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The following Act was passed by Parliament on 22nd November 2010 and assented to by the President on 6th December 2010:—

REPUBLIC OF SINGAPORE

No. 32 of 2010.

I assent.

(LS)

S R NATHAN,
President.
6th December 2010.

An Act to amend the Civil Defence Act (Chapter 42 of the 2001 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Civil Defence (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Civil Defence Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the word “storm” in the definition of “civil defence emergency”, the words “, hazardous materials incident”;

(b) by inserting, immediately after the definition of “disciplinary officer”, the following definition:

““emergency services” means any organisation or group of persons providing services to respond to and deal with civil defence emergencies, and includes fire-fighting services, ambulance services and the police;”;

(c) by inserting, immediately after the definition of “Fund”, the following definitions:

““hazardous material” means any substance or article set out in the Third Schedule to the Road Traffic (Expressway Traffic) Rules (Cap. 276, R 23);

“hazardous materials incident” means an actual or suspected spillage or other escape of any hazardous material the spillage or escape of which causes or may cause destruction of or damage to property or loss of life or injury or distress to persons or that in any way endangers the safety of the public in Singapore or in any part thereof;

“junior disciplinary officer”, in relation to a person charged with an offence, means an officer commanding a company or equivalent

sub-unit or any other officer designated as a junior disciplinary officer by the Commissioner to deal with charges made against a member for the commission of a service offence;”;

- (d) by inserting, immediately after the word “Force” in the definition of “member”, the words “, and shall include an auxiliary member”;
- (e) by inserting, immediately before the words “warrant officer” in the definitions of “non-commissioned officer” and “serviceman”, the word “senior”;
- (f) by deleting the definition of “provost officer” and substituting the following definition:
- “ “provost officer” means any member of the Force appointed by the Commissioner as a provost officer for the purposes of this Act;”;
- (g) by inserting, immediately after the definition of “regulations”, the following definition:
- “ “senior disciplinary officer”, in relation to a person charged with an offence, means an officer commanding a division, battalion, training school or its equivalent or any other officer designated as a senior disciplinary officer by the Commissioner to deal with charges made against a member for the commission of a service offence;” and
- (h) by inserting, immediately before the words ““service ship”” in the definition of “service property”, the words ““service equipment”, “service facilities”,”.

Amendment of section 4

3. Section 4 of the principal Act is amended —

- (a) by inserting, immediately after the words “defence and” in subsection (1)(b), the words “, if necessary;” and

(b) by deleting paragraphs (a) to (p) of subsection (2) and substituting the following paragraphs:

- “(a) rescue endangered persons and remove them to areas of safety;
- (b) provide first-aid to casualties and for their removal for medical treatment or to areas of safety;
- (c) train and, if necessary, equip the civilian population to cope with any civil defence emergency;
- (d) assist the public authorities to undertake measures for the retrieval and, if necessary, decontamination of the dead bodies from any place affected by any civil defence emergency;
- (e) disseminate information and advice to the public;
- (f) take lawful measures to extinguish and prevent the spread of fire;
- (g) provide, maintain, control and operate prescribed warning devices;
- (h) manage all public shelters including air-raid shelters and temporary shelters;
- (i) take lawful measures for protecting life and property in case of fire;
- (j) take lawful measures to mitigate the consequences of hazardous materials incidents and for protecting life and property in such an event;
- (k) provide and maintain an adequate emergency ambulance service;

- (l) ensure effective co-ordination between the Force and other emergency services in Singapore; and
- (m) execute such other duties as may be imposed on it by this Act or any other written law.”.

Amendment of section 5

4. Section 5(3) of the principal Act is amended by deleting the words “as engineering or technical officers” in paragraph (d).

Amendment of section 6

5. Section 6 of the principal Act is amended —

- (a) by inserting, immediately after the words “Deputy Commissioners” in subsection (2), the words “, Senior Assistant Commissioners”; and
- (b) by inserting, immediately after the words “The Deputy Commissioners” in subsection (3), the words “, the Senior Assistant Commissioners”.

Repeal and re-enactment of section 12

6. Section 12 of the principal Act is repealed and the following section substituted therefor:

“Identity card

12. An identity card shall be issued to every full-time national serviceman and shall be evidence of his enlistment in the Force under this Act.”.

Amendment of section 15

7. Section 15 of the principal Act is amended by deleting the words “substitution or” in paragraph (c) and substituting the words “substitution of”.

Repeal and re-enactment of section 16

8. Section 16 of the principal Act is repealed and the following section substituted therefor:

“Certain persons to remain subject to Act

16. Subject to section 73, a person who has ceased to be a member may, in respect of a service offence committed within 6 months before he ceased to be a member, be dealt with as though he were still a member, if and only if he is charged with the offence not later than 3 years from the date of the commission of the offence.”.

Amendment of section 19

9. Section 19 of the principal Act is amended —

- (a) by deleting the words “Subject to subsection (2) and except” in subsection (1) and substituting the word “Except”;
- (b) by deleting the words “6 months” in subsection (1) and substituting the words “3 years”; and
- (c) by deleting subsection (2).

New section 37A

10. The principal Act is amended by inserting, immediately after section 37, the following section:

“Causing irrecoverable loss of service property

37A.—(1) Any person who wilfully causes the irrecoverable loss of any service property shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years or any other punishment authorised by this Act.

(2) Any person who, by any negligent act or omission, causes the irrecoverable loss of any service property shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or any other punishment authorised by this Act.”.

Amendment of section 41

11. Section 41 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) For the purposes of this section, “service document” means —

- (a) any document which is the property of the Force; or
- (b) any document submitted to the Force for any purpose whatsoever,

and shall include any such document in the form of an electronic record, and a reference to signing of a service document shall be deemed to include the application of an electronic signature to an electronic record.”.

Amendment of section 48

12. Section 48 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

“(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.”.

Amendment of section 72

13. Section 72(2) of the principal Act is amended by inserting, immediately before the words “a warrant officer”, the words “a senior warrant officer or”.

Amendment of section 75

14. Section 75 of the principal Act is amended —

- (a) by deleting “\$100” in subsections (1)(b) and (3) and substituting in each case “\$300”;
- (b) by deleting “\$300” in subsection (1)(b) and substituting “\$1,000”; and
- (c) by inserting, immediately after the word “suffered” in subsection (3), the words “bodily injury,”.

Amendment of section 81

15. Section 81(1) of the principal Act is amended by deleting the words “an officer or officers” and substituting the words “one or more public officer”.

Repeal of section 82

16. Section 82 of the principal Act is repealed.

Amendment of section 84

17. Section 84(2) of the principal Act is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) if the fine exceeds \$100 but does not exceed \$300, detention for a period not exceeding 30 days; and”.

Amendment of section 89

18. Section 89(2) of the principal Act is amended by deleting “\$2” and substituting “\$5”.

Amendment of section 92

19. Section 92(1) of the principal Act is amended by deleting the word “Government” and substituting the word “government”.

Deletion and substitution of heading to Part XII

20. The heading to Part XII of the principal Act is deleted and the following heading substituted therefor:

“STATE OF CIVIL DEFENCE EMERGENCY”.

Amendment of section 102

21. Section 102(3) of the principal Act is amended by inserting, immediately after the words “from the time the”, the words “state of”.

New Part XIII A

22. The principal Act is amended by inserting, immediately after section 105, the following Part:

“PART XIII A

SERVICE OUTSIDE SINGAPORE

Minister may send members of Force outside Singapore

105A.—(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) on a request in that behalf being made by a United Nations agency; or
- (c) in connection with any agreement or arrangement with a government of a territory outside Singapore,

order such number of members of the Force as to him seems expedient to proceed outside Singapore to carry out duties to respond to and deal with a civil defence emergency taking place in such territory.

(2) In making an order under subsection (1), the Minister shall specify the purposes for which the members of the Force are to carry out 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 duties by members of the Force in that territory, which may include provisions —

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

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

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

(6) All members of the Force ordered under subsection (1) to proceed outside Singapore for service shall comply with every direction issued under subsection (4).

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

Members of Force serving outside Singapore to remain subject to this Act

105B. Subject to section 105D, a member of the Force who is temporarily attached to the forces of another territory, or otherwise serving outside Singapore, pursuant to any order made under section 105A shall not cease to be subject to this Act by reason only of his being so temporarily attached, or being outside Singapore.

Jurisdiction during overseas service

105C.—(1) Section 105D shall apply to any act done or omitted to be done outside Singapore by any member of the Force while he is serving outside Singapore pursuant to any order made under section 105A.

(2) For the purposes of this section, a person shall be deemed to be serving outside Singapore pursuant to an order made under section 105A from the time he leaves Singapore to undertake those duties until the time he returns to Singapore.

Offences and misconduct during overseas service

105D.—(1) If any member of the Force 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 to be done 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) are bringing criminal proceedings against the member of the Force in that territory.

(2) No information shall be laid against any member of the Force over whom jurisdiction is claimed by virtue of subsection (1) without the consent of the Attorney-General.

(3) If any member of the Force is alleged to have committed an offence in respect of which the laying of information requires the consent of the Attorney-General under subsection (2), the member concerned may be arrested and detained in custody or remanded in custody or on bail, even though the consent of the Attorney-General 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.

(4) If any member of the Force 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 VII and punished, in the same manner as if the act or omission had occurred in Singapore; and
- (b) for that purpose, this Act and the Civil Defence (Arrests, Searches, Investigation and Trial of

Offences) Regulations (Rg 2) shall apply to him with any necessary modifications.”.

Amendment of section 115

23. Section 115(2) of the principal Act is amended —

- (a) by deleting paragraphs (i) and (q);
- (b) by inserting, immediately before the words “to equip” in paragraph (o), the words “, if necessary,”; and
- (c) by deleting the semi-colon at the end of paragraph (p) and substituting a full-stop.

Saving and transitional provision

24. For a period of 2 years after the commencement of this section, the Minister may, by rules, prescribe such provisions of a savings or transitional nature consequent on the enactment of any provision of this Act as he may consider necessary or expedient.
