



THE STATUTES OF THE REPUBLIC OF SINGAPORE

POLICE FORCE ACT

(CHAPTER 235)

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Police Force Act

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An Act relating to the Singapore Police Force and to provide for its organisation and discipline and other related matters.

[12th October 2004]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Police Force Act.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —
 - “arms” includes firearm;
 - “arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;
 - “Auxiliary Police Force” means any force created under Part IX;
 - “Auxiliary Police Forces Regulations” means regulations made under section 104;
 - “auxiliary police officer” means a person appointed as such under Part IX;
 - “commanding officer” means any police officer not below the rank of Deputy Assistant Commissioner of Police, the Commander, Training Command or any police officer lawfully acting in any of these appointments;
 - “Commissioner” means the Commissioner of Police appointed under section 6(1);
 - “committee of inquiry” means a committee of inquiry established under Part IV;

“constable” means a police officer below the rank of lance corporal;

“Deputy Commissioner” means the Deputy Commissioner of Police;

“detention barrack” means any building or part thereof set aside by the Commissioner for the purpose of persons serving any sentence of detention under this Act;

“disciplinary offence” means a service offence specified in the Schedule;

“disciplinary officer” means —

(a) in relation to a police officer, a commanding officer or any other officer authorised by a commanding officer to conduct disciplinary proceedings under Part III in relation to disciplinary offences committed by police officers below the rank of inspector; and

(b) in relation to a special police officer, the relevant disciplinary officer specified in section 81(1) or 82(1), as the case may be;

“inspector” means an inspector of police of whatever grade from and including a chief inspector down to and including a probationary inspector;

“national serviceman” means a person who has been directed to present himself for enlistment in the Police Force under the provisions of any written law for the time being in force relating to national service or enlistment;

“Police Force” means the Singapore Police Force established under the repealed Act and continued by this Act;

“police officer” means any member of the Police Force and includes a temporary constable;

“Police Regulations” means regulations made under section 117;

“Public Service Commission” means the Public Service Commission established under the Constitution;

“repealed Act” means the Police Force Act (Cap. 235, 1985 Ed.) repealed by this Act;

“security activity” includes any one or more of the following activities:

- (a) using or bearing arms while acting as a bodyguard or crowd controller;
- (b) using or bearing arms while patrolling, protecting, watching or guarding any property (including cash in transit);
- (c) such activity, or class of activities, that requires the use or bearing of arms and is connected with security or the protection of persons or property as is prescribed in the Auxiliary Police Forces Regulations;
- (d) employing or providing persons to carry on any activity referred to in paragraph (a), (b) or (c);

“senior police officer” means a police officer of all ranks from and including the Commissioner down to and including an inspector;

“service offence” means —

- (a) in relation to a police officer, an offence punishable under Part III; and
- (b) in relation to a special police officer, an offence punishable under Part VIII;

“share” includes stock except where a distinction between stock and share is expressed or implied;

“Special Constabulary Regulations” means regulations made under section 85;

“special police officer” means a member of the Special Constabulary constituted under Part VIII;

“substantial shareholder” has the meaning prescribed in the Auxiliary Police Forces Regulations;

“voting share” has the same meaning as in section 4(1) of the Companies Act (Cap. 50).

(2) In this Act and any regulations made thereunder, unless the context otherwise requires, any reference to any rank of police officer or special police officer shall include a reference to a police officer or special police officer appointed to that rank on a probationary basis.

PART II

CONSTITUTION AND ADMINISTRATION OF POLICE FORCE

Constitution of Police Force

3.—(1) As from 12th October 2004, the Singapore Police Force established and maintained under the repealed Act shall continue and be deemed to be established and maintained under this Act.

(2) The Police Force shall consist of such number of —

(a) senior police officers; and

(b) other police officers below the rank of inspector,

as are from time to time approved by the Minister.

(3) The Police Force shall also be known as the Polis Republik Singapura.

Functions and duties of Police Force

4.—(1) Subject to this Act, the Police Force shall have the following functions throughout Singapore:

(a) to maintain law and order;

(b) to preserve public peace;

(c) to prevent and detect crimes;

(d) to apprehend offenders; and

(e) to exercise any other function conferred on it by or under this Act or any other written law.

(2) The duties of the Police Force shall be to take lawful measures for —

- (a) preserving the public peace;
- (b) preventing and detecting crimes and offences;
- (c) apprehending all persons whom police officers are legally authorised to apprehend;
- (d) regulating processions and assemblies in public roads, public places or places of public resort;
- (e) regulating the traffic upon public thoroughfares, and removing obstructions therefrom;
- (f) preserving order in public places and places of public resort, at public meetings and in assemblies for public amusements, for which purpose any police officer on duty shall have free admission to all such places and meetings and assemblies while open to any member of the public;
- (g) assisting in carrying out the revenue, excise, sanitary, conservancy, quarantine and immigration laws;
- (h) assisting in preserving order in any port, harbour, train station and airport in Singapore;
- (i) executing summonses, subpoenas, warrants, commitments and other process issued by courts and Justices of the Peace;
- (j) disseminating information to and advising the public and conducting prosecutions;
- (k) protecting unclaimed and lost property, and finding the owners thereof;
- (l) assisting in the protection of life and property at fires;
- (m) protecting persons from injury or death, and public property from damage or loss, whether arising from criminal acts or in any other way;
- (n) attending the criminal courts and, if specially ordered, the civil courts, and keeping order therein;
- (o) escorting and guarding prisoners (including those in remand); and

- (p) executing such other duties as may by any written law be imposed on a police officer.

Administration of Police Force by Commissioner

5. The Commissioner shall be responsible to the Minister for the supreme command, direction and administration of the Police Force, and of all persons appointed or engaged for police duties under the provisions of this Act.

Appointment of Commissioner

6.—(1) Subject to subsection (2), the President may, on the advice of the Cabinet, appoint a public officer to be the Commissioner of Police.

(2) The President may refuse to make an appointment, or to revoke the appointment, of the Commissioner if the President, acting in his discretion, does not concur with the advice or recommendation of the Cabinet.

Appointment, etc., of other police officers

7.—(1) Subject to the provisions of the Constitution, a senior police officer shall be appointed, promoted and confirmed by the Public Service Commission or the relevant Personnel Board established under the Constitution, as the case may be.

(2) A police officer below the rank of inspector shall —

(a) be appointed by the Commissioner or a commanding officer; and

(b) be promoted or advanced in grade by the Commissioner.

Warrant card

8. A warrant card shall be issued to every police officer and shall be evidence of his appointment under this Act.

Engagement of police officers

9.—(1) A senior police officer shall be engaged to serve in the Police Force for such period and on such conditions of service as may

be regulated by law and, subject to the provisions of any such law, by the President.

(2) A police officer below the rank of inspector shall be engaged to serve in the Police Force for such period and on such conditions as may be prescribed by the Police Regulations.

(3) Every engagement under subsection (2) shall —

(a) be in writing signed by the person engaged; and

(b) be signed by a commanding officer or other officer authorised thereto under the Police Regulations.

(4) Notwithstanding anything in any other law, every person who is at least 18 years of age shall be deemed competent to enter into an engagement under subsection (1) or (2).

Re-engagements of police officers below inspector

10.—(1) Every police officer below the rank of inspector who has completed the period of service for which he was engaged may offer himself for re-engagement for a further period and, if approved, may be re-engaged on such terms and conditions as may be prescribed by the Police Regulations.

(2) Every such re-engagement shall be evidenced in writing signed by the person re-engaged and by a commanding officer or other officer authorised thereto under the Police Regulations.

Continuance of service

11.—(1) Every police officer below the rank of inspector who continues in the Police Force after the completion of the period of service for which he was originally engaged shall, unless he re-engages for a further period in accordance with section 10, be deemed to be under engagement to serve from month to month.

(2) Every engagement from month to month under subsection (1) after the first month's service shall start on the first and be determinable on the last day of each successive month.

(3) No police officer who is deemed to be under an engagement from month to month under subsection (1) shall resign from the

Police Force unless he has given in the prescribed manner not less than one month's notice in writing to the Commissioner or the commanding officer under whom he is serving, as the case may be.

Resignation during term of engagement

12. A police officer may resign from the Police Force in such manner as may be specified in his terms of engagement.

Temporary constables

13.—(1) The Commissioner may without written engagement appoint persons to serve as temporary constables.

(2) A temporary constable shall be deemed to be under engagement to serve from month to month, with every such engagement being held to commence on the first and to be determinable on the last day of each successive month.

(3) A temporary constable may be discharged at any time after one month's notice in writing by the Commissioner or a commanding officer.

(4) No temporary constable shall resign from the Police Force unless he has given not less than one month's notice in writing to the Commissioner or the commanding officer under whom he is serving, as the case may be.

(5) The notice in writing shall be given on or before the first day of the month at the end of which such officer intends to resign.

(6) A temporary constable shall have and may exercise all the powers and privileges of, and shall be subject to the same authority and discipline as, a constable.

Discharge of police officers below inspector

14.—(1) The Commissioner or a commanding officer may discharge any police officer below the rank of inspector who has less than 10 years' service, whether such officer is serving on agreement or is under engagement to serve from month to month.

(2) The Commissioner may, at any time, discharge a police officer below the rank of inspector with at least 10 years' service if, in the

opinion of the Commissioner, it is desirable in the public interest to do so.

(3) Where a police officer has been discharged under this section, the Pensions Act (Cap. 225) or the Home Affairs Uniformed Services Superannuation Act (Cap. 126B), as the case may be, shall apply to the officer so far as any of its provisions or subsidiary legislation thereunder relate to the grant of any pension, gratuity, benefit or other allowance under that Act.

(4) Nothing in this section shall be deemed to affect or prejudice any power of dismissal from the Police Force conferred by or under this Act.

Delivery of Government property on leaving Police Force

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

(2) Any person neglecting so to deliver up such article or property in accordance with subsection (1) shall be guilty of an offence and shall —

- (a) be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months; and
- (b) be liable to pay to the Government the value of the article or property not delivered up.

(3) The value of any article or property not delivered up in accordance with subsection (1) shall —

- (a) be ascertained in a summary manner by the same court by which the person was convicted; and
- (b) be recoverable as a fine.

Police officer not to be member of trade union, etc.

16.—(1) It shall not be lawful for any police officer to be a member of —

- (a) any trade union or any body or association affiliated to a trade union;
- (b) any body or association the objects of which are or include controlling or influencing the pay, pensions or conditions of service of any police officer; or
- (c) any body or association with political objects.

(2) Any police officer who contravenes subsection (1) shall be guilty of an offence.

(3) If any question arises as to whether any body is a trade union or other body or association to which subsection (1) applies, the question shall be determined by the Minister on the advice of the Commissioner.

(4) For the purpose of enabling police officers to consider and bring to the notice of the Government matters affecting their welfare and efficiency, including pay, pensions, welfare and conditions of service (other than matters of discipline and promotion affecting individuals), the Commissioner may establish one or more associations composed only of police officers.

(5) Any association established under subsection (4) and any branch thereof shall —

- (a) operate and be administered in accordance with the Police Regulations; and
- (b) be entirely independent of any trade union or other association outside the Police Force.

(6) Any association established under subsection (4) shall —

- (a) be deemed not to be a trade union within the meaning of the Trade Unions Act (Cap. 333); and
- (b) be exempt from the provisions of the Societies Act (Cap. 311).

Delegation of powers

17.—(1) Except as otherwise specially provided in section 18, any act or thing which may be done, ordered or performed by the Commissioner under this Act or any other written law may, subject to the orders and directions of the Commissioner, be done, ordered or performed by a police officer not below the rank of superintendent.

(2) Except as otherwise specially provided in section 18 or any other written law, where the Deputy Commissioner is absent or incapable for any reason of performing or discharging any of his duties under any written law, the Commissioner may authorise any police officer not below the rank of assistant superintendent to exercise the powers conferred and perform the duties imposed on the Deputy Commissioner by any written law.

Power of Minister to substitute another officer for Commissioner or Deputy Commissioner

18.—(1) Whenever by any written law power is given to the Commissioner or the Deputy Commissioner to grant licences for any purpose, the Minister may, by notification in the *Gazette*, appoint by name or office —

- (a) a police officer not below the rank of superintendent or assistant superintendent in the case of permits under the Public Order Act 2009; or

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- (b) any person (whether or not a police officer) in any other case,

to grant such licences in the place of or in addition to the Commissioner or the Deputy Commissioner, as the case may be.

(2) Any licence granted by any person appointed under subsection (1) shall be as valid and effectual for all purposes as if the licence had been granted by the Commissioner or the Deputy Commissioner.

- (3) In this section —

“licence” includes a pass and a permit;

“grant”, when used with reference to a licence, includes issue or give.

PART III

DUTIES AND DISCIPLINE OF POLICE OFFICERS

Division 1 — Duties of police officers

Oath of office

19. Every police officer shall, before entering on the duties of his office, take an oath of office and oath of allegiance prescribed by the Oaths and Declarations Act (Cap. 211) in such manner as may be prescribed in the Police Regulations.

Liability of police officers to serve

20. All police officers shall be bound to serve in any part of Singapore or on board any vessel or aircraft in the service of the Government, or to proceed to and serve outside Singapore as provided in Part V.

Police officers to obey lawful orders

21.—(1) Every police officer shall —

- (a) obey all lawful orders, whether given verbally or in writing; and
- (b) obey and conform to the Police Regulations, the Police General Orders, any Force Orders and any Standing Orders made under this Act.

(2) In particular, a police officer is required —

- (a) to serve wherever he is lawfully ordered; and
- (b) to perform such police duties as may be lawfully ordered.

(3) All powers granted to and duties imposed by any written law on any police officer shall be exercised or performed in accordance with the Police Regulations, the Police General Orders, any Force Orders and any Standing Orders made under this Act.

Police officer to be armed

22. Every police officer shall be provided with such arms, ammunition and other accoutrements as may be necessary for the effectual discharge of his duties.

Police officer to be deemed on duty

23. Every police officer shall, for the purposes of this Act, be deemed to be always on duty when required to act as such and shall perform the duties and exercise the powers granted to him under this Act or any other written law at any time and every place where he may be doing duty.

Police officer not exempted from ordinary process of law

24.—(1) Nothing in this Act shall be deemed to prevent the prosecution, conviction and punishment of any police officer according to the provisions of any other written law for the time being in force in Singapore.

(2) No person who has been acquitted by a court of any offence shall be tried on the same charge under this Act.

(3) A sentence upon a police officer shall not be affected by such person ceasing to be a police officer by discharge or otherwise.

(4) No pay shall accrue to any police officer in respect of any period during which he is undergoing any sentence of imprisonment.

Non-liability for act done under authority of warrant

25.—(1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by any competent authority, the court shall, upon production of the warrant containing the signature of such authority and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such police officer.

(2) No proof of the signature of such authority shall be required unless the court has reason to doubt the genuineness thereof.

(3) Where it is proved that the signature on a warrant card is not genuine, judgment shall nevertheless be given in favour of such police officer if it is proved that, at the time when the act complained of was committed, the police officer believed on reasonable grounds that such signature was genuine.

Road barriers

26.—(1) Notwithstanding any other law in force in Singapore, any police officer may, if he considers it necessary to do so for the maintenance and preservation of law and order or for the prevention or detection of crime —

- (a) erect or place barriers in or across any public road or street or in any public place in such manner as he may think fit; and
- (b) take all reasonable steps to prevent any vehicle being driven or ridden past any such barrier.

(2) Any driver or rider of any vehicle who fails to comply with the signal of a police officer requiring such person to stop the vehicle before reaching any barrier erected or placed under subsection (1) 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.

(3) Any police officer may, without warrant, arrest —

- (a) any driver or rider of any vehicle who fails to comply with the signal of a police officer requiring such person to stop the vehicle before reaching any barrier erected or placed under subsection (1); or
- (b) any driver or rider of any vehicle referred to in paragraph (a) —
 - (i) who refuses to give his name and a place of address within Singapore when required by the police officer; or
 - (ii) whom the police officer has reason to believe has furnished any false or misleading information about the driver's or rider's name or address in Singapore.

(4) No police officer shall be liable for any loss or damage to any vehicle, or for any injury to the driver or rider or any other occupant of the vehicle, as a result of the driver or rider of the vehicle failing to obey any police officer acting under this section.

Employment of police officers for private purposes

27.—(1) Any person may apply to the Commissioner, in such form and manner as may be prescribed, to employ police officers for —

- (a) the purpose of guarding the applicant or any other person or any property; or
- (b) any other reason acceptable to the Commissioner.

(2) The Commissioner may grant an application made under subsection (1) subject to such conditions as he thinks fit, including but not limited to the following:

- (a) the applicant shall pay for the services of the police officers such amount or at such rate as may be prescribed, and if no such amount or rate is so prescribed, such amount or rate as the Commissioner thinks fit; and
- (b) the number of police officers to be placed at the disposal of the applicant for such service, and the conditions of service.

(3) The Government shall not be liable for any loss or damage to property, whether owned by the applicant or by any other person, consequent on the employment of police officers as provided in this section.

Division 2 — Discipline of police officers

Discipline of police officers

28.—(1) A senior police officer may be interdicted, dismissed or otherwise disciplined by or under the authority of the Public Service Commission.

(2) A police officer below the rank of inspector may be interdicted, dismissed or otherwise disciplined by or under the authority of this Act.

Interdiction

29.—(1) A police officer below the rank of inspector may be interdicted or suspended from the performance of duty by the Commissioner where —

- (a) the Commissioner considers that the public interest requires that the police officer concerned cease to exercise the powers or perform the duties of a police officer; and
- (b) any criminal proceedings, or any disciplinary proceedings under this Part that may lead to dismissal or reduction in rank, are contemplated against the police officer.

(2) Where a police officer has been interdicted under subsection (1), the Commissioner may order that the whole or such part of the police officer's salary to be withheld during the period of interdiction.

(3) If the disciplinary proceedings under this Act against a police officer who is interdicted under subsection (1) do not result in his dismissal, the police officer shall be entitled to receive —

- (a) such proportion of the salary or the part thereof withheld during the period of interdiction as the Commissioner may determine, if the police officer is reduced in rank or otherwise disciplined; or
- (b) the full amount of the salary or the part thereof withheld during the period of interdiction, if the police officer is acquitted.

Police officer not to resign when disciplinary proceedings are pending

30. Notwithstanding any other provision of this Act, no police officer below the rank of inspector shall, without the written permission of the Commissioner, resign from the Police Force during the period —

- (a) when any disciplinary proceedings or any prosecution for a service offence instituted against him is pending;

- (b) after notice of intention to prefer disciplinary charges or to prosecute him for a service offence is given to the police officer; or
- (c) where he has appealed against any finding of guilt, punishment, conviction or sentence, when the appeal is not withdrawn but pending.

Disciplinary proceedings

31.—(1) Every allegation against any police officer below the rank of inspector that he has committed a disciplinary offence shall be reported in the form of a charge to a disciplinary officer.

(2) A disciplinary officer may, when dealing with a charge brought before him under subsection (1), dismiss the charge if and only if he is satisfied that —

- (a) the charge is groundless and ought not to be proceeded with; or

- (b) there are special circumstances which justify its dismissal, and the disciplinary officer shall record his reasons for the dismissal.

(3) A disciplinary officer shall not be bound by the law of evidence when dealing with a charge brought before him under subsection (1) and, subject to the Police Regulations, shall act in such manner as seems to him most expedient for the disposal of the case before him.

Commissioner may refer case to Public Service Commission for determination

32.—(1) Notwithstanding section 31, the Commissioner may, if he thinks fit, refer any case where disciplinary proceedings for a disciplinary offence are to be taken under this Part against a police officer below the rank of inspector to the Public Service Commission for the case to be dealt with by the Public Service Commission in accordance with the regulations governing disciplinary proceedings in the public service.

(2) Where any case has been referred to the Public Service Commission under subsection (1), the Commission may —

- (a) order that the police officer below the rank of inspector concerned be dismissed;
- (b) order that he be retired from the Police Force; or
- (c) punish him in accordance with section 40(2), (3), (4) or (5), as the case may be.

(3) Where any case has been referred to the Public Service Commission under subsection (1), any reference in this Act to a disciplinary officer shall include a reference to the Public Service Commission.

Power to secure attendance of witnesses

33.—(1) A police officer who is —

- (a) authorised to conduct an investigation into; or
- (b) a disciplinary officer authorised to conduct disciplinary proceedings for,

any alleged service offence committed by another police officer or a special police officer, may apply to a Magistrate for a summons to secure the attendance before the police officer, as a witness, of any person who appears to be acquainted with the circumstances of the case.

(2) Subject to subsection (3), a Magistrate may issue a summons accordingly and such witness shall —

- (a) be bound to attend at the time and place mentioned in the summons;
- (b) be bound to answer truly all questions relating to such case as may be put to him by the police officer referred to in subsection (1); and
- (c) produce all documents relevant to such case.

(3) Nothing in this section shall be construed to compel any person to disclose any matter or produce any document which would have been protected from disclosure or production, as the case may be, on the ground of privilege if the proceedings had been held in any court.

*Division 3 — Service offences***Desertion**

34.—(1) Any police officer who deserts shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and to imprisonment for a term not exceeding 10 years, and all arrears of pay due to him shall be forfeited.

(2) For the purposes of this section, a person deserts if he, being on duty, or having been notified to report for duty, without leave does not attend at or leaves his place of duty in circumstances which show that he has the intention to remain permanently absent without leave or of not returning to his duty.

(3) Any police officer may arrest without warrant any person where he believes or suspects, on reasonable grounds, that the person is committing or has committed a service offence under subsection (1).

Connivance at desertion

35. Any person who —

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

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to imprisonment for a term not exceeding 2 years or to any other punishment authorised by this Act.

Absence without leave

36.—(1) Any police officer who is absent without leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both, and to any other punishment authorised by this Act, and all arrears of pay due to him shall be forfeited.

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

(3) It shall be a defence for any person charged with an offence under this section to prove that his absence was a result of circumstances over which he had no control.

(4) Any police officer may arrest without warrant any person where he believes or suspects, on reasonable grounds, that the person is committing or has committed a service offence under subsection (1).

Threatening or insulting another officer of senior or equal rank

37. Any police officer who threatens or insults another police officer of senior or equal rank when —

- (a) such other officer is on duty; or
- (b) such threat or insult relates to or is consequent on 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 \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Attempt to commit service offence

38.—(1) Any person who, with intent to commit any service offence, by act or omission behaves in a manner that is, or that he believes to be, a substantial step towards the commission of the service offence shall be deemed, for the purpose of this section, to have attempted to commit the service offence.

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

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

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

Aiding, etc., commission of service offence

39. Any person who intentionally or recklessly —

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

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

Disciplinary offences

40.—(1) The service offences specified in the Schedule are disciplinary offences.

(2) Subject to subsections (3), (4) and (5), where after having been given a reasonable opportunity to be heard in accordance with this Act and the Police Regulations, a police officer below the rank of inspector is found guilty of a disciplinary offence by a disciplinary officer who is a commanding officer, the disciplinary officer may order that such police officer be subject to any one of the following punishments:

- (a) dismissal or compulsory retirement from the Police Force;
- (b) reduction in rank, grade or seniority;
- (c) deferment or stoppage of increment;
- (d) stoppage of leave;
- (e) restriction of privileges;
- (f) extra duty;

(g) reprimand;

(h) caution.

(3) Subject to subsections (4) and (5), where a disciplinary officer, being an officer authorised by a commanding officer to conduct disciplinary proceedings, finds any police officer below the rank of inspector guilty of any disciplinary offence, the disciplinary officer may impose on the police officer concerned any one of the punishments specified in subsection (2)(b) to (h).

(4) A disciplinary officer may, in lieu of or in addition to any punishment specified in subsection (2), order —

(a) the police officer concerned to pay a fine not exceeding \$200; or

(b) the forfeiture of not more than one month of the police officer's salary.

(5) In addition to any punishment specified in subsection (2), a disciplinary officer may make the following orders where he finds any police officer below the rank of inspector guilty of the following disciplinary offences:

(a) in the case of the disciplinary offence of absence without leave, an order of forfeiture of the police officer's salary in respect of the period of absence or such lesser period as the commanding officer may consider fit; or

(b) in the case of the disciplinary offence of wilful destruction or negligent loss of or injury to property belonging to the Government, an order for the police officer concerned to make good, either partially or wholly, the value of such property or the amount of such loss or damage.

(6) A police officer below the rank of inspector may appeal against any finding or punishment under this section to the Commissioner within 30 days from the date of such finding or punishment.

(7) In every case where an appeal has been made under subsection (6) against any punishment awarded, the punishment shall be suspended pending the determination of the appeal.

(8) The decision of the Commissioner on an appeal under subsection (6) shall be final.

(9) Where a police officer below the rank of inspector is ordered to be retired under subsection (2), his service shall, for the purposes of the Pensions Act (Cap. 225) or the Home Affairs Uniformed Services Superannuation Act (Cap. 126B), be deemed to have been terminated or retired in the public interest.

(10) The value or amount ordered to be made good by a police officer under subsection (5)(b) —

- (a) may be recovered by stoppage of his pay;
- (b) shall be recoverable as a debt due to the Government from that police officer; and
- (c) shall be payable to the Police Fund established under Part X.

Prosecutions for disciplinary offences

41.—(1) A police officer below the rank of inspector accused of any of the disciplinary offences may, instead of being dealt with under section 40, be prosecuted in court.

(2) A police officer referred to in subsection (1) shall, on conviction of a disciplinary offence for which no penalty is expressly provided for in this Act, be liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) No prosecution under this section shall be instituted without the consent of the Public Prosecutor.

[15/2010 wef 02/01/2011]

Reduction or dismissal after conviction

42.—(1) Any police officer below the rank of inspector who is convicted —

- (a) of any service offence under this Part; or
- (b) under the provisions of any other written law of an offence punishable with imprisonment,

may, unless the conviction is set aside on appeal, be reduced in rank or dismissed from the Police Force by the Commissioner.

(2) Where a police officer is dismissed following any conviction referred to in subsection (1), the Commissioner or a commanding officer may order the forfeiture of any arrears of pay due to him.

Reduction to constable before dismissal

43. Any police officer below the rank of inspector dismissed from the Police Force shall be reduced to the rank of constable before dismissal.

PART IV

COMMITTEES OF INQUIRY

Committee of inquiry

44.—(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 the Police Force or affecting any person subject to Part VIII or IX, the Minister or the person appointed by the Minister may convene a committee of inquiry.

(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.

(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.

Composition of committee of inquiry

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

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

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

(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).

Powers of committee of inquiry

46. 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.

Disobedience to summons an offence

47.—(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.

(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.

(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.

Refusal to give evidence an offence

48.—(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.

(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.

Giving false evidence an offence

49. 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.

Evidence and procedure of committee of inquiry

50. Except as otherwise provided in this Act, 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.

Admissibility of evidence

51. 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.

Proceedings not open to public

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

(2) No person shall be allowed —

(a) to attend the proceedings of a committee of inquiry; or

(b) to address a committee of inquiry,

except with the permission of the chairman or if the Minister so directs.

Persons who may be affected by findings

53.—(1) Where it appears to a committee of inquiry that the Commissioner, any police 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.

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

Record of proceedings

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

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

(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.

(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.

Offence to influence or attempt to influence committee of inquiry

55. 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.

PART V**SERVICE OUTSIDE SINGAPORE****Minister may send police officer outside Singapore**

56.—(1) Subject to subsections (3) and (7), the Minister may —

- (a) on a request in that behalf being made by, or with the consent of, a government of a territory outside Singapore;
- (b) in connection with the deployment of a United Nations force in a territory outside Singapore; or

- (c) in connection with any overseas operation in a territory outside Singapore pursuant to any arrangement with a government of a territory outside Singapore,

order such number of police officers or special police officers as to him seems expedient to proceed outside Singapore to carry out police duties in such territory.

(2) In making an order under subsection (1), the Minister shall specify the purposes for which the police officers or special police officers are to carry out police duties outside Singapore or in any territory outside Singapore.

(3) The Minister shall not make an order under subsection (1) unless he is satisfied that adequate provisions have been or will immediately be made in the territory outside Singapore for the proper carrying out of police duties by police officers and special police officers in that territory, which may include provisions —

- (a) that all police officers and special police officers serving in that territory under the provisions of this Part shall remain under the orders of their own commanding officers; or
- (b) that all police officers and special police officers serving in that territory under the provisions of this Part shall be conferred with the powers, duties and privileges of police officers in that territory.

(4) The Commissioner may issue directions of a routine nature for the deployment, command, control and information of police officers and special police officers ordered under subsection (1) to proceed outside Singapore to carry out police duties outside Singapore.

(5) No direction under subsection (4) shall be inconsistent with subsection (3).

(6) All police officers and special police officers ordered under subsection (1) to proceed outside Singapore for service shall comply with every direction issued under subsection (4).

(7) No special police officer shall be liable to serve or proceed on duty outside Singapore unless he first consents to such service.

(8) In this section, “overseas operation” includes any overseas operation involving peacekeeping, the maintenance or restoration of law and order or functioning of government institutions or similar activities (whether or not in conjunction with personnel from one or more other countries).

Police officers serving outside Singapore to remain subject to this Act

57. Subject to section 59, a police officer or special police officer who is —

- (a) temporarily attached to the forces of another territory, or otherwise serving outside Singapore, pursuant to any order made under section 56;
- (b) a member of a United Nations force; or
- (c) a member of any overseas operation referred to in section 56(1)(c),

shall not cease to be subject to this Act by reason only of his being so temporarily attached, or being such a member or outside Singapore.

Jurisdiction during overseas service

58.—(1) Section 59 shall apply to any act done or omitted outside Singapore by any police officer or special police officer while —

- (a) he is serving outside Singapore pursuant to any order made under section 56;
- (b) he is a member of a unit of the Police Force forming part of a United Nations force serving outside Singapore; or
- (c) he is a member of any overseas operation referred to in section 56(1)(c) and is outside Singapore.

(2) For the purposes of this section —

- (a) a person shall be deemed to start serving outside Singapore pursuant to an order made under section 56 from the time he leaves Singapore to undertake those duties until the time he returns to Singapore;

- (b) a unit of the Police Force shall be deemed to form part of a United Nations force from the time the unit leaves Singapore to undertake duties with the United Nations force until the time the unit returns to Singapore; and
- (c) a person shall be deemed to be a member of any overseas operation referred to in section 56(1)(c) from the time he leaves Singapore to undertake duties with the overseas operation until the time he returns to Singapore.

Offences and misconduct during overseas service

59.—(1) If any police officer or special police officer to whom this section applies does, or omits to do, any act outside Singapore (whether or not the act or omission concerned constitutes an offence under the laws in force in the territory where it took place) that if done or omitted within Singapore would constitute an offence, that act or omission is deemed to have taken place within Singapore unless —

- (a) the person is subject to the criminal jurisdiction of the territory in which the act or omission took place; and
- (b) the authorities in that territory —
 - (i) are not subject to any obligation to cede jurisdiction to the Singapore authorities in respect of that act or omission; and
 - (ii) bring criminal proceedings against the police officer or special police officer, as the case may be, in that territory.

(2) No information shall be laid against any police officer or special police officer over whom jurisdiction is claimed by virtue of subsection (1) without the consent of the Public Prosecutor.

[15/2010 wef 02/01/2011]

(3) If any police officer or special police officer is alleged to have committed an offence in respect of which the laying of information requires the consent of the Public Prosecutor under subsection (2), the police officer or special police officer concerned may be arrested and detained in custody or remanded in custody or on bail, even though the consent of the Public Prosecutor has not been obtained to the

making of such complaint in respect of that offence, but no further proceedings shall be taken until that consent is obtained.

[15/2010 wef 02/01/2011]

(4) If any police officer or special police officer to whom this section applies does, or omits to do, any act outside Singapore, and that act or omission would, if it occurred in Singapore, be a disciplinary offence for the purposes of this Act —

- (a) the person may be investigated and, if appropriate, proceeded against under this Act by way of disciplinary proceedings under Part III or VIII, whichever is applicable, and punished, in the same manner as if the act or omission had occurred in Singapore; and
- (b) for that purpose, this Act and either the Police Regulations or the Special Constabulary Regulations, as the case may be, shall apply to him with any necessary modifications.

PART VI

SERVICE AS AIR MARSHALS ON BOARD SINGAPORE AIRCRAFT

Interpretation of this Part

60.—(1) In this Part —

“air marshal” means any police officer who is appointed by the Commissioner under section 61(1) to serve as an air marshal;

“commander”, in relation to an aircraft, means the member of the crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of that aircraft;

“operator”, in relation to any aircraft at any time, means the person who at that time has the management of the aircraft;

“passenger flight” means any flight performed by an aircraft for the international carriage of persons for reward;

“pilot in command”, in relation to an aircraft, means a person who for the time being is in charge of the piloting of the

aircraft without being under the direction of any other pilot in the aircraft;

“Singapore aircraft” means any aircraft that is registered in Singapore.

(2) For the purposes of this Part, the period during which an aircraft is in flight shall be deemed to include —

- (a) any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run, if any, at the termination of that flight ends;
- (b) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and
- (c) if the aircraft makes a forced landing, any period thereafter until the time when competent authorities of the country in which the forced landing takes place take over the responsibility for the aircraft and for the persons and property on board the aircraft,

and any reference in this Part to an aircraft in flight shall include a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(3) For the purpose of subsection (2), the reference to a country or the territorial limits thereof shall be construed as including a reference to the territorial waters, if any, of that country.

Appointment and training of air marshals

61.—(1) The Commissioner may appoint any police officer to serve as an air marshal on board any Singapore aircraft.

(2) The Commissioner shall provide for the appropriate training and supervision for all air marshals.

Commissioner may require deployment of air marshals on board Singapore aircraft

62.—(1) Where the Commissioner has reason to believe that any passenger flight to be performed by a Singapore aircraft presents high security risks, he may, by order in writing served on the operator of that aircraft, require the operator to permit the deployment of one or more air marshals on that passenger flight.

(2) An order made under subsection (1) may require the operator of the Singapore aircraft to provide seating for the air marshals deployed on the passenger flight to which the order relates without regard to the availability of seats on the flight and at no cost to the Government or the air marshals.

(3) Any person who fails to comply with an order made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

Powers, rights, immunities and duties of air marshals on board Singapore aircraft outside Singapore

63.—(1) Every police officer serving as an air marshal on board any Singapore aircraft during a passenger flight shall, while the aircraft is in flight elsewhere than in or over Singapore —

- (a) have the same powers, rights and immunities; and
- (b) so far as possible, perform the same duties,

as when on service in Singapore.

(2) If an air marshal arrests any person in exercise of his powers under subsection (1), he may —

- (a) if the aircraft ceases flight in any country outside Singapore, hand the person over to the commander of the Singapore aircraft, together with any weapon or article taken from him, to be dealt with in accordance with the provisions of the Tokyo Convention Act (Cap. 327); or
- (b) if the aircraft ceases flight in Singapore, hold the person in custody and deal with him and any weapon or article taken from him in accordance with the provisions of the Criminal

Procedure Code (Cap. 68) as if he were arrested in Singapore.

(3) Where a female person is to be searched and a female air marshal is not available to conduct the search, the search may be conducted by any female person who is requested by an air marshal to conduct the search.

PART VII

PUBLIC OFFICERS WITH POLICE POWERS

Appointment of Commercial Affairs Officers

64.—(1) The Minister may appoint such number of persons to be Commercial Affairs Officers as he may think fit.

(2) A Commercial Affairs Officer may investigate any suspected offence which appears to him to have been committed under any written law.

(3) For the purposes of subsection (2) —

(a) a Commercial Affairs Officer shall have all the powers of investigation conferred on police officers in relation to the investigation of offences under the Criminal Procedure Code (Cap. 68) or under such other written law as the Minister may, by notification in the *Gazette*, prescribe, and shall be deemed to be an officer not below the rank of inspector; and

(b) section 25 shall apply to a Commercial Affairs Officer as if he were a police officer.

(4) The Commissioner may, in his discretion, confer on one or more Commercial Affairs Officers as he may determine the powers of an Assistant Superintendent of Police under such written law as the Minister may, by notification in the *Gazette*, prescribe.

(5) Apart from this section and section 25, this Act shall not apply to a Commercial Affairs Officer.

Intelligence officers

65.—(1) An intelligence officer shall be —

- (a) deemed to be a police officer for the purposes of any written law and shall have the powers, protection and immunities of a police officer of a rank corresponding to his grade;
- (b) entitled to such protection and privilege under section 25 as if he were a police officer; and
- (c) deemed to be a public servant within the meaning of the Penal Code (Cap. 224) when carrying out his functions and duties as a police officer.

[17/2005]

(2) Section 25 shall apply, with the necessary modifications, to an intelligence officer as if the references in that section to a police officer were references to an intelligence officer.

[17/2005]

(3) Apart from this section and section 25, this Act shall not apply to any intelligence officer.

[17/2005]

(4) In this section, “intelligence officer” means —

- (a) a public officer who is appointed to the Intelligence Service; or
- (b) a person who is employed by the Internal Security Department,

and who is designated by the Minister as an intelligence officer for the purposes of this section.

[17/2005]

PART VIII**SPECIAL CONSTABULARY***Division 1 — Organisation and duties of Special Constabulary***Constitution of Special Constabulary**

66.—(1) As from 12th October 2004, the Special Constabulary constituted under the repealed Act shall continue and be deemed to be constituted under this Act.

(2) The Special Constabulary shall consist of such number of —

- (a) full-time national servicemen enlisted in the Special Constabulary;
- (b) operationally ready national servicemen enlisted in the Special Constabulary; and
- (c) volunteers enrolled under section 68 as members of the Special Constabulary,

as the Minister may decide.

(3) The Special Constabulary shall consist of such ranks as are from time to time organised by or under the authority of the Minister.

Special Constabulary has police powers and duties

67.—(1) Each of the special police officers specified in subsection (2) shall —

- (a) have all the duties of police officers under this Act;
- (b) have all the powers of investigation conferred on police officers in relation to the investigation of offences under any written law; and
- (c) be entitled to such protection and privilege under section 25,

as if he were a police officer of corresponding rank.

(2) A special police officer shall have the powers and duties and be entitled to the protection and privileges of police officers referred to in subsection (1) for the following duration:

- (a) in the case of a full-time national serviceman enlisted in the Special Constabulary, from the time his liability to report for enlistment or national service arises until such time as he is lawfully discharged or released;
- (b) in the case of an operationally ready national serviceman enlisted in the Special Constabulary, from the time he is ordered to report for enlistment or service (whether or not he has complied with such an order) and while in uniform or performing duty in the Special Constabulary under section 14 of the Enlistment Act (Cap. 93), and while called out for mobilised service under sections 16 and 17 of that Act; and
- (c) in the case of a volunteer enrolled under section 68 as a member of the Special Constabulary, during the period he is ordered to report for duty (whether or not he has complied with such an order), or he volunteers for duty to assist the Police Force in the execution of its duties.

(3) Without prejudice to subsections (1) and (2), every special police officer when mobilised for active service under section 73 shall have the same powers and duties and the same protection and immunities as a police officer of corresponding rank.

Enrolment of volunteers

68.—(1) Subject to subsection (2), the Commissioner may enrol in the Special Constabulary any volunteer offering his service and desiring to serve as a member of the Special Constabulary.

(2) No volunteer who is not a citizen of Singapore shall be enrolled under subsection (1) without the approval of the Minister.

(3) A special police officer who is a volunteer may be paid such allowances as the Minister may from time to time authorise.

Appointments, promotions and dismissals

69.—(1) A special police officer not below the rank of assistant superintendent shall be appointed and promoted and may be reduced in rank or grade or dismissed or discharged by the Minister.

(2) A special police officer of or below the rank of inspector shall be appointed and promoted and may be reduced in rank or grade or dismissed or discharged by the Commissioner or the Deputy Commissioner.

(3) No person who has been called up for national service in the Special Constabulary shall be dismissed or discharged under subsection (1) or (2) except with the prior approval of the proper authority appointed under the Enlistment Act (Cap. 93).

Oath or affirmation

70.—(1) Every person enrolled under section 68 shall take an oath or affirmation in such form as the Minister may prescribe before a police officer not below the rank of assistant superintendent.

(2) Any person who fails to comply with subsection (1) 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.

(3) This section shall not apply to national servicemen or operationally ready national servicemen.

Warrant card

71. A warrant card shall be issued to every special police officer and shall be evidence of his appointment under this Act.

Discharge from Special Constabulary

72.—(1) The Commissioner may discharge any special police officer of or below the rank of inspector if, in the opinion of the Commissioner, it is desirable in the public interest to do so.

(2) A special police officer referred to in section 66(2)(a) or (b) shall be discharged from the Special Constabulary as follows:

- (a) from continuous full-time service in the Special Constabulary when he has completed the period of full-time service prescribed by the Enlistment Act; and
- (b) from operationally ready national service in the Special Constabulary when —

- (i) the proper authority notifies him that he has been transferred from the Special Constabulary to another force specified by the proper authority;
- (ii) the proper authority notifies him that he is released from the Special Constabulary; or
- (iii) he ceases to be a person subject to the Enlistment Act (Cap. 93).

(3) Any volunteer shall be entitled, except when mobilised under section 73, to be discharged from the Special Constabulary on —

- (a) giving to the Commissioner 14 days' notice in writing of his intention to resign from the Special Constabulary; and
- (b) delivering in good order (fair wear and tear only excepted) all property belonging to the Government issued to him.

(4) Nothing in this section shall be deemed to affect or prejudice any power of dismissal from the Special Constabulary conferred by or under this Act.

Mobilisation

73.—(1) With the permission of the Minister, the Commissioner may mobilise for active service the Special Constabulary or any part thereof to perform either general or special police duties.

(2) Such active service shall continue until an order is made by the Commissioner with the approval of the Minister stating the date of demobilisation.

(3) Every special police officer who is so mobilised shall be bound to assemble at such place and perform such service as the Commissioner or the Deputy Commissioner directs.

Penalty for refusal to serve when mobilised

74.—(1) Any special police officer mobilised for active service who without reasonable excuse, the proof whereof shall lie on him, refuses or neglects to serve shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Any police officer may arrest without warrant any person where he believes or suspects, on reasonable grounds, that the person is committing or has committed a service offence under subsection (1).

Division 2 — Discipline in Special Constabulary

Absence without leave by special police officer

75.—(1) Any special police officer referred to in section 66(2)(a) or (b) who is absent without leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) A special police officer referred to in section 66(2)(a) or (b) is absent without leave if he —

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

(3) It shall be a defence for any person charged with an offence under this section to prove that his absence was a result of circumstances over which he had no control.

(4) Any police officer may arrest without warrant any person where he believes or suspects, on reasonable grounds, that the person is committing or has committed a service offence under subsection (1).

Desertion by special police officer

76.—(1) Any special police officer referred to in section 66(2)(a) or (b) who deserts shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and to imprisonment for a term not exceeding 10 years, and all arrears of pay due to him shall be forfeited.

(2) For the purposes of this section, a person deserts if he, being on duty, or having been notified to report for duty, without leave does not

attend at or leaves his place of duty in circumstances which show that he has the intention to remain permanently absent without leave or of not returning to his duty.

(3) Any police officer may arrest without warrant any person where he believes or suspects, on reasonable grounds, that the person is committing or has committed a service offence under subsection (1).

Prosecutions for disciplinary offences

77.—(1) A special police officer accused of any disciplinary offence may, instead of being dealt with under section 81 or 82, be prosecuted in court.

(2) A special police officer referred to in subsection (1) shall on conviction of a disciplinary offence be liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) No prosecution under this section shall be instituted without the consent of the Public Prosecutor.

[15/2010 wef 02/01/2011]

Disciplinary proceedings after conviction

78.—(1) Where a special police officer below the rank of assistant superintendent is convicted under the provisions of any other written law of an offence, the Commissioner may, unless the conviction is set aside on appeal, and after giving the officer a reasonable opportunity to be heard —

(a) reduce the special police officer in rank, grade or seniority;
or

(b) dismiss the special police officer from the Special Constabulary if he is a volunteer.

(2) Where a special police officer not below the rank of assistant superintendent is convicted under the provisions of any other written law of an offence, the Minister may, unless the conviction is set aside on appeal, and after giving the officer a reasonable opportunity to be heard —

- (a) reduce the special police officer in rank, grade or seniority;
or
 - (b) dismiss the special police officer from the Special Constabulary if he is a volunteer.
- (3) Where a special police officer is dismissed following any conviction referred to in subsection (1) or (2), the Commissioner or Minister, as the case may be, may order the forfeiture of any arrears of allowances due to the special police officer.

Interdiction

79.—(1) A special police officer may be interdicted or suspended from the performance of duty by the Commissioner where —

- (a) the Commissioner considers that the public interest requires that the police officer concerned cease to exercise the powers or perform the duties of a police officer; and
 - (b) any criminal proceedings, or any disciplinary proceedings under this Part that may lead to his dismissal, discharge or reduction in rank, are contemplated against the special police officer.
- (2) Where a special police officer has been interdicted under subsection (1), the Commissioner may order that the whole or such part of the special police officer's allowance be withheld during the period of interdiction.
- (3) If the disciplinary proceedings under this Act against a special police officer who is interdicted under subsection (1) do not result in his dismissal or discharge, the special police officer shall be entitled to receive —

- (a) such proportion of the allowance or the part thereof withheld during the period of interdiction as the Commissioner may determine, if the special police officer is reduced in rank or otherwise disciplined; or
- (b) the full amount of the salary or the part thereof withheld during the period of interdiction, if the special police officer is acquitted.

No resignation when disciplinary proceedings are pending

80. Notwithstanding any other provision of this Act, no special police officer shall, without the written permission of the Commissioner, resign from the Special Constabulary during the period —

- (a) when any disciplinary proceedings for a disciplinary offence or any prosecution for an offence under this Part instituted against him is pending;
- (b) after notice of intention to prefer disciplinary charges or to prosecute him for an offence under this Part is given to the special police officer; or
- (c) where he has appealed against any finding of guilt, punishment, conviction or sentence, when the appeal is not withdrawn but pending.

*Division 3 — Special provision for volunteers***Discipline of volunteer special police officers**

81.—(1) A special police officer who is a volunteer and below the rank of assistant superintendent may be disciplined by —

- (a) a police officer not below the rank of assistant superintendent; or
- (b) a special police officer not below the rank of assistant superintendent,

in accordance with this Act and the Special Constabulary Regulations.

(2) A special police officer who is a volunteer and of or above the rank of assistant superintendent may be disciplined in accordance with this Act and the Special Constabulary Regulations by any police officer below the rank of Deputy Commissioner but of a higher rank than the special police officer concerned.

(3) Subject to subsections (5) and (6), where after having been given a reasonable opportunity to be heard in accordance with this Act and the Special Constabulary Regulations, a special police officer

who is a volunteer and below the rank of assistant superintendent is found guilty by a disciplinary officer of any disciplinary offence, the disciplinary officer may order that the special police officer be subject to any one of the following punishments:

- (a) dismissal from the Special Constabulary;
- (b) reduction in rank, grade or seniority;
- (c) forfeiture of up to 8 hours' allowance;
- (d) reprimand;
- (e) caution.

(4) Subject to subsections (5) and (6), where after having been given a reasonable opportunity to be heard in accordance with this Act and the Special Constabulary Regulations, a special police officer who is a volunteer and not below the rank of assistant superintendent is found guilty by a disciplinary officer of any disciplinary offence, the disciplinary officer may order that the special police officer be subject to any one of the following punishments:

- (a) dismissal from the Special Constabulary;
- (b) reduction in rank, grade or seniority;
- (c) forfeiture of up to 8 hours' allowance;
- (d) reprimand.

(5) A reprimand shall not be awarded against a special police officer of the rank of constable, and a caution shall not be awarded against a special police officer above the rank of corporal.

(6) A disciplinary officer may, in lieu of or in addition to any punishment specified in subsection (3) or (4), order the special police officer concerned to pay —

- (a) in the case of a special police officer below the rank of assistant superintendent, a fine not exceeding \$200; or
- (b) in the case of a special police officer not below the rank of assistant superintendent, a fine not exceeding \$400.

(7) A special police officer may appeal against any finding or punishment under this section to either the Commissioner or Deputy

Commissioner within 30 days from the date of such finding or punishment.

(8) In every case where an appeal has been lodged under subsection (7) against any punishment awarded, the punishment shall be suspended pending the determination of the appeal.

(9) The decision of the Commissioner or Deputy Commissioner, as the case may be, on an appeal under subsection (7) shall be final.

Division 4 — Special provisions for national servicemen

Discipline of other special police officers

82.—(1) A special police officer (other than a volunteer) who is below the rank of assistant superintendent may be disciplined by —

- (a) a police officer not below the rank of assistant superintendent; or
- (b) a special police officer not below the rank of assistant superintendent,

in accordance with this Act and the Special Constabulary Regulations.

(2) A special police officer (other than a volunteer) of or above the rank of assistant superintendent may be disciplined in accordance with this Act and the Special Constabulary Regulations by any police officer below the rank of Deputy Commissioner but of a higher rank than the special police officer concerned.

(3) Subject to subsections (5) and (6), where after having been given a reasonable opportunity to be heard in accordance with this Act and the Special Constabulary Regulations, a special police officer (other than a volunteer) below the rank of assistant superintendent is found guilty by a disciplinary officer of any disciplinary offence, the disciplinary officer may order that the special police officer be subject to any one of the following punishments:

- (a) detention for a period not exceeding 40 days;
- (b) reduction in rank, grade or seniority;
- (c) forfeiture of up to 14 days' allowance;

- (d) reprimand;
- (e) stoppage of leave;
- (f) restriction of privileges;
- (g) extra duty;
- (h) caution.

(4) Subject to subsections (5) and (6), where after having been given a reasonable opportunity to be heard in accordance with this Act and the Special Constabulary Regulations, a special police officer (other than a volunteer) not below the rank of assistant superintendent is found guilty by a disciplinary officer of any disciplinary offence, the disciplinary officer may order that such special police officer be subject to any one of the following punishments:

- (a) reduction in rank, grade or seniority;
- (b) forfeiture of up to 14 days' allowance;
- (c) stoppage or deferment of increment;
- (d) reprimand.

(5) A reprimand shall not be awarded against a special police officer of the rank of constable, and a caution shall not be awarded against a special police officer above the rank of corporal.

(6) A disciplinary officer may, in lieu of or in addition to any punishment specified in subsection (3) or (4), order the special police officer concerned to pay —

- (a) in the case of a special police officer below the rank of assistant superintendent, a fine not exceeding \$200; or
- (b) in the case of a special police officer not below the rank of assistant superintendent, a fine not exceeding \$400.

(7) A special police officer may appeal against any finding or punishment under this section to either the Commissioner or Deputy Commissioner within 30 days from the date of such finding or punishment.

(8) In every case where an appeal has been lodged under subsection (7) against any punishment awarded, the punishment shall be suspended pending the determination of the appeal.

(9) The decision of the Commissioner or Deputy Commissioner, as the case may be, on an appeal under subsection (7) shall be final.

(10) A sentence of detention imposed as a punishment under subsection (3)(a) shall take effect from the date on which it was passed, unless the disciplinary officer passing the sentence otherwise directs.

(11) Any person sentenced to detention under this Act shall, unless otherwise provided for in the Special Constabulary Regulations, serve his sentence in a detention barrack.

Arrest for disciplinary offences after discharge

83. The Commissioner, or a commanding officer in relation to a person who is a former special police officer discharged from the Special Constabulary in the circumstances specified in section 72(2), may issue a warrant for the arrest of the person where —

- (a) he suspects, on reasonable grounds, that the person has committed a disciplinary offence or an offence under this Part before the person's discharge; and
- (b) he believes, on reasonable grounds, that the arrest of the person is necessary to ensure the appearance of the person before a disciplinary officer or that the person will not appear before a disciplinary officer.

Disciplinary proceedings after discharge

84.—(1) Subject to section 115, where an offence under this Part or a disciplinary offence has been committed, or is reasonably suspected of having been committed, by any special police officer (other than a volunteer) before his discharge from the Special Constabulary in the circumstances specified in section 72(2), then notwithstanding his discharge, he shall be treated, in relation to that offence, for the purposes of this Act relating to —

- (a) arrest, keeping in custody, investigation of charges; and

- (b) trial and punishment by a disciplinary officer, including review and execution of sentences,

as if he is still a member of the Special Constabulary and a special police officer and as continuing to be subject to this Act.

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

(3) Where under subsection (1) or (2) a person is treated as not being discharged from the Special Constabulary for the purpose of any provision of this Act, the person shall —

- (a) where the person was a national serviceman or an operationally ready national serviceman, be regarded as having the rank he held on the day of his discharge or release as a national serviceman or an operationally ready national serviceman if he is no more liable for full-time service or operationally ready national service, as the case may be, under the Enlistment Act (Cap. 93); and
- (b) where the person remains liable to render operationally ready national service under the Enlistment Act, be regarded as having the rank he holds as an operationally ready national serviceman at the date of disciplinary proceedings or trial for such offence under this Part or disciplinary offence.

Special Constabulary Regulations

85.—(1) The Minister may make regulations necessary or expedient for the carrying out of the purposes of this Part.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to special police officers on all or any of the following matters:

- (a) uniform and equipment;
- (b) arms to be carried;
- (c) training;
- (d) duties and responsibilities when not mobilised for service;
- (e) the manner of mobilisation and of discontinuing the same;
- (f) the investigation into, the conduct of disciplinary proceedings and the awarding of punishment, for disciplinary offences which may be dealt with by a disciplinary officer, including but not limited to —
 - (i) the procedure to be observed in the bringing of charges before a disciplinary officer;
 - (ii) the manner in which charges so brought are to be investigated, and the taking of evidence (whether orally or in writing, whether or not on oath and whether in full or in summary or abstract form) for the purpose of investigating or dealing with such charges;
 - (iii) the addition to, or substitution for, a charge which has been investigated or a new charge for a disciplinary offence disclosed by evidence taken on the investigation and the treating of the investigation as the investigation of the new charge;
 - (iv) the procedure to be observed in disciplinary proceedings before a disciplinary officer; and
 - (v) empowering a disciplinary officer to amend a charge which is being heard by him;
- (g) salaries and allowances;
- (h) awards in respect of death and personal injuries;

- (i) duties and responsibilities of members called up for national service with the Special Constabulary;
- (j) any other matter which by this Part is required or permitted to be prescribed.

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

PART IX

AUXILIARY POLICE FORCES

Division 1 — Creation and regulation of Auxiliary Police Forces

Creation of Auxiliary Police Forces

86.—(1) The Commissioner may, with the approval of the Minister, authorise the creation by the Government or any statutory body, or by any company or other organisation carrying on business within Singapore (referred to in this Part as the employer), of one or more Auxiliary Police Forces for all or any of the following purposes:

- (a) to safeguard life and any property of the employer;
- (b) to safeguard life and any property of any other person in Singapore;
- (c) to assist the Police Force in the maintenance of law and order;
- (d) to assist any department of the Government or any statutory body in the discharge of any duty imposed or function conferred under any written law;
- (e) to carry out such security activity as may be approved by the Commissioner.

(2) The Commissioner may, in authorising the creation of an Auxiliary Police Force under subsection (1), impose such conditions as he thinks fit.

(3) Without prejudice to the generality of subsection (2), the conditions that may be imposed under subsection (2) in relation to an Auxiliary Police Force include —

- (a) restricting the Auxiliary Police Force to carrying out only such security activity as the Commissioner may specify in the authorisation under subsection (1);
- (b) requiring that the approval of the Commissioner be first obtained before the Auxiliary Police Force carries out any new security activity in the course of business or for remuneration;
- (c) requiring the employer of the Auxiliary Police Force to pay an annual fee of a prescribed amount to the Commissioner; and
- (d) where the employer is other than the Government or a statutory body —
 - (i) requiring at least one-half of the voting shares of the company or organisation to be held by Singapore citizens; and
 - (ii) requiring the employer to seek the Minister's approval before any change in the substantial shareholder of the company or organisation occurs.

(4) The Commissioner may at any time, by notice in writing to the employer of the Auxiliary Police Force concerned, vary any condition imposed under subsection (2) or impose any additional condition on an employer of an Auxiliary Police Force.

(5) Before varying any condition or imposing additional conditions on an employer of an Auxiliary Police Force under subsection (4), the Commissioner shall notify the employer of his intention to do so and shall give the employer an opportunity to be heard as to why the conditions should not be so varied or the additional conditions should not be imposed, as the case may be.

(6) Any decision of the Commissioner under subsection (5) in relation to an Auxiliary Police Force shall not take effect —

- (a) until the 31st day after the date on which the decision is communicated to the employer of the Auxiliary Police Force concerned; or
- (b) where an appeal against the decision is made to the Minister under subsection (7), until the appeal has been determined or withdrawn.

(7) Any employer of an Auxiliary Police Force who is aggrieved by the decision of the Commissioner under subsection (2) or (4) may, within 30 days after receiving notice of the Commissioner's decision, appeal against the decision in writing to the Minister.

(8) The decision of the Minister on an appeal under subsection (7) shall be final.

(9) Any person, not being an employer of an Auxiliary Police Force authorised by the Commissioner under this section, who —

- (a) in the course of any business carries on any security activity; or
- (b) advertises or in any way holds out that the person carries on, or is willing to carry on, for remuneration any security activity,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part thereof during which the offence continues after conviction.

Special features of employer of Auxiliary Police Force

87.—(1) No employer of an Auxiliary Police Force (other than the Government) shall be merged or consolidated with, or taken over by —

- (a) any other employer of an Auxiliary Police Force; or
- (b) any other person (not being such an employer),

without the prior written approval of the Minister.

(2) For the purposes of subsection (1), the Minister may prescribe in the Auxiliary Police Forces Regulations the circumstances under

which an employer of an Auxiliary Police Force would be considered to be merged or consolidated with, or taken over by, any other person.

(3) No employer of an Auxiliary Police Force (other than the Government or a statutory body) shall, on or after 12th October 2004, appoint a person as its chief executive officer unless it has obtained the prior approval of the Commissioner.

(4) Unless the Minister otherwise approves, the chief executive officer of an employer of an Auxiliary Police Force and at least one-half of its directors shall be citizens of Singapore.

(5) No chief executive officer of an employer of an Auxiliary Police Force who was appointed before 12th October 2004 shall be permitted by the employer to act as such on or after that date unless —

- (a) his appointment as chief executive officer of the employer was approved by the Commissioner before that date; or
- (b) his appointment as chief executive officer of the employer is approved by the Commissioner on a written application by the employer made within 6 months after 12th October 2004, or such longer period as the Commissioner may allow.

(6) Where the Commissioner does not approve the appointment of a person as chief executive officer under subsection (3) or (5), the employer of an Auxiliary Police Force concerned shall immediately remove the person from such office.

(7) This section shall have effect notwithstanding the provisions of any other written law or of the memorandum or articles of association, or other constitution, of a company.

(8) In this section —

“chief executive officer”, in relation to a company or an organisation that is the employer of an Auxiliary Police Force, means the person principally responsible for the management and conduct of any type of business of the company or organisation in Singapore, and includes any person for the time being performing all or any of the functions or duties of a chief executive officer;

“director” has the same meaning as in section 4(1) of the Companies Act (Cap. 50).

Controls over ownership of employer of Auxiliary Police Force

88.—(1) No person shall, on or after 12th October 2004 —

- (a) become a substantial shareholder of an employer of an Auxiliary Police Force; or
- (b) if he is not a citizen of Singapore, enter into any agreement or arrangement, whether oral or in writing and whether express or implied, to act together with any other person (whether or not a citizen of Singapore) with respect to the acquisition, holding or disposal of, or the exercise of rights in relation to, their interests in voting shares in an employer of an Auxiliary Police Force, of —
 - (i) where the employer is a company, an aggregate of more than 50% of the total votes attached to all voting shares in the employer; or
 - (ii) where the employer is an organisation other than a company, an aggregate of more than 50% of the nominal amount of all voting shares in the employer,

without first obtaining the approval of the Minister.

(2) Subject to subsection (4), no person who —

- (a) immediately before 12th October 2004, is a substantial shareholder of an employer of an Auxiliary Police Force shall continue to be a substantial shareholder unless he has, within 6 months after 12th October 2004, or such longer period as the Minister may allow, applied to the Minister for approval to continue to be such a shareholder; or
- (b) at any time before 12th October 2004, if he is not a citizen of Singapore, has entered into any agreement or arrangement referred to in subsection (1)(b) shall continue to be a party to such an agreement or arrangement unless he has, within 6 months after that date, or such longer period as the Minister may allow,

applied to the Minister for approval to continue to be a party to such an agreement or arrangement.

(3) The Minister may, in his discretion, approve an application made by any person under subsection (1) or (2) if the Minister is satisfied that —

- (a) the person is a fit and proper person;
- (b) having regard to the person's likely influence, the employer of the Auxiliary Police Force will or will continue to conduct its business prudently and comply with the provisions of this Act; or
- (c) it is in the national interest to do so.

(4) Any approval under this section may be granted to any person subject to such conditions as the Minister may determine, including but not limited to any condition —

- (a) restricting the person's disposal or further acquisition of shares or voting power in the employer of an Auxiliary Police Force; or
- (b) restricting the person's exercise of voting power in that employer.

(5) Any condition imposed under subsection (4) shall have effect notwithstanding any of the provisions of the Companies Act (Cap. 50) or anything contained in the memorandum or articles of association, or other constitution, of the employer of an Auxiliary Police Force.

(6) Where the Minister does not approve an application made by any person under subsection (1) or (2), the person shall, within such time as the Minister may specify, take such steps as are necessary —

- (a) in the case of subsection (1)(a) or (2)(a), to cease to be a substantial shareholder; or
- (b) in the case of subsection (1)(b) or (2)(b), to cease to be a party to the agreement or arrangement.

(7) The Minister may, by order published in the *Gazette*, make such further transitional provisions as he considers necessary or expedient for the purposes of this section.

(8) Any person served with a written notice of objection under this section shall comply with the notice.

(9) 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 \$50,000 and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part thereof during which the offence continues after conviction.

(10) Where a person is charged with an offence in respect of a contravention of subsection (1) or (2), it shall be a defence for the person to prove that —

- (a) he was not aware that he had contravened subsection (1) or (2), as the case may be; or
- (b) he has, within 14 days of becoming aware that he had contravened subsection (1) or (2), as the case may be, notified the Minister of the contravention and, within such time as may be determined by the Minister, taken such actions in relation to his shareholding or control of the voting power in the employer of an Auxiliary Police Force as the Minister may direct.

(11) Except as provided in subsection (10), it shall not be a defence for a person charged with an offence in respect of a contravention of subsection (1) or (2) to prove that he did not intend to or did not knowingly contravene that provision.

(12) For the purposes of this section, a person has an interest in any share if —

- (a) he is deemed to have an interest in that share under section 7 of the Companies Act (Cap. 50); or
- (b) he otherwise has a legal or an equitable interest in that share except for such interest as is to be disregarded under section 7 of the Companies Act.

(13) This section shall apply only in relation to an employer of an Auxiliary Police Force that is a company.

Codes of practice and directives

89.—(1) The Commissioner may, by publication in the *Gazette*, issue one or more codes of practice for Auxiliary Police Forces for all or any of the following purposes:

- (a) to enable and maintain fair market conduct between Auxiliary Police Forces in Singapore;
- (b) to safeguard the interests of consumers of Auxiliary Police Forces services and of the public generally.

(2) A code of practice may, in particular —

- (a) specify the duties and obligations of the employer of an Auxiliary Police Force in relation to its business operations in the armed security industry; and
- (b) provide for such fees or charges as may be payable to the Commissioner in relation to any application or request made to it.

(3) The Commissioner may issue any directive to any employer of an Auxiliary Police Force for all or any of the following purposes:

- (a) to ensure the continuity, reliability and security of the provision of security activities and other services by the Auxiliary Police Force;
- (b) in the interests of public safety;
- (c) to provide guidance in relation to the operation of any provision of this Part or the Auxiliary Police Forces Regulations;
- (d) generally for carrying out the purposes and provisions of this Part and for the due administration thereof.

(4) The Commissioner may, from time to time —

- (a) by publication in the *Gazette*, add to, vary or revoke any code of practice; or
- (b) add to, vary or revoke any directive.

(5) The Commissioner may exempt, either generally or subject to such terms or conditions as the Commissioner may specify, any person from any provision in any code of practice or any directive.

Compliance with codes of practice and directives

90.—(1) Every employer of an Auxiliary Police Force shall comply with every relevant code of practice and directive issued under section 89(1) and (3), respectively.

(2) The Commissioner may conduct an investigation if there are reasonable grounds for suspecting that —

- (a) any provision of this Part;
- (b) any part of any code of practice issued under section 89(1);
- (c) any directive issued under section 89(3); or
- (d) any condition of authorisation imposed under section 86(2) or (4),

has been infringed, or is being or is likely to be infringed, by an employer of an Auxiliary Police Force.

(3) Subject to section 89(5), where —

- (a) following an investigation conducted under subsection (2), the Commissioner considers that an employer is infringing, likely to infringe or has infringed any provision of this Part or of any code of practice, any directive issued under section 89(3) or any condition imposed under section 86(2) or (4);
- (b) the employer (other than the Government or a statutory body) has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (c) the employer (other than the Government or a statutory body) has made any assignment to, or composition with, its creditors; or
- (d) the public interest or national security of Singapore so requires,

the Commissioner may, in writing and without any liability for compensation, do all or any of the following:

- (i) direct that employer to comply with the provision of this Part or of any code of practice, any directive issued under section 89(3) or any condition imposed under section 86(2) or (4) or cease infringing that provision, code of practice, directive or condition, as the case may be;
- (ii) specify any procedure or action to be observed or taken by that employer;
- (iii) require that employer to furnish performance bonds, banker's guarantees and any other securities for such amounts and on such terms as the Commissioner sees fit;
- (iv) require that employer to modify or terminate any agreement, decision or concerted practice or any other conduct in question;
- (v) suspend for a period not exceeding 6 months —
 - (A) the authorisation for the creation of the Auxiliary Police Force under section 86(1); or
 - (B) any condition imposed under section 86(2) for any security activity carried out by the Auxiliary Police Force;
- (vi) revoke —
 - (A) the authorisation for the creation of the Auxiliary Police Force under section 86(1); or
 - (B) any condition imposed under section 86(2) for any security activity carried out by the Auxiliary Police Force;
- (vii) impose on an employer (other than the Government) a financial penalty not exceeding —
 - (A) \$1 million for each act of infringement (whether continuing or not) of any provision of this Part or any code of practice; or

(B) \$50,000 for each act of infringement (whether continuing or not) of any directive issued under section 89(3) or any condition imposed under section 86(2) or (4); or

(viii) impose such other direction or restriction as the Commissioner considers appropriate.

(4) Any person who fails, without reasonable excuse, to comply with any direction given under subsection (3) shall be guilty of an offence.

(5) Before the Commissioner does anything under subsection (3), the Commissioner shall —

(a) give written notice to the employer likely to be affected by such action by the Commissioner; and

(b) give such employer an opportunity to make representations to the Commissioner.

(6) If any dispute arises from one or more provisions of a code of practice, the dispute shall, where it is so provided in such provisions, be determined by the Commissioner on the application for that purpose by any aggrieved person to the Commissioner.

(7) Any person who is aggrieved by any act, direction or decision of the Commissioner under subsection (3) or (6) may, within 14 days of the date on which he is notified of the act, direction or decision, or such longer period as the Minister may allow, appeal to the Minister in the prescribed manner.

(8) Unless otherwise provided or allowed by the Minister, where an appeal is lodged under subsection (7), the act, direction or decision appealed against shall be complied with until the determination of the appeal.

(9) The Minister may confirm, vary or reverse the act, direction or decision of the Commissioner or give such directions on the matter as he thinks fit.

(10) The decision of the Minister in any appeal under subsection (7) shall be final.

(11) Any financial penalty payable by any person under subsection (3)(vii) shall be recoverable by the Commissioner as a debt due to the Government from that person; and the person's liability to pay shall not be affected by any authorisation under section 86 for his Auxiliary Police Force ceasing (for any reason) to be in force.

Anti-competitive agreements and conduct

91.—(1) Subject to this section —

- (a) any agreement, decision or concerted practice specified in a code of practice issued under section 89(1) which has as its object or effect the prevention, restriction or distortion of competition in, or in any part of, the armed security industry in Singapore; and
- (b) any conduct on the part of one or more employers of Auxiliary Police Forces which amounts to the abuse of a dominant position in, or in any part of, the armed security industry in Singapore and which may affect the armed security industry within Singapore,

is prohibited.

(2) Subsection (1)(a) shall apply —

- (a) only if the agreement, decision or concerted practice is, or is intended to be, implemented in Singapore; and
- (b) whether the agreement, decision or concerted practice is implemented before, on or after 12th October 2004.

(3) Subject to this section, any agreement, decision or concerted practice prohibited by subsection (1)(a) is void.

(4) An employer of an Auxiliary Police Force is in a dominant position where, in the Commissioner's opinion, that employer is able to act without significant competitive restraint from its competitors.

(5) In considering whether an employer of an Auxiliary Police Force is in a dominant position, the Commissioner shall have regard to relevant matters, including such matters as may be specified in a code of practice issued under section 89(1).

(6) For the purposes of this section, the Commissioner may, by notification in the *Gazette*, specify the employers of Auxiliary Police Forces whom he considers to have a dominant or non-dominant position in, or in any part of, the armed security industry in Singapore.

(7) The Commissioner may, on the application of any employer of an Auxiliary Police Force or on his own initiative, grant an exemption from subsection (1) in relation to any agreement, decision, concerted practice or conduct.

(8) An exemption under subsection (7) —

- (a) may be granted subject to such conditions or obligations as the Commissioner considers appropriate;
- (b) shall have effect for such period as the Commissioner considers appropriate; and
- (c) shall be in writing and sent by the Commissioner to the person to whom the exemption is granted.

(9) An exemption granted under subsection (7) shall, unless previously revoked in accordance with the terms of the exemption or under subsection (10), continue in force for such period as is specified in such exemption.

(10) The Commissioner may, with the approval of the Minister, on the application of any employer or on his own initiative —

- (a) extend the period for which an exemption granted under subsection (1) has effect or revoke the exemption;
- (b) vary or remove any condition or obligation specified in an exemption; and
- (c) impose one or more additional conditions or obligations in an exemption.

Division 2 — Auxiliary police officers

Appointment of auxiliary police officers

92.—(1) No person shall be employed as an auxiliary police officer in an Auxiliary Police Force without the prior written approval of the Commissioner or any police officer authorised by him.

(2) The Commissioner may appoint as auxiliary police officers one or more suitable persons who are —

- (a) public officers; or
- (b) employees of any statutory body, company or other organisation within Singapore,

after such consultation with their employer as the Commissioner considers necessary, in work of a nature which, in the opinion of the Commissioner, renders the conferment of the powers of a police officer necessary or desirable.

(3) Every person appointed under subsection (2) shall carry a warrant card issued by the Commissioner.

(4) The powers, privileges and immunities of a police officer may be conferred on an auxiliary police officer appointed under subsection (1) or (2) in such manner and subject to such limitations as may be specified by the Commissioner either in the warrant card or in such other form as the Commissioner may determine.

(5) Every auxiliary police officer who exercises any police power conferred under this Act in the performance of his duties or who carries out any duties of a police officer prescribed in this Act shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224).

(6) Every auxiliary police officer shall on appointment take before a senior police officer an oath of office and an oath of allegiance prescribed by the Oaths and Declarations Act (Cap. 211) in such manner as may be prescribed in the Auxiliary Police Forces Regulations.

(7) Every auxiliary police officer shall comply with every relevant directive issued under section 89(3), and failure to do so shall be a disciplinary offence.

Conditions of service of auxiliary police officers

93.—(1) The pay, pensions, welfare and conditions of service of every auxiliary police officer and his day-to-day duties shall be matters entirely within the jurisdiction of the Government, if he is

employed by the Government, or the statutory body, company or other organisation employing him.

(2) The standard arms, ammunition and other accoutrements shall be provided at the expense of the Government or such statutory body, company or organisation, whichever being the employer of the auxiliary police officer.

(3) Section 16 shall apply to auxiliary police officers who are members of an Auxiliary Police Force as it applies to police officers, except that auxiliary police officers shall not be precluded from making representations of the nature mentioned in section 16(4) to the statutory body, company or other organisation employing them.

(4) The Commissioner may, after consultation with the statutory body, company or other organisation that is the employer of an Auxiliary Police Force, second one or more police officers for service with such Force, and the salaries and allowances of those police officers shall, during the secondment, be paid by that statutory body, company or other organisation, as the case may be.

Cancellation of warrant cards

94.—(1) A person shall cease to be an auxiliary police officer immediately upon his dismissal by, or his resignation from the service of, the Government or by any statutory body, company or other organisation employing him, as the case may be, in its Auxiliary Police Force.

(2) Immediately on ceasing to be an auxiliary police officer, the person referred to in subsection (1) shall surrender his warrant card to the Commissioner through his former employer or the Commander of the Auxiliary Police Force, and the Commissioner shall cancel the warrant card.

(3) Notwithstanding subsections (1) and (2), the Commissioner may, after prior notice to the employer concerned, in his discretion, cancel at any time the warrant card issued to any auxiliary police officer, who shall thereupon cease to be an auxiliary police officer.

Discipline of auxiliary police officers

95.—(1) Subject to subsection (2), an auxiliary police officer accused of any of the offences specified in the Auxiliary Police Forces Regulations may, instead of being punished by the imposition of any of the disciplinary punishments specified in those Regulations, be prosecuted in court, and in such event shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) Every auxiliary police officer who deserts shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both, in addition to any lesser disciplinary punishment authorised under the Auxiliary Police Forces Regulations.

(3) For the purposes of this section, a person deserts if he —

- (a) leaves or fails to attend at his place of duty in his Auxiliary Police Force with the intention of remaining permanently absent from duty without lawful authority, or, having left or failed to attend at his place of duty in the Force, thereafter forms the like intention; or
- (b) absents himself without leave with intent to avoid service in the Auxiliary Police Force or mobilised service.

(4) Any police officer may arrest without warrant any person where he believes or suspects, on reasonable grounds, that the person is committing or has committed a service offence under subsection (2).

(5) An auxiliary police officer may appeal against any finding or disciplinary punishment under this section to the Commissioner within 30 days from the date of such finding or punishment.

(6) In every case where an appeal has been lodged under subsection (5) against any punishment awarded, the punishment shall be suspended pending the determination of the appeal.

(7) The decision of the Commissioner on an appeal under subsection (5) shall be final.

Organisation of Auxiliary Police Force

96.—(1) The employer of an Auxiliary Police Force shall, with the approval of the Commissioner, appoint an auxiliary police officer or a police officer to be the Commander of the Auxiliary Police Force.

(2) The Commander shall be accountable to the Commissioner in respect of the discharge of his duties as a Commander of the Auxiliary Police Force and the exercise of police powers by the auxiliary police officers under his charge.

(3) Every Auxiliary Police Force shall be organised in ranks similar to those of the Police Force, and shall be subject to the authority of the Commissioner for the maintenance of law and order, the preservation of public peace and the detection of crimes within the limits of Singapore.

*Division 3 — Mobilisation of Auxiliary Police Forces***Mobilisation of auxiliary police officers**

97.—(1) The Commissioner may, with the approval of the Minister, mobilise for active service all or any of the members of an Auxiliary Police Force to perform general or special police duties, and such service shall continue until an order of demobilisation is made by the Commissioner with the approval of the Minister.

(2) Every person who is mobilised under this section shall assemble at such place and perform such service as the Commissioner or his authorised officer directs.

(3) Every member of an Auxiliary Police Force shall, during the period of mobilisation, have the same powers and duties and the same protection and immunities of a police officer.

(4) Any person mobilised for active service under this section who without reasonable excuse, the proof whereof shall lie on him, refuses or neglects to perform such service shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) Where a member of an Auxiliary Police Force is mobilised to perform any general or special police duty, the employer of such

auxiliary police officer shall provide the mobilised officer with the usual uniform, equipment, arms, ammunitions and such other accoutrements which are provided to the officer in his usual course of duties to enable the officer to discharge his duties effectively.

(6) No employer shall —

- (a) dismiss a person solely or mainly by reason of any duty or liability which that person is, or may become, liable to perform or discharge by reason of his being, or being liable to be, called up for mobilised service under this section; or
- (b) refuse to grant that person leave of absence during his period of mobilised service.

(7) Any employer who contravenes subsection (6) shall be guilty of an offence and shall be liable —

- (a) on conviction of an offence under subsection (6)(a), to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both, and the court by which he is convicted may order the employer to pay to the dismissed person as compensation a sum not exceeding an amount equal to 3 months' remuneration at the rate at which remuneration was last payable to him by the employer; and
- (b) on conviction of an offence under subsection (6)(b), to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

Compensation to employer of mobilised auxiliary police officer

98.—(1) The employer of an Auxiliary Police Force mobilised under section 97 shall be entitled to be compensated by the Commissioner such reasonable remuneration as may be fixed by the Commissioner in respect of an auxiliary police officer in his employment who is mobilised under that section.

(2) In computing the remuneration under subsection (1), the Commissioner shall have regard to the following:

- (a) the expenses incurred by the employer in respect of the auxiliary police officer who has been mobilised; and

- (b) the profits which might reasonably be expected to be made by the employer in respect of the services of the auxiliary police officer had he not been mobilised.

(3) As soon as may be practicable after the mobilisation of any auxiliary police officer, there shall be given or sent to the employer of the officer, by such person and in such form and manner as may be specified by the Commissioner, a receipt for the mobilisation specifying —

- (a) the compensation, or the rate or amount thereof, offered in respect of the mobilisation; and
- (b) a statement of the effect of subsection (5).

(4) As soon as may be practicable after the end of the period of mobilisation of any property used by an auxiliary police officer that was supplied by his employer, there shall be given or sent to the employer of the officer, by such person and in such form and manner as aforesaid, a notice —

- (a) stating whether any, and if so what, damage to the property has occurred during the period of mobilisation (other than damage which has been made good by the Commissioner) or that the total loss of the property has occurred;
- (b) specifying the compensation, or the rate or amount thereof, offered in respect of the damage or loss; and
- (c) specifying the effect of subsection (6).

(5) A person to whom a receipt or notice under subsection (3) or (4) has been given or sent (referred to in this Act as the claimant) shall be deemed to have accepted the offer contained therein unless he notifies the Commissioner, within 4 weeks after he receives the receipt or notice, of his claim for a greater amount or rate.

(6) Where a notice under subsection (4) has been given or sent stating that no damage has occurred to any property during the period of mobilisation, the claimant shall be deemed to have agreed that no damage has so occurred unless he notifies the Commissioner, within 4 weeks after he receives the notice, of his claim that damage has so

occurred and stating the compensation he claims in respect of the damage.

(7) On the receipt of a claim under subsection (5) or (6), the Commissioner may notify the claimant that he does not propose to make any further offer or that he makes a specified further offer.

(8) Before making any compensation under this Act, the Commissioner may require reasonable particulars of the damage to any property which was supplied by the employer to the auxiliary police officer during mobilisation and of the circumstances in which it occurred and may require a reasonable opportunity to be afforded to a person authorised by him to inspect the property.

(9) Nothing in this section shall operate so as to require the making of any payment of compensation before the end of the period of mobilisation of any property.

Disputes on compensation to be referred to Compensation Board for determination

99.—(1) Any dispute as to whether any compensation is payable under section 98 and as to the amount of any compensation payable under that section shall be referred to a Compensation Board for determination in accordance with the provisions of this Act.

(2) An application to a Compensation Board for the determination of any dispute under subsection (1) shall be made in the prescribed manner.

(3) Subject to the Auxiliary Police Forces Regulations, the proceedings before a Compensation Board shall be conducted in accordance with such directions as the Board may issue from time to time.

(4) All proceedings before the Compensation Board under this Act shall be deemed to be judicial proceedings within the meaning of the Penal Code (Cap. 224).

Decision of Compensation Board to be final

100.—(1) Except as provided in this section, a decision of a Compensation Board shall be final and binding on the parties.

(2) An appeal shall lie to the High Court on any question of law arising out of a decision of a Compensation Board and on the determination of such an appeal the Court may, by order —

- (a) confirm, vary or set aside the decision of the Compensation Board; or
- (b) direct the Compensation Board to reconsider its decision on the basis of the Court's opinion on the question of law which was the subject of the appeal,

and where a direction is given under paragraph (b), the Compensation Board shall, unless the Court otherwise directs, make its order within 3 months of the date of the order.

Compensation Board

101.—(1) For the purpose of determining disputes as to any entitlement to, or the quantum of, compensation payable under this Part for the mobilisation of any Auxiliary Police Force, there shall be constituted a Compensation Board consisting of —

- (a) the president or a deputy president of a Compensation Board; and
- (b) 2 other members selected by the president or deputy president from a panel of members constituted in accordance with this section.

(2) The president and every deputy president of a Compensation Board shall be appointed by the Minister for a period of 2 years and shall be eligible for re-appointment, but no person shall be eligible for appointment unless he possesses the qualifications required for a District Judge under section 9(3) of the Subordinate Courts Act (Cap. 321).

(3) The Minister may appoint such number of deputy presidents as he thinks fit.

(4) For the purpose of enabling a Compensation Board to be constituted, there shall be a panel of not more than 20 persons, each of whom shall be appointed by the Minister for a period of 2 years and shall be eligible for re-appointment.

(5) No person shall be eligible to be appointed or to remain the president, or a deputy president or a member of the panel if he —

- (a) is an undischarged bankrupt;
- (b) has been sentenced to imprisonment for a term exceeding 6 months and has not received a free pardon; or
- (c) is mentally disordered and incapable of managing himself or his affairs.

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(6) Where a person ceases to be a member of the panel, the Minister shall, as soon as is reasonably practicable, take steps to fill the vacancy, but the existence of any vacancy in the panel shall not invalidate the acts of any Compensation Board.

(7) The Minister may at any time revoke the appointment of a member of the panel.

(8) There shall be paid to the president, deputy presidents and members of a Compensation Board such salaries, fees and allowances as the Minister may determine.

(9) Every president, deputy president and member of a Compensation Board, when and so long as he is serving on the Compensation Board, shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224) and shall enjoy the same judicial immunity as is enjoyed by a District Judge.

Division 4 — General provisions

Protection of information

102.—(1) No person shall, otherwise than in the performance of his duties or in the course of his business, reveal any information of a private or confidential nature which was acquired by him or which came to his knowledge in the course of his duties —

- (a) as an auxiliary police officer; or
- (b) in connection with an Auxiliary Police Force, whether or not he is an auxiliary police officer.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

Powers of investigation for this Part

103.—(1) The Minister may give such directions, not inconsistent with the provisions of this Part, as to the performance of the functions and duties and the exercise of its powers by the Commissioner under this Part, and the Commissioner shall give effect to every such direction.

(2) The Commissioner and any person authorised in writing in that behalf by him shall, for the purposes of the execution of this Act, have the power to do all or any of the following:

- (a) to enter, inspect and examine by day or by night the place of business of every employer;
- (b) to require the production of records, accounts and documents kept by the employer and to inspect, examine and copy any of them;
- (c) to take such photographs and make such inquiry with the employer or any employee of the Auxiliary Police Force as may be necessary to ascertain whether the provisions of this Act are complied with.

(3) Any person who —

- (a) refuses the Commissioner or any authorised officer to enter or search, access to any place;
- (b) assaults, obstructs, hinders or delays the Commissioner or any authorised officer in effecting any entrance which he or the authorised officer is entitled to effect under this Act, or in the execution of any duty imposed or power conferred by this Act;
- (c) fails to comply with any lawful demand of the Commissioner or any authorised officer in the execution of his duty under this Act; or

- (d) refuses or neglects to give any information which may reasonably be required of him and which he has it in his power to give,

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 12 months or to both.

(4) For the purposes of Division 1 of this Part, the Commissioner or a person authorised in that behalf by him may, by notice in writing, direct any employer of an Auxiliary Police Force to obtain from any of its shareholders and to transmit to the Commissioner information —

- (a) as to whether that shareholder holds any share in the employer of an Auxiliary Police Force as beneficial owner or as trustee; and
- (b) if the shareholder holds the share as trustee, to indicate, so far as he can, the person for whom he holds the share (either by name or by other particulars sufficient to enable that person to be identified) and the nature of his interest,

and the employer shall comply with that direction within such time as may be specified in the notice.

(5) The Commissioner may, by notice in writing, require any shareholder of an employer of an Auxiliary Police Force, or any person who appears from the information provided to the Commissioner under subsection (4) or this subsection to have an interest in any share in such an employer, to inform the Commissioner —

- (a) whether he holds that interest as beneficial owner or as trustee, and if he holds the interest as trustee, to indicate, so far as he can, the person for whom he holds the interest (either by name or by other particulars sufficient to enable that person to be identified) and the nature of his interest; or
- (b) whether any share or any voting right attached to the share is the subject of an agreement or arrangement described in

section 88, and if so, to give particulars of the agreement or arrangement and the parties to it,

and the person shall comply with that notice within such time as may be specified therein.

(6) Any person who —

- (a) fails to comply with a notice under this section; or
- (b) in purported compliance of the notice, knowingly or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part thereof during which the offence continues after conviction.

Auxiliary Police Forces Regulations

104.—(1) The Minister may make regulations to carry out the purposes of this Part.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to —

- (a) the organisation, structure and management of Auxiliary Police Forces;
- (b) the schemes of training for auxiliary police officers;
- (c) the appointments and promotions of auxiliary police officers;
- (d) the discipline and punishment of auxiliary police officers, including a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both for any auxiliary police officer who is convicted of an offence under these regulations;
- (e) the uniform and equipment, arms and ammunition to be carried by auxiliary police officers;

- (f) the auditing of the conduct of operation, suitability and availability, recruitment and training of an Auxiliary Police Force as may be necessary for preventing abuse or neglect of duty, and for rendering the Auxiliary Police Force efficient in the discharge of their duties and for the carrying out of the objects of this Act;
- (g) the establishment and administration of any association established for the welfare of auxiliary police officers and the control of the funds of any such association and the collection of subscriptions from members thereof;
- (h) the powers and procedure of a Compensation Board, including the awarding of costs and referring questions of law to the High Court;
- (i) such other matters as may be necessary and expedient for preventing abuse or neglect of duty, and for rendering the Auxiliary Police Forces efficient in the discharge of their duties and for carrying out the objects of this Act; and
- (j) any other matter which by this Part is required or permitted to be prescribed.

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

Liability of Government for acts committed by auxiliary police officer

105.—(1) Any act done or omitted to be done by any auxiliary police officer employed by any statutory body, company or other organisation shall be deemed to be an act done or omitted to be done in the course of his employment with such statutory body, company or other organisation, as the case may be.

(2) The Government shall not be liable for any act done or omitted to be done by any auxiliary police officer who is not employed by the Government.

PART X

POLICE FUND

Police Fund

106.—(1) The Police Fund established under the repealed Act shall continue and be applied for the purposes specified in this Part.

(2) The Police Fund shall consist of —

- (a) all sums forfeited by or fines inflicted on police officers under the powers conferred by this Act, and all sums recoverable from police officers under this Act and which are payable to the Police Fund;
- (b) such proportion as the Commissioner may think fit of sums paid for extra or special services of police officers, special police officers or former police officers or special police officers;
- (c) all fines levied for assaults on police officers;
- (d) all illegal gratifications offered to police officers and confiscated by an order of court;
- (e) donations offered to the Police Fund and accepted by the Commissioner;
- (f) moneys accruing as interest on loans made from the Police Fund;
- (g) all moneys from time to time appropriated from the Consolidated Fund and authorised to be paid into the Police Fund by this Act or any other written law;
- (h) all other revenues of Singapore allocated by any written law to the Police Fund; and
- (i) the net income from investments of moneys in the Police Fund authorised to be made by this Act or any other written law.

(3) The Police Fund shall be regarded as a Government fund and as comprising public moneys for the purposes of any other written law.

(4) For the purposes of subsection (2)(i), the net income from investments shall be the amount ascertained by adding to, or deducting from, the income received from investments of moneys in the Fund any profit derived or loss sustained, as the case may be, from the realisation of such investments.

(5) The Commissioner shall be responsible for the control, supervision and management of all moneys of the Police Fund in accordance with this Act and the Police Regulations.

Purposes of Police Fund

107.—(1) The moneys in the Police Fund may be withdrawn and applied for all or any of the following purposes only:

- (a) rewarding police officers or special police officers who are serving or who have retired on full pension, gratuity, allowance or other benefits for extra or special services rendered by them;
- (b) paying for expenses not chargeable to the public revenue for conducting events or other activities related to the welfare of police officers or special police officers who are serving, or who have retired on full pension, gratuity, allowance or other benefits;
- (c) granting loans to police officers or special police officers who are serving, or who have retired on full pension, gratuity, allowance or other benefits, on rates and terms in accordance with the Police Regulations.

(2) No moneys shall be withdrawn from the Police Fund unless they are charged upon the Police Fund or are authorised or directed to be withdrawn or transferred under this Act.

(3) All expenses incidental to or arising from the administration, investment and management of moneys in the Police Fund shall be charged upon and payable out of the Police Fund.

PART XI

UNCLAIMED PROPERTY AND ESTATES OF INTESTATES

Disposal of property deposited at police stations

108.—(1) Any lost or unclaimed property deposited at a police station in accordance with any written law shall, if claimed within one month after the date of such deposit by any person who establishes his claim to such property to the satisfaction of the Commissioner, be returned to him on payment of any expenses reasonably incurred by the Commissioner in storing the property.

(2) Notwithstanding subsection (1), if the lost or unclaimed property is of a perishable nature, it may be sold at once and the proceeds of sale forwarded to the Commissioner pending any claim to such property.

(3) If at the end of one month after any lost or unclaimed property is deposited at a police station in accordance with subsection (1), no person has established a claim to the property to the satisfaction of the Commissioner, or immediately (even if less than one month) after the owner has given the Commissioner notice in writing that he is not claiming the property, the Commissioner may —

- (a) arrange for the property to be disposed of by public auction or otherwise; and
- (b) apply the proceeds of the sale to meet the expenses incurred by the Commissioner in storing and disposing of the property, and pay the balance, if any, to the Consolidated Fund.

Power to administer estates of intestates

109.—(1) Whenever any person dies leaving movable property in Singapore under \$1,000 in value, which property is, in the absence of any person entitled thereto, taken charge of by the police for the purpose of safe custody, the Commissioner may, if he thinks fit, order that property to be delivered, without letters of administration taken out, to any person claiming to be entitled to the whole or any part thereof, if he is satisfied as to the title of the claimant and the value of

the property by the oath or affirmation of the claimant, or by such other evidence as he may require.

(2) Notwithstanding subsection (1), where any such movable property referred to in that subsection is of a perishable nature and likely to deteriorate in value by being kept, the Commissioner may order the sale thereof, and the proceeds of such sale shall be dealt with in the same manner as the property is by this section to be dealt with.

(3) The Commissioner may, in his discretion, before making any order under subsection (1) or (2), take such security as he may think proper for the due administration and distribution of such property.

(4) Nothing in this section shall affect the right of any person to recover such property or any of it from the person to whom it may have been delivered pursuant to such order.

(5) If at the end of one month after any property (other than cash) taken charge under this section, no person has established a claim to the property to the satisfaction of the Commissioner, or immediately (even if less than one month) after the owner has given the Commissioner notice in writing that he is not claiming the property, the Commissioner may —

- (a) arrange for the property to be disposed of by public auction or otherwise; and
- (b) apply the proceeds of the sale to meet the expenses incurred by the Commissioner in storing and disposing of the property, and pay the balance, if any, to the Consolidated Fund.

(6) Notwithstanding anything in this section, where the owner of any movable property appears after it has been disposed under subsection (5) and claims the same, restitution shall be made, on the claim being established to the satisfaction of the Commissioner.

Disposal of valueless unclaimed or intestate property

110. Notwithstanding sections 108 and 109, where, in the opinion of the Deputy Commissioner, any property referred to in either section is of no appreciable value, or its value is so small as to render impracticable the sale of such property as provided in either section,

or as to make its detention in police custody unreasonable in view of the expenses or inconvenience that would thereby be involved, the Deputy Commissioner may order the property to be destroyed or otherwise disposed of as he thinks fit.

PART XII

MISCELLANEOUS

General penalty

111. Any person guilty of an offence under this Act for which no penalty is expressly provided 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.

Offences by bodies corporate, etc.

112.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any neglect on such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“officer” —

- (a) in relation to a body corporate, means any director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

Jurisdiction of court

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

(2) Where a person subject to this Act has been charged with a service offence and has had the charge dealt with by a disciplinary

officer, a court shall be debarred from trying him subsequently for an offence substantially the same as that offence.

(3) Except as provided in subsections (2) and (5) and section 115, nothing in this Act shall be construed as restricting the jurisdiction of any court to try a person subject to this Act for an offence.

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

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

(6) Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

Persons not to be disciplined for offence already disposed of

114. Where a person subject to this Act —

- (a) has been tried for a service offence by a court; or
- (b) has had a service offence committed by him taken into consideration by the court in sentencing him,

he shall not be liable in respect of that offence to be dealt with and punished by a disciplinary officer under this Act.

Limitation of time for offences under Act

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

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

(3) Every person who is subject to this Act at the time of the alleged commission by him of a service offence of desertion or absence without leave shall continue to be liable to be charged, dealt with and tried at any time under this Act.

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

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

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

Exemption

116. The Minister may, by order published in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act or any regulations made thereunder subject to such terms and conditions as may be prescribed.

Police Regulations

117.—(1) The Minister may make such regulations not inconsistent with the provisions of this Act to be called the Police Regulations as he may think expedient.

(2) Without prejudice to any other provisions of this Act, such regulations may provide for —

- (a) the organisation and distribution of the Police Force;
- (b) appointments, pay, resignations, discharges, dismissals, reductions, reversions and conditions of service;
- (c) the investigation into, the conduct of disciplinary proceedings and the awarding of punishment, for

disciplinary offences which may be dealt with by a disciplinary officer, including but not limited to —

- (i) the procedure to be observed in the bringing of charges before a disciplinary officer;
 - (ii) the manner in which charges so brought are to be investigated, and the taking of evidence (whether orally or in writing, whether or not on oath and whether in full or in summary or abstract form) for the purpose of investigating or dealing with such charges;
 - (iii) the addition to, or substitution for, a charge which has been investigated of a new charge for a disciplinary offence disclosed by evidence taken on the investigation and the treating of the investigation as the investigation of the new charge;
 - (iv) the procedure to be observed in disciplinary proceedings before a disciplinary officer; and
 - (v) empowering a disciplinary officer to amend a charge which is being heard by him;
- (d) leave of absence;
- (e) the uniforms, arms and accoutrements to be provided;
- (f) the administration of the Police Fund;
- (g) the administration of any association established for the welfare of police officers and the control of the funds of any such association and the collection from members thereof of subscriptions thereto;
- (h) such other matters as may be necessary and expedient for preventing abuse or neglect of duty, and for rendering the Police Force efficient in the discharge of its duties, and for carrying out the objects of this Act; and
- (i) any other matter which by this Act (except Parts VIII and IX) is required or permitted to be prescribed.

(3) Such regulations shall, if so provided therein, be applicable to and binding on all members of the public service of Singapore employed in connection with the Police Force, notwithstanding that they are not police officers, in the same manner as if they were police officers.

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

Police General Orders

118.—(1) The Commissioner may, from time to time, make such orders not inconsistent with the provisions of this Act and of the Police Regulations to be called the Police General Orders as he may think expedient.

(2) Without prejudice to the generality of subsection (1), such Police General Orders may provide for —

- (a) discipline and the regulation and carrying out of punishment;
- (b) classifications and promotions;
- (c) instructions and examinations;
- (d) inspections, drills, exercises and parades;
- (e) police services and duties of every description and the manner in which they shall be carried out;
- (f) the institution and maintenance of police messes, canteens and reading rooms;
- (g) departmental expenditure;
- (h) buildings, grounds, stores, furniture and equipment;
- (i) transfers of police officers, the places at which they shall reside and the particular services to be performed by them;
- (j) the collection and communication of intelligence and information;
- (k) the manner and form of reports, correspondence and other records;

- (l) the performance of any act which may be necessary for the proper carrying out of the provisions of this Act or any other Act or any regulations made thereunder or for the efficient discharge of any duty imposed by any written law on the Police Force or any member thereof; and
- (m) such other matters as may be necessary and expedient for preventing abuse or neglect of duty, for rendering the Police Force efficient in the discharge of its duties, and for carrying out the provisions of this Act.

Force Orders and Standing Orders

119.—(1) The Commissioner may issue orders of a routine nature to be called the Force Orders not inconsistent with the provisions of this Act, Police Regulations or Police General Orders for the control, direction and information of the Police Force.

(2) A commanding officer may issue orders to be called the Standing Orders not inconsistent with the provisions of this Act or Police Regulations, Police General Orders or Force Orders for the control, direction and information of the police in his command.

Police General Orders, etc., need not be published in *Gazette*

120. It shall not be necessary to publish any Police General Orders, Force Orders or Standing Orders in the *Gazette*.

Savings and transitional provisions

121.—(1) On 12th October 2004, every person who immediately before such date was serving in the Singapore Police Force constituted under the repealed Act shall —

- (a) be deemed to be transferred to and to become, at the same rank, grade and seniority immediately before such transfer, a member of the Police Force as if he had been engaged or appointed under this Act; and
- (b) enter upon his duties immediately upon such transfer, and the provisions of this Act shall extend to every such person accordingly,

and his service under the repealed Act shall, for all purposes, be deemed to be service under this Act.

(2) On 12th October 2004, every person who immediately before such date was a member of the Special Constabulary constituted under the provisions of the repealed Act shall —

- (a) be deemed to be transferred to and to become, at the same rank, grade and seniority immediately before such transfer, a member of the Special Constabulary as if he had been appointed under this Act; and
- (b) enter upon his duties immediately upon such transfer, and the provisions of this Act shall extend to every such person accordingly,

and his service under the repealed Act shall, for all purposes, be deemed to be service under this Act.

(3) On 12th October 2004 —

- (a) the Commercial and Industrial Security Corporation Auxiliary Police Force created under the Commercial and Industrial Security Corporation Act (Cap. 47)* ; and
- (b) all other Auxiliary Police Forces created under section 71 of the repealed Act,

shall each be deemed to be an Auxiliary Police Force created under Part IX of this Act, and every person who, immediately before 12th October 2004, is serving in such an Auxiliary Police Force, shall continue as an auxiliary police officer and a member of that Auxiliary Police Force at the same rank, grade and seniority immediately before that date.

(4) The person who, immediately before 12th October 2004, is —

- (a) the Commissioner of Police;
- (b) a Gazetted officer appointed under section 9 of the repealed Act; or

*The Commercial and Industrial Security Corporation Act (Cap. 47, 1998 Ed.) was repealed by the CISCO (Dissolution) Act 2005 (Act 3 of 2005) with effect from 10th June 2005.

- (c) a subordinate officer appointed under section 10(2) of the repealed Act,

shall continue to hold such office as if he were appointed under section 6(1) as the Commissioner, under section 7(1) as a senior police officer and under section 7(2) of this Act, respectively.

(5) Any notice, order, permission or other document prepared, made, granted or approved by or under the authority of the Commissioner or Deputy Commissioner under the repealed Act or any of its subsidiary legislation shall, so far as it is not inconsistent with the provisions of this Act or any of its subsidiary legislation, continue and be deemed to have been prepared, made, granted or approved under the corresponding provisions of this Act or its subsidiary legislation.

(6) Where anything has been commenced by or on behalf of the Commissioner before 12th October 2004, such thing may be carried on and completed by or under the authority of the Commissioner under this Act or its subsidiary legislation.

(7) This Act shall not affect —

- (a) any disciplinary proceeding or prosecution for a service offence commenced or pending before 12th October 2004, and every such proceeding may be continued and everything in relation thereto may be done in all respects after that date as if this Act had not been enacted;
- (b) the continued operation or force of any finding or order following a disciplinary proceeding or prosecution for a service offence made before 12th October 2004; and
- (c) any right of appeal accrued before 12th October 2004 in respect of any such finding or order, and where the appeal has been made under the repealed Act but has not been dealt with or disposed of immediately before that date, the appeal may be dealt with as if this Act had not been enacted.

(8) Sections 108 and 109 shall not apply to any lost or unclaimed property deposited at a police station, and to any movable property of an intestate taken charge of by the police, before 12th October 2004,

and such property shall be dealt with in accordance with the provisions of the repealed Act as if this Act had not been enacted.

(9) Any subsidiary legislation made under the repealed Act and in force immediately before 12th October 2004 shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or repealed by subsidiary legislation made under this Act.

(10) For a period of 2 years after 12th October 2004, the Minister may, by regulations, prescribe such other transitional, incidental and consequential matters arising from the repeal of the repealed Act, as he may consider necessary or expedient.

[122]

References in other written laws and documents

122. Any written law or document referring to the repealed Act shall, as far as may be necessary for preserving its effect, be construed as referring or as including a reference to this Act.

[123]

THE SCHEDULE

Sections 2(1), 40(1), 81 and 82

DISCIPLINARY OFFENCES

1. Absence from duty without leave within the meaning of section 36.
2. Sleeping on duty.
3. Conduct to the prejudice of good order and discipline.
4. Cowardice in the performance of duty.
5. Disobedience of Police Regulations, Special Police Regulations, Police General Orders, Force Orders, Standing Orders or any orders of a superior officer whether written or verbal.
6. Being unfit for duty through intoxication.
7. Insubordination.
8. Abuse of authority by knowingly exceeding his authority over an officer of lower rank.
9. Neglect of duty or orders.

THE SCHEDULE — *continued*

10. Intentionally rendering or keeping himself unfit for service or duty —
- (a) by injuring himself or causing or permitting himself to be injured;
 - (b) by act or omission causing himself to suffer from a sickness or disability or prolonging or aggravating a sickness or disability from which he suffers; or
 - (c) by falsely representing himself to be suffering from a sickness or disability.
11. Doing any of the following acts in relation to a document which is the property of or is submitted to the Police Force or the Special Constabulary, as the case may be, for any purpose (referred to in this Schedule as a service document) with a view to gaining for himself or another or with intent to deceive another or cause loss to another:
- (a) makes or signs a service document that is false in a material particular;
 - (b) makes in a service document an entry that is false in a material particular;
 - (c) alters a service document so that the document is false in a material particular;
 - (d) suppresses, defaces, makes away with or destroys a service document, or a part of a service document, that it is his duty to preserve or produce;
 - (e) does not make an entry in a service document that it is his duty to make.
12. Excess of duty resulting in loss or injury to any other person.
13. Wilful destruction or negligent loss of or injury to property belonging to the Government.
14. Misapplies or wastefully expends any property used by, or in the possession or control of, the Police Force or the Special Constabulary, or any mess, club, common room, canteen or association of the Police Force or the Special Constabulary.
15. Stealing or dishonestly misappropriating any property used by, or in the possession or control of, the Police Force or any mess, club, common room, canteen or association of the Police Force or the Special Constabulary, or is concerned in the stealing or dishonest misappropriation of any such property.
16. Receiving any property used by, or in the possession or control of, the Police Force or the Special Constabulary, or any mess, club, common room, canteen or

THE SCHEDULE — *continued*

association of the Police Force or the Special Constabulary, knowing such property to have been stolen or to have been dishonestly misappropriated.

17. Escaping from custody or any detention barrack in which he is being held under or under the authority of this Act.

18. Refusing to obey a lawful order for his arrest, or committing an assault on a police officer who gives the order or a person, whether or not a police officer, who attempts to apprehend him, or take or hold him in custody, in pursuance of the order.

19. Failing to do any of the following in relation to any person who is under arrest or in custody for an alleged service offence where he is required by or under this Act to take such action:

- (a) to have the case of the first-mentioned person brought before a commanding officer for investigation;
- (b) to have the case of the first-mentioned person disposed of or tried summarily by a disciplinary officer; or
- (c) to release, or to order the release of the first-mentioned person where that person in custody is entitled to be released.

20. Unlawful release of persons in custody by —

- (a) allowing to escape or without authority releasing a person who is delivered into his custody under this Act or whom it is his duty to guard;
- (b) facilitating the escape of a person who is in custody or confinement under this Act; or
- (c) conveying anything into a detention barrack with intent to facilitate an escape from that detention barrack.

21. Commits contempt by —

- (a) failing to comply with a summons or an order to attend as a witness at a committee of inquiry or at disciplinary proceedings for a service offence before a disciplinary officer;
- (b) refusing to take an oath or make an affirmation when required to do so by a disciplinary officer at disciplinary proceedings for a service offence or by a committee of inquiry;
- (c) refusing to produce any document or material in his custody or control which a committee of inquiry, a disciplinary officer or an investigating officer lawfully requires him to produce;

THE SCHEDULE — *continued*

- (d) as a witness, refusing to answer any question which a committee of inquiry or a disciplinary officer lawfully requires an answer;
 - (e) wilfully insulting a disciplinary officer at a disciplinary proceeding for a service offence or a committee of inquiry; or
 - (f) wilfully interrupting, obstructing or disturbing any disciplinary proceeding before a disciplinary officer or a committee of inquiry.
22. Engaging in trade or other employment without the permission of the Commissioner.

LEGISLATIVE SOURCE KEY

POLICE FORCE ACT
(CHAPTER 235)

Unless otherwise stated, the abbreviations used in the cross-references are references to the Police Force Act (Chapter 235, 1985 Revised Edition). The references are provided for convenience and are not part of the Act.

LEGISLATIVE HISTORY

POLICE FORCE ACT (CHAPTER 235)

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

1. Act 24 of 2004 — Police Force Act 2004

Date of First Reading : 19 May 2004
(Bill No. 22/2004 published on
20 May 2004)

Date of Second and Third Readings : 15 June 2004

Date of commencement : 12 October 2004

*Note: The Police Force Act 2004 repealed and re-enacted with amendments
the Police Force Act (Chapter 235, 1985 Revised Edition).*

2. Act 17 of 2005 — Statutes (Miscellaneous Amendments and Repeal) Act 2005

Date of First Reading : 18 April 2005
(Bill No. 7/2005 published on
19 April 2005)

Date of Second and Third Readings : 16 May 2005

Date of commencement : 15 July 2005

3. Act 21 of 2005 — Companies (Amendment) Act 2005 (Consequential amendments made to Act by)

Date of First Reading : 18 April 2005
(Bill No. 11/2005 published on
19 April 2005)

Date of Second and Third Readings : 16 May 2005

Date of commencement : 30 January 2006

4. 2006 Revised Edition — Police Force Act

Date of operation : 31 January 2006

5. Act 15 of 2009 — Public Order Act 2009 (Consequential amendments made to Act by)

Date of First Reading : 23 March 2009
(Bill No. 8/2009 published on
23 March 2009)

Date of Second and Third Readings : 13 April 2009

Date of commencement : 9 October 2009

6. 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

7. Act 15 of 2010 — Criminal Procedure Code 2010

(Consequential amendments made to Act by)

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 (Item 76 of the
Sixth Schedule — Amendment
of Police Force Act)

COMPARATIVE TABLE
POLICE FORCE ACT
(CHAPTER 235)

The following provisions in the Police Force Act (Act 24 of 2004) have been renumbered by the Law Revision Commissioners in this 2006 Revised Edition.

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

| 2006 Ed. | Act 24 of 2004 |
|-----------------|-----------------------|
| <i>Omitted</i> | 121 |
| 121 | 122 |
| <i>Omitted</i> | 123—(1) |
| 122 | (2) |