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CRIMINAL PROCEDURE CODE
(CHAPTER 68)

CRIMINAL PROCEDURE CODE
(ELECTRONIC FILING AND SERVICE)
REGULATIONS 2012

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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) Regulations 2012 and shall come into operation on 1st January 2013.

Application

2. These Regulations shall have effect in relation to any document which, under the Criminal Procedure Code, is required to be filed with, served on, delivered or otherwise conveyed to the Supreme Court, the Registrar, or any party to any criminal matter that is to be heard in the Supreme Court.

Definitions

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

“authorised user” means a person who is designated as an authorised user under regulation 8;

“conditioned statement” means any statement which is intended to be admitted under section 264 of the Code;

“deemed” means deemed until the contrary is proved;

“electronic filing service” means the electronic filing service established under regulation 4;

“electronic filing service provider” means an electronic filing service provider appointed under regulation 5;

“electronic transmission” means electronic transmission by an authorised user or a registered user 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 a registered user that is to be used in conjunction with the electronic filing service;

“legal aid” means any legal aid or assistance granted under the Criminal Legal Aid Scheme or the Legal Assistance Scheme for Capital Offences or any other legal aid or assistance scheme for criminal offences as may be determined by the Registrar;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function;

“registered user” means an entity which is registered under regulation 8;

“Registrar” means the Registrar of the Supreme Court;

“service bureau” means a service bureau established under regulation 7;

“working day” means any day other than a Saturday, Sunday or public holiday;

“written statement” means any statement which is intended to be admitted under section 179(1) of the Criminal Procedure Code.

Establishment of electronic filing service

4.—(1) The Registrar may, with the approval of the Chief Justice, establish an electronic filing service and make provision for documents to be filed, served, delivered or otherwise conveyed using that service.

(2) The electronic filing service established under Order 63A, Rule 2 of the Rules of Court (Cap. 322, R 5) shall be deemed to be the electronic filing service established under paragraph (1).

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 Singapore Academy of Law shall be the superintendent of any electronic filing service provider appointed under paragraph (1).

(3) The electronic service provider appointed under Order 63A, Rule 3 of the Rules of Court (Cap. 322, R 5) shall be deemed to be the electronic service provider appointed under paragraph (1).

Computer system of electronic filing service provider

6. For the purposes of these Regulations, the computer system of an electronic filing service provider shall mean the computer servers and network equipment operated, maintained or used by the electronic filing service provider notwithstanding that such computer servers and network equipment may not be owned by that electronic service provider.

Service bureau

7.—(1) The Registrar may establish or appoint agents to establish a service bureau or service bureaux to assist in the filing, service, delivery or conveyance of documents using the electronic filing service.

(2) Any agent appointed by the Registrar pursuant to paragraph (1) shall not be treated as such for the purposes of the acceptance of the payment of fees or service charges.

(3) The Singapore Academy of Law shall be the superintendent of any agent appointed under this regulation.

(4) Any agent established or appointed under Order 63A, Rule 4(1) of the Rules of Court (Cap. 322, R 5) shall be deemed to be an agent established or appointed under paragraph (1).

(5) A service bureau shall not charge any fee for the use of the electronic filing service by an accused who receives any legal aid or who is not represented by an advocate or solicitor.

Registered user and authorised user

8.—(1) Any entity may apply to the Registrar to be a registered user in accordance with any procedure as may be required by the Registrar.

(2) Any entity which is a registered user may designate one or more of its partners, directors, officers or employees to be

an authorised user in accordance with any procedure as may be required by the Registrar.

(3) The Registrar may allow an entity to be a registered user or a person to be an authorised user on such terms and conditions as he thinks fit.

(4) A registered user which was registered or an authorised user who was designated before 1st January 2013 under Order 63A, Rule 5 of the Rules of Court (Cap. 322, R 5) shall be deemed to have been registered as a registered user or designated as an authorised user, as the case may be, under this regulation.

(5) A registered user which designates an authorised user and supplies the authorised user's identification code through the electronic filing service shall be deemed to approve the use of the identification code in conjunction with the electronic filing service by that authorised user.

(6) Before using the electronic filing service, the registered user shall —

- (a) enter into an agreement with the electronic filing service provider for the provision of the electronic filing service; and
- (b) make arrangements with the Registrar for the mode of payment of all applicable fees.

(7) The Registrar may waive the application of paragraph (6), in whole or in part, in relation to such registered users or class of registered users as he deems fit.

(8) For the purposes of these Regulations —

- (a) an entity that is registered by the Registrar as a registered user under Order 63A, Rule 5(1) of the Rules of Court shall be deemed to be a registered user under paragraph (1); and
- (b) a service bureau established under regulation 7 shall be deemed to be a registered user, and every employee of a service bureau shall be deemed to be an authorised user.

Electronic filing

9.—(1) Where a document is required under the Criminal Procedure Code to be filed with, served on, delivered or otherwise