

Criminal Procedure Code (Audiovisual Recording) Regulations 2018

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No. S 571

CRIMINAL PROCEDURE CODE
(CHAPTER 68)

CRIMINAL PROCEDURE CODE
(AUDIOVISUAL RECORDING)
REGULATIONS 2018

In exercise of the powers conferred by section 428 of the Criminal Procedure Code, the Minister for Law makes the following Regulations:

Citation and commencement

1. These Regulations are the Criminal Procedure Code (Audiovisual Recording) Regulations 2018 and come into operation on 17 September 2018.

Definitions

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

“copy”, in relation to an audiovisual recording —

(a) means any of the following:

- (i) a copy of the whole or any part of the audiovisual recording;
- (ii) a copy of the whole or any part of the aggregate of visual images embodied in the audiovisual recording;
- (iii) a copy of the whole or any part of the aggregate of sounds embodied in the audiovisual recording;
- (iv) a photograph or screenshot of any visual image embodied in the audiovisual recording;
- (v) a copy of any copy, photograph or screenshot mentioned in sub-paragraph (i), (ii), (iii) or (iv); but

(b) excludes any of the following:

- (i) a drawing of any visual image embodied in the audiovisual recording;
- (ii) a transcript of the whole or any part of —
 - (A) the audiovisual recording; or

- (B) the aggregate of sounds embodied in the audiovisual recording;

“relevant officer”, in relation to a statement or an audiovisual recording mentioned in regulation 3 —

(a) means —

- (i) if the statement is recorded during a criminal investigation by any officer of a public office mentioned in the first column of the First Schedule — any of the following:

- (A) the public officer mentioned opposite that public office in the second column of that Schedule;

- (B) the Public Prosecutor;

- (C) any Deputy Public Prosecutor who is authorised by the Public Prosecutor to exercise the powers of a relevant officer;

- (ii) if the statement is recorded during a criminal investigation other than by any officer of a public office mentioned in the first column of the First Schedule — either of the following:

- (A) the Public Prosecutor;

- (B) any Deputy Public Prosecutor who is authorised by the Public Prosecutor to exercise the powers of a relevant officer; and

(b) includes —

- (i) if the statement or audiovisual recording is produced before, or is the subject of an order mentioned in section 235(7) of the Code made by, the Court of Appeal or the General Division of the High Court — the Registrar of the Supreme Court;

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- (ii) if the statement or audiovisual recording is produced before, or is the subject of an order mentioned in section 235(7) of the Code made by, a Family Court or a Youth Court — the Registrar of the Family Justice Courts; and

- (iii) if the statement or audiovisual recording is produced before, or is the subject of an order mentioned in section 235(7) of the Code made by, a District Court or a Magistrate's Court — the Registrar of the State Courts.

Applicable statements and audiovisual recordings

3. These Regulations apply to —

- (a) every statement that is made by a person examined under section 22 of the Code and recorded in the form of an audiovisual recording;
- (b) every statement that is made by an accused in answer to a notice read to the accused under section 23(1) of the Code and recorded in the form of an audiovisual recording; and
- (c) every audiovisual recording mentioned in paragraph (a) or (b).

Other prescribed places for viewing applicable audiovisual recording

4. For the purposes of sections 23(6)(a), 162(2), 166(2), 214(2), 218(2), 225B(3) and 235(7)(b) of the Code, the other prescribed places at which an audiovisual recording mentioned in regulation 3 may be viewed are the premises set out in the Second Schedule.

Offences relating to applicable statements and audiovisual recordings

5.—(1) A person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both, if the person —

- (a) without the authorisation of a relevant officer, makes a copy of an audiovisual recording mentioned in regulation 3;
- (b) knows or has reason to believe that the audiovisual recording the person is making a copy of is one mentioned in regulation 3; and
- (c) knows or has reason to believe that the making of that copy is not authorised by any relevant officer.

(2) A person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both, if the person —

- (a) without the authorisation of a relevant officer, makes any audio recording, visual recording or audiovisual recording of the making of a statement

mentioned in regulation 3(a) or (b);

- (b) knows or has reason to believe that the statement, the making of which the person is making an audio recording, a visual recording or an audiovisual recording of, is one mentioned in regulation 3(a) or (b); and
- (c) knows or has reason to believe that the making of that recording is not authorised by any relevant officer.

(3) To avoid doubt, neither of the following constitutes the making under paragraph (2)(a) of an audio recording, a visual recording, or an audiovisual recording, of the making of a statement mentioned in regulation 3(a) or (b):

- (a) the making of a drawing of any part of the process of making the statement;
- (b) the making of a transcript of the whole or any part of any of the following:
 - (i) the statement;
 - (ii) the process of making the statement;
 - (iii) the aggregate of sounds made during that process.

(4) A person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both, if the person —

- (a) without the authorisation of a relevant officer, uses or distributes the original or a copy of an audiovisual recording mentioned in regulation 3;
- (b) knows or has reason to believe that the audiovisual recording, the original or a copy of which the person uses or distributes, is one mentioned in regulation 3; and
- (c) knows or has reason to believe that the use or distribution of that original or copy of that recording is not authorised by any relevant officer.

(5) Paragraph (4) does not apply to any of the following:

- (a) the use of the original or a copy of an audiovisual recording mentioned in regulation 3 for a viewing, pursuant to section 23(6)(a), 162(2), 166(2), 214(2), 218(2), 225B(3) or 235(7)(b) of the Code, of the audiovisual recording;
- (b) the disclosure of the original or a copy of an audiovisual recording mentioned in regulation 3 by the prosecution to an accused or the accused's advocate (if any) for the purposes of any criminal proceedings,