

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

REGISTRAR'S CIRCULAR NO. 9 OF 2023

**ASYNCHRONOUS HEARING OF PRE-TRIAL CASE CONFERENCES AND CRIMINAL CASE DISCLOSURE CONFERENCES**

1. Pursuant to the introduction of section 238A of the Criminal Procedure Code 2010 and as part of our continuing efforts to streamline proceedings and reduce the attendance of parties, the Office of the Registrar will be implementing the asynchronous hearing of pre-trial case conferences ("PTCs") and criminal case disclosure conferences ("CCDCs") under Part 9 of the Criminal Procedure Code 2010, with effect from **22 May 2023**.
2. This will involve the asynchronous receipt of parties' applications and requests for directions, approval of applications, issuance of directions and fixing of matters on the Integrated Case Management System ("ICMS"), without requiring the attendance of parties.
3. The first PTC fixed for a case (or the first hearing of the first CCDC fixed for a case if no PTC is fixed prior to that) shall be a physical hearing or remote hearing via video conferencing (hereafter collectively referred to as a "non-asynchronous hearing").
4. Subsequent PTCs and CCDCs shall be heard asynchronously (hereafter referred to as an "asynchronous hearing"), unless one or more of the following apply:
  - (a) where the accused person is unrepresented;
  - (b) where there are co-accused persons involved;
  - (c) where trial dates are being taken; or
  - (d) where the Court directs otherwise.

In respect of subparagraph (d), until further notice is given, asynchronous PTCs/CCDCs will not be fixed for cases heard by the Community Court and the Protection from Harassment Court. Likewise, cases involving charges prosecuted by regulatory agencies will also not be fixed for asynchronous PTCs/CCDCs, until further notice.

5. The following table outlines the steps which will need to be taken by parties:

S/No.	Categories of cases	Steps to be taken by the parties
1)	Where the case's first PTC (or the first hearing of its first CCDC, if no PTC is fixed prior to that) has been fixed for hearing <u>on or after 22 May 2023</u>	The new asynchronous hearing protocol annexed hereto as " <b>Annex A</b> " applies.
2)	All other ongoing cases at the PTC or CCDC stage	Parties will continue to appear before the Court physically or remotely via video conferencing on the date fixed for the PTC or CCDC.

		Upon the Court fixing the subsequent PTC or CCDC for an asynchronous hearing, paragraph 5 onwards of <b>Annex A</b> shall apply.
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6. For the avoidance of doubt, the Court shall always retain full discretion to issue directions for parties to attend a non-asynchronous hearing where it deems fit.

Dated this 19<sup>th</sup> day of May 2023.



CHRISTOPHER TAN  
REGISTRAR  
STATE COURTS

## ANNEX A

### Protocol for Asynchronous Conduct of PTCs and CCDCs via ICMS

1. This protocol will apply to PTCs and CCDCs under Part 9 of the Criminal Procedure Code 2010 in the manner set out at paragraph 5 of Registrar's Circular No. 9 of 2023 ("RC").

#### **The first PTC or first hearing of the first CCDC**

2. The first PTC fixed for a case (or the first hearing of the first CCDC fixed for a case if no PTC is fixed prior to that) shall be a physical hearing or remote hearing via video conferencing (hereafter collectively referred to as a "non-asynchronous hearing"). This is to allow the Court to gain an understanding from the parties of the background and status of the case and ascertain parties' respective positions.
3. At this first PTC (or first hearing of the first CCDC fixed for a case, if no PTC is fixed prior to that), the Court will issue its directions and fix the case for an asynchronous hearing of the next PTC or CCDC (as applicable) unless one or more of the following apply:
  - (a) where the accused person is unrepresented;
  - (b) where there are co-accused persons involved;
  - (c) where trial dates are being taken; or
  - (d) where the Court directs otherwise.
4. All asynchronous hearings will be fixed for hearing in **PTC Chambers 4-5 (Asynchronous PTCs)**.

#### **Steps to take before the scheduled asynchronous hearing**

5. Where a matter has been fixed for an asynchronous hearing, all requests for adjournments and other related directions must be made through the **PTC/CCDC checklist** submitted on ICMS. The exception to this is where parties have agreed that the scheduled asynchronous hearing be refixed as a *non-asynchronous hearing*, in which case parties should submit a '**Request to reschedule court event**' (in accordance with the procedure at paragraph 17 below).
6. For the avoidance of doubt, where parties are making specific applications, eg,
  - (a) request for bail review,
  - (b) request for a mention date to apply for a discharge amounting to an acquittal or a discharge not amounting to an acquittal.
  - (c) request for a mention date to tender charges,
  - (d) request to leave jurisdiction,these shall continue to be filed as **applications on ICMS** and not by way of the PTC/CCDC checklists.

#### *Filing of the PTC / CCDC checklist*

7. Prior to the scheduled asynchronous hearing, parties are encouraged to consult each other on

their proposed timelines and/or directions and attempt to agree on the same.

8. Where parties agree on the proposed directions and timelines, either the Prosecution or the Defence is to complete and submit its PTC/CCDC checklist on ICMS and check the box indicating that parties have consented to the timelines and/or directions sought (hereafter referred to as the "Agreed Checklist"). The Agreed Checklist will be deemed as having been filed on behalf of both parties, *i.e.*, the other party will not need to complete and submit a separate PTC/CCDC checklist on ICMS.
9. Where parties are unable to reach an agreement on the proposed directions and/or timelines, parties must separately complete and submit their *respective* PTC/CCDC checklists on ICMS.
10. Parties wishing to submit additional supporting documents for the Court's consideration at the asynchronous hearings must:
  - (a) upload these in the 'Documents' tab of the ICMS e-Case file; and
  - (b) make *clear* reference to these additional supporting documents in the Agreed Checklist or PTC/CCDC checklists.
11. Parties must, **at least three working days before the scheduled asynchronous hearing**:
  - (a) complete and submit their Agreed Checklist or (if they are unable to agree on the timelines and/or directions) their respective PTC/CCDC checklists on ICMS; and
  - (b) upload their additional supporting documents into the ICMS e-Case file.

*Further filings after the Agreed Checklist or the respective PTC / CCDC checklists have been filed*

12. All checklists will be **locked at 6:00 pm, the working day before the scheduled asynchronous hearing ("the Lock Deadline")**. No further changes to the checklists can be made thereafter.
13. Where an Agreed Checklist was not filed, parties may view each other's checklist and respond to the other party by updating and re-submitting their respective PTC/CCDC checklists and uploading additional supporting documents **by the Lock Deadline**. Where, after submitting their respective PTC/CCDC checklists, parties reach an agreement on the proposed directions and/or timelines, they may submit an Agreed Checklist stating the date on which agreement was reached and that it supersedes all earlier checklists filed, **by the Lock Deadline**.
14. Where an Agreed Checklist was filed but any party withdraws its consent to the timelines and/or directions reflected therein, that party must inform the other party *expeditiously*. Thereafter:
  - (a) *(where the party withdrawing consent has managed to contact the other party)* Parties must do either of the following **by the Lock Deadline**:
    - i) update and re-submit the Agreed Checklist; or
    - ii) (if they are unable to agree on revised timelines and directions) uncheck the box indicating that parties have consented to the timelines and/or directions sought and submit their respective PTC/CCDC checklists with any additional supporting documents.
  - (b) *(where the party withdrawing consent is unable to contact the other party)* The party withdrawing its consent must submit its updated PTC/CCDC checklist with any

additional supporting documents on ICMS **by the Lock Deadline** (the updated PTC/CCDC checklist must furnish reasons for the withdrawal of consent and why the other party could not be informed in good time).

15. An illustration of the relevant timelines is set out at **Annex A1**.

*Quality of updates provided by parties in the checklists*

16. Parties should endeavour to provide *substantive* update(s) that assist the Court to issue directions for the efficient, proper and fair conduct of the matter. Relevant information to provide would include (but is not limited to):
- (a) When parties had carried out a certain step and the amount of time needed to carry out follow up actions, *eg*, when representations were sent/received and how much time is needed to reply to representations.
  - (b) Where an Institute of Mental Health (“IMH”) or other psychiatric/medical report has been sought, information about –
    - i) the purpose of the report;
    - ii) whether payment has been made for the report and/or whether there is an application for waiver of fees;
    - iii) the dates of appointments and/or interviews;
    - iv) date of last contact with IMH/psychiatrist/hospital/clinic and any update on the status of the report as provided by the same.
  - (c) Where a hearing date for the accused to plead guilty is being sought, parties’ common available dates, bearing in mind the usual timelines for the filing of relevant documents leading up to the plead guilty mention. Parties should provide an explanation if they are departing from the usual timelines, *eg*, relevant documents have already been filed.
  - (d) Information that the case requires expediting, *eg*, where the accused is in remand and his remand period may outstrip the eventual sentence.

*Requests to refix asynchronous hearings as non-asynchronous hearings*

17. Where parties have agreed for the scheduled asynchronous hearing to be refixed as a *non-asynchronous hearing*:
- (a) Parties should submit a **Request to reschedule court event**’ application on ICMS before the scheduled asynchronous hearing.
  - (b) The application should clearly state the reason(s) for the request and parties’ availability for a non-asynchronous hearing.
18. If the application is allowed, the Court may (depending on parties’ availability):
- (a) “convert” the scheduled asynchronous hearing into a non-asynchronous one, fixed on the same date; or
  - (b) reschedule the PTC/CCDC for a non-asynchronous hearing that is fixed on another date.

The Court may also issue any other directions as it deems fit.

19. Where parties are unable to agree to refix an asynchronous hearing as a non-asynchronous hearing, they should proceed to file their respective PTC/CCDC checklists as per the procedure in paragraph 9 above. However:
  - (a) The party requesting for a non-asynchronous hearing ought to include its request in its PTC/CCDC checklist, clearly stating the reason(s) for the request and its available dates for a non-asynchronous hearing should the request be granted.
  - (b) The other party should state its objections in its checklist, explaining why the request for a non-asynchronous hearing ought not to be granted, as well as setting out its available dates for a non-asynchronous hearing should the objections be overruled and the request is granted.

If the Court grants the request, it will fix the next PTC/CCDC as a non-asynchronous hearing, as well as issue any other directions as it deems fit.

### **Conduct of the scheduled asynchronous hearing**

20. On the date of the scheduled asynchronous hearing, the Court will review and consider the checklists and additional supporting documents (if any) that have been submitted by parties on ICMS.
21. The Court will issue its directions and fix the case for a further asynchronous hearing, or other court event (as the case may be), on ICMS.
22. At the conclusion of the asynchronous hearing, parties can view the Court's directions and the date of the next asynchronous hearing (or other court event, as the case may be) in the 'Court Event' tab of the ICMS e-Case File.

### **Failure to comply**

23. If any party or both parties fail to comply with this protocol, *eg*, by failing to submit their PTC/CCDC checklists, or directions given by the Court, the Court may proceed to issue any directions it deems fit for the efficient, proper, and fair conduct of the matter.
24. For the avoidance of doubt, where parties fail to comply with the timelines and requirements mandated in Division 2 of the Criminal Procedure Code 2010, the consequences provided for at section 169 of the Criminal Procedure Code 2010 shall, where appropriate, be applicable.
25. Parties are also reminded of the potential costs orders that could be made under Part 18 of the Criminal Procedure Code 2010.

**ANNEX A1**

<b>Date of the asynchronous hearing</b>	<b>1<sup>st</sup> submission of PTC/CCDC checklist  (3 working days before the asynchronous hearing)</b>	<b>Lock Deadline  (6:00pm, the working day before the asynchronous hearing)</b>
<b>21 July 2023, Friday</b>	<b>18 July 2023, Tuesday</b>	<b>20 July 2023, Thursday, 6:00pm</b>
<b>31 July 2023, Monday</b>	<b>26 July 2023, Wednesday</b>	<b>28 July 2023, Friday, 6:00pm</b>  (Saturday and Sunday are non-working days)
<b>10 August 2023, Thursday</b>	<b>4 August 2023, Friday</b>	<b>8 August 2023, Tuesday, 6:00pm</b>  (9 August is a Public Holiday)