



THE STATUTES OF THE REPUBLIC OF SINGAPORE

CIVIL DEFENCE ACT

(CHAPTER 42)

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CHAPTER 42

Civil Defence Act

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An Act to provide for the raising, maintenance and discipline of a civil defence force and for the exercise of the functions and powers of the Force during national emergencies, and for purposes connected therewith.

[14th November 1986]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Civil Defence Act.

Interpretation

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

“auxiliary member” means any person who has been recruited to serve as a member of the Force on a part-time basis;

“civil defence” means the planning, organisation, co-ordination and implementation of measures, other than measures amounting to an actual combat, that are necessary or desirable for the safety of the public and are designed to guard against, prevent, reduce, or overcome the effects or possible effects of a national emergency or a civil defence emergency, and includes the conducting of, and participation in, drills, exercises and training for such purposes;

“civil defence emergency” means any fire, explosion, earthquake, oil spill, eruption, flood, storm or other happening (whether or not attributable to an attack by an enemy or to any warlike act) that causes or may cause destruction of or damage to property or loss of life or injury or distress to persons or that in any way endangers the safety of the public in Singapore or in any part thereof;

[32/2010]

“commanding officer” means —

- (a) an officer who is in command of a unit; or
- (b) an officer on whom the powers and functions of a commanding officer are conferred by or under the regulations;

“Commissioner” means the Commissioner of Civil Defence appointed under section 6;

“detention barracks” means any building or part of a building which is set apart by the Commissioner for those members who are serving sentences of detention;

“disciplinary officer” means a junior disciplinary officer or a senior disciplinary officer designated as such under Part VII;

“Force” means the Singapore Civil Defence Force raised and maintained in accordance with the provisions of this Act;

“full-time service” has the same meaning as in the Enlistment Act (Cap. 93);

“Fund” means the Civil Defence Force Fund established under section 101;

“medical practitioner” includes a medical officer in the service of the Government;

“member” means an officer or a serviceman of the Force;

[32/2010]

“national service” and “national serviceman” have the same meanings as in the Enlistment Act;

“non-commissioned officer” means a member holding a rank not higher than the rank of warrant officer and not lower than the rank of lance-corporal;

[32/2010]

“offence” means an offence punishable under any written law or a service offence;

“officer” means an officer of the rank of second lieutenant and above;

“operationally ready national service” has the same meaning as in the Enlistment Act;

“operationally ready national serviceman” means a person liable to render operationally ready national service under the Enlistment Act;

“person of a higher rank”, in relation to a member, includes any other member who, by virtue of his office or appointment, is entitled to exercise command over the first-mentioned member;

“police officer” means any member of the Singapore Police Force;

“proper authority” has the same meaning as in the Enlistment Act (Cap. 93);

“provost officer” means —

- (a) any member of the Force appointed by the Commissioner as a provost officer for the purposes of this Act; or
- (b) an officer or a serviceman of the provost unit of the Force;

“public officer” has the same meaning as in the Constitution of the Republic of Singapore;

“public authority” includes a body corporate constituted under any written law to perform certain functions or vested with certain powers;

“regulations” means the regulations made under this Act;

“serviceman” means a member of the Force holding a rank not higher than the rank of warrant officer and includes a recruit in the Force;

[32/2010]

“service land” means land (including a building or other structure or part thereof) in the possession of or under the control of —

- (a) the Force; or
- (b) a mess, club, common room, canteen or other institution of the Force;

“service offence” means an offence punishable under any of the provisions of Part V;

“service property” means property used by, or in the possession or control of —

- (a) the Force; or
- (b) a mess, club, common room, canteen or other institution of the Force,

and “service ship”, “service aircraft” and “service vehicle” shall have corresponding meanings;

[32/2010]

“state of civil defence emergency” means a state of civil defence emergency declared under section 102;

“state of emergency” means the period when a Proclamation of Emergency issued by the President under Article 150 of the Constitution of the Republic of Singapore is in force.

[19/94]

PART II

CONSTITUTION, ORGANISATION AND ADMINISTRATION OF FORCE

Raising and maintenance of Singapore Civil Defence Force

3. There shall be raised and maintained in accordance with the provisions of this Act, a civil defence force to be known as the Singapore Civil Defence Force, which shall consist of such number of officers and servicemen as are from time to time approved by the Minister.

Functions of Force

4.—(1) The functions of the Force are —

- (a) to carry out civil defence duties; and
- (b) to instruct the members of the public regarding civil defence and to equip them for the purposes of such defence.

[32/2010]

(2) Without limiting the generality of subsection (1), the Force may exercise and perform all the following functions and duties:

- (a) assist the public authorities to carry out works, clear streets, roads and other public places and remove and dispose of dangerous structures and materials;
- (b) rescue endangered persons and remove them to areas of safety;

- (c) set up emergency and first-aid posts and provide first-aid to casualties and for their removal to hospitals or areas of safety;
- (d) train and equip the civilian population to cope with any civil defence emergency;
- (e) assist the public authorities and other agencies to provide for the relief of distress and for welfare generally, including the accommodation of the homeless and the conserving and supplying of food, fuel, clothing, first-aid and medical supplies and other necessities;
- (f) assist the public authorities to undertake measures for the disposal of the dead;
- (g) disseminate information and advice to the public;
- (h) take lawful measures to extinguish and prevent the spread of fire;
- (i) provide, maintain, control and operate prescribed warning devices;
- (j) manage all shelters including air-raid shelters and temporary shelters;
- (k) assist the public authorities to carry out repairs to essential utilities and Government buildings;
- (l) control lighting and the distribution of fresh water and other essential supplies;
- (m) take lawful measures for protecting life and property in case of fire;
- (n) provide and maintain an adequate emergency ambulance service;
- (o) ensure effective co-ordination between the Force and other fire services in Singapore; and
- (p) execute such other duties as may be imposed on it by this Act or any other written law.

Organisation

5.—(1) The Force shall consist of such units, corps or divisions as are from time to time organised by or under the authority of the Minister.

(2) The Minister may disband any unit, corps or division constituted under subsection (1) in whole or in part or amalgamate any unit, corps or division with any other unit, corps or division.

(3) The Force shall consist of —

- (a) officers appointed to, and servicemen enlisted in, the Force;
- (b) national servicemen enlisted in the Force;
- (c) persons who are recruited to serve as auxiliary members; and
- (d) public officers who are serving in the Force as engineering or technical officers.

[39/93]

Administration of Force by Commissioner

6.—(1) The Minister may appoint a Commissioner of Civil Defence who shall —

- (a) be responsible for the supreme command, direction and administration of the Force and of members of the Force who are appointed, enlisted or recruited under the provisions of this Act; and
- (b) exercise such functions, and perform such duties and powers with respect to civil defence as are conferred upon him by this Act.

(2) The Minister may appoint such number of Deputy Commissioners and Assistant Commissioners of Civil Defence as he thinks fit.

[32/2010]

(3) The Deputy Commissioners and the Assistant Commissioners of Civil Defence shall have and may exercise all the powers conferred

on the Commissioner by or under this Act, subject to such limitations as the Commissioner may see fit to impose.

[32/2010]

PART III

ENLISTMENT AND DISCHARGE OF MEMBERS OF FORCE

Appointment of officers and enlistment of servicemen in Force

7.—(1) The Minister may, appoint and enlist such number of officers and servicemen for the Force as he thinks fit.

(2) The Commissioner may, in accordance with such conditions and subject to such qualifications or requirements as are prescribed or provided for by the regulations, recruit persons to serve in the auxiliary units of the Force on a part-time basis and confer any rank on any such auxiliary member.

(3) Auxiliary members shall not be bound to serve continuously but shall be bound to render service for such periods as are prescribed by the regulations.

(4) Auxiliary members of the Force may be paid allowances for their services.

(5) The Commissioner may at any time dismiss an auxiliary member from the Force without assigning any reason.

Public officers serving as members of Force

8.—(1) The Public Service Commission shall continue to have control over the confirmation, emplacement on the permanent or pensionable establishment, promotion, transfer, dismissal and exercise of disciplinary control over public officers who are posted to serve in the Force.

(2) A public officer who is posted to the Force as an officer or a serviceman may resign from the Force by giving the notice of termination of service prescribed by the terms and conditions of his appointment as a public officer.

Enlistment of national servicemen in Force

9.—(1) A person on whom a notice under section 10 of the Enlistment Act (Cap. 93) has been served requiring him to report for enlistment in the Force shall, as from the time when he reports for enlistment for national service, be deemed to have been enlisted in the Force.

(2) A person enlisted for national service pursuant to the provisions of the Enlistment Act shall, from such time as the proper authority transfers him to the service of the Force, be deemed to have been enlisted in the Force.

(3) National servicemen who are enlisted in the Force shall render —

- (a) full-time service for the period prescribed by the Enlistment Act; and
- (b) where they have completed full-time service for the prescribed period, operationally ready national service for the period prescribed by the Enlistment Act.

[19/94]

Discharge of national servicemen from Force

10. A member who is enlisted in the Force pursuant to the Enlistment Act shall be discharged —

- (a) from continuous full-time service in the Force when he has completed the period of full-time service prescribed by the Enlistment Act (Cap. 93); and
- (b) from operationally ready national service in the Force when —
 - (i) the proper authority notifies him that he has been transferred from the Force to another force specified by the proper authority;
 - (ii) the proper authority notifies him that he is released from the Force; or

- (iii) he ceases to be a person subject to the Enlistment Act.

[19/94]

Discharge of auxiliary members

11. Except when a state of emergency or a state of civil defence emergency is in force or when auxiliary members are mobilised for continuous full-time service, an auxiliary member shall be entitled to be discharged from the Force when he gives 30 days' notice in writing to the Commissioner of his intention to resign from the Force.

Identity card

12. An identity card shall be issued to every member and shall be evidence of his appointment under this Act.

Delivery of Government property on leaving Force

13.—(1) Every member who, by resignation, dismissal, discharge or otherwise, leaves the Force shall before leaving deliver up in good order (fair wear and tear excepted) any accoutrement, uniform or other article supplied to him and any other property belonging to the Government which may be in his possession.

(2) Any person neglecting so to deliver up any such article or property shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months, and in addition thereto shall be liable to pay the value of the article or property not delivered up, which value shall be ascertained in a summary manner by the same court before which the person was convicted.

PART IV

JURISDICTION AND LIABILITY

Division 1 — Persons subject to this Act

Application

14.—(1) The following members shall be persons subject to this Act at all times:

- (a) national servicemen enlisted in the Force who are rendering continuous full-time service either as officers or servicemen; and
- (b) officers and servicemen who are appointed to or enlisted in the Force under section 7(1).

(2) National servicemen enlisted in the Force as either officers or servicemen who are rendering operationally ready national service shall be subject to this Act while on duty, in uniform or while under arrest, in custody or undergoing punishment or detention in accordance with the provisions of this Act.

[19/94]

(3) Auxiliary members shall be subject to this Act while on duty, in uniform or while under arrest, in custody or undergoing punishment or detention in accordance with the provisions of this Act.

(4) For the purposes of subsection (2), a member shall be deemed to be on duty —

- (a) from the time appointed by the Commissioner for him to report to or to attend at a place specified by the Commissioner for rendering any operationally ready national service which he is required to render under the Enlistment Act (Cap. 93) until he is duly released or discharged from that service; or
- (b) while acting or purporting to act in or with intended reference to his capacity as a member of the Force.

[19/94]

(5) For the purposes of subsection (3), an auxiliary member shall be deemed to be on duty while acting or purporting to act in or with intended reference to his capacity as a member of the Force.

Modification of Act

15. The regulations may make provision for —

- (a) the exemption of all or any of the classes of members from all or any of the provisions of this Act;
- (b) the modification of any provision so far as it relates to all or any of those classes; or

- (c) the addition or substitution or provisions relating to all or any of those classes.

[32/2010]

Certain persons to remain subject to Act

16. Subject to section 73, a person who has ceased to be a member may, in respect of a service offence committed while he was a member, be dealt with as though he were still a member, if and only if he is charged with the offence within 6 months of his ceasing to be a member.

Division 2 — Liability of persons subject to this Act to be tried and punished for service offences

Trial and punishment of person committing service offence

17.—(1) Any person subject to this Act who is alleged to have committed a service offence may be charged, dealt with and tried by a court or may be dealt with by a disciplinary officer under the provisions of this Act and shall, if found guilty of the service offence by a court or by a disciplinary officer, be liable to be punished or dealt with in accordance with the provisions of this Act.

(2) Where a charge against a person for a service offence is dealt with by a disciplinary officer, a reference in any provision of this Act to a conviction shall be construed as a reference to a finding of guilt made by a disciplinary officer.

Trial and punishment of service offences under Act notwithstanding offender ceasing to be subject to Act

18.—(1) Subject to section 19, where a service offence under this Act has been committed, or is reasonably suspected of having been committed, by any person while subject to this Act, then in relation to that service offence he shall be treated, for the purposes of this Act relating to arrest, keeping in custody, investigation of charges, trial and punishment by a disciplinary officer including review and execution of sentences as continuing to be subject to this Act notwithstanding his ceasing at any time to be subject thereto.

(2) Where, while a person is in service custody by virtue of this section (whether before, during or after trial) he commits, or is reasonably suspected of having committed, an offence which if he were subject to this Act would be a service offence, then in relation to that offence or suspected offence he shall be treated, for the purposes of this Act mentioned in subsection (1) and the provisions thereof as to the dealing with charges by a disciplinary officer, as having been subject to this Act when the offence was committed or is suspected of having been committed and as continuing to be subject to this Act thereafter.

(3) Where under subsection (1) or (2) a person is treated as being at any time subject to this Act for the purpose of any provision of this Act, that provision shall apply to him —

- (a) if he holds any service rank, as to a person having that rank; and
- (b) in any other case, as to a person having the rank which he had when last actually subject to this Act.

(4) Where apart from this subsection any provision of this Act would under subsection (3) apply to a person, in relation to different service offences, as to a person having different ranks, it shall apply to him as to a person having the lower or lowest of those ranks.

Limitation of time for trial of offences under Act

19.—(1) Subject to subsection (2) and except in respect of the service offences mentioned in subsection (3), no person shall be liable to be tried by a disciplinary officer unless his trial begins before the expiration of a period of 6 months from the day upon which the service offence was alleged to have been committed.

[32/2010]

(2) A person may be tried by a disciplinary officer within 3 years of the date of commission of the offence if he is an operationally ready national serviceman.

[19/94]

(3) Every person who is subject to this Act at the time of the alleged commission by him of a service offence of desertion or absence

without leave shall continue to be liable to be charged, dealt with and tried at any time under this Act.

(4) In calculating the period of limitation referred to in subsection (1), there shall not be included —

- (a) any time during which a person was serving sentence in a prison;
- (b) any period of absence caused by his detention in a drug rehabilitation centre or at any other place pursuant to the provisions of any other written law; and
- (c) any period of absence in respect of which a person has been found guilty by a disciplinary officer of desertion or absence without leave.

(5) Nothing in this section shall affect the jurisdiction of a court to try any person for any service offence committed by him.

Jurisdiction of courts

20.—(1) Nothing in this Act shall affect the jurisdiction of any court to try a person for any offence under any other written law triable by the court where the act or omission of that person also constitutes a service offence.

(2) Where a person subject to this Act has been charged with a service offence and has had the charge dealt with by a disciplinary officer, a court shall be debarred from trying him subsequently for an offence substantially the same as that offence.

(3) Nothing in this Act shall be construed as restricting the jurisdiction of any court to try a person subject to this Act for an offence.

(4) For the purposes of this section, a case shall be deemed to have been dealt with by a disciplinary officer notwithstanding that the finding of that officer has been quashed, or the award of that officer quashed or varied, on the review thereof.

(5) A person subject to this Act shall not be tried by a court for any service offence unless the Public Prosecutor has given his consent for the trial.

Persons not to be tried under Act for offences already disposed of

21. Where a person subject to this Act has been tried for a service offence by a court or has had a service offence committed by him taken into consideration by the court in sentencing him, he shall not be liable in respect of that offence to be dealt with and punished by a disciplinary officer in pursuance of this Act.

Application of principles of Penal Code

22. The principles of the Penal Code (Cap. 224) with respect to criminal liability shall apply in relation to service offences under this Act.

PART V**SERVICE OFFENCES****Looting**

23. Any person who —

- (a) steals from, or, with intent to steal, searches the person of anyone killed or injured in a civil defence emergency;
- (b) steals any property which has been left exposed or unprotected in consequence of a civil defence emergency;
- (c) takes, otherwise than for the purposes of the Force, any property abandoned or left exposed in consequence of a civil defence emergency,

shall be guilty of the offence of looting and shall be liable on conviction to imprisonment for a term not exceeding 7 years or any other punishment authorised by this Act.

Desertion

24. Any person who being on duty, or having been notified to report for duty, with intent to remain permanently absent without leave, leaves or does not attend at, his place of duty without leave, shall be guilty of an offence and shall be liable on conviction to imprisonment

for a term not exceeding 10 years or any other punishment authorised by this Act.

Connivance at desertion

25. Any person who —

- (a) being aware of the desertion or intended desertion of a member, does not without reasonable excuse inform his superior officer immediately; or
- (b) fails to take any steps in his power to cause the apprehension of a member whom he knows, or has reasonable cause to believe, to be a deserter,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Assault on guard

26.—(1) Any person who —

- (a) commits an assault on a member who is on guard duty; or
- (b) by threat or force compels that member to let him or any other person pass a member's post,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

(2) In this section, any reference to a person on guard duty includes a reference to a person who is —

- (a) posted or ordered to patrol; or
- (b) a member of a guard or other party mounted or ordered to patrol,

for the purpose of —

- (i) protecting any person, premises or place or ship, vehicle, aircraft or other thing;
- (ii) preventing or controlling access to, or egress from any premises or place or ship, vehicle, aircraft or other thing; or

(iii) regulating traffic by road, rail or water.

Offence by or in relation to person on guard or on watch

27.—(1) Any person who, while on guard duty or on watch —

- (a) sleeps at his post or on watch;
- (b) not being on duty at a post, sleeps when his duty requires him to be awake;
- (c) is drunk; or
- (d) leaves his post or otherwise absents himself from a place where it is his duty to be,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

(2) In this section, “a person on guard duty” shall have the same meaning as in section 26.

(3) For the purposes of this section, a person shall be deemed to be drunk if, and only if, his faculties are, by reason of being under the influence of intoxicating liquor or a drug, so impaired that —

- (a) it would be imprudent to trust him, or to allow him to continue, with the discharge of his duties; or
- (b) he is unfit for the discharge of his duties.

Violence to superior

28. Any person who commits an assault on a person of a higher rank shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Assault on subordinate

29. Any person who commits an assault on, or ill-treats, a person of a lower rank shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Cruel, indecent or disgraceful conduct

30. Any person who behaves in a cruel, indecent or disgraceful manner or in a manner unbecoming of a member of the Force shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Obstruction of provost officer

31. Any person who —

(a) obstructs; or

(b) when called upon refuses to assist,

a provost officer, or a person lawfully exercising authority under or on behalf of a provost officer, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Insubordinate behaviour

32. Any person who —

(a) uses threatening, insubordinate or insulting language to a person of a higher rank; or

(b) in the presence of a person of a higher rank uses threatening, insubordinate or insulting language about him,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Disobedience to command

33. Any person who disobeys a lawful command given to him by a person of a higher rank shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years or any other punishment authorised by this Act.

Failure to comply with direction of person in command

34. Any person who, when in or near any service ship, aircraft or vehicle, fails to comply with a lawful direction given to him by or with the authority of the person in command of the ship, aircraft or vehicle —

- (a) in relation to the sailing or handling of the ship, flying or handling of the aircraft or handling of the vehicle; or
- (b) affecting the safety of the ship, aircraft or vehicle or persons on board the ship, aircraft or vehicle,

whether the person in command is a member or not, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Failure to comply with order

35.—(1) Any person who does not comply with a lawful order that is applicable to him shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

(2) In this section, “order” means —

- (a) an order, instruction or directive issued by, or under the authority of, the Commissioner; or
- (b) a general standing or routine order or instruction in force with respect to the Force.

Abuse of authority

36. Any person who knowingly exceeds his authority over a person of a lower rank shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Destruction of, or damage to, service property

37. Any person who intentionally, recklessly or negligently destroys or damages service property shall be guilty of an offence

and shall be liable on conviction to imprisonment for a term not exceeding 3 years or any other punishment authorised by this Act.

Dishonest misappropriation of service property

38. Any person who —

- (a) steals or dishonestly misappropriates any service property or any property belonging to a person subject to this Act or is concerned in the stealing or dishonest misappropriation of any such property; or
- (b) receives any service property or property belonging to a person subject to this Act knowing it to have been stolen or to have been dishonestly misappropriated,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years or any other punishment authorised by this Act.

Misapplication and waste of service property

39. Any person who misapplies or wastefully expends any service property shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

False statement in application

40. Any person who, in or in connection with, or in support of, an application for any grant, payment, allotment of money or allowances, leave of absence or any other benefit or advantage, for himself or another, makes, either orally or in writing, any statement which is to his knowledge false in a material particular shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Falsification, etc., of service documents

41.—(1) Any person who with a view to gaining for himself or another or with intent to deceive another or cause loss to another —

- (a) makes or signs a service document that is false in a material particular;
- (b) makes in a service document an entry that is false in a material particular;
- (c) alters a service document so that the document is false in a material particular;
- (d) suppresses, defaces, makes away with or destroys a service document, or a part of a service document, that it is his duty to preserve or produce; or
- (e) does not make an entry in a service document that it is his duty to make,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

- (2) For the purposes of this section, “service document” means —
 - (a) any document which is the property of the Force; or
 - (b) any document submitted to the Force for any purpose whatsoever.

False statement in relation to appointment or enlistment

- 42.—**(1) Any person who —
- (a) for the purposes of his appointment to or enlistment in the Force with intent to deceive —
 - (i) makes a false answer to any question set forth in a document required to be completed in relation to his appointment or enlistment;
 - (ii) furnishes any false information or document in relation to his appointment or enlistment; or
 - (iii) does not disclose, if and when lawfully required to do so, particulars of any prior service in the Force; and
 - (b) is subsequently appointed to or enlisted in the Force,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

- (2) Any person who, with intent to deceive —
- (a) makes a false answer to any question set forth in a document required to be completed in relation to his appointment or enlistment;
 - (b) furnishes any false information or document in relation to his appointment or enlistment; or
 - (c) does not disclose, if and when lawfully required to do so, particulars of any prior service in the Force,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

False evidence

43. Any person who having been lawfully sworn as a witness or as an interpreter in proceedings before a disciplinary officer or a board of inquiry makes a statement material in those proceedings which he knows to be false or does not believe to be true shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Delay or denial of justice

44.—(1) Where any person is under arrest or in custody for an alleged service offence, a person who does not take such action as is required of him by or under this Act —

- (a) to have the case of the first-mentioned person brought before a commanding officer for investigation; or
- (b) to have the case of the first-mentioned person disposed of or tried summarily by a disciplinary officer,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

(2) Where a person in custody under this Act is entitled to be released, a person who does not take such action as is required of him by or under this Act to release, or to order the release of the first-mentioned person shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Resistance to arrest

45. Any person who —

(a) refuses to obey a lawful order for his arrest; or

(b) commits an assault on —

(i) a member who gives the order; or

(ii) a person, whether a member or not who attempts to apprehend him, or take or hold him in custody, in pursuance of the order,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years or any other punishment authorised by this Act.

Escape from custody

46. Any person who escapes from custody or a place of detention in which he is being held under this Act shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years or any other punishment authorised by this Act.

Unlawful release, etc., of person in custody

47.—(1) Any person who allows to escape or without authority releases a person who is delivered into his custody under this Act or whom it is his duty to guard shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

(2) Any person who facilitates the escape of a person who is in custody or confinement under this Act shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

(3) Any person who with intent to facilitate an escape from a place of confinement under this Act conveys anything into that place shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Absence without leave

48.—(1) Any person who is absent without leave shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

(2) For the purposes of this section, a person is absent without leave if he —

- (a) without authority leaves his place of duty;
- (b) without authority is absent from his place of duty;
- (c) having been authorised to be absent from his place of duty, fails to return to his place of duty at the expiration of the period for which his absence was authorised; or
- (d) having been notified to report for duty fails to report to his place of duty without lawful excuse.

Malingering

49.—(1) Any person who with intent to render or keep himself unfit for service or duty —

- (a) injures himself or causes or permits himself to be injured;
or
- (b) by act or omission causes himself to suffer from a sickness or disability or prolongs or aggravates a sickness or disability from which he suffers,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 12 months or any other punishment authorised by this Act.

(2) Any person who, with intent to avoid service or duty, falsely represents himself to be suffering from a sickness or disability shall

be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 12 months or any other punishment authorised by this Act.

Drunkenness on duty, etc.

50.—(1) Any person who —

(a) is drunk on duty; or

(b) is drunk when he reports or should report for duty,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months or any other punishment authorised by this Act.

(2) For the purposes of this section, a person shall be deemed to be drunk if, and only if, his faculties are, by reason of being under the influence of intoxicating liquor or a drug, so impaired that —

(a) it would be imprudent to entrust him, or to allow him to continue, with the discharge of his duties; or

(b) he is unfit for the discharge of his duties.

Assaults, insulting words, etc.

51. Any person who, on service land, in a service ship, aircraft or vehicle or in a public place —

(a) commits an assault on another person;

(b) causes a disturbance or behaves in a manner likely to cause a disturbance;

(c) behaves in an obscene manner;

(d) uses insulting or provocative words to another person; or

(e) by reason of being under the influence of intoxicating liquor or a drug behaves in a disorderly manner,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Negligent performance of duty

52. Any person who, in the performance of a duty that he is required by his office or appointment to perform, does not exercise such care as he could reasonably be expected to exercise having regard to the activities upon which he is engaged and to his training and experience in the Force shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years or any other punishment authorised by this Act.

Contempt

53. Any person who —

- (a) fails to comply with a summons or order to attend as a witness at a board of inquiry or at a trial of a service offence before a disciplinary officer;
- (b) refuses to take an oath or make an affirmation when required to do so by a disciplinary officer at a trial of a service offence or by a board of inquiry;
- (c) refuses to produce any document or material in his custody or control which a board of inquiry, a disciplinary officer or an investigating officer lawfully requires him to produce;
- (d) as a witness refuses to answer any question which a board of inquiry or a disciplinary officer lawfully requires an answer;
- (e) wilfully insults a disciplinary officer at a trial of a service offence or a board of inquiry; or
- (f) wilfully interrupts, obstructs or disturbs the proceedings of a trial before a disciplinary officer or a board of inquiry,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.

Attempts to commit service offence

54.—(1) Any person who, with intent to commit an offence under this Part, by act or omission behaves in a manner that is, or that he

believes to be, a substantial step towards the commission of the offence shall be deemed, for the purpose of this section, to have attempted to commit the offence.

(2) Any person who attempts to commit a service offence under any of the provisions of this Part shall be liable on conviction to the like punishment for that offence.

(3) Any person charged with attempting to commit a service offence may be convicted of the attempt even though the evidence in the proceedings proves that the person committed the offence.

(4) Where an attempt to commit a service offence is voluntarily abandoned, the fact and circumstances of that abandonment shall be taken into consideration in mitigation of any punishment to be imposed in respect of the attempt.

Aiding, etc., commission of service offence

55. Any person who intentionally or recklessly —

- (a) aids, abets, counsels or procures;
- (b) incites to, urges or encourages; or
- (c) commands or orders,

the commission of a service offence shall be guilty of the offence.

Conduct to the prejudice of Force discipline

56. Any person who is guilty of any conduct or neglect to the prejudice of good order or discipline of the Force shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or any other punishment authorised by this Act.

PART VI

ARREST, CUSTODY AND SEARCH

Arrest without warrant

57.—(1) A member may, without warrant, arrest a person over whom he has a power of arrest if —

- (a) the member finds the person committing a service offence;
or
 - (b) the member suspects, on reasonable grounds, that the person is committing or has committed a service offence and believes, on reasonable grounds, that the arrest of the person without warrant is necessary —
 - (i) to ensure the appearance of the person before a disciplinary officer;
 - (ii) to prevent any further disturbance of a substantial nature to public order;
 - (iii) to ensure the personal safety or well being of the person; or
 - (iv) to prevent persistence in, or a repetition or continuance of, the service offence.
- (2) For the purposes of this section —
- (a) an officer has subject to the regulations a power of arrest over —
 - (i) a member of a lower rank; and
 - (ii) any officer, if the officer is behaving in a disorderly or violent manner;
 - (b) a non-commissioned officer has a power of arrest over —
 - (i) a serviceman of a lower rank; and
 - (ii) any serviceman, if the serviceman is behaving in a disorderly or violent manner;
 - (c) a provost officer, or a person lawfully exercising authority under or on behalf of a provost officer, has a power of arrest over any member; and
 - (d) a police officer has a power of arrest over a person whom he suspects on reasonable grounds —
 - (i) to be unlawfully at large during the currency of a sentence of imprisonment or detention imposed under this Act; or

(ii) to be in desertion or absence without leave.

(3) A power of arrest under this section may be exercised personally or by giving an order for the arrest of the person concerned, and it is the duty of the member to whom such an order is given to carry out the order.

Arrest under warrant

58.—(1) A commanding officer, an officer superior in command to that officer or an officer authorised by the regulations may issue a warrant for the arrest of a person subject to this Act where that person is not present and the issuing officer has reasonable grounds for suspecting that that person —

- (a) has committed an offence against this Act; and
- (b) will not appear before a disciplinary officer.

(2) A police officer or a member may, in execution of a warrant issued in accordance with subsection (1), arrest the person for whose arrest the warrant has been issued.

Reasonable force to effect arrest

59. Any person authorised to effect an arrest may use such force as is reasonably necessary for that purpose.

Arrested person to be informed of alleged offence

60. A person exercising a power of arrest shall inform the person he is arresting at the time of the arrest, in ordinary language, of the nature of the charge upon which the person is being arrested, unless it is not reasonably practicable to do so or unless the reason for the arrest is obvious in the circumstances.

Detention in civil custody of arrested person

61. Any police officer may detain a person arrested (whether by himself or by another) at a police station or other place provided for the holding of persons in custody for such time as is reasonably necessary to enable the arrested person to be delivered into the custody of a provost officer or of any other member who is authorised for the purpose by or under the regulations.

Person in custody to be dealt with in accordance with Act

62. It shall be the duty of a member who receives a person into his custody to deal with the person as provided by this Act and the regulations.

Avoidance of delay after arrest

63.—(1) When a member exercises his power of arrest or receives a person into service custody, he shall as soon as practicable having regard to the circumstances of the arrest cause the person arrested to be transferred to the custody of a commanding officer.

(2) Where a person arrested has come into the custody of a commanding officer, that commanding officer shall release the person arrested as soon as his continued custody, for one of the reasons specified in section 57(1)(b), is no longer necessary and may impose such restrictions as are permitted by section 64.

(3) When a person arrested is not released in accordance with subsection (2), the commanding officer into whose custody the person arrested has been transferred in accordance with subsection (1) shall, within 24 hours of receiving the person into custody, cause him to be given a copy of the charge on which he is being held.

(4) Within 48 hours of a person arrested being received into custody of a commanding officer, the commanding officer is to cause proceedings to be commenced for the hearing and determination of the charge or report his reasons for not so doing to the appropriate authority.

(5) Where a person who has been charged with an offence remains in custody for a period exceeding 4 days without the charge having been disposed of or tried by a disciplinary officer, the commanding officer shall make a report in writing to the appropriate authority stating the reasons for the delay.

(6) The commanding officer shall make a similar report to the appropriate authority at the conclusion of each subsequent period of 4 days if the person is still held in custody without the charge having been disposed of or tried by a disciplinary officer.

(7) A commanding officer who certifies in writing that, having regard to the exigencies of service, it is not reasonably practicable to do so, is not required to comply with subsection (5) or (6).

(8) Where a person remains in custody for 8 days and the charge against him has not been heard and determined, it is the duty of the appropriate authority to whom a report under subsection (5) or (6) has been made to notify the Commissioner of the reasons why the charge has not been heard and determined.

(9) Upon receipt of a notification in accordance with subsection (8), the Commissioner shall, unless he is satisfied that it is proper that the person should continue in custody, order the release of the person from custody.

Conditional release

64.—(1) A commanding officer may at any time release from custody a person charged with an offence and may impose such reasonable restrictions on him as the commanding officer considers appropriate.

(2) A person released under subsection (1) or under section 63 may only be returned into custody —

- (a) if he is in breach of a restriction imposed upon him under subsection (1);
- (b) if he is arrested under section 57 or 58 in relation to another offence; or
- (c) if it is necessary for any of the reasons specified in section 57(1)(b).

(3) A restriction imposed upon a person under subsection (1) may, at any time, be revoked by the officer who imposed it, or by an officer acting in the place of that officer and, if not so revoked ceases to have effect when —

- (a) the person is again taken into custody in connection with the charge; or
- (b) the charge is heard and determined.

Making of physical examination

65.—(1) Where a person is in custody and a provost officer believes, on reasonable grounds, that the making of a physical examination of the person may —

- (a) afford evidence of the commission of an offence by the person; or
- (b) afford evidence of the identity of the person,

that officer may authorise a duly qualified medical practitioner to make a physical examination of the person and may authorise the use of such force as is reasonably necessary to convey that person to a duly qualified medical practitioner.

(2) A duly qualified medical practitioner who is authorised to do so under subsection (1) may make a physical examination of a person and may, for that purpose, use such force and obtain such assistance as is reasonably necessary.

(3) Where a duly qualified medical practitioner makes a physical examination of a person under this section, he shall give to the officer who authorised the examination a report setting out the results of the examination.

Search of place where person sought to be arrested has entered

66.—(1) If any person acting with a warrant of arrest issued under section 58 or acting without a warrant of arrest under section 57 has reason to believe that any person to be arrested has entered into or is within any place, the person residing in or in charge of such place shall, on demand of such person acting as aforesaid, allow him free entry thereto and afford all reasonable facilities for search therein of the person to be arrested.

(2) Where free entry to such place cannot be obtained under subsection (1) it shall be lawful for a person acting with a warrant of arrest or a provost officer acting without a warrant of arrest, where such warrant is not immediately obtainable in order to enter such place, to break open any outer or inner door or window of any place whether that of the person to be arrested or of any other person if,

after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Search of person in custody

67. Subject to section 68, where a person is in custody —

- (a) the person in whose custody he is;
- (b) a provost officer; or
- (c) a person acting in accordance with the directions of a person referred to in paragraph (a) or (b),

may search the first-mentioned person and may take from him anything found upon his person.

Search by person of same sex, etc.

68. Notwithstanding section 67 —

- (a) a person shall not be searched except by a person of the same sex;
- (b) a person shall not be searched except in the presence of a third person of the same sex; and
- (c) an officer shall not be searched except by or under the authority of an officer.

Disposal of property taken on search

69.—(1) Where property of which possession has been taken under section 67 is required as evidence in connection with a charge, the property may be retained for that purpose and then disposed of as the disciplinary officer hearing the charge orders but, if it is not so required, it shall be returned to the person from whose possession it was taken.

(2) The power to retain and dispose of property conferred by subsection (1) is in addition to, and not in derogation of, the powers conferred by any other provision of this Act.

PART VII**TRIAL AND PUNISHMENT BY DISCIPLINARY OFFICERS****Manner of dealing with charges**

70.—(1) Before an allegation against a person subject to this Act (referred to in this Act as the accused) that he has committed a service offence is further proceeded with, the allegation shall be reported, in the form of a charge, to a disciplinary officer and dealt with in accordance with this Part.

(2) A disciplinary officer when dealing with a charge against an accused —

- (a) shall refer the charge to the Commissioner if the accused is a public officer or he considers that the charge ought to be dealt with by a court;
- (b) may dismiss the charge if he is of the opinion that it ought not to be further proceeded with; or
- (c) may try the accused.

(3) References in this Act to dealing with a charge by a disciplinary officer are references to the taking by the appropriate disciplinary officer, as the case may require, of the following actions:

- (a) determining whether the accused is guilty;
- (b) dismissing the charge or recording a finding of guilt accordingly; and
- (c) awarding punishment.

Manner of dealing with charge against members who are public officers

71. A charge against an accused who is a public officer may, if the Commissioner thinks fit, be referred to the Public Service Commission for the member to be dealt with by the Public Service Commission in accordance with the regulations governing disciplinary proceedings against officers in the public service.

Jurisdiction of disciplinary officers

72.—(1) If the accused is an officer below the rank of lieutenant-colonel, the charge shall, within such time as may be prescribed, be brought before a senior disciplinary officer who is at least 2 ranks above him.

(2) If the accused is a warrant officer, the charge shall, within such time as may be prescribed, be brought before a senior disciplinary officer.

[32/2010]

(3) If the accused is a serviceman below the rank of warrant officer, the charge shall, within such time as may be prescribed, be brought before a junior disciplinary officer.

Trial of former members

73. A person who is subject to this Act under section 16 may be tried for an offence committed while he was a member only by a court.

Dismissal of charge

74. Where a disciplinary officer dismisses a charge, he shall record the reason for the dismissal of the charge.

Punishments

75.—(1) Where a disciplinary officer finds an accused guilty of a charge, he may award one of the following punishments:

(a) if the accused is a serviceman, detention for a period not exceeding 40 days;

(b) a fine not exceeding \$100 or, if the accused is an officer, a fine not exceeding \$300 ;

[32/2010]

(c) reprimand; or

(d) such other minor punishment as may be prescribed by the regulations.

(2) Where a disciplinary officer is of the opinion that the accused should be reduced in rank in addition to or in lieu of any punishment

which may be awarded by him he may refer the charge and the record of the proceedings to the Commissioner with a recommendation that the accused be reduced in rank and the Commissioner may, at his discretion, reduce the rank of the accused in addition to or in substitution for the punishment imposed by the disciplinary officer.

(3) In addition to any of the punishments referred to in subsection (1), a disciplinary officer may order an officer or serviceman found guilty of any offence under this Act to pay compensation, not exceeding \$100, to any person who suffered damage or loss occasioned by the commission of the service offence.

[32/2010]

(4) In addition to or in lieu of any other punishment, a disciplinary officer may order the accused to pay such sum as he may determine as compensation to the Government for the loss of or damage to any service property or part thereof occasioned by the commission of the service offence.

(5) In assessing the amount of compensation payable under subsection (4), the disciplinary officer shall have regard to the earnings of the accused.

(6) Nothing in subsection (3) shall prejudice the right of any person to a civil remedy for the recovery of damages beyond the amount of compensation ordered.

Power of Disciplinary Board to deal with charges against lieutenant-colonel, etc.

76.—(1) A charge against an officer of the rank of lieutenant-colonel or above may be dealt with by a Disciplinary Board consisting of 3 persons appointed for the purpose, either generally or specially, by the Minister.

(2) A Disciplinary Board may —

- (a) dismiss the charge if it thinks that the charge ought not to be proceeded with; or
- (b) deal with the case and upon conviction of the accused may impose a reprimand and in addition may make a recommendation to the Commissioner that the accused

be reduced in rank and the Commissioner may at his discretion reduce the rank of the accused.

Commencement of sentence of detention

77.—(1) A sentence of detention imposed as a punishment shall take effect from the date on which it was passed, unless the disciplinary officer passing the sentence otherwise directs.

(2) Where a person convicted of a service offence was already under service custody prior to the date on which an order for his detention was made, the sentence of detention shall take effect from the date he was in service custody.

Sentence of detention

78. Any person sentenced to detention under this Act shall, unless otherwise provided for in the regulations, serve his sentence in detention barrack.

Suspension of sentence

79.—(1) It shall be lawful for a disciplinary officer when passing a sentence of detention to order that the sentence shall be suspended and the accused shall not in that event be committed to detention barrack.

(2) Where any such sentence is suspended and the offender so sentenced is sentenced for a fresh offence during the period of suspension by a disciplinary officer to detention, the disciplinary officer —

- (a) may cancel the suspension of the earlier sentence; and
- (b) shall direct whether the 2 sentences are to run concurrently or consecutively.

Provisions as to persons unlawfully at large

80.—(1) Any person who, having been sentenced to detention under this Act, is at large may (without prejudice to any other power of arrest) be arrested by any police officer or any officer of the Force or a provost officer without warrant and taken to any place in which he may be required to be detained in accordance with this Act.

(2) Where any person sentenced to detention under this Act is at large at any time during the period for which he is liable to be detained in pursuance of the sentence, no account shall be taken, in calculating the period for which he is liable to be so detained, of any time elapsing after he was at large and before either he is taken into custody or he is received into a detention barrack.

Review of findings and awards

81.—(1) The Commissioner shall appoint an officer or officers (hereinafter referred to as the reviewing authority) to act for the purposes of this section in any particular case or any class of cases.

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(2) No person shall be appointed to be or act as the reviewing authority unless he is a qualified person within the meaning of the Legal Profession Act (Cap. 161).

(3) Where a charge has been dealt with by a disciplinary officer otherwise than by the dismissal thereof, the reviewing authority shall as soon as practicable review the finding or award.

(4) Where on a review under this section it appears to the reviewing authority expedient to do so by reason of any mistake in law in the proceedings on the dealing with the charge or of anything occurring in those proceedings which in the opinion of the reviewing authority involved substantial injustice to the accused, the reviewing authority may quash the finding and may order a re-trial if it considers that a re-trial is necessary in the interests of justice.

(5) If a finding in any proceedings is quashed under subsection (4) and the award made in those proceedings relates only to the finding quashed, the reviewing authority shall also quash the award.

(6) If the award relates also to any other finding and it appears to the reviewing authority that the award was not warranted by this Act in respect of that other finding, the reviewing authority may vary the award by substituting such punishment as the reviewing authority may think proper, being a punishment which could have been included in the original award in relation to that other finding, and not being in the opinion of the reviewing authority more severe than the punishment included in the original award.

(7) Where on a review under this section it appears to the reviewing authority that a punishment awarded was invalid, or too severe, the reviewing authority may vary the award by substituting such punishment as the reviewing authority may think proper, being a punishment which could have been included in the original award and not being in the opinion of the reviewing authority more severe than the punishment included in the original award.

(8) Where on a review under this section it appears to the reviewing authority that an order to pay compensation made under section 75(3) or (4) was invalid, or unduly excessive, the reviewing authority may quash the order or vary the amount of compensation payable under the order.

(9) The reviewing authority may at any time suspend the execution of any sentence passed by a disciplinary officer for such period as it thinks fit.

Officers who are to act as junior and senior disciplinary officers

82. In this Part —

“junior disciplinary officer”, in relation to a person charged with an offence, means an officer commanding a company or equivalent sub-unit or any other officer designated as a junior disciplinary officer by the Commissioner to deal with charges made against a member for the commission of a service offence; and

“senior disciplinary officer”, in relation to a person charged with an offence, means an officer commanding a division or any other officer designated as a senior disciplinary officer by the Commissioner to deal with charges made against a member for the commission of a service offence.

Inapplicability of law of evidence

83. A disciplinary officer shall not be bound by the law of evidence and shall act in such manner as seems to him most expedient for the disposal of the charge.

Detention in default of payment of fine

84.—(1) A disciplinary officer, if he is empowered under this Act to impose detention as a punishment, may direct that in default of the payment of any fine imposed by him on any offender, the offender shall, subject to subsection (2), undergo detention for such period as the disciplinary officer may determine.

(2) The period of detention which a disciplinary officer may direct under subsection (1) shall be as follows:

- (a) if the fine does not exceed \$100, detention for a period not exceeding 10 days;
- (b) if the fine exceeds \$100 but does not exceed \$200, detention for a period not exceeding 20 days; and
- (c) in any other case, detention for a period not exceeding 40 days.

(3) Such detention shall take effect from such date as the disciplinary officer may direct and shall terminate whenever the fine is paid.

Rules of Procedure

85.—(1) Subject to this section, the Minister may make rules (referred to in this Act as the Rules of Procedure) with respect to the investigation and trial of, and awarding of punishment for, offences which may be dealt with by a disciplinary officer.

(2) Without prejudice to the generality of subsection (1), the Rules of Procedure may make provision with respect to all or any of the following matters:

- (a) the procedure to be observed in the bringing of charges before a disciplinary officer;
- (b) the manner in which charges so brought are to be investigated, and the taking of evidence (whether orally or in writing, whether or not on oath and whether in full or in summary or abstract form) for the purpose of investigating or dealing with such charges;

- (c) the addition to, or substitution for, a charge which has been investigated of a new charge for an offence disclosed by evidence taken on the investigation and the treating of the investigation as the investigation of the new charge;
- (d) the procedure to be observed in proceedings before a disciplinary officer;
- (e) procuring the attendance of witnesses before such proceedings and at the taking of evidence in pursuance of rules made under paragraph (b);
- (f) empowering a disciplinary officer to amend a charge which is being tried by him;
- (g) the forms of orders and other documents to be made or used for the purposes of any provision of this Act or the Rules of Procedure relating to the investigation or trial of, or award of punishment for, service offences; and
- (h) any matter which by this Part is required or authorised to be prescribed.

(3) Any provision of the Rules of Procedure which is inconsistent with the provisions of this Act shall to the extent of the inconsistency be void.

PART VIII

POWERS OF INVESTIGATION

Provost officer may investigate service offences

86. A provost officer may conduct an investigation where there is reason to believe that a service offence has been committed.

Powers of investigation of provost officer

87. In an investigation relating to the commission of a service offence, a provost officer shall have all the powers of a police officer under the Criminal Procedure Code (Cap. 68) in relation to an investigation of a seizable offence.

PART IX**DEDUCTIONS FROM PAY OF A MEMBER****Authorised deductions only to be made from pay**

88. The pay of a member shall be paid without any deduction other than the deductions authorised by this Act or by any other written law.

Deductions from ordinary pay of member

89.—(1) Subject to subsection (2), the following deductions may, or if the regulations so provide shall, be made from the ordinary pay due to a member:

- (a) all ordinary pay —
 - (i) for every day of absence on desertion or without leave, or for overstaying the period for which leave of absence is granted;
 - (ii) for every day of imprisonment, corrective training, preventive detention, reformatory training or detention of any other description, to which he is liable in consequence of an order or sentence of a court;
 - (iii) for every day of detention imposed by a disciplinary officer under section 75;
 - (iv) for every day during which he is in a drug rehabilitation centre;
 - (v) for every day during which he is in hospital on account of sickness certified by the proper medical officer attending on him at the hospital to have been caused by a service offence committed by him;
- (b) the sum required to make good any compensation which a disciplinary officer has in exercise of the powers conferred by section 75(3) ordered him to pay to any person;
- (c) the sum to make good any compensation which a disciplinary officer has under section 75(4) ordered him to pay to the Government;

- (d) the sum required to pay any fine or penalty which a disciplinary officer before which he has been charged with a service offence has ordered him to pay; and
- (e) the sum which he is required to pay as contribution to the Government pursuant to an order made under section 92(3).

(2) The total amount of deductions from the ordinary pay due to a member in respect of the sums referred to in subsection (1) shall not exceed such sums as will leave to him less than \$2 a day.

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(3) A member shall not be subjected to any deduction greater than the sums which he has been ordered to pay to make good the loss or damage.

Supplemental provisions as to deductions from ordinary pay

90.—(1) Any sum authorised by this Act to be deducted from the ordinary pay of a member may, without prejudice to any other mode of recovering the same, be deducted from the ordinary pay or from any sum due to the member, in such manner, and when deducted or recovered may be appropriated in such manner, as may from time to time be directed by the regulations.

(2) The regulations may from time to time declare what shall, for the purposes of this Act relating to deductions from pay, be deemed to constitute a day of absence or a day of imprisonment or detention, so that —

- (a) no person shall be treated as absent, imprisoned or detained for the purposes of this Act unless the absence, imprisonment or detention has lasted 6 hours or more, except where the absence prevented the absentee from fulfilling any duty;
- (b) a period of absence, imprisonment or detention which commences before and ends after midnight may be reckoned as a day;

- (c) the number of days shall be reckoned as from the time when the absence, imprisonment or detention commences; and
- (d) no period of less than 24 hours shall be reckoned as more than one day.

Write-off of public property

91. Without prejudice to section 19 of the Financial Procedure Act (Cap. 109) —

- (a) where, during or at the conclusion of a trial by a disciplinary officer, the disciplinary officer —
 - (i) makes an order under section 75(4) for the payment of compensation for part of the loss of or damage to service property; or
 - (ii) does not make any order for the payment of compensation for the loss of or damage to service property; or
- (b) where there is any loss of or damage to any service property which was caused by the commission of an offence which has been dealt with by a court,

the Commissioner may write off the full value or part thereof of the loss or damage to service property which remains irrecoverable or unrecovered.

PART X

BOARD OF INQUIRY

Board of inquiry

92.—(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 Government, discipline, administration or functions of the Force or affecting any person subject to this Act,

the Minister or the person appointed by the Minister may convene a board of inquiry.

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(2) A board 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.

(3) The Minister may, where a board of inquiry has found that any wrongful or negligent act or omission of a member has caused or will cause the Government to suffer any loss or to incur any liability arising from the negligent act or omission of the member, order the member (whether or not he is still a member when the order is made) to pay such sum as the Minister may determine as contribution to the Government for the loss or liability.

(4) The Minister may write off the value of any loss which remains irrecoverable or unrecovered.

(5) The Minister may exercise the powers conferred by this section notwithstanding that any other person has been appointed under subsection (1).

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

Composition

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

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

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

(4) Members of a board of inquiry need not necessarily be members of the Force.

Powers

94. A board of inquiry may —

- (a) summon any person to give evidence on oath or on affirmation or 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.

Summoning and privilege of witnesses at board of inquiry and misconduct of civilian thereat

95.—(1) Every person required to give evidence before a board of inquiry may be summoned or ordered to attend the proceedings of the board.

(2) Every person attending in pursuance of such summons or order as a witness before any board shall, during his necessary attendance at such inquiry and in going to and returning from the same, have the same privilege from arrest as he would have if he were a witness before a civil court.

(3) Where any person who is not subject to this Act —

- (a) on being duly summoned as a witness before a board of inquiry and after payment or tender of the reasonable expenses of his attendance, makes default in attending; or
- (b) being in attendance as a witness —
 - (i) refuses to take an oath lawfully required by the board to be taken;
 - (ii) refuses to produce any document in his power or control lawfully required by the board to be produced by him; or
 - (iii) refuses to answer any question to which a board may lawfully require an answer,

the chairman of the board may certify the offence of the person under his hand to a Magistrate's Court and that Court may thereupon inquire into the alleged offence.

(4) After examining any witness that may be produced against or on behalf of the person so accused, and after hearing any statement that may be offered in defence, the Court may, if it seems just, punish the person in the like manner as if he had committed the offence in a proceeding in the Court.

(5) Where a person not subject to this Act when examined on oath or on affirmation before a board of inquiry wilfully gives false evidence, he shall be guilty of an offence and shall be liable on conviction before a competent court to be punished for the offence of giving false evidence in a judicial proceeding.

(6) Where a person not subject to this Act is guilty of any contempt towards a board of inquiry —

- (a) by using insulting or threatening language;
- (b) by causing any interruption or disturbance in its proceedings; or
- (c) by printing observations or using words calculated to influence the members of or witnesses before the board or to bring the board into disrepute,

the chairman may certify the offence of the person under his hand to a Magistrate's Court.

(7) The Magistrate's Court may thereupon inquire into the alleged offence as specified in subsection (6), and after hearing —

- (a) any witness that may be produced against or on behalf of the person so accused; and
- (b) any statement that may be offered in defence,

if it seems just, punish or take steps for the punishment of the person in the like manner as if he had been guilty of contempt of that Court.

Evidence and procedure

96. Except as otherwise provided in this Act, a board of inquiry shall not be bound by the rules of evidence and shall act in such manner as it thinks most expedient.

Admissibility of evidence

97. No statement made in the course of any inquiry and no report of a board of inquiry shall be admissible as evidence in proceedings before a disciplinary officer other than proceedings for an offence under section 43.

Sittings not open to public

98.—(1) A board of inquiry shall not sit in public.

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

Person who may be affected by finding

99.—(1) Where it appears to a board of inquiry that any person subject to this Act may be adversely affected by its findings, it shall notify him thereof and give him an opportunity to be present at the sittings of the board of inquiry or at such part thereof as the chairman may specify.

(2) Any such person as referred to in subsection (1) shall be allowed to give evidence and examine witnesses.

Record of proceedings

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

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

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

PART XI**CIVIL DEFENCE FORCE FUND****Civil Defence Force Fund**

101.—(1) There shall be established a fund to be known as the Civil Defence Force Fund.

- (2) The Fund shall consist of —
- (a) all sums forfeited by or fines inflicted on members under the powers conferred by this Act;
 - (b) donations offered to the Fund and accepted by the Commissioner;
 - (c) voluntary contributions from members; and
 - (d) contributions from moneys provided by Parliament.
- (3) The Fund shall be controlled by the Commissioner and applied for the purposes of the welfare of members, civil defence volunteers and their families and for such other purposes as the Commissioner thinks fit.

PART XII

CIVIL DEFENCE EMERGENCY

Declaration of state of civil defence emergency

102.—(1) If at any time it appears to the Minister that a civil defence emergency has occurred or may occur in any part or district of Singapore, the Minister may declare that a state of civil defence emergency exists in that part or district.

(2) The Minister shall immediately give public notice by such means of communication as are available of every declaration of a state of civil defence emergency made under subsection (1) and the declaration shall be published in the *Gazette* as soon as possible.

(3) A state of civil defence emergency for any part or district in Singapore shall terminate on the expiry of the seventh day from the time the civil defence emergency is in force.

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(4) The Minister may, with the approval of the President, extend the duration of a state of civil defence emergency for such further period or periods as he thinks fit.

Special powers during emergency

103.—(1) During a state of emergency or a state of civil defence emergency, the Commissioner, a member or a police officer may, if the action authorised by this section appears to him to be necessary for the carrying out of civil defence measures or for the preservation of human life or property —

- (a) direct any person to render any assistance to the Force to save life in immediate danger;
- (b) direct the evacuation of any area, building or place, and the exclusion of persons from any area, building or place and in the exercise of that power may remove or cause to be removed a person who does not comply with a direction to evacuate or a person who enters or is found in any area, building or place in respect of which a direction for the exclusion of persons has been given;
- (c) remove from any place, vehicle, structure or thing that is impeding civil defence operations and to facilitate its removal may use such force as is reasonably necessary or may break into any such vehicle;
- (d) enter upon and, if necessary, break into any place, building, premises or land where he believes on reasonable grounds that it is necessary to do so for saving life or preventing injury or rescuing injured or endangered persons or for facilitating the carrying out of any urgent measures in respect of the relief of suffering and distress; and
- (e) restrict the movement of persons and close to traffic any road, street, motorway, private street, private way, service lane, right of way or access way or other way or close any public place.

(2) Any person who renders any assistance under subsection (1)(a) shall be entitled to fair and reasonable remuneration from the Commissioner, such claim to be made in accordance with the regulations and paid out of moneys appropriated by Parliament for the purpose.

(3) Any person who suffers loss of or damage to his property by reason of the exercise of the powers conferred by subsection (1)(c) and (d) shall be entitled to fair and reasonable compensation for such loss or damage, such claim to be made in accordance with the regulations and paid out of moneys appropriated by Parliament for the purpose.

(4) Any person who contravenes a direction lawfully given under this section 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 3 months or to both.

PART XIII

TRAINING OF CIVILIAN POPULATION IN CIVIL DEFENCE

Civil defence training for civilian population

104. The Minister may from time to time make arrangements for the civilian population to be trained in matters of civil defence and for the conduct of exercises for the purposes of civil defence.

Protection of civil defence volunteers

105.—(1) For the purposes of the Government Proceedings Act (Cap. 121), any civil defence volunteer acting or purporting in good faith to be acting under any order or instruction given to him by a member of the Force whilst participating in any civil defence measures or whilst receiving instruction in civil defence shall be deemed to be the agent of and acting under the instructions of the Government.

(2) No act or default done or made by the civil defence volunteer in good faith whilst participating in any civil defence measures or whilst receiving instruction in civil defence shall subject him to any personal liability.

(3) For the purposes of subsection (1), “civil defence volunteer” means any person who has agreed to take part in civil defence measures or receives instruction in civil defence organised under the authority of the Commissioner.

PART XIV**GENERAL****Persons exercising power, etc., not to be obstructed**

106. Any person who assaults, obstructs, threatens, abuses, insults or intimidates a person carrying out or performing his duties or functions under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Offences by body corporate

107. Where a body corporate commits an offence against this Act —

- (a) the managing director, manager, or other governing officer, by whatever name called, and every member of the governing body thereof, by whatever name called; and
- (b) every person who manages or acts or takes part in the management, administration, or government of the business of the body corporate,

shall be deemed also to have committed the offence jointly with the body corporate and shall be liable to be proceeded against and punished accordingly unless he proves that —

- (a) the offence was committed without his consent or connivance; and
- (b) he exercised such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his function in that capacity and to all the circumstances.

Protection of employment rights

108. A person who, during a state of emergency or a state of civil defence emergency, is absent from his usual employment by reason of carrying out duties in connection with civil defence measures in any capacity shall not be liable for dismissal, loss of vacation leave, or other benefits to which he may be entitled under the industrial award

or agreement applicable to his usual employment, by reason only of his absence on those duties, whether or not his usual employer has consented to his absence.

Members deemed to be public servants

109. Members of the Force shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

Civil Defence General Orders and Standing Orders

110.—(1) The Commissioner may from time to time make such orders not inconsistent with the provisions of this Act to be called Civil Defence General Orders as he may consider necessary or expedient to provide for —

- (a) conduct and discipline and the regulation and carrying out of punishment;
- (b) classifications and promotions;
- (c) instructions and examinations;
- (d) inspections, drill, parades, training and exercises;
- (e) civil defence services and duties of every description and the manner in which they shall be carried out;
- (f) the institution and maintenance of common rooms and canteens;
- (g) the manner and form of reports, correspondence and other records; and
- (h) such other matters as may be necessary and expedient for rendering the Force efficient in the discharge of its duties and for carrying out the purposes of this Act.

(2) A commanding officer may issue orders of a routine nature to be called Standing Orders and any directives not inconsistent with the provisions of this Act or the Civil Defence General Orders for the control, direction and information of the members of the Force in his command.

(3) It shall not be necessary to publish any Civil Defence General Orders, Standing Orders or directives in the *Gazette*.

Compensation for personal injury

111. The Government shall be liable to pay compensation in respect of the loss of life of, or injury to, a person that occurs while that person is —

- (a) engaged in civil defence measures under the authority of the Commissioner; or
- (b) participating in training for civil defence measures under the control of the Commissioner or a person acting under the authority of the Commissioner,

at the rates prescribed by the regulations and paid out of the Pension Fund established by the Pension Fund Act (Cap. 224A).

[8/95]

Protection from liability

112. No action or proceeding shall lie or be brought against the Government, any officer or employee of the Government, a member of the Force or any other person acting under any direction given or purported to be given under this Act in respect of anything done or omitted to be done in good faith under and for the purposes of this Act during a state of civil defence emergency or a state of emergency.

Mobilisation of auxiliary members

113.—(1) During a state of emergency or a state of civil defence emergency, the Minister may by declaration mobilise all or any of the auxiliary members for continuous full-time service.

(2) A declaration under subsection (1) shall be published in the *Gazette* as soon as possible.

(3) Whenever an auxiliary member is mobilised for continuous full-time service, such member shall be bound to render continuous full-time service for such period as the Minister directs until the publication of a declaration in the *Gazette* notifying that the employment of auxiliary members on continuous full-time service is no longer required.

(4) Auxiliary members mobilised for continuous full-time service shall be paid such salaries and allowances as are prescribed or provided for by regulations.

Section 14 of Government Proceedings Act shall apply to Force

114. Section 14 of the Government Proceedings Act (Cap. 121) shall apply to members of the Force including any person serving as an auxiliary member of the Force.

Regulations

115.—(1) The Minister may make regulations, not inconsistent with this Act, for carrying out or giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may provide for all or any of the following matters:

- (a) the manner in which, and conditions subject to which, persons are to be enlisted in the Force;
- (b) the administration and organisation of the Force;
- (c) ranks of officers and servicemen;
- (d) the suspension from duty of members suspected of committing a service offence or an offence under any other written law;
- (e) the practice and procedure to be adopted by disciplinary officers when dealing with charges of service offences under this Act;
- (f) detention barracks for members of the Force sentenced to detention;
- (g) the classification, treatment, employment, discipline and control of members serving sentences of detention or in custody;
- (h) the establishment and administration of any association for the welfare of members and the control of the funds of any such association and the collection from members thereof of subscriptions thereto;

- (i) the control of public lighting during civil defence drills;
- (j) the reimbursement for or payment to members;
- (k) the payment of compensation in respect of death and physical injury suffered by any member of the Force or by a member of the public in the course of being trained in civil defence measures or taking part in civil defence measures or drills;
- (l) the assessment and payment of remuneration for work done and services rendered and compensation payable in respect of loss of or damage to property in consequence of the exercise of the powers conferred by or under this Act including the determination of objections made against the assessment of such remuneration or compensation;
- (m) the administration of the Fund;
- (n) the convening of boards of inquiry;
- (o) the instruction of members of the public in civil defence and to equip them for the purposes of civil defence;
[32/2010]
- (p) the provision, storage and maintenance of essential foodstuff and equipment for the purposes of civil defence;
[32/2010]
- (q) the imposition of controls or prohibitions on lighting in any area or place for the purposes of civil defence.

LEGISLATIVE HISTORY
CIVIL DEFENCE ACT
(CHAPTER 42)

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

1. Act 29 of 1986 — Civil Defence Act 1986

Date of First Reading	:	25 August 1986 (Bill No. 23/86 published on 29 August 1986)
Date of Second and Third Readings	:	22 September 1986
Date of commencement	:	14 November 1986

2. 1985 Revised Edition — Civil Defence Act

Date of operation	:	30 March 1987
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3. Act 39 of 1993 — Fire Safety Act 1993

(Consequential amendments made by)

Date of First Reading	:	12 October 1993 (Bill No. 31/93 published on 13 October 1993)
Date of Second and Third Readings	:	10 November 1993
Date of commencement	:	29 April 1994 (Part VI, sections 60 and 62)

4. Act 19 of 1994 — Enlistment (Amendment) Act 1994

(Consequential amendments made by)

Date of First Reading	:	25 July 1994 (Bill No. 21/94 published on 29 July 1994)
Date of Second and Third Readings	:	31 October 1994
Date of commencement	:	1 December 1994

5. Act 8 of 1995 — Pension Fund Act 1995

(Consequential amendments made by)

Date of First Reading	:	23 January 1995 (Bill No. 2/95 published on 24 January 1995)
Date of Second and Third Readings	:	1 March 1995

Date of commencement : 1 April 1995

6. 2001 Revised Edition — Civil Defence Act

Date of operation : 31 July 2001

COMPARATIVE TABLE
CIVIL DEFENCE ACT
(CHAPTER 42)

The following provisions in the 1985 Revised Edition of the Civil Defence Act have been renumbered by the Law Revision Commissioners in this 2001 Revised Edition.

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

2001 Ed.		1985 Ed.
20 — (2) and (3)		20 — (2)
(4)		(3)
(5)		(4)
75 — (4) and (5)		75 — (4)
(6)		(5)
81 — (5) and (6)		81 — (5)
(7)		(6)
(8)		(7)
(9)		(8)
84 — (2) and (3)		84 — (2)
89 — (2) and (3)		89 — (2)
92 — (3) and (4)		92 — (3)
(5)		(4)
(6)		(5)
95 — (3) and (4)		95 — (3)
(5)		(4)
(6) and (7)		(5)
98 — (1) and (2)		98
105 — (1) and (2)		105 — (1)
(3)		(2)