

Essential (Criminal Trials) Regulations

Table of Contents

1 Citation

2 Definitions

3 Ordinary procedure to apply subject to variation effected by Regulations

4 Certifying of case as an emergency procedure case

5 No preliminary inquiry in emergency procedure cases

6 When persons may be tried jointly

7 List of witnesses for defence

8 Bail

9 Record, depositions, etc., to be forwarded

10 Date for trial

11 Names of witnesses and substance of their evidence to be supplied to accused

12 Notice of appeal

13 Assignment of counsel

14 Attendance of appellant at appeals

15 Admissibility of statements and inspection of bankers books

FIRST SCHEDULE Procedure in Trials of Emergency Procedure Cases

SECOND SCHEDULE

Legislative History

EMERGENCY (ESSENTIAL POWERS) ACT (CHAPTER 90, SECTION 2)

ESSENTIAL (CRIMINAL TRIALS) REGULATIONS

Rg 2

REVISED EDITION 1990

(25th March 1992)

[18th September 1964]

Citation

1. These Regulations may be cited as the Essential (Criminal Trials) Regulations.

Definitions

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

“advocate and solicitor” has the same meaning as in the Legal Profession Act [Cap. 161];

“Judge” and “Registrar” have the same meanings respectively as are assigned thereto in the Supreme Court of Judicature Act [Cap. 322];

“emergency procedure case” means any case certified as a proper case for trial under these Regulations in accordance with regulation 4;

“Public Prosecutor” includes a Deputy Public Prosecutor.

Ordinary procedure to apply subject to variation effected by Regulations

3. These Regulations shall have effect notwithstanding anything to the contrary in any written law; but, except in so far as the same may be varied by these Regulations or by any other regulations made under the Act, the ordinary practice and procedure of the courts, as applicable where the case is tried or the appeal heard, as the case may be, shall

apply to emergency procedure cases tried under these Regulations.

Certifying of case as an emergency procedure case

4. Where a person is charged with any offence against any written law (whether committed before or after 18th September 1964) and the Public Prosecutor certifies in writing that the case is a proper one for trial under these Regulations, the case shall be tried by a Judge and disposed of in accordance with the provisions of these Regulations, as set out in the First Schedule.

No preliminary inquiry in emergency procedure cases

5.—(1) No preliminary inquiry shall be held in respect of an emergency procedure case, but the Magistrate before whom the accused person is brought shall, upon production of the certificate referred to in regulation 4 and whether or not a preliminary inquiry has already been commenced, forthwith commit the accused for trial by a Judge upon such charge as may be preferred by the Public Prosecutor.

(2) The Public Prosecutor may, in any emergency procedure case, at any time before trial, alter or amend the charge or charges against the accused or prefer an additional charge or additional charges against him.

When persons may be tried jointly

6. Notwithstanding anything in section 171 of the Criminal Procedure Code [Cap. 68] or any other written law when —

- (a) two or more persons are charged with offences under the Internal Security Act [Cap. 143]; and
- (b) the Public Prosecutor signs a certificate in the form set out in the Second Schedule,

the Court may try together all persons named in that certificate on the charges therein set against their names.

List of witnesses for defence

7.—(1) When the accused has been committed for trial under regulation 5, the Magistrate shall require him to give orally or in writing a list of the names and so far as practicable the addresses of the persons, if any, whom he wishes to be summoned to give evidence at his trial, whether such persons have given evidence before the Magistrate or not, and shall record that he has so done.

(2) If the Magistrate thinks that any witness is included in the above list for the purpose of vexation or delay or of defeating the ends of justice he may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of

the witness is material and if he is not so satisfied may remove the name of the witness from the list, recording his reason for such action, or may require such sum to be deposited as the Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness at the trial.

(3) The list of witnesses, as finally determined, shall be included in the record.

(4) The accused may at any time before his trial give to the Registrar, or if he is in custody to the officer-in-charge of the prison for transmission to the Registrar, a further list of persons whom he wishes to give evidence on his behalf on such trial, provided that the list be accompanied by a concise statement of the facts to be proved by the witnesses.

(5) The Registrar on receiving such list and statement shall issue summonses, to compel the attendance of such witnesses at the trial and shall then transmit the list and statement to the Public Prosecutor.

(6) The Registrar shall also issue summonses to compel the attendance at the trial of all the witnesses included in the list framed under paragraph (1).

(7) If any subpoena issued under this regulation cannot be served, the Registrar shall forthwith inform the Public Prosecutor and the accused.

Bail

8. Bail shall not be granted to an accused person committed for trial under this regulation unless —

- (a) the accused person is under the age of 16 years, or is a woman, or is sick or infirm; and
- (b) the offence of which that person is accused is not punishable with death or imprisonment for life.

Record, depositions, etc., to be forwarded

9. Upon committal of the accused for trial in an emergency procedure case, the record of the proceedings (including, in any case where a preliminary inquiry has been commenced, any depositions taken and any exhibits produced) shall be forwarded to the Registrar to be dealt with and used, so far as may be, in accordance with the ordinary practice and procedure of the courts.

Date for trial

10. When an emergency procedure case has been committed for trial as aforesaid, the Registrar shall forthwith fix a date for the trial of the case.