



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

ACTS SUPPLEMENT

Published by Authority

NO. 14]

FRIDAY, MAY 29

[2015

First published in the *Government Gazette*, Electronic Edition, on 29th May 2015 at 5:00 pm.

The following Act was passed by Parliament on 13th March 2015 and assented to by the President on 21st April 2015:—

REPUBLIC OF SINGAPORE

No. 10 of 2015.

I assent.

TONY TAN KENG YAM,
President.
21st April 2015.

(LS)

An Act to amend the Police Force Act (Chapter 235 of the 2006 Revised Edition), to make related amendments to the Fire Safety Act (Chapter 109A of the 2000 Revised Edition) in connection with fire forensic specialists, and to make consequential amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Police Force (Amendment) Act 2015 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2(1) of the Police Force Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately before the definition of “arms”, the following definition:

““accoutrement” includes surveillance equipment capable of being worn on the body for the purpose of recording a view of, or recording a conversation between, the wearer and another individual;”;

(b) by inserting, immediately after the definition of “auxiliary police officer”, the following definition:

““civilian police assistant” means an individual who is appointed under section 65C as a civilian police assistant;”;

(c) by deleting the definition of “Deputy Commissioner” and substituting the following definition:

““Deputy Commissioner”, in relation to any provision in this Act or its subsidiary legislation, or in the Police General Orders, Force Orders or Standing Orders, means the Deputy Commissioner of Police designated by the Commissioner for the purposes of that provision;”;

(d) by inserting, immediately after the definition of “disciplinary officer”, the following definitions:

““emoluments” includes gross salary, the annual variable component, allowances (whether

monthly, annual or otherwise), bonuses and other benefits but not performance bonuses;

“forensic specialist” means an individual who is appointed under section 65A as a forensic specialist;”;

(e) by inserting, immediately after the definition of “inspector”, the following definitions:

“law enforcement” means —

(a) activities carried on by any police officer or law enforcement officer in the exercise of any function, power or duty of such an officer in accordance with law with respect to the commission of offences; or

(b) activities carried on by any police officer or law enforcement officer for the purpose of dealing with terrorism, civil unrest or public disorder;

“law enforcement agency” means —

(a) the Central Narcotics Bureau;

(b) the Internal Security Department; or

(c) any similar department or office of the Government prescribed by the Minister by notification in the *Gazette*;

“law enforcement officer” means —

(a) a narcotics officer appointed to the Narcotics Service;

(b) an intelligence officer; or

(c) a public officer holding a post, or seconded to serve, in a law enforcement agency;

“lost property” means any movable property or cash that has been lost and whose owner is unknown at the time at which it is found;”;

(f) by inserting, immediately after the definition of “national serviceman”, the following definition:

““owner”, in relation to property or cash, means the person who is entitled to possession of the property or cash;”;

(g) by inserting, immediately after paragraph (c) of the definition of “security activity”, the following paragraph:

“(ca) the detention or arrest of individuals that police officers or law enforcement officers are authorised under written law to apprehend;”;
and

(h) by inserting, immediately after the definition of “substantial shareholder”, the following definitions:

““unclaimed property” means any lost property that has been in the custody of the Police Force for the period specified in section 108(2) and in relation to which —

(a) there is no person who appears, to the satisfaction of the Commissioner, to be the owner of the lost property;

(b) there is such a person but that person has not been located after reasonable inquiry;
or

(c) there is such a person but that person has not exercised his right to recover the lost property;

“volunteer ex-NSman” means a special police officer enrolled under section 68 as a volunteer ex-NSman;”.

Amendment of section 4

3. Section 4(2) of the principal Act is amended by deleting paragraph (k) and substituting the following paragraph:

“(k) taking action for the safe custody of lost property and for the disposal of unclaimed property;”.

Amendment of section 16

4. Section 16 of the principal Act is amended by deleting the word “pay” in subsections (1)(b) and (4) and substituting in each case the word “emoluments”.

Amendment of section 17

5. Section 17 of the principal Act is amended —

- (a) by inserting, immediately after the words “Except as otherwise specially provided in section 18” in subsection (1), the words “or 110A”; and
- (b) by deleting the words “where the Deputy Commissioner” in subsection (2) and substituting the words “where a Deputy Commissioner”.

Amendment of section 18

6. Section 18 of the principal Act is amended —

- (a) by deleting the words “the Deputy Commissioner to” in subsection (1) and substituting the words “a Deputy Commissioner to”; and
- (b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Whenever by any written law power is given to the Commissioner to hear an appeal against any decision, and the decision-maker is a police officer who, if not for this subsection, may hear that appeal, then despite section 17(1), the appeal must be heard and determined by —

- (a) the Commissioner in person (and no other); or
- (b) if the Commissioner is absent or incapable for any reason of hearing and determining that appeal, a public officer who is not the decision-maker whose decision is appealed against and

not subordinate to that decision-maker, and is designated by the Minister to hear and determine that appeal.”.

Amendment of section 25

7. Section 25 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(4) Where this section provides to a police officer relief from liability, the section shall also extend to apply to a forensic specialist assisting that police officer in the course of his duty as a forensic specialist in accordance with section 65B.”.

Amendment of section 26

8. Section 26(2) of the principal Act is amended by deleting the words “\$1,000 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$5,000 or to imprisonment for a term not exceeding 12 months”.

Amendment of section 28

9. Section 28(1) of the principal Act is amended by inserting, immediately after the words “Public Service Commission”, the words “in accordance with the regulations governing disciplinary proceedings against officers in the public service”.

Amendment of section 29

10. Section 29 of the principal Act is amended —

- (a) by deleting the words “or suspended” in subsection (1);
- (b) by deleting paragraphs (a) and (b) of subsection (1) and substituting the following paragraphs:

“(a) the police officer is charged in court for an offence and the Commissioner is of the opinion that the nature and gravity of the offence warrants the police officer’s interdiction;

(b) the police officer is being investigated for having committed an offence under any

written law and the Commissioner considers that it is undesirable for that officer to continue to exercise the powers or perform the duties of a police officer;

- (c) disciplinary proceedings under this Part that may result in the police officer's dismissal, reduction in rank or retirement in the public interest are or are to be instituted under this Part; or
 - (d) the Commissioner considers that it is otherwise in the public interest that the police officer should immediately cease to exercise the powers and perform the duties of a police officer.”;
- (c) by deleting the words “salary to be” in subsection (2) and substituting the words “emoluments as the Commissioner thinks fit to be”; and
- (d) by deleting subsection (3) and substituting the following subsections:
- “(3) If disciplinary proceedings started against a police officer below the rank of inspector under this Part result in the police officer's dismissal, the Commissioner may order the forfeiture of all or any of the emoluments which the police officer would have enjoyed but for the police officer's dismissal.
 - (4) If disciplinary proceedings started against a police officer below the rank of inspector under this Part result in a disciplinary measure other than dismissal —
 - (a) where the police officer's emoluments (other than increments) have been withheld, the Commissioner may order the forfeiture of the whole or a part of the withheld emoluments or that the withheld emoluments or a part of it be restored; and
 - (b) where the police officer's increment has been withheld, the Commissioner may order the

forfeiture of the whole or a part of the withheld increment or that the withheld increment or a part of it be restored.

(5) If the Commissioner decides that no disciplinary proceedings are to be started under this Part against a police officer who is interdicted under subsection (1), or if any such disciplinary proceedings started against the police officer do not result in any disciplinary measure being imposed on him, the police officer is to be entitled to the full amount of the emoluments (including increments) withheld as a result of his interdiction.

(6) When directing that any withheld increment or part of any withheld increment be restored under subsection (4)(b), the Commissioner must specify the date from which the increment is to be restored.

(7) To avoid doubt, nothing in this section affects section 42.”.

Amendment of section 30

11. Section 30 of the principal Act is amended —

(a) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) the police officer is interdicted under section 29 from the performance of duty;”; and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) Except with the written permission of the Commissioner, no police officer below the rank of inspector shall, during any period referred to in subsection (1), leave Singapore before disciplinary proceedings against that police officer under this Part are concluded.”.

Amendment of section 32

12. Section 32 of the principal Act is amended —

- (a) by inserting, immediately after the words “governing disciplinary proceedings” in subsection (1), the words “against officers”; and
- (b) by inserting, immediately after the words “be retired” in subsection (2)(b), the words “in the public interest”.

Amendment of section 34

13. Section 34(1) of the principal Act is amended by deleting the word “pay” and substituting the word “emoluments”.

Amendment of section 36

14. Section 36(1) of the principal Act is amended by deleting the word “pay” and substituting the word “emoluments”.

Amendment of section 40

15. Section 40 of the principal Act is amended —

- (a) by deleting the words “compulsory retirement” in subsection (2)(a) and substituting the words “retirement in the public interest”;
- (b) by deleting paragraph (c) of subsection (2) and substituting the following paragraph:
 - “(c) stoppage of increment for up to 2 years;”;
- (c) by deleting subsection (3) and substituting the following subsections:

“(3) A disciplinary officer who is not a commanding officer but is an officer authorised by a commanding officer to conduct disciplinary proceedings against a police officer below the rank of inspector (called in this subsection and subsection (3A) the defendant police officer) may, after giving the defendant police officer a reasonable opportunity to be heard in accordance with this Act and the Police Regulations and if that

disciplinary officer is satisfied on the evidence as to the defendant police officer's guilt —

- (a) order that the defendant police officer be subject to any one of the punishments specified in subsection (2)(b) to (h); or
- (b) recommend in writing to the commanding officer that the defendant police officer should be dismissed or retired in the public interest from the Police Force, together with a report containing a record of the proceedings conducted by the disciplinary officer and the grounds for the recommendation.

(3A) Upon receipt of any written recommendation and report under subsection (3)(b) from a disciplinary officer with respect to a defendant police officer below the rank of inspector, the commanding officer may, after reviewing that report, by order —

- (a) quash any finding of guilt made by the disciplinary officer and acquit the defendant police officer if the commanding officer is of the opinion that —
 - (i) the finding is illegal or cannot be supported by the evidence; or
 - (ii) the disciplinary proceedings conducted by the disciplinary officer were not in accordance with any provision in this Part or the Police Regulations,

and, where appropriate, refer the case to another disciplinary officer recommending that disciplinary proceedings be re-instituted against the defendant police officer; or

- (b) dismiss the defendant police officer, or order the defendant police officer's retirement in the public interest, from the Police Force or

substitute another punishment referred to in subsection (2)(b) to (h).”;

- (d) by deleting the words “specified in subsection (2)” in subsections (4) and (5) and substituting in each case the words “imposed under subsection (2), (3)(a) or (3A)(b)”;
- (e) by deleting the word “salary” in subsection (4)(b) and substituting the words “gross monthly salary”;
- (f) by deleting the word “salary” in subsection (5)(a) and substituting the word “emoluments”;
- (g) by deleting the words “commanding officer” in subsection (5)(a) and substituting the words “disciplinary officer”;
- (h) by deleting the words “injury to” in subsection (5)(b) and substituting the words “damage to”;
- (i) by deleting subsection (6) and substituting the following subsection:

“(6) Where an order is made by a disciplinary officer under subsection (2), (3)(a), (3A)(b), (4) or (5) against a police officer below the rank of inspector, that police officer may, not later than the 30th day after the date the order is served on the police officer, appeal to a Disciplinary Appeal Committee against any punishment imposed by, or against any finding of guilt in, the disciplinary officer’s order.”;
- (j) by deleting the words “any punishment awarded, the punishment” in subsection (7) and substituting the words “any order under subsection (2), (3)(a), (3A)(b), (4) or (5), the punishment awarded by that order”;
- (k) by deleting subsection (8) and substituting the following subsection:

“(8) A Disciplinary Appeal Committee may determine an appeal under subsection (6) against an order of a disciplinary officer —

- (a) by confirming any finding of guilt or punishment ordered by the disciplinary officer;
- (b) by quashing any finding of guilt or punishment ordered by the disciplinary officer and, if the Disciplinary Appeal Committee is of the opinion that the case against the appellant should be re-tried, by ordering the case to be re-tried by another disciplinary officer;
- (c) by replacing any finding by the disciplinary officer that, in the opinion of the Disciplinary Appeal Committee, is illegal or cannot be supported by the evidence with a new finding that could validly have been made by the disciplinary officer on the charge and on the facts; or
- (d) by varying the punishment by way of enhancement, reduction, substitution or otherwise except that no greater or more severe punishment shall be ordered unless the appellant has been given a reasonable opportunity of being heard,

and the decision of the Disciplinary Appeal Committee in any such appeal is final.”;

- (l) by inserting, immediately after the words “ordered to be retired” in subsection (9), the words “in the public interest”;
- and
- (m) by deleting the words “his pay” in subsection (10)(a) and substituting the words “the whole or part of any of his emoluments”.

New section 40A

16. The principal Act is amended by inserting, immediately after section 40, the following section:

“Disciplinary Appeal Committees

40A.—(1) There are to be one or more Disciplinary Appeal Committees to hear appeals under section 40(6) by a police officer below the rank of inspector.

(2) The Minister is to appoint a panel consisting of such number of commanding officers as the Minister may consider necessary for the purpose of constituting a Disciplinary Appeal Committee to hear an appeal under section 40(6).

(3) Whenever an appeal under section 40(6) is made, there shall be constituted a Disciplinary Appeal Committee to hear the appeal, comprising —

(a) the Commissioner; and

(b) 2 other commanding officers selected by the Commissioner from the panel of such officers appointed by the Minister under subsection (2).

(4) Where an appeal under section 40(6) is made against a decision of a commanding officer, that commanding officer must not be selected under subsection (3) to be a member of the Disciplinary Appeal Committee constituted to hear that appeal.

(5) Unless otherwise provided by or under this Act, a Disciplinary Appeal Committee may determine the procedure to be adopted by it in considering an appeal under section 40(6).”.

Amendment of section 42

17. Section 42 of the principal Act is amended —

(a) by inserting, immediately after the words “or dismissed” in subsection (1), the words “, or retired in the public interest”;

(b) by inserting, immediately after the words “is dismissed” in subsection (2), the words “or retired in the public interest from the Police Force”;

(c) by deleting the word “pay” in subsection (2) and substituting the word “emoluments”; and

- (d) by inserting, immediately after the words “or dismissal” in the section heading, the word “, etc.,”.

Amendment of heading to Part VII

18. Part VII of the principal Act is amended by inserting, immediately after the words “POLICE POWERS” in the Part heading, the words “, FORENSIC SPECIALISTS AND CIVILIAN POLICE ASSISTANTS”.

New sections 65A to 65D

19. The principal Act is amended by inserting, immediately after section 65, the following sections:

“Forensic specialists

65A.—(1) The Minister may, in writing, appoint any of the following individuals to be forensic specialists:

- (a) a Division I, II or III public officer who is not a police officer but is employed in the offices of the Police Force or a law enforcement agency;
- (b) an individual (who is not a public officer) with suitable qualifications or experience to properly exercise the powers of a forensic specialist.

(2) The Minister may, for any reason that appears to the Minister to be sufficient, at any time revoke an individual’s appointment as a forensic specialist.

(3) The Commissioner must issue to each forensic specialist an identification card, which must be carried at all times by the forensic specialist when exercising powers under any provision in this Act or in any other written law.

(4) A forensic specialist whose appointment as such ceases must return any identification card issued to him under subsection (3) to the Commissioner.

(5) A forensic specialist is to be issued with such accoutrements or equipment, or such description of accoutrements or equipment, as the Commissioner may

determine to be necessary for the effectual discharge of the duties of a forensic specialist, such as but not limited to handcuffs or cable ties, batons and defensive weapons.

(6) A forensic specialist is not a member of the Police Force.

(7) An individual referred to in subsection (1)(b) who is appointed as a forensic specialist under that subsection does not, by virtue only of that appointment, become an employee or agent of the Government.

(8) A forensic specialist who is a public officer is subject to the same disqualifications as a police officer as is specified in section 16(1), and any reference in section 16(2) to a police officer includes a reference to a forensic specialist.

Powers of forensic specialists

65B.—(1) The Commissioner must, in writing, issue to each forensic specialist an authorisation —

- (a) specifying such power as is specified in subsection (3) that the forensic specialist may exercise; and
- (b) specifying the police officer or class of police officers, or the law enforcement officer or class of law enforcement officers, the forensic specialist is to assist by the exercise of those powers.

(2) However, to avoid doubt, the Commissioner cannot authorise under subsection (1) a forensic specialist to arrest any individual.

(3) The powers that a forensic specialist may be authorised under subsection (1) by the Commissioner to exercise may be all or any of the following, and no others:

- (a) to secure a crime scene against unauthorised disturbance to the extent authorised by a warrant or directed by the police officer or law enforcement officer whom the forensic specialist is so authorised to assist, including (but not limited to) —

- (i) preventing any unauthorised individual, animal or vehicle from disturbing or entering the crime scene;
 - (ii) restricting entry to the crime scene to people, animals, and vehicles, that are authorised;
 - (iii) removing any unauthorised individual, animal or vehicle from the crime scene;
 - (iv) if the crime scene is established in or around a vehicle, preventing the vehicle from being moved;
 - (v) preventing a thing relevant to the offence to which a crime scene relates from being concealed or disturbed; and
 - (vi) preventing an individual from removing evidence from or otherwise interfering with the crime scene or anything in it and, for that purpose, detain and search the individual;
- (b) to search a crime scene, and any individual at or within the vicinity of the crime scene, to the extent authorised by a warrant or directed by the police officer or law enforcement officer whom the forensic specialist is so authorised to assist, including (but not limited to) any of the following to obtain evidence of the commission of an offence:
- (i) opening anything at the crime scene, or in the possession of the individual, that is locked and to inspect anything in it;
 - (ii) removing or causing to be removed an obstruction from the crime scene;
 - (iii) digging up anything at the crime scene, removing roofing material, wall or ceiling linings or floors of a building, or panels of a vehicle that is a crime scene;

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- (iv) photographing or otherwise recording the crime scene and any thing or individual in it;
 - (v) taking into and using in the crime scene any equipment or facilities that are reasonably necessary in order to search or inspect in accordance with any warrant or the directions of the police officer or law enforcement officer the forensic specialist is so authorised to assist;
 - (vi) making reasonable use of any equipment, facilities or services in the crime scene to operate the equipment or facilities referred to in sub-paragraph (v), and taking electricity, gas, water or any other utility for such use in the crime scene;
 - (vii) exercising any power of a police officer under sections 34, 35, 39 and 40 of the Criminal Procedure Code (Cap. 68) at the crime scene in accordance with any warrant or the directions of the police officer or law enforcement officer the forensic specialist is so authorised to assist;
- (c) to seize and detain all or part of a thing that might provide evidence of the commission of an offence to the extent authorised by a warrant or directed by the police officer or law enforcement officer whom the forensic specialist is so authorised to assist;
- (d) to do a forensic examination, whether at a crime scene or otherwise, on a thing relevant to an offence or a sample of such a thing;
- (e) to carry out any forensic procedure on any individual, whether at a crime scene or otherwise, in accordance with Part III or IV of the Registration of Criminals Act (Cap. 268), for the purpose of searching for a thing, or evidence of a thing —
- (i) that is relevant to an offence that is reasonably suspected to have been committed; and

- (ii) the existence or absence of which on or in the body of the individual is relevant to the investigation of the offence;
 - (f) to take statements from individuals to the extent directed by the police officer or law enforcement officer the forensic specialist is so authorised to assist, and to require such an individual to make and sign a declaration of the truth of the statement made by the individual;
 - (g) to exercise such other powers and perform such other duty as may be conferred by any other written law on forensic specialists.
- (4) The Commissioner's written authorisation under subsection (1) for a forensic specialist may do all or any of the following:
- (a) limit the powers in subsection (3) that the forensic specialist may exercise;
 - (b) limit when the forensic specialist may exercise his powers in subsection (3) or any of them;
 - (c) limit where in Singapore the forensic specialist may exercise his powers in subsection (3) or any of them;
 - (d) limit the circumstances in which the forensic specialist may exercise his powers in subsection (3) or any of them;
 - (e) limit the offences in respect of which the forensic specialist may exercise his powers in subsection (3) or any of them;
 - (f) limit the purposes for which the forensic specialist may exercise his powers in subsection (3) or any of them.
- (5) A forensic specialist who is authorised under subsection (1) to exercise any power under subsection (3) to assist a police officer or law enforcement officer specified in that authorisation (specially or by class) is —
- (a) to exercise that power only to assist the police officer or law enforcement officer, or officer in that class (as the

case may be) where the officer is exercising in Singapore a power or discharging any duty, under this Act or any other written law, for purposes of law enforcement; and

(b) to obey all lawful directions (general or specific) of the Commissioner, and that police officer or law enforcement officer (as the case may be), when exercising that power.

(6) Without prejudice to section 25, where any law or written law protects —

(a) a police officer from liability for the police officer's acts or omissions; or

(b) a law enforcement officer from liability for the law enforcement officer's acts or omissions,

that law or written law shall be taken to operate as if those acts or omissions include the forensic specialist's acts or omissions when acting in the course of his duty as a forensic specialist in accordance with the written authorisation of the Commissioner under subsection (1) and with subsection (5).

(7) Without prejudice to section 25, in any action brought against any forensic specialist for anything done in obedience to a warrant, or any forensic specialist acting in the course of his duty as such in assisting a law enforcement officer for anything done in obedience to a warrant —

(a) the forensic specialist shall not be responsible for any irregularity in the issuing of the warrant because of any want of jurisdiction in the court issuing that warrant; and

(b) upon the warrant being produced and proved at the trial of the action and upon it being proved that the act complained of was done in obedience to the warrant, verdict and judgment must be given for the forensic specialist, despite any such irregularity or want of jurisdiction, and the forensic specialist shall recover his costs,

and this subsection is to apply whether or not it is an action that is brought jointly against the law enforcement officer and forensic specialist.

(8) To avoid doubt —

- (a) a forensic specialist does not cease to be acting on the direction of a police officer or law enforcement officer by reason only that that officer is not present at all times when the forensic specialist exercises any power under subsection (3);
- (b) a forensic specialist is not to be regarded as a member of the Police Force for the purposes of section 14 of the Government Proceedings Act (Cap. 121); and
- (c) nothing in this section shall limit the powers of any authority to investigate accidents under any written law for the time being in force relating to air navigation or merchant shipping.

(9) A forensic specialist who, in the course of his duty as a forensic specialist, exercises any power in subsection (3) in accordance with the written authorisation of the Commissioner under subsection (1) and with subsection (5) shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.

(10) In this section —

“crime scene” means —

- (a) any place or vehicle where an offence was committed or is reasonably suspected to have been committed; or
- (b) any place or vehicle associated with, or relevant to, the commission or suspected commission of an offence;

“forensic examination”, in relation to any thing, means doing one or all of the following:

- (a) examining or operating the thing;

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- (b) photographing, measuring or otherwise making a record of the thing;
 - (c) taking an impression or making a cast of the thing;
 - (d) taking samples of or from the thing;
 - (e) doing tests on the thing, or on any sample taken under paragraph (d), for forensic purposes,

and includes dismantling, damaging or destroying the thing if it is reasonably necessary to do so in order to do all or any of the above;

“forensic procedure”, in relation to an individual, includes doing one or all of the following in relation to the individual:

- (a) taking a sample of a nail or from under a nail of an individual;
- (b) taking an impression or cast of a wound from the external parts of the individual’s body other than the individual’s private parts;
- (c) the taking of physical measurements (whether or not involving marking) for biomechanical analysis of an external part of the body other than the individual’s private parts;
- (d) taking of prints of the individual’s hands, fingers, feet or toes;
- (e) taking from the individual a sample of blood, a sample of head hair (including the roots thereof) or other body samples within the meaning of the Registration of Criminals Act;
- (f) taking a swab, or using other means, to detect a relevant thing on the external parts of the individual’s body other than the individual’s private parts;
- (g) searching the individual (including the mouth);

- (h) removing any article that the individual is wearing, and searching any article so removed;
- (i) removing a relevant thing attached physically to those external parts of the individual's body or taking a sample of that relevant thing;
- (j) photographing any relevant thing in the position it is found on the external parts of the individual's body, or in the individual's mouth;

“photograph” includes a digital image and a moving visual record;

“seize and detain”, in relation to any thing at a crime scene, includes a power to remove the thing from the crime scene when it is found and a power to guard the thing in or on the crime scene;

“vehicle” includes a vessel and an aircraft;

“warrant” means a warrant of a court.

Civilian police assistants

65C.—(1) The Minister may in writing appoint an individual (who may or may not be a public officer) to be a civilian police assistant to assist police officers in maintaining peace and good order in any particular area in Singapore.

(2) The Minister may, for any reason that appears to the Minister to be sufficient, at any time revoke an individual's appointment as a civilian police assistant.

(3) The Commissioner must issue to each civilian police assistant an identification card, which must be carried at all times by the civilian police assistant when exercising powers under any provision in this Act or in any other written law.

(4) A civilian police assistant whose appointment as such ceases must return any identification card issued to him under subsection (3) to the Commissioner.

(5) A civilian police assistant is to be issued with such accoutrements or equipment, or such description of

accoutrements or equipment, as the Commissioner may determine to be necessary for the effectual discharge of the duties of a civilian police assistant, such as but not limited to batons.

(6) A civilian police assistant is not a member of the Police Force.

(7) An individual who is appointed as a civilian police assistant under subsection (1) does not, by virtue only of the appointment, become an employee or agent of the Government.

Powers of civilian police assistants

65D.—(1) The Commissioner must, in writing, issue to each civilian police assistant an authorisation specifying such power as is specified in subsection (3) that the civilian police assistant may exercise, and no other powers.

(2) The powers that a civilian police assistant may be authorised under this section to exercise may be exercised —

- (a) only to the extent authorised by the Commissioner under this section and directed by a police officer; and
- (b) only in any case where an individual is suspected of making such noise in any premises or in any public place as to cause annoyance or inconvenience to the occupier of any other premises in the vicinity or to any person lawfully in a public place.

(3) The powers that a civilian police assistant may be authorised under this section to exercise are all or any of the following:

- (a) to ask the individual suspected of making such noise to state the individual's name and residence;
- (b) to advise the individual to abate the nuisance;
- (c) to take statements from —
 - (i) the individual referred to in paragraph (a);

- (ii) any complainant against the individual referred to in paragraph (a); or
 - (iii) any other individual who may assist in the investigation of the case described in subsection (2)(b);
 - (d) to require any individual or complainant referred to in paragraph (c) to make and sign a declaration of the truth of the statement he makes;
 - (e) to give or deliver to any such individual alleged to have committed an offence an offer of composition made by a duly authorised police officer.
- (4) The Commissioner's authorisation under subsection (1) for a civilian police assistant may also do all or any of the following:
- (a) limit the powers in subsection (3) that the civilian police assistant may exercise;
 - (b) limit when the civilian police assistant may exercise his powers in subsection (3) or any of them;
 - (c) limit where in Singapore the civilian police assistant may exercise his powers in subsection (3) or any of them;
 - (d) limit the circumstances in which the civilian police assistant may exercise his powers in subsection (3) or any of them.
- (5) A civilian police assistant who is authorised under subsection (1) to exercise any power under subsection (3) —
- (a) must obey all lawful directions (general or specific) of the Commissioner and a police officer when exercising that power; and
 - (b) shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.
- (6) Without prejudice to subsection (5), where any law or written law protects, a police officer from liability for the police officer's acts or omissions, that law or written law shall be taken

to operate as if those acts or omissions included the civilian police assistant's acts or omissions when acting in the course of his duty as a civilian police assistant in accordance with —

(a) the written authorisation of the Commissioner under subsection (1); and

(b) the lawful directions (general or specific) of the Commissioner and a police officer.

(7) To avoid doubt —

(a) a civilian police assistant does not cease to be acting on the direction of a police officer by reason only that the police officer is not present at all times; and

(b) a civilian police assistant is not to be regarded as a member of the Police Force for the purposes of section 14 of the Government Proceedings Act (Cap. 121).

(8) In this section, “abate”, for noise, includes prevent, reduce, eliminate and control the noise.

(9) Nothing in section 65C or this section derogates from the powers of the Director-General of Public Health under Part V of the Environmental Public Health Act (Cap. 95), or section 15 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184).”.

Amendment of section 66

20. Section 66(2) of the principal Act is amended by inserting, immediately after the word “volunteers” in paragraph (c), the words “and volunteer ex-NSmen”.

Amendment of section 67

21. Section 67(2) of the principal Act is amended by inserting, immediately after the word “volunteer” in paragraph (c), the words “or a volunteer ex-NSman”.

Amendment of section 68

22. Section 68 of the principal Act is amended —

(a) by inserting, immediately after subsection (2), the following subsection:

“(2A) Despite subsection (2), the Commissioner may enrol under this section, as a volunteer ex-NSman in the Special Constabulary, any former operationally ready national serviceman who had enlisted in the Special Constabulary where —

(a) the Commissioner wants that former operationally ready national serviceman to continue to serve as a member of the Special Constabulary; and

(b) the operationally ready national serviceman is offering his service.”;

(b) by inserting, immediately after the word “volunteer” in subsection (3), the words “or a volunteer ex-NSman”;

(c) by deleting the word “allowances” in subsection (3) and substituting the word “emoluments”; and

(d) by inserting, immediately after the word “volunteers” in the section heading, the word “, etc.”.

New section 68A

23. The principal Act is amended by inserting, immediately after section 68, the following section:

“Applicability of Enlistment Act to volunteer ex-NSmen

68A.—(1) The provisions of sections 14, 15, 21, 22 and 30 of the Enlistment Act (Cap. 93) affecting any person who is liable for operationally ready national service shall apply (so far as relevant) to any special police officer who is a volunteer ex-NSman as if the volunteer ex-NSman were an individual liable for operationally ready national service, with such prescribed exceptions, modifications and adaptations as the

differences between an operationally ready national serviceman and a volunteer ex-NSman require.

(2) The provisions of any other existing law that relate to an individual liable for operationally ready national service shall have effect as if any reference therein to any such individual also includes a reference to any volunteer ex-NSman, with such prescribed exceptions, modifications and adaptations as the differences between this Part and that existing law require.

(3) In this section, “existing law” means any written law having effect as part of the law of Singapore immediately before the date of commencement of section 23 of the Police Force (Amendment) Act 2015.”.

Amendment of section 72

24. Section 72 of the principal Act is amended by deleting subsection (3) and substituting the following subsections:

“(3) Any volunteer or volunteer ex-NSman shall be entitled, except when mobilised under section 73, to be discharged from the Special Constabulary —

(a) after giving to the Commissioner —

(i) in the case of a volunteer ex-NSman, at least 3 months’ notice in writing of his intention to resign from the Special Constabulary; or

(ii) in any other case, at least 14 days’ notice in writing of his intention to resign from the Special Constabulary; and

(b) upon delivering to the Commissioner in good order (fair wear and tear excepted only) all arms, ammunition, accoutrement, uniform or other article or property belonging to the Government issued to the volunteer or volunteer ex-NSman which may be in his possession.

(3A) The Commissioner may, without notice, discharge any special police officer who is a volunteer ex-NSman; but this does not prevent him from offering his service and being enrolled subsequently as a volunteer under section 68(1).

(3B) Every special police officer who by resignation, dismissal, discharge or otherwise leaves the Special Constabulary must, before leaving, deliver up in good order (fair wear and tear excepted only) all arms, ammunition, accoutrement, uniform or other article or property belonging to the Government issued to him which may be in his possession.”.

Amendment of section 75

25. Section 75 of the principal Act is amended by inserting, immediately after the words “section 66(2)(a) or (b)” in subsections (1) and (2), the words “, or who is a volunteer ex-NSman,”.

Amendment of section 76

26. Section 76(1) of the principal Act is amended —

- (a) by inserting, immediately after the words “section 66(2)(a) or (b)”, the words “, or who is a volunteer ex-NSman,”; and
- (b) by deleting the word “pay” and substituting the word “emoluments”.

Amendment of section 78

27. Section 78 of the principal Act is amended —

- (a) by inserting, immediately after the word “volunteer” in subsections (1)(b) and (2)(b), the words “or a volunteer ex-NSman”; and
- (b) by deleting the word “allowances” in subsection (3) and substituting the word “emoluments”.

Amendment of section 79

28. Section 79 of the principal Act is amended —

- (a) by deleting the words “or suspended” in subsection (1);
- (b) by deleting paragraphs (a) and (b) of subsection (1) and substituting the following paragraphs:

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- “(a) the special police officer is charged in court for an offence and the Commissioner is of the opinion that the nature and gravity of the offence warrants his interdiction;
- (b) the special police officer is being investigated for having committed an offence under any written law and the Commissioner considers that it is undesirable for that officer to continue to exercise the powers or perform the duties of a special police officer;
- (c) disciplinary proceedings under this Part that may result in the special police officer’s dismissal or reduction in rank are or are to be instituted under this Part; or
- (d) the Commissioner considers that it is otherwise in the public interest that the special police officer should immediately cease to exercise the powers and perform the duties of a police officer.”;
- (c) by deleting the words “special police officer’s allowance” in subsection (2) and substituting the words “special police officer’s emoluments as the Commissioner thinks fit”; and
- (d) by deleting paragraphs (a) and (b) of subsection (3) and substituting the following paragraphs:
- “(a) if the special police officer is reduced in rank or otherwise disciplined — the whole or such proportion of the emoluments withheld during the period of interdiction as the Commissioner may determine; or
- (b) if the special police officer is acquitted — the full amount of the emoluments or the part thereof withheld during the period of interdiction.”.

Amendment of section 81

29. Section 81 of the principal Act is amended —

- (a) by inserting, immediately after the words “a volunteer” in subsections (1), (2), (3) and (4), the words “or a volunteer ex-NSman”;
- (b) by inserting, immediately after paragraph (a) of subsection (3), the following paragraph:
 - “(aa) detention of a volunteer ex-NSman for a period not exceeding 40 days;”;
- (c) by deleting paragraph (c) of subsection (3) and substituting the following paragraph:
 - “(c) forfeiture of emoluments as follows:
 - (i) up to 14 days’ emoluments for a special police officer who is a volunteer ex-NSman;
 - (ii) up to 8 hours’ emoluments for a special police officer who is a volunteer;”;
- (d) by inserting, immediately after paragraph (d) of subsection (3), the following paragraphs:
 - “(da) stoppage of leave for a special police officer who is a volunteer ex-NSman;
 - (db) restriction of privileges for a special police officer who is a volunteer ex-NSman;
 - (dc) extra duty for a special police officer who is a volunteer ex-NSman;”;
- (e) by deleting paragraph (c) of subsection (4) and substituting the following paragraphs:
 - “(c) forfeiture of emoluments as follows:
 - (i) up to 14 days’ emoluments for a special police officer who is a volunteer ex-NSman;

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- (ii) up to 8 hours' emoluments for a special police officer who is a volunteer;
- (ca) stoppage or deferment of increment (of up to 2 years) for a special police officer who is a volunteer ex-NSman;”;
- (f) by deleting paragraphs (a) and (b) of subsection (6) and substituting the following paragraphs:
- “(a) in the case of a special police officer below the rank of assistant superintendent —
- (i) a fine not exceeding \$300 if the special police officer is a volunteer ex-NSman; or
- (ii) a fine not exceeding \$200 for a special police officer who is a volunteer; or
- (b) in the case of a special police officer of the rank of assistant superintendent or higher —
- (i) a fine not exceeding \$1,000 if the special police officer is a volunteer ex-NSman; or
- (ii) a fine not exceeding \$400 for a special police officer who is a volunteer.”;
- (g) by deleting subsection (7) and substituting the following subsections:

“(6A) In addition to any punishment specified in subsections (3), (4) and (6), if a disciplinary officer finds any special police officer who is a volunteer ex-NSman guilty of the disciplinary offence of wilful destruction or negligent loss of or damage to property belonging to the Government, the disciplinary officer may order that special police officer concerned to pay compensation to make good, either partially or wholly, the value of such property or the amount of such loss or damage.

(6B) In assessing the amount to be paid by way of compensation ordered under subsection (6A), a disciplinary officer must have regard to the emoluments of the special police officer concerned, and any order under that subsection shall not prejudice any right to any civil remedy for the recovery of damages beyond the amount of compensation so ordered.

(6C) The value or amount ordered to be made good by a special police officer under subsection (6A) is recoverable as a debt due to the Government from that special police officer and be payable to the Police Fund established under Part X.

(6D) A disciplinary officer authorised to impose detention as punishment under this section with respect to special police officers may order the detention as follows of a special police officer who is a volunteer ex-NSman and ordered under subsection (6), on or after the date of commencement of section 29(f) of the Police Force (Amendment) Act 2015, to pay a fine and who defaults in payment:

- (a) if the fine is \$100 or lower, detention for not more than 10 days;
- (b) if the fine is more than \$100 but not more than \$300, detention for not more than 20 days;
- (c) in any other case, detention for not more than 40 days or until the fine is paid.

(6E) Any detention ordered under subsection (6D) against a special police officer who is a volunteer ex-NSman is to start on such date as the disciplinary officer may specify in the order but must end earlier if the special police officer pays the fine in full.

(7) Any special police officer against whom any order is made by a disciplinary officer under subsection (3), (4), (6), (6A) or (6D) may, not later than the 30th day

after the date the order is served on the special police officer, appeal to the Commissioner or a Deputy Commissioner against any punishment imposed by that order or against any finding of guilt therein.”;

- (h) by deleting the words “any punishment awarded, the punishment” in subsection (8) and substituting the words “any order under subsection (3), (4), (6) or (6A), the punishment awarded by that order”;
- (i) by deleting subsection (9) and substituting the following subsections:

“(9) The Commissioner or a Deputy Commissioner, as the case may be, may determine an appeal under subsection (7) against an order of a disciplinary officer —

- (a) by confirming any finding of guilt or punishment ordered by the disciplinary officer;
- (b) by quashing any finding of guilt or punishment ordered by the disciplinary officer and, if the Commissioner or Deputy Commissioner is of the opinion that the case against the appellant should be re-tried, by ordering the case to be re-tried by another disciplinary officer;
- (c) by replacing any finding by the disciplinary officer that, in the opinion of the Commissioner or Deputy Commissioner, is illegal or cannot be supported by the evidence with a new finding that could validly have been made by the disciplinary officer on the charge and on the facts; or
- (d) by varying the punishment by way of enhancement, reduction, substitution or otherwise except that no greater or more severe punishment is to be ordered unless the appellant has been given a reasonable opportunity of being heard.

(10) Every decision of the Commissioner or a Deputy Commissioner, as the case may be, under subsection (9) in any such appeal is final.

(11) Any person sentenced to detention under this section shall, unless otherwise provided for in the Special Constabulary Regulations, serve his sentence in a detention barrack.”; and

(j) by inserting, immediately after the words “police officers” in the section heading, the words “and volunteer ex-NSmen”.

Amendment of section 82

30. Section 82 of the principal Act is amended —

(a) by inserting, immediately after the words “a volunteer” in subsections (1), (2), (3) and (4), the words “or a volunteer ex-NSman”;

(b) by deleting the word “allowance” in subsections (3)(c) and (4)(b) and substituting in each case the word “emoluments”;

(c) by deleting paragraph (c) of subsection (4) and substituting the following paragraph:

“(c) stoppage of increment for up to 2 years;”;

(d) by deleting paragraphs (a) and (b) of subsection (6) and substituting the following paragraphs:

“(a) in the case of a special police officer below the rank of assistant superintendent — a fine not exceeding \$300; or

(b) in the case of a special police officer of the rank of assistant superintendent or higher — a fine not exceeding \$1,000.”;

(e) by deleting subsection (7) and substituting the following subsections:

“(6A) In addition to any punishment specified in subsections (3), (4) and (6), if a disciplinary officer finds any special police officer guilty of the disciplinary

offence of wilful destruction or negligent loss of or damage to property belonging to the Government, the disciplinary officer may order that special police officer concerned to pay compensation to make good, either partially or wholly, the value of such property or the amount of such loss or damage.

(6B) In assessing the amount to be paid by way of compensation ordered under subsection (6A), a disciplinary officer must have regard to the emoluments of the special police officer concerned, and any order under that subsection shall not prejudice any right to any civil remedy for the recovery of damages beyond the amount of compensation so ordered.

(6C) The value or amount ordered to be made good by a special police officer under subsection (6A) is recoverable as a debt due to the Government from that special police officer and be payable to the Police Fund established under Part X.

(6D) A disciplinary officer authorised to impose detention as punishment under this section with respect to special police officers may order the detention as follows of a special police officer who is ordered under subsection (6), on or after the date of commencement of section 30(*d*) of the Police Force (Amendment) Act 2015, to pay a fine and who defaults in payment:

- (a) if the fine is \$100 or lower, detention for not more than 10 days;
- (b) if the fine is more than \$100 but not more than \$300, detention for not more than 20 days;
- (c) in any other case, detention for not more than 40 days or until the fine is paid.

(6E) Any detention ordered under subsection (6D) against a special police officer is to start on such date as

the disciplinary officer may specify in the order but must end earlier if the special police officer pays the fine in full.

(7) Any special police officer against whom any order is made by a disciplinary officer under subsection (3), (4), (6), (6A) or (6D) may, not later than the 30th day after the date the order is served on the special police officer, appeal to the Commissioner or a Deputy Commissioner against any punishment imposed by that order or against any finding of guilt therein.”;

(f) by deleting the words “any punishment awarded, the punishment” in subsection (8) and substituting the words “any order under subsection (3), (4), (6), (6A) or (6D), the punishment awarded by that order”; and

(g) by deleting subsection (9) and substituting the following subsections:

“(9) The Commissioner or a Deputy Commissioner, as the case may be, may determine an appeal under subsection (7) against an order of a disciplinary officer —

(a) by confirming any finding of guilt or punishment ordered by the disciplinary officer;

(b) by quashing any finding of guilt or punishment ordered by the disciplinary officer and, if the Commissioner or Deputy Commissioner is of the opinion that the case against the appellant should be re-tried, by ordering the case to be re-tried by another disciplinary officer;

(c) by replacing any finding by the disciplinary officer that, in the opinion of the Commissioner or Deputy Commissioner, is illegal or cannot be supported by the evidence with a new finding that could validly have been made by the disciplinary officer on the charge and on the facts; or

(d) by varying the punishment by way of enhancement, reduction, substitution or otherwise except that no greater or more severe punishment is to be ordered unless the appellant has been given a reasonable opportunity of being heard.

(9A) Every decision of the Commissioner or a Deputy Commissioner, as the case may be, under subsection (9) in any such appeal is final.”.

Amendment of section 85

31. Section 85(2) of the principal Act is amended —

(a) by inserting, immediately after paragraph (f), the following paragraph:

“(fa) the classification, treatment, employment, discipline and control of special police officers serving sentences of detention, including the temporary or other release from detention for good conduct while in detention, for compassionate grounds or otherwise;” and

(b) by inserting, immediately after the words “national service” in paragraph (i), the words “or other service”.

Amendment of section 86

32. Section 86 of the principal Act is amended —

(a) by inserting, immediately after the words “maintenance of law and order” in subsection (1)(c), the words “and the detention or arrest of individuals that police officers are authorised to apprehend”; and

(b) by inserting, immediately after subsection (8), the following subsection:

“(8A) The Minister may designate any of the following to hear and determine, in the Minister’s place, any appeals or a specific appeal under this section:

(a) any Minister of State or Parliamentary Secretary for the Minister's Ministry;

(b) any public officer in that Ministry not subordinate to the Commissioner whose decision is appealed against,

and any reference in this section to the Minister includes a reference to the Minister of State, Parliamentary Secretary or public officer so designated for that appeal.”.

Amendment of section 90

33. Section 90 of the principal Act is amended by inserting, immediately after subsection (11), the following subsection:

“(12) The Minister may designate any of the following to hear and determine, in the Minister's place, any appeals or a specific appeal under this section:

(a) any Minister of State or Parliamentary Secretary for the Minister's Ministry;

(b) any public officer in that Ministry not subordinate to the decision-maker whose decision is appealed against,

and any reference in this section to the Minister includes a reference to the Minister of State, Parliamentary Secretary or public officer so designated for that appeal.”.

Amendment of section 93

34. Section 93 of the principal Act is amended —

(a) by deleting the word “pay” in subsection (1) and substituting the word “emoluments”; and

(b) by deleting the words “salaries and allowances” in subsection (4) and substituting the word “emoluments”.

Amendment of section 101

35. Section 101(8) of the principal Act is amended by deleting the words “salaries, fees and allowances” and substituting the word “emoluments”.

Repeal and re-enactment of section 108

36. Section 108 of the principal Act is repealed and the following section substituted therefor:

“Lost property

108.—(1) Where any lost property is deposited with a police officer at a police station or otherwise, the lost property is to be disposed of as follows:

- (a) if the lost property is cash, it must, unless it is required to assist in the identification of its owner, be paid into a deposit account (within the meaning of the Financial Procedure Act (Cap. 109)) specially established for this purpose, and the cash shall be deemed to be lost property in the custody of the Police Force;
- (b) if there is a person who appears, to the satisfaction of the Commissioner, to be the owner, the lost property in the custody of the Police Force must be returned to that person unless that person —
 - (i) cannot be located after reasonable inquiry; or
 - (ii) does not exercise his right to recover the property;
- (c) if the lost property becomes unclaimed property, the Commissioner may cause the whole or any part of unclaimed property —
 - (i) to be sold (by public auction or otherwise) and the proceeds of the sale to be paid into the Consolidated Fund;
 - (ii) if cash, to be forfeited and paid into the Consolidated Fund; or

(iii) to be destroyed or otherwise disposed of at such time and in such manner as the Commissioner thinks fit.

(2) Where any lost property is deposited with a police officer under subsection (1), the lost property becomes unclaimed property if, at the end of 30 days after the day on which the property was so deposited —

- (a) there is no person who appears, to the satisfaction of the Commissioner, to be the owner of the lost property; or
- (b) there is such a person but that person has not been located after reasonable inquiry or that person has not exercised his right to recover the lost property by a claim.

(3) The proceeds of a sale of unclaimed property under this section must be applied as follows:

- (a) firstly, in payment of the expenses occasioned by the sale;
- (b) secondly, in payment of storage or other expenses incurred by the Commissioner in relation to the property;
- (c) thirdly, by payment of the balance into the Consolidated Fund.

(4) A person who buys movable property that is lost property sold by or on the authority of the Commissioner under this section obtains good title to that property.

(5) Despite subsection (1), if a person who appears, to the satisfaction of the Commissioner, to be the owner of lost property claims, before the end of one year starting from the day on which the property was deposited with a police officer under subsection (1), that property after it has become unclaimed property, the Commissioner may do as follows:

- (a) if the property remains in the custody of the Police Force, the Commissioner may authorise the property to be returned to the person;

(b) if the property (being cash) or the proceeds of the sale of the property were paid into the Consolidated Fund, the Commissioner may authorise the refund of the property or the proceeds of the sale to the person.

(6) A finder of any lost property deposited under subsection (1) has no rights in relation to that property by reason of being the finder, and a police officer who comes into possession of any lost property in the course of his duties does not have the rights of a finder in relation to that property.”

Amendment of section 109

37. Section 109 of the principal Act is amended —

(a) by deleting subsection (2); and

(b) by deleting the words “or (2)” in subsection (3).

Repeal and re-enactment of section 110 and new section 110A

38. Section 110 of the principal Act is repealed and the following sections substituted therefor:

“Perishable or low value property, etc.

110.—(1) Where it appears to the Commissioner that any lost property referred to in section 108 or any property of a deceased person referred to in section 109 —

(a) is cash of not more than \$1,000 or the equivalent in foreign currency;

(b) is perishable;

(c) may rapidly depreciate in value; or

(d) is of such a nature or in such condition that it would be dangerous, not reasonably practicable or unduly costly for the Police Force to retain custody of the property,

this section applies despite sections 108 and 109.

(2) Subject to subsection (3), where this section applies to any lost property and any property of a deceased person referred to in

sections 108 and 109, respectively, the Commissioner may cause the property —

- (a) to be paid into the Consolidated Fund at once;
- (b) to be sold (by public auction or otherwise) at once and the proceeds of sale to be paid into the Consolidated Fund; or
- (c) to be destroyed or otherwise disposed of at such time and in such manner as the Commissioner thinks fit.

(3) Where any lost property or any property of a deceased person referred to in section 108 or 109 —

- (a) is paid into the Consolidated Fund under subsection (2)(a); or
- (b) is sold (by public auction or otherwise) under subsection (2)(b),

the cash or the proceeds of the sale (as the case may be) are to be dealt with in the same manner as the property would have been required by section 108 or 109, as the case may be, to be dealt with if not so paid or sold.

(4) A person who buys property sold by or on the authority of the Commissioner under this section obtains good title to that property.

Outsourcing function as regards lost and unclaimed property

110A. The Commissioner (and no other) may, under his hand in writing, appoint any person outside of the Police Force as an independent contractor to exercise any power conferred or perform any duty imposed on the Commissioner under section 108, 109 or 110, and any reference in any such provision to the Commissioner includes a reference to such a person if appointed.”.

New section 112A

39. The principal Act is amended by inserting, immediately after section 112, the following section:

“Power to compound

112A.—(1) The Minister may, by regulations, prescribe any offence under this Act (except a service offence or disciplinary offence) as a compoundable offence.

(2) The Commissioner may compound any offence under this Act which is so prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(3) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.”.

Amendment of section 115

40. Section 115 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following subsection:

“(1) Subject to subsection (3), no disciplinary proceedings shall be instituted under this Act against a special police officer who is a national serviceman for any disciplinary offence unless the disciplinary proceedings begin within 3 years after the later of the following dates:

- (a) the date on which the disciplinary offence was alleged to have been committed;
- (b) the date on which information relating to the commission of that offence was first reported to or discovered by an investigating officer for that disciplinary offence.”.

Amendment of section 117

41. Section 117(2) of the principal Act is amended —

- (a) by deleting the word “pay” in paragraph (b) and substituting the word “emoluments”; and
- (b) by inserting, immediately after paragraph (g), the following paragraphs:

“(ga) the appointment, release, discharge of forensic specialists and civilian police assistants, and the terms and conditions of service of forensic specialists and civilian police assistants who are not public officers;

(gb) the administration, organisation and discipline of forensic specialists and civilian police assistants, including (in particular) requiring compliance with any provision of the Police General Orders or Force Orders;”.

New section 120A

42. The principal Act is amended by inserting, immediately after section 120, the following section:

“Wearing and possession of police uniforms, etc., by others

120A.—(1) A person who, when the person is not a police officer —

- (a) wears or possesses any police uniform, or uses any police insignia —
 - (i) for the purpose of personating or representing himself as a police officer; or
 - (ii) knowing that is likely to cause any member of the public to believe that he is a police officer;
- (b) uses the designation of a police officer or a rank of the Police Force or the Special Constabulary, in connection with any business, occupation or employment —

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- (i) for the purpose of personating or representing himself as a police officer; or
 - (ii) knowing that is likely to cause any member of the public to believe that he is a police officer;
- (c) represents himself, by word or conduct, to be a police officer for the purpose of personating or representing himself as a police officer; or
- (d) wears or possesses any police uniform, or uses any police insignia, in connection with any business, occupation or employment, for the purpose of falsely claiming, suggesting or implying —
- (i) that the person holds a licence from the Commissioner referred to in subsection (4)(a);
 - (ii) that the person receives or is to receive, a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the Police Force or the Special Constabulary;
 - (iii) that the Police Force or the Special Constabulary has agreed to acquire any goods or services provided by or on behalf of the person, or that those goods or services had previously been used or acquired by the Police Force or the Special Constabulary; or
 - (iv) that the person has the sponsorship or approval of the Police Force or the Special Constabulary for any goods or services provided by or on behalf of the person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 6 months or to both.

(2) A police officer who wears a police uniform or uses any police insignia otherwise than in the course of, and for the purpose of, exercising the functions of a police officer shall be

guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 6 months or to both.

(3) It shall be a defence to a prosecution for an offence under subsection (1)(a) or (2) if the accused proves, on a balance of probabilities, that —

- (a) the accused had the express permission of the Commissioner to wear or possess the police uniform or use the police insignia, as the case may be; or
- (b) the accused wore or possessed the police uniform or used the police insignia (as the case may be) for the purposes of a public entertainment provided in compliance with the Public Entertainments and Meetings Act (Cap. 257).

(4) A person (whether or not a police officer) who —

- (a) manufactures or sells any police uniform or police insignia otherwise than in accordance with a licence granted to the person by the Commissioner;
- (b) sells any police uniform or police insignia to a person who is neither a police officer nor otherwise authorised or permitted under subsection (2) to possess or wear the police uniform or use the police insignia; or
- (c) gives or furnishes, whether or not for a consideration, any police uniform or police insignia to a person who is neither a police officer nor otherwise authorised or permitted under subsection (3) to possess or wear the police uniform or use the police insignia,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) It is a defence to any prosecution for an offence under subsection (4) if the accused proves, on the balance of probabilities, that —

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- (a) the accused had reasonable grounds to believe and did make reasonable inquiries to ascertain that the person to whom the police uniform or police insignia was sold, given or furnished was —
- (i) a police officer; or
 - (ii) a person otherwise authorised or permitted under subsection (3) to possess or wear the police uniform or use the police insignia; or
- (b) the accused had received from the person to whom the police uniform or police insignia was sold, given or furnished evidence purporting to show that —
- (i) that person was a police officer or was otherwise authorised or permitted under subsection (2) to possess or wear the police uniform or use the police insignia; and
 - (ii) it was reasonable to and he did accept that evidence as correct.
- (6) An offence under subsection (1), (2) or (3) is an arrestable offence.
- (7) In this section —
- “police insignia” means —
- (a) any items (being insignia, emblems, logos, symbols, representation, devices, badges of rank or other things) that are generally recognised as pertaining to the Police Force or the Special Constabulary or as being used by police officers;
 - (b) any parts of any such items;
 - (c) any reasonable imitation of any such items, or parts of such items; or
 - (d) any insignia, emblems, logos, symbols, representation, devices, badges of rank or other things prescribed by Police Regulations as being within this definition;

“police officer” includes a special police officer;

“police uniform” means the uniform of a police officer, and includes —

(a) any parts of such a uniform or any accoutrements of a police officer that are generally recognised as parts of the uniform or accoutrements of a police officer; or

(b) any reasonable imitations of such a uniform or accoutrements, or parts of a uniform or accoutrements;

“sell” means sell, exchange or let on hire, and includes —

(a) offer, expose, possess, send, forward or deliver for sale, exchange or hire; or

(b) cause, suffer or allow any sale, exchange or hire;

“use”, in relation to police insignia, includes —

(a) driving on a public road a vehicle that has on it any police insignia; and

(b) using a reproduction or representation of police insignia,

but does not include wearing a police uniform.”.

Miscellaneous amendments

43. The principal Act is amended by deleting the words “the Deputy Commissioner” in sections 69(2) and 73(3) and substituting in each case the words “a Deputy Commissioner”.

Savings and transitional provisions

44.—(1) Section 6 of this Act applies to and in relation to any appeal to the Commissioner, whether made before, on or after the date of commencement of that section.

(2) Sections 10, 11, 15 and 17 of this Act shall not apply to, or in relation to, any disciplinary proceedings that —

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- (a) are instituted against a police officer below the rank of inspector before the respective dates of commencement of those sections;
- (b) are pending on those respective dates of commencement, and those proceedings may be continued, and any punishment may be imposed on such a police officer, as if the relevant section had not been enacted.
- (3) Sections 28, 29 and 30(a) to (e) and (g) of this Act shall not apply to or in relation to any disciplinary proceedings that —
- (a) are instituted against a special police officer before the respective dates of commencement of those sections; and
- (b) are pending on those respective dates of commencement, and those proceedings may be continued and any punishment may be imposed on such a special police officer as if the relevant section had not been enacted.
- (4) Section 36 of this Act shall not apply to any lost property and unclaimed property deposited at a police station before the date of commencement of that section; and section 108 of the principal Act as in force before that date shall continue to apply to lost property and unclaimed property so deposited as if this Act had not been enacted.
- (5) Section 38 of this Act shall apply to —
- (a) any lost property and unclaimed property deposited with a police officer before, on or after the date of commencement of that section; and
- (b) any movable property in Singapore taken charge of by the police under section 109 of the principal Act as in force before, on or after the date of commencement of section 37 of this Act.
- (6) Section 40 of this Act does not prevent the commencement and maintenance of any disciplinary proceedings on or after the date of commencement of that section with respect to any disciplinary offence alleged to have been committed before that date, but it shall not be lawful to institute any disciplinary proceedings against a police officer in respect of such a disciplinary offence alleged to have been

committed by the police officer if, on that date, such proceedings in respect of that offence are barred by virtue of the expiration of the time allowed under the principal Act as in force before that date.

(7) For a period of 2 years after the date of commencement of any provision in this Act, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

(8) This section applies without prejudice to section 16 of the Interpretation Act (Cap. 1) except as expressly provided by or under this section.

Related amendments to Fire Safety Act

45. The Fire Safety Act (Cap. 109A) is amended in the manner set out in the Schedule.

Consequential amendments to other written laws

46.—(1) Part I of the First Schedule to the Criminal Law (Temporary Provisions) Act (Cap. 67, 2000 Ed.) is amended by inserting, immediately after item 28, the following item:

“29. Services provided by forensic specialists (within the meaning of the Police Force Act (Cap. 235)) and fire forensic specialists (within the meaning of the Fire Safety Act (Cap. 109A)).”.

(2) The Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended —

(a) by inserting, immediately after the words “a police officer” in section 22(1), the words “, or a forensic specialist acting in the course of his duty as such in accordance with the written authorisation of the Commissioner under the Police Force Act (Cap. 235) and the lawful directions of the police officer or law enforcement officer he assists,”;

(b) by inserting, immediately after subsection (2) of section 34, the following subsection:

“(2A) A reference to a police officer in this section includes a reference to a forensic specialist acting in the

course of his duty as such in accordance with the written authorisation of the Commissioner under the Police Force Act and the lawful directions of the police officer he assists.”;

- (c) by inserting, immediately after subsection (9) of section 35, the following subsection:

“(10) A reference to a police officer in this section includes a reference to a forensic specialist acting in the course of his duty as such in accordance with the written authorisation of the Commissioner under the Police Force Act and the lawful directions of the police officer he assists.”; and

- (d) by deleting the words “a person” in section 39(6) and substituting the words “a forensic specialist appointed under section 65A of the Police Force Act, or other person,”.

(3) Section 2 of the Enlistment Act (Cap. 93, 2001 Ed.) is amended by deleting the full-stop at the end of the definition of “subordinate military court” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

“ “voluntary service”, in relation to the Special Constabulary, includes service as a volunteer ex-NSman within the meaning of the Police Force Act (Cap. 235).”.

(4) The Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184, 1997 Ed.) is amended —

- (a) by inserting, immediately after the words “any written law” in section 22(3)(a), the words “, a forensic specialist or civilian police assistant acting in the course of his duty as such in accordance with the Police Force Act (Cap. 235),”;
- (b) by inserting, immediately after the words “an auxiliary police officer,” in section 22A(3), the words “a forensic specialist or civilian police assistant acting in the course of his duty as such in accordance with the Police Force Act,”; and
- (c) by inserting, immediately after section 40, the following section:

“Regulations

41. The Minister may make regulations for anything that is required, permitted, expedient or necessary for carrying out the purposes and provisions of this Act, including prescribing any offences under this Act as offences that may be compounded if not so prescribed by section 241 of the Criminal Procedure Code (Cap. 68).”.

(5) The Registration of Criminals Act (Cap. 268, 1985 Ed.) is amended —

(a) by inserting, immediately after paragraph (c) in the definition of “authorised officer” in section 2, the following paragraph:

“(ca) a forensic specialist acting in accordance with an authorisation under section 65B(1) of the Police Force Act (Cap. 235) to exercise a power under this Act;”;

(b) by deleting the definition of “finger impression” in section 2 and substituting the following definitions:

“ “finger impression” includes palmar impressions, hand prints, finger prints, foot prints or toe prints;

“forensic procedure”, in relation to an individual, includes doing one or all of the following in relation to the individual:

(a) taking an impression or cast of a wound from the external parts of the individual’s body other than the parts referred to in section 13A(3);

(b) the taking of physical measurements (whether or not involving marking) for biomechanical analysis of an external part of the body other than the parts referred to in section 13A(3);

(c) removing any article that the individual is wearing, and searching any article so removed;

(d) removing a relevant thing attached physically to those external parts of the individual's body or taking a sample of that relevant thing;

(e) photographing any relevant thing in the position it is found on the external parts of the individual's body, or in the individual's mouth;

“forensic specialist” means an individual who is appointed under section 65A of the Police Force Act as a forensic specialist;”;

(c) by inserting, immediately after paragraph (a) in section 8, the following paragraph:

“(aa) carry out a forensic procedure on an individual if the authorised officer is also a forensic specialist;”;

(d) by inserting, immediately after the words “and his finger impressions” in section 13(1)(a), the words “and to any forensic procedure carried out by an authorised person who is also a forensic specialist”;

(e) by deleting the words “or finger impressions or” in section 13(2) and substituting the words “or finger impressions, to any forensic procedure carried out by an authorised person who is also a forensic specialist, or”;

(f) by inserting, immediately after the words “of that person” in section 13(2)(b), the words “or carrying out the forensic procedure, as the case may be”;

(g) by deleting the definition of “authorised analyst” in section 13A(1) and substituting the following definition:

““authorised analyst” means —

(a) a forensic specialist; or

(b) a person appointed by the Commissioner of Police to be an analyst for the purposes of this Part;”;

- (h) by deleting the words “types of body samples” in section 13A(2) and substituting the words “types of sample of or from a person’s body”.

THE SCHEDULE

Section 45

RELATED AMENDMENTS TO FIRE SAFETY ACT

Amendment of section 2

1. Section 2(1) of the Fire Safety Act (called in this Schedule FSA) is amended by inserting, immediately after the definition of “Fire Code”, the following definition:

““fire forensic specialist” means an individual who is appointed under section 8E as a fire forensic specialist;”.

Amendment of section 8

2. Section 8 of the FSA is amended —

- (a) by deleting paragraph (e) of subsection (1); and
- (b) by deleting paragraph (b) of subsection (3).

Amendment of section 8A

3. Section 8A of the FSA is amended —

- (a) by deleting paragraph (c) of subsection (1); and
- (b) by deleting the words “Except in respect of the boarding of any vessel within 48 hours after a fire has occurred on board the vessel for the purpose of determining the cause or causes of the fire, the Commissioner” in subsection (2) and substituting the words “The Commissioner”.

Repeal and re-enactment of section 8B

4. Section 8B of the FSA is repealed and the following section substituted therefor:

“Power to enter premises, etc., up to 48 hours after fire

8B.—(1) For the purposes of investigating the cause or origin of any fire which has occurred in or on any aircraft, vessel or vehicle, or in or on any premises, the Commissioner, or a member of the Force or a fire forensic specialist authorised by the Commissioner in writing —

THE SCHEDULE — *continued*

(a) may enter and inspect those premises or any adjacent premises, or may board the aircraft, vessel or vehicle, as the case may be; and

(b) may seize or detain the aircraft or vehicle.

(2) The power conferred under subsection (1)(a) on the Commissioner, or a member of the Force or a fire forensic specialist authorised by the Commissioner, may be exercised —

(a) without notice within a period of 48 hours after the fire on the premises, aircraft, vessel or vehicle, as the case may be, has been put out; and

(b) in any other case, only after giving notice in writing of the intended entry to the occupier of the premises or intended boarding to the owner of the aircraft, vessel or vehicle, as the case may be.

(3) However, this section does not authorise the Commissioner, or a member of the Force or a fire forensic specialist, to enter any part of premises, or to board any part of an aircraft, vessel or vehicle, as the case may be, without first producing, if so required, an authenticated document showing his authority to so enter or board.

(4) To avoid doubt, nothing in this section shall limit the powers of any authority to investigate accidents under any written law for the time being in force relating to air navigation or merchant shipping.”.

Amendment of section 8C

5. Section 8C of the FSA is amended —

(a) by inserting, immediately after the words “or any member of the Force” in subsection (1), the words “or fire forensic specialist”; and

(b) by deleting the words “or a member of the Force” wherever they appear in subsections (2), (4), (7), (8) and (9) and substituting in each case the words “, or a member of the Force or a fire forensic specialist”.

New section 8E

6. The FSA is amended by inserting, immediately after section 8D, the following section:

“Fire forensic specialists

8E.—(1) The Minister may, in writing, appoint any of the following individuals to be fire forensic specialists to assist the Commissioner, or

THE SCHEDULE — *continued*

any member of the Force authorised by the Commissioner under section 8B, exercising in Singapore a power under that section or section 8C:

- (a) a Division I, II or III public officer who is not a member of the Force but is employed in the offices of the Force;
- (b) an individual (who is not a public officer) with suitable qualifications or experience to properly exercise the powers of a fire forensic specialist.

(2) A fire forensic specialist's appointment is to be for such period as the Minister decides and, for an individual referred to in subsection (1)(b), is to be on such terms and conditions (including remuneration) as the Minister decides from time to time.

(3) The Minister may, for any reason that appears to the Minister to be sufficient, at any time revoke an individual's appointment as a fire forensic specialist.

(4) The Commissioner must issue to each fire forensic specialist an identification card, which must be carried at all times by the fire forensic specialist when exercising powers under any provision in this Act.

(5) A fire forensic specialist whose appointment as such ceases must return any identification card issued to him under subsection (4) to the Commissioner.

(6) A fire forensic specialist is not a member of the Force, and an individual referred to in subsection (1)(b) who is appointed as a fire forensic specialist under that subsection does not, by virtue only of that appointment, become an employee or agent of the Government.

(7) A fire forensic specialist is to be issued with such equipment, or such description of equipment, as the Commissioner may determine.

(8) The Commissioner may, in writing, authorise a fire forensic specialist to exercise any of the powers in sections 8B and 8C in aid of any member of the Force or class of such members, as the Commissioner may specify in that authorisation, but the Commissioner cannot authorise under this subsection any fire forensic specialist to arrest any individual.

(9) The Commissioner's authorisation under subsection (8) for a fire forensic specialist may do any or all of the following:

- (a) limit the powers in sections 8B and 8C that the fire forensic specialist may exercise;

THE SCHEDULE — *continued*

- (b) limit when the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them;
- (c) limit where in Singapore the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them;
- (d) limit the circumstances in which the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them;
- (e) limit the purposes for which the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them.

(10) A fire forensic specialist who under this section is authorised by the Commissioner to exercise any power under section 8B or 8C to assist the Commissioner or a member of the Force —

- (a) must obey all lawful directions (general or specific) of the Commissioner and the member of the Force when exercising such power; and
- (b) shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.

(11) Without prejudice to subsection (10), where any law or written law protects a member of the Force from liability for the member's acts or omissions, that law or written law shall be taken to operate as if those acts or omissions included the fire forensic specialist's acts or omissions when acting in the course of his duty as a fire forensic specialist in accordance with the written authorisation of the Commissioner under this Part and the lawful directions of the member of the Force he assists.

(12) To avoid doubt, a fire forensic specialist does not cease to be acting on the direction of a member of the Force by reason only that that member of the Force is not present at all times when the fire forensic specialist exercises any power under section 8B or 8C.”.

Amendment of section 59

7. Section 59(3) of the FSA is amended by inserting, immediately after the words “any public officer”, the words “, fire forensic specialist”.
