

Frequently Asked Questions about Night Courts and Regulatory Offences

(I) ATTENDING COURT

Q: How should I prepare for my case before my court date?

- A:
- a) You may wish to contact the prosecuting agency and check whether your case can be compounded (settled out of Court by making payment to the prosecuting agency). If so, you should compound the case by the deadline given by the prosecuting agency, as the composition fine is usually lower than the court fine.
 - b) If the prosecuting agency informs you that your case is not compoundable, you may ask the prosecuting agency to give you an indication of the usual range of court fines. Use the time before your court date to raise funds for the court fine. (You should note, however, that the court fine will be determined by the Court, and may not necessarily be within the range indicated by the prosecuting agency.)

Q: I have been summoned to Court. I would like to show my son the charge sheet first, before we decide whether to engage a lawyer. However, I have misplaced my court papers.

- A: You can log on to <https://icms.statecourts.gov.sg> using your Singpass to access your Case File and the charge sheet(s) for that particular case.

Q: I am supposed to attend Court next week, but I just lost my IC yesterday. I have no other photo ID. What should I do?

- A: Check carefully if you have other photo ID (e.g. passport or staff pass bearing your particulars and photo).

If you really do not have any photo ID, bring to Court such documents which support your reasons for not having such photo ID. For example:

- (a) Evidence of the loss of your IC (e.g. police report, insurance claim/report where loss of IC was due to housebreaking)
- (b) Evidence of your attempts at obtaining a replacement IC (e.g. correspondence with ICA).

Q: Can I appoint someone else to represent me in Court?

- A: If the accused is a company, limited liability partnership, partnership, or unincorporated association, the authorised representative will need to come to Court with a Letter of Authorisation, which is a statement in writing signed by the director, company secretary, partner, or president (as the case may be) or someone in a similar capacity, confirming that the person who appears in Court is authorised to represent the accused.

For a sole proprietor/an individual, you must attend Court personally. If you have engaged a lawyer, your lawyer can represent you in Court.

Q: What is a “Letter of Authorisation”? Do I have to bring it to every court hearing?

A: If you are appearing on behalf of an organisation such as your company, limited liability partnership, partnership or unincorporated association at the court proceedings, you will need to be appointed as the representative by a statement in writing signed by your director, company secretary, partner, or president (as the case may be) or someone in a similar capacity.

Please bring along the Letter of Authorisation to every court hearing. The Court needs to ascertain at every court hearing that the person appearing before it is duly authorised and appointed by the company, partnership or association that he is representing. Please make sure that your Letter of Authorisation is not out-of-date (i.e. in respect of a court date that is already over).

Q: My boss, the director of our company, is being charged as an accused. I am his office assistant. Can he instruct me to attend Court on his behalf?

A: If your boss is the accused, he has to attend Court personally to face the charge. You cannot attend Court on his behalf, as his proxy. If your boss fails to attend Court, a Warrant to Arrest may be issued against him.

Q: What if I am too sick to come to Court?

A: You need a Medical Certificate (MC) with the words “Unfit to attend Court” and the date(s) for which you are unfit to attend Court (an MC without these words may not be accepted by the Court). The MC should also state the name of the medical practitioner and the name of his/her hospital/clinic, and be signed in full by him/her.

You should arrange for someone to submit the MC to Court on the day of the court hearing. Any other supporting documents (e.g. medical report, doctor’s/hospital memo) may also be submitted.

Q: I lost my mention slip. I cannot remember when my next court date is.

A: It is important that you keep your mention slip and keep track of your court dates. It may be helpful to mark down your court dates in your diary.

You can also log on at <https://icms.statecourts.gov.sg> using your Singpass to access your Case File to check on the next court date for that particular case.

Q: I missed a court date and the Court has issued a Warrant to Arrest against me. What must I do?

A: Arrange for a bailor and surrender yourself at the Warrant Enforcement Unit (WEU) as soon as possible. You may wish to contact the prosecuting agency for further information as to which WEU to surrender at.

Q: My company was summoned to attend Court to answer a charge. Nobody attended on behalf of the company on the court date. Subsequently, my company

received a letter from the Court informing that the company has been convicted and fined. Why is that so?

A: If the company fails to send a representative to attend the court proceedings, the Court may proceed to hear and determine the case in the absence of the company.

Q: How do I adjourn my Night Court case?

A: You can make your application to adjourn:

- (a) Through the kiosks outside the Night Courts; or
- (b) Through the internet at <https://icms.statecourts.gov.sg>.

Separate applications will have to be made in respect of the Night Court cases from the different prosecuting agencies. You should indicate your reason(s) for seeking the adjournment.

However, please note that such applications may not necessarily be approved.

If you require assistance, you can approach the Central Registry (State Courts, Level 2) or email us at contact@statecourts.gov.sg at least one (1) week before hearing date.

Q: I was trying to adjourn my Night Court case through the internet but could not do so.

A: You will not be able to adjourn your Night Court case through the internet if, for example, your case has already been adjourned various times.

If composition is offered by the prosecuting agency, you are encouraged to make payment early. The composition may lapse or be withdrawn as time goes by.

(II) COMPOUNDING THE CASE

Q: If I want to make representations (appeal) to the prosecuting agency to compound the case etc., what steps should I take?

A: In your representations, you should set out your reasons/circumstances with supporting documents (if any) attached.

You can send your representations through the following methods, where applicable:

- (a) by hand;
- (b) by registered post;
- (c) by email; or
- (d) through the *One Motoring* website at www.onemotoring.com.sg

You should check with the prosecuting agency on:

- (a) the preferred mode of submitting your representations;
- (b) the address/e-mail address the representations should be sent to (where applicable); and
- (c) whom the representations should be addressed to (where applicable).

Bring a copy of your representations along on the day of the court hearing, together with the acknowledgement (if any) by the prosecuting agency of its receipt of the representations.

Q: What is “composition”?

A: Composition is a term used for out-of-court settlement offered by the prosecuting agency, where an accused makes payment to the prosecuting agency to avoid prosecution in Court. Prosecution in Court potentially leads to a fine amount being imposed by the Court that is higher than the amount of composition offered by the prosecuting agency, or the Court may potentially also impose some other punishment.

Q: My friend faces a similar charge. Why is he offered composition but I am not?

A: Composition is offered by the prosecuting agencies, at their discretion and/or according to their policies. You may wish to contact the prosecuting agency for further information.

Q: I want to compound my Night Court case, but the AXS system cannot accept my payment.

A: There could be various reasons, such as:

- (a) Composition not being offered for the case.
- (b) Composition offer for the case has lapsed or has been withdrawn.
- (c) Composition cannot be made via the AXS system, but only at the prosecuting agency’s office.

Separately, for some traffic and driving-related offences (Traffic Police, Land Transport Authority, Housing and Development Board and Urban Redevelopment Authority cases), you may instead plead guilty via an AXS Kiosk through the Automated Traffic Offence Management System (ATOMS). In such a situation, a court fine, which is lower than the fine imposed by the Court if you had attended and been convicted at the court proceeding, would be imposed.

Q: I am offered composition but the amount is too large. Can I pay the composition in instalments?

A: As composition is offered by the prosecuting agencies, you may wish to approach them to discuss if they are agreeable to allow you to pay the composition in instalments.

Q: My case is postponed for me to compound. Must I still come to Court after compounding the case?

A: After you have compounded the case, check with the prosecuting agency whether you still need to attend Court.

- a) If the prosecuting agency has allowed you to pay the composition fine by instalments and you have payment(s) and charge(s) outstanding, you still need to attend Court.
- b) If there is a Warrant of Arrest against you, you must still return to Court to show cause (explain why you were absent on the original scheduled date). If the Court finds that cause is not shown (i.e. you did not have a good reason to be absent from the Court proceeding on the date that you were supposed to appear), a

penalty can be imposed for your Court absence even after you have compounded the case.

(III) PLEADING GUILTY

Q: I admit that I did commit the offence. Can I have more time to raise funds for the court fine?

A: The question of whether to give you time to raise funds is at the discretion of the Court. If several adjournments have been granted before, it is unlikely that the Court will grant you further adjournments, in which case, the Court is likely to deal with your matter by taking your plea (if you intend to plead guilty) or by fixing the matter for a Pre-Trial Conference (PTC) in another Court that sits in the day.

Q: After I plead guilty, may I apply for instalments to pay the court fine?

A: After you plead guilty, any court fine is usually payable immediately (that very same day). The Court does not grant instalments automatically and usually requires partial payment of the fine straightaway. If you are unable to pay the court fine within the time frame given by the Court, you will be liable to a prison term in default of paying the court fine.

Q: How many days would the in-default sentence be if I plead guilty (or am convicted after a trial) and I am given a fine? Can I backdate my in-default sentence?

A: The number of days depends on the discretion of the Judge and is largely dependent on the quantum of the fine and the nature of the offence. The in-default sentence cannot be backdated, or be ordered to run 'concurrently'.

Q: I was sitting in the Night Court and heard various accused persons from the same prosecuting agency sentenced to differing amounts of fines.

A: The amount of the court fine varies from case to case depending on various factors, including:

- (a) the nature of the offence;
- (b) whether the accused has been convicted of similar offences previously; and
- (c) whether the accused has pleaded guilty early.

Q: How do I pay the fine imposed by the Court?

A: You will be given a payment advice chit with the amount of the fine printed on it. You can make payment at the various Automated Collection System (ACS) Kiosks located in the State Courts, such as that at the Finance Section. For certain prosecuting agencies, you should pay the fine directly to the cashier in the courtroom.

Q: What is a Corrective Work Order (CWO)?

A: A CWO is an order for corrective work to be performed by an accused. Corrective work involves the performance of unpaid work in relation to the cleaning of any premises under the supervision of a supervision officer.

Q: I do not wish to perform corrective work; I would rather pay a higher fine. / I do not wish to pay so much fine, I would rather perform more hours of corrective work.

A: A Corrective Work Order is an order made by the Judge. Upon convicting you of a littering offence, the Judge can sentence you to a Corrective Work Order (unless there are good reasons not to).

Whether the Judge sentences you to a fine only, or corrective work only, or both, is a matter of the Judge's discretion. Some factors may include:

- (a) The facts in your case.
- (b) Whether you had previously compounded/been convicted of a similar case.

Once a Corrective Work Order is imposed, you are expected to perform the corrective work. Please note that failure to perform the corrective work is an offence.

Q: What happens if I am disputing the charge?

A: The Court will fix your case for a Pre-Trial Conference (PTC) which is held in another Court in the day. The Judge will meet you (or your lawyer, if any) and the prosecution to discuss your case (e.g. the prosecution's case, your defence, number of witnesses for either party, the number of days this case will take for trial). A trial date will be fixed for the prosecution to put forward its case against you, and for you to defend yourself in Court.

(IV) OTHERS

Q: I am presently on bail. I would like to make a short trip overseas, before my next court date, to attend my relative's wedding. How can I apply for permission from Court to leave Singapore?

A: You can make your application through <https://icms.statecourts.gov.sg> by logging in with your Singpass.

If your next court date is fixed in the Night Court, after your application is submitted, you will have to attend at the Central Registry (State Courts, Level 2) with your bailor(s) within 3 working days, e.g. when the application is filed on Friday afternoon, you should attend by the following Wednesday.

When you arrive at the Crime Registry with your bailor, you will go before a Judge for your application to be heard and the decision to be made.

If your next court date is fixed in a Day Court, after your application is submitted, you will be informed of the court date for you to attend with your bailor, for the Judge to hear your application and make a decision.

Please note that the following documents are required to be presented when the application is heard:

- (a) Bail bond;
- (b) Your original NRIC;

- (c) Your surety's / sureties' original NRIC; and
- (d) Any supporting documents, e.g. travel itinerary, e-ticket etc.

If you require assistance, you can approach the Central Registry (State Courts, Level 2).

Q: I would like to go online to make various applications to Court in respect of my regulatory offences. What do I need to log in?

A: You need to log on to <https://icms.statecourts.gov.sg>, Your SingPass is required.

The website is best viewed in Mozilla Firefox, Google Chrome, Safari and Internet Explorer 9 and above with resolution of 1024x768.

Q: How do I adjourn my company's Night Court case?

A: You can make your application for adjournment by emailing us at contact@statecourts.gov.sg. The application should be made at least three (3) working days before the hearing date.

You are required to indicate your reason(s) for seeking the adjournment. For company cases, limited liability partnership, partnership or unincorporated association, the authorised representative will need to produce a Letter of Authorisation in the email (in the form of an attachment), which is a statement in writing signed by the director, company secretary, partner or president (as the case may be) or someone in a similar capacity, confirming that the person who writes to the Court is authorised to represent the company.

If the company representative is currently overseas due to travel restrictions and unable to return to Singapore, you may alternatively send another representative with a letter of authorisation undersigned by the director.

Note: For company cases, you are not allowed to make online applications for adjournment. Online applications at <https://icms.statecourts.gov.sg> via Singpass are only for accused persons.

Q: How do I adjourn my case while waiting for swab test results? Should I attend court if I am staying with someone issued with SHN?

A: For accused in person, you can make your application for adjournment online at <https://icms.statecourts.gov.sg> via Singpass.

Please note that separate applications will have to be made in respect of Night Court cases from different prosecuting agencies. You are required to indicate your reason(s) for seeking the adjournment.

However, please note that such applications are subject to approval.

If you require assistance, you may email us at contact@statecourts.gov.sg at least three (3) working days before the hearing date.