

A BILL

i n t i t u l e d

An Act to amend the Criminal Procedure Code.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Criminal Procedure Code (Amendment) Act 2022.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 307

2. The Criminal Procedure Code [*Act 593*] is amended in section 307—

(a) in subsection (2), by substituting for the words “an address” the words “a postal address or an electronic address”;

(b) by substituting for subsection (3) the following subsection:

“(3) When a notice of appeal has been lodged, the Court appealed from shall make a signed copy of the grounds of decision in the case and cause the said copy to be served upon the appellant or his advocate—

(a) by leaving it at the postal address of the appellant or his advocate;

(b) by posting it by registered post addressed at the postal address of the appellant or his advocate; or

(c) by sending it to the electronic address of the appellant or his advocate,

mentioned in the notice of appeal.”.

(c) by inserting after subsection (3) the following subsection:

“(3A) The signed copy of the grounds of decision which is sent by electronic means referred to in paragraph (3)(c) shall be deemed to have been served and delivered upon sending the said copy to the appellant’s or his advocate’s electronic address.”; and

(d) in paragraph (5)(b)—

(i) by substituting for the word “left” the word “served”; and

(ii) by substituting for the words “address for service” the words “postal address or electronic address”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Criminal Procedure Code (“Act 593”).

2. *Clause 1* contains the short title of the proposed Act and seeks to empower the Minister to appoint the date for the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 307 of Act 593 to expand the mode of service of a signed copy of the grounds of decision by sending the said copy to the electronic address of the appellant or his advocate in addition to the existing practice by leaving the said copy at or by posting the said copy by registered post to, the postal address of the appellant or his advocate.

This *clause* also seeks to introduce a new subsection 307(3A) into Act 593 to provide for a signed copy of the grounds of decision sent to the electronic address of the appellant or his advocate by any electronic means is deemed to be served and delivered when the said copy is sent to the appellant's or his advocate's electronic address by any electronic means, for example via e-mail.

This *clause* also seeks to amend paragraph 307(5)(b) of Act 593 consequential to the proposed amendment to subsection 307(2) of Act 593.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

[PN(U2)3295]