

# SENTENCING ADVISORY PANEL: GUIDELINES ON REDUCTION IN SENTENCES FOR GUILTY PLEAS

*"Generally, the earlier the accused person decides to plead guilty, the greater the reduction in sentence that may be applied."*



## INTRODUCTION

Sentencing refers to the process in which the court determines the appropriate penalty for an offender who has been convicted of an offence. It is often viewed as the "end point" of the criminal process where the offender receives his just deserts. However, sentencing involves far more than just the handing down of punishment.

Sentencing is a multifaceted exercise that demands careful judgment. The court must balance the need to hold the offender accountable with broader aims of proportionality, fairness, and the needs of society. In Singapore, sentencing is guided by four well-established principles of deterrence, rehabilitation, retribution and prevention<sup>1</sup>. Each case requires the court to weigh these principles against the specific facts and circumstances of the offence and the offender in order to arrive at a sentence that is just and appropriate.

In recent years, there has been a growing emphasis on promoting consistency and transparency in sentencing outcomes. A key development was the establishment of the Sentencing Advisory Panel ("SAP") in June 2022<sup>2</sup>. Chaired by a Supreme Court Judge, the SAP brings together representatives from the Judiciary, the Ministry of Law, the Ministry of Home Affairs, the Singapore Police Force, the Attorney-General's Chambers, and the Bar<sup>3</sup>.

<sup>1</sup> <https://www.mha.gov.sg/what-we-do/maintaining-law-and-order/sentencing-in-singapore>

<sup>2</sup> <https://www.agc.gov.sg/legal-processes/sentencing-in-singapore>

<sup>3</sup> <https://www.sentencingpanel.gov.sg/what-we-do/>

The SAP's role is to formulate guidelines that assist the courts and the public to better understand matters related to sentencing, particularly in areas such as when an accused person pleads guilty.

This article proposes to explain what it means to plead guilty, why it can materially affect sentencing outcomes, and how the SAP guidelines shed light on the extent of sentence reductions that may follow a plea of guilt.

### **Pleading Guilty**

To plead guilty is to admit to committing the offence as stated in the charge<sup>4</sup> and to accept responsibility for it. By doing so, the accused invites the court to proceed directly to sentencing instead of contesting the charge at trial. A guilty plea may be entered at any stage of the proceedings, including at the doorstep of trial.

Pleading guilty often expedites the criminal process allowing for a quicker resolution of the matter. It not only contributes to the conservation of public resources but also spares the victim and other witnesses the time, energy, and emotional toll of preparing for and sitting through a trial. For an accused person, a guilty plea also signals his remorse and willingness to take responsibility.

The courts have long recognised these benefits, acknowledging the accused's cooperation by granting reductions in appropriate cases where the accused pleads guilty. The recently published SAP Guidelines on Reduction in Sentences for Guilty Pleas (the "PG Guidelines")<sup>5</sup> build on this existing practice by providing a clearer framework to promote greater transparency and consistency in how and when such reductions may be applied.

### **The SAP Guidelines on Reduction in Sentences for Guilty Pleas**

The PG Guidelines came into effect on 1 October 2023. The central principle being the earlier a plea of guilt is entered, the larger the potential reduction in sentence.

<sup>4</sup> <https://www.judiciary.gov.sg/criminal/representing-yourself-mentions-court/plead-guilty-claim-trial>

<sup>5</sup> <https://www.sentencingpanel.gov.sg/resources/guidelines/guilty-pleas/>

The PG Guidelines set out four tiers of sentencing reductions, each corresponding to a specific stage in the criminal process:

- Stage 1 covers the 12-week period from first mention up to the hearing at which the prosecution informs the court and the accused that the case is ready for a plea to be taken. A guilty plea at this stage may attract a reduction of **up to a maximum of 30%**.
- Stage 2 refers to pleas entered before the court gives directions for prosecution to file its case. A guilty plea at stage 2 would afford the accused **up to a maximum of 20% reduction** in sentence.
- Stage 3 applies to pleas entered after Stage 2 but before the first day of trial. An accused who pleads guilty at this stage may be eligible for **up to a maximum of 10% reduction** in sentence.
- Stage 4 concerns pleas entered on or after the first day of trial. An accused who pleads guilty at this stage may only receive **up to a maximum of 5% reduction** in sentence.

In applying the PG Guidelines, the court proceeds in three steps. First, it determines the sentence that would have been imposed had the offender been convicted after a trial. Next, it identifies the stage at which the guilty plea was entered and refers to the corresponding tier in the Guidelines. Finally, the court applies the appropriate reduction to the initial sentence, bearing in mind that the reduction should generally not exceed the maximum reduction percentage allocated to that stage.

It is important to note that the PG Guidelines are not binding. They do not override existing sentencing precedents or judicial guidelines, and the court retains full discretion to apply or depart from them where appropriate.

Further, the PG Guidelines are not intended to pressure or encourage accused persons to plead guilty. Every individual retains the right to assert their innocence and claim trial<sup>6</sup>. The PG Guidelines should therefore be understood as a tool to assist the courts in achieving fair and consistent outcomes rather than a rigid or prescriptive framework it must abide by.

<sup>6</sup> <https://www.sentencingpanel.gov.sg/resources/guidelines/guilty-pleas/>

## Conclusion

The PG Guidelines represent an important step in strengthening the sentencing framework in Singapore. Reflecting a broader effort to promote consistency, transparency and public awareness by setting out clear parameters for when and how sentence reductions may be applied.

While the PG Guidelines clarify how a timely guilty plea may affect the eventual sentence, it does not minimise the seriousness of the decision faced by an accused person. A guilty plea carries significant consequences and the choice to plead guilty should always be made with a full appreciation of its implications. The PG Guidelines offer a structured framework to help accused persons and their families better understand the options available to be able to make a more informed and considered choice.

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