

**SECOND READING SPEECH BY MINISTER FOR LAW, MR KSHANMUGAM
ON THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL 2012
AT PARLIAMENT ON 14 NOVEMBER 2012**

Mr Speaker, Sir

1. I beg to move, “That the Bill be now read a Second time”.
2. This Bill makes two key changes to criminal procedure.

Streamlining appellate procedure

3. The first key change is to appellate procedure.
4. Clause 10 amends section 374 to provide that no appeal can be filed against a conviction for an offence until sentence is passed for that offence.
5. Clause 11 amends section 377 to provide that the time for filing an appeal against conviction, or against conviction and sentence, starts running from the date of the sentence.
6. These two amendments ensure that appeals against conviction and sentence are brought and heard together, consistent with what is already the practice today.
7. Also, with the amendments, an accused no longer has to file a notice of appeal against conviction while waiting for sentence to be passed but can instead wait until sentence is passed before making a decision.

Appellate confirmation of death sentences

8. The second key change is to require confirmation by the Court of Appeal before a sentence of death can be carried out.
9. Clause 12 amends section 383 to provide that sentences of death shall not be carried out unless confirmed by the Court of Appeal, in an appeal by the accused; or a petition for confirmation by the Public Prosecutor where there is no appeal.
10. The petition for confirmation is a new procedure created by clause 13 which introduces a new Division 1A in Part XX of the Criminal Procedure Code (CPC).
11. The process is triggered when no appeal is filed within the time allowed for an appeal, and 90 days have expired after the time allowed for appeal has elapsed.

12. Once the process is triggered, the Public Prosecutor will be required to lodge a petition for confirmation.
13. The Court of Appeal will then examine the record of proceedings and the grounds of decision to satisfy itself of the correctness, legality and propriety of the conviction for which the death sentence is imposed; and of the imposition of the death sentence, where this is discretionary.
14. The Court of Appeal may choose to hear parties if it deems it necessary.
15. After examining the record, the court will either confirm the sentence of death passed upon the accused; or set it aside, and make such further orders as it deems fit.
16. Clause 7 makes related amendments to section 313 to provide that the warrant of execution must be issued by the Court of Appeal.
17. This need for appellate confirmation was suggested by Chief Justice Sundaresh Menon while he was still the Attorney-General, as another safeguard in our capital punishment regime.

Conclusion

18. The remaining clauses make minor and technical amendments to the CPC.
19. Sir, I beg to move.
