



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PROBATION OF OFFENDERS ACT

(CHAPTER 252)

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Probation of Offenders Act

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An Act to provide for the probation of offenders.

[9th July 1951]

Short title

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

Interpretation

2. In this Act —

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

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

“community service officer” means any officer appointed as a community service officer under section 346(9)(a) of the Criminal Procedure Code 2010;

[15/2010 wef 02/01/2011]

“court” does not include a court martial;

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

“prison officer” has the same meaning as in the Prisons Act (Cap. 247) and includes the Commissioner of Prisons and a Superintendent of Prisons appointed under that Act;

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

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

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

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

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

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

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

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

[47/75]

Appointment of Chief Probation Officer and probation officers

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

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

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

(4) All persons appointed under this section shall be deemed to be public servants within the meaning of the Penal Code [Cap. 224].

[47/75]

Probation committees

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

[47/75]

Probation

5.—(1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of the opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him, make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer or a volunteer probation officer for a period to be specified in the order of not less than 6 months nor more than 3 years:

Provided that where a person is convicted of an offence for which a specified minimum sentence or mandatory minimum sentence of imprisonment or fine or caning is prescribed by law, the court may make a probation order if the person —

- (a) has attained the age of 16 years but has not attained the age of 21 years at the time of his conviction; and
- (b) has not been previously convicted of any such offence referred to in this proviso, and for this purpose section 11(1) shall not apply to any such previous conviction.

[47/75]

[7/89 wef 01/04/1989]

[37/93 wef 06/12/1993]

(2) A probation order may in addition require the offender to comply during the whole or any part of the probation period with such

requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences:

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

(3) Without prejudice to the generality of subsection (2), a probation order may include —

- (a) requirements relating to the residence of the offender; or
- (b) a requirement that the offender performs such unpaid community service under the supervision of a community service officer.

[15/2010 wef 02/01/2011]

(3A) Before making a probation order containing any such requirements referred to in subsection (3)(a), the court shall consider the home surroundings of the offender; and where the order requires the offender to reside in an approved institution, the name of the institution and the period for which he is so required to reside shall be specified in the order, and that period shall not extend beyond 12 months from the date of the order.

[15/2010 wef 02/01/2011]

(3B) A court shall only include the requirement referred to in subsection (3)(b) if it is satisfied that —

- (a) based on the mental and physical condition of the offender, the offender is a suitable person to perform community service of a type which is specified in the Fifth Schedule to the Criminal Procedure Code 2010; and
- (b) suitable arrangements can be made for him to perform such community service.

[15/2010 wef 02/01/2011]

(3C) A court must, before including the requirement referred to in subsection (3)(b), call for a report from a community service officer

regarding the suitability of the offender to perform community service.

[15/2010 wef 02/01/2011]

(3D) The number of hours which an offender has to perform community service shall be specified in the probation order and shall not exceed the prescribed maximum hours of community service which an offender may be required to perform community service under a community service order referred to in section 346 of the Criminal Procedure Code 2010.

[15/2010 wef 02/01/2011]

(3E) If a probation order in relation to an offender requires an offender to perform community service, it shall also be a requirement of the probation order that the offender complies with the obligations referred to in section 347 of the Criminal Procedure Code 2010 as if he were a person in respect of whom a community service order is made under section 346 of that Code.

[15/2010 wef 02/01/2011]

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

(5) *[Deleted by Act 7 of 1989 wef 01/04/1989]*

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

[47/75]

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

(a) the probationer;

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

Discharge, amendment and review of probation orders

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

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

discharge the order.

[47/75]

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

Provided that —

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

[47/75]

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

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

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

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

[47/75]

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

[47/75]

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

[47/75]

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

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

Breach of requirements of probation order

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

(2) If it is proved to the satisfaction of the Magistrate's Court before which a probationer appears or is brought under this section that the probationer has failed to comply with any requirement of the probation order, that Court may without prejudice to the continuance of the probation order impose on him a fine not exceeding \$1,000 or order that the probationer be detained in prison for a period which shall not exceed 14 days, or the Court may —

- (a) if the probation order was made by a Magistrate's Court, deal with the probationer for the offence in respect of which the probation order was made in any manner in which the Court could deal with him if it had just convicted him of the offence;
- (b) if the probation order was made by the High Court or a District Court, commit him to custody or release him on bail (with or without sureties) until he can be brought or appears before the High Court or the District Court by which the probation order was made.

[7/89 wef 01/04/1989]

[15/2010 wef 02/01/2011]

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

- (a) the Court shall send to the High Court or the District Court a certificate signed by the magistrate certifying that the probationer has failed to comply with such requirements of the probation order as may be specified in the certificate together with such other particulars of the case as may be

desirable, and a certificate purporting to be so signed shall be admissible as evidence of the failure before the High Court or the District Court; and

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

Absolute and conditional discharge

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

Provided that where a person is convicted of an offence for which a specified minimum sentence or mandatory minimum sentence of imprisonment or fine or caning is prescribed by law, the court may make an order discharging a person absolutely or an order for conditional discharge if the person —

- (a) has attained the age of 16 years but has not attained the age of 21 years at the time of his conviction; and
- (b) has not been previously convicted of any such offence referred to in this proviso, and for this purpose section 11(1) shall not apply to any such previous conviction.

[37/93 wef 06/12/1993]

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

period specified in any such order as “the period of conditional discharge”.

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

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

Commission of further offence

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

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

[15/2010 wef 02/01/2011]

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

- (a) if the probation order or the order for conditional discharge was made by the High Court, a Judge of the High Court;
[16/93 wef 01/07/1993]
- (b) if the order was made by a District Court, a District Judge;
and
- (c) if the order was made by a Magistrate’s Court or Youth Court, a magistrate.

[Act 27 of 2014 wef 01/10/2014]

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

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

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

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

Supplementary provisions as to probation and discharge

10.—(1) Without prejudice to section 44(1)(d) of the Children and Young Persons Act (Cap. 38) (which enables a court to order the parent or guardian of a child or young person charged with an offence to give security for his good behaviour), any court may, on making a probation order or an order for conditional discharge under this Act, if

it thinks it expedient for the purpose of the reformation of the offender, allow any person who consents to do so to give security for the good behaviour of the offender.

[20/2001 wef 01/10/2001]

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

(3) An order for the payment of damages or compensation as aforesaid may be enforced in like manner as an order for the payment of costs by the offender; and where the court, in addition to making such an order for the payment of damages or compensation to any person, orders the offender to pay to that person any costs, the orders for the payment of damages or compensation and for the payment of costs may be enforced as if they constituted a single order for the payment of costs.

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

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

Effects of probation and discharge

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

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

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

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

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

Approved institutions

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

Rules

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

- (a) the duties of the Chief Probation Officer;
- (b) the duties of probation officers and volunteer probation officers;
- (c) the constitution and duties of a probation committee or probation committees;
- (d) the regulation, management and inspection of approved institutions;
- (e) the form of records to be kept under this Act;

- (f) the fees and charges to be made for any act, matter or thing under this Act to be done or observed;
- (g) the carrying into effect generally of the purposes and provisions of this Act.

[47/75]

(2) All rules made under this section shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of one month from the date when the rules are so presented annulling the rules or any part thereof as from a specified date, the rules or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

LEGISLATIVE HISTORY
PROBATION OF OFFENDERS ACT
(CHAPTER 252)

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

1. Ordinance 27 of 1951 — Probation of Offenders Ordinance 1951

Date of First, Second and Third Readings : Date not available.

Date of commencement : 9 July 1951

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

Date of First, Second and Third Readings : Date not available.

Date of commencement : 25 September 1958

3. Ordinance 72 of 1959 — Transfer of Powers (No. 2) Ordinance 1959

Date of First, Second and Third Readings : Date not available.

Date of commencement : 20 November 1959

4. G. N. No. S(NS) 179/1959 — The Singapore Constitution (Modification of Laws) (No. 5) Order 1959

Date of commencement : 20 November 1959

5. 1970 Revised Edition — Probation of Offenders Act (Cap. 117)

Date of operation : 15 April 1971

6. Act 47 of 1975 — Probation of Offenders (Amendment) Act 1975

Date of First Reading : 11 November 1975
(Bill No. 49/1975 published on 11 November 1975)

Date of Second and Third Readings : 20 November 1975

Date of commencement : 1 March 1976

7. 1985 Revised Edition — Probation of Offenders Act

Date of operation : 30 March 1987

8. Act 7 of 1989 — Probation of Offenders (Amendment) Act 1989

| | | |
|-----------------------------------|---|----------------------------------------------------------------------|
| Date of First Reading | : | 16 January 1989 (Bill No. 3/1989 published on 16 January 1989) |
| Date of Second and Third Readings | : | 26 January 1989 |
| Date of commencement | : | 1 April 1989 |

9. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993
(Consequential amendments made by)

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|-----------------------------------|---|-------------------------------------------------------------------------|
| Date of First Reading | : | 26 February 1993 (Bill No. 12/1993 published on 27 February 1993) |
| Date of Second and Third Readings | : | 12 April 1993 |
| Date of commencement | : | 1 July 1993 |

10. Act 37 of 1993 — Probation of Offenders (Amendment) Act 1993

| | | |
|-----------------------------------|---|---------------------------------------------------------------------|
| Date of First Reading | : | 30 August 1993 (Bill No. 25/1993 published on 31 August 1993) |
| Date of Second and Third Readings | : | 10 November 1993 |
| Date of commencement | : | 6 December 1993 |

11. Act 20 of 2001 — Children and Young Persons (Amendment) Act 2001
(Consequential amendments made to Act by)

| | | |
|-----------------------------------|---|-------------------------------------------------------------------------|
| Date of First Reading | : | 22 February 2001 (Bill No. 12/2001 published on 23 February 2001) |
| Date of Second and Third Readings | : | 20 April 2001 |
| Date of commencement | : | 1 October 2001 |

12. Act 15 of 2010 — Criminal Procedure Code 2010

(Consequential amendments made to Act by)

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|-----------------------------------|---|-------------------------------------------------------------------|
| 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 |

13. Act 1 of 2014 — Prisons (Amendment) Act 2014

(Consequential amendments made to Act by)

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

Date of Second and Third Readings : 21 January 2014

Date of commencement : 1 July 2014

14. Act 27 of 2014 — Family Justice Act 2014

(Consequential amendments made by)

Date of First Reading : 8 July 2014
(Bill No. 21/2014 published on
8 July 2014)

Date of Second and Third Readings : 4 August 2014

Date of commencement : 1 October 2014