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Police Force (Amendment) Bill

Bill No. 14/2021.

Read the first time on 5 July 2021.

A BILL

intituled

An Act to amend the Police Force Act.

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 is the Police Force (Amendment) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2(1) of the Police Force Act (called in this Act the principal Act) is amended —

(a) by deleting the words “lance corporal” in the definition of “constable” and substituting the word “corporal”; and

10 (b) by inserting, immediately after the definition of “national serviceman”, the following definition:

““non-police personnel performing duties in the Police Force” means a public officer or any other individual, either of whom is not a police officer but is performing duties in the Police Force under —

(a) a posting; or

(b) a secondment arrangement making available temporarily to the Police Force the services of such public officer or individual;”.

15 New section 13A

3. The principal Act is amended by inserting, immediately after section 13, the following section:

25 “No resignation during crisis period

13A.—(1) Where a notice of resignation is given in accordance with section 11(3) or 13(4), or the terms of engagement mentioned in section 12, and is accepted before a crisis period starts —

30 (a) the notice of resignation does not take effect before the end of the crisis period;

(b) the crisis period must be excluded in calculating any notice period in order for the resignation to take effect; and

(c) any notice period for the resignation to take effect must be extended by a period equal to the length of the crisis period,

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unless the Commissioner waives the application of this subsection to the particular notice of resignation on the ground that the service of the police officer or temporary constable giving the notice is not necessary for the securing of the public safety, defence and security of Singapore.

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(2) Despite section 11(3), 12 or 13(4), a notice of resignation to resign from the Police Force that is given by a police officer or temporary constable is invalid if —

(a) the notice of resignation is given during a crisis period; and

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(b) the Commissioner refuses the notice of resignation.

(3) The Commissioner may refuse a notice of resignation given during a crisis period only if the Commissioner is of the opinion that the service of the police officer or temporary constable giving the notice is necessary for the securing of the public safety, defence and security of Singapore.

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(4) In this section, “crisis period” means the period when any of the following is in force:

(a) a Proclamation of Emergency issued under Article 150(1) of the Constitution of the Republic of Singapore;

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(b) an activation order given under section 8(1) of the Public Order and Safety (Special Powers) Act 2018.”.

Amendment of section 15

4. Section 15 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

5 “(1) Every police officer must, before leaving the Police Force because of his or her resignation, dismissal, discharge or otherwise, deliver up in good order (fair wear and tear only excepted) any of the following that belongs to the Government, is issued to the police officer and is in his or her possession:

(a) arms or ammunition;

10 (b) any other article or property specified in the Police General Orders in section 118 or the Force Orders in section 119.”.

Repeal and re-enactment of section 17

5. Section 17 of the principal Act is repealed and the following section substituted therefor:

“Delegation of powers

17.—(1) Except as otherwise specially provided in section 18 or 110A and the Public Order and Safety (Special Powers) Act 2018, 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) any police officer not below the rank of superintendent; or

25 (b) any non-police personnel performing duties in the Police Force who is not below the prescribed grade.

(2) Except as otherwise specially provided in section 18 or any other written law, where a Deputy Commissioner is absent or incapable for any reason of performing or discharging any of his or her duties under any written law, the Commissioner may authorise —

30 (a) any police officer not below the rank of assistant superintendent; or

(b) any non-police personnel performing duties in the Police Force who is not below the prescribed grade, to exercise the powers conferred and perform the duties imposed on the Deputy Commissioner by any written law.”.

Repeal and re-enactment of section 26

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6. Section 26 of the principal Act is repealed and the following section substituted therefor:

“Road barriers

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

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(a) erect or place barriers in or across any public road or street or in any public place in such manner as the police officer may think fit; and

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(b) take all reasonable steps to prevent any vehicle being driven or ridden past, or any person from crossing, any such barrier.

(2) Where a barrier is erected or placed in or across any public road or street or in any public place pursuant to subsection (1), a police officer may order the driver or rider of any vehicle travelling in the direction of the barrier —

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(a) to proceed towards the barrier and stop the vehicle at or near, or before reaching the barrier; and

(b) to remain in the vehicle and keep the vehicle stationary until permitted by a police officer to proceed.

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(3) An order under subsection (2) to the driver or rider of any vehicle may be given —

(a) by spoken word in a manner which is likely to be audible to the driver or rider;

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(b) by any recognised hand signal in a manner which is likely to be visible to the driver or rider; or

(c) by any other prescribed signal which is likely to be audible or visible to the driver or rider.

5 (4) If any notice or sign warning of the presence of a barrier erected or placed in or across any public road or street or in any public place pursuant to subsection (1), is displayed to traffic approaching the barrier, the notice or sign constitutes and is to be treated, for the purposes of this section, as an order under
10 subsection (2) addressed by a police officer to any driver or rider of any vehicle who is travelling in the direction of the barrier and who ought reasonably to have seen the notice or sign to do the following:

15 (a) to proceed towards the barrier and stop the vehicle at or near, or before reaching the barrier;

(b) to remain in the vehicle and keep the vehicle stationary until permitted by a police officer to proceed.

(5) Any driver or rider of any vehicle commits an offence if —

20 (a) he or she is ordered under subsection (2) by a police officer —

(i) to proceed towards the barrier and stop the vehicle at or near, or before reaching the barrier; and

25 (ii) to remain in the vehicle and keep the vehicle stationary until permitted by a police officer to proceed; and

(b) he or she fails —

30 (i) to proceed towards the barrier and stop the vehicle at or near, or before reaching the barrier; or

(ii) to remain in the vehicle and keep the vehicle stationary until permitted by a police officer to proceed.

(6) Where a barrier is erected or placed in or across any public road or street or in any public place pursuant to subsection (1), a police officer may direct a pedestrian travelling in the direction of the barrier —

- (a) to proceed towards the barrier and stop at or near, or before reaching the barrier; and 5
- (b) to remain there until permitted by a police officer to continue.

(7) A person who is a pedestrian travelling on any public road or street or in any public place commits an offence if the person fails to comply with any direction of a police officer to the person under subsection (6). 10

(8) A person who is guilty of an offence —

- (a) under subsection (5) 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; or 15
- (b) under subsection (7) shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 3 months or to both.

(9) In proceedings against an accused for an offence under subsection (5) or (7), where it is alleged that the accused failed to comply with an order under subsection (2) or a direction under subsection (6) (as the case may be), it is a defence for the accused to prove, on a balance of probabilities, that it was not reasonably practicable to do more than what was in fact done to comply with the order or direction, as the case may be. 20 25

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

- (a) any driver or rider of any vehicle who fails to comply with an order under subsection (2) by a police officer;
- (b) any pedestrian who fails to comply with a direction under subsection (6) by a police officer; or 30
- (c) any driver or rider of any vehicle mentioned in paragraph (a), or any pedestrian mentioned in

paragraph (b), who in response to a request by a police officer giving the order or direction —

(i) refuses to give his or her name and a residential address in Singapore; or

(ii) gives a name which the police officer has reason to believe is false or misleading or gives an address other than the full and correct residential address in Singapore of the driver, rider or pedestrian, as the case may be.

(11) 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.”.

New section 26E

7. The principal Act is amended by inserting, immediately after section 26D, the following section:

“Forced entry in non-suicide cases

26E.—(1) If a police officer —

(a) reasonably suspects that a person in any place requires assistance because of any injury or the person’s poor state of health;

(b) is unable to gain entry or access into the place; and

(c) is of the view that entry or access into the place is necessary to protect the life, health or safety of the person,

it is lawful for the police officer to break open any outer or inner door or window of the place or to use any other reasonable means in order to gain entry or access into the place.

(2) However, no power conferred under this section may be exercised in relation to a person whom the police officer reasonably suspects is about to attempt or has attempted to commit suicide.”.

Amendment of section 40

8. Section 40 of the principal Act is amended —

(a) by inserting, immediately after the words “not exceeding \$200” in subsection (4)(a), the words “or a higher amount prescribed in substitution”; and

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(b) by inserting, immediately after subsection (4), the following subsection:

“(4A) Any regulations made under section 117 prescribing an amount of fine in substitution of the amount specified in subsection (4) must not apply to or in relation to a disciplinary offence committed before the date the regulations come into force.”.

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Amendment of section 64

9. Section 64 of the principal Act is amended by deleting subsection (3) and substituting the following subsections:

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“(3) For the purposes of subsection (2), a Commercial Affairs Officer —

(a) has all the powers of investigation conferred on police officers —

(i) in relation to the investigation of offences under the Criminal Procedure Code; or

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(ii) under such other written law as the Minister may, by notification in the *Gazette*, prescribe,

and is deemed to be a police officer not below the rank of inspector for the purposes of those written laws;

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(b) may without warrant, arrest any person —

(i) who has been concerned in an arrestable offence or is reasonably suspected of having been involved in one, or against whom a reasonable complaint has been made or credible information has been received of the person having been so concerned or involved;

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- 5
- (ii) who possesses anything that may reasonably be suspected to be stolen or fraudulently obtained property, and who may reasonably be suspected of having committed an offence in acquiring it; or
 - (iii) who obstructs a Commercial Affairs Officer while that Commercial Affairs Officer is doing his or her duty, or has escaped or tries to escape from the lawful custody of a Commercial Affairs Officer or any other person;
- 10
- (c) when exercising the powers of investigation under the Criminal Procedure Code in relation to an arrestable offence by virtue of paragraph (a), may —
- 15 (i) enter any place belonging to or under the control of any person who —
 - (A) is under arrest in connection with the offence;
 - (B) is reasonably believed to be connected with the offence; or
 - 20 (C) is reasonably believed to have given shelter to a person under arrest; and
 - (ii) search the place for any evidence of the offence;
- (d) when lawfully making a search for anything in any place in respect of any offence, may —
- 25 (i) lawfully detain every person found there until the search is completed; and
 - (ii) search each person found in the place for any thing sought if the thing can be concealed on a person;
- 30
- (e) may, whenever a person is arrested in the following circumstances, search the person and place in safe custody all articles other than necessary wearing apparel found upon the person:

- (i) a person who is arrested by a Commercial Affairs Officer under a warrant which does not provide for the taking of bail or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail; 5
 - (ii) a person who is arrested without warrant by a Commercial Affairs Officer and the person arrested cannot legally be admitted to bail or is unable to furnish bail;
- (f) who has reason to believe that a person whom the Commercial Affairs Officer may lawfully arrest is inside any place — 10
 - (i) may demand entry to the place and any person residing in or in charge of the place must allow the Commercial Affairs Officer free entry and provide all reasonable facilities for a search in the place; 15
 - (ii) may, if entry to the place cannot be gained under sub-paragraph (i), enter and search the place;
 - (iii) may, in any case in which an arrest warrant may be issued but cannot be obtained without the risk of the person to be arrested escaping, enter and search the place; and 20
 - (iv) may, if the Commercial Affairs Officer is unable to obtain entry to the place despite stating the Commercial Affairs Officer's authority and purpose and demanding entry to the place, break open any outer or inner door or window of the place or use any other reasonable means to gain such entry; 25 30
- (g) may break open a place to free himself or herself or any other person who, having lawfully gone inside to make an arrest, is detained in the place;

(*h*) may release any person on bail or personal bond in accordance with Division 5 of Part VI of the Criminal Procedure Code; and

(*i*) may serve on any person (whom the Commercial Affairs Officer has reasonable grounds for believing has committed an offence) a notice to attend court, or require any person to execute a bond to appear before a court, in accordance with Division 6 of Part VI of the Criminal Procedure Code.

(3A) A Commercial Affairs Officer —

(*a*) when making an arrest under subsection (3)(*b*), must comply with sections 67, 68, 73, 74, 75 and 76 of the Criminal Procedure Code; and

(*b*) when searching a woman, must comply with section 83(1) of the Criminal Procedure Code,

as if the Commercial Affairs Officer were a police officer.

(3B) A person arrested by a Commercial Affairs Officer must not be released except on the person's own bond or on bail, or by a written order of a court or of any Commercial Affairs Officer.

(3C) The provisions of Divisions 5 and 6 of Part VI of the Criminal Procedure Code apply in relation to the exercise of the powers of a Commercial Affairs Officer under subsection (3)(*h*) or (*i*) and for that purpose —

(*a*) any reference to an officer, a police officer or a police officer not below the rank of sergeant is a reference to a Commercial Affairs Officer; and

(*b*) the reference to the Commissioner of Police in section 92 of the Criminal Procedure Code is a reference to the head of the Commercial Affairs Department or a person of a similar rank.

(3D) For the purposes of subsection (2), section 25 applies to a Commercial Affairs Officer as if he or she were a police officer.”.

Amendment of section 67

10. Section 67(1) of the principal Act is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) have all the powers conferred on police officers under any written law; and”.

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Amendment of section 69

11. Section 69 of the principal Act is amended —

(a) by deleting the words “assistant superintendent” in subsection (1) and substituting the word “superintendent”;

(b) by deleting the word “inspector” in subsection (2) and substituting the words “deputy superintendent”; and

10

(c) by deleting the words “dismissed or” in subsection (3).

Amendment of section 71

12. Section 71 of the principal Act is amended by inserting, immediately after the words “special police officer”, the words “deployed to perform duties that require the exercise of the powers of a police officer,”.

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Amendment of section 72

13. Section 72 of the principal Act is amended —

(a) by deleting subsection (1);

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(b) by deleting subsection (2) and substituting the following subsection:

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

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(a) from continuous full-time service in the Special Constabulary when —

(i) he has completed the period of full-time service prescribed by the Enlistment Act;

30

- (ii) he is transferred from the Special Constabulary to another force specified by the proper authority in a notice given to him;
- 5 (iii) he is exempted by notice under section 29 of the Enlistment Act from his liability to render full-time service in the Special Constabulary and is given the notice; or
- 10 (iv) he ceases to be a person subject to the Enlistment Act;
- (b) from operationally ready national service in the Special Constabulary when —
- 15 (i) he is transferred from the Special Constabulary to another force specified by the proper authority in a notice given to him;
- (ii) he is exempted by notice under section 29 of the Enlistment Act from his liability to render operationally ready national service in the Special Constabulary and is given the notice; or
- 20 (iii) he ceases to be a person subject to the Enlistment Act.”;
- 25 (c) by deleting paragraph (b) of subsection (3) and substituting the following paragraph:
- 30 “(b) upon delivering to the Commissioner in good order (fair wear and tear only excepted) any of the following that belongs to the Government, is issued to the volunteer or volunteer ex-NSman and is in his possession:
- (i) arms and ammunition;

(ii) any other article or property specified in the Police General Orders in section 118 or the Force Orders in section 119.”; and

(d) by deleting subsection (3B) and substituting the following subsection: 5

“(3B) Every special police officer must, before leaving the Special Constabulary because of his resignation, dismissal, discharge or otherwise, deliver up in good order (fair wear and tear only excepted) any of the following that belongs to the Government, is issued to the special police officer and is in his possession: 10

(a) arms and ammunition;

(b) any other article or property specified in the Police General Orders in section 118 or the Force Orders in section 119.”. 15

Amendment of section 78

14. Section 78 of the principal Act is amended by deleting the words “assistant superintendent” in subsections (1) and (2) and substituting in each case the word “superintendent”. 20

Amendment of section 81

15. Section 81 of the principal Act is amended by deleting subsection (6) and substituting the following subsection:

“(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 — 25

(a) in the case of a special police officer below the rank of senior staff sergeant — a fine not exceeding \$1,500;

(b) in the case of a special police officer of the rank of senior staff sergeant or higher but below the rank of assistant superintendent — a fine not exceeding \$2,000; 30

- (c) in the case of a special police officer of the rank of assistant superintendent or deputy superintendent — a fine not exceeding \$3,000;
- (d) in the case of a special police officer of the rank of superintendent or deputy assistant commissioner — a fine not exceeding \$6,000; or
- (e) in the case of a special police officer of the rank of assistant commissioner or higher — a fine not exceeding \$10,000.”.

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10 **Amendment of section 84**

16. Section 84 of the principal Act is amended by inserting, immediately after subsection (1), the following subsections:

“(1A) Without limiting subsection (1), a disciplinary officer may order the person treated under subsection (1) as continuing to be subject to this Act to appear before the disciplinary officer on the date and at the time appointed by the disciplinary officer for the purpose of any disciplinary proceedings in relation to the disciplinary offence concerned.

15

(1B) A person who fails to comply with any order under subsection (1A) is deemed to have committed a disciplinary offence.”.

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New Division 1 of Part IX

17. Part IX of the principal Act is amended by inserting, immediately after the Part heading, the following Division:

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“Division 1 — Preliminary

Interpretation of this Part

85A.—(1) In this Part, unless the context otherwise requires —

“5% controller”, in relation to an employer of an Auxiliary Police Force, means a person who, alone or together with the person’s associates —

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(a) holds 5% or more, but less than 25%, of the total equity interests in the employer; or

(b) is in a position to control 5% or more, but less than 25%, of the voting power in the employer;

“25% controller”, in relation to an employer of an Auxiliary Police Force, means a person who, alone or together with the person’s associates — 5

(a) holds 25% or more, but less than 50%, of the total equity interests in the employer; or

(b) is in a position to control 25% or more, but less than 50%, of the voting power in the employer; 10

“50% controller”, in relation to an employer of an Auxiliary Police Force, means a person who, alone or together with the person’s associates —

(a) holds 50% or more of the total equity interests in the employer; or 15

(b) is in a position to control 50% or more of the voting power in the employer;

“75% controller”, in relation to an employer of an Auxiliary Police Force, means a person who, alone or together with the person’s associates — 20

(a) holds 75% or more of the total equity interests in the employer; or

(b) is in a position to control 75% or more of the voting power in the employer; 25

“acquisition” includes an agreement to acquire, but does not include —

(a) an acquisition by will or by operation of law; or

(b) an acquisition by way of enforcement of a security for any loan or other debt; 30

“arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;

5 “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;

10 “control” includes control as a result of, or by means of, any trust, agreement, arrangement, understanding or practice, whether or not having legal or equitable force and whether or not based on legal or equitable rights;

15 “director” has the meaning given by section 4(1) of the Companies Act;

20 “employer”, in sections 88, 88A, 88B and 88C and Division 1C, does not include the Government or a statutory body which creates an Auxiliary Police Force;

“equity interest” means —

(a) in relation to a company — a voting share in that company; and

25 (b) in relation to an organisation other than a company — any right or interest, whether legal or equitable, in that organisation (by whatever name called) which gives the holder of that right or interest voting power in that organisation;

“indirect controller”, in relation to an employer of an Auxiliary Police Force, means any person, whether acting alone or together with any other person, and with or without holding any equity interests or controlling the voting power in the employer —

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(a) whose directions, instructions or wishes the directors or other officers of the employer are accustomed or under an obligation, whether formal or informal, to act in accordance with; or

(b) who is in a position to determine the policy of the employer,

10

but does not include any of the following:

(c) any person who is the chief executive officer, a director or the chairman of the employer whose appointment as such is approved or deemed approved under section 87;

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(d) any person whose directions, instructions or wishes the directors or other officers of the employer are accustomed to act in accordance with by reason only that they act on advice given by the person in that person’s professional capacity;

20

“limited liability partnership” has the meaning given by section 2(1) of the Limited Liability Partnerships Act;

“treasury share” has the meaning given by section 4(1) of the Companies Act;

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“unregistered company” has the meaning given by section 245(1) of the Insolvency, Restructuring and Dissolution Act 2018;

“voting share” has the meaning given by section 4(1) of the Companies Act but does not include a treasury share.

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(2) A reference in this Part to the control of a percentage of the voting power in an employer of an Auxiliary Police Force is a reference to the control, whether direct or indirect, of that

percentage of the total number of votes that might be cast in a general meeting of the employer.

(3) In ascertaining a person's control of the percentage of the total number of votes that might be cast at a general meeting mentioned in subsection (2), the number of votes that the person is entitled to cast at the meeting by reason of having been appointed a proxy or representative to vote at the meeting is to be disregarded.

Meaning of holding an equity interest

85B.—(1) A person holds an equity interest under this Part if the person —

(a) has or is deemed to have an equity interest in accordance with subsections (2) to (6); or

(b) otherwise has a legal or an equitable interest in that equity interest,

except for any interest prescribed by regulations made under section 104 as an interest that is to be disregarded.

(2) Subject to subsection (3), a person has an equity interest if the person has authority (whether formal or informal, or express or implied) to dispose of, or to exercise control over the disposal of, that equity interest.

(3) It is immaterial that the authority of a person to dispose of, or to exercise control over the disposal of, the equity interest mentioned in subsection (2) is, or is capable of being made, subject to restraint or restriction.

(4) It is immaterial, for the purposes of determining whether a person has an equity interest, that the interest cannot be related to a particular share, or an interest or a right that gives its holder voting power.

(5) A person is also deemed to have an equity interest if that person —

(a) has entered into a contract to purchase the equity interest;

- (b) has a right to have the equity interest transferred to (or to the order of) that person, whether the right is exercisable presently or in the future and whether on the fulfilment of a condition or not;
- (c) has the right to acquire the equity interest under an option, whether the right is exercisable presently or in the future and whether on the fulfilment of a condition or not; or 5
- (d) is entitled (otherwise than by reason of having been appointed a proxy or representative to vote (as the case may be) at a general meeting of an employer of an Auxiliary Police Force) to exercise or control the exercise of a right attached to the equity interest, not being an equity interest in which that person has a legal or an equitable interest. 10 15
- (6) A person is not to be deemed as not having an equity interest by reason only that the person has the equity interest jointly with another person.
- (7) Regulations made under section 104 may provide that any equity interest has to be disregarded for the purposes of this section or any subsection of this section.”. 20

Deletion and substitution of Division heading of Part IX

18. Part IX of the principal Act is amended by deleting the existing Division 1 heading and substituting the following Division heading:

“Division 1A — Creation of Auxiliary Police Forces”. 25

Amendment of section 86

19. Section 86 of the principal Act is amended —

- (a) by deleting sub-paragraph (ii) of subsection (3)(d);
- (b) by inserting, immediately after subsection (3), the following subsection: 30

5 “(3A) It is a condition of any authorisation for the creation of an Auxiliary Police Force under subsection (1) (whether the authorisation is given before, on or after the date of commencement of section 19 of the Police Force (Amendment) Act 2021) that the employer of the Auxiliary Police Force must give written notice to the Commissioner within 7 days after the employer first becomes aware that any person —

10 (a) whether by a series of transactions over a period of time or otherwise, has become on or after the date of commencement of section 19 of the Police Force (Amendment) Act 2021, a 5% controller, a 25% controller, a 50% controller or an indirect controller of the employer; or

15 (b) has ceased, on or after the date of commencement of section 19 of the Police Force (Amendment) Act 2021, to be a 50% controller or a 75% controller of the employer.”;

20 (c) by inserting, immediately after the word “vary” in subsection (4), the words “or revoke”;

25 (d) by inserting, immediately after subsection (4), the following subsection:

30 “(4A) Any condition imposed under subsection (2), or varied or revoked or added to under subsection (4), has effect despite any other written law or anything contained in the memorandum or articles of association, or other constitution, of an employer.”;

(e) by inserting, immediately after the word “varying” in subsection (5), the words “or revoking”;

(f) by inserting, immediately after the word “varied” in subsection (5), the words “or revoked”; and

35 (g) by deleting subsection (9).

New section 86A and Division heading

20. The principal Act is amended by inserting, immediately after section 86, the following section and Division heading:

“Offence for carrying on or advertising security activity

86A.—(1) Any person who — 5

(a) is not an employer of an Auxiliary Police Force the creation of which is authorised by the Commissioner under section 86(1); and

(b) does any of the following:

(i) in the course of any business carry on any security activity; 10

(ii) advertise or in any way hold out that the person carries on, or is willing to carry on, for a fee or reward any security activity,

shall be guilty of an offence. 15

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) in the case of an individual —

(i) to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 3 years or to both; and 20

(ii) in the case of a continuing offence, to a further fine not exceeding \$50,000 for every day or part of a day during which the offence continues after conviction; or 25

(b) in any other case —

(i) to a fine not exceeding \$1 million; and

- (ii) in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

5 *Division 1B — Monitoring control of certain employers of Auxiliary Police Force*”.

Repeal and re-enactment of section 87

21. Section 87 of the principal Act is repealed and the following section substituted therefor:

10 **“Special features of employer of Auxiliary Police Force**

87.—(1) A person (other than the Government or a statutory body) must not acquire, on or after the date of commencement of section 21 of the Police Force (Amendment) Act 2021, as a going concern the business or undertaking of an employer of an Auxiliary Police Force except with the prior written approval of the Minister granted upon the application of the person and the employer of the Auxiliary Police Force concerned.

(2) The Minister must not approve an application made under subsection (1) if the Minister is satisfied that —

- 20 (a) the person proposing to acquire as a going concern the business or undertaking of the employer of an Auxiliary Police Force is not a fit and proper person;
- 25 (b) the acquiring as a going concern the business or undertaking of the employer of an Auxiliary Police Force will result in adverse effect on the continuity, reliability and security of the provision of security activities and other services by the Auxiliary Police Forces in Singapore generally; or
- (c) it is not in the public interest to do so.

30 (3) Any approval mentioned in subsection (1) may be granted subject to such conditions as the Minister may determine.

(4) The Minister may at any time add to, vary or revoke any condition imposed under subsection (3).

(5) An employer of an Auxiliary Police Force (other than the Government or a statutory body) must not appoint, on or after the date of commencement of section 21 of the Police Force (Amendment) Act 2021, any person as its chief executive officer, chairman or director except with the prior approval of the Commissioner to do so. 5

(6) A person who, immediately before the date of commencement of section 21 of the Police Force (Amendment) Act 2021, is a chief executive officer, chairman or director of an employer of an Auxiliary Police Force is deemed to be approved by the Commissioner under subsection (5) as the chief executive officer, chairman or director of that employer. 10

(7) 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 must be citizens of Singapore. 15

(8) Where the Commissioner revokes an approval or a deemed approval under this section for the appointment of a person as the chief executive officer, the chairman or a director of an employer of an Auxiliary Police Force, the employer of the Auxiliary Police Force must immediately remove the person from such office. 20

(9) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction — 25

(a) in the case of an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 3 years or to both; or

(b) in any other case, to a fine not exceeding \$1 million.

(10) This section has effect despite the provisions of any other written law or of the memorandum or articles of association, or other constitution, of a company or an organisation.”. 30

Repeal and re-enactment of section 88 and new sections 88A, 88B and 88C

22. Section 88 of the principal Act is repealed and the following sections substituted therefor:

5 **“Controls over ownership of employer of Auxiliary Police Force**

88.—(1) If a person becomes, on or after the appointed day, a 5% controller of an employer of an Auxiliary Police Force, the person must, within 7 days after becoming the 5% controller,
10 give written notice to the Commissioner of that fact.

(2) Except with the prior written approval of the Minister, a person must not —

15 (a) whether by a series of transactions over a period of time or otherwise, become on or after the appointed day a 25% controller, a 50% controller or an indirect controller of an employer of an Auxiliary Police Force; or

20 (b) cease on or after the appointed day to be a 50% controller or a 75% controller of an employer of an Auxiliary Police Force.

(3) A person who, immediately before the appointed day, is a 25% controller, a 50% controller or an indirect controller of an employer of an Auxiliary Police Force is deemed to be approved by the Minister under this section to be a 25% controller, a 50% controller or an indirect controller of the employer of the Auxiliary Police Force, as the case may be.
25

(4) The Minister must not approve an application made by any person under subsection (2)(a) if the Minister is satisfied that —

30 (a) the person is not a fit and proper person;

(b) having regard to the person’s likely influence, the employer of the Auxiliary Police Force will not or will not continue to conduct its business prudently and in compliance with this Act; or

(c) it is not in the public interest to do so.

(5) The Minister must not approve an application made by any person under subsection (2)(b) if the Minister is satisfied that —

(a) the provision of security activities and other services by the employer of the Auxiliary Police Force of which the applicant is a 50% controller or a 75% controller will not continue to be reliable; 5

(b) the employer of the Auxiliary Police Force will cease to continue to conduct its business prudently and in compliance with this Act; or

(c) it is not in the public interest to do so. 10

(6) Any approval or deemed approval under this section may be subject to such conditions as the Minister may determine.

(7) The Minister may at any time add to, vary or revoke any condition imposed under subsection (6).

(8) Any condition imposed under subsection (6), or added to, varied or revoked under subsection (7), has effect despite any written law or anything contained in the memorandum or articles of association, or other constitution, of a company or an organisation. 15

(9) In this section, “appointed day” means the date of commencement of section 22 of the Police Force (Amendment) Act 2021. 20

Power to issue directions

88A.—(1) The Minister may issue any direction to a person under subsection (2), (3) or (4) if the Minister is satisfied that — 25

(a) the person has provided false or misleading information or documents in connection with an application for approval under section 87(1) or 88(2);

(b) any condition of approval imposed under section 87(3) or (4) or 88(6) or (7) has been contravened or has not been complied with; 30

(c) in the case of a person who had obtained approval under section 87(1) in relation to acquiring as a going

concern the business or undertaking of an employer of an Auxiliary Police Force —

(i) the person ceases to be a fit and proper person; or

(ii) it is not, or is no longer, in the public interest to allow the person to continue to carry on the business relating to the Auxiliary Police Force;

(d) the person has contravened section 87(1) or 88(2);

(e) in the case of a person who has obtained the Minister's approval under section 88(2) or who is deemed to be approved under section 88(3) —

(i) the person ceases to be a fit and proper person;

(ii) having regard to the person's likely influence, the employer of the Auxiliary Police Force is not, or is no longer, likely to conduct its business relating to the Auxiliary Police Force prudently or to comply with the provisions of this Act; or

(iii) it is not, or is no longer, in the public interest to allow the person —

(A) to continue to be a 25% controller, a 50% controller or an indirect controller of the employer of the Auxiliary Police Force; or

(B) to cease to be a 50% controller or a 75% controller of the employer of the Auxiliary Police Force; or

(f) the Minister would not have granted approval under section 87(1) or 88(2) to a person had the Minister been aware, at that time, of circumstances relevant to the person's application for the approval.

(2) Where the person mentioned in subsection (1) has acquired as a going concern the business or undertaking of an employer of

an Auxiliary Police Force, the Minister may, by written notice —

- (a) direct the person to transfer or dispose of all or any part of the equity interests or assets in the employer that are held by the person (whether alone or together with any other person) within such time and subject to such conditions as the Minister considers appropriate; 5
- (b) direct the person not to transfer or dispose of all or any part of the equity interests or assets in the employer that are held by the person; 10
- (c) direct the person to modify or terminate any agreement or arrangement relating to the acquisition as a going concern; or
- (d) make such other direction as the Minister considers appropriate. 15

(3) Where the person mentioned in subsection (1) is a 25% controller, a 50% controller or an indirect controller of an employer of an Auxiliary Police Force, the Minister may, by written notice —

- (a) direct the person to take such steps as are necessary, within such period as may be specified by the Minister, to ensure that the person ceases to be a 25% controller, a 50% controller or an indirect controller of the employer of the Auxiliary Police Force; 20 25
- (b) direct the person or any of the person's associates to transfer or dispose of all or any of the equity interests in the employer held by the person or the person's associates (called in this section and section 88B the specified equity interests) within such time and subject to such conditions as the Minister considers appropriate; 30
- (c) direct the person or any of the person's associates not to transfer or dispose of the specified equity interests;

- (d) direct the person to modify or terminate any agreement or arrangement relating to the holding of the specified equity interests, or the control of the voting power, in the employer of the Auxiliary Police Force; or
- (e) make such other direction as the Minister considers appropriate.

(4) Where the person mentioned in subsection (1) is a person (*A*) who has ceased to be a 50% controller or a 75% controller of an employer of an Auxiliary Police Force as a result of a person (*B*) acquiring any equity interest from *A* (called in this section and section 88B the acquired equity interest), the Minister may do any one or more of the following:

- (a) direct *B* to take such steps as are necessary, within such period as may be specified by the Minister, to cease to hold all or any of the acquired equity interest;
- (b) direct *A* to take such steps as are necessary, within such period as may be specified by the Minister, to resume being a 50% controller or a 75% controller, as the case may be;
- (c) direct *B* to transfer or dispose of all or any of the acquired equity interest within such time and subject to such conditions as the Minister considers appropriate;
- (d) direct *A* to acquire all or any of the acquired equity interest within such time and subject to such conditions as the Minister considers appropriate;
- (e) direct *B* not to transfer or dispose of all or any of the acquired equity interest;
- (f) direct *A* or *B* to modify or terminate any agreement or arrangement relating to the acquired equity interest;
- (g) make such other direction as the Minister considers appropriate.

(5) Before issuing any direction to a person under subsection (2), (3) or (4), the Minister must, unless the Minister decides that it is not practicable or desirable to do so, give to the person written notice of the Minister's intention to issue the direction and specify a date by which the person may make written representations with regard to the proposed direction.

5

(6) Upon receipt of any written representation mentioned in subsection (5), the Minister must consider it for the purpose of determining whether to issue the direction.

10

(7) Any person to whom a direction is issued under this section must comply with the direction.

(8) The Minister may vary, suspend or revoke any direction issued under this section.

Effect of directions

15

88B.—(1) Any direction issued to a person under section 88A takes effect despite the provisions of any other written law or anything contained in the memorandum or articles of association or other constitution of any company or organisation.

(2) Without affecting subsection (1), where any direction is issued under section 88A(3) or (4), then, until the direction is carried out or is suspended or revoked —

20

(a) the voting rights in respect of the specified equity interest or acquired equity interest that is subject to the direction are not exercisable unless the Minister expressly permits such rights to be exercised;

25

(b) the voting power that the person to whom the direction is issued controls, whether alone or together with that person's associates, in the employer of an Auxiliary Police Force concerned is not exercisable unless the Minister expressly permits that power to be exercised;

30

(c) no equity interest of the employer of an Auxiliary Police Force is to be issued or offered (whether by

way of rights, bonus or otherwise) in respect of the specified equity interest or acquired equity interest unless the Minister expressly permits such issue or offer; and

- 5 (d) except in a winding up of the employer of an Auxiliary Police Force, no amount may be paid by the employer of the Auxiliary Police Force (whether by way of dividends or otherwise) in respect of the specified equity interest or acquired equity interest
10 that is subject to the direction unless the Minister expressly authorises such payment.

Offences, penalties and defences

15 **88C.**—(1) A person who contravenes section 88(1) or (2) or 88A(7) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of an individual —

- (i) to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 3 years or to both; and
20 (ii) in the case of a continuing offence, to a further fine not exceeding \$50,000 for every day or part of a day during which the offence continues after conviction; or

(b) in any other case —

- 25 (i) to a fine not exceeding \$1 million; and
(ii) in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

30 (2) Where a person is charged with an offence in respect of a contravention of section 88(1), it is a defence for the person to prove, on a balance of probabilities, that —

- (a) the person was not aware that the person had contravened that section; and
- (b) the person has, within 14 days after becoming aware that the person had contravened that section, notified the Commissioner of the contravention. 5

(3) Where a person is charged with an offence in respect of a contravention of section 88(1), it is also a defence for the person to prove, on a balance of probabilities, that even though the person was aware of the contravention —

- (a) the contravention occurred as a result of an increase in the holding of equity interest or in the voting power controlled by any of the person's associates; 10
- (b) the person has no agreement or arrangement, whether oral or in writing and whether express or implied, with that associate with respect to the acquisition, holding or disposal of equity interest in, or under which they act together in exercising their voting power in relation to, the employer of the Auxiliary Police Force; and 15
- (c) the person has, within 14 days after the date of the contravention, notified the Commissioner of the contravention. 20

(4) Where a person is charged with an offence in respect of a contravention of section 88(2), it is a defence for the person to prove, on a balance of probabilities, that — 25

- (a) the person was not aware that the person had contravened that section; and
- (b) the person has, within 14 days after becoming aware that the person had contravened that section, notified the Minister of the contravention and, within such time as may be determined by the Minister, taken such actions in relation to the person's holding of equity interest or control of voting power in the employer of the Auxiliary Police Force as the Minister may direct. 30

(5) Where a person is charged with an offence in respect of a contravention of section 88(2), it is also a defence for the person to prove, on a balance of probabilities, that even though the person was aware of the contravention —

5 (a) the contravention occurred as a result of an increase or a decrease in the holding of equity interest or in the voting power controlled by any of the person’s associates;

10 (b) the person has no agreement or arrangement, whether oral or in writing and whether express or implied, with that associate with respect to the acquisition, holding or disposal of equity interest in, or under which they act together in exercising their voting power in relation to, the employer of the Auxiliary Police Force; and

15 (c) the person has, within 14 days after the date of the contravention, notified the Minister of the contravention and, within such time as may be determined by the Minister, taken such actions in relation to the person’s holding of equity interest or control of voting power in the employer of the Auxiliary Police Force as the Minister may direct.

20 (6) Except as provided in subsections (2), (3), (4) and (5), it is not a defence for a person charged with an offence in respect of a contravention of section 88(1) or (2) to prove that the person did not intend to or did not knowingly contravene that provision.”.

Amendment of section 90

23. Section 90(3) of the principal Act is amended —

30 (a) by deleting paragraph (vi) and substituting the following paragraph:

 “(vi) revoke the authorisation for the creation of the Auxiliary Police Force under section 86(1);”;

- (b) by deleting “\$50,000” in paragraph (vii)(B) and substituting “\$100,000”.

New Division 1C of Part IX

24. Part IX of the principal Act is amended by inserting, immediately after section 91, the following Division: 5

“Division 1C — Special administration order

Special administration order

91A.—(1) A special administration order is an order of the Minister made in accordance with section 91B in relation to an employer of an Auxiliary Police Force directing that, during the period for which the order is in force, all or any of the affairs, business and property of that employer is to be managed directly or indirectly by the Commissioner or any other person appointed by the Minister — 10

- (a) for securing one or more of the purposes of such an order set out in subsection (2); and 15
- (b) in a manner which protects the respective interests of the shareholders and creditors of that employer.

(2) The purposes referred to in subsection (1)(a) are —

- (a) the continuity, reliability and security of the provision of security activities and other services by the Auxiliary Police Forces in Singapore generally; 20
- (b) the survival of the employer of the Auxiliary Police Force or the whole or part of its business, as a going concern; 25
- (c) the transfer to one or more other employers of Auxiliary Police Forces, as a going concern, of such part of the business or undertaking of a transferor employer of the Auxiliary Police Force as is necessary in order to ensure that the functions and duties which have been vested in the transferor employer of the Auxiliary Police Force may be properly carried out; and 30

(d) the carrying out of the functions and duties which have been vested in the employer of the Auxiliary Police Force pending the transfer to and the vesting of those functions and duties in one or more other employers of Auxiliary Police Forces.

(3) The Minister may make regulations under section 104 for giving effect to this Division, including —

(a) regulations governing the transfer of the business or undertaking of the Auxiliary Police Force referred to in subsection (2)(c); and

(b) where a special administration order is made, for applying, omitting or modifying the provisions of Part 7 of the Insolvency, Restructuring and Dissolution Act 2018.

Power to make special administration order, etc.

91B.—(1) If, on an application made to the Minister by the Commissioner, the Minister is satisfied in relation to any employer of an Auxiliary Police Force that any one or more of the grounds specified in subsection (2) are satisfied in relation to that employer, the Minister may make any one or both of the following orders:

(a) a special administration order in relation to that employer;

(b) an order appointing a person to advise the employer in the proper conduct of that part of its business or undertaking.

(2) The grounds referred to in subsection (1) are —

(a) the employer is or is likely to be unable to pay its debts;

(b) the occurrence of a public emergency;

(c) the Minister considers it in the interest of the continuity, reliability and security of the provision

of security activities and other services by the Auxiliary Police Forces in Singapore generally; and

(*d*) the Minister considers it in the public interest.

(3) The Minister may make a special administration order in relation to an employer of an Auxiliary Police Force despite the commencement of (if applicable) —

(*a*) any proceedings relating to the making of an order under section 210 of the Companies Act or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to the employer of the Auxiliary Police Force that is a company;

(*b*) any proceedings relating to the making of a judicial management order under the Insolvency, Restructuring and Dissolution Act 2018 in relation to the employer of the Auxiliary Police Force that is a company;

(*c*) any meeting convened under section 94(7) of the Insolvency, Restructuring and Dissolution Act 2018 in respect of the employer of the Auxiliary Police Force that is a company;

(*d*) any proceedings under the Insolvency, Restructuring and Dissolution Act 2018 relating to the winding up of the affairs of the employer of the Auxiliary Police Force that is a company or an unregistered company;

(*e*) any proceedings under the Limited Liability Partnerships Act relating to the winding up of the affairs of the employer of the Auxiliary Police Force that is a limited liability partnership; or

(*f*) any proceedings before any court for the dissolution, winding up or termination (as the case may be) of the employer of the Auxiliary Police Force if it is an entity not mentioned in paragraph (*d*) or (*e*).

(4) Notice of any application under subsection (1) is to be given immediately by the Commissioner to such persons and in such manner as may be determined by the Commissioner.

5 (5) Any order made by the Minister under subsection (1) must be published in such manner as will secure adequate publicity.

(6) Any decision of the Minister under subsection (1) is final.

(7) An employer of an Auxiliary Police Force issued with an order under subsection (1) must comply with that order.

(8) For the purposes of this section —

10 (a) an employer of an Auxiliary Police Force that is a company is unable to pay its debts if it is deemed to be unable to pay its debts under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018;

15 (b) an employer of an Auxiliary Police Force that is an unregistered company is unable to pay its debts if it is deemed to be unable to pay its debts under section 246(2) of the Insolvency, Restructuring and Dissolution Act 2018; and

20 (c) an employer of an Auxiliary Police Force that is a limited liability partnership is unable to pay its debts if it is deemed to be unable to pay its debts under paragraph 3(2) of the Fifth Schedule to the Limited Liability Partnerships Act.

25 **Remuneration and expenses of persons appointed by Minister**

30 **91C.**—(1) Where a special administration order has been made under section 91B(1)(a), the Commissioner may, at any time, whether or not the order is still in force, fix the remuneration and expenses to be paid by the employer of the Auxiliary Police Force to a person appointed by the Minister.

(2) The Commissioner may at any time (whether or not the appointment of the person has terminated) fix the remuneration and expenses to be paid by an employer of an Auxiliary Police Force to any person appointed by the Minister under

section 91B(1)(b) to advise the employer of the Auxiliary Police Force in the proper conduct of the business or undertaking.”.

Amendment of section 103

25. Section 103 of the principal Act is amended by deleting subsection (4) and substituting the following subsection: 5

“(4) For the purposes of Division 1B, the Commissioner or a person authorised in that behalf by him or her may, by written notice, direct any employer of an Auxiliary Police Force to obtain from any person who holds any equity interest in the employer, or who has control over any voting power in the employer, and to transmit to the Commissioner information — 10

(a) as to whether that person holds the equity interests as beneficial owner or as trustee and whether the person holds any other equity interests in the employer;

(b) as to the nature of the control over the voting power in the employer and the percentage of the voting power the person has control over; and 15

(c) if the holder of the equity interests (*A*) holds the interest as trustee, to indicate, so far as *A* can, the person (*B*) for whom *A* holds the interest (either by name or by other particulars sufficient to enable *B* to be identified) and the nature of *A*’s interest, 20

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

Amendment of section 104

26. Section 104(2) of the principal Act is amended by deleting the word “and” at the end of paragraph (*i*), and by inserting immediately thereafter the following paragraphs: 25

“(ia) the circumstances under which a person would be considered an associate for the purposes of Part IX; 30

(*ib*) the form and manner in which any notice or application for an approval under section 87 or 88 must be given or made, and the person or persons who are required to give the notice or make the application; and”.

New section 114A

27. The principal Act is amended by inserting, immediately after section 114, the following section:

“Protection from personal liability

114A.—(1) Subject to any other written law, no liability shall lie personally against —

- (*a*) a police officer;
- (*b*) a special police officer;
- (*c*) a forensic specialist;
- (*d*) a Commercial Affairs Officer; or
- (*e*) an intelligence officer,

(each called an enforcement officer in this section) who, acting in good faith and with reasonable care, does or omits to do anything, in the execution or purported execution of this Act or any other written law.

(2) To avoid doubt, this section does not affect section 25.

(3) For the purpose of determining whether an enforcement officer mentioned in subsection (1) has acted in good faith and with reasonable care in respect of anything done or omitted to be done by the officer, a court has to consider such matters and circumstances as may be prescribed by the Minister in regulations made under this section.”.

Amendment of section 117

28. Section 117(2) of the principal Act is amended by inserting, immediately after the words “police officers” in paragraph (*g*), the words “, special police officers or any non-police personnel performing duties in the Police Force,”.

Amendment of section 120A

29. Section 120A of the principal Act is amended —

(a) by deleting the words “holds a licence from the Commissioner referred to” in subsection (1)(d)(i) and substituting the words “has the permission of the Commissioner”; and

(b) by deleting the words “with a licence granted to the person by the Commissioner” in subsection (4)(a) and substituting the words “with the Commissioner’s permission”.

Saving and transitional provisions

30.—(1) Section 6 does not apply in relation to any offence —

(a) under section 26(2) of the principal Act as in force immediately before the date of commencement of section 6; and

(b) that is committed before that date.

(2) Section 8 or 15 (as the case may be) does not apply in relation to any disciplinary offence committed before the respective date of commencement of that section.

(3) Section 20 does not apply in relation to any offence —

(a) under section 86(9) of the principal Act as in force immediately before the date of commencement of section 19(g); and

(b) that is committed before that date.

(4) Despite section 23(b), section 90(3)(vii) of the principal Act as in force immediately before the date of commencement of section 23(b) continues to apply in relation to the imposition of a financial penalty for any act of infringement that is committed before that date.

(5) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on

the enactment of that provision as the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Police Force Act for the following main purposes:

- (a) to enhance the operational response and efficiency of the Singapore Police Force (the Police Force);
- (b) to confer certain powers on Commercial Affairs Officers;
- (c) to modify and enhance certain disciplinary and administrative processes of the Police Force;
- (d) to strengthen controls on Auxiliary Police Forces.

Clause 1 relates to the short title and commencement.

Clause 2 amends the definition of “constable” in section 2(1) and inserts a new definition of “non-police personnel performing duties in the Police Force”.

Clause 3 inserts a new section 13A by providing that a notice of resignation to resign from the Police Force that is given by a police officer or temporary constable is invalid if given during a crisis period (which is defined) and the Commissioner of Police (the Commissioner) refuses the notice of resignation. The Commissioner may refuse a notice of resignation given during a crisis period only if the Commissioner is of the opinion that the service of the police officer or temporary constable giving the notice is necessary for the securing of the public safety, defence and security of Singapore. The clause also provides for the treatment of a notice of resignation that is accepted before the start of a crisis period.

Clause 4 amends section 15 to require every police officer to return certain articles or property before leaving the Police Force.

Clause 5 repeals and re-enacts section 17 by empowering certain persons under certain circumstances to exercise the powers of, or to perform the duties of, the Commissioner or Deputy Commissioner of Police.

Clause 6 repeals and re-enacts section 26 to enhance the operational effectiveness of a police officer when performing his or her duties at a road barrier. When a barrier is set up at any public road or street or in any public place, a police officer may order the driver or rider of any vehicle travelling in the direction of the barrier to do certain acts, like proceeding towards the barrier and stopping the vehicle before reaching the barrier. Such an order may be given by spoken word, recognised hand signal or any other prescribed signal.

Where a notice or sign warning of the presence of a road barrier is displayed to traffic approaching the barrier, the notice or sign constitutes, and is to be treated as, an order addressed by a police officer to the driver or rider of the vehicle approaching the barrier who is travelling in the direction of the barrier and who ought reasonably to have seen the notice or sign —

- (a) to proceed towards the barrier and stop the vehicle at or near, or before reaching the barrier; and
- (b) to remain in the vehicle and keep the vehicle stationary until permitted by a police officer to proceed.

Non-compliance with a police order is an offence.

For example, if there is a notice board placed near a road barrier warning a driver or rider of a vehicle in approaching traffic of the presence of the road barrier ahead, the driver or rider of the vehicle who would have seen that notice is guilty of an offence if he or she reverses the vehicle, makes a U-turn, or parks the vehicle by the side of the road and walks away.

The clause further makes it an offence for a person who is a pedestrian travelling on any public road or street or in any public place to fail to comply with certain directions of a police officer regarding any similar barrier.

Clause 7 inserts a new section 26E that empowers a police officer to break open any outer or inner door or window in a non-suicide case in order to gain entry or access into a place.

Clause 8 amends section 40 by providing that the fine amount which a disciplinary officer may order under subsection (4)(a) is a sum not exceeding \$200 or a higher amount prescribed in substitution.

Clause 9 amends section 64 by specifying the powers which are conferred on a Commercial Affairs Officer, which include the power to arrest, investigate, release any person on bail or personal bond, etc. A Commercial Affairs Officer must also comply with certain provisions of the Criminal Procedure Code when making an arrest or searching a woman.

Clause 10 amends section 67 by empowering special police officers to exercise all the powers conferred on police officers under any written law.

Clause 11 amends section 69 to provide that a special police officer not below the rank of superintendent is to be appointed, promoted, reduced in rank or grade, or dismissed or discharged, by the Minister. A special police officer of or below the rank of deputy superintendent is to be appointed, promoted, reduced in rank or grade, or dismissed or discharged, by the Commissioner.

Clause 12 amends section 71 to only require a warrant card to be issued to every special police officer deployed to perform duties that require the exercise of the powers of a police officer.

Clause 13 amends the various grounds under section 72 by which a special police officer is discharged from continuous full-time service in the Special Constabulary, or is discharged from operationally ready national service in the Special Constabulary. The clause also requires every special police officer to return certain articles or property before leaving the Special Constabulary.

Clause 14 amends section 78 by amending the ranks of special police officers whom the Minister or the Commissioner may each deal with under that section by way of discipline.

Clause 15 amends section 81 by providing for the disciplinary fines which a disciplinary officer may order a special police officer to pay. The maximum amount is solely dependent on the rank of the special police officer and not whether a volunteer, etc.

Clause 16 amends section 84 by providing that a disciplinary officer may order a person treated under section 84(1) as continuing to be subject to the Act, to appear before the disciplinary officer on the date and at the time appointed by the disciplinary officer for the purpose of any disciplinary proceedings in relation to the disciplinary offence concerned. Any person who fails to comply with such an order is deemed to have committed a disciplinary offence.

Clause 17 introduces a new Division 1 of Part IX. The new section 85A defines certain terms and explains certain references used in Part IX. The new section 85B explains what holding an equity interest means for the purposes of Part IX.

Clause 18 deletes and substitutes the existing Division 1 heading of Part IX.

Clause 19 amends section 86 by making it a condition of any authorisation for the creation of an Auxiliary Police Force under subsection (1) that the employer of an Auxiliary Police Force must give written notice to the Commissioner within 7 days after the employer first becomes aware of certain matters. The clause also makes some other technical amendments to the powers of the Commissioner in relation to the conditions imposed by the Commissioner.

Clause 20 inserts a new section 86A and Division heading. The new section 86A provides for the offence relating to the carrying out of, or the advertising of, any security activity.

Clause 21 repeals and re-enacts section 87. The clause requires certain persons to obtain the prior written approval of the Minister before acquiring as a going concern the business or undertaking of an employer of an Auxiliary Police Force. The clause also provides that an employer of an Auxiliary Police Force (other than the Government or a statutory body) must not appoint, on or after the date of commencement of section 21 of the Police Force (Amendment) Act 2021, any person as its chief executive officer, chairman or director except with the prior approval of the Commissioner to do so.

Clause 22 repeals and re-enacts section 88 and introduces new sections 88A, 88B and 88C.

The re-enacted section 88 provides that if a person becomes, on or after the appointed day, a 5% controller of an employer of an Auxiliary Police Force, the person must, within 7 days of becoming the 5% controller, give written notice to the Commissioner of that fact.

The re-enacted section 88 also provides that except with the prior written approval of the Minister, a person must not —

- (a) whether by a series of transactions over a period of time or otherwise, become on or after the appointed day a 25% controller, a 50% controller or an indirect controller of an employer of an Auxiliary Police Force; or
- (b) cease on or after the appointed day to be a 50% controller or a 75% controller of an employer of an Auxiliary Police Force.

The new section 88A empowers the Minister to issue certain directions if the Minister is satisfied of certain defaults mentioned in the new section 88A(1) that are made by certain persons.

The new section 88B sets out the effect of a direction issued by the Minister under the new section 88A.

The new section 88C sets out the penalties for the offence of contravening section 88(1) or (2) or 88A(7). It also sets out the various defences available to a person charged with an offence in respect of a contravention of section 88(1) or (2).

Clause 23 makes certain technical amendments to section 90 and also sets out increased financial penalties that the Commissioner may impose on an employer of an Auxiliary Police Force (other than the Government).

Clause 24 inserts a new Division 1C of Part IX.

The new section 91A sets out the purposes and effect of a special administration order, and also empowers the Minister to make regulations for giving effect to the new Division 1C of Part IX.

The new section 91B provides that if, on an application made to the Minister by the Commissioner, the Minister is satisfied in relation to any employer of an Auxiliary Police Force that any one or more of the grounds specified in the new section 91B(2) are satisfied in relation to that employer, the Minister may make any one or both of the following orders:

- (a) a special administration order in relation to that employer;
- (b) an order appointing a person to advise the employer in the proper conduct of that part of its business or undertaking.

The new section 91C provides for the fixing of certain remuneration and expenses by the Commissioner.

Clause 25 amends section 103 by providing that for the purposes of Division 1B, the Commissioner or a person authorised in that behalf by the Commissioner may, by written notice, direct any employer of an Auxiliary Police Force to obtain from any person who holds any equity interest in the employer, or who has control over any voting power in the employer, and to transmit to the Commissioner certain information. The employer must comply with that direction within such time as may be specified in the notice.

Clause 26 empowers the Minister to make regulations in relation to certain matters.

Clause 27 inserts a new section 114A which provides for the protection from personal liability of a police officer, a special police officer, a forensic specialist, a Commercial Affairs Officer or an intelligence officer. No liability is to lie personally against any such officer if he or she, in good faith and with reasonable care, acts or omits to do anything in the execution or purported execution of the Act or any other written law. The new section 114A does not affect section 25.

For the purpose of determining whether an enforcement officer mentioned in the new section 114A(1) has acted in good faith and with reasonable care in respect of anything done or omitted to be done by the officer, a court has to consider such matters and circumstances as may be prescribed by the Minister in regulations made under the section.

Clause 28 amends section 117 to empower the Minister to make regulations to provide for the administration of any association established for the welfare of non-police personnel performing duties in the Police Force.

Clause 29 amends section 120A by requiring a person who does certain acts to obtain the permission of the Commissioner, instead of a licence.

Clause 30 contains saving and transitional provisions.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
