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CHAPTER 3

MENTIONS COURTS

(A) Introduction

A Criminal Mentions Court is the first Court where an accused person in a criminal case will have to personally attend to be formally charged and to give his plea (whether guilty or not guilty). Criminal Mentions Courts include both the day mentions Courts and the night mentions Courts (Night Courts).

Court attendance is compulsory. If you fail to attend Court, a Warrant of Arrest may be issued against you. If you fail to attend Court while you are on bail, your bailor will have to explain to the Court why the bail amount should not be forfeited.

(B) Proceedings at the Criminal Mentions Courts

(1) Being called for Mentions

This is the first stage of the process. You will be brought to a Mentions Court when the Prosecution is ready to charge you officially. The Mentions Court that you are required to attend is stated on the Notice, Summons or Bail Bond issued to you. It will also state the date and time you are required to appear in Court.

If you are charged in your personal capacity, please bring along your identification document which bears your photo and your personal particulars (e.g. NRIC or driver's licence). If you are appearing on behalf of an accused company (or any other corporate entity), please bring along your identification document as well as a valid letter of authorisation⁵ from the accused company or corporate entity.

⁵ The letter of authorisation (LA) should comply with the requirements set out in s117(6) of the Criminal Procedure Code (Cap 68). The LA should be printed on the official letterhead and signed off by the director/partner, manager, company secretary or other officer of the company. For unincorporated associations, the LA should be signed off by the president, secretary or any member of the committee.

It is of utmost importance that you bring along your photo identification document to verify your identity.

(2) Before the Mentions

When you arrive at the State Courts, you may approach the Information Counter for assistance if you need help to locate the Mentions Court.

(3) During the Mentions

At the Mentions Court, you will see many other cases being heard. Listen out for your name and stand up when you are called. Show the Court officer your identification document. You may then be asked to stand in the dock. Before the charge(s) is/are read, an interpreter will ask you for the language of your choice. The charge and the prescribed punishment will then be read and explained to you in the language you chose. Make sure that you understand what the charge against you is about, and the range of punishment that can be imposed on you. If you do not understand, do not be afraid to ask for clarification.

(4) After the Charges have been read

Once the charge(s) have been read to you, the Judge may make any of the following orders:-

(a) Direct that plea be taken (take plea) – This means that the Court will ask you to indicate whether you wish to plead guilty, or to claim trial. For more information on pleading guilty versus claiming trial, please refer to Chapter 2(D) on “Pleading Guilty versus Claiming Trial”.

(b) Order of Remand – Remand is the stage where an accused is held in custody. There are 2 scenarios where you may be remanded:

(i) In the first scenario, the Prosecution may apply for you to be remanded for the purpose of investigations. The Court will consider whether to grant the application based on the merits and in accordance with established legal principles. If the Court is satisfied that such an order is appropriate, an order of remand will be made.

(ii) In the second scenario, cases where no bail is offered or bail is offered but not furnished, you will be remanded in the prison until bail is furnished or the case is concluded, whichever is earlier.

(c) Adjourn the case to a later date - This usually happens when either you or the Prosecutor asks for an adjournment. The application will be considered on its merits and in accordance with the law. For more information on adjournments, please refer to Chapter 2(E) on "Adjournments".

(5) What happens if I decide to Plead Guilty (PG)?

For certain types of cases, if you decide to plead guilty, the Mentions Court may be able to hear the case and decide on whether you are guilty of the offence, and pass sentence on you. Otherwise, the Mentions Court will usually transfer your case to be heard by a Sentencing Court (usually referred to as the PG Courts). Your next hearing will be referred to as the PG Mention. The Mentions Court will inform you of the next date, time and venue of your PG Mention. For information on Sentencing, please turn to Chapter 6 - Sentencing.

(6) What happens if I decide to Claim Trial?

In the event you decide to claim trial, your case will be fixed for a Pre-Trial Conference (PTC). The case will be transferred from the Mentions Court to the PTC Centre. The Mentions Court will inform you of the next date, time and venue of your PTC. For more information on the PTC, please refer to Chapter 4 – Pre-Trial Conference.

(7) If the matter is adjourned

If the case is adjourned to another date, the Judge will decide if you can be released on bail until the next hearing. Bail is usually granted unless there are reasonable grounds to believe that you will fail to appear at the next hearing or commit other offences whilst on bail. Your existing bail may be extended or you may be offered Court bail. You should bring along a family member or friend who is a Singaporean at your first appearance at the Mentions Court, in case you need someone to bail you. For more information on bail, please refer to Chapter 2(F) - Bail/Personal Bond.

(C) Night Courts - Regulatory and Minor Traffic Offences

(1) Why are the mentions held in the evening?

Mentions for regulatory and minor traffic offences are usually dealt with via the Night Courts. The Night Courts were established in 1992 and function during the evening for the convenience of members of the public, so as to assist those who may have to otherwise take a day off from their work.

Proceedings for regulatory and minor traffic offences are usually commenced by way of a Notice to Attend Court (Notice) or Summons. The Notice or Summons will state which Court you are required to attend at and the date and time you are required to appear in Court for the Mention.

It is important that you keep track of your Court dates. If you fail to attend Court, a Warrant of Arrest may be issued against you. In certain cases, you may also be disqualified from holding or obtaining a driving license until the cases against you have concluded, or for such other period as the Court thinks fit. In addition, your bailor will have to explain to the Court why the bail amount should not be forfeited.

If you fail to attend Court, a Warrant of Arrest may be issued against you. The bail amount may also be forfeited.

(2) Composition of offences for Night Courts' cases

You may compound an offence if composition is offered by the prosecuting agency. Payment should be made before the expiry date of the offer of composition, and in any event before the date of the Night Court, failing which, you would have to attend at the Night Court. If you are convicted by the Court, the fine imposed will generally be higher than the amount offered for composition. It is therefore in your interest to check with the respective prosecuting agencies for more information on the composition of your offence and where composition is offered, to compound early.

For minor traffic and parking offences prosecuted by the Traffic Police, Land Transport Authority, Housing and Development Board and the Urban Redevelopment Authority, you may compound the offence at the Automated Traffic Offence Management System (ATOMS), which is found in all AXS kiosks located island-wide, on the AXS website or through the AXS app. Payment via AXS can be made with NETS and credit card transactions, and is a convenient way of paying the composition fine.

However, there is usually a prescribed period for you to compound the offence. If the period for you to compound your offence has expired, you will have to:

- (a) Plead guilty and pay the Court fine using ATOMS (where this is available for your offence); or
- (b) Attend at the Night Courts to plead guilty.

The offer of composition can also be revoked by the prosecuting agency, e.g. when you fail to attend Court and a Warrant of Arrest is issued. It is therefore in your interest to compound early, while the offer of composition is still available to you.

(3) What if I need some time before I can pay the fine?

You may access the Integrated Case Management System (ICMS) online before the time of your mention, using your SingPass, and make an online request for adjournment, indicating the reason for requesting for an adjournment. If you make an application on ICMS for an adjournment, you should monitor the status of the application on ICMS. If the application is granted, you will receive a notification on ICMS informing you of the adjourned Court date. If your application is rejected, you should attend at the Night Court mentions as required. Otherwise, a Warrant of Arrest may be issued against you.

Adjournments at an early stage of Court proceedings may be granted at the Court's discretion to allow you to make representations to the relevant law enforcement agencies, settle personal affairs or to raise funds to pay the Court fine. Repeated requests for adjournments for the same purpose are unlikely to be granted. For more information on making an online application for adjournment on ICMS, you may wish to refer to Chapter 2(E) – Adjournments.

(4) What happens during the mentions in the Night Courts?

You will first be required to register at the kiosk outside the Night Courts. Thereafter, the procedure of the hearing is similar to a hearing in a normal Mentions Court. You can refer to Section (B) of this chapter for more information. You should bring your Notice to Attend Court, Summons, Bail Bond or such related document when you attend Court.

(5) Will my case always be heard in the Night Courts?

No. The Judge may decide to transfer the case to the Day Courts if:

- (a) You decide to claim trial; or
- (b) The Judge is of the view that it is more appropriate for the matter to be managed through the Day Courts instead.

If your case was heard in Court 4BN, your case will take place in Court 7B. If your case was heard in Court 4AN, your case will be heard in Court 7A. If your case is transferred to the Day Courts, the Court will let you know the date, time and venue of your next Court session.

(D) Pleading Guilty By Letter

(1) Can I plead guilty by letter?

- (a) Yes, if the magistrate has issued a summons to you in relation to an offence punishable by a fine only, or by imprisonment of 12 months or less, or by both; and
- (b) You agree to pay any fine that may be imposed for the offence.

(2) How do I plead guilty by letter?

You may write a letter to the Court to plead guilty to your offence and agree to pay any fine which may be imposed in respect of that offence. That letter must be addressed to the Court where the case is fixed for mention. The letter must also provide your postal address so that the Court can inform you of the sentence imposed.

(3) What will the Court do when such a letter is received?

The Court may record a plea of guilty against you, and convict you according to the law. The Court will sentence you to a fine with or without a sentence of imprisonment in default of payment of the fine.

However, the Court may also direct that you attend Court on a specified date, time and venue. You must attend the hearing if directed to do so.

(4) What happens thereafter?

You will be notified of the Court's decision by letter. Any fine imposed must be paid within 7 days from the date on which the Court's letter was posted. Payment may be made via the ACS (Automated Collection System) kiosk machine. A term of imprisonment will not be imposed by letter and if a Court decides to impose a term of imprisonment, it will require you to attend Court in person. In that event, the Court will send a letter to inform you to attend the next hearing.