, on 19th July 2013 at 5:00 pm.

No. S 448

CRIMINAL PROCEDURE CODE
(CHAPTER 68)

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

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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 Subordinate Courts) Regulations 2013 and shall come into operation on 19th July 2013.

Application

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

- (a) which relates to any pre-trial or plead guilty procedure, or any procedure relating to bails and bonds under Division 5 of Part VI of the Code, or any procedure under section 370 of the Code; and
- (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.

Definitions

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

“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 or Magistrate’s Court;

“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 the Registrar of the Subordinate Courts.

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 —

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- (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) Every application or document referred to in regulation 4(1) must be filed, served, delivered or conveyed by an authorised user or an authorised agent using the electronic filing service in accordance with these Regulations and such other requirements as may be imposed by the Registrar.

(2) The requirement in paragraph (1) for the filing, service, delivery or conveyance of any such application or document is satisfied by the filing, service, delivery or conveyance of a single copy of the application or document using the electronic filing service in accordance with these Regulations.

(3) Notwithstanding paragraph (1), the Registrar may allow to be filed, served, delivered or conveyed any application or document referred to in regulation 4(1) by any means other than the electronic filing service.

(4) The form of any application or document referred to in regulation 4(1) shall be —

(a) as set out in such form as the Registrar may require; or

(b) in the absence of such requirement, in the form prescribed by the Criminal Procedure Code (Prescribed Forms) Regulations 2010 (G.N. No. S 811/2010).

(5) Any application or document which is filed, served, delivered or conveyed through the electronic filing service by an authorised user using an identification code shall be deemed to have been so filed, served, delivered or conveyed by the authorised user and with his intention to do so.

(6) Any application or document which is filed, served, delivered or conveyed through the electronic filing service by an authorised agent of an authorised user using an identification code shall be deemed to have been so filed, served, delivered or conveyed —

(a) on behalf and with the authority of the authorised user; and

(b) with the intention of that authorised user to do so.

(7) For the avoidance of doubt, every application or document which is filed with, served on, or delivered or conveyed to a court or the Registrar using an identification code in compliance with the security procedures of the electronic filing service shall be treated as a secure electronic record within the meaning of the Electronic Transactions Act (Cap. 88).