

FACT SHEET

Criminal Procedure Code

Pre-Trial Discovery

Criminal Case Disclosure Procedure

1. The new CPC introduces a new criminal discovery framework into our criminal justice system, known as the Criminal Case Disclosure Procedure.

Case for the Prosecution

2. Under the new Criminal Case Disclosure Procedure, the prosecution is initially required to provide the defence with a document known as the "Case for the Prosecution".
3. This document includes information about the facts, witnesses and evidence supporting the charge.
4. Statements of the accused which the prosecution intends to rely upon at trial will be included.

Case for the Defence

5. After the Case for the Prosecution is served on the defence, the defence is required to serve a document known as the "Case for the Defence" on the prosecution.
6. This document will contain information about the facts, evidence and witnesses that the defence will adduce at the trial.

Provision of other documents by Prosecution

7. After the Case for the Defence is served, the prosecution is required to furnish to the defence all other statements made by the accused, documentary exhibits in the Case for the Prosecution, as well as the accused's criminal records (if any).

Features of the New Framework

8. This new scheme has a number of notable features.
9. Firstly, before the accused is required to disclose any details of his Defence, the prosecution is obliged to provide its own Case for the Prosecution. This gives the defence notice of the Prosecution's case in preparing its Defence.
10. Second, there is now mutual exchange. Both prosecution and defence must disclose their respective cases.
11. These obligations are reinforced by other provisions. For example, if the prosecution does not serve the Case for the Prosecution on the Defence, the Court may order a discharge not amounting to an acquittal (for Subordinate Court cases). If either the

prosecution or defence refuse to file its Case, or files a Case lacking in material details, or advances an argument at trial which is inconsistent with its previously filed Case, the Court is empowered to draw such inferences as it thinks fit. These provisions ensure that parties take the discovery framework seriously.

Application

12. The new Criminal Case Disclosure Procedure will initially apply automatically to High Court cases and the majority of offences tried in the District Court: see Annex for applicable Acts. For offences tried in the Magistrate Court, the procedure will be available via an opt-in mechanism, if all parties consent.

**MINISTRY OF LAW
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ANNEX A: LAWS TO WHICH CRIMINAL CASE DISCLOSURE PROCEDURES APPLY

1. Arms and Explosives Act (Cap. 13)
2. Arms Offences Act (Cap. 14)
3. Banishment Act (Cap. 18)
4. Computer Misuse Act (Cap. 50A)
5. Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65)
6. Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A)
7. Criminal Law (Temporary Provisions) Act
8. Internal Security Act
9. Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124)
10. Immigration Act (Cap 133) [Other than sections 6 and 15 which deal with cases of illegal entry by immigrants and over stayers]
- 11 Maintenance of Religious Harmony Act (Cap. 167A)
12. Misuse of Drugs Act (Cap. 185)
13. Oaths and Declarations Act (Cap. 211)
14. Official Secrets Act (Cap. 213)
15. Passports Act (Cap. 220)
16. Penal Code (Cap. 224)
17. Prisons Act (Cap. 247)
18. Protected Areas and Protected Places Act (Cap. 256)
19. Public Entertainments and Meetings Act (Cap. 257)
20. Public Order (Preservation) Act (Cap. 258)
21. Securities and Futures Act (Cap 289)
22. Sedition Act (Cap. 290)
23. Vandalism Act (Cap. 341).