IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2026] SGHC 213

Magistrate's Appeal No 9192 of 2025/01

Between

Koh Yih Chian (alias Xu Yiqian)

… *Appellant*

And

Public Prosecutor

… *Respondent*

JUDGMENT

[Criminal Law — Statutory offences — Road Traffic Act]
[Criminal Procedure and Sentencing — Sentencing — Appeals]

Version No 1: 14 Oct 2026 (15:49 hrs)

TABLE OF CONTENTS

INTRODUCTION **1**

BACKGROUND **2**

THE FACTS 2

SUMMARY OF THE ARGUMENTS BELOW 3

THE DECISION BELOW 4

THE GROUNDS OF APPEAL **5**

YOUNG INDEPENDENT COUNSEL'S SUBMISSIONS **6**

THE PARTIES' RESPECTIVE POSITIONS ON THE QUESTION **7**

OUR DECISION **9**

THE REQUIREMENT TO UNDERGO THE PRESCRIBED TEST IS NOT A RELEVANT CONSIDERATION IN DETERMINING THE LENGTH OF A DQ ORDER 9

The Prescribed Test is not meant to punish *9*

(1) Section 43(1)(*b*) of the RTA is clear and unambiguous 9

(2) Section 43(1)(*b*) does not have a punitive purpose 12

(3) The parliamentary material confirms that the Prescribed Test is not punitive 14

Consequential effects of the Prescribed Test are irrelevant *17*

Conclusion on the Question *19*

A DQ PERIOD OF 12 MONTHS OR LONGER DOES NOT CONSTITUTE A SENTENCING BENCHMARK RESERVED FOR MORE SEVERE OFFENCES 19

THE 12 MONTHS' DQ ORDER IMPOSED BY THE DJ IS NOT MANIFESTLY EXCESSIVE 21

Version No 1: 14 Oct 2026 (15:49 hrs)

A plea of guilt may operate in appropriate circumstances to reduce the length of a DQ order *21*

It is not clear what weight the DJ placed on the Appellant's plea of guilt *24*

The 12 months' DQ order is in line with past precedents *25*

CONCLUSION **28**

Version No 1: 14 Oct 2026 (15:49 hrs)

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Koh Yih Chian (alias Xu Yiqian)
v
Public Prosecutor

[2026] SGHC 213

General Division of the High Court — Magistrate's Appeal No 9192 of 2025/01
Sundaresh Menon CJ, Hri Kumar Nair JCA and See Kee Oon JAD
19 August 2026

14 October 2026 Judgment reserved.

Hri Kumar Nair JCA (delivering the judgment of the court):

Introduction

1 The appellant, Mr Koh Yih Chian (Xu Yiqian) ("Appellant") is a taxi driver. He pleaded guilty to one charge under s 64(1) punishable under s 64(2B)(*a*) of the Road Traffic Act 1961 (2020 Rev Ed) ("RTA") for driving in a manner which was dangerous to the public and which caused hurt to another person. A District Judge ("DJ") sentenced the Appellant to a fine of $4,000 in default 16 days' imprisonment and, pursuant to s 42(1) of the RTA, a 12-month disqualification ("DQ") from holding or obtaining a driving licence with effect from 24 November 2025 (*Public Prosecutor v Koh Yih Chian (Xu Yiqian)* [2026] SGDC 11 ("GD") at [2]).

2 In HC/MA 9192/2025/01 ("MA 9192"), the Appellant appeals only the length of the DQ, submitting that a period of 11 months would be appropriate.

Although it may appear that the Appellant is only seeking a small reduction of the DQ period, the difference has practical significance: under s 43(1)(*b*) of the RTA, if a DQ of one year or longer is imposed, the offender's driving licence is rendered "of no effect" and he or she is not permitted to drive a motor vehicle after the DQ period unless he or she passes the prescribed test of competence to drive ("Prescribed Test"). We will refer to this as the "12-month threshold" for the purposes of this judgment. This effectively extends the DQ period to after the offender passes the Prescribed Test and is (re)issued a driving licence, and may impose additional hardship such as expense, loss of income and inconvenience. In contrast, under s 43(1)(*a*) of the RTA, a DQ of less than one year only results in the driving licence being "suspended" for as long as the DQ is in force, *ie*, there is no need to take the Prescribed Test after the DQ period.

3 This appeal therefore engages the following question ("Question"): in determining the appropriate length of a DQ, should the court have regard to the fact that an offender must take the Prescribed Test if it imposes a DQ period of one year or more?

Background

The facts

4 The Statement of Facts to which the Appellant pleaded guilty without qualification is summarised in the GD at [4]–[9]. The facts are evidenced by the footage captured by the dashcam in the Appellant's motor taxi. We outline the facts material to this appeal.

5 On 22 January 2023 at about 11.44pm, the Appellant was driving a motor taxi carrying a passenger, one Ms Wong Yun Sum ("Ms Wong"). The Appellant stopped at the signalised cross junction of Cross Street by Cecil Street

Version No 1: 14 Oct 2026 (15:49 hrs)

("Junction") as the traffic lights were red against him. Subsequently, the traffic light signal at the *next* junction turned green, and the Appellant drove into the Junction. In so doing, the Appellant failed to conform to the red-light signal at the Junction.

6 The Appellant's taxi collided with a motor car driven by one Mr Chow Chee Sun ("Mr Chow"). Mr Chow was travelling from the Appellant's left at the Junction and had the right of way.

7 As a result of the collision, Ms Wong suffered a headache, neck pain and a 3cm laceration on her right ear. She was conveyed to a hospital in an ambulance and was discharged the following day with five days of hospitalisation leave. The Appellant and Mr Chow were not injured.

8 Due to the collision, the front portion of Mr Chow's car was crumpled, and the left rear portion of the Appellant's taxi was dented and scratched.

9 At the time of the incident, the weather was fine, the road surface was slightly wet, traffic flow was light, and visibility was clear.

Summary of the arguments below

10 In the proceedings below, the Prosecution sought a fine of between $3,500 to $4,000 and a DQ period of 12 months. It argued that the case was one of "lesser harm" and "lower culpability".

11 The Appellant, relying on the decision in *Neo Chuan Sheng v Public Prosecutor* [2020] SGHC 97 ("*Neo Chuan Sheng*") at [24], submitted that the 12-month threshold is significant, given the need for an offender to take the Prescribed Test. He contended that it should only be crossed if both the harm

Version No 1: 14 Oct 2026 (15:49 hrs)

suffered and the offender's culpability were high. The Appellant sought a fine of not more than $3,000 and a DQ period of not more than 11 months for the following reasons:

> (a) The level of harm caused was low: the injury to Ms Wong was minor; and the damage to both vehicles was not extensive. The potential harm was also low as traffic was light at the material time, and there were no pedestrians crossing the road.
>
> (b) The level of the Appellant's culpability was low: the Appellant did not deliberately flout the traffic rules but had a "momentary" lapse of concentration. His view of the traffic lights at the Junction was blocked by a long extended rear-view mirror and a phone holder placed in his taxi by his hirer. When the traffic lights at the next junction turned green, he believed the traffic lights at the Junction had turned in his favour. This case was similar to that in *Public Prosecutor* v *Mills Simon Nicholas* [2021] SGDC 187 ("*Mills Simon*"). There, the accused was involved in a collision when he drove into a junction mistakenly thinking that the traffic light had turned green in his favour. The District Court imposed a fine of $3,000 and a DQ order of 11 months.

The decision below

12 The DJ sentenced the Appellant to a fine of $4,000 and imposed a DQ order of 12 months. The DJ agreed with the Prosecution that the harm caused was low. On culpability, the DJ found that there was "no particularly dangerous forms of driving apart from the failure to conform to the red light". Although the Appellant may have mistakenly believed the signal at the next junction was applicable to him, this was an inexcusable mistake. The alleged obstruction of the Appellant's view of the traffic lights did not assist him – it was incumbent

Version No 1: 14 Oct 2026 (15:49 hrs)

on the Appellant to ensure that he had a proper view of the road and the traffic signals. In these circumstances, a fine of $4,000 was appropriate (GD at [21]–[26]).

13 The DJ also imposed a DQ order. In relation to its length, the DJ reasoned as follows:

(a) The DJ followed the decision of the General Division of the High Court in *Kwan Weiguang v Public Prosecutor* [2022] 5 SLR 766 ("*Kwan Weiguang*"), which was decided after, and had considered, *Neo Chuan Sheng*. In *Kwan Weiguang*, the court held at [80] that the 12-month threshold was an irrelevant consideration because the imposition of the Prescribed Test was concerned with driving competence and did not function as additional punishment: GD at [32]–[33].

(b) Further, the applicability of *Neo Chuan Sheng* was limited given that it involved an offence under s 64 of the Road Traffic Act (Cap 276, 2004 Rev Ed) ("RTA 2004 Rev Ed") before amendments were made to the RTA in 2019, which enhanced the punishments for careless and dangerous driving offences: GD at [34].

(c) Considering the overall level of harm and culpability, a DQ of 12 months was appropriate: GD at [36].

The grounds of appeal

14 It is settled law that appellate intervention in a sentence is warranted only if: (a) the trial judge erred regarding the proper factual matrix for sentencing; (b) the trial judge failed to appreciate the material placed before him or her; (c) the sentence was wrong in principle; or (d) the sentence was

Version No 1: 14 Oct 2026 (15:49 hrs)

manifestly excessive or manifestly inadequate: *Public Prosecutor v Kwong Kok Hing* [2008] 2 SLR(R) 684 ("*Kwong Kok Hing*") at [13]–[14].

15 The Appellant's grounds of appeal may be categorised as follows:

(a) First, the DJ erred in law by failing to take into account a relevant consideration, namely the 12-month threshold, and hence the sentence is wrong in principle.

(b) Second, the DQ of 12 months is manifestly excessive and a DQ of 11 months should be imposed instead.

16 On the second ground, we pointed out to counsel for the Appellant, Mr Lou Choong Ngan ("Mr Lou"), that by seeking a reduction of only one month, he was effectively conceding that the 12-month DQ could not be said to be manifestly excessive. A sentence is only manifestly excessive if it "requires substantial alterations rather than minute corrections to remedy the injustice": *Haliffie bin Mamat v Public Prosecutor* [2016] 5 SLR 636 at [72]. Mr Lou readily conceded the point and accepted that the appeal ultimately turns on the first ground of appeal.

Young Independent Counsel's submissions

17 We appointed Mr Jonathan Tan Ming En ("Mr Tan") as Young Independent Counsel to address us on the Question.

18 Mr Tan chiefly submits that the need to undergo the Prescribed Test under s 43(1)(*b*) of the RTA should not be a relevant sentencing factor when deciding on the appropriate length of a DQ order. In support of this position, Mr Tan makes the following points.

Version No 1: 14 Oct 2026 (15:49 hrs)

(a) First, a DQ order is punitive, but the Prescribed Test is not – the latter is intended to verify an individual's competence to drive so that he or she does not endanger other road users after the DQ order lapses. This verification measure does not displace the need for punishment.

(b) Second, while a DQ order and the Prescribed Test both protect the public from unsafe drivers, they do so in distinct ways which do not displace each other. Thus, the triggering of the Prescribed Test is not a ground to manipulate the DQ period such that it is no longer proportionate to the gravity of the offence.

(c) Finally, even if there is some hardship which arises from the need to take the Prescribed Test, this does not detract from the need for a deterrent DQ period. Parliament did not intend for any hardship arising from the Prescribed Test to be set off against the length of the DQ. Furthermore, giving mitigating weight to extrinsic factors is inconsistent with local jurisprudence.

The parties' respective positions on the Question

19 In relation to the Question, the Appellant submits that the 12-month threshold is a relevant consideration in deciding the length of a DQ order for the following reasons:

(a) Sections 42 and 43 of the RTA form part of the same statutory scheme governing DQ orders. The court should therefore not determine the appropriate DQ period under s 42 without regard to the consequences prescribed by s 43 of the RTA. This is because an additional punitive element arises where the DQ imposed is at least one year and which results in a need to undergo the Prescribed Test. Hence, the Prescribed

Version No 1: 14 Oct 2026 (15:49 hrs)

Test constitutes an inherent part of the punishment when a DQ of one year or more is imposed under s 42(1) of the RTA.

(b) A DQ order of at least one year is qualitatively different from a DQ order of 11 months because the former triggers an additional statutory consequence, *ie*, the Prescribed Test. Accordingly, where the appropriate sentence lies near the 12-month threshold, the court should ensure that the offender's culpability and the harm caused justify the additional consequence that Parliament has attached to a DQ of one year or more.

20 The Prosecution argues that the DJ did not err in finding that the consequence of having to undergo the Prescribed Test is irrelevant in determining the length of the DQ period:

(a) Unlike a DQ order, the requirement to undergo the Prescribed Test is not punitive in nature. A purposive interpretation of s 43(1)(*b*) of the RTA makes it clear that the Prescribed Test is concerned with driving competence rather than punishment.

(b) Given the different objectives of a DQ order and the Prescribed Test, the court should *not* consider the possibility of an offender requiring to undergo the Prescribed Test when determining the length of the DQ order. This is consistent with the principle that collateral consequences (including any hardship or inconvenience arising from the Prescribed Test) are irrelevant to the sentencing court.

(c) The requirement to undergo the Prescribed Test where the offender has been subject to a DQ order of at least one year simply represents Parliament's intention for an offender who has been taken off

Version No 1: 14 Oct 2026 (15:49 hrs)

the roads for at least one year to demonstrate that he or she still possesses the required ability and competence to drive before he or she is permitted to resume driving. This is to protect the public *as well as* the offender. In other words, s 43(1)(*b*) of the RTA is merely a temporal trigger and should not be treated as a punitive measure which applies to offences of a certain severity.

Our decision

The requirement to undergo the Prescribed Test is not a relevant consideration in determining the length of a DQ order

21 We answer the Question in the negative.

The Prescribed Test is not meant to punish

(1) Section 43(1)(*b*) of the RTA is clear and unambiguous

22 For ease of reference, we reproduce the relevant statutory provisions:

> **Disqualification for offences**
>
> **42.**—(1) Where a person (called in this section the offender) is convicted of —
>
> (*a*) an offence under this Act or any other written law in connection with the driving of a motor vehicle; or
>
> (*b*) an offence under this Act or any other written law and —
>
> (i) at the time of the commission of the offence, the offender was the driver or was in charge of a motor vehicle on a road or other public place;
>
> (ii) the person against whom the offence was committed was the driver of another vehicle on the road or public place, a passenger in that other vehicle or a pedestrian on the road or public place;

Version No 1: 14 Oct 2026 (15:49 hrs)

> (iii) the court convicting the offender of the offence is satisfied that the commission of the offence arose from or was connected with a dispute between the offender and that other person over the use of the road or public place; and
>
> (iv) having regard to the circumstances under which the offence was committed and the behaviour of the offender, the court is of the opinion that it is undesirable for the offender to continue to be allowed to drive a motor vehicle,
>
> the court may, in addition to imposing on the offender the punishment provided for such offence, make an order disqualifying the offender from holding or obtaining a driving licence for life or for any period that the court thinks fit.
>
> …
>
> **Provisions as to disqualifications and suspensions**
>
> **43.**—(1) Where a person who is disqualified by virtue of a conviction or order under this Act is the holder of a driving licence, the licence —
>
> (a) is suspended as long as the disqualification continues in force if he or she is disqualified from holding of obtaining a driving licence for a period of less than one year; and
>
> (b) is of no effect if he or she is disqualified from holding of obtaining a driving licence for a period of one year or longer and he or she must not drive a motor vehicle after the period of disqualification unless he or she passes the [Prescribed Test].
>
> …

23 The Question requires us to first interpret s 43(1)(*b*). The purposive approach to statutory interpretation was set out by the Court of Appeal in *Tan Cheng Bock v Attorney-General* [2017] 2 SLR 850. Crucially, the Court of Appeal emphasised that "primacy should be accorded to the text of the provision and its statutory context over any extraneous material" (at [43]). Further,

Version No 1: 14 Oct 2026 (15:49 hrs)

consideration of extraneous material including Parliamentary debates was limited to only three situations (at [54(c)(iii)]):

> …
>
> (A) If the ordinary meaning of the provision (taking into account its context in the written law and purpose or object underlying the written law) is clear, extraneous material can only be used to confirm the ordinary meaning but not to alter it.
>
> (B) If the provision is ambiguous or obscure on its face, extraneous material can be used to ascertain the meaning of the provision.
>
> (C) If the ordinary meaning of the provision (taking into account its context in the written law and the purpose or object underlying the written law) leads to a result that is manifestly absurd or unreasonable, extraneous material can be used to ascertain the meaning of the provision.

24 Neither the parties nor Mr Tan contend that s 43(1)(*b*) is ambiguous or that the plain meaning of its text leads to a manifestly absurd result. That is consistent with our view that the language and meaning of s 43(1) is unambiguous and clear:

(a) The provision applies where a holder of a driving licence is disqualified by virtue of a conviction or order under the RTA. The latter situation includes an order made under s 42(1) of the RTA.

(b) The effect of the DQ depends on whether the period is "less than one year" or "one year or longer":

(i) In the former, s 43(1)(*a*) provides that the licence is *suspended* for the DQ period.

(ii) In the latter, s 43(1)(*b*) provides that the licence is of *no effect* and the offender must not drive a motor vehicle after the DQ period unless he or she passes the Prescribed Test. In other

Version No 1: 14 Oct 2026 (15:49 hrs)

> words, the licence is effectively *cancelled*, and the offender must *re-apply* for a licence by sitting for the Prescribed Test.

25 There is therefore no issue as to what s 43(1)(*b*) means or how it applies. The critical question is whether Parliament intended the operation of s 43(1)(*b*) to inform the period of a DQ order made under s 42(1) of the RTA. In this regard, the Appellant's main argument is that s 43(1)(*b*) is an "inherent part" of the punishment of a DQ order of one year or more. This is premised on the Prescribed Test being imposed for a punitive purpose.

(2) Section 43(1)(*b*) does not have a punitive purpose

26 To begin with, the Prescribed Test is set out under s 43 of the RTA, which is concerned with the *consequences* of a DQ order. Indeed, s 43 is aptly titled "Provisions as to disqualifications and suspensions". The parties did not point us to anything in s 43 specifically or the RTA generally which suggests that s 43(1)(*b*) is concerned with additionally *punishing* someone who has been disqualified.

27 This can be contrasted with the provision empowering the court to impose a DQ order, *ie*, s 42(1) of the RTA. Section 42(1) expressly states that the court may – "*in addition* to imposing on the offender the *punishment* provided for such offence" [emphasis added] – make a DQ order. In particular, whereas s 42(1) expressly speaks in terms of "punishment", s 43(1)(*b*) does not. That the effect of being subject to a DQ period of one year or longer is spelled out in a separate provision from the punishment provision, and that the separate provision is, on its face, concerned with consequences of such DQ orders, suggests that s 43(1)(*b*) was not intended to have a punitive purpose.

Version No 1: 14 Oct 2026 (15:49 hrs)

28 Nonetheless, ss 43(1)(*a*) and 43(1)(*b*) of the RTA arguably provide qualitatively different outcomes – the former only *suspends* the driving licence, while the latter *cancels* the licence and requires the offender, if he or she wishes to drive again, to *reapply* for a licence by sitting for (and passing) the Prescribed Test. However, in our judgment, neither of these effects of s 43(1)(*b*) are intended to be punitive.

29 First, the cancellation of a licence (under s 43(1)(*b*)) is no different from the suspension of a licence (under s 43(1)(*a*)), despite the different expressions in s 43(1). Section 43(2) provides that a suspended licence "is, during the time of suspension, of no effect". The words "of no effect" are the same as that applicable to a cancelled licence. There is thus no punitive effect to s 43(1)(*b*) or, minimally, no *additional* punitive effect to s 43(1)(*b*) as compared to s 43(1)(*a*) of the RTA.

30 Second, the Prescribed Test does not arise only in relation to DQ orders made under s 42(1) of the RTA. In this regard, Mr Tan helpfully referred us to ss 45 and 47A of the RTA. Section 45 of the RTA empowers the Deputy Commissioner of Police to "suspend" a driving licence for a period not exceeding five years in certain circumstances. Section 47A of the RTA sets out the effects of such suspension, providing that a driving licence *suspended* under s 45 for a period of one year or longer "has no effect", and that the licence holder must not drive after the suspension period unless he or she passes the Prescribed Test. This suggests that the Prescribed Test is not an *additional* punishment to a DQ order under s 42(1).

31 Third, and crucially, the requirement to sit for the Prescribed Test is not in all instances linked to the *length* of the DQ. In this regard, s 36(7) of the RTA provides:

Version No 1: 14 Oct 2026 (15:49 hrs)

> (7) The court before which a person is convicted of an offence under section 64, 65 or 65A may, … *whether or not* the court makes an order under section 42 disqualifying the person from holding or obtaining a licence to drive a motor vehicle, order the person to be disqualified from holding or obtaining a licence to drive a motor vehicle until the person has since the date of the order passed the [Prescribed Test].
>
> [emphasis added]

32 The statutory scheme thus makes it clear that the Prescribed Test can be imposed even where the court does not consider it necessary to impose a DQ order under s 42, or where it makes a DQ order of less than one year. This suggests that the Prescribed Test has an entirely separate function, *ie*, to ensure that the offender is familiar with the road traffic rules and is competent to operate a motor vehicle.

(3) The parliamentary material confirms that the Prescribed Test is not punitive

33 In our view, such an interpretation is *confirmed* by the parliamentary debates, which reveal that Parliament's intention behind the Prescribed Test was to verify that a driver who has been disqualified for a year or longer is competent to drive.

34 When s 43(1)(*b*) was first introduced in Parliament, its purpose was explained as follows (Singapore Parl Debates; Vol 55, Sitting No 14; Col 962; [28 March 1990] (Prof S Jayakumar, Minister for Home Affairs)):

> Next, the amendments on the re-taking of a driving test for drivers who have been disqualified or suspended from driving one year or longer. At present, a driver whose licence has been suspended by the Traffic Police or disqualified by the court can automatically resume driving after the period of suspension or disqualification. *However, that disqualification or suspension in itself is no assurance that the driver has learnt proper driving habits and skills. Indeed, not having driven for a year or more, his skills are likely to have deteriorated. Under the amendments, therefore, a driver who has been suspended or disqualified for a*

Version No 1: 14 Oct 2026 (15:49 hrs)

> *year or more must re-take the driving test so that we can be satisfied that he still retains his driving skills and that he has the minimum ability and competence to drive.*
>
> [emphasis added]

35 As Prof Jayakumar explained, a disqualified driver who has not driven for a year or more may experience a deterioration of his or her driving skills. The Prescribed Test under s 43(1)(*b*) is the mechanism that Parliament chose to address this concern – it seeks to verify that a disqualified driver who has been off the roads for a year or longer has not lost the ability and competence to drive. Crucially, there is no mention anywhere in the parliamentary material of the Prescribed Test having any punitive objective, nor did it indicate that the Prescribed Test should be reserved for driving offences of a particular severity, or for offenders of a specific level of culpability. As this court held in *Chen Song v Public Prosecutor* [2025] 3 SLR 509 ("*Chen Song*"), albeit without having to examine the issue this closely, the Prescribed Test is simply a measure to "ensure competence and is not meant as an 'additional punishment' to be imposed for the offender to relearn safe driving" (at [145]).

36 We note that Mr Tan expressed some reservation about whether the parliamentary material clearly establishes that the *primary* purpose of the Prescribed Test is to verify that the disqualified driver still retains his or her driving skills, rather than to verify that the disqualified driver has learnt proper driving habits and skills. We do not think Mr Tan's apprehension turns on any significant point. The two purposes are not meaningfully distinct in practice – the Prescribed Test will inevitably require the disqualified driver to demonstrate familiarity with traffic rules and the standards expected of a competent driver, and in so doing, ensures that the disqualified driver is competent to drive. In any event, it is not necessary to determine which of these is the *primary* objective of the Prescribed Test. What matters, for present purposes, is that punishment

Version No 1: 14 Oct 2026 (15:49 hrs)

was not *an* objective intended by Parliament in so far as s 43(1)(*b*) of the RTA is concerned, and consequently, there is no suggestion that Parliament intended s 43(1)(*b*) of the RTA to fetter the court's sentencing discretion.

37 Therefore, a DQ order and the Prescribed Test, while both concerned with road safety, are fundamentally different, and they protect the public in distinct but complementary ways. The DQ order removes an offending-driver from the roads for a period calibrated to the nature of the offence, the extent of harm caused, and the offender's culpability (see below at [43]). On the other hand, the Prescribed Test is directed at a separate question entirely, *ie*, whether the disqualified driver, having been subjected to a prolonged DQ of one year or longer, is still competent to drive. In this regard, we agree with the Prosecution that the Prescribed Test serves not only to protect the public, including other road users, *but the offender as well*. This consideration is inconsistent with the Prescribed Test having a punitive object or effect.

38 At this point, we address the Prosecution's and Mr Tan's differing views for why Parliament chose 12 months as the point at which the requirement to take the Prescribed Test arises. The Prosecution's position is that the 12-month mark is purely temporal in nature – it reflects Parliament's concern that a driver who has been off the roads for a year or more may have experienced deterioration of his or her driving skills, and the Prescribed Test is a mechanism to address that concern. Mr Tan, on the other hand, suggests that Parliament viewed offences attracting a 12-month DQ order as being of sufficient severity to warrant the Prescribed Test.

39 Neither the text of the RTA nor the extraneous material conclusively establishes which of these was Parliament's primary intention. Ultimately, it is Parliament's prerogative to set the appropriate threshold, and it was not

Version No 1: 14 Oct 2026 (15:49 hrs)

suggested by either party or Mr Tan that the selection of 12 months is unconstitutional or otherwise inappropriate. That said, what Parliament's true reason was is immaterial for present purposes. *Neither* of these interpretations suggest that Parliament had intended for s 43(1)(*b*) of the RTA to fetter the court's sentencing discretion such that only driving offences of a certain severity would justify an offender having to take the Prescribed Test.

40 To conclude this section of our discussion, the Prescribed Test is not an additional punishment for the conduct which attracted the underlying conviction. In other words, the 12-month threshold which attracts the accompanying requirement to undergo the Prescribed Test under s 43(1)(*b*) of the RTA is not a relevant consideration in determining the appropriate length of a DQ order under s 42(1).

Consequential effects of the Prescribed Test are irrelevant

41 Although the Prescribed Test does not *punish*, we recognise that, on a practical level, it may occasion some hardship on an offender in that it may affect his or her livelihood or restrict his or her commuting options. However, any such hardship is a collateral consequence which is an irrelevant consideration in sentencing.

42 In *Stansilas Fabian Kester v Public Prosecutor* [2017] 5 SLR 755 (at [109]–[111]), Sundaresh Menon CJ observed that once courts begin to adjust sentences to account for collateral consequences, this becomes an impermissible step towards the idea of wider social accounting. A person who commits a crime should expect to face the consequences that follow under the criminal law and such consequences should not depend on his or her personal circumstances, other than those recognised as constituting applicable statutory, or relevant mitigating, factors. If courts were to factor in collateral consequences when

Version No 1: 14 Oct 2026 (15:49 hrs)

calibrating the appropriate sentence, including when imposing DQ orders, any punishment meted out "would not be accurately reflective of the gravity of the offence and circumstance of the offender himself" (*Kwan Weiguang* at [85], citing *Ang Jwee Herng v Public Prosecutor* [2001] 1 SLR(R) 720 at [78]).

43 Indeed, it is settled law that DQ periods are to be calibrated in tandem with the severity of the offence (*Edwin s/o Suse Nathen v Public Prosecutor* [2013] 4 SLR 1139 ("*Edwin Suse*") at [14]). In this respect, the severity of an offence under s 64(1) of the RTA is assessed by reference to the twin factors of the harm caused by the offence and the offender's culpability (*Neo Chuan Sheng* at [20], citing *Public Prosecutor v Koh Thiam Huat* [2017] 4 SLR 1099 ("*Koh Thiam Huat*") at [41]). There is thus no room to consider any personal hardship arising from an offender having to undergo the Prescribed Test, even if this may effectively lengthen the DQ period.

44 Importantly, reducing the DQ period to account for any personal hardship which an offender may suffer may result in the corrosion of the sentencing objectives of imposing a DQ order. A DQ order is meant to serve three objectives: punishment, protection of the public, and deterrence (*Chen Song* at [143], citing *Kwan Weiguang* at [59] and *Edwin Suse* at [13]). The suffering of consequential hardship, by itself, does not further any of these objectives and hence does not displace or attenuate the rationale for the DQ order. On the contrary, it will dilute these objectives if the offender receives a shorter DQ than what he or she deserves simply to avoid the Prescribed Test.

45 For completeness, Mr Tan referred us to case law in New Zealand and Hong Kong where the courts have assigned mitigating weight to the impact of similar mandatory driving tests on an offender's career or job prospects. We agree with Mr Tan that these cases are out of step with our jurisprudence on the

Version No 1: 14 Oct 2026 (15:49 hrs)

purpose of DQ orders and the relevance of collateral consequences in the sentencing inquiry (see [42] above) and should therefore not be followed.

Conclusion on the Question

46 To restate our view on the Question, the requirement to undergo the Prescribed Test under s 43(1)(*b*) of the RTA is not a relevant consideration in determining the length of a DQ period under s 42(1) of the RTA.

A DQ period of 12 months or longer does not constitute a sentencing benchmark reserved for more severe offences

47 We also disagree with the Appellant's submission that a DQ period of 12 months or longer should be treated as a sentencing benchmark reserved for more severe cases.

48 In so far as *Neo Chuan Sheng* implies that a court deciding on the length of a DQ order should have regard to the accompanying consequence of the Prescribed Test where the 12-month threshold is crossed, we disagree for the reasons set out above. In *Neo Chuan Sheng*, the appellant pleaded guilty to an offence of dangerous driving under s 64(1) of the RTA 2004 Rev Ed. At first instance, the District Judge imposed a fine of $4,500 and a DQ order of 10 months. The appeal was dismissed and the High Court made certain observations on what the 12-month threshold represents, which we set out below:

> 24 One important consideration with respect to disqualification orders is whether the disqualification order should be for a period of at least 12 months ("the 12-month threshold"). The 12-month threshold is significant because disqualification for 12 months or more means that the offender's driving licence ceases to have any effect and he has to retake and pass the prescribed test of competence to drive before he can drive after the period of disqualification: s 43(1)(*b*) RTA. Using the harm and culpability framework, the 12-month

Version No 1: 14 Oct 2026 (15:49 hrs)

> threshold would certainly be crossed if both harm and culpability are high. Conversely, it would not be crossed if harm and culpability are both low. Indeed, where harm and culpability are both low, arguably no disqualification order may be necessary although much will depend on the facts. …

49 As stated at [43] above, DQ periods are to be calibrated in tandem with the severity of the offence, which is assessed by reference to the twin factors of the harm caused by the offence and the offender's culpability. Based on past cases (referred to below at [66]), we agree with *Neo Chuan Sheng* that where both harm and culpability are high, the DQ period is likely to be more than a year. However, it is not necessarily the case that it should be below a year where both harm and culpability are low. Indeed, as we go on to explain, a DQ period of 12 months is appropriate in the present case notwithstanding that both the harm caused and culpability are low. Much will turn on the facts of the case. Therefore, a 12-month DQ is not a benchmark reserved exclusively for severe cases.

50 Further, where Parliament has enacted a range of possible sentences, it is "the duty of the court to ensure that the full spectrum is carefully explored in determining the appropriate sentence" (*Tran Thi Tien v Public Prosecutor* [2026] 3 SLR 1212 ("*Tran Thi Tien*") at [126], citing *Ong Chee Eng v Public Prosecutor* [2012] 3 SLR 776 at [24]). In this connection, under s 42(1) of the RTA, the court may impose a DQ order *for life or for any period* it thinks fit. Thus, if DQ periods of one year or longer are reserved only for the most severe category of offences, the court may, in most cases, inevitably gravitate towards imposing DQ orders just below that mark. This would result in the clustering of sentences at the lower end of the full sentencing range which, as the court has repeatedly emphasised, is eschewed because it may not take into account the full spectrum of sentences prescribed by Parliament for the offence in question (*Tran Thi Tien* at [126], citing *Suventher Shanmugam v Public*

Version No 1: 14 Oct 2026 (15:49 hrs)

Prosecutor [2017] 2 SLR 115 at [26] and *Tan Song Cheng v Public Prosecutor* [2021] 5 SLR 789 at [26]).

51 Put simply, the 12-month mark, while chosen by Parliament as the point upon which the Prescribed Test under s 43(1)(*b*) is triggered, does not constitute a sentencing benchmark or "threshold". A court, in exercising its power under s 42(1) of the RTA and determining the length of a DQ order, should not be constrained by this "threshold" and should also not have regard to the Prescribed Test. In this respect, the DJ did not err (see [13(a)] above). Thus, the DQ order imposed on the Appellant is not wrong in principle.

The 12 months' DQ order imposed by the DJ is not manifestly excessive

52 That leaves only the second ground of appeal pursued by the Appellant (see [15(b)] above). As explained (at [16]) above, Mr Lou conceded that the 12 months' DQ order imposed on the Appellant could not be said to be manifestly excessive if we answer the Question in the negative. This suffices to dispose of this appeal. However, there is one point which warrants further consideration, and that relates to whether the length of a DQ order can be adjusted downwards on account of a plea of guilt, and whether the DJ had failed to do so in this case.

A plea of guilt may operate in appropriate circumstances to reduce the length of a DQ order

53 It is undisputed that the Appellant had exhibited remorse and pleaded guilty at the earliest opportunity. The Sentencing Advisory Panel's Guidelines on Reduction in Sentences for Guilty Pleas ("PG Guidelines") prescribe that an early plea of guilt will ordinarily result in a 30% reduction in the sentence, but this expressly applies only to imprisonment terms. That said, we see no reason

Version No 1: 14 Oct 2026 (15:49 hrs)

in principle why an offender's early plea of guilt should not also be considered in calibrating the length of a DQ order to be imposed. We explain.

54 It is well-established that offenders can have their sentences reduced on account of timeous and appropriate pleas of guilt (see, *eg*, *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 ("*Terence Ng*") at [66]–[69]). Pleas of guilt constitute a mitigating circumstance where the offender has behaved in a meritorious way which, though it affects neither the offender's culpability nor sensitivity to the penalty, should count in the offender's favour (*Chew Soo Chun v Public Prosecutor* [2016] 2 SLR 78 at [30]).

55 The Court of Appeal explained the rationale as follows (*Terence Ng* at [66], citing *Regina v Millberry* [2003] 1 WLR 546 at [27]–[28]):

> (a) the plea of guilt can be a subjective expression of genuine remorse and contrition, which can be considered as a personal mitigating factor;
>
> (b) it spares the victim the ordeal of having to testify, thereby saving the victim the horror of having to re-live the incident; and
>
> (c) it saves the resources of the State which would otherwise have been expended if there were a trial.

56 The first has been characterised as a "remorse-based justification" for according a sentencing discount on account of a plea of guilt while the latter two rationales have been each presented as a "utilitarian justification" for doing so (*Iskandar bin Jinan v Public Prosecutor* [2024] 2 SLR 673 ("*Iskandar*") at [60], citing *Terence Ng* at [66]). However, the Court of Appeal observed that it is generally difficult for the court to discern whether an offender is genuinely

Version No 1: 14 Oct 2026 (15:49 hrs)

remorseful merely from a plea of guilt. Thus, given the inherent difficulty in discerning remorse merely from a plea of guilt, the utilitarian justifications for giving mitigating weight to a plea of guilt ought to come to the forefront (*Iskandar* at [65]–[66]). While *Iskandar* was concerned with how the PG Guidelines should be calibrated to apply to drug trafficking and drug importation offences, we consider that the Court of Appeal's observations detailed in *Iskandar* and *Terence Ng* on the rationale underpinning pleas of guilt apply more generally, and not just in the context of the PG Guidelines. Indeed, the observations made in *Terence Ng* pre-dated the introduction of the PG Guidelines.

57 In our view, the utilitarian justification (and, where relevant, the remorse-based justification) remain applicable even where the sentence in question is a DQ order.

58 While the primary objectives underpinning the imposition of a DQ order include the protection of the public and deterrence (see [44] above), these rationales do not preclude the application of the utilitarian or remorse-based justifications. Indeed, even for offences which are especially grave and heinous, such that the sentencing considerations of general deterrence and protection of the public assume great importance, the weight accorded to the offender's plea of guilt is not *completely* displaced (see *Terence Ng* at [71]).

59 More fundamentally, it is undesirable from a utilitarian standpoint if a court were prevented from considering an accused's plea of guilt in calibrating the length of a DQ order. Indeed, as the court in *Ng En You Jeremiah v Public Prosecutor* [2025] 4 SLR 395 rightly observed, such a categorical approach could disincentivise accused persons from entering a plea of guilt (at [138]). Thus, even where the dominant sentencing rationales engaged are deterrence

Version No 1: 14 Oct 2026 (15:49 hrs)

and/or the protection of the public, the mitigating weight of a plea of guilt is not entirely displaced and does not become irrelevant.

60 This is consistent with case law where the court has given effect to an offender's plea of guilt when determining the appropriate length of a DQ order. The clearest example of this is the case of *Chue Woon Wai v Public Prosecutor* [1996] 1 SLR(R) 725. There, the appellant failed to conform to a traffic red light signal and collided with a motorcycle. He pleaded guilty to an offence under s 64(1) of the Road Traffic Act (Cap 276, 1994 Rev Ed) and the court below imposed a fine of $1,000 and 12 months' DQ. The appellant appealed against the DQ order, citing, among others, the Magistrate's failure to give sufficient weight to the mitigating factors, including his previous good driving record and early plea of guilt (at [15]). On appeal, Yong Pung How CJ observed that the appellant's previous good driving record and the fact that he had pleaded guilty early "had to be accorded due weight". Thus, the court reduced the DQ period from 12 months to six months (at [16]).

It is not clear what weight the DJ placed on the Appellant's plea of guilt

61 The question then arises as to whether the DJ had considered the Appellant's early plea of guilt and, if so, what weight she placed on it. Before us, the Prosecution accepted that the GD does not explicitly mention that the Appellant's plea of guilt was considered when the DJ calibrated the DQ period.

62 The assignment of weight to the relevant aggravating and mitigating circumstances (including a plea of guilt), and balancing them, as part of the overall sentencing exercise, is of course a discretionary one. As sentencing is a matter of discretion, the appellate court would be slow to interfere with a sentence and indeed would only do so on limited grounds (see *Kwong Kok Hing* at [13]–[16]).

Version No 1: 14 Oct 2026 (15:49 hrs)

63 That said, in our view, it is good practice for courts hearing criminal matters at first instance to state clearly whether and to what extent a plea of guilt was considered. The PG Guidelines, for instance, were introduced to build on and provide greater structure to the existing sentencing practice by setting out the ranges of sentence reductions that a court may consider giving, depending on when an accused pleads guilty (*Public Prosecutor v Ong Eng Siew* [2026] 3 SLR 1052 at [57]). While the PG Guidelines only apply to imprisonment terms, its rationale in promoting certainty and transparency should guide the sentencing court in all matters.

The 12 months' DQ order is in line with past precedents

64 In our judgment, the DQ period of 12 months imposed in this case is not manifestly excessive, nor is there a basis to infer that the DJ had failed to give due weight to the Appellant's plea of guilt. We explain.

65 We note that a DQ of 12 months is consistent with past cases. We agree with the Prosecution that the present case is broadly similar to *Public Prosecutor v Chen Baole Emanuel* [2024] SGDC 18 ("*Emanuel Chen*"). There, the offender pleaded guilty to a charge under s 64(1) punishable under s 64(2B)(*a*) of the RTA. The offender, like the Appellant here, failed to conform to a red-light signal at a junction and collided with another road user who had the right of way. The victim was given seven days of outpatient sick leave and 11 days of hospitalisation leave. The court imposed on the offender a fine of $4,000 and a DQ order for a period of 15 months.

66 There are at least three other cases which suggest that the DQ order of 12 months in this case is reasonable and may even be considered lenient:

Version No 1: 14 Oct 2026 (15:49 hrs)

(a) In *Public Prosecutor v Mohammad Hisyam bin Basheer* [2024] SGDC 263, the accused rode a motorcycle and failed to conform to a red-light signal at a junction which resulted in him colliding into a motorbus. No hurt was caused to the victims and there was no indication of any property damage. The accused pleaded guilty to an offence under s 64(1) punishable under s 64(2C)(*a*) of the RTA. The court imposed a 12-month DQ order and explained that even though the DQ order may deprive the accused from working as a delivery rider, this was not a valid mitigating factor (at [20]).

(b) In *Public Prosecutor v Shahram Jowkar* [2024] SGDC 166, the accused failed to conform to the red traffic light, drove his motorcar straight through a cross junction and collided with the victim's lorry. Both the accused's motorcar and the victim's lorry suffered damage. There were no reported injuries. The accused pleaded guilty to an offence under s 64(1) punishable under s 64(2C)(*a*) of the RTA. In imposing a 12-month DQ, the court explained, amongst other things, that there was moderate potential harm due to the presence of other road users in the vicinity and that the accused did not slow down while approaching the junction (at [26]–[33]).

(c) In *Public Prosecutor v Teo Soon Piak* [2026] SGDC 225, the accused failed to conform to the traffic red light signal and drove straight across a signalised cross junction. This resulted in a collision with the first victim's taxi, which had the right of way. The first victim sustained pain in his shoulder and neck, and the second victim (the taxi passenger) reported that he sustained slight pain in his neck. Both victims were given medical leave for three days. The accused's motorcar and first victim's taxi sustained scratches. The accused pleaded guilty to an

Version No 1: 14 Oct 2026 (15:49 hrs)

offence under s 64(1) punishable under s 64(2B)(*a*) of the RTA. The court imposed a fine of $4,000 and a DQ order of 15 months (at [32]).

67 The Appellant relies on *Mills Simon,* but that case does not assist him. Critically, the court imposed a DQ period of 11 months because it considered that "there was no need to compel the [a]ccused to re-take and pass the [Prescribed Test] under section 43(1)(*b*) of the RTA should the [DQ] period be a year or longer". Given our position on the Question, the court in *Mills Simon* had erred in its reasoning.

68 Returning to the present case, the Appellant's driving offence resulted in actual injury to Ms Wong, who sustained a laceration and was given five days of hospitalisation leave. The fact that the courts have imposed DQ of 12 months even in cases where no injuries were suffered and the accused pleaded guilty suggests that the DJ's sentence was not manifestly excessive.

69 With regard to the DJ's consideration of the Appellant's plea of guilt, we note that at the sentencing hearing below, the Appellant's counsel had specifically submitted – just before the DJ rendered her oral decision – that the "Court [should] give weight to the presence of the mitigating factors earlier explained and [the Appellant] had pled guilty at the earliest opportunity". In other words, the DJ would have had this submission squarely before her when she calibrated the sentence to be imposed.

70 In the circumstances, there is no room to infer that the DJ had failed to give due weight to the Appellant's plea of guilt in imposing the 12 months' DQ order. In any event, considering the cases discussed above, such a sentence is not manifestly excessive, and there is no basis for appellate intervention.

Version No 1: 14 Oct 2026 (15:49 hrs)

Conclusion

71 For the above reasons, we dismiss MA 9192. We thank Mr Tan for his submissions which assisted us greatly in our deliberations.

Sundaresh Menon
Chief Justice

Hri Kumar Nair
Justice of the Court of Appeal

See Kee Oon
Judge of the Appellate Division

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Version No 1: 14 Oct 2026 (15:49 hrs)