



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**PRISONS ACT**

**(CHAPTER 247)**

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# Prisons Act

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PART I  
PRELIMINARY

**Short title**

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

**Interpretation**

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

“basic condition”, in relation to a remission order, means the basic condition specified in section 50S;

*[Act 1 of 2014 wef 01/07/2014]*

“Cluster Commander” means a Cluster Commander of Prisons appointed under section 20;

*[Act 1 of 2014 wef 01/07/2014]*

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

*[Act 1 of 2014 wef 01/07/2014]*

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

*[Deleted by Act 1 of 2014 wef 01/07/2014]*

*[Deleted by Act 1 of 2014 wef 01/07/2014]*

“default sentence” means a sentence of a term of imprisonment imposed on a person in default of the person paying a fine ordered to be paid by a court;

*[Act 1 of 2014 wef 01/07/2014]*

“Deputy Commissioner” means the Deputy Commissioner of Prisons appointed under section 20;

*[Act 1 of 2014 wef 01/07/2014]*

“Divisional Director” means a Divisional Director of Prisons appointed under section 20;

*[Act 1 of 2014 wef 01/07/2014]*

“external placement order” means an order made under section 59B in respect of a prisoner authorising the serving by the prisoner of his sentence in such place or places, outside the limits of any prison, as may be specified in the order;

*[Act 1 of 2014 wef 01/07/2014]*

“juvenile” means any person under the age of 16 years, whether convicted or not, under detention in any prison;

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

*[15/2010 wef 02/01/2011]*

“medical officer” means a medical officer appointed under section 25;

*[33/2004 wef 04/10/2004]*

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

“prison officer” means any prison officer appointed under section 20 and includes the Commissioner, Deputy Commissioner and any Superintendent;

*[33/2004 wef 04/10/2004]*

*[Act 1 of 2014 wef 01/07/2014]*

“prisoner” means any person, whether convicted or not, under detention in any prison or reformatory training centre or subject to an external placement order or a home detention order, but does not include a person released and at large under a remission order;

*[Act 1 of 2014 wef 01/07/2014]*

“registered medical practitioner” means a person registered under the Medical Registration Act (Cap. 174);

*[33/2004 wef 04/10/2004]*



“remission order” means a remission order made under any provision in Part VB;

[Act 1 of 2014 wef 01/07/2014]

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

“unlawfully at large”, in relation to a person released under a remission order, means a person who fails to submit himself to custody or detention after being required to do so under any written law, or who escapes from such custody or detention;

[Act 1 of 2014 wef 01/07/2014]

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

[8/2000]

## PART II

### CONSTITUTION AND ADMINISTRATION

#### **Power to declare prisons**

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

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

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

(2) A lock-up appointed as a place of confinement under subsection (1) shall not be deemed to be a prison for the purposes of this Act or of the Registration of Criminals Act (Cap. 268) and regulations made under section 84 shall not apply thereto, but every such lock-up shall be deemed to be a prison for the purposes of sections 313 to 332 of the Criminal Procedure Code 2010.

*[15/2010 wef 02/01/2011]*

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

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

### **Temporary prisons**

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

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

such provision shall be made as the Commissioner may, with the approval of the Minister, direct for the shelter and safe custody in

temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

*[Act 1 of 2014 wef 01/07/2014]*

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

### **General administration of prisons by Commissioner**

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

*[Act 1 of 2014 wef 01/07/2014]*

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

*[Act 1 of 2014 wef 01/07/2014]*

### **Administration of prison by Superintendent**

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

*[8/2000]*

*[Act 1 of 2014 wef 01/07/2014]*

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

*[8/2000]*

*[Act 1 of 2014 wef 01/07/2014]*

## **PART III**

### **COMMITTEE OF INQUIRY**

#### **Committee of inquiry**

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

affecting any prisoner, the Minister or the person appointed by the Minister may convene a committee of inquiry.

[8/2000]

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

[8/2000]

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

[7A  
[8/2000]

### **Composition of committee of inquiry**

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

[8/2000]

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

[8/2000]

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

[8/2000]

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

[7B  
[8/2000]

### **Powers of committee of inquiry**

**10.** A committee of inquiry may —

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

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

[7C  
[8/2000]

### **Disobedience to summons an offence**

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

[8/2000]

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

[8/2000]

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

[7D  
[8/2000]

### **Refusal to give evidence an offence**

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

[8/2000]

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

[7E  
[8/2000]

### **Giving of false evidence an offence**

**13.** Every person who wilfully gives false evidence when examined on oath or on affirmation before a committee of inquiry shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

\$10,000 or to imprisonment for a term not exceeding 7 years or to both.

[7F  
[8/2000]

### **Evidence and procedure**

**14.** Except as otherwise provided in this Act or any regulations made thereunder, a committee of inquiry shall not be bound by the rules of evidence and may act in such manner as the committee of inquiry thinks most expedient.

[7G  
[8/2000]

### **Admissibility of evidence**

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

[7H  
[8/2000]

### **Proceedings not open to public**

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

[8/2000]

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

[7I  
[8/2000]

### **Persons who may be affected by findings**

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

[8/2000]

[33/2004 wef 04/10/2004]

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

[7J  
[8/2000]

### **Record of proceedings**

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

[8/2000]

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

[8/2000]

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

[8/2000]

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

[7K  
[8/2000]

### **Offence to influence or attempt to influence committee of inquiry**

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

[7L  
[8/2000]

**PART IV**  
**OFFICERS**

**Appointment of Commissioner, Deputy Commissioner, etc.**

**20.**—(1) The Minister may appoint a Commissioner of Prisons, a Deputy Commissioner of Prisons and one or more Divisional Directors, Cluster Commanders or Superintendents of Prisons, and such number of prison officers, as may be necessary for the proper administration of this Act.

(2) The appointment of the Commissioner, Deputy Commissioner and of every Divisional Director, Cluster Commander and Superintendent shall be notified in the *Gazette*.

(3) The Deputy Commissioner and every Divisional Director and Cluster Commander may, subject to such direction as may be given by the Commissioner, exercise and perform all or any of the powers, duties and functions of the Commissioner under this Act; and any reference in this Act to the Commissioner shall, unless the context otherwise requires, be deemed to include a reference to the Deputy Commissioner, a Divisional Director or Cluster Commander acting in accordance with that direction.

*[Act 1 of 2014 wef 01/07/2014]*

**Prison Standing Orders**

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

[9

*[Act 1 of 2014 wef 01/07/2014]*

**Inspection by Commissioner**

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

[10

*[Act 1 of 2014 wef 01/07/2014]*



**Commissioner, etc., may exercise powers of Superintendent**

**23.**—(1) The Commissioner may exercise and perform all or any of the powers, duties and functions of the Superintendent under this Act.

(2) In addition, the Deputy Commissioner and any Divisional Director or Cluster Commander may, subject to such direction as may be given by the Commissioner, exercise and perform all or any of the powers, duties and functions of the Superintendent under this Act.

*[Act 1 of 2014 wef 01/07/2014]*

**Duties of Superintendent**

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

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

[12

*[Act 1 of 2014 wef 01/07/2014]*

**Medical officers for prisons**

**25.** The Commissioner shall appoint one or more registered medical practitioners as may be necessary to be medical officers for the prisons.

*[33/2004 wef 04/10/2004]*

*[Act 1 of 2014 wef 01/07/2014]*

**Duties of medical officer**

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

[14

*[Act 1 of 2014 wef 01/07/2014]*

**Duties of prison officers**

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

[17]

**Accoutrements**

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

[18]

*[33/2004 wef 04/10/2004]***Observance of laws, regulations and orders**

29. Every prison officer shall —

(a) strictly conform to all laws and regulations relating to prisons, lock-ups, prisoners and lock-up prisoners; and

*[15/2010 wef 02/01/2011]*

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

*[15/2010 wef 02/01/2011]*

[19]

**Prison officers and medical officers deemed public servants**

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

[20]

*[33/2004 wef 04/10/2004]***Use of weapons**

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

(a) against any prisoner or lock-up prisoner escaping or attempting to escape;

(b) against any person who does any act or attempts to do any act to facilitate the escape of any prisoner or lock-up prisoner; or

(c) against any person engaged in any attempt to damage or force or break open —

- (i) the outside door or gate or enclosure wall of a prison or lock-up or any other part of a prison or lock-up; or
- (ii) any part of any vehicle in which a prisoner or lock-up prisoner is conveyed.

[8/2000]

[15/2010 wef 02/01/2011]

[33/2004 wef 04/10/2004]

(2) A prison officer may use any weapon —

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

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

[8/2000]

[15/2010 wef 02/01/2011]

[33/2004 wef 04/10/2004]

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

[15/2010 wef 02/01/2011]

[33/2004 wef 04/10/2004]

(4) A prison officer shall not resort to the use of any weapon under subsection (1) unless he has reasonable ground to believe that he

cannot otherwise prevent the escape of any prisoner or lock-up prisoner.

*[8/2000]*

*[15/2010 wef 02/01/2011]*

*[33/2004 wef 04/10/2004]*

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

*[8/2000]*

*[15/2010 wef 02/01/2011]*

*[33/2004 wef 04/10/2004]*

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

*[8/2000]*

*[15/2010 wef 02/01/2011]*

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

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

*[15/2010 wef 02/01/2011]*

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### **Prison officer to have powers of police officer**

**32.—**(1) Every prison officer while acting as such shall by virtue of his office have all the powers, authorities, protection and privileges of a police officer.

*[15/2010 wef 02/01/2011]*

*[33/2004 wef 04/10/2004]*

[22

(2) Every prison officer while acting as such and exercising the powers of a police officer shall be deemed to be an officer not below the rank of inspector of police.

[15/2010 wef 02/01/2011]

[22

## PART V

### CUSTODY AND REMOVAL OF PRISONERS

#### **Prisoners deemed in legal custody**

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

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

[23

#### **Employment of auxiliary police officers as escorts and guards**

**34.**—(1) For the purpose of assisting him in the discharge of his duties under this Act, the Commissioner may employ such numbers of auxiliary police officers as he considers fit as escorts or guards to ensure the safe custody of the prisoners who are under his custody.

[8/2000]

[Act 1 of 2014 wef 01/07/2014]

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

[8/2000]

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

- (a) have the powers of a prison officer conferred under section 31;
- (b) be deemed to be a prison officer for the purpose of section 69; and

(c) be deemed to be an officer for the purposes of sections 72 and 73.

[8/2000]

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

[8/2000]

(5) For the purpose of this section, “auxiliary police officer” means a member of an auxiliary police force established under any other written law.

[23A

[8/2000]

[3/2005 wef 10/06/2005]

### **Superintendent to detain persons committed**

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

[14/2010 wef 02/01/2011]

[24

### **Delivery of persons on remand**

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

[14/2010 wef 02/01/2011]

(2) The Superintendent shall detain a person referred to in subsection (1) according to the terms of the warrant, and shall cause that person to be delivered to such court, Judge, Magistrate or

Justice of the Peace, or shall discharge that person at the time named in and according to the terms of the warrant.

[25

[14/2010 wef 02/01/2011]

### **Delivery of persons arrested on warrant**

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

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

[26

### **Production of persons before court**

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

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

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

(4) An order under this section may be signed by —

- (a) the Registrar of the Supreme Court, if the order is issued by the Court of Appeal or the High Court;
- (b) the registrar of the Family Justice Courts, if the order is issued by the Family Division of the High Court, a Family Court or a Youth Court;

- (c) the registrar of the State Courts, if the order is issued by a District Court, a Magistrate's Court, a Coroner's Court or any other State Court; or
- (d) the District Judge, Magistrate or Coroner who issued the order.

*[Act 16 of 2016 wef 10/06/2016]*

### **Powers of Commissioner for production of prisoner in certain cases**

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

*[Act 1 of 2014 wef 01/07/2014]*

*[33/2004 wef 04/10/2004]*

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

[28

*[Act 1 of 2014 wef 01/07/2014]*

*[33/2004 wef 04/10/2004]*

### **Powers of Superintendent for production of prisoner in interest of prisoner**

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

*[8/2000]*

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

[28A

*[8/2000]*



### **Discharge of prisoners**

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

[29]

### **Occurrence of infectious disease**

**42.—(1)** If the Commissioner is satisfied that a case of a contagious or infectious disease has occurred or is likely to occur in any prison, the Commissioner may order the removal of any of the prisoners from the prison to another place although that place may not be a prison under this Act.

*[33/2004 wef 04/10/2004]*

*[Act 1 of 2014 wef 01/07/2014]*

(2) In a case of emergency and where the Commissioner is absent or unable to make the order for removal under subsection (1), the order may be made by the Superintendent of the prison concerned or any of the Visiting Justices of the prison.

*[33/2004 wef 04/10/2004]*

*[Act 1 of 2014 wef 01/07/2014]*

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

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

[30]

### **Prisoners who are mentally disordered**

**43.—(1)** Whenever a prisoner undergoing a sentence of imprisonment appears to the Commissioner on the certificate of a registered medical practitioner to be mentally disordered, the Commissioner may, by order in writing, setting forth the grounds of belief that the prisoner is mentally disordered, direct his removal from any prison to any mental hospital or other fit place of safe

custody within Singapore, there to be kept and treated as the Commissioner directs —

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

*[Act 1 of 2014 wef 01/07/2014]*

*[33/2004 wef 04/10/2004]*

*[21/2008 wef 01/03/2010]*

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

*[Act 1 of 2014 wef 01/07/2014]*

*[33/2004 wef 04/10/2004]*

*[21/2008 wef 01/03/2010]*

(3) Where a person is confined under this section in a psychiatric institution within the meaning of the Mental Health (Care and Treatment) Act 2008, section 15 of that Act shall apply to such person after the expiration of the term of imprisonment to which he has been sentenced, and the time during which he is so confined shall be reckoned as part of such term.

*[21/2008 wef 01/03/2010]*

[31

### **Removal of prisoners**

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

*[Act 1 of 2014 wef 01/07/2014]*

(2) It shall not be necessary in the order under subsection (1) to designate any prisoner by name, but it shall be sufficient to describe

the prisoner or prisoners by reference to their nationality or sentence, or by some other like general description.

(3) If the Minister is satisfied that a person serving a sentence of imprisonment is under 21 years of age and might with advantage be detained in a reformatory training centre, the Minister may, after consultation where practicable with the Judge or District Judge of the court which passed the sentence, authorise the Commissioner to transfer him to a reformatory training centre; and section 305(5) of the Criminal Procedure Code 2010 shall thereupon apply to him as if he had on the date of the transfer been sentenced to reformatory training.

*[15/2010 wef 02/01/2011]*

*[Act 1 of 2014 wef 01/07/2014]*

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

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

[32

*[8/2000]*

*[Act 1 of 2014 wef 01/07/2014]*

### **Illness of prisoner**

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

*[33/2004 wef 04/10/2004]*

*[26/2001 wef 01/09/2001]*

(2) Where a prisoner confined in a prison appears to the Minister on the certificate of a registered medical practitioner to be suffering from leprosy, the Minister may, by order in writing, direct his removal to any hospital or place specified by the Director of Medical Services under section 8(1) of the Infectious Diseases Act (Cap. 137), there to be kept and treated until cured of his leprosy.

*[33/2004 wef 04/10/2004]*

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

(4) *[Deleted by Act 26/2001 wef 01/09/2001]*

### **Return to prison**

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

*[33/2004 wef 04/10/2004]*

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

[34

### **Liability for escape**

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

[35

**Duty to prevent escape**

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

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

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

[36]

**Special custody in hospital**

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

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

[37]

**Saving of powers of High Court**

**50.** Nothing in this Act contained shall be held to lessen or affect the power of the High Court to direct persons confined in Singapore to be brought before the Court by an Order for Review of Detention.

[38]

*[42/2005 wef 01/01/2006]*

## PART VA

## CUSTODY AND REMOVAL OF LOCK-UP PRISONERS

[15/2010 wef 02/01/2011]

**Lock-up prisoners deemed in legal custody**

**50A.** Every lock-up prisoner who is confined in any lock-up, or who is transported to, or from, any lock-up, shall be deemed to be in the legal custody of the Commissioner or any person authorised by the Commissioner.

[15/2010 wef 02/01/2011]

[Act 1 of 2014 wef 01/07/2014]

**Employment of auxiliary police officers as escorts and guards**

**50B.—(1)** For the purpose of assisting him in the discharge of his duties under this Act, the Commissioner, or any person authorised by the Commissioner, may employ such number of auxiliary police officers as the Commissioner or the authorised person considers fit as escorts or guards to ensure the safe custody of the lock-up prisoners who are under the custody of the Commissioner or the person authorised by the Commissioner, as the case may be.

[Act 1 of 2014 wef 01/07/2014]

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

(3) Every auxiliary police officer who is employed as an escort or a guard under subsection (1) shall, in the course of carrying out his duties as an escort or a guard, have the powers of a prison officer conferred under section 31.

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

(5) In this section, “auxiliary police officer” means a member of an auxiliary police force established under any other written law.

[15/2010 wef 02/01/2011]

**Delivery of persons remanded in lock-up**

**50C.**—(1) Every person remanded in any lock-up by any court, Judge, Magistrate or Justice of the Peace, charged with any crime or offence, shall be delivered to the Commissioner or any person authorised by the Commissioner to take custody of such persons, together with a warrant of commitment.

*[Act 1 of 2014 wef 01/07/2014]*

(2) The Commissioner or any person authorised by the Commissioner to take custody of lock-up prisoners shall detain a lock-up prisoner according to the terms of the warrant, and shall cause the lock-up prisoner to be delivered to such court, Judge, Magistrate or Justice of the Peace, or shall discharge that person at the time named in and according to the terms of the warrant.

*[15/2010 wef 02/01/2011]*

*[Act 1 of 2014 wef 01/07/2014]*

**Extramural custody of lock-up prisoners**

**50D.** A lock-up prisoner, when being taken to, or from, any lock-up in which he may be lawfully confined, or whenever he is outside or is otherwise beyond the limits of any such lock-up, and is in or under legal custody, shall be deemed to be in a lock-up, and shall be subject to all the same incidents as if he were actually in a lock-up.

*[15/2010 wef 02/01/2011]*

**PART VB****REMISSION OF SENTENCES**

*[Act 1 of 2014 wef 01/07/2014]*

*Division 1 — General***Purpose and application**

**50E.**—(1) This Part makes provision for the remission of sentences for the purpose of —

- (a) encouraging good conduct and industry by prisoners who are serving their sentences; and

(b) facilitating the rehabilitation of prisoners and their reintegration into society.

(2) Nothing in this Part applies to prisoners committed for debt.

*[Act 1 of 2014 wef 01/07/2014]*

**Prisoner entitled to be released when remission order made, etc.**

**50F.**—(1) A prisoner shall be entitled to be released on the day —

(a) a remission order is made in respect of him; or

(b) his sentence of imprisonment is remitted.

(2) A person who is released and at large under a remission order shall be deemed not to be in the legal custody of the Commissioner.

(3) Every remission order shall have effect starting from the date the remission order is made.

*[Act 1 of 2014 wef 01/07/2014]*

*Division 2 — Remission orders*

**Application**

**50G.** This Division shall apply where a prisoner is sentenced to one or more terms of imprisonment that is not a default sentence, and is not also sentenced to life imprisonment.

*[Act 1 of 2014 wef 01/07/2014]*

**Grant of remission**

**50H.**—(1) Subject to subsections (2) and (3), a prisoner shall, upon his admission to prison, be entitled to have his sentence remitted in accordance with and subject to the provisions of this Act.

(2) A prisoner who is sentenced to an aggregate term of imprisonment of 14 days or less shall not be entitled to have his sentence remitted.

(3) A prisoner shall not be entitled to have his sentence of imprisonment remitted if his sentence of imprisonment consists wholly of —



- (a) one or more terms of imprisonment imposed as enhanced sentences under section 50T(1)(a);
- (b) one or more terms of imprisonment imposed for offences under section 50Y(1); or
- (c) any combination of paragraphs (a) and (b).

*[Act 1 of 2014 wef 01/07/2014]*

### **When must remission order be made**

**50I.—**(1) The Commissioner shall make a remission order in respect of a prisoner —

- (a) unless paragraph (b) applies, on the day after the day the prisoner has served whichever of the following that ends later:
  - (i) two-thirds of all the consecutive terms of imprisonment to which the prisoner was sentenced;
  - (ii) 14 days of his sentence; and
- (b) where the prisoner is sentenced to any enhanced sentence under section 50T(1)(a), or for any offence under section 50Y(1), and to any other sentence of imprisonment, on the day after the day the prisoner has served whichever of the following that ends later:
  - (i) the aggregate of —
    - (A) all the terms of imprisonment to which he was sentenced as enhanced sentence under section 50T(1)(a), or for any offence under section 50Y(1); and
    - (B) two-thirds of all the other consecutive terms of imprisonment (if any) to which he was sentenced;
  - (ii) 14 days of his sentence.

(2) Notwithstanding subsection (1), in determining whether a sentence is served for the purposes of making a remission order under subsection (1), each of the following periods, or if there is more

than one such period, the aggregate of those periods, shall not be reckonable:

- (a) one-third of any time which the prisoner is confined in a punishment cell under this Act;
- (b) one-third of any time spent by the prisoner in a hospital through his own fault or malingering;
- (c) any period of remission which is forfeited under this Act, unless the forfeited remission is restored by the Superintendent;
- (d) any period of deferment which is ordered by the President under subsection (4); and
- (e) any other periods of time as may be prescribed.

(3) The Commissioner may defer making a remission order by not longer than 2 weeks in order to enable the execution of any punishment ordered by the court and which on the date the remission order would have been made under subsection (1) if not for this subsection, has not been executed.

(4) When a prisoner commits an offence while serving his sentence, the President may order the Commissioner not to make a remission order, or to defer making a remission order by such period as the President may specify, if the President is of the opinion that the offence is a grave offence, having regard to all the following factors:

- (a) the nature of the offence;
- (b) the punishment which the offence attracts;
- (c) the circumstances in which the offence was committed;
- (d) all other relevant circumstances.

#### *Illustrations*

- (a) A prisoner is sentenced to 2 years' imprisonment for the offence of theft under section 379 of the Penal Code (Cap. 224) and 1 years' imprisonment for the offence of cheating under section 417 of the Code. Both sentences are ordered to run consecutively and the aggregate sentence is ordered to take effect from 1st January 2013. The prisoner will have served the requisite portion of his sentence (2

years) on 31st December 2014, and the Commissioner will be required to make a remission order on 1st January 2015.

- (b) A prisoner is sentenced to 1 years' imprisonment for the offence of theft under section 379 of the Penal Code and 2 years' imprisonment as enhanced sentence under section 50T(1)(a). The prisoner's sentence is ordered to take effect from 1st January 2013. The prisoner would have served the requisite portion of his sentence (2 years and 8 months) on 31st August 2015, and the Commissioner will be required to make a remission order on 1st September 2015.
- (c) A prisoner is sentenced to 1 years' imprisonment for the offence of theft under section 379 of the Penal Code. The sentence is ordered to take effect from 1st January 2013. While serving his sentence, the prisoner spent 3 months in hospital through his own fault. The Commissioner will be required to make a remission order on 1st October 2013.

*[Act 1 of 2014 wef 01/07/2014]*

### **Remission order when prisoner has served 20 years of his sentence**

**50J.**—(1) Where a prisoner has served 20 years of his sentence but the Commissioner is not required to make a remission order under section 50I, the Minister shall review the prisoner's case and may, in his discretion, direct the Commissioner to make a remission order in respect of the prisoner.

(2) Where the Minister has refused to direct the Commissioner to make a remission order in respect of a prisoner under subsection (1), the Minister shall, unless the prisoner is earlier released from imprisonment, review his decision at intervals not exceeding 12 months each and may, in his discretion, direct the Commissioner to make a remission order in respect of the prisoner.

#### *Illustration*

A prisoner is sentenced to a total of 24 years' imprisonment. The sentence is ordered to take effect from 1st January 2013. After taking into account the various periods of time referred to in section 50I(2), the Commissioner is required to defer making a remission order until 1st January 2035. However, the Minister must review the prisoner's case on 1st January 2033 and may direct the Commissioner to make a remission order. If the Minister does not direct the Commissioner to make a remission order, he must review his decision no later than 1st January 2034.

*[Act 1 of 2014 wef 01/07/2014]*

**Effect of section 50I or 50J remission order on sentence**

**50K.**—(1) Where a remission order is made in respect of a prisoner under section 50I or 50J —

- (a) the remainder of the prisoner's sentence, as determined in accordance with subsection (2), (3) or (4), as the case may be, shall be suspended; and
- (b) that remainder of the prisoner's sentence shall be remitted when the remission order expires.

(2) If the remission order is made under section 50I and no consecutive sentence is imposed on the prisoner in respect of whom the remission order is made, the remainder of the prisoner's sentence shall be the period —

- (a) starting on the date the remission order is made; and
- (b) ending at the end of the day on which the prisoner would have completed serving his entire sentence of imprisonment if no remission order had been made.

(3) If the remission order is made under section 50I and 2 or more consecutive sentences are imposed on the prisoner in respect of whom the remission order is made, the remainder of the prisoner's sentence shall be the period worked out according to the following steps:

- (a) first, apportion the total time (in days) the prisoner has spent serving his aggregate sentence among each of the consecutive sentences (including default sentences) as if each sentence is served in the same proportion;
- (b) second, work out the portion (in days) of each of the consecutive sentences (including default sentences) which is not served after taking into account the portion which is deemed under paragraph (a) as having been served;
- (c) third, add the portion of each of the consecutive sentences (excluding default sentences) worked out under paragraph (b) which is not served.

*Illustration*

A prisoner is sentenced to 6 weeks' imprisonment on 1st January 2013 for the offence of theft under section 379 of the Penal Code (Cap. 224), 6 weeks' imprisonment for the offence of cheating under section 417 of the Code, and a default sentence of 3 weeks for the offence of house-trespass under section 448 of the Code. All 3 sentences are ordered to run consecutively and the aggregate sentence is imprisonment for a term of 15 weeks (105 days). The Commissioner makes a remission order after the prisoner has served two-thirds of his aggregate sentence, i.e. 70 days. When the remission order is made, the time spent by the prisoner serving his aggregate sentence will be divided between the 3 consecutive sentences such that he has served the same proportion of each sentence, i.e. 28 days in relation to the sentence for theft, 28 days in relation to the sentence for cheating, and 14 days in relation to the sentence for house-trespass. The portion of the default sentence for house-trespass which has not been served (7 days) will be remitted. The portions of the sentences for theft and cheating which have not been served (14 days each) will be aggregated and the aggregate (28 days) will be the remainder of the prisoner's sentence, which will be suspended until the remission order expires, whereupon it will be remitted.

(4) If the remission order is made under section 50J, the remainder of the prisoner's sentence shall be the period worked out according to the following steps:

- (a) first, work out the portion (in days) of the prisoner's aggregate sentence which has not been served —
  - (i) starting on the date of the remission order made under section 50J; and
  - (ii) ending at the end of the day immediately before the day on which the Commissioner would have been required to make a remission order under section 50I in respect of the prisoner if the Minister had not directed the Commissioner to make a remission order under section 50J;
- (b) second, work out the portion (in days) of the prisoner's aggregate sentence which has not been served —
  - (i) starting on the day on which the Commissioner would have been required to make a remission order under section 50I in respect of the prisoner if the Minister had not directed the Commissioner to make a remission order under section 50J; and

- (ii) ending on the day the prisoner would have been released from prison had no remission order been made in respect of him;
- (c) third, apportion the portion (in days) of the prisoner's aggregate sentence worked out under paragraph (b) between each consecutive term of imprisonment (including default sentences) to which the prisoner was sentenced such that the same proportion of each sentence has not been served;
- (d) fourth, work out the portion (in days) of all default sentences (if any) which has not been served under paragraph (c);
- (e) fifth, subtract the portion of the prisoner's sentence worked out under paragraph (d) from the portion of the prisoner's unserved sentence worked out under paragraph (b); and
- (f) sixth, add the portion of the prisoner's sentence worked out under paragraph (a) to the portion of the prisoner's sentence worked out under paragraph (e).

*Illustration*

A prisoner is sentenced to a total of 25 years' imprisonment, of which 1 years' imprisonment is a default sentence. The sentence is ordered to take effect from 1st January 2013. The last day of the prisoner's sentence if no remission order is made would be 31st December 2037. After taking into account the various periods of time referred to in section 50I(2), the Commissioner is required to defer making a remission order until 1st November 2033. The Minister reviewed the prisoner's case on 1st January 2033 and directed the Commissioner to make a remission order under section 50J on the same day. The period starting on 1st November 2033 and ending on 31st December 2037 (4 years and 2 months) will be apportioned such that 2 months of the prisoner's default sentence and 4 years of the prisoner's other sentences of imprisonment has not been served. The 4 years will be added to the period starting on 1st January 2033 and ending on 31st October 2033 (10 months) and the total (4 years and 10 months) will be the remainder of the prisoner's sentence.

(5) The portion of a default sentence worked out under subsections (3)(b) and (4)(d) as not having been served shall be remitted upon the making of the remission order.

*[Act 1 of 2014 wef 01/07/2014]*

**Duration of section 50I or 50J remission order**

**50L.** Unless extended under section 50M or 50N, a remission order in respect of a prisoner made under section 50I or 50J shall —

- (a) have effect for a period equal to the remainder of the prisoner's sentence as determined under section 50K; and
- (b) expire at the end of the period referred to in paragraph (a).

*[Act 1 of 2014 wef 01/07/2014]*

**Extension of section 50I or 50J remission order**

**50M.—**(1) This section applies where —

- (a) a prisoner released on a remission order made under section 50I or 50J (referred to in this section as the first remission order) is subsequently sentenced to one or more terms of imprisonment;
- (b) a second remission order is made in respect of that term or those terms of imprisonment; and
- (c) the first remission order is still in effect when the person is released on the second remission order.

(2) Where this section applies —

- (a) the first and second remission orders shall be merged and deemed to be a single remission order made under section 50I; and
- (b) the merged remission order shall expire on the day on which the first remission order would have expired, or the day on which the second remission order would have expired, whichever is the later.

*Illustration*

A prisoner is sentenced to 6 years' imprisonment for offence A. The sentence takes effect from 1st January 2013. The Commissioner makes a remission order for the sentence on 1st January 2017. Under section 50L(b), the remission order will expire at the end of the day on 31st December 2018. On his release, the prisoner commits offence B and is sentenced to 2 years' imprisonment for offence B. No enhanced sentence is imposed under section 50T. The sentence for offence B takes effect from 1st June 2017. The Commissioner makes a remission order for the sentence for offence B on 1st October 2018. Under section 50L(b) the

remission order for the sentence for offence B will expire at the end of the day on 31st May 2019. Both remission orders will be merged and deemed to be one remission order, and the merged remission order will expire at the end of the day on 31st May 2019.

*[Act 1 of 2014 wef 01/07/2014]*

### **Extension of section 50I or 50J remission order when person released is unlawfully at large, etc.**

**50N.**—(1) Where a person who is released under a remission order made under section 50I or 50J is recalled to prison by the Commissioner under section 50X but fails to present himself at such prison and on such date as specified in the notice of recall, his remission order shall be extended by a period equivalent to the period he remains unlawfully at large after the date so specified.

(2) Where the court issues a warrant of arrest against a person released under a remission order made under section 50I or 50J while his remission order is still in effect, and the person remains at large after the warrant is issued, his remission order shall be extended by a period equivalent to the period between the date the warrant is issued and the date of his arrest.

(3) Where a person released under a remission order made under section 50I or 50J is otherwise unlawfully at large while his remission order is still in effect, his remission order shall be extended by a period equivalent to the period the person is unlawfully at large.

#### *Illustration*

The Commissioner makes a remission order in respect of a prisoner on 1st January 2013. The remission order expires at the end of the day on 31st December 2013. After the prisoner is released, the Commissioner issues a notice of recall to the prisoner under section 50X, requiring the prisoner to present himself at a specified prison on 15th December 2013. The prisoner remains unlawfully at large and only presents himself at the specified prison on 14th January 2014, i.e. 30 days later. The duration of the remission order will be extended by 30 days and it will now expire at the end of the day on 30th January 2014.

*[Act 1 of 2014 wef 01/07/2014]*



*Division 3 — Remission orders for prisoners  
sentenced to life imprisonment*

### **Application**

**50O.** This Division shall apply to all of the following prisoners:

- (a) a prisoner who is sentenced to life imprisonment, for an offence committed on or after 21st August 1997, whether or not he is also sentenced to one or more terms of imprisonment;
- (b) a prisoner whose sentence of death for an offence committed on or after 21st August 1997 is, or has been, commuted to life imprisonment under section 334 of the Criminal Procedure Code (Cap. 68) or section 238 of the repealed Criminal Procedure Code (Cap. 68, 1985 Ed.);
- (c) a prisoner who is sentenced to be detained during the President's pleasure under section 213 of the repealed Criminal Procedure Code (Cap. 68, 1985 Ed.).

*[Act 1 of 2014 wef 01/07/2014]*

### **Review of sentences of life imprisonment, etc.**

**50P.**—(1) Subject to subsection (2), where a prisoner to whom this Division applies has served 20 years of his sentence, the Minister shall review the prisoner's case and may, in the Minister's discretion, direct the Commissioner to make a remission order in respect of the prisoner.

(2) Where the Minister has refused to direct the Commissioner to make a remission order in respect of a prisoner under subsection (1), the Minister shall, unless the prisoner is earlier released from imprisonment, review his decision at intervals not exceeding 12 months each and may, in his discretion, direct the Commissioner to make a remission order in respect of the prisoner.

*[Act 1 of 2014 wef 01/07/2014]*

### **Effect of section 50P remission order**

**50Q.** When a remission order is made under section 50P in respect of a prisoner to whom this Division applies —

- (a) any default sentence to which the prisoner was sentenced shall be remitted;
- (b) the sentence of life imprisonment and any other sentence of imprisonment imposed on the prisoner shall be suspended; and
- (c) the sentences referred to in paragraph (b) shall be remitted when the remission order expires.

*[Act 1 of 2014 wef 01/07/2014]*

### **Duration of section 50P remission order**

**50R.** A remission order made under section 50P —

- (a) shall have effect for a period starting on the date of the remission order and ending at the end of the natural life of the person in respect of whom the remission order is made; and
- (b) shall expire at the end of the period referred to in paragraph (a).

*[Act 1 of 2014 wef 01/07/2014]*

### *Division 4 — Basic condition of remission order*

#### **All remission orders subject to basic condition**

**50S.—(1)** It is the basic condition of every remission order made under Division 2 or 3 that the person released under the remission order —

- (a) shall not commit any offence (not including an offence under section 50Y(1)) while the remission order is in effect; and
- (b) shall not be convicted of that offence and sentenced to any of the following:
  - (i) a sentence of imprisonment (not including a default sentence);
  - (ii) corrective training;
  - (iii) reformatory training;

(iv) preventive detention.

(2) Where a person commits an offence in breach of the basic condition of his remission order, he shall be deemed to have breached the basic condition on the date of the commission of the offence.

*[Act 1 of 2014 wef 01/07/2014]*

### **Breach of basic condition and enhanced sentence**

**50T.**—(1) When a person commits an offence in breach of the basic condition of his remission order made under Division 2 or 3, the court may, in addition to imposing any sentence on the person for that offence, impose an enhanced sentence for that offence as follows:

- (a) imprisonment for a term not exceeding the remaining duration of the remission order, as determined based on the date of the commission of the offence; or
- (b) imprisonment for any term or for life, if the duration of the remission order is for the person's natural life.

(2) If a person commits 2 or more offences in breach of the basic condition of his remission order made under Division 2 or 3 —

- (a) the court may, in addition to imposing any sentence on the person for those offences, impose an enhanced sentence under subsection (1) for each of those offences; and
- (b) the aggregate length of all the enhanced sentences imposed under subsection (1) shall not exceed the remaining duration of the remission order, as determined based on the date of the earliest offence committed.

(3) In deciding whether to impose any enhanced sentence under subsection (1) or (2) with respect to any offence, and if so the length of the enhanced sentence, the court shall consider —

- (a) the gravity of the offence;
- (b) whether the offence is of a similar nature to the offence for which the person under a remission order was originally sentenced;

(c) the length of time for which the person did not commit any offence after being released under that remission order; and

(d) all other relevant circumstances.

(4) For the purpose of this section, any extension of the duration of a remission order after the date of an offence committed in breach of its basic condition shall be disregarded in determining the remaining duration of a person's remission order based on the date of that offence.

(5) Notwithstanding any provision in any written law, a term of imprisonment imposed on any person as an enhanced sentence under this section shall run consecutively to all other terms of imprisonment imposed on him.

*Illustration*

A person is released under a remission order having effect from 1st June 2013 to 31st December 2013. On 15th July 2013 the remission order is extended for 7 days (i.e. to 7th January 2014) under section 50N(1) because the person failed to present himself at a prison after being recalled by the Commissioner. On 1st August 2013 the person commits offence A. On 30th September 2013 the remission order is extended for a further 10 days (i.e. to 17th January 2014) under section 50N(1). On 21st October 2013 the person commits offence B. The person is later sentenced to imprisonment for both offences A and B, rendering him in breach of the basic condition of his remission order on 1st August 2013 and again on 21st October 2013. The person's enhanced sentence for offence A cannot exceed the length of the period from 1st August 2013 to 7th January 2014. The person's enhanced sentence for offence B cannot exceed the length of the period from 21st October 2013 to 17th January 2014. The total length of the enhanced sentences for offences A and B cannot exceed the length of the period from 1st August 2013 to 7th January 2014.

*[Act 1 of 2014 wef 01/07/2014]*

*Division 5 — Mandatory aftercare scheme*

**Application**

**50U.**—(1) This Division applies where —

(a) a remission order is made under section 50I or 50J in respect of a prisoner;

- (b) the prisoner's remission order relates to a sentence (excluding a default sentence) for an offence which is specified in the First Schedule at the time the offence was committed;
  - (c) the prisoner's sentence for the offence, aggregated with any other consecutive term of imprisonment (excluding a default sentence) to which he was sentenced, is longer than the minimum sentence (if any) which, at the time the offence was committed, is prescribed in the First Schedule in relation to the offence;
  - (d) the prisoner has a relevant antecedent for the offence, if any such antecedent has been prescribed in the First Schedule in relation to the offence at the time the offence was committed; and
  - (e) the prisoner is not subject to an order removing him from Singapore under the Immigration Act (Cap. 133).
- (2) This Division also applies where —
- (a) a remission order is made under section 50I or 50J in respect of a prisoner —
    - (i) who is not, on his release, subject to an order removing him from Singapore under the Immigration Act; and
    - (ii) whose sentence (excluding a default sentence) for any offence, aggregated with any other consecutive term of imprisonment (excluding a default sentence) to which he was sentenced, is longer than —
      - (A) 15 years; or
      - (B) such other period as may be prescribed in substitution thereof at the time of the commission of the offence or, where 2 or more offences are committed, at the time of the offence earliest committed; or

(b) a remission order is made under section 50P in respect of a prisoner who is not, on his release, subject to an order removing him from Singapore under the Immigration Act.

(3) For the avoidance of doubt, where 2 remission orders are merged under section 50M and subsection (1) or (2) applies to any one of the remission orders which are merged, this Division shall apply to the merged remission order.

*[Act 1 of 2014 wef 01/07/2014]*

### **Mandatory aftercare conditions and variations, etc.**

**50V.**—(1) The Commissioner may, in accordance with this section and for the purpose of facilitating a person's rehabilitation and reintegration into society, require a person to whom this Division applies to comply with mandatory aftercare conditions.

(2) The Commissioner may, by notice in writing, require a person to comply with all or any of the mandatory aftercare conditions specified in subsection (3) —

- (a) at any time while the remission order relating to the person is in effect; and
- (b) for any period not extending beyond the expiry of the remission order.

(3) The mandatory aftercare conditions referred to in subsection (2) are as follows:

- (a) the person subject to a remission order shall attend any such counselling, therapy, test, assessment, and other activity for the purpose of facilitating his rehabilitation and reintegration into society as the Commissioner may require, at any such time and place as the Commissioner may specify in the notice under subsection (2);
- (b) the person shall present himself to provide a specimen of his urine or hair for testing at any such time and place as the Commissioner may specify in the notice under subsection (2);
- (c) the person shall remain indoors at his place of residence, or at such other place as the Commissioner may specify, at

any such time as the Commissioner may specify in the notice under subsection (2);

- (d) the person shall allow the Superintendent and any person authorised by the Superintendent to enter his place of residence or any other place which he is required to remain at to determine his compliance with any mandatory aftercare condition or for any purpose relating to his rehabilitation;
- (e) to enable the electronic monitoring of his whereabouts, the person shall —
  - (i) wear any electronic transmitting device issued by the Commissioner on such part of his person as the Commissioner may specify in the notice under subsection (2);
  - (ii) allow the Superintendent and any person authorised by the Superintendent to enter his place of residence or any other place he is required to remain at, to install, maintain, repair or retrieve any electronic monitoring device;
  - (iii) comply with all requirements to ensure the proper functioning of any electronic monitoring device issued to him or installed at his place of residence or any other place he is required to remain at;
  - (iv) comply with all reporting requirements imposed on him; and
  - (v) not tamper with any electronic monitoring device issued to him or installed at his place of residence or any other place he is required to remain at, or otherwise prevent or obstruct the electronic monitoring of his whereabouts;
- (f) the person shall comply with a notice of recall served on him under section 50X; and
- (g) the person shall comply with such other conditions for the purpose of facilitating his rehabilitation and reintegration

into society as the Commissioner may specify in the notice under subsection (2).

(4) The Commissioner may, at any time by notice in writing served on a particular person —

- (a) vary, cancel or add to any mandatory aftercare condition specified in subsection (3);
- (b) extend or reduce the period for which the person is subject to those mandatory aftercare conditions; and in the case of an extension, such extension shall not extend beyond the expiry of the remission order; or
- (c) waive, in any particular case, any of the mandatory aftercare conditions specified in subsection (3).

*[Act 1 of 2014 wef 01/07/2014]*

### **Compliance not required when person detained, etc.**

**50W.** A person shall not be required to comply with any mandatory aftercare condition of his remission order —

- (a) while he is admitted to and detained in an approved institution under the Misuse of Drugs Act (Cap. 185);
- (b) while he is detained under the Criminal Law (Temporary Provisions) Act (Cap. 67);
- (c) while he is imprisoned or otherwise in custody or detained under any other written law;
- (d) to the extent that such condition is inconsistent with any condition of a supervision order made under the Misuse of Drugs Act in respect of the person;
- (e) to the extent that such condition is inconsistent with any condition of a supervision order made under the Criminal Law (Temporary Provisions) Act in respect of the person; or
- (f) in such other situations as may be prescribed.

*[Act 1 of 2014 wef 01/07/2014]*



**Minor breaches of mandatory aftercare condition**

**50X.**—(1) If the Commissioner is satisfied after due inquiry that a person has committed a minor breach of a mandatory aftercare condition of his remission order, the Commissioner may do one or more of the following for the purpose of punishing the person:

- (a) administer a written warning to the person;
- (b) extend the period for which the person is subject to any mandatory aftercare condition, which period shall not extend beyond the expiry of the remission order;
- (c) vary, cancel or add to the mandatory aftercare conditions of the person's remission order;
- (d) recall the person to prison for a specified period in accordance with this section.

(2) Subject to the limits in subsection (4), the Commissioner may recall a person to prison by serving upon him a notice of recall in accordance with subsection (3).

(3) The notice of recall in subsection (2) —

- (a) shall be served —
  - (i) by delivering it personally to the person; or
  - (ii) by such other means as may be prescribed;
- (b) may be served by a prison officer, a police officer or an auxiliary police officer; and
- (c) shall —
  - (i) specify the prison to which the person is to report;
  - (ii) specify the date and time the person is required to report to the specified prison; and
  - (iii) specify, in days, the number of days for which the person is recalled.

(4) The Commissioner shall not recall a person —

- (a) for a period exceeding 10 days at a time;
- (b) for a cumulative period of more than 30 days;

- (c) after the expiry of the remission order; or
- (d) for a period extending beyond the expiry of the remission order.

(5) When the Commissioner recalls a person to prison under this section —

- (a) the person shall, before he reports to prison, remain subject to the remission order;
- (b) the person shall, when he reports to prison, be imprisoned for the period of recall and shall, while so imprisoned, be deemed to be serving his sentence; and
- (c) the person shall, after he has served the period of recall in prison, be released and continue to be subject to his remission order to the extent that it continues to have effect.

(6) If the person remains unlawfully at large after the time he is required to report to a prison by a notice of recall and is subsequently arrested, he shall immediately be imprisoned for a period equivalent to the period of recall.

*[Act 1 of 2014 wef 01/07/2014]*

### **Offence of serious breach of mandatory aftercare condition**

**50Y.**—(1) A person who commits a serious breach of a mandatory aftercare condition of his remission order shall be guilty of an offence and shall be liable on conviction to —

- (a) imprisonment for a term not exceeding the remaining duration of the remission order, as determined based on the date of the offence; or
- (b) imprisonment for any term or for life, if the duration of the remission order is for life.

(2) In deciding the punishment to be imposed for an offence under subsection (1), the court shall consider —

- (a) the gravity of the serious breach;

- (b) the length of time for which the person did not commit any breach of a mandatory aftercare condition after being released under the remission order;
  - (c) whether the serious breach evidences a lack of commitment by the person to his rehabilitation and reintegration into society; and
  - (d) all other relevant circumstances.
- (3) If a person commits 2 or more offences under subsection (1) —
  - (a) the court may sentence him under subsection (1) for each of those offences; and
  - (b) the aggregate length of all the sentences imposed under subsection (1) shall not exceed the remaining duration of the remission order, as determined based on the date of commission of the first offence.
- (4) For the purpose of this section, any extension of the duration of a remission order after the date of commission of an offence under this section shall be disregarded in determining the remaining duration of a person's remission order based on the date of commission of the offence.
- (5) Notwithstanding any provision in any written law, a term of imprisonment imposed under this section on any person shall run consecutively to all other terms of imprisonment imposed on him.

*Illustration*

A prisoner is released under a remission order having effect from 1st June 2013 to 31st December 2013. The remission order is subject to mandatory aftercare conditions for its whole duration. On 15th July 2013 the remission order is extended for 7 days (i.e. to 7th January 2014) under section 50N(1). On 1st August 2013 the prisoner commits a first offence under section 50Y(1). On 30th September 2013, the remission order is extended for a further 10 days (i.e. to 17th January 2014) under section 50N(1). On 21st October 2013 the prisoner commits a second offence under section 50Y(1). The prisoner's sentence for the first offence cannot exceed the length of the period from 1st August 2013 to 7th January 2014. The prisoner's sentence for the second offence cannot exceed the length of the period from 21st October 2013 to 17th January 2014. The total

sentence for both offences cannot exceed the length of the period from 1st August 2013 to 7th January 2014.

*[Act 1 of 2014 wef 01/07/2014]*

### **Powers of arrest, etc.**

**50Z.**—(1) The offence of committing a serious breach of a mandatory aftercare condition under section 50Y(1) shall be an arrestable and bailable offence for the purposes of the Criminal Procedure Code (Cap. 68).

(2) A prison officer may exercise all the powers which a police officer of equivalent rank may exercise under the Criminal Procedure Code in respect of an offence of committing a serious breach of a mandatory aftercare condition under section 50Y(1).

(3) For the avoidance of doubt, where the Commissioner recalls a prisoner to prison under section 50X, the prisoner shall not be admitted to bail.

*[Act 1 of 2014 wef 01/07/2014]*

## *Division 6 — Remission of default sentences*

### **Application**

**50ZA.** This Division applies to a prisoner whose sentence of imprisonment consists wholly of default sentences for offences committed before, on or after the date of commencement of section 7 of the Prisons (Amendment) Act 2014.

*[Act 1 of 2014 wef 01/07/2014]*

### **Remission of default sentences**

**50ZB.**—(1) A prisoner to whom this Division applies shall, upon his admission to prison, be entitled to have his sentence remitted in accordance with this section.

(2) Section 50I shall apply to a prisoner to whom this Division applies, subject to the following modifications:

- (a) the Commissioner shall not be required to make a remission order; and

- (b) on the day the Commissioner would have been required to make a remission order under section 50I, the sentence of the prisoner shall be remitted.

[Act 1 of 2014 wef 01/07/2014]

### *Division 7 — Transitional provisions*

#### **Application**

**50ZC.**—(1) This Division applies to a prisoner —

- (a) convicted before, on or after the date of commencement of section 7 of the Prisons (Amendment) Act 2014 (referred to in this Division as the appointed day);
- (b) whose sentence of imprisonment does not include a sentence of life imprisonment for an offence committed on or after 21st August 1997; and
- (c) whose sentence of imprisonment includes a term of imprisonment (not including a default sentence) imposed for an offence committed before the appointed day.

(2) For the purposes of subsection (1) and this Division, a sentence of life imprisonment imposed for an offence committed before 21st August 1997 shall be deemed to be a sentence of imprisonment for a term of 20 years.

[Act 1 of 2014 wef 01/07/2014]

#### **Remission of sentences relating to offences committed before appointed day**

**50ZD.**—(1) This section applies to a prisoner whose sentence of imprisonment (not including any default sentence), consists wholly of terms of imprisonment imposed for an offence or offences all of which were committed before the appointed day.

(2) Section 50I shall apply to the prisoner, subject to the following modifications:

- (a) the actual making of a remission order under that section is not required; and
- (b) the sentence of the prisoner which, on the appointed day, has yet to be served shall be remitted on the day the

Commissioner would have been required to make a remission order in respect of the prisoner under section 50I.

(3) For the avoidance of doubt, Divisions 4 and 5 do not apply when a sentence is remitted under subsection (2)(b).

(4) Where a prisoner to whom this section applies has served 20 years of his sentence and the Commissioner is not required under section 50I to make a remission order in respect of the prisoner, the Minister shall review the prisoner's case in accordance with section 50J and may, in the Minister's discretion, direct the Commissioner to make a remission order under section 50J.

(5) For the purposes of subsection (4), where a prisoner has served 20 years or more of his sentence on the appointed day, the Minister shall review the prisoner's case in accordance with section 50J as soon as practicable after the appointed day.

(6) When the Commissioner is directed by the Minister to make a remission order under section 50J read with subsection (4), Division 2 shall apply except that the remainder of the prisoner's sentence shall be worked out as follows instead of in accordance with section 50K(3):

- (a) first, work out the portion (in days) of the prisoner's sentence that has not been served;
- (b) second, work out the portion (in days) of the prisoner's sentence —
  - (i) starting on the day on which the Commissioner would have been required to make a remission order under section 50I in respect of the prisoner if the Minister had not directed the Commissioner to make a remission order under section 50J; and
  - (ii) ending on the day the prisoner would have been released from prison if no remission order was made in respect of him;

(c) third, subtract the portion of the prisoner's sentence worked out under paragraph (b) from the portion of the prisoner's sentence worked out under paragraph (a).

(7) The portion of the prisoner's sentence worked out under subsection (6)(b) shall be remitted upon the making of the remission order.

#### *Illustration*

A prisoner is sentenced to 36 years' imprisonment for various offences, all of which were committed before the appointed day. The sentence is ordered to take effect from 1st January 2013. While serving imprisonment the prisoner is sentenced to forfeiture of 1 month's remission for a prison offence. The Minister reviews the prisoner's case on 1st January 2033, when the prisoner has served 20 years of his sentence and directs the Commissioner to make a remission order under section 50J on the same date. The Commissioner would have been required to make a remission order under section 50I in respect of that prisoner on 1st February 2037, when the prisoner has served 24 years (comprising two-thirds of his sentence) and 1 month (comprising the forfeiture of remission) of his sentence. Consequent to the remission order under section 50J, the prisoner's sentence will be remitted save for a term of 4 years 1 month, which is the length of the period between the date of the remission order under section 50J and the date on which the Commissioner would have been required to make a remission order under section 50I. The term of 4 years 1 month will be suspended, and will be remitted upon the expiry of the remission order.

*[Act 1 of 2014 wef 01/07/2014]*

### **Remission of sentences for offences committed both before and on or after appointed day**

**50ZE.**—(1) This section applies to a prisoner whose sentence of imprisonment (not including any default sentence) consists of terms of imprisonment imposed for offences committed both before the appointed day, and on or after the appointed day.

(2) The prisoner shall, upon his admission to prison, be entitled to have his sentence remitted in accordance with Division 2 as modified by subsections (3), (4), (5) and (6).

(3) When a remission order is made by the Commissioner under section 50I in respect of a prisoner to whom this section applies, the remainder of the prisoner's sentence shall be worked out as follows

instead of in accordance with section 50K(2) or (3), as the case may be:

- (a) first, work out the portion (in days) of the prisoner's aggregate sentence that has not been served;
- (b) second, apportion the total time (in days) the prisoner spent serving his aggregate sentence among each of his consecutive terms of imprisonment (including default sentences) such that each sentence is served in the same proportion;
- (c) third, work out the portion (in days) of any default sentence which has not been served under paragraph (b);
- (d) fourth, for an offence committed before the appointed day, work out the portion (in days) of the sentence which has not been served under paragraph (b);
- (e) fifth, add the portions of the prisoner's sentences worked out under paragraphs (c) and (d);
- (f) sixth, subtract the portion of the prisoner's sentences worked out under paragraph (e) from the portion of the prisoner's sentence worked out under paragraph (a).

*Illustration*

A prisoner is sentenced to 9 years' imprisonment for offence A, committed before the appointed day, and 6 years' imprisonment for offence B, committed after the appointed day. Offence B is not an offence under section 50Y(1) and the sentence for offence B does not include any enhanced sentence under section 50T(1)(a). The sentences are ordered to run consecutively and to take effect from 1st January 2015. The Commissioner makes a remission order under section 50I on 1st January 2025, the day after the day where the prisoner has served two-thirds of his sentence. The time the prisoner spent serving his sentence (10 years) will be apportioned between offences A and B such that he has served the same proportion of each sentence, i.e. 6 years of the sentence for offence A and 4 years of the sentence for offence B. The portion of the sentence for offence A which has not been served (3 years) will be remitted. The portion of the sentence for offence B which has not been served (2 years) will be the remainder of the prisoner's sentence, which is suspended until the remission order expires, whereupon it will be remitted.



(4) Where a prisoner has served 20 years or more of his sentence on the appointed day, the Minister shall review the prisoner's case in accordance with section 50J as soon as practicable after the appointed day.

(5) If the Minister directs the Commissioner to make a remission order under section 50J, the remainder of the prisoner's sentence shall be worked out as follows instead of in accordance with section 50K(4):

- (a) first, work out the portion (in days) of the prisoner's aggregate sentence which has not been served —
  - (i) starting on the date of the remission order made under section 50J; and
  - (ii) ending on the day immediately before the day on which the Commissioner would have been required to make a remission order under section 50I in respect of the prisoner if the Minister had not directed the Commissioner to make a remission order under section 50J;
- (b) second, work out the portion (in days) of the prisoner's aggregate sentence which has not been served —
  - (i) starting on the day on which the Commissioner would have been required to make a remission order under section 50I in respect of the prisoner if the Minister had not directed the Commissioner to make a remission order under section 50J; and
  - (ii) ending on the day the prisoner would have been released from prison had no remission order been made in respect of him;
- (c) third, apportion the portion of the prisoner's aggregate sentence worked out under paragraph (b) between each consecutive term of imprisonment (including default sentences) to which the prisoner was sentenced such that the same proportion of each sentence has not been served;

- (d) fourth, work out the portion (in days) of all sentences (other than default sentences) for offences committed on or after the appointed day as apportioned under paragraph (c);
- (e) fifth, add the portion of the prisoner's sentence worked out under paragraph (a) to the portion of the prisoner's sentence worked out under paragraph (d).

*Illustration*

A prisoner is sentenced to 18 years' imprisonment for offence A, committed before the appointed day, and 15 years' imprisonment for offence B, committed after the appointed day. Offence B is not an offence under section 50Y(1) and the sentence for offence B does not include any enhanced sentence under section 50T(1)(a). The sentences are ordered to run consecutively and to take effect from 1st January 2015. The Minister reviews the prisoner's case on 1st January 2035, when the prisoner has served 20 years of his sentence and directs the Commissioner to make a remission order under section 50I on the same date. The Commissioner would have been required to make a remission order under section 50I on 1st January 2037, when the prisoner has served 22 years (two-thirds) of his sentence. If the prisoner had continued to serve his sentence until the Commissioner made a remission order on that date, the portion of the prisoner's sentence of 33 years which would have not been served would be 11 years. This would be apportioned proportionally between the sentences for offences A and B, such that 6 years of the sentence for offence A has not been served and 5 years for offence B has not been served. The portion for offence A which has not been served (6 years) will be remitted. The portion for offence B (5 years) which has not been served will be added to the portion of the prisoner's sentence from the date on which the Minister directs the Commissioner to make the remission order under section 50I to the day on which the Commissioner would have been required to make a remission order under section 50I (2 years). The aggregate term (7 years) so determined would be suspended and would be remitted when the remission order expires.

(6) The following portions of a prisoner's sentence shall be remitted:

- (a) the portion of any default sentence as worked out under subsection (3)(c) or (5)(c);
- (b) the portion of any sentence for an offence committed before the appointed day, as worked out under subsection (3)(d) or (5)(c).

*[Act 1 of 2014 wef 01/07/2014]*

**Application of Divisions 4 and 5**

**50ZF.**—(1) For the avoidance of doubt —

- (a) Division 4 shall apply to a prisoner referred to in section 50ZC who is released under a remission order made under section 50I or 50J read with the provisions of this Division; and
- (b) Division 5 shall apply to a prisoner referred to in section 50ZC —
  - (i) who is released under a remission order made under section 50I or 50J read with the provisions of this Division; and
  - (ii) to whom section 50U applies.

(2) Division 5 shall also apply to a prisoner referred to in section 50ZC —

- (a) who is released under a remission order made under section 50J read with the provisions of this Division; and
- (b) to whom section 50U would apply if any of the offences he committed before the appointed day had been committed on the appointed day.

*[Act 1 of 2014 wef 01/07/2014]*

**Minister may prescribe additional transitional provisions**

**50ZG.** For a period of 2 years after the appointed day, the Minister may prescribe such additional provisions of a savings or transitional nature consequent on the enactment of this Part as he may consider necessary or expedient.

*[Act 1 of 2014 wef 01/07/2014]*

## PART VI

## HOME DETENTION SCHEME

**Interpretation of this Part**

**51.** In this Part —

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

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

[Act 1 of 2014 wef 01/07/2014]

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

[38A  
[8/2000]

**Order for home detention**

**52.** Subject to section 53, the Commissioner may, for the purpose of facilitating a prisoner’s rehabilitation and reintegration into society, by order release a prisoner who is eligible for home detention for a period not exceeding 12 months or such other period as the Minister may, by notification in the *Gazette*, prescribe in substitution thereof.

[Act 1 of 2014 wef 01/07/2014]

**Eligibility for home detention**

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

(a) he is serving a sentence of imprisonment for a term of not less than 4 weeks or such other period as the Minister may, by notification in the *Gazette*, prescribe in substitution thereof;

[33/2004 wef 04/10/2004]

(aa) he has served not less than 14 days of his sentence of imprisonment or such other period as the Minister may, by

notification in the *Gazette*, prescribe in substitution thereof; and

[33/2004 wef 04/10/2004]

- (b) he is not a prisoner specified under the Second Schedule as being disqualified from being released for home detention under section 52.

[8/2000]

[Act 1 of 2014 wef 01/07/2014]

(1A) The disqualification of a prisoner under subsection (1)(b) may be removed by the Minister if he considers that the prisoner is deserving of home detention, having regard to the circumstances of the case, including the following factors:

- (a) the prisoner's progress and response to rehabilitation in prison;
- (b) the prisoner's family support; and
- (c) the risk of recidivism by the prisoner.

[33/2004 wef 04/10/2004]

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

[38C  
[8/2000]

### **Conditions for home detention**

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

- (a) attend any such counselling, therapy, test, assessment, and other activity for the purpose of facilitating his rehabilitation and reintegration into society as the Commissioner may require, at any such time and place as the Commissioner may specify;
- (b) present himself to provide a specimen of his urine or hair for testing at any such time and place as the Commissioner may specify;

- (c) remain indoors at his place of residence, or at such other place as the Commissioner may specify, at any such time as the Commissioner may specify;
- (d) allow the Superintendent and any person authorised by the Superintendent to enter his place of residence, or any other place he is required to remain at, to determine his compliance with any condition of the home detention order or for any purpose relating to his rehabilitation;
- (e) to enable the electronic monitoring of his whereabouts —
  - (i) wear any electronic transmitting device issued by the Commissioner on such part of his person as the Commissioner may specify;
  - (ii) allow the Superintendent and any person authorised by the Superintendent to enter his place of residence, or any other place he is required to remain at, to install, maintain, repair or retrieve any electronic monitoring device;
  - (iii) comply with all requirements to ensure the proper functioning of any electronic monitoring device issued to him or installed at his place of residence or any other place he is required to remain at;
  - (iv) comply with all reporting requirements imposed on him; and
  - (v) not tamper with any electronic monitoring device issued to him or installed at his place of residence, or any other place he is required to remain at, or otherwise prevent or obstruct the electronic monitoring of his whereabouts; and
- (f) comply with such other conditions as the Commissioner may specify in the order.

*[Act 1 of 2014 wef 01/07/2014]*

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

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

[38D

[8/2000]

[Act 1 of 2014 wef 01/07/2014]

### **Effect of home detention order**

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

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

[38E

[8/2000]

### **Recall to prison**

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

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

[8/2000]

(2) The period of the home detention order of a prisoner who is recalled to prison under subsection (1)(b) shall continue to run,

notwithstanding the fact that he is recalled to prison, unless the order is revoked under section 57 or suspended under section 58.

[38F  
[8/2000]

### **Revocation of home detention order**

**57.—**(1) If the Commissioner is satisfied after due inquiry that —

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

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

[8/2000]

[Act 1 of 2014 wef 01/07/2014]

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

[38G  
[8/2000]

### **Suspension of home detention order**

**58.—**(1) Subject to subsection (2), where a prisoner subject to a home detention order is punished for a minor prison offence under section 70(1)(a) or (b), or for an aggravated prison offence under section 71(1)(b) or (c), the home detention order in respect of the



prisoner shall, unless revoked under section 57, be suspended from the date on which the prisoner is punished for —

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

[8/2000]

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

[38H  
[8/2000]

### **Powers to enter and search**

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

- (a) enter and search a place without a warrant to effect the arrest of any prisoner who has failed to return to prison after —
  - (i) he has been recalled by the Superintendent under section 56(1)(b); or
  - (ii) the Commissioner revokes the home detention order under section 57(1); and

[Act 1 of 2014 wef 01/07/2014]

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

[38I  
[8/2000]

**PART VIA****EXTERNAL PLACEMENT SCHEME**

*[Act 1 of 2014 wef 01/07/2014]*

**Interpretation of this Part**

**59A.** In this Part —

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

“external placement order” means an order made under section 59B;

“Superintendent”, in relation to a prisoner, means the Superintendent of the prison from which the prisoner is released for external placement.

*[Act 1 of 2014 wef 01/07/2014]*

**External placement order**

**59B.—**(1) The Minister may, if he is of the view that it is more appropriate for a prisoner to serve the prisoner’s sentence in a place other than a prison, direct the Commissioner to make an external placement order in respect of the prisoner for a period not exceeding 12 months.

(2) The Minister may direct the Commissioner to extend the duration of an external placement order for one or more times, by a period not exceeding 12 months each time.

(3) In determining for the purposes of subsections (1) and (2) and section 59H(1) whether it is more appropriate for a prisoner to serve his sentence in a place other than a prison —

(a) the Minister shall have regard to the following factors:

(i) that it is ordinarily in the public interest that prisoners serve their sentences in a prison; and

- (ii) the threat, if any, likely to be posed by the prisoner to public safety if he is released or continues to be released on external placement; and
- (b) the Minister may have regard to the following factors:
  - (i) the physical condition of the prisoner;
  - (ii) the mental condition of the prisoner; and
  - (iii) any other relevant circumstances.

*[Act 1 of 2014 wef 01/07/2014]*

### **Effect of external placement order**

**59C.**—(1) A prisoner shall be released on the day an external placement order is made in respect of him.

(2) Where an external placement order is in force in respect of a prisoner, the prisoner is deemed —

- (a) to be still serving his sentence; and
- (b) to be still in the lawful custody of the Superintendent.

*[Act 1 of 2014 wef 01/07/2014]*

### **Conditions for external placement**

**59D.**—(1) A prisoner subject to an external placement order —

- (a) shall remain indoors at his place of residence, or at such other place as the Commissioner may specify, at such times as the Commissioner may specify;
- (b) shall allow the Superintendent and any person authorised by the Superintendent to enter his place of residence, or any other place he is required to remain at, to determine his compliance with any condition of the external placement order or for any purpose relating to his rehabilitation;
- (c) shall do all of the following to enable the electronic monitoring of his whereabouts:
  - (i) wear any electronic transmitting device issued by the Commissioner on such part of his person as the Commissioner may specify;

- (ii) allow the Superintendent and any person authorised by the Superintendent to enter his place of residence, or any other place he is required to remain at, to install, maintain, repair or retrieve any electronic monitoring device;
  - (iii) comply with all requirements to ensure the proper functioning of any electronic monitoring device issued to him or installed at his place of residence or any other place he is required to remain at;
  - (iv) comply with all reporting requirements imposed on him by the Commissioner; and
  - (v) not tamper with any electronic monitoring device issued to him or installed at his place of residence, or any other place he is required to remain at, or otherwise prevent or obstruct the electronic monitoring of his whereabouts; and
- (d) shall comply with such other conditions as the Commissioner may specify in the external placement order.

(2) The matters to be specified by the Commissioner under subsection (1) shall be specified by notice in writing.

(3) The Commissioner may, at any time and by notice in writing served on any particular prisoner subject to an external placement order —

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

*[Act 1 of 2014 wef 01/07/2014]*

### **Recall to prison**

**59E.**—(1) If a Superintendent has reason to suspect that a prisoner who is subject to an external placement order has failed to comply with any of the conditions of his external placement order, or has

committed a disciplinary offence while being so subject, the Superintendent may —

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

(2) The external placement order for a prisoner who is recalled to prison under subsection (1)(b) shall continue to be in force notwithstanding the fact that he is recalled to prison.

*[Act 1 of 2014 wef 01/07/2014]*

### **Revocation of external placement order**

**59F.**—(1) If the Commissioner is satisfied after due inquiry that —

- (a) a prisoner failed to return to prison after he was recalled to prison under section 59E(1)(b);
- (b) a prisoner failed to comply with any of the conditions of his external placement order;
- (c) a prisoner committed a disciplinary offence while being subject to an external placement order;
- (d) the whereabouts of a prisoner can no longer be electronically monitored at his place of residence, or at such other place or places at which the prisoner is required to remain within doors under the conditions of his external placement order; or
- (e) it is necessary in the public interest to do so,

the Commissioner may revoke the external placement order in respect of that prisoner and, if the prisoner is not already detained in prison, recall the prisoner to prison; and the prisoner shall, if then at large, be deemed to be unlawfully at large.

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

*[Act 1 of 2014 wef 01/07/2014]*

### **Suspension of external placement order**

**59G.** Where a prisoner subject to an external placement order is punished with any punishment under section 70(1)(a) or (b) or section 71(1)(b) or (c) or both, his external placement order shall, unless revoked under section 59F, be suspended for the following period, starting from the date on which the prisoner is punished:

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

*[Act 1 of 2014 wef 01/07/2014]*

### **Cancellation of external placement order**

**59H.—**(1) The Minister may, if he is of the view that it is no longer appropriate for a prisoner released under an external placement order to serve the prisoner's sentence in a place other than a prison, cancel the external placement order in respect of that prisoner and recall the prisoner to prison; and the prisoner shall, if at large, then be deemed to be unlawfully at large.

(2) Upon the cancellation of the external placement order under subsection (1), the prisoner shall serve the unexpired part of his sentence in prison.

*[Act 1 of 2014 wef 01/07/2014]*

### **Powers to enter and search**

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

- (a) enter and search a place without a warrant to effect the arrest of any prisoner who has failed to return to prison after —
  - (i) the prisoner is recalled by the Superintendent under section 59E(1)(b);
  - (ii) the Commissioner revokes the external placement order under section 59F(1); or
  - (iii) the Minister cancels the external placement order under section 59H(1); and
- (b) in order to effect an entrance into that place, break open any outer or inner door or window of that place if he cannot otherwise obtain admittance thereto.

*[Act 1 of 2014 wef 01/07/2014]*

## PART VII

### DISCIPLINE AND PRISON OFFENCES

#### **Offences governing prison supplies**

**60.**—(1) No prison officer, medical officer, member or employee of the Corporation or any other person working in a prison shall —

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

*[8/2000]*

*[33/2004 wef 04/10/2004]*

(2) A prison officer, medical officer, member or employee of the Corporation or any other person working in a prison shall not hold

any communication with any person on behalf of any prisoner unless authorised by the Commissioner, Deputy Commissioner or the Superintendent.

[8/2000]

[Act 1 of 2014 wef 01/07/2014]

[33/2004 wef 04/10/2004]

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

[39

[8/2000]

### **Desertion**

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

[40

### **Payment of money forbidden**

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

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

[8/2000]



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

[41  
[8/2000]

### **Delivery of uniform, etc., on leaving**

**63.**—(1) Every prison officer shall, before leaving the Singapore Prison Service (whether by resignation, dismissal, discharge or otherwise), deliver up in good order (fair wear and tear excepted only) any arms, ammunition, accoutrement, uniform or other article supplied to him as a prison officer and any other property belonging to the Government which may be in his possession.

[33/2004 wef 04/10/2004]

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

[42  
[8/2000]

### **Threatening, insulting or assaulting another prison officer**

**64.**—(1) Any prison officer who threatens or insults another prison officer of senior or equal rank —

- (a) when that other officer is on duty; or
- (b) when the threat or insult is related to or is consequent upon the discharge of duty by the officer so threatened or insulted,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

[33/2004 wef 04/10/2004]

(1A) Any prison officer who assaults another prison officer —

- (a) when that other officer is on duty; or

(b) when the assault is related to or is consequent upon the discharge of duty by the officer so assaulted, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years.

*[33/2004 wef 04/10/2004]*

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

[47

### **Wearing and possession of uniforms, etc., by others**

**65.—**(1) A person who, when the person is not a prison officer —

(a) wears or possesses any prison officer uniform, or uses any prison officer insignia —

(i) for the purpose of personating or representing himself as a prison officer; or

(ii) knowing that it is likely to cause any member of the public to believe that he is a prison officer;

(b) uses the designation of a prison officer or a rank of the Singapore Prison Service, in connection with any business, occupation or employment —

(i) for the purpose of personating or representing himself as a prison officer; or

(ii) knowing that it is likely to cause any member of the public to believe that he is a prison officer;

(c) represents himself, by word or conduct, to be a prison officer for the purpose of personating or representing himself as a prison officer; or

(d) wears or possesses any prison officer uniform, or uses any prison officer insignia, in connection with any business, occupation or employment, for the purpose of falsely claiming, suggesting or implying —

(i) that the person receives or is to receive, a fee, commission or other reward for providing

professional or other services in relation to a matter being dealt with or to be dealt with by the Singapore Prison Service;

- (ii) that the Singapore Prison Service has agreed to acquire any goods or services provided by or on behalf of the person, or that those goods or services had previously been used or acquired by the Singapore Prison Service; or
- (iii) that the person has the sponsorship or approval of the Singapore Prison Service for any goods or services provided by or on behalf of the person,

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

(2) A prison officer who wears any prison officer uniform or uses any prison officer insignia otherwise than —

- (a) in the course of, and for the purpose of, exercising the functions of a prison officer; or
- (b) for such other purpose authorised in writing by the Commissioner,

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

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

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

- (4) A person (whether or not a prison officer) who —
- (a) manufactures any prison officer uniform or prison officer insignia otherwise than under an agreement with the Government;
  - (b) sells any prison officer uniform or prison officer insignia to a person who is neither a prison officer nor otherwise authorised or permitted under subsection (3) to wear or possess the prison officer uniform or use the prison officer insignia; or
  - (c) gives or provides, whether or not for a consideration, any prison officer uniform or prison officer insignia to a person who is neither a prison officer nor otherwise authorised or permitted under subsection (3) to wear or possess the prison officer uniform or use the prison officer insignia,

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

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

- (a) the accused had reasonable grounds to believe and did make reasonable inquiries to ascertain that the person to whom the prison officer uniform or prison officer insignia was sold, given or provided was —
  - (i) a prison officer; or
  - (ii) a person otherwise authorised or permitted under subsection (3) to wear or possess the prison officer uniform or use the prison officer insignia; or
- (b) the accused had received from the person to whom the prison officer uniform or prison officer insignia was sold, given or provided, evidence purporting to show that —
  - (i) that person was a prison officer or was otherwise authorised or permitted under subsection (3) to wear

or possess the prison officer uniform or use the prison officer insignia; and

- (ii) it was reasonable to and the accused did accept that evidence as correct.

(6) An offence under subsection (1), (2) or (4) is an arrestable offence.

(7) In this section —

“prison officer insignia” means —

- (a) any item (being any insignia, emblem, logo, symbol, representation, device, badge of rank or other thing) that is generally recognised as being used by a prison officer;
- (b) any part of any such item;
- (c) any reasonable imitation of any such item, or part of such item; or
- (d) any insignia, emblem, logo, symbol, representation, device, badge of rank or other thing prescribed as being within this definition;

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

- (a) any part of such a uniform or any accoutrement of a prison officer that is generally recognised as a part of the uniform or accoutrement of a prison officer; or
- (b) any reasonable imitation of such a uniform or accoutrement, or part of a uniform or accoutrement;

“sell” includes —

- (a) exchange or let on hire;
- (b) offer, expose, possess, send, forward or deliver for sale, exchange or hire; or
- (c) cause, suffer or allow any sale, exchange or hire;

“use”, in relation to prison officer insignia, includes —

- (a) driving on a public road a vehicle that has on it any prison officer insignia; and
- (b) using a reproduction or representation of prison officer insignia,

but does not include wearing a prison officer uniform.

*[Act 53 of 2018 wef 13/05/2019]*

### **Unauthorised articles, communications and recordings**

**66.**—(1) Any person who, without the authority of this Act, the regulations made under this Act or the express permission of the Commissioner —

- (a) conveys, supplies or causes to be supplied or conveyed to any prisoner, or hides or places for his use any unauthorised article;
- (b) brings or attempts by any means to introduce into any prison, or places or attempts to place where prisoners labour, any unauthorised article;
- (c) brings or attempts to bring out of any prison, or conveys from any prisoner, any unauthorised article;
- (d) makes any audio or visual recording in a prison;
- (e) communicates with a prisoner, in circumstances where he knows or ought reasonably to know that the communication is likely to encourage, incite or agitate any prisoner to commit a prison offence, and thereby encourages, incites or agitates a prisoner to commit a prison offence;
- (f) does any act, or omits to do any act which he is required by law to do, which he knows or ought reasonably to know is likely to have any of the following effects, and does have such effect:
  - (i) prejudicing the safe custody of prisoners, the safety of any person in a prison, or the security of a prison;or

- (ii) prejudicing the maintenance of good order and discipline in a prison,

shall be guilty of an offence.

(2) Any prison officer who, without the authority of this Act, the regulations made under this Act or the express permission of the Commissioner —

- (a) knowingly suffers any unauthorised article to be sold to or received or used by or on behalf of any prisoner;
- (b) lends or gives to any prisoner any unauthorised article;
- (c) knowingly suffers any unauthorised article to be brought out of any prison, or to be conveyed from any prisoner;
- (d) knowingly suffers the making of any audio or visual recording in a prison; or
- (e) knowingly suffers any act or omission which he knows or ought reasonably to know is likely to have any of the following effects, and does have such effect:
  - (i) prejudicing the safe custody of prisoners, the safety of any person in a prison, or the security of a prison; or
  - (ii) prejudicing the maintenance of good order and discipline in a prison,

shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 12 months or to both and, if he is a prison officer, he may, unless the conviction is reversed on appeal, be dismissed from his office, and all arrears of pay due to him may be forfeited.

(4) In this section, “unauthorised article” means —

- (a) any letter or document;
- (b) any electronic storage device;
- (c) any intoxicating substance, drug or stimulant;
- (d) any food or drink;

- (e) any item of clothing;
  - (f) money; or
  - (g) any article not specifically authorised by the Commissioner to be brought into or out of a prison.
- [Act 1 of 2014 wef 01/07/2014]*

### **Prisoner may be allowed to work**

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

*[Act 1 of 2014 wef 01/07/2014]*

### **Separation of prisoners**

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

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

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

[51]

### **Extramural custody of prisoners**

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

[52]

### **Punishment by Superintendent for minor prison offences**

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



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

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

[8/2000]

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

[53

### **Punishment by Superintendent for aggravated prison offences**

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

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

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

[8/2000]

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

[8/2000]

[Act 1 of 2014 wef 01/07/2014]

(3) The Commissioner may within 14 days, or such longer period as may be required in exceptional cases, of being notified by the Superintendent under subsection (2) —

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

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

[8/2000]

[Act 1 of 2014 wef 01/07/2014]

[33/2004 wef 04/10/2004]

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

[8/2000]

[Act 1 of 2014 wef 01/07/2014]

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

[8/2000]

[Act 1 of 2014 wef 01/07/2014]

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

the prisoner, the nature of his offence and the extent of his punishment.

[54

[8/2000]

[Act 1 of 2014 wef 01/07/2014]

### **Minor prison offences**

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

- (1) talking during working hours, or talking loudly, laughing or singing at any time after having been ordered by an officer of the prison to desist;
- (2) quarrelling with any other prisoner;
- (3) secreting any article whatever;
- (4) showing disrespect to any officer or official visitor;
- (5) common assault or taking part in any attack on any other prisoner;
- (6) answering untruthfully any question put by an officer or an official visitor;
- (7) holding any communication (in writing, by word of mouth, or otherwise) with any person in disobedience of the regulations of the prison;
- (8) abetting the commission of any minor prison offence;
- (9) omitting to assist in the maintenance of discipline by reporting any prison offence, or to give assistance to an officer when called on to do so;
- (10) doing any act or using any language calculated to wound or offend the feelings and prejudices of any other prisoner;
- (11) doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers;
- (12) leaving without permission of an officer the group to which he is attached, or the part of the prison in which he is confined;

[33/2004 wef 04/10/2004]

- (13) leaving without permission of an officer the ward, the yard, the place in file, the seat or berth assigned to him;
- (14) loitering about the yards or lingering in the wards when these are open;
- (15) omitting or refusing to march in file when moving about the prison or proceeding to or returning from work;
- (16) visiting the toilets without permission of an officer or remaining there longer than is necessary;
- (17) refusing to eat the meals provided;  
*[33/2004 wef 04/10/2004]*
- (18) eating or appropriating any food not assigned to him or taking from or adding to the portions assigned to other prisoners;
- (19) removing without permission of an officer food from the cook-room or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink;
- (20) wilfully destroying food or throwing it away without orders;
- (21) introducing into food or drink anything likely to render it unpalatable or unwholesome;
- (22) omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging or altering any part of it;
- (23) removing, defacing or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person;
- (24) omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair;
- (25) omitting or refusing to keep clothing, blankets, bedding, fetters, or utensils clean, or disobeying any order as to the arrangement or disposition of such articles;

- (26) tampering in any way with prison locks, lamps or lights or other property with which he has no concern;
- (27) stealing the prison clothing or any part of the prison kit of any other prisoner;
- (28) committing a nuisance in any part of the prison;
- (29) spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison;
- (30) wilfully befouling the toilets, washing or bathing places;
- (31) damaging the trees within the enclosure of the prison;
- (32) omitting or refusing to take due care of all prison property entrusted to him;
- (33) omitting or refusing to take due care of, or injuring, or misappropriating, the materials and implements entrusted to him for work;
- (34) omitting to report at once any loss, breakage or damage which he may have caused to prison property or implements;
- (35) manufacturing any article without the knowledge or permission of an officer;
- (36) performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task;
- (37) appropriating any portion of the task performed by another prisoner;
- (38) mixing or adding any foreign substance to the materials issued for work;
- (39) cursing or swearing, or using indecent, violent, threatening or insulting language;
- (40) causing or omitting to assist in suppressing violence or insubordination of any kind;
- (41) immoral, disorderly or indecent behaviour;

- (42) omitting or refusing to help any prison officer in case of an attempted escape or of an attack upon such officer or upon another prisoner;
- (43) disobeying any lawful order of an officer;
- (44) idling or refusing to work or showing negligence in the performance of his allotted task;
- (45) defacing or damaging the walls, furniture or other property of the prison;
- (46) malingering;
- (47) refusing to undergo medical treatment;
- (48) any breach by a prisoner subject to a home detention order under section 52 of the conditions of the order other than conduct constituting an aggravated prison offence specified in section 73;
- (49) any other act, conduct, disorder or neglect to the prejudice of good order or discipline though not specified in the preceding paragraphs.

[55  
[8/2000]

### **Aggravated prison offences**

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

- (1) mutiny;
- (2) escape or attempt to escape;
- (3) taking part in any assault or attack on any officer;
- (4) aggravated or repeated assault on any other prisoner;
- (5) wilful destruction of prison property;
- (6) wilfully causing to himself any illness, injury or disability;
- (7) wilfully making a false or groundless accusation or complaint against any officer or prisoner;

- (7A) any act constituting a minor prison offence under section 72, committed by one or more members or associates of a secret society in connection with the activities of any secret society, whether or not all the other members of the secret society are present;  
*[33/2004 wef 04/10/2004]*
- (8) repetition of any minor prison offence after having been twice punished for the same minor offence;
- (9) failure by a prisoner subject to a home detention order under section 52 to report to such person and at such times and place as may be specified under the conditions of the order;
- (10) where a prisoner subject to a home detention order under section 52 is required under the conditions of the order to allow the Superintendent or any person authorised by the Superintendent to enter his place of residence, or any other place or places designated under the order, the refusal by the prisoner to allow the entry, or obstructing or hindering the entry, of such person;
- (11) any other act of gross misconduct or insubordination;
- (12) abetting the commission of any aggravated prison offence.

[56

*[8/2000]*

### **Punishment by Visiting Justices**

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

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

- (a) confinement in a punishment cell for a term not exceeding 30 days on such prescribed diet as he or they may think fit;
- (b) corporal punishment not exceeding 24 strokes with a rattan;
- (c) forfeiture of remission not exceeding such amount as may be prescribed.

[57]

**Prisoner may make his defence**

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

[58]

**Detention after date of discharge**

76.—(1) Any punishment lawfully imposed on a prisoner under this Act or any regulations made thereunder may be carried into effect notwithstanding that the carrying into effect thereof may necessitate the detention of the prisoner beyond the date at which he would otherwise be entitled to be discharged from prison.

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

[59]

**Corporal punishment**

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

(2) No sentence of corporal punishment shall be passed upon —

- (a) a woman;
- (b) a man sentenced by a court to death; or
- (c) a man whom a medical officer considers to be more than 50 years of age.

[33/2004 wef 04/10/2004]



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

(4) No sentence of corporal punishment shall be inflicted unless a medical officer is present and certifies that the prisoner is in a fit state of health to undergo the punishment.

*[33/2004 wef 04/10/2004]*

(5) If, during the execution of the sentence of corporal punishment, a medical officer certifies that the prisoner is not in a fit state of health to undergo the remainder of the sentence, the corporal punishment shall be finally stopped.

*[33/2004 wef 04/10/2004]*

### **Superintendent may restore remission**

**77A.** The Superintendent may, in his discretion, restore to any prisoner a period of remission or any portion thereof which had previously been forfeited by such prisoner.

*[Act 1 of 2014 wef 01/07/2014]*

### **Prosecution for offences**

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

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### **Appointment of Visiting Justices**

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

*[8/2000]*

(2) Each member of the Board of Visiting Justices –

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

*[8/2000]*

(3) A Visiting Justice —

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

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

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

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

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**Visits by Judges, Magistrates, etc.**

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

- (a) whenever he thinks fit, enter into and examine the condition of the prison and of the prisoners therein;
- (b) question any prisoner or officer; and

- (c) enter any observation he thinks fit to make in reference to the condition of the prison in a Visitors' Book to be kept for that purpose by the Superintendent, which book shall be duly produced to the Visiting Justices at their next ensuing visit.

[63]

### **Scheme for prisoners to engage in employment**

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

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

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

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

- (a) the terms and conditions upon which prisoners are to be released to take up employment outside the limits of any prison;
- (b) the terms and conditions of engagement of prisoners;
- (c) the manner in which wages shall be paid to the prisoners; and
- (d) the proportion of wages earned by prisoners under such scheme of employment which may be retained by the prisoners for the payment of food and travelling expenses.

[64  
[5/85]

### Minister may amend Schedules

**82.**—(1) The Minister may, by order published in the *Gazette*, amend the First or Second Schedule.

(2) An order made under this section may contain such saving and transitional provisions as are necessary or expedient for the purposes of the order.

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

*[Act 1 of 2014 wef 01/07/2014]*

### Trial of offences

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

(2) Subject to subsection (3), any District Court or Magistrate's Court shall, notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), have the jurisdiction to try any offence under this Act and to impose the full punishment in respect of the offence.

*[Act 1 of 2014 wef 01/07/2014]*

(3) Any District Court or Magistrate's Court shall, if it has jurisdiction under the Criminal Procedure Code to try an offence alleged to have been committed in breach of the basic condition of a remission order specified under section 50S, have the power to impose the full enhanced sentence under section 50T for that offence, notwithstanding any provision to the contrary in the Criminal Procedure Code.

*[Act 1 of 2014 wef 01/07/2014]*

### Regulations

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

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

- (a) the conditions of service and the powers, conduct and duties of the officers of prisons;
  - (b) the medical examination, measuring, photographing and taking of fingerprint impressions or other records of persons confined in any prison or otherwise detained in custody, including detailed personal statistics and histories, and for requiring full and truthful answers to all questions put to such persons with the object of obtaining such statistics and histories;
  - (c) the persons, if any, to whom such measurements, photographs, fingerprint impressions or other records are to be sent or supplied;
  - (d) the employment, diets, classification, safe custody, separation, treatment and discipline of prisoners;
  - (e) the kind of labour to be exacted at the different stages of their imprisonment with the manner and place of exacting the same;
  - (f) the granting, notwithstanding anything to the contrary in any law, of remission in respect of sentences of imprisonment and imprisonment in default of payment of fine to prisoners who duly comply with the regulations that apply to them and with the conditions on which such remissions are to be made;
- [9/2003 wef 16/05/2003]*
- (g) the disposal of the products of the labour of prisoners;
  - (h) the establishment of prisoners aid associations and societies and for the subsidising of their work and the utilising of their services in connection with prisoners discharged on probation and convicted prisoners whose sentences have expired;
  - (i) the supply of money, food, clothing or means of travelling to prisoners on their discharge;

- (j) the early discharge of prisoners who become entitled to release on a date which falls on a Sunday or public holiday;  
[Act 1 of 2014 wef 01/07/2014]
- (ja) the release of prisoners on remission orders or on external placement orders and the due administration of such orders;  
[Act 1 of 2014 wef 01/07/2014]
- (jb) the classification of breaches of the mandatory aftercare conditions of remission orders to be serious breaches and minor breaches;  
[Act 1 of 2014 wef 01/07/2014]
- (k) the proceedings and visits of the Visiting Justices;
- (ka) the establishment of committees, however named, of an advisory nature, for the purposes of this Act;  
[30/2008 wef 17/12/2008]  
[Act 1 of 2014 wef 01/07/2014]
- (l) without prejudice to the generality of paragraph (ka), the establishment of an advisory committee for the purpose of advising the Commissioner on the suitability of a prisoner to be released for home detention under Part VI and its constitution, functions and procedures;  
[Act 1 of 2014 wef 01/07/2014]  
[30/2008 wef 17/12/2008]
- (m) any other matter which under this Act is required or permitted to be prescribed.

[8/2000]

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

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

[65]

## FIRST SCHEDULE

Section 50U(1)

OFFENCES SUBJECT TO MANDATORY  
AFTERCARE CONDITIONS

<i>Offences</i>	<i>Description*</i>	<i>Minimum sentence</i>	<i>Relevant Antecedent</i>
<b>Arms Offences Act (Cap. 14)</b>			
Section 3(1), (2), (3) or (4)	Unlawful possession of arms or ammunition	1 year	-
Section 8	Exhibiting imitation arm when committing scheduled offence	1 year	-
<b>Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65)</b>			
Section 3	Possession of corrosive or explosive substance for the purpose of causing hurt	1 year	-
Section 5	Consorting with person carrying corrosive or explosive substance	1 year	-
<b>Explosive Substances Act (Cap. 100)</b>			
Section 3	Causing explosion likely to endanger life or property	1 year	-
Section 4	Attempt to cause explosion, or for making or keeping explosives with intent to endanger life or property	1 year	-
Section 6 (but only in relation to an offence under section 3 or 4)	Abetment	1 year	-
<b>Hostage-Taking Act (Cap. 126C)</b>			
Section 3(1)	Hostage-Taking	1 year	-
<b>Misuse of Drugs Act (Cap. 185)</b>			
Section 5	Trafficking in controlled drugs	1 year	-
Section 6	Manufacture of controlled drug	1 year	-

FIRST SCHEDULE — *continued*

<i>Offences</i>	<i>Description*</i>	<i>Minimum sentence</i>	<i>Relevant Antecedent</i>
Section 7	Import and export of controlled drugs	1 year	-
Section 8	Possession and consumption of controlled drugs	1 year	-
Section 9	Possession of pipes, utensils, etc.	1 year	-
Section 10	Cultivation of cannabis, opium and coca plants	1 year	-
Section 10A(1)	Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs	1 year	-
Section 11	Responsibility of owners, tenant, etc.	1 year	-
Section 11A(1)	Arranging or planning gatherings where controlled drugs are to be consumed or trafficked	1 year	-
Section 12	Abetments and attempts	1 year	-
Section 12A	Causing or procuring young person or vulnerable person to commit certain offences	1 year	-
Section 13	Abetting or procuring commission of offences outside Singapore	1 year	-
Section 14	Offences by director, etc., of body corporate	1 year	-
Section 30(1)	Obstruction of inspection or search	1 year	-
Section 31(2)	Failure to provide urine specimen	1 year	-
Section 31A(2)	Failure to provide hair specimen	1 year	-



FIRST SCHEDULE — *continued*

<i>Offences</i>	<i>Description*</i>	<i>Minimum sentence</i>	<i>Relevant Antecedent</i>
Section 40B(4)(a)	Failure to comply with order to submit for taking of photograph and finger impressions, provide particulars as required, and submit to the taking of body samples	1 year	-
<b>Misuse of Drugs (Approved Institutions and Treatment and Rehabilitation) Regulations (Rg 3)</b>			
Regulation 10(4)	Failure to provide finger impressions	1 year	-
Regulation 12(5)	Failure to return to approved institution	1 year	-
Regulation 15(6)	Failure to comply with requirement of supervision order	1 year	-
<b>Misuse of Drugs (Controlled Equipment, Material and Substances) Regulations (Rg 7)</b>			
Regulation 12(1)	Contravention of regulations	1 year	-
Regulation 12(2)	Failure to comply with requirement of Director, etc.	1 year	-
Regulation 12(3)	Making of false declaration, etc.	1 year	-
<b>Penal Code (Cap. 224)</b>			
Section 130E	Genocide	1 year	-
Section 148	Rioting, armed with a deadly weapon	1 year	-
Section 304	Culpable homicide not amounting to murder	1 year	-
Section 307	Attempt to murder	1 year	-
Section 325	Voluntarily causing grievous hurt	1 year	-
Section 326	Voluntarily causing grievous hurt by dangerous weapons or means	1 year	-

FIRST SCHEDULE — *continued*

<i>Offences</i>	<i>Description*</i>	<i>Minimum sentence</i>	<i>Relevant Antecedent</i>
Section 354A(1)	Outraging modesty in certain circumstances	1 year	-
Section 363	Kidnapping	1 year	-
Section 375	Rape	1 year	-
Section 376	Sexual assault by penetration	1 year	-
Section 376A	Sexual penetration of minor under 16	1 year	-
Section 376F(1) (but only if punishment is imposed under subsection (3))	Procurement of sexual activity with person with mental disability, where penetration is involved	1 year	-
Section 376G(1) (but only if punishment is imposed under subsection (4))	Incest by man against a woman under 14	1 year	-
Section 377(3)	Causing another person to sexually penetrate a corpse	1 year	-
Section 377B(3)	Causing another person to sexually penetrate a living animal or be sexually penetrated by a living animal	1 year	-
Section 379	Theft	1 year	A drug-related antecedent
Section 379A	Theft of a motor vehicle	1 year	Ditto
Section 380	Theft in dwelling-house, etc.	1 year	Ditto
Section 381	Theft by clerk or servant of property in possession of master	1 year	Ditto
Section 382	Theft after preparation made for causing death or hurt in order to commit theft	1 year	Ditto
Section 384	Extortion	1 year	Ditto
Section 385	Putting person in fear of harm in order to commit extortion	1 year	Ditto

FIRST SCHEDULE — *continued*

<i>Offences</i>	<i>Description*</i>	<i>Minimum sentence</i>	<i>Relevant Antecedent</i>
Section 386	Extortion by putting a person in fear of death or grievous hurt	1 year	Ditto
Section 387	Putting person in fear of death or grievous hurt in order to commit extortion	1 year	Ditto
Section 388	Extortion by threat of accusation of an offence punishable with death, or imprisonment, etc.	1 year	Ditto
Section 389	Putting person in fear of accusation of offence, in order to commit extortion	1 year	Ditto
Section 392	Robbery	1 year	Ditto
Section 393	Attempt to commit robbery	1 year	Ditto
Section 394	Voluntarily causing hurt in committing robbery	1 year	Ditto
Section 395	Gang-robbery	1 year	-
Section 399	Making preparation to commit gang-robbery	1 year	A drug-related antecedent
Section 400	Belonging to gang-robbers	1 year	-
Section 401	Belonging to wandering gang of thieves	1 year	A drug-related antecedent
Section 402	Assembling for purpose of committing gang-robbery	1 year	Ditto
Section 403	Dishonest misappropriation of property	1 year	Ditto
Section 404	Dishonest misappropriation of property possessed by a deceased person at the time of his death	1 year	Ditto
Section 406	Criminal breach of trust	1 year	Ditto
Section 407	Criminal breach of trust by carrier, etc.	1 year	Ditto

FIRST SCHEDULE — *continued*

<i>Offences</i>	<i>Description*</i>	<i>Minimum sentence</i>	<i>Relevant Antecedent</i>
Section 408	Criminal breach of trust by clerk or servant	1 year	Ditto
Section 409	Criminal breach of trust by public servant, or by banker, merchant or agent	1 year	Ditto
Section 411	Dishonestly receiving stolen property	1 year	Ditto
Section 412	Dishonestly receiving property stolen in the commission of a gang-robbery	1 year	Ditto
Section 413	Habitually dealing in stolen property	1 year	Ditto
Section 414	Assisting in concealment or disposal of stolen property	1 year	Ditto
Section 417	Cheating	1 year	Ditto
Section 418	Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect	1 year	Ditto
Section 419	Cheating by personation	1 year	Ditto
Section 420	Cheating and dishonestly inducing a delivery of property	1 year	Ditto
Section 421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors	1 year	Ditto
Section 422	Dishonestly or fraudulently preventing a debt or demand due to the offender from being made available for his creditors	1 year	Ditto
Section 423	Dishonest or fraudulent execution of deed of transfer	1 year	Ditto

FIRST SCHEDULE — *continued*

<i>Offences</i>	<i>Description*</i>	<i>Minimum sentence</i>	<i>Relevant Antecedent</i>
	containing a false statement of consideration		
Section 424	Dishonest or fraudulent removal or concealment of property or release of claim	1 year	Ditto
Section 447	Criminal trespass	1 year	Ditto
Section 448	House-trespass	1 year	Ditto
Section 449	House-trespass in order to commit an offence punishable with death	1 year	Ditto
Section 450	House-trespass in order to commit an offence punishable with imprisonment for life	1 year	Ditto
Section 451	House-trespass in order to commit an offence punishable with imprisonment	1 year	Ditto
Section 452	House-trespass after preparation made for causing hurt, etc.	1 year	Ditto
Section 453	Punishment for lurking house-trespass or house-breaking	1 year	Ditto
Section 454	Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment	1 year	Ditto
Section 455	Lurking house-trespass or house-breaking after preparation made for causing hurt, etc.	1 year	Ditto
Section 456	Lurking house-trespass by night or house-breaking by night	1 year	Ditto

FIRST SCHEDULE — *continued*

<i>Offences</i>	<i>Description*</i>	<i>Minimum sentence</i>	<i>Relevant Antecedent</i>
Section 457	Lurking or house-trespass by night or house-breaking by night in order to commit an offence punishable with imprisonment	1 year	Ditto
Section 458	Lurking house-trespass by night or house-breaking by night after preparation made for causing hurt, etc.	1 year	Ditto
Section 459	Grievous hurt caused while committing lurking house-trespass or house-breaking	1 year	Ditto
Section 460	Lurking house-trespass by night or house-breaking by night when death or grievous hurt is caused	1 year	Ditto
Section 461	Dishonestly breaking open any closed receptacle containing or supposed to contain property	1 year	Ditto
Section 462	Punishment for same offence when committed by person entrusted with custody	1 year	Ditto

*Note:*

In this Schedule, a drug-related antecedent means a conviction and sentence of imprisonment (excluding a default sentence), corrective training, preventive detention or reformatory training under —

- (a) section 5, 6, 7, 8, 9, 10, 10A(1), 11, 11A(1), 12, 12A, 13, 14, 30(1), 31(2), 31A(2) or 40B(4)(a) of the Misuse of Drugs Act (Cap. 185);
- (b) regulation 10(4), 12(5) or 15(6) of the Misuse of Drugs (Approved Institutions and Treatment and Rehabilitation) Regulations (Rg 3); or
- (c) regulation 12(1), (2) or (3) of the Misuse of Drugs (Controlled Equipment, Material and Substances) Regulations (Rg 7).

\**Note:* The short description of offences in this Schedule is for ease of reference only.

[Act 1 of 2014 wef 01/07/2014]

## SECOND SCHEDULE

Section 53(1)(b)

DISQUALIFICATION FROM BEING RELEASED  
ON HOME DETENTION

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

- (1) has, in respect of the same sentence of imprisonment, previously been released for home detention under section 52 and the order for his release under that section has expired or has been revoked;
- (2) is serving a sentence of imprisonment for life;
- (3) has been convicted of a capital offence and whose death penalty has been commuted to a sentence of imprisonment for life;
- (4) [*Deleted by Act 15/2010 wef 02/01/2011*]
- (5) is liable to be removed from Singapore on completion of his sentence of imprisonment;
- (6) is convicted of an offence under section 5 of the Misuse of Drugs Act (Cap. 185);
- (7) is convicted of an offence punishable under any of the following provisions of the Penal Code (Cap. 224):

*Offences included with effect from 17th April 2000*

- (a) section 147 (Rioting);
- (b) section 148 (Rioting, armed with a deadly weapon);
- (c) section 304 (Culpable homicide not amounting to murder);
- (d) section 307 (Attempt to murder);
- (e) section 325 (Voluntarily causing grievous hurt);
- (f) section 326 (Voluntarily causing grievous hurt by dangerous weapons or means);
- (g) section 354 (Outraging modesty);
- (h) section 354A (Outraging modesty in certain circumstances);
- (i) section 363 (Kidnapping);
- (j) section 364 (Kidnapping or abducting in order to murder);
- (k) section 376 (Rape);

SECOND SCHEDULE — *continued*

- (l) section 376B (Incest committed by men);
  - (m) section 376C (Incest committed by women);
  - (n) section 377 (Unnatural offences);
  - (o) section 395 (Gang-robbery);
  - (p) section 400 (Belonging to gang-robbers); or
- Offences included with effect from 1st February 2008*
- (q) section 130E (Genocide)
  - (r) section 363A (Abduction)
  - (s) section 364A (Kidnapping or abducting in order to compel the Government, etc.)
  - (t) section 375 (Rape)
  - (u) section 376 (Sexual assault by penetration)
  - (v) section 376A (Sexual penetration of minor under 16)
  - (w) section 376F (Procurement of sexual activity with person with mental disability)
  - (x) section 376G (Incest)
  - (y) section 377(4) (Causing another person to sexually penetrate a corpse)
  - (z) section 377B(4) (Causing another person to sexually penetrate a living animal or be sexually penetrated by a living animal)

*[S 34/2008 wef 01/02/2008]*

(8) is convicted of an offence under section 224 of the Penal Code (Cap. 224) for escaping or attempting to escape from any custody in which he is lawfully detained for an offence of which he has been charged or convicted.

(9) is convicted of an offence under section 14, 28 or 28B of the Moneylenders Act 2008 (Act 31 of 2008); or

*[S 74/2010 wef 11/02/2010]*

(10) is convicted of an offence under section 3 of the Hostage-Taking Act 2010 (Act 19 of 2010).

*[S 672/2010 wef 21/11/2010]*

*[Act 1 of 2014 wef 01/07/2014]*



## LEGISLATIVE HISTORY

### PRISONS ACT (CHAPTER 247)

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

#### **1. Ordinance 17 of 1933 — Prisons Ordinance 1933**

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

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

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

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

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

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

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

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

(Consequential amendments made by)

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

Date of Second and Third Readings : 21 March 1950

Date of commencement : 18 July 1950

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

(Consequential amendments made by)

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

Date of Second and Third Readings : 14 October 1952

Date of commencement : 30 April 1955

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

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

Date of Second and Third Readings : 5 December 1956

Date of commencement : 1 July 1957

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

(Consequential amendments made by)

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

Date of Second Reading : 13 August 1958

Date of Third Reading : 10 September 1958

Date of commencement : 25 September 1958

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

(Consequential amendments made by)

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

Date of Second and Third Readings : 11 November 1959

Date of commencement : 20 November 1959

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

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

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

- Date of operation : 1 April 1971

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

(Consequential amendments made by)

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

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

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

**14. 1985 Revised Edition — Prisons Act**

- Date of operation : 30 March 1987

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

(Consequential amendments made by)

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

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

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

Date of Second and Third Readings : 21 February 2000

Date of commencement : 17 April 2000

**17. 2000 Revised Edition — Prisons Act**

Date of operation : 30 December 2000

**18. Act 26 of 2001 — Statutes (Miscellaneous Amendments and Repeal) Act 2001**

Date of First Reading : 11 July 2001  
(Bill No. 24/2001 published on  
12 July 2001)

Date of Second and Third Readings : 25 July 2001

Date of commencement : 1 September 2001  
(section 14 — Amendment of  
Prisons Act)

**19. Act 9 of 2003 — Statutes (Miscellaneous Amendments) Act 2003**

Date of First Reading : 20 March 2003  
(Bill No. 7/2003 published on  
21 March 2003)

Date of Second and Third Readings : 24 April 2003

Date of commencement : 16 May 2003

**20. Act 33 of 2004 — Prisons (Amendment) Act 2004**

Date of First Reading : 20 July 2004  
(Bill No. 31/2004 published on  
21 July 2004)

Date of Second and Third Readings : 1 September 2004

Date of commencement : 4 October 2004

**21. Act 3 of 2005 — CISCO (Dissolution) Act 2005**

Date of First Reading : 19 October 2004  
(Bill No. 52/2004 published on  
20 October 2004)

Date of Second and Third Readings : 25 January 2005

- Date of commencement : 10 June 2005  
(Part IV)
- 22. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**
- Date of First Reading : 17 October 2005  
(Bill No. 30/2005 published on  
18 October 2005)
- Date of Second and Third Readings : 21 November 2005
- Date of commencement : 1 January 2006
- 23. G. N. No. S 34/2008 — Prisons Act (Amendment of Schedule) Order 2008**
- Date of commencement : 1 February 2008
- 24. Act 30 of 2008 — Statutes (Miscellaneous Amendments) (No. 2) Act 2008**
- Date of First Reading : 15 September 2008  
(Bill No. 27/2008 published on  
16 September 2008)
- Date of Second and Third Readings : 17 November 2008
- Date of commencement : 17 December 2008
- 25. G. N. No. S 74/2010 — Prisons Act (Amendment of Schedule) Order 2010**
- Date of commencement : 11 February 2010
- 26. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008**  
(Consequential amendments made to Act by)
- Date of First Reading : 21 July 2008  
(Bill No. 11/2008 published on  
22 July 2008)
- Date of Second and Third Readings : 15 September 2008
- Date of commencement : 1 March 2010
- 27. G. N. No. S 672/2010 — Prisons Act (Amendment of Schedule) (No. 2) Order 2010**
- Date of commencement : 21 November 2010
- 28. Act 14 of 2010 — Coroners Act 2010**
- Date of First Reading : 26 April 2010  
(Bill No. 10/2010 published on  
26 April 2010)
- Date of Second and Third Readings : 19 May 2010
- Date of commencement : 2 January 2011

**29. Act 15 of 2010 — Criminal Procedure Code 2010**

Date of First Reading : 26 April 2010  
(Bill No. 11/2010 published on  
26 April 2010)

Date of Second and Third Readings : 19 May 2010

Date of commencement : 2 January 2011

**30. Act 1 of 2014 — Prisons (Amendment) Act 2014**

Date of First Reading : 11 November 2013  
(Bill No. 22/2013 published on  
11 November 2013)

Date of Second and Third Readings : 21 January 2014

Date of commencement : 1 July 2014

**31. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016**

Date of First Reading : 14 April 2016 (Bill No. 15/2016  
published on 14 April 2016)

Date of Second and Third Readings : 9 May 2016

Date of commencement : 10 June 2016

**32. Act 53 of 2018 — Civil Defence and Other Matters Act 2018**

Date of First Reading : 1 October 2018 (Bill No.  
44/2018 published on 1 October  
2018)

Date of Second and Third Readings : 20 November 2018

Date of commencement : 13 May 2019

**COMPARATIVE TABLE**  
**PRISONS ACT**  
**(CHAPTER 247)**

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

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

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

<b>2000 Ed</b>	<b>1985 Ed.</b>
<b>24</b>	<b>12</b>
<b>25</b>	<b>13</b>
<b>26</b>	<b>14</b>
—	<b>15</b> <i>(Repealed by Act 8/2000)</i>
—	<b>16</b> <i>(Repealed by Act 8/2000)</i>
<b>27</b>	<b>17</b>
<b>28</b>	<b>18</b>
<b>29</b>	<b>19</b>
<b>30</b>	<b>20</b>
<b>31—(1) to (5)</b>	<b>21—(1) to (5)</b>
(6)	(5A)
(7)	(6)
(8)	(7)
<b>32</b>	<b>22</b>
<b>PART V</b>	<b>PART IV</b>
<b>33</b>	<b>23</b>
<b>34</b>	<b>23A</b>
<b>35</b>	<b>24</b>
<b>36—(1) and (2)</b>	<b>25</b>
<b>37—(1) and (2)</b>	<b>26</b>
<b>38—(1), (2) and (3)</b>	<b>27—(1)</b>
(4)	(2)
<b>39</b>	<b>28</b>
<b>40</b>	<b>28A</b>
<b>41</b>	<b>29</b>
<b>42—(1) and (2)</b>	<b>30—(1)</b>
(3) and (4)	(2)
<b>43</b>	<b>31</b>



<b>2000 Ed</b>	<b>1985 Ed.</b>
<b>44</b> —(1) and (2)	<b>32</b> —(1)
(3)	(2)
(4)	Proviso to (2)
(5)	(3)
<b>45</b>	<b>33</b>
<b>46</b> —(1) and (2)	<b>34</b>
<b>47</b>	<b>35</b>
<b>48</b> —(1), (2) and (3)	<b>36</b>
<b>49</b> —(1) and (2)	<b>37</b>
<b>50</b>	<b>38</b>
PART VI	PART IVA
<b>51</b>	<b>38A</b>
<b>52</b>	<b>38B</b>
<b>53</b>	<b>38C</b>
<b>54</b>	<b>38D</b>
<b>55</b>	<b>38E</b>
<b>56</b>	<b>38F</b>
<b>57</b>	<b>38G</b>
<b>58</b>	<b>38H</b>
<b>59</b>	<b>38I</b>
PART VII	PART V
<b>60</b>	<b>39</b>
<b>61</b>	<b>40</b>
<b>62</b> —(1) and (2)	<b>41</b> —(1)
(3)	(2)
<b>63</b>	<b>42</b>
—	<b>43</b> ( <i>Repealed by Act 8/2000</i> )
—	<b>44</b> ( <i>Repealed by Act 8/2000</i> )

<b>2000 Ed</b>	<b>1985 Ed.</b>
—	<b>45</b> ( <i>Repealed by Act 8/2000</i> )
—	<b>46</b> ( <i>Repealed by Act 8/2000</i> )
<b>64</b>	<b>47</b>
<b>65</b> —(1) and (2)	<b>48</b>
<b>66</b> —(1), (2) and (3)	<b>49</b>
<b>67</b>	<b>50</b>
<b>68</b>	<b>51</b>
<b>69</b>	<b>52</b>
<b>70</b>	<b>53</b>
<b>71</b> —(1)	<b>54</b> —(1)
(2)	(1A)
(3)	(1B)
(4)	(1C)
(5)	(1D)
(6)	(2)
<b>72</b> —(1) to (47)	<b>55</b> —(1) to (47)
(48) and (49)	(47A) and (48)
<b>73</b> —(1) to (8)	<b>56</b> —(1) to (8)
(9)	(8A)
(10)	(8B)
(11)	(9)
(12)	(10)
<b>74</b>	<b>57</b>
<b>75</b>	<b>58</b>
<b>76</b> —(1) and (2)	<b>59</b>
<b>77</b>	<b>60</b>
<b>78</b>	<b>61</b>
<b>79</b> —(1)	<b>62</b> —(1)

<b>2000 Ed</b>	<b>1985 Ed.</b>
(2)	(1A)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
<b>80</b>	<b>63—(1)</b>
—	(2) <i>(Deleted by Act 8/2000)</i>
<b>81—(1)</b>	<b>64—(1)</b>
(2) and (3)	(2)
(4)	(3)
<b>84—(1) and (2)</b>	<b>65—(1) and (2)</b>
(3) and (4)	(3)
<b>83</b>	<b>66</b>
<b>82</b>	<b>67</b>