

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

REGISTRAR'S CIRCULAR NO. 17 OF 2020

BRINGING UP A PERSON IN PRISON FOR A CIVIL HEARING

1. A person confined in a prison (a "prisoner") may be a party to or a witness in a civil hearing whose attendance is required at the hearing.
2. Pursuant to s 38 of the Prisons Act (Cap 247) and O 38 r 21 of the Rules of Court (Cap 322, R 5), an order to produce a prisoner (a "production order") is made in Form 72 to the Rules of Court.
3. With effect from 1 October 2020, the applicant will be required to include in the extracted Form 72 production order the details of the courtroom in which the prisoner is to be produced or of the remote communication technology in the case of hearings conducted by video conferencing or telephone conferencing (the "Assigned Courtroom"). The following paragraphs shall apply to the applications for and the extraction of Form 72 production orders.

A. Fresh production orders

4. To ensure that there is sufficient time for the hearing and processing of the application by the court and the relevant prison institution, an application for a fresh production order (being an order not consequent upon an earlier production order made under O 38 r 21 of the Rules of Court) is to be filed at least 3 weeks before the hearing at which the attendance of the prisoner is required.
5. The following applies to the application for and the extraction of the fresh production order.
 - (i) As O 38 r 21(1) of the Rules of Court prescribes, the applicant files the summons to produce the prisoner *ex parte*;
 - (ii) At the hearing of the summons, the court, if it grants the summons, will direct the applicant to extract the order in Form 72 with the Assigned Courtroom indicated (as set out in bold and underline below), and thereafter to serve the extracted order on the officer-in-charge of the relevant prison institution:

To the Officer-in-charge of the [institution]

You are hereby required upon tender made to you of a reasonable sum for the conveyance and maintenance of a proper officer and of [Prisoner] now a prisoner in the [institution] in going to, remaining at and returning from the Supreme Court/State Courts **(Courtroom)**, to bring the said [Prisoner] on the ____ day of ____ 20__ at ____ a.m./p.m. to give testimony on behalf of [Applicant/Prisoner] and after the said [Prisoner] shall have given his testimony before the Court or the Court shall have dispensed with his further attendance you are required to cause him to be conveyed under safe and sure conduct back to the said [institution].

[Seal of the Court] [Signature of the Registrar]

For clarification on the above, you may send an email to contact@statecourts.gov.sg

- (iii) Within 3 working days after the hearing of the summons, the State Courts will inform the applicant of the Assigned Courtroom by way of a Registrar's Notice.
- (iv) At least 5 working days before the hearing at which the attendance of the prisoner is required, the applicant must extract the order as prescribed at paragraph 5(ii) above and serve the extracted order on the officer-in-charge of the relevant prison institution.

B. Further production orders

- 6. At the hearing at which the prisoner is produced, the court may order the attendance of the prisoner at a subsequent hearing (the "further production order").
- 7. The following applies to the extraction of the further production order:
 - (i) The court will, when making the further production order, direct the applicant to extract the order in Form 72 together with the date, time, and Assigned Courtroom for the subsequent hearing (in the form set out in paragraph 5(ii) above), and thereafter to serve the extracted order on the officer-in-charge of the relevant prison institution.
 - (ii) Within 3 working days after the hearing at which the further production order is made, the State Courts will inform the applicant of the date, time, and Assigned Courtroom for the subsequent hearing by way of a Registrar's Notice.
 - (iii) At least 5 working days before the subsequent hearing, the applicant must extract the order and serve the extracted order on the officer-in-charge of the relevant prison institution.

Dated this 31st day of August 2020.



CHRISTOPHER TAN
REGISTRAR
STATE COURTS