



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PRISONS ACT

(CHAPTER 247)

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CHAPTER 247

Prisons Act

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[18th August 1933]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Prisons Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“Corporation” means the Singapore Corporation of Rehabilitative Enterprises established under the Singapore Corporation of Rehabilitative Enterprises Act (Cap. 298);

“Director” means the Director of Prisons appointed under section 20;

“lock-up prisoner” means any person, whether convicted or not, who is confined in a lock-up, or who is transported to, or from, a lock-up;

“prison” means any house, building, enclosure or place, or any part thereof, declared to be a prison or reformatory training centre under section 3, and includes the grounds and buildings within the prison enclosure and also the airing grounds or other grounds or buildings belonging or attached thereto and used by prisoners;

“prison officer” means any prison officer appointed under section 20 but does not include the Director or any Superintendent;

“prisoner” means any person, whether convicted or not, under detention in any prison or reformatory training centre;

“Superintendent” means a Superintendent of Prisons appointed under section 20;

“Visiting Justice” means a member of the Board of Visiting Justices appointed under section 79.

[8/2000]

PART II

CONSTITUTION AND ADMINISTRATION

Power to declare prisons

3. The Minister may, by notification in the *Gazette* —
- (a) declare any house, building, enclosure or place, or any part thereof, to be a prison for the purposes of this Act for the imprisonment or detention of persons lawfully in custody;
 - (b) define which prisons shall be used for the custody of particular classes of prisoners;
 - (c) declare that any prison shall cease to be a prison; and on the publication in the *Gazette* of such declaration, or from and after any later date specified therein, that prison shall cease to be a prison; and
 - (d) declare any prison, house, building, enclosure or place, or any part thereof, to be a reformatory training centre for the detention of persons sentenced to reformatory training.

Appointment of lock-ups at police stations and court houses as places of detention

4.—(1) The Minister may, by notification in the *Gazette*, appoint the lock-ups at such police stations and court houses to be places for the confinement of persons awaiting trial, remanded, or sentenced to such terms of imprisonment, not exceeding one month, as may be specified in each case.

(2) A lock-up appointed as a place of confinement under subsection (1) shall not be deemed to be a prison for the purposes of this Act or of the Registration of Criminals Act (Cap. 268) and regulations made under section 84 shall not apply thereto, but every such lock-up shall be deemed to be a prison for the purposes of Chapter XXV of the Criminal Procedure Code (Cap. 68).

(3) The Minister may make regulations with regard to lock-ups appointed under subsection (1) to provide for all or any of the following matters:

- (a) the inspection and management of such lock-ups and the officers to be in charge thereof;
- (b) the employment of persons confined therein;
- (c) the diets to be supplied to such persons;
- (d) the maintenance of discipline.

Temporary prisons

5.—(1) Whenever it appears to the Director —

- (a) that the number of prisoners in any prison is greater than can be conveniently kept therein, and that it is not convenient to transfer the excess number to some other prison; or
- (b) that, by reason of the outbreak within any prison of disease or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

such provision shall be made as the Director may, with the approval of the Minister, direct for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

(2) Every such temporary prison shall be a prison for the purposes of this Act.

General administration of prisons by Director

6.—(1) Subject to the orders of the Minister, the general charge and administration of prisons and the control and direction of prison officers throughout Singapore shall be vested in the Director.

(2) The Director may from time to time make such transfers, and direct the employment and distribution, of prison officers as he may think fit.

Administration of prison by Superintendent

7.—(1) Subject to the orders of the Director, the administration of each prison shall be vested in a Superintendent.

[8/2000]

(2) If the Superintendent of a prison is temporarily absent or temporarily incapacitated, the powers and duties of the Superintendent under the Act or any regulations made thereunder may, during the period of absence or incapacity, be exercised and performed by any prison officer appointed by the Director.

[8/2000]

PART III**COMMITTEE OF INQUIRY****Committee of inquiry**

8.—(1) Where it is expedient that the Minister, or such other person as the Minister may appoint to exercise the powers conferred upon the Minister by this Part, should be informed on any matter connected with the discipline, administration or functions of any prison or affecting any prisoner, the Minister or the person appointed by the Minister may convene a committee of inquiry.

[8/2000]

(2) A committee of inquiry shall inquire into and report on the facts relating to any matter referred to it and, if directed by the Minister to do so, express its opinion on any question arising out of any such matter.

[8/2000]

(3) In this Part, “Minister” includes the person appointed by the Minister under subsection (1) to act on his behalf for the purposes of this Part.

[7A
[8/2000]

Composition of committee of inquiry

9.—(1) A committee of inquiry shall consist of one or more persons who shall be appointed by the Minister.

[8/2000]

(2) Where a committee of inquiry consists of more than one person, the Minister shall appoint one of the members to be the chairman.

[8/2000]

(3) Where a committee of inquiry consists of one member only, he shall be vested with the powers of a chairman.

[8/2000]

(4) Every member of a committee of inquiry appointed under this section shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

[7B
[8/2000]

Powers of committee of inquiry

10. A committee of inquiry may —

(a) summon any person to give evidence on oath or on affirmation, or to produce any document or material, necessary for the purpose of the inquiry; and

(b) visit any place in order to inquire into any matter which may arise in the course of the inquiry.

[7C
[8/2000]

Disobedience to summons an offence

11.—(1) A person who is summoned to give evidence before a committee of inquiry shall not, without lawful excuse, fail to appear in obedience to the summons.

[8/2000]

(2) A person who is required by a committee of inquiry to produce any document or material for the purpose of the inquiry shall not, without lawful excuse, fail to produce the document or material.

[8/2000]

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[7D

[8/2000]

Refusal to give evidence an offence

12.—(1) A person who appears before a committee of inquiry shall not, without lawful excuse, refuse to be sworn or to make an affirmation, or to produce any document or material, or to answer any question, which he is lawfully required to produce or answer.

[8/2000]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[7E

[8/2000]

Giving of false evidence an offence

13. Every person who wilfully gives false evidence when examined on oath or on affirmation before a committee of inquiry 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 7 years or to both.

[7F

[8/2000]

Evidence and procedure

14. Except as otherwise provided in this Act or any regulations made thereunder, a committee of inquiry shall not be bound by the

rules of evidence and may act in such manner as the committee of inquiry thinks most expedient.

[7G
[8/2000]

Admissibility of evidence

15. No statement made in the course of any inquiry and no report of a committee of inquiry shall be admissible as evidence in any proceedings other than proceedings, whether criminal or disciplinary, for an offence of giving or fabricating false evidence under any written law.

[7H
[8/2000]

Proceedings not open to public

16.—(1) A committee of inquiry shall not sit in public.

[8/2000]

(2) No person shall be allowed to attend the proceedings of a committee of inquiry, or address a committee of inquiry, except with the permission of the chairman or if the Minister so directs.

[7I
[8/2000]

Persons who may be affected by findings

17.—(1) Where it appears to a committee of inquiry that the Director, any Superintendent, prison officer or witness may be adversely affected by its findings, the committee shall notify him and give him an opportunity to be present at the proceedings of the committee of inquiry or at such part thereof as the chairman may specify.

[8/2000]

(2) The person notified under subsection (1) shall be allowed to give evidence and examine any witness.

[7J
[8/2000]

Record of proceedings

18.—(1) The chairman shall record or cause to be recorded in writing the proceedings of the committee of inquiry.

[8/2000]

(2) The evidence of each witness before a committee of inquiry shall be read over to him and shall be signed by him.

[8/2000]

(3) A record of the proceedings of a committee of inquiry shall be signed by the chairman and the members of the committee, if any, and forwarded to the Minister.

[8/2000]

(4) The record of proceedings of a committee of inquiry, or any part thereof, or any information relating thereto shall be kept confidential and shall not be released to any person, other than a member of the committee, without the written permission of the Minister.

[7K

[8/2000]

Offence to influence or attempt to influence committee of inquiry

19. Every person who, otherwise than in the course of duty, directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of a committee of inquiry or any member of a committee of inquiry shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[7L

[8/2000]

PART IV**OFFICERS****Appointment of Director and other officers**

20.—(1) The Minister may appoint a Director of Prisons, and, either by name or as holding any office for the time being, one or

more Superintendents of Prisons, and such and so many prison officers, male or female, as may be necessary.

[7/97]

(2) The appointment of the Director and of any Superintendent shall be notified in the *Gazette*.

[8]

Prison Standing Orders

21. The Director may issue orders, to be called Prison Standing Orders, not inconsistent with the provisions of this Act or of any regulations made thereunder.

[9]

Inspection by Director

22. The Director shall periodically visit and inspect, or cause to be visited and inspected, all prisons in Singapore.

[10]

Director may exercise powers of Superintendent

23. The Director may exercise and perform any of the powers conferred or duties imposed by law on a Superintendent.

[11]

Duties of Superintendent

24. Subject to the orders of the Director, a Superintendent shall —

- (a) supervise and control all matters in connection with any prison the administration of which is vested in him; and
- (b) be responsible to the Director for the conduct and treatment of the prison officers and prisoners under his control, and for the due observance by prison officers and prisoners of the provisions of this Act and of all other written law relating to prisons or prisoners.

[12]

Medical officer for prisons

25.—(1) The Director of Medical Services shall, whenever the circumstances permit, appoint a medical officer for the prisons.

(2) If circumstances do not permit the appointment of a medical officer under subsection (1) by the Director of Medical Services, the Minister may appoint any registered medical practitioner to be the medical officer for any particular prison.

(3) Whenever a medical officer appointed under subsection (1) is, owing to illness or temporary absence or for other sufficient reason, unable to perform his duties, his duties shall be performed by another medical officer appointed in that behalf by the medical officer, or in default of the medical officer by the Superintendent.

[13]

Duties of medical officer

26. Subject to the control of the Director, the medical officer shall perform such duties as may be prescribed.

[14]

Duties of prison officers

27. Prison officers shall perform such duties as may be prescribed.

[17]

Accoutrements

28. Every Superintendent and every prison officer shall be provided with such staves, arms, ammunition and other accoutrements as may be prescribed.

[18]

Observance of laws, regulations and orders

29. Every Superintendent and every prison officer shall —

- (a) strictly conform to all laws and regulations relating to prisons and prisoners; and

- (b) obey all lawful orders of his superior officers, whether given verbally or in writing, or issued in the form of prison regulations or standing orders.

[19]

Prison officers deemed public servants

30. The Director and all Superintendents, medical officers and prison officers appointed under this Act or any regulations made thereunder shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

[20]

Use of weapons

31.—(1) Subject to this section, a Superintendent or prison officer may use any weapon —

- (a) against any prisoner escaping or attempting to escape;
- (b) against any person who does any act or attempts to do any act to facilitate the escape of any prisoner ; or
- (c) against any person engaged in any attempt to damage or force or break open —
 - (i) the outside door or gate or enclosure wall of a prison or any other part of a prison; or
 - (ii) any part of any vehicle in which a prisoner is conveyed.

[8/2000]

(2) A Superintendent or prison officer may use any weapon —

- (a) on any prisoner engaged in any combined outbreak; and
- (b) on any person engaged in any attempt to damage or force or break open —
 - (i) the outside door or gate or enclosure wall of a prison or any other part of a prison; or
 - (ii) any part of any vehicle in which a prisoner is conveyed,

and may continue to use the weapon so long as the combined outbreak or attempt is actually being prosecuted.

[8/2000]

(3) Every Superintendent and every prison officer may use weapons against any prisoner using violence on any prison officer or other person, if the Superintendent or prison officer has reasonable ground to believe that the prison officer or other person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

(4) A Superintendent or prison officer shall not resort to the use of any weapon under subsection (1) unless he has reasonable ground to believe that he cannot otherwise prevent the escape of any prisoner .

[8/2000]

(5) Before using any firearm against a prisoner or other person referred to in subsection (1), the Superintendent or prison officer shall give a warning to the prisoner or that other person, as the case may be, that he is about to fire on him.

[8/2000]

(6) No prison officer shall, in the presence of his superior officer, use any firearm against a prisoner or other person in the circumstances described in subsection (1) or (2) except under the orders of his superior officer.

[8/2000]

(7) The use of weapons under this section shall be, as far as possible, to disable and not to kill.

(8) Every police officer who is for the time being serving in the capacity of an escort, or of a guard in or around any prison or lock-up, for the purpose of ensuring the safe custody of any prisoner or prisoners, shall be deemed to have all the powers and privileges granted to prison officers under this section.

[21

Superintendent and prison officer to have powers of police officer

32. Every Superintendent and every prison officer while acting as such shall by virtue of his office have all the powers, authorities, protection and privileges of a police officer.

[22

PART V**CUSTODY AND REMOVAL OF PRISONERS****Prisoners deemed in legal custody**

33.—(1) Every prisoner confined in any prison shall be deemed to be in the legal custody of the Superintendent thereof.

(2) Every prisoner shall be subject to the prison discipline and regulations during the whole time of his imprisonment, whether or not he is within the precincts of any prison.

[23]

Employment of auxiliary police officers as escorts and guards

34.—(1) For the purpose of assisting him in the discharge of his duties under this Act, the Director may employ such numbers of auxiliary police officers as he considers fit as escorts or guards to ensure the safe custody of the prisoners who are under his custody while the prisoners are transported to, or from, any prison and while the prisoners are at any place outside a prison.

[8/2000]

(2) A prisoner who is delivered into the custody of an auxiliary police officer under this section shall be deemed to be in lawful custody.

[8/2000]

(3) Every auxiliary police officer who is employed as an escort or a guard under subsection (1) shall, in the course of carrying out his duties as an escort or a guard —

- (a) have the powers of a prison officer conferred under section 31;
- (b) be deemed to be a prison officer for the purpose of section 69; and
- (c) be deemed to be an officer for the purposes of sections 72 and 73.

[8/2000]

(4) Every auxiliary police officer employed under subsection (1) shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

[8/2000]

(5) For the purpose of this section, “auxiliary police officer” means a member of the Auxiliary Police Force established under section 12 of the Commercial and Industrial Security Corporation Act (Cap. 47) or a member of an auxiliary police force established under any other written law.

[23A
[8/2000]

Superintendent to detain persons committed

35. The Superintendents are authorised and required to keep and detain all persons duly committed to their custody by any court, Judge, Magistrate, Justice of the Peace, Coroner, or other public officer lawfully exercising civil or criminal jurisdiction, according to the exigency of any writ, warrant or order by which such persons have been committed, or until such persons are discharged by due course of law.

[24

Delivery of persons on remand

36.—(1) Every person remanded to any prison by any court, Judge, Magistrate, Justice of the Peace or Coroner, charged with any crime or offence, shall be delivered to the Superintendent of such prison as the Minister appoints for the custody of such persons, together with a warrant of commitment.

(2) The Superintendent shall detain a person referred to in subsection (1) according to the terms of the warrant, and shall cause that person to be delivered to such court, Judge, Magistrate, Justice of the Peace or Coroner, or shall discharge that person at the time named in and according to the terms of the warrant.

[25

Delivery of persons arrested on warrant

37.—(1) Every person arrested in pursuance of any writ, warrant or order of any court having civil jurisdiction shall be brought without delay before the court by which the writ, warrant or order was issued, awarded or made.

(2) If the court is not then sitting, the person shall be delivered to the Superintendent for intermediate custody, and the Superintendent shall cause the person to be brought before that court at its next sitting in order that the person may be dealt with according to law.

[26]

Production of persons before court

38.—(1) Whenever the presence of any person confined in a prison is required in any court of civil or criminal jurisdiction, the court may issue an order in writing addressed to the Superintendent requiring the production before the court of the person in proper custody at the time and place to be named in the order.

(2) The Superintendent shall cause the person named in the order to be brought up as directed, and shall provide for his safe custody during his absence from prison.

(3) Every court may by endorsement on the order require the person named therein to be again brought up at any time to which the matter wherein the person is required may be adjourned.

(4) Every such order issued by the Supreme Court may be signed by the Registrar of the Court, and if issued by a District Court, may be signed by the Judge or Registrar thereof, and if issued by any other court, shall be signed by the Magistrate or Coroner, as the case may be.

[27]

Powers of Minister for production of prisoner in certain cases

39.—(1) The Minister may, on proof to his satisfaction that the presence of any prisoner at any place is required in the interests of justice, or for the purpose of any public inquiry, by writing under his hand order that the prisoner be taken to that place.

(2) A prisoner taken from a prison in pursuance of an order made under this section shall, while outside that prison, be kept in such custody as the Minister may by writing under his hand so direct, and while in that custody shall be deemed to be in legal custody.

[28]

Powers of Superintendent for production of prisoner in interest of prisoner

40.—(1) The Superintendent of any prison may, on proof to his satisfaction that the presence of a prisoner at any place is required in the interest of the prisoner, by writing under his hand order that the prisoner be taken to that place.

[8/2000]

(2) A prisoner taken from a prison under an order made under subsection (1) shall, while outside that prison, be kept in such custody as the Superintendent may by writing under his hand so direct, and while in that custody shall be deemed to be in lawful custody.

[28A

[8/2000]

Discharge of prisoners

41. The Superintendent shall be responsible for the due discharge of all prisoners immediately upon their becoming entitled to release, whether by the expiration of their terms of sentence, or by pardon, or by commutation, or by remission of sentence.

[29]

Occurrence of infectious disease

42.—(1) In case of a contagious or infectious disease occurring in any prison, it shall be lawful to remove any of the prisoners from the prison to another place although that place may not be a prison under this Act.

(2) The removal under subsection (1) may be made in pursuance of an order under the hand of the Minister, or, in a case of emergency, of the Superintendent or of any of the Visiting Justices of the prison.

(3) Any such place shall be deemed during the continuance of any prisoner therein to be a part of the prison from which the prisoner was so removed.

(4) When the disease shall have ceased, any prisoner so removed from any prison shall be taken back to the prison from where he was removed, if still liable to be confined therein.

[30]

Prisoners of unsound mind

43.—(1) Whenever a prisoner undergoing a sentence of imprisonment appears to the Minister on the certificate of a registered medical practitioner to be of unsound mind, the Minister may, by order in writing, setting forth the grounds of belief that the prisoner is of unsound mind, direct his removal from any prison to any mental hospital or other fit place of safe custody within Singapore, there to be kept and treated as the Minister directs —

- (a) until the expiration of the term of imprisonment ordered by the sentence; or
- (b) if it is certified by a medical officer that it is necessary for the safety of the prisoner or of others that he should be detained under medical care and treatment, until he is discharged according to law.

(2) When it appears to the Minister on the certificate of a registered medical practitioner that such prisoner has again become of sound mind, the Minister shall, by an order in writing, return him to the prison from where he was removed if his term of imprisonment has not expired, but if the term has expired, shall direct him to be discharged.

(3) Section 40 of the Mental Disorders and Treatment Act (Cap. 178) shall apply to every person confined in a mental hospital under this section after the expiration of the term of imprisonment to which he has been sentenced, and the time during which he is so confined shall be reckoned as part of such term.

[31]

Removal of prisoners

44.—(1) The Director may, by order in writing, remove all or any prisoners confined in any prison to another prison within Singapore.

(2) It shall not be necessary in the order under subsection (1) to designate any prisoner by name, but it shall be sufficient to describe the prisoner or prisoners by reference to their nationality or sentence, or by some other like general description.

(3) If the Minister is satisfied that a person serving a sentence of imprisonment is under 21 years of age and might with advantage be detained in a reformatory training centre, the Minister may, after consultation where practicable with the Judge or District Judge of the court which passed the sentence, authorise the Director to transfer him to a reformatory training centre; and section 13(7) of the Criminal Procedure Code (Cap. 68) shall thereupon apply to him as if he had on the date of the transfer been sentenced to reformatory training.

(4) If on the date of the transfer under subsection (3), the unexpired term of his sentence is less than 3 years, that subsection shall apply to him as if he had been sentenced to reformatory training 3 years before the expiration of that term.

(5) If a person detained in a reformatory training centre is reported to the Minister by the Director to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Minister may commute the unexpired part of the term for which that person is then liable to be detained in a reformatory training centre to such term of imprisonment as the Minister may determine, not exceeding the said unexpired part; and for the purpose of this Act that person shall be treated as if he had been sentenced to imprisonment for that term.

[32
[8/2000]

Illness of prisoner

45.—(1) In case of serious illness of a prisoner (other than a prisoner referred to in subsection (2)) confined in a prison in which there is no suitable accommodation for the prisoner, any Superintendent may, on the certificate of a medical officer, make an order for his removal to a Government hospital.

(2) Where a prisoner confined in a prison appears to the Minister on the certificate of a registered medical practitioner to be suffering from leprosy, the Minister may, by order in writing, direct his removal to any hospital or place specified by the Director of Medical Services under section 8(2) of the Infectious Diseases Act (Cap. 137), there to be kept and treated until cured of his leprosy.

(3) So long as any prisoner who has been removed to any hospital or place under subsection (2) shall remain therein, the medical officer thereof shall, at the end of every month, transmit to the Superintendent of the prison a certificate signed by him that it is in his opinion necessary that the prisoner should remain in the hospital or place.

(4) In this section, “Government hospital” includes any hospital which the Minister may, by notification in the *Gazette*, declare to be a hospital for the purposes of this section.

[33]

Return to prison

46.—(1) So soon as, in the opinion of the medical officer in charge of any hospital or place specified by the Director of Medical Services under section 8(2) of the Infectious Diseases Act (Cap. 137), it is no longer necessary that any prisoner who has been removed to the hospital or place should remain therein, the medical officer shall transmit to the Superintendent a certificate, stating that such necessity has ceased.

(2) Thereupon the Superintendent shall forthwith cause the prisoner to be brought back to the prison if he is still liable to be confined therein.

[34]

Liability for escape

47. If any prisoner escapes during such time as he is in any hospital, mental hospital or place as aforesaid, no prison officer shall be held answerable therefor, unless the prisoner has been in the personal custody of that officer.

[35]

Duty to prevent escape

48.—(1) Every precaution shall be taken by the medical officers and other officers of any hospital, mental hospital or place to prevent the escape of prisoners who may at any time be under treatment therein.

(2) The officers referred to in subsection (1) may take such measures for preventing the escape of any prisoner as shall be necessary.

(3) Nothing shall be done under the authority under this section which in the opinion of the medical officers is likely to be prejudicial to the health of those prisoners.

[36]

Special custody in hospital

49.—(1) Where in any case, from the gravity of the offence for which any prisoner may be in custody or for any other reason, the Superintendent considers it to be desirable to take special measures for the security of the prisoner while under treatment in a hospital, mental hospital or place, the Superintendent may give the prisoner into the charge of fit and proper persons not being less than 2 in number, one of whom at the least shall always be with the prisoner day and night.

(2) Such persons shall be vested with full power and authority to do all things necessary to prevent the prisoner from escaping, and shall be answerable for his safe custody until such time as he is handed over to a prison officer on his discharge from the hospital, mental hospital or place or until such time as his sentence expires, whichever may first occur.

[37]

Saving of powers of High Court

50. Nothing in this Act contained shall be held to lessen or affect the power of the High Court to direct persons confined in Singapore to be brought before the Court by writ of habeas corpus.

[38]

PART VI**HOME DETENTION SCHEME****Interpretation of this Part****51.** In this Part —

“home detention”, in relation to a prisoner, means the serving by the prisoner of his sentence of imprisonment in such place or places, outside the limits of any prison, as may be specified in the home detention order;

“home detention order” means an order of the Director under section 52;

“Superintendent”, in relation to a prisoner, means the Superintendent of the prison from which the prisoner had been released for home detention.

[38A
[8/2000]

Order for home detention

52. Subject to section 53, the Director may, if he thinks fit, by order release a prisoner who is eligible for home detention for a period not exceeding 6 months.

[38B
[8/2000]

Eligibility for home detention

53.—(1) A prisoner is eligible to be released for home detention under section 52 if —

- (a) he is serving a sentence of imprisonment for a term of not less than 6 months and has served not less than half of his sentence of imprisonment; and
- (b) he is not a prisoner specified under the Schedule as being disqualified from being released for home detention under section 52.

[8/2000]

(2) For the purpose of subsection (1)(a), the total consecutive periods of imprisonment of whatever nature shall be treated as one sentence.

[38C
[8/2000]

Conditions for home detention

54.—(1) A prisoner subject to a home detention order shall —

- (a) remain indoors at his place of residence or at such other place or places as may be designated by the Director in the order, and between such times as may be specified in the order;
- (b) wear at all times on such part of his body as the Director may specify, such electronic transmitting device as may be issued by the Director for the purpose of securing the electronic monitoring of his whereabouts by means of an electronic monitoring device;
- (c) allow the Superintendent and any person authorised by the Superintendent to enter at any time his place of residence, or such other place or places designated by the Director under paragraph (a), to install, inspect, maintain, repair or retrieve any electronic monitoring device;
- (d) allow a telephone line at his place of residence, or at such other place or places designated by the Director under paragraph (a), to be connected to an electronic monitoring device;
- (e) ensure that there is no call waiting or call transfer facility attached to the telephone line referred to in paragraph (d) and that the telephone line is not connected to any cordless telephone, telephone answering machine, parallel telephone line, modulator — demodulator unit or any other equipment which may interfere with the proper functioning of the electronic monitoring device;
- (f) not disconnect, remove, damage, tamper with, or lose the electronic transmitting device issued to him or the electronic monitoring device installed at his place of

residence or at such other place or places designated by the Director under paragraph (a), or disconnect, remove, damage or tamper with the telephone line connected to the electronic monitoring device;

- (g) immediately inform the Superintendent or any prison officer of any malfunction or loss of, or damage to, the electronic transmitting device or the electronic monitoring device;
- (h) respond promptly to any telephone call from any person appointed by the Director to monitor prisoners who have been issued with an electronic transmitting device; and
- (i) comply with such other conditions as the Director may specify in the order.

[8/2000]

(2) The Director may at any time by order in writing served on the prisoner subject to a home detention order —

- (a) vary, cancel or add to any of the conditions specified in subsection (1); or
- (b) exempt the prisoner from any of the conditions specified in subsection (1).

[38D

[8/2000]

Effect of home detention order

55. Where a home detention order is in force in respect of a prisoner —

- (a) the prisoner shall be deemed to be serving his sentence of imprisonment;
- (b) the prisoner shall be deemed to be in the lawful custody of the Superintendent; and
- (c) the prisoner is entitled to earn remission in respect of the period of imprisonment which is served under the order.

[38E

[8/2000]

Recall to prison

56.—(1) If a Superintendent has reason to suspect that a prisoner has failed to comply with any of the conditions of the home detention order, or has committed a disciplinary offence while being subject to a home detention order, the Superintendent may —

- (a) make such inquiry as may be necessary to ascertain whether the prisoner has failed to comply with any of the conditions of the home detention order or committed a disciplinary offence while being subject to the order; and
- (b) recall the prisoner to prison pending the completion of the inquiry.

[8/2000]

(2) The period of the home detention order of a prisoner who is recalled to prison under subsection (1)(b) shall continue to run, notwithstanding the fact that he is recalled to prison, unless the order is revoked under section 57 or suspended under section 58.

[38F

[8/2000]

Revocation of home detention order

57.—(1) If the Director is satisfied that —

- (a) a prisoner has failed to return to prison after he has been recalled to prison under section 56(1)(b);
- (b) a prisoner has failed to comply with any of the conditions of the home detention order;
- (c) a prisoner has committed a disciplinary offence while being subject to a home detention order;
- (d) the whereabouts of a prisoner can no longer be electronically monitored at his place of residence, or at such other place or places at which the prisoner is required to remain within doors under the conditions of the home detention order; or
- (e) it is necessary in the public interest to do so,

the Director may revoke the home detention order in respect of that prisoner and recall the prisoner to prison, and the prisoner shall, if at large, be deemed to be unlawfully at large.

[8/2000]

(2) Upon the revocation of the home detention order under subsection (1), the prisoner shall serve the unexpired part of his sentence of imprisonment in prison.

[38G
[8/2000]

Suspension of home detention order

58.—(1) Subject to subsection (2), where a prisoner subject to a home detention order is punished for a minor prison offence under section 70(1)(a) or (b), or for an aggravated prison offence under section 71(1)(b) or (c), the home detention order in respect of the prisoner shall, unless revoked under section 57, be suspended from the date on which the prisoner is punished for —

- (a) the period that the prisoner is confined in a punishment cell pursuant to an order under section 70(1)(a) or 71(1)(b); or
- (b) the period of remission which is forfeited pursuant to an order under section 70(1)(b) or 71(1)(c).

[8/2000]

(2) If a prisoner is punished with both confinement in a punishment cell under section 70(1)(a) or 71(1)(b) and forfeiture of remission under section 70(1)(b) or 71(1)(c), the period for which the home detention order shall be suspended under subsection (1) shall be the sum of the period for which the prisoner is ordered to undergo confinement and the period of remission forfeited.

[38H
[8/2000]

Powers to enter and search

59. A police officer of or above the rank of Assistant Superintendent of Police or a police officer authorised by him may —

- (a) enter and search a place without a warrant to effect the arrest of any prisoner who has failed to return to prison

after he is recalled by the Superintendent under section 56(1)(b); and

- (b) in order to effect an entrance into that place, break open any outer or inner door or window of that place if he cannot otherwise obtain admittance thereto.

[38I
[8/2000]

PART VII

DISCIPLINE AND PRISON OFFENCES

Offences governing prison supplies

60.—(1) The Director, any Superintendent, prison officer, medical officer, member or employee of the Corporation or any other person working in a prison shall not —

- (a) sell, supply or receive, directly or indirectly, any benefit or advantage from the sale or supply of any article to or for the use of any prisoner or for the use of any prison;
- (b) directly or indirectly have any interest in any contract or agreement for the sale or supply of any article referred to in paragraph (a); or
- (c) directly or indirectly have any pecuniary interest in the purchase of any prison supplies, or receive any discount, gift or other consideration from contractors for or sellers of such supplies, or have any pecuniary dealing with prisoners or with their friends with regard to them.

[8/2000]

(2) A prison officer, medical officer, member or employee of the Corporation or any other person working in a prison shall not hold any communication with any person on behalf of any prisoner unless authorised by the Director or the Superintendent.

[8/2000]

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not

exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

[39

*[8/2000]***Desertion**

61. Any prison officer who unlawfully or in breach of his engagement absents himself from duty under circumstances which show that he has the intention of not returning to his duty shall be deemed to have deserted, and shall be liable on conviction to imprisonment for a term not exceeding 12 months, and all arrears of pay due to him shall be forfeited.

[40

Payment of money forbidden

62.—(1) No money or other consideration shall on any pretext whatsoever be payable, paid, given or promised by or on behalf of any prisoner, either on his entry into, commitment to, continuance in or discharge from any prison, to any prison officer, medical officer, member or employee of the Corporation, or to any other person working in a prison.

(2) Any such person receiving or demanding any such money or other consideration or undertaking any service in consideration of receiving or the promising of such money or other consideration shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,200 or to imprisonment for a term not exceeding 6 months or to both.

[8/2000]

(3) Any public officer convicted under this section may, unless the conviction is reversed on appeal, be dismissed from his office, and all arrears of pay due to him may be forfeited.

[41

*[8/2000]***Delivery of uniform, etc., on leaving**

63.—(1) Every person, upon ceasing to be a prison officer, shall forthwith deliver up to the Superintendent of the prison in which he is serving at the time of ceasing to be a prison officer, every article of

uniform and clothing and all arms, accoutrements, ammunition, staves and other effects of every kind belonging to the Government.
[8/2000]

(2) Any person who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both and in addition thereto shall be liable to pay the value of any article not delivered up, which value shall be summarily ascertained by the court and shall be recoverable as if it were a fine.

[42
[8/2000]

Threatening or insulting superiors

64.—(1) Any prison officer who assaults, threatens or insults any officer senior to him in the prisons service when the senior officer is on duty or when the assault, threat or insult is related to or is consequent upon the discharge of duty by the officer so assaulted, threatened or insulted, shall be guilty of an offence and shall be liable on conviction before a District Court or Magistrate's Court to a fine not exceeding \$1,200 or to imprisonment for a term not exceeding 12 months.

[8/2000]

(2) Any person convicted under this section may, unless the conviction is reversed on appeal, be dismissed from his office, and all arrears of pay due to him may be forfeited.

[47

Prison Officers Reward Fund

65.—(1) All pay which is forfeited by and fines inflicted upon prison officers under this Act shall be paid into a fund to be called the Prison Officers Reward Fund.

(2) The Fund shall be administered by the Director in accordance with regulations made under section 84.

[48

Articles not to be conveyed into or out of prison

66.—(1) Every person who without lawful authority —

- (a) conveys, supplies or causes to be supplied or conveyed to any prisoner, or hides or places for his use any letter or document, or any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions or any other article;
- (b) brings or attempts by any means to introduce into any prison, or places or attempts to place where prisoners labour, any letter or document, or any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions or any other article to be sold or used therein;
- (c) brings or attempts to bring out of any prison, or conveys from any prisoner, any letter, document or other article; or
- (d) communicates with any prisoner,

shall be guilty of an offence.

(2) Every prison officer who without lawful authority —

- (a) knowingly suffers any letter or document, or any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions, letter, document or other article to be sold to or received or used by or on behalf of any prisoner;
- (b) lends or gives to any prisoner any such intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions or other article; or
- (c) knowingly suffers any letter, document or other article to be brought out of any prison, or to be conveyed from any prisoner,

shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 12 months or to both and, if he is a prison officer,

he may, unless the conviction is reversed on appeal, be dismissed from his office, and all arrears of pay due to him may be forfeited.

[49

[8/2000]

Prisoner may be required to work

67. Whenever any person is sentenced to imprisonment, the person may be required to work at any labour prescribed under this Act, and for which he is certified as fit by the medical officer.

[50

Separation of prisoners

68.—(1) Persons confined under civil process, and persons on remand charged with crimes or offences, or committed to take their trial, or confined for want of sureties, shall not —

- (a) ordinarily be associated with convicted prisoners; or
- (b) be required to labour beyond such labour as is reasonably proper for keeping their persons and dress in a proper state, and keeping the places in which they are confined clean.

(2) All juveniles shall, so far as local conditions permit, be kept apart from adults under detention.

[51

Extramural custody of prisoners

69. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer, shall be deemed to be in prison, and shall be subject to all the same incidents as if he were actually in prison.

[52

Punishment by Superintendent for minor prison offences

70.—(1) The Superintendent may punish any prisoner found after due inquiry to be guilty of a minor prison offence as specified in

section 72 by ordering him to undergo one or more of the following punishments:

- (a) confinement in a punishment cell for a term not exceeding 7 days;
- (b) forfeiture of remission not exceeding such amount as may be prescribed;
- (c) reduction in grade or postponement of promotion for such period as may be prescribed;
- (d) a written warning;
- (e) in the case of a prisoner subject to a home detention order under section 52, extension of the hours to which the prisoner is required to remain indoors under the conditions of the order.

[8/2000]

(2) The Superintendent shall enter in a register to be open to the inspection of the Visiting Justices a record of the punishments imposed by him upon prisoners, showing, in respect of each prisoner punished, the name of the prisoner, the nature of his offence and the extent of his punishment.

[53]

Punishment by Superintendent for aggravated prison offences

71.—(1) The Superintendent may punish any prisoner found after due inquiry to be guilty of an aggravated prison offence as specified in section 73 by ordering him to undergo one or more of the following punishments:

- (a) corporal punishment not exceeding 12 strokes with a rattan;
- (b) confinement in a punishment cell for a term not exceeding 7 days;
- (c) forfeiture of remission not exceeding such amount as may be prescribed;

- (d) reduction in grade or postponement of promotion for such period as may be prescribed.

[8/2000]

(2) Where the Superintendent has imposed any punishment upon any prisoner under subsection (1), the Superintendent shall notify the Director of the facts of the case and the punishment imposed on the prisoner not later than 7 days after imposition of the punishment.

[8/2000]

(3) The Director may within 7 days of being notified by the Superintendent under subsection (2) —

(a) confirm any punishment imposed by the Superintendent under subsection (1); or

(b) vary any punishment imposed by a Superintendent under subsection (1), including enhancing, reducing or substituting the punishment imposed by the Superintendent or imposing such additional punishment that could have been awarded by the Superintendent under that subsection.

[8/2000]

(4) Where the Director imposes forfeiture of remission under subsection (3)(b), the forfeiture of remission shall not exceed such amount as may be prescribed.

[8/2000]

(5) Any punishment imposed by a Superintendent under subsection (1) shall not be carried out until confirmed, or varied, by the Director under subsection (3).

[8/2000]

(6) The Superintendent shall enter in a register to be open to the inspection of the Visiting Justices a record of the punishments imposed by him and by the Director under subsection (3) upon prisoners, showing, in respect of each prisoner punished, the name of the prisoner, the nature of his offence and the extent of his punishment.

[54

[8/2000]

Minor prison offences

72. The following shall be deemed to be minor prison offences:

- (1) talking during working hours, or talking loudly, laughing or singing at any time after having been ordered by an officer of the prison to desist;
- (2) quarrelling with any other prisoner;
- (3) secreting any article whatever;
- (4) showing disrespect to any officer or official visitor;
- (5) common assault or taking part in any attack on any other prisoner;
- (6) answering untruthfully any question put by an officer or an official visitor;
- (7) holding any communication (in writing, by word of mouth, or otherwise) with any person in disobedience of the regulations of the prison;
- (8) abetting the commission of any minor prison offence;
- (9) omitting to assist in the maintenance of discipline by reporting any prison offence, or to give assistance to an officer when called on to do so;
- (10) doing any act or using any language calculated to wound or offend the feelings and prejudices of any other prisoner;
- (11) doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers;
- (12) leaving without permission of an officer the gang to which he is attached, or the part of the prison in which he is confined;
- (13) leaving without permission of an officer the ward, the yard, the place in file, the seat or berth assigned to him;
- (14) loitering about the yards or lingering in the wards when these are open;
- (15) omitting or refusing to march in file when moving about the prison or proceeding to or returning from work;

- (16) visiting the toilets without permission of an officer or remaining there longer than is necessary;
- (17) refusing to eat the food prescribed by the prison diet scale;
- (18) eating or appropriating any food not assigned to him or taking from or adding to the portions assigned to other prisoners;
- (19) removing without permission of an officer food from the cook-room or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink;
- (20) wilfully destroying food or throwing it away without orders;
- (21) introducing into food or drink anything likely to render it unpalatable or unwholesome;
- (22) omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging or altering any part of it;
- (23) removing, defacing or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person;
- (24) omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair;
- (25) omitting or refusing to keep clothing, blankets, bedding, fetters, or utensils clean, or disobeying any order as to the arrangement or disposition of such articles;
- (26) tampering in any way with prison locks, lamps or lights or other property with which he has no concern;
- (27) stealing the prison clothing or any part of the prison kit of any other prisoner;
- (28) committing a nuisance in any part of the prison;
- (29) spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison;

- (30) wilfully befouling the toilets, washing or bathing places;
- (31) damaging the trees within the enclosure of the prison;
- (32) omitting or refusing to take due care of all prison property entrusted to him;
- (33) omitting or refusing to take due care of, or injuring, or misappropriating, the materials and implements entrusted to him for work;
- (34) omitting to report at once any loss, breakage or damage which he may have caused to prison property or implements;
- (35) manufacturing any article without the knowledge or permission of an officer;
- (36) performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task;
- (37) appropriating any portion of the task performed by another prisoner;
- (38) mixing or adding any foreign substance to the materials issued for work;
- (39) cursing or swearing, or using indecent, violent, threatening or insulting language;
- (40) causing or omitting to assist in suppressing violence or insubordination of any kind;
- (41) immoral, disorderly or indecent behaviour;
- (42) omitting or refusing to help any prison officer in case of an attempted escape or of an attack upon such officer or upon another prisoner;
- (43) disobeying any lawful order of an officer;
- (44) idling or refusing to work or showing negligence in the performance of his allotted task;
- (45) defacing or damaging the walls, furniture or other property of the prison;

- (46) malingering;
- (47) refusing to undergo medical treatment;
- (48) any breach by a prisoner subject to a home detention order under section 52 of the conditions of the order other than conduct constituting an aggravated prison offence specified in section 73;
- (49) any other act, conduct, disorder or neglect to the prejudice of good order or discipline though not specified in the preceding paragraphs.

[55
[8/2000]

Aggravated prison offences

73. The following shall be deemed to be aggravated prison offences:

- (1) mutiny;
- (2) escape or attempt to escape;
- (3) taking part in any assault or attack on any officer;
- (4) aggravated or repeated assault on any other prisoner;
- (5) wilful destruction of prison property;
- (6) wilfully causing to himself any illness, injury or disability;
- (7) wilfully making a false or groundless accusation or complaint against any officer or prisoner;
- (8) repetition of any minor prison offence after having been twice punished for the same minor offence;
- (9) failure by a prisoner subject to a home detention order under section 52 to report to such person and at such times and place as may be specified under the conditions of the order;
- (10) where a prisoner subject to a home detention order under section 52 is required under the conditions of the order to allow the Superintendent or any person authorised by the Superintendent to enter his place of residence, or any other

place or places designated under the order, the refusal by the prisoner to allow the entry, or obstructing or hindering the entry, of such person;

(11) any other act of gross misconduct or insubordination;

(12) abetting the commission of any aggravated prison offence.

[56

[8/2000]

Punishment by Visiting Justices

74.—(1) Where a prisoner is accused of any aggravated prison offence and the Superintendent is of the opinion that, in the circumstances of the case, the power of punishment which he possesses is inadequate, he shall forthwith report the matter in writing to the Visiting Justice or Justices.

(2) The Visiting Justice or Justices shall, upon receipt of such report, attend at the prison without undue delay and investigate the charge, and may punish any prisoner whom after due inquiry upon oath he or they may find guilty of such offence with one or more of the following punishments:

(a) confinement in a punishment cell for a term not exceeding 30 days on such prescribed diet as he or they may think fit;

(b) corporal punishment not exceeding 24 strokes with a rattan;

(c) forfeiture of remission not exceeding such amount as may be prescribed.

[57

Prisoner may make his defence

75. No prisoner shall be punished until he has had an opportunity of hearing the charge and evidence against him, and making his defence.

[58

Detention after date of discharge

76.—(1) Any punishment lawfully imposed on a prisoner under this Act or any regulations made thereunder may be carried into effect

notwithstanding that the carrying into effect thereof may necessitate the detention of the prisoner beyond the date at which he would otherwise be entitled to be discharged from prison.

(2) The period of detention under subsection (1) shall not exceed 48 hours, such period to be calculated from the last hour of the day upon which the prisoner would otherwise be entitled to be discharged.

[59]

Corporal punishment

77.—(1) When any sentence of corporal punishment is passed under this Act upon any prisoner, he shall not be liable to more than one such sentence in respect of the act or acts, or omission or omissions, for which he has been sentenced.

(2) In no case shall a sentence of corporal punishment be passed upon a woman.

(3) In no case shall a sentence of corporal punishment in excess of 10 strokes with a light rattan be passed upon a juvenile.

(4) In no case shall a sentence of dietary or corporal punishment be inflicted upon any prisoner or juvenile until a medical certificate has been given to the effect that the prisoner or juvenile is in a fit condition of health to undergo the punishment.

[60]

Prosecution for offences

78. Nothing in this Act shall be construed to exempt any prisoner from being proceeded against for any offence by the ordinary course of law, but no prisoner shall be punished twice for the same offence.

[61]

Appointment of Visiting Justices

79.—(1) The Minister shall appoint a Board of Justices of the Peace, to be called the Board of Visiting Justices, of which all Magistrates shall be ex-officio members.

[8/2000]

- (2) Each member of the Board of Visiting Justices –
- (a) shall hold office for a period not exceeding 2 years or for such other period as the Minister may determine;
 - (b) may from time to time be re-appointed or at any time be removed from office by the Minister; and
 - (c) may at any time resign from his office by giving notice in writing to the Minister.

[8/2000]

- (3) A Visiting Justice —
- (a) may at any time visit any prison or reformatory training centre and may inspect the several wards, cells, yards, solitary or punishment cells and other apartments or divisions of the prison, inspect and test the quality and quantity of the prisoners' food, hear the complaints (if any) of the prisoners, and question any prisoner or prison officer;
 - (b) shall ascertain, so far as possible, whether the prison regulations are adhered to, and shall call the attention of the Superintendent to any irregularity that may be observed in the working of the prison or reformatory training centre or in the treatment of any prisoner confined therein; and
 - (c) shall exercise and perform such other powers and duties as may be prescribed.

(4) The Board shall appoint one or more of its members to be, on rotation, a Visiting Justice or Justices of the prisons for each month of the year, and such Visiting Justice or Justices shall hear, try and dispose of such prison offences as to which a report under section 74(1) has been made.

(5) Every Visiting Justice shall, for the purposes of this Act, have power to summon witnesses and to administer oaths.

(6) The Board shall in relation to persons detained in reformatory training centres exercise such functions as may be required of it by any written law.

Visits by Judges, Magistrates, etc.

80. Every Judge, Magistrate or Justice of the Peace having jurisdiction in the place where any prison is situate may —

- (a) whenever he thinks fit, enter into and examine the condition of the prison and of the prisoners therein;
- (b) question any prisoner or officer; and
- (c) enter any observation he thinks fit to make in reference to the condition of the prison in a Visitors' Book to be kept for that purpose by the Superintendent, which book shall be duly produced to the Visiting Justices at their next ensuing visit.

[63

Scheme for prisoners to engage in employment

81.—(1) The Minister may introduce a scheme for prisoners who are considered suitable to take up gainful employment whilst they are serving their sentences.

(2) Any prisoner taking up employment under a scheme referred to in subsection (1) may, notwithstanding the provisions of any order made by any court, Judge, Magistrate or other public officer for the committal of such prisoner, be released daily to perform any work outside the limits of any prison.

(3) A prisoner who carries out work outside the limits of any prison pursuant to such a scheme shall be deemed to be in prison and in the lawful custody of the Superintendent and shall be subject to all the same incidents as if he were actually in prison.

(4) The Minister may make regulations with regard to the scheme of gainful employment for prisoners and such regulations may prescribe for all or any of the following purposes or matters:

- (a) the terms and conditions upon which prisoners are to be released to take up employment outside the limits of any prison;
- (b) the terms and conditions of engagement of prisoners;

- (c) the manner in which wages shall be paid to the prisoners;
and
- (d) the proportion of wages earned by prisoners under such scheme of employment which may be retained by the prisoners for the payment of food and travelling expenses.

[64
[5/85]

Minister may amend Schedule

82. The Minister may, by order published in the *Gazette*, amend the Schedule.

[67
[8/2000]

Trial of offences

83.—(1) Except where by this Act it is otherwise expressly provided, all offences under this Act shall be cognizable by a District Court or a Magistrate's Court.

(2) Any District Court or Magistrate's Court may, notwithstanding anything in the Criminal Procedure Code (Cap. 68), impose the full punishment prescribed by this Act in respect of any offence.

[66

Regulations

84.—(1) The Minister may make all such regulations, not inconsistent with the provisions of this Act, as are necessary for the good management and government of prisons and reformatory training centres or for carrying out the objects of this Act.

(2) In particular and without prejudice to the generality of subsection (1), such regulations may prescribe for all or any of the following purposes or matters:

- (a) the conditions of service and the powers, conduct and duties of the officers of prisons;
- (b) the medical examination, measuring, photographing and taking of fingerprint impressions or other records of persons confined in any prison or otherwise detained in

custody, including detailed personal statistics and histories, and for requiring full and truthful answers to all questions put to such persons with the object of obtaining such statistics and histories;

- (c) the persons, if any, to whom such measurements, photographs, fingerprint impressions or other records are to be sent or supplied;
- (d) the employment, diets, classification, safe custody, separation, treatment and discipline of prisoners;
- (e) the kind of labour to be exacted at the different stages of their imprisonment with the manner and place of exacting the same;
- (f) the remission of sentences to be allowed to prisoners who duly comply with the regulations to which they are subjected, and the conditions on which such remissions are to be made;
- (g) the disposal of the products of the labour of prisoners;
- (h) the establishment of prisoners aid associations and societies and for the subsidising of their work and the utilising of their services in connection with prisoners discharged on probation and convicted prisoners whose sentences have expired;
- (i) the supply of money, food, clothing or means of travelling to prisoners on their discharge;
- (j) the administration of the Prison Officers Reward Fund;
- (k) the proceedings and visits of the Visiting Justices;
- (l) the establishment of an advisory committee for the purpose of advising the Director on the suitability of a prisoner to be released for home detention under Part VI and its constitution, functions and procedures;
- (m) any other matter which under this Act is required or permitted to be prescribed.

[8/2000]

(3) All regulations made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

(4) If a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of 3 months from the date when the regulations are so presented annulling the regulations or any part thereof as from a specified date, the regulations or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

[65]

THE SCHEDULE

Sections 53(1)(b) and 82

DISQUALIFICATION FROM BEING RELEASED FOR HOME DETENTION UNDER SECTION 52

1. A prisoner is disqualified from being released for home detention if the prisoner —

- (1) has, in respect of the same sentence of imprisonment, previously been released for home detention under section 52 and the order for his release under that section has expired or has been revoked;
- (2) is serving a sentence of imprisonment for life;
- (3) has been convicted of a capital offence and whose death penalty has been commuted to a sentence of imprisonment for life;
- (4) is being detained under the President's pleasure under section 213 of the Criminal Procedure Code (Cap. 68);
- (5) is liable to be removed from Singapore on completion of his sentence of imprisonment;
- (6) is convicted of an offence under section 5 of the Misuse of Drugs Act (Cap. 185);
- (7) is convicted of an offence punishable under any of the following provisions of the Penal Code (Cap. 224):
 - (a) section 147 (Rioting);
 - (b) section 148 (Rioting, armed with a deadly weapon);
 - (c) section 304 (Culpable homicide not amounting to murder);

THE SCHEDULE — *continued*

- (d) section 307 (Attempt to murder);
 - (e) section 325 (Voluntarily causing grievous hurt);
 - (f) section 326 (Voluntarily causing grievous hurt by dangerous weapons or means);
 - (g) section 354 (Outraging modesty);
 - (h) section 354A (Outraging modesty in certain circumstances);
 - (i) section 363 (Kidnapping);
 - (j) section 364 (Kidnapping or abducting in order to murder);
 - (k) section 376 (Rape);
 - (l) section 376B (Incest committed by men);
 - (m) section 376C (Incest committed by women);
 - (n) section 377 (Unnatural offences);
 - (o) section 395 (Gang-robbery);
 - (p) section 400 (Belonging to gang-robbers); or
- (8) is convicted of an offence under section 224 of the Penal Code (Cap. 224) for escaping or attempting to escape from any custody in which he is lawfully detained for an offence of which he has been charged or convicted.

LEGISLATIVE HISTORY

PRISONS ACT (CHAPTER 247)

This Legislative History is provided for the convenience of users of the Prisons Act. It is not part of this Act.

1. Ordinance 17 of 1933 — Prisons Ordinance 1933

- Date of First Reading : 1 May 1933
(Bill published on 5 May 1933)
- Date of Second and Third Readings : 31 July 1933
- Date of commencement : 18 August 1933

2. Ordinance 23 of 1935 — Prisons (Amendment) Ordinance 1935

- Date of First Reading : 15 April 1935
(Bill published on 18 April 1935)
- Date of Second and Third Readings : 17 June 1935
- Date of commencement : 5 July 1935

3. Ordinance 21 of 1940 — Prisons (Amendment) Ordinance 1940

- Date of First Reading : 12 February 1940
(Bill published on 16 February 1940)
- Date of Second and Third Readings : 22 April 1940
- Date of commencement : 17 May 1940

4. Ordinance 65 of 1940 — Prisons (Amendment No. 2) Ordinance 1940

- Date of First Reading : 14 October 1940
(Bill published on 4 October 1940)
- Date of Second and Third Readings : 6 November 1940
- Date of commencement : 1 July 1941

5. Ordinance 10 of 1950 — Departmental Titles (Alteration) Ordinance 1950

(Consequential amendments made by)

- Date of First Reading : 22 February 1950
(Bill published on 24 February 1950)

Date of Second and Third Readings : 21 March 1950

Date of commencement : 18 July 1950

**6. Ordinance 37 of 1952 — Law Revision (Penalties Amendment)
Ordinance 1952**

(Consequential amendments made by)

Date of First Reading : 16 September 1952
(Bill No. 32/52 published on
19 September 1952)

Date of Second and Third Readings : 14 October 1952

Date of commencement : 30 April 1955

7. Ordinance 38 of 1956 — Prisons (Amendment) Ordinance 1956

Date of First Reading : 20 November 1956
(Bill No. 77/56 published on
27 November 1956)

Date of Second and Third Readings : 5 December 1956

Date of commencement : 1 July 1957

**8. Ordinance 31 of 1958 — Legislative Assembly (Presentation of
Subsidiary Legislation) Ordinance 1958**

(Consequential amendments made by)

Date of First Reading : 16 July 1958
(Bill No. 158/58 published on
22 July 1958)

Date of Second Reading : 13 August 1958

Date of Third Reading : 10 September 1958

Date of commencement : 25 September 1958

9. Ordinance 71 of 1959 — Transfer of Powers Ordinance 1959

(Consequential amendments made by)

Date of First Reading : 22 September 1959
(Bill No. 30/59 published on
22 September 1959)

Date of Second and Third Readings : 11 November 1959

Date of commencement : 20 November 1959

10. Ordinance 72 of 1959 — Transfer of Powers (No. 2) Ordinance 1959
(Consequential amendments made by)

- Date of First Reading : 22 September 1959
(Bill No. 31/59 published on
22 September 1959)
- Date of Second and Third Readings : 11 November 1959
- Date of commencement : 20 November 1959

11. 1970 Revised Edition — Prisons Act (Cap. 79)

- Date of operation : 1 April 1971

12. Act 14 of 1969 — Statute Law Revision Act 1969

(Consequential amendments made by)

- Date of First Reading : 15 October 1969
(Bill No. 22/69 published on
20 October 1969)
- Date of Second and Third Readings : 22 December 1969
- Date of commencement : 22 January 1970

13. Act 5 of 1985 — Prisons (Amendment) Act 1985

- Date of First Reading : 14 May 1985
(Bill No. 6/85 published on
18 May 1985)
- Date of Second and Third Readings : 23 July 1985
- Date of commencement : 11 October 1985

14. 1985 Revised Edition — Prisons Act

- Date of operation : 30 March 1987

15. Act 7 of 1997 — Statutes (Miscellaneous Amendment) Act 1997

(Consequential amendments made by)

- Date of First Reading : 11 July 1997
(Bill No. 6/97 published on
12 July 1997)
- Date of Second and Third Readings : 25 August 1997
- Date of commencement : 1 October 1997

16. Act 8 of 2000 — Prisons (Amendment) Act 2000

Date of First Reading : 17 July 1997
(Bill No. 5/2000 published on
18 January 1997)

Date of Second and Third Readings : 21 February 2000

Date of commencement : 17 April 2000

17. 2000 Revised Edition — Prisons Act

Date of operation : 30 December 2000

COMPARATIVE TABLE
PRISONS ACT
(CHAPTER 247)

The following provisions in the 1985 Revised Edition of the Prisons Act have been renumbered by the Law Revision Commissioners in this 2000 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Prisons Act.

2000 Ed	1985 Ed.
—	4— (4) (<i>Omitted</i>)
5— (1) and (2)	5
6— (1) and (2)	6
PART III	PART IIA
8	7A
9	7B
10	7C
11	7D
12	7E
13	7F
14	7G
15	7H
16	7I
17	7J
18	7K
19	7L
PART IV	PART III
20	8
21	9
22	10
23	11

24	12
25	13
26	14
—	15 (<i>Repealed by Act 8/2000</i>)
—	16 (<i>Repealed by Act 8/2000</i>)
27	17
28	18
29	19
30	20
31—(1) to (5)	21—(1) to (5)
(6)	(5A)
(7)	(6)
(8)	(7)
32	22
PART V	PART IV
33	23
34	23A
35	24
36— (1) and (2)	25
37— (1) and (2)	26
38— (1), (2) and (3)	27— (1)
(4)	(2)
39	28
40	28A
41	29
42— (1) and (2)	30— (1)
(3) and (4)	(2)
43	31
44—(1) and (2)	32—(1)

(3)	(2)
(4)	Proviso to (2)
(5)	(3)
45	33
46—(1) and (2)	34
47	35
48— (1), (2) and (3)	36
49— (1) and (2)	37
50	38
PART VI	PART IVA
51	38A
52	38B
53	38C
54	38D
55	38E
56	38F
57	38G
58	38H
59	38I
PART VII	PART V
60	39
61	40
62— (1) and (2)	41— (1)
(3)	(2)
63	42
—	43 (<i>Repealed by Act 8/2000</i>)
—	44 (<i>Repealed by Act 8/2000</i>)
—	45 (<i>Repealed by Act 8/2000</i>)
—	46 (<i>Repealed by Act 8/2000</i>)

64	47
65— (1) and (2)	48
66— (1), (2) and (3)	49
67	50
68	51
69	52
70	53
71— (1)	54— (1)
(2)	(1A)
(3)	(1B)
(4)	(1C)
(5)	(1D)
(6)	(2)
72— (1) to (47)	55— (1) to (47)
(48) and (49)	(47A) and (48)
73— (1) to (8)	56— (1) to (8)
(9)	(8A)
(10)	(8B)
(11)	(9)
(12)	(10)
74	57
75	58
76— (1) and (2)	59
77	60
78	61
79— (1)	62— (1)
(2)	(1A)
(3)	(2)
(4)	(3)

(5)	(4)
(6)	(5)
80	63— (1)
—	(2) <i>(Deleted by Act 8/2000)</i>
81— (1)	64— (1)
(2) and (3)	(2)
(4)	(3)
84— (1) and (2)	65— (1) and (2)
(3) and (4)	(3)
83	66
82	67