

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**SINGAPORE CORPORATION OF REHABILITATIVE
ENTERPRISES ACT**

(CHAPTER 298)

Act
35 of 1975

REVISED EDITION 1985

PRINTED BY THE GOVERNMENT PRINTER, SINGAPORE

1986

Singapore Corporation of Rehabilitative Enterprises Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF CORPORATION

3. Establishment of Corporation.
4. Constitution of Corporation.
5. Salaries, fees and allowances payable to members.
6. Meetings of Corporation.
7. Member's interest in contract to be made known.
8. Validity of acts of member.
9. Powers of Minister in relation to Corporation.

PART III

TRANSFER TO CORPORATION OF GOVERNMENT UNDERTAKINGS, EMPLOYEES, ETC

10. Transfer to Corporation of Government undertakings.
11. Transfer of employees.
12. Existing contracts.
13. Pending proceedings.
14. No benefit for abolition or reorganisation of office.

PART IV

FUNCTIONS AND POWERS OF CORPORATION

15. Functions of Corporation.
16. Powers.
17. Appointment of committees and delegation of powers.

PART V

PROVISIONS RELATING TO STAFF

Section

18. Chief executive officer.
19. Employment of staff.
20. Pension schemes, provident fund, etc.
21. Remuneration of staff not to be related to profits.
22. Personal immunity of members and officers of Corporation.
23. Public servants.

PART VI

FINANCIAL PROVISIONS

24. Corporation's financial year.
25. Expenses.
26. Estimates.
27. Grants.
28. Loans.
29. Investment.
30. Accounts to be kept.
31. Appointment and powers of Corporation's auditor.
32. Financial statements.
33. Presentation of financial statements and audit reports.
34. Annual report.

PART VII

MISCELLANEOUS

35. Common seal.
36. Regulations.

An Act to establish the Singapore Corporation of Rehabilitative Enterprises and for matters connected therewith.

[Parts I, II, IV to VII: 7th November 1975]

[Part III: 1st April 1976]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Singapore Corporation of Rehabilitative Enterprises Act.

Interpretation.

2. In this Act, unless the context otherwise requires —
“Chairman” means the Chairman of the Corporation appointed under section 4 (1);

- “chief executive officer” means the chief executive officer of the Corporation appointed under section 18 (1);
- “Corporation” means the Singapore Corporation of Rehabilitative Enterprises established under section 3;
- “Deputy Chairman” means the Deputy Chairman of the Corporation appointed under section 4 (1);
- “member” means a member of the Corporation and includes the Chairman and the Deputy Chairman;
- “prison officer” means any Chief Rehabilitation Officer, Principal Rehabilitation Officer, warder or other subordinate officer;
- “prisoner” means any person, whether convicted or not, under detention in any prison or reformatory training centre.

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF CORPORATION

3. There is hereby established in accordance with the provisions of this Act a body to be called the Singapore Corporation of Rehabilitative Enterprises which shall be a body corporate with perpetual succession and with power to sue and be sued in its corporate name, and to acquire and dispose of property, movable and immovable, and to perform such other acts as bodies corporate may by law perform, and to exercise such other powers as are conferred under this Act.

Establishment of Corporation.

4.—(1) The Corporation shall consist of the following members, all of whom shall be appointed by the Minister:

Constitution of Corporation.

- (a) a Chairman;
- (b) a Deputy Chairman who shall be the Permanent Secretary of the Ministry of Home Affairs or his representative;
- (c) a representative of the Ministry of Finance;
- (d) a representative of the Ministry of Labour;
- (e) a representative of the Vocational and Industrial Training Board; and

(f) not less than two but not more than 10 other members.

(2) All members shall, unless the Minister otherwise directs, hold office for a period of 3 years from the date of their respective appointments and shall be eligible for re-appointment.

(3) The Minister may appoint a person to be a temporary member during the absence, or incapacity owing to illness or otherwise, of any other member.

(4) The Minister may, at any time, revoke the appointment of a member without assigning any reason therefor.

(5) The Minister may, at any time, accept the resignation of a member.

Salaries, fees
and allow-
ances payable
to members.

5. There shall be paid to the members out of the funds of the Corporation such salaries, fees and allowances as the Minister may, from time to time, determine.

Meetings of
Corporation.

6.—(1) Meetings of the Corporation shall be held —

(a) not less than once in 3 months; and

(b) at such times and places as the Corporation or the Chairman may from time to time determine.

(2) At every meeting of the Corporation, 3 members shall form a quorum.

(3) Decisions at meetings of the Corporation shall be adopted by a simple majority of the votes of the members present and voting; and in the event of an equality of votes the Chairman, or in his absence the Deputy Chairman or the member presiding, shall have a casting vote.

(4) The Chairman, or in his absence the Deputy Chairman, shall preside at meetings of the Corporation.

(5) Where both the Chairman and the Deputy Chairman are absent at a meeting such member as the members present may elect shall preside at the meeting.

(6) The Corporation shall not be precluded from holding any meeting or acting in any matter merely by reason of a vacancy in its membership.

(7) Subject to the provisions of this Act, the Corporation may make standing orders to regulate its own

procedure, and in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

7.—(1) A member who is directly or indirectly interested in a contract made or proposed to be made by the Corporation shall disclose the nature of his interest at the first meeting of the Corporation at which he is present after the relevant facts have come to his knowledge.

Member's interest in contract to be made known.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Corporation and, after the disclosure, that member shall —

- (a) not take part in any deliberation or decision of the Corporation with respect to that contract; and
- (b) be disregarded for the purpose of constituting a quorum for the meeting of the Corporation for any such deliberation or decision.

(3) No act or proceeding of the Corporation shall be questioned on the ground that a member has contravened this section.

8. The acts of a member shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications.

Validity of acts of member.

9.—(1) The Minister may, after consultation with the Corporation or otherwise, give to the Corporation such directions, not inconsistent with the provisions of this Act, as he thinks fit, as to the exercise of the functions of the Corporation under this Act; and the Corporation shall, as soon as possible, give effect to all such directions.

Powers of Minister in relation to Corporation.

(2) The Corporation shall furnish the Minister with such information or facilities for obtaining information with respect to its property and the exercise of its functions in such manner and at such times as the Minister may reasonably require.

PART III

TRANSFER TO CORPORATION OF GOVERNMENT
UNDERTAKINGS, EMPLOYEES, ETC

Transfer to
Corporation
of Govern-
ment under-
takings.

10.—(1) Upon the commencement of this Part, such vocational or industrial training institutions as were established by or vested in the Government for the purpose of training prisoners as the Minister may, after consultation with the Minister for Finance, determine shall be transferred to and shall vest in the Corporation without further assurance and such transfer shall include all lands, buildings, and other property, movable or immovable, assets, rights, privileges, obligations and liabilities held or enjoyed in connection therewith or appertaining thereto.

(2) Upon the commencement of this Part, such moneys held by the Government for the purpose of training prisoners in order to fit them to earn their living after release as the Minister may, after consultation with the Minister for Finance, determine shall forthwith be paid and transferred to and held by the Corporation for the same purpose.

(3) All rights, privileges, obligations and liabilities which immediately before the commencement of this Part were held, enjoyed or incurred in connection with or appertaining to the vocational or industrial training institutions transferred under subsection (1) shall be deemed to be the rights, privileges, obligations and liabilities of the Corporation.

(4) Where anything has been commenced for the purpose of the vocational or industrial training institutions transferred under subsection (1), such thing may be carried on and completed by, or under the authority of, the Corporation.

(5) If any question arises as to which of the properties, movable or immovable, has been transferred to and vested in the Corporation under subsection (1) a certificate under the hand of the Minister for Finance shall be conclusive evidence of the vesting of such property in the Corporation.

Transfer of
employees.

11.—(1) Upon the date of commencement of this Part —
(a) every person, other than prison officers, employed by the Government immediately before that

date in the vocational or industrial training institutions transferred under section 10 (1); and

- (b) such other persons employed by the Government as the Minister may determine,

shall be transferred to the service of the Corporation on terms as near as may be to those they enjoyed immediately prior to their transfer and such terms (which shall be determined by the Corporation) shall take into account the salaries and conditions of service, including any accrued rights to leave, enjoyed by them while in the employment of the Government.

(2) Notwithstanding subsection (1), such categories of persons who are transferred to the service of the Corporation, as the Minister may determine, shall as soon as practicable be given the option of remaining in the service of the Government.

(3) Until such time as schemes and terms and conditions of service are drawn up by the Corporation, the regulations relating to salaries and terms and conditions of service in the Government shall continue to apply to every person transferred to the service of the Corporation under subsection (1).

12. All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the commencement of this Part affecting the vocational or industrial training institutions transferred under section 10 (1) or any employee of the Government transferred to the service of the Corporation under section 11 shall be of full force and effect against or in favour of the Corporation and enforceable as fully and effectually as if, instead of the Government or any person acting on behalf of the Government, the Corporation had been named therein or had been a party thereto.

Existing contracts.

13. A proceeding or cause of action pending or existing immediately before the commencement of this Part by or against the Government or any person acting on behalf of the Government in respect of the vocational or industrial training institutions transferred under section 10 (1) and the

Pending proceedings.

rights, obligations and liabilities in connection therewith may be continued and enforced by or against the Corporation as it might have been by or against the Government or such person as if this Act had not been enacted.

No benefit for abolition or re-organisation of office.
Cap. 225.

14.—(1) Notwithstanding the provisions of the Pensions Act, no person who is transferred to the service of the Corporation under section 11 shall be entitled to claim any benefit under the Pensions Act on the ground that he has been retired from the service of the Government on account of abolition or re-organisation of office in consequence of the establishment and incorporation of the Corporation under this Act.

(2) In every case where a person has been transferred to the service of the Corporation under section 11 (1), the Government shall be liable to pay to the Corporation such portion of any gratuity, pension or allowance payable to that person or his dependants on his retirement, death or otherwise leaving the service of the Corporation as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Corporation.

PART IV

FUNCTIONS AND POWERS OF CORPORATION

Functions of Corporation.

- 15.—(1)** The functions of the Corporation shall be —
- (a) to manage and maintain the vocational or industrial training institutions transferred to the Corporation by this Act and such other institutions as the Corporation may establish under this Act for the employment, or vocational or industrial training of prisoners;
 - (b) to provide or secure the provision of such employment or facilities for such training and to organise programmes therefor;
 - (c) to provide technical training in skilled trades for suitable prisoners;
 - (d) to promote the vocational skills of prisoners;

- (e) to require any prisoner to work pursuant to section 50 of the Prisons Act; and Cap. 247.
- (f) to advise the Government on all matters relating to the provision of vocational or industrial training and technical training in trades for prisoners.

16. The Corporation may do all things that are advantageous, necessary or convenient to be done for or in connection with the performance of its functions and, without prejudice to the generality of the foregoing, may — Powers.

- (a) provide, whether by itself or with the co-operation of other persons, such vocational or industrial training schemes for any prisoner as the Corporation thinks fit;
- (b) carry on any trade or business whether by arrangement with other persons or by itself for the purpose of providing facilities for the training of or employment for prisoners;
- (c) pay such salaries, wages, remuneration or allowances as the Corporation thinks fit to prisoners who work for the Corporation;
- (d) acquire, hire, procure, construct, erect, manufacture, provide, operate, maintain or repair anything whatsoever required by the Corporation for the purposes of this Act;
- (e) levy such rates and charges for services performed as the Corporation may consider expedient;
- (f) receive donations and contributions from any source and raise funds by all lawful means;
- (g) make loans to persons, other than prisoners, who are employed by the Corporation (including loans to assist them to acquire housing accommodation) and guarantee loans made to persons so employed (including loans made by building societies and other bodies for housing purposes);
- (h) promote recreational activities for and activities conducive to the welfare of persons, other than prisoners, who are or have been engaged in the employment of the Corporation and assist the promotion by others of those activities;

- (i) enter into such contracts as the Corporation considers necessary for the discharge of its functions;
- (j) lend money to, and enter into guarantees on behalf of, any person in matters relating to the provision of vocational or industrial training for prisoners;
- (k) with the approval of the Minister, enter into joint ventures with any person or organisation, or cause to be formed under the provisions of the Companies Act an incorporated company or companies for the purpose of carrying out any of the functions of the Corporation; and
- (l) do all such other things as are incidental to or necessary for the performance of its functions.

Cap. 50.

Appointment
of committees and
delegation
of powers.

17.—(1) The Corporation may appoint from among its own members or other persons who are not members such number of committees as it thinks fit consisting of members or other persons or members and other persons for purposes which, in the opinion of the Corporation, would be better regulated and managed by means of those committees.

(2) The Corporation may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee, the Chairman, any member or the chief executive officer all or any of the powers, functions and duties by this Act vested in the Corporation, except the power to borrow money; and any power, function or duty so delegated may be exercised or performed by that committee, the Chairman, member or the chief executive officer, as the case may be, in the name and on behalf of the Corporation.

(3) The Corporation may, subject to such conditions or restrictions as it thinks fit, delegate to any employee thereof all or any of the Corporation's powers, functions and duties by this Act vested in the Corporation, except the power to borrow money or to raise or grant loans or advances to or subscribe to or underwrite the issue of stocks, shares, bonds or debentures of industrial enterprises; and any power, function or duty so delegated may be exercised or performed by such employee in the name and on behalf of the Corporation.

(4) The Corporation may continue to exercise any power conferred upon it, or perform any function or duty under this Act, notwithstanding the delegation of such power, function or duty under this section.

PART V

PROVISIONS RELATING TO STAFF

18.—(1) The Director of Prisons shall be the chief executive officer and he may be paid such salary, fee or allowances as the Corporation may determine.

Chief executive officer.

(2) The chief executive officer shall —

(a) be responsible to the members of the Corporation for the proper administration and management of the Corporation in accordance with the policy laid down by the Corporation; and

(b) not be removed from office without the consent of the Minister.

(3) If the chief executive officer is temporarily absent from Singapore or temporarily incapacitated by reason of illness or for other reasons temporarily unable to perform his duties, any person may be appointed by the Corporation to act in the place of the chief executive officer during any such period of absence from duty.

19. The Corporation may from time to time and subject to such directions as may be given by the Minister appoint such number of employees on such terms as to remuneration and otherwise as the Corporation may determine.

Employment of staff.

20.—(1) The Corporation may, with the approval of the Minister, make regulations for the establishment of a scheme or schemes for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Corporation as it may determine, or to their legal personal representatives or dependants, on the death or retirement of such employees from the service of the Corporation or on their otherwise leaving the service of the Corporation.

Pension schemes, provident fund, etc.

(2) Where any person in the service of the Corporation, who does not come within the scope and effect of any

pension or other schemes established under this section, retires or dies in the service of the Corporation or is discharged from that service, the Corporation may grant to him or to such other person or persons wholly or partly dependent on him as the Corporation may think fit such allowance or gratuity as the Corporation may determine.

Remuneration of staff not to be related to profits.

21. No salary, fee, wage or other remuneration or allowance paid by the Corporation to any member, employee or agent shall be computed by reference to the profits of the Corporation.

Personal immunity of members and officers of Corporation.

22. No matter or thing done and no contract of any kind entered into by the Corporation and no matter or thing done by any member or by any employee of the Corporation or any other person whomsoever acting under its direction shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of carrying out the provisions of this Act, subject any such member or employee or any other person acting under its direction personally to any action, liability, claim or demand whatsoever in respect thereof.

Public servants.
Cap. 224.

23. The members and employees of the Corporation of every description shall be deemed to be public servants within the meaning of the Penal Code.

PART VI

FINANCIAL PROVISIONS

Corporation's financial year.

24. The financial year of the Corporation shall begin on 1st April of each year and end on 31st March of the succeeding year.

Expenses.

25. All expenses incurred in carrying out the purposes of this Act shall be met from the funds of the Corporation.

Estimates.

26.—(1) The Corporation shall in every year cause to be prepared and adopt annual estimates of income and expenditure of the Corporation for the ensuing year.

(2) Supplementary estimates may be adopted by the Corporation.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Corporation, be sent forthwith to the Minister who may approve or disallow any item or portion of any item shown in the estimates, and shall return the estimates as amended by him to the Corporation and the Corporation shall be bound thereby.

(4) The estimates as approved by the Minister shall be published in the *Gazette*.

27. For the purpose of enabling the Corporation to carry out its functions under this Act, the Minister may, from time to time, make grants to the Corporation of such sums of money as the Minister may determine out of moneys to be provided by Parliament. Grants.

28. The Corporation may, from time to time, for the purposes of this Act, raise loans from the Government or, with the consent of the Minister, from any source. Loans.

29. Moneys belonging to the Corporation may from time to time, subject to the approval of the Minister, be invested in any of the securities in which trust funds may, by any written law for the time being in force relating to trustees, be invested. Investment.

30.—(1) The Corporation shall prepare in respect of each financial year a statement of accounts in a form approved by the Minister. Accounts to be kept.

(2) The Corporation shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Corporation and over the expenditure incurred by the Corporation.

31.—(1) The accounts of the Corporation shall be audited by the Auditor-General or by an auditor appointed annually by the Minister in consultation with the Auditor-General. Appointment and powers of Corporation's auditor.

(2) The fees of the Corporation's auditor shall be paid out of the funds of the Corporation.

(3) The Corporation's auditor or a person authorised by him shall be entitled to full and free access to all accounting and other records relating directly or indirectly to the financial transactions of the Corporation and may make copies of, or extracts from, any such accounting and other records.

(4) The Corporation's auditor or a person authorised by him may require any person to furnish him with such information which such person possesses or has access to as the auditor or duly authorised person considers necessary for the purposes of the functions of the auditor under this Act.

(5) An officer of the Corporation who refuses or fails without any reasonable cause to allow the Corporation's auditor access to any accounting and other records of the Corporation in his custody or power or to give any information possessed by him as and when required or who otherwise hinders, obstructs or delays the Corporation's auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and in the case of a continuing offence to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

Financial
statements.

32.—(1) The Corporation shall, as soon as practicable after the close of the financial year, prepare and submit the financial statements in respect of that year to the Corporation's auditor who shall audit and report on them.

(2) The Corporation's auditor shall report —

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Corporation; and

(b) on such other matters arising from the audit as he considers necessary.

(3) The Corporation's auditor shall state in his report whether —

(a) proper accounting and other records have been kept;

(b) the financial statements are prepared on a basis similar to that adopted for the preceding year;

- (c) the financial statements are in agreement with the accounting and other records; and
- (d) the receipt, expenditure and investment of moneys and the acquisition and disposal of assets by the Corporation during the year have been in accordance with the provisions of this Act.

(4) The Corporation's auditor may at any other time report to the Minister through the Corporation upon any matter arising out of the performance of his audit.

33.—(1) The Corporation shall, within two months of the auditor's annual report made under section 32, send a copy of the audited financial statements signed by the Chairman and certified by the Corporation's auditor, together with a copy of any report made by the auditor, to the Minister.

Presentation of financial statements and audit reports.

(2) Where the Auditor-General has not been appointed to be the auditor of the Corporation, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time as they are submitted to the Minister.

(3) The Minister shall present a copy of the audited financial statements and of the report of the Corporation's auditor to Parliament.

34.—(1) The Corporation shall, as soon as practicable after the close of each financial year, submit to the Minister an annual report of the activities of the Corporation during that year.

Annual report.

(2) The Minister shall present a copy of every such annual report to Parliament.

PART VII

MISCELLANEOUS

35.—(1) The Corporation shall have a common seal and the seal may, from time to time, be broken, changed, altered and made anew as the Corporation thinks fit.

Common seal.

(2) All deeds, documents and other instruments requiring the seal of the Corporation shall be sealed with the common seal of the Corporation and every instrument to which the common seal is affixed shall be signed by a

member and shall be countersigned by the chief executive officer or by some other person duly authorised by the Corporation for the purpose, and such signing shall be sufficient evidence that the seal was duly and properly affixed and that the seal is the lawful seal of the Corporation.

(3) The Corporation may by resolution or otherwise appoint an officer of the Corporation or any other agent, either generally or in a particular case, to execute or sign on behalf of the Corporation any agreement or other instrument not under seal in relation to any matter coming within the powers of the Corporation.

Cap. 269.

(4) Section 12 of the Registration of Deeds Act shall not apply to any instrument purporting to have been executed under subsection (2).

Regulations.

36.—(1) The Corporation may, with the approval of the Minister, make such regulations as are necessary for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Corporation may, with the approval of the Minister, make regulations not inconsistent with the provisions of this Act regarding the appointment, promotion, dismissal, disciplinary control and terms and conditions of service of all employees of the Corporation.