

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PROBATION OF OFFENDERS ACT

(CHAPTER 252)

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Probation of Offenders Act

ARRANGEMENT OF SECTIONS

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An Act to provide for the probation of offenders.

[9th July 1951]

1. This Act may be cited as the Probation of Offenders Act. Short title.

2. In this Act —

“approved institution” means an institution approved under section 12;

Interpre-
tation.
47/75.

“Chief Probation Officer” means the person appointed to be the Chief Probation Officer under section 3;

“court” does not include a court martial;

“police officer” has the same meaning as in the Police Force Act; Cap. 235.

Cap. 247.

“prison officer” has the same meaning as in the Prisons Act and includes the Director of Prisons and a Superintendent of Prisons appointed under that Act;

“probation committee” means a group of persons appointed to carry out the duties under section 4;

“probation officer” means a person appointed to be a probation officer under section 3;

“probation order” has the meaning assigned to it by section 5;

“probation period” means the period for which a probationer is placed under supervision by a probation order;

“probationer” means a person for the time being under supervision by virtue of a probation order;

“volunteer probation officer” means a person appointed to be a volunteer probation officer under section 3(2); and

references to any court by which a probation order or an order for conditional discharge was made shall include where that court no longer exists references to a court exercising the same jurisdiction as the court by which the order was made.

Appointment
of Chief
Probation
Officer and
probation
officers.
47/75.

3.—(1) The Minister may appoint a Chief Probation Officer and such number of probation officers as may be necessary for the purposes of this Act.

(2) The Minister may, on such terms and conditions as he thinks fit, appoint a person who is not employed as a police officer or prison officer to be a volunteer probation officer.

(3) The Chief Probation Officer shall have and shall be entitled to exercise, in addition to the powers vested in him by virtue of this Act or any rules made thereunder, all the powers of a probation officer.

(4) All persons appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.

Cap. 224.

4. The Minister may appoint a probation committee or committees consisting of such persons as he thinks fit, who shall review the work of probation officers and volunteer probation officers in individual cases, and perform such duties in connection with probation as may be prescribed by rules made under this Act.

Probation
committees.
47/75.

5.—(1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of the opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him, make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer or a volunteer probation officer for a period to be specified in the order of not less than one year nor more than 3 years.

Probation.
47/75.

(2) A probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences:

Provided that (without prejudice to the power of the court to make an order under section 10 (2)) the payment of sums by way of damages for injury or compensation for loss shall not be included among the requirements of a probation order.

(3) Without prejudice to the generality of subsection (2), a probation order may include requirements relating to the residence of the offender:

Provided that —

- (a) before making an order containing any such requirements, the court shall consider the home surroundings of the offender; and
- (b) where the order requires the offender to reside in an approved institution, the name of the institution and the period for which he is so required to reside shall be specified in the order, and that period shall not extend beyond 12 months from the date of the order.

(4) Before making a probation order, the court shall explain to the offender in ordinary language the effect of the order (including any additional requirements proposed to be inserted therein under subsection (2) or (3)) and that if he fails to comply therewith or commits another offence he will be liable to be sentenced for the original offence; and if the offender is not less than 14 years of age the court shall not make the order unless he expresses his willingness to comply with the requirements thereof.

47/75.

(5) The probation officer or volunteer probation officer who is to be responsible for the supervision of any probationer shall be selected by the court which makes the probation order, and if the probation officer or volunteer probation officer so selected dies or is unable for any reason to carry out his duties, or if the probation committee dealing with the case considers it desirable that another officer should take his place, another probation officer or volunteer probation officer shall be selected by the court.

47/75.

(6) Where a woman or girl is placed under the supervision of a probation officer or volunteer probation officer, the probation officer or volunteer probation officer, as the case may be, shall be a woman.

(7) The court by which a probation order is made under this section shall forthwith give copies of the order to the Chief Probation Officer who shall give a copy thereof to —

- (a) the probationer;
- (b) the probation officer or volunteer probation officer who is to be responsible for the supervision of the probationer; and
- (c) the person in charge of any institution in which the probationer is required by the order to reside.

Discharge,
amendment
and review
of probation
orders.
47/75.

6.—(1) The court by which a probation order is made under section 5 may, upon application made by —

- (a) the probationer; or
- (b) the probation officer or volunteer probation officer who is responsible for the supervision of the probationer,

discharge the order.

47/75.

(2) A court may, upon application made by the probation officer or volunteer probation officer or by the probationer,

by order amend a probation order by cancelling any of the requirements thereof or by inserting therein (either in addition to or in substitution for any such requirement) any requirement which could be included in the order if it were then being made by that court in accordance with section 5:

Provided that —

- (a) the court shall not amend a probation order by reducing the probation period, or by extending that period beyond the end of 3 years from the date of the original order; and
- (b) the court shall not so amend a probation order that the probationer is thereby required to reside in an approved institution, for any period exceeding 12 months in all.

(3) Where the court proposes to amend a probation order under this section, otherwise than on the application of the probationer, it shall summon him to appear before the court, and if the probationer is not less than 14 years of age, the court shall not amend a probation order unless the probationer expresses his willingness to comply with the requirements of the order as amended:

Provided that this subsection shall not apply to an order cancelling a requirement of the probation order or reducing the period of any requirement.

(4) Where a court discharges or amends a probation order under this section, the clerk to the court shall forthwith give copies of the discharging or amending order to the Chief Probation Officer who shall give a copy thereof to —

- (a) the probationer;
- (b) the probation officer or volunteer probation officer responsible for the supervision of the offender; and
- (c) the person in charge of any institution in which the probationer was required by the probation order as originally made or is required by the amending order to reside.

(5) A volunteer probation officer shall not make an application for the discharge or an amendment of a probation order under subsection (1) or (2), as the case may be, without the prior approval of the Chief Probation Officer.

47/75.

(6) Where a probation order, whether as originally made under section 5 or as amended under this section, requires a probationer to reside in an approved institution for a period extending beyond 6 months from the date of the order as originally made or amended, as the case may be, the probation officer or volunteer probation officer who is responsible for the supervision of the probationer shall, as soon as possible after the expiration of 6 months from that date, report to the court on the case.

(7) On receipt of any such report, the court shall review the probation order for the purpose of considering whether to cancel the requirement as to residence or reduce the period thereof, and may, if it thinks fit, amend the order accordingly without the necessity for any application in that behalf.

(8) Where, under the following provisions of this Act, a probationer is sentenced for the offence for which he was placed on probation, the probation order shall cease to have effect.

Breach of
requirements
of probation
order.

7.—(1) If at any time during the probation period it appears on information to a magistrate that the probationer has failed to comply with any of the requirements of the order the magistrate may issue a summons requiring the probationer to appear before a Magistrate's Court.

(2) If it is proved to the satisfaction of the Magistrate's Court before which a probationer appears or is brought under this section that the probationer has failed to comply with any requirement of the probation order, that Court may without prejudice to the continuance of the probation order impose on him a fine not exceeding \$100, or may —

(a) if the probation order was made by a Magistrate's Court, deal with the probationer for the offence in respect of which the probation order was made in any manner in which the Court could deal with him if it had just convicted him of the offence;

(b) if the probation order was made by the High Court or a District Court, commit him to custody or release him on bail (with or without sureties) until he can be brought or appears before the High Court or the District Court by which the probation order was made.

(3) Where the Magistrate's Court deals with the case as provided in subsection (2) (b) then —

(a) the Court shall send to the High Court or the District Court a certificate signed by the magistrate certifying that the probationer has failed to comply with such requirements of the probation order as may be specified in the certificate together with such other particulars of the case as may be desirable, and a certificate purporting to be so signed shall be admissible as evidence of the failure before the High Court or the District Court; and

(b) where the probationer is brought or appears before the High Court or a District Court and it is proved to the satisfaction of that Court that he has failed to comply with any of the requirements of the probation order that Court may deal with him for the offence in respect of which the probation order was made in any manner in which the Court could deal with him if he had just been convicted before that Court of that offence.

8.—(1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of the opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment and that a probation order is not appropriate, the court may make an order discharging him absolutely, or if the court thinks fit, discharging him subject to the condition that he commits no offence during such period, not exceeding 12 months from the date of the order, as may be specified therein.

Absolute and conditional discharge.

(2) An order discharging a person subject to such a condition is referred to in this Act as “an order for conditional discharge”, and the period specified in any such order as “the period of conditional discharge”.

(3) Before making an order for conditional discharge the court shall explain to the offender in ordinary language that if he commits another offence during the period of conditional discharge he will be liable to be sentenced for the original offence.

(4) Where, under the following provisions of this Act, a person conditionally discharged under this section is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

Commission
of further
offence.

9.—(1) If it appears to a judge or magistrate on whom jurisdiction is hereinafter conferred that a probationer or a person in whose case an order for conditional discharge has been made has been convicted by any court in Singapore of an offence committed during the probation period or during the period of conditional discharge and has been dealt with in respect of that offence the judge or magistrate may issue a summons requiring that person to appear at the place and time specified therein, or may issue a warrant for his arrest:

Provided that a magistrate shall not issue such a warrant except on information in writing and on oath.

(2) The following persons shall have jurisdiction for the purposes of subsection (1):

- (a) if the probation order or the order for conditional discharge was made by the High Court, a Judge of the Supreme Court;
- (b) if the order was made by a District Court, a District Judge; and
- (c) if the order was made by a Magistrate's Court or Juvenile Court, a magistrate.

(3) A summons or warrant issued under this section shall direct the person so convicted to appear or be brought before the court by which the probation order was made.

(4) If a person in whose case a probation order or an order for conditional discharge has been made by the High Court or a District Court is convicted and dealt with by any Magistrate's Court in respect of an offence committed during the probation period or during the period of conditional discharge the Magistrate's Court may commit him to custody or release him on bail (with or without sureties) until he can be brought or appears before the court by which the order was made; and if it does so the Magistrate's Court shall send to the High Court or the District Court a copy of the minute or memorandum of the conviction entered in the register, signed by the magistrate.

(5) Where it is proved to the satisfaction of the court by which a probation order or an order for conditional discharge was made that the person in whose case that order was made has been convicted and dealt with in respect of an offence committed during the probation period or during the period of conditional discharge, as the case may be, that court may deal with him, for the offence for which the order was made, in any manner in which that court could deal with him if he had just been convicted by that court of that offence.

(6) If a person in whose case a probation order or an order for conditional discharge has been made by a Magistrate's Court is convicted before the High Court or a District Court or another Magistrate's Court of an offence committed during the probation period or during the period of conditional discharge, the High Court or the District Court or such other Magistrate's Court may deal with him, for the offence for which the order was made, in any manner in which the Magistrate's Court by which the order was made could deal with him if it had just convicted him of that offence.

10.—(1) Without prejudice to section 59 (1) (*d*) of the Children and Young Persons Act (which enables a court to order the parent or guardian of a child or young person charged with an offence to give security for his good behaviour), any court may, on making a probation order or an order for conditional discharge under this Act, if it thinks it expedient for the purpose of the reformation of the offender, allow any person who consents to do so to give security for the good behaviour of the offender.

Supplementary provisions as to probation and discharge.
Cap. 38.

(2) A court, on making a probation order or an order for conditional discharge or on discharging an offender absolutely under this Act, may, without prejudice to its power of awarding costs against him, order the offender to pay such damage for injury or compensation for loss as the court thinks reasonable; but, in the case of an order made by a Magistrate's Court, the damages and compensation together shall not exceed \$500.

(3) An order for the payment of damages or compensation as aforesaid may be enforced in like manner as an order for the payment of costs by the offender; and where the court, in addition to making such an order for the payment

of damages or compensation to any person, orders the offender to pay to that person any costs, the orders for the payment of damages or compensation and for the payment of costs may be enforced as if they constituted a single order for the payment of costs.

(4) When a court makes any order under this section, then if the offender —

- (a) is under 14 years of age, the order shall be enforced against the parent or guardian of the offender;
- (b) is under 16 years of age, the order may be enforced either against the parent or guardian of the offender or against the offender as to the court seems just in any particular case.

Effects of
probation
and
discharge.

11.—(1) Subject as hereinafter provided, a conviction for an offence for which an order is made under this Act placing the offender on probation or discharging him absolutely or conditionally shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender under the foregoing provisions of this Act:

Provided that where an offender, being not less than 16 years of age at the time of his conviction for an offence for which he is placed on probation or conditionally discharged as aforesaid, is subsequently sentenced under this Act for that offence, this subsection shall cease to apply to the conviction.

(2) Without prejudice to subsection (1), the conviction of an offender who is placed on probation or discharged absolutely or conditionally as aforesaid shall in any event be disregarded for the purposes of any written law which imposes any disqualification or disability upon convicted persons, or authorises or requires the imposition of any such disqualification or disability.

(3) Subsections (1) and (2) shall not affect —

- (a) any right of any such offender to appeal against his conviction, or to rely thereon in bar of any subsequent proceedings for the same offence; or
- (b) the revesting or restoration of any property in consequence of any order made on the conviction of any such offender.

12. The Minister may by order approve premises for the reception of persons who may be required to reside therein by a probation order, and such premises shall be known as “approved institutions”.

Approved institutions.

13.—(1) The Minister may by order make rules providing for —

Rules. 47/75.

- (a) the duties of the Chief Probation Officer;
- (b) the duties of probation officers and volunteer probation officers;
- (c) the constitution and duties of a probation committee or probation committees;
- (d) the regulation, management and inspection of approved institutions;
- (e) the form of records to be kept under this Act;
- (f) the fees and charges to be made for any act, matter or thing under this Act to be done or observed;
- (g) the carrying into effect generally of the purposes and provisions of this Act.

(2) All rules made under this section shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and 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 one month from the date when the rules are so presented annulling the rules or any part thereof as from a specified date, the rules 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 rules.