

SENTENCING PRACTICE IN THE SUBORDINATE COURTS [Butterworths Asia 2000 and the Subordinate Courts Singapore, lxvi + 786 pp (including index). Hardcover: S\$275]

THIS volume is the first in the series entitled *Practitioners' Library*, a joint project between the Subordinate Courts, Singapore, and Butterworths' Asia. It is the fruit of the labour of ten District Judges who preside in the Criminal Courts. The authors' combined wealth of practical experience strongly qualifies them to shed light on the matter of sentencing which has been described by the Honourable the Chief Justice Yong Pung How at the opening of the Legal Year 1992 as the "important and difficult part of the administration of penal policy".

The book is divided into two parts. The first part, from chapters 1 to 12, describes the jurisdiction of the courts, the various sentencing options, the sentencing principles which control the exercise of discretion in sentencing, and the current sentencing philosophy applied by the Courts.

Considering that the need for protection of the public has been constantly emphasised in Singapore, it will come as no surprise that the authors have described the sentencing principle relied on most often by the courts is the deterrence principle (chapter 4). Various other considerations which impinge on the appropriate sentence to be meted out are also given, particularly in chapters 5 and 7.

The second part of the book, from chapters 13 to 30, covers some specific offences commonly dealt with in the Subordinate Courts. It is in this second part that the

highly valuable summaries of selected unreported cases between 1990 to 1999 are used to illustrate the sentencing considerations in each of the selected offences. Such unreported Subordinate Court cases were hitherto not accessible to lawyers or laypersons. The only other publications are the *Results of Appeals on Sentences from the Subordinate Courts for 1994* issued by the Subordinate Courts in 1995 and the limited monthly digest of sentences in CLAS News.

This part of the work gives an extremely useful general guide as to the sentence which can be expected for particular offences. The authors have very helpfully organised the material in the second part into broad headings such as “Threats and Non-Fatal Offences Against the Person”, “Sexual Offences” and “Intellectual Property Offences” *etc*, instead of by the names of the Acts and section numbers as in the other two publications mentioned above. Under each sub-heading, the statutory provisions are reproduced and the sentencing norm is given. In addition, a “checklist” of factors which can either aggravate or mitigate an individual offence are given.

To select these unreported cases must have been a formidable task for, as disclosed in the Preface by the Senior District Judge Richard Magnus, the Subordinate Courts dealt with 45,159 criminal cases in 1999 alone where adult offenders were charged, excluding minor regulatory offences disposed of by the night courts.

Overall, this work is an essential guide to both lawyers and laypersons on the range of sentences passed in similar cases and the principles guiding the sentencers’ discretion. Knowing that there is such a valuable resource to turn to also serves to increase public confidence in the judicial system and the exercise of this discretion.

One area which this book may be lacking in is the critical reflection over the sentences given out by the courts. For example, to what extent are heavy penalties really needed to maintain order and discipline in our society? However, one must readily admit that this may not be the aim of the authors, which is to report the sentencing practice of the Subordinate Courts as it is today.

It is finally hoped that this very useful work can be updated frequently to take into account the many developments in legislation or case law. Although subscribers to LАWNET now have available to them unreported judgments of the Subordinate Courts from 2001, this is by no means as easy to refer to or as comprehensive as a work on sentencing practice by the judges of the Subordinate Courts.