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Criminal Law (Temporary Provisions) (Amendment) Bill

Bill No. 5/2018.

Read the first time on 9 January 2018.

A BILL

intituled

An Act to amend the Criminal Law (Temporary Provisions) Act (Chapter 67 of the 2000 Revised Edition) and to make consequential amendments to certain other Acts.

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 Criminal Law (Temporary Provisions) (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 1

2. Section 1 of the Criminal Law (Temporary Provisions) Act (called in this Act the principal Act) is amended by deleting subsection (2) and substituting the following subsection:

10 “(2) This Act continues in force for a period of 5 years beginning on 21 October 2019.”.

Amendment of section 30

3. The principal Act is amended by renumbering section 30 as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

15 “(2) Every decision of the Minister on a matter in subsection (1) is final.

 (3) In this section, “activities of a criminal nature” means any activity specified in the Fourth Schedule.”.

Repeal of sections 33 and 34 and re-enactment of section 33

20 4. Sections 33 and 34 of the principal Act are repealed and the following section substituted therefor:

“Obligations on person subject to supervision

25 **33.**—(1) The Minister may, by order in writing served on a person directed to be subject to the supervision of the police under section 30(1) or 32 (called in this Act a person subject to supervision), direct the person to comply with all or any of the obligations prescribed by rules made under section 49 for the purposes of this section.

30 (2) The Minister may, from time to time, by order in writing served on the person subject to supervision —

- (a) cancel any of the obligations imposed on that person by an order under subsection (1) or this subsection; or
- (b) direct that person to comply with any obligation prescribed by rules made under section 49 for the purposes of this section.

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(3) A person subject to supervision who contravenes or fails to comply with any obligation imposed on that person by an order under subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term of not less than one year and not more than 3 years.

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(4) A person subject to supervision is not required to comply with any obligation imposed on that person by an order under subsection (1) or (2) —

- (a) while that person is imprisoned or otherwise in custody, or detained, under any other written law; or
- (b) if, and only to the extent that, the obligation is inconsistent with any order or direction made by a court in respect of that person, such as an order or a direction to attend any court proceeding despite the obligation.”.

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Repeal of section 36

5. Section 36 of the principal Act is repealed.

New section 38A

6. The principal Act is amended by inserting, immediately after section 38, the following section:

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“Revocation of orders

38A. The Minister may, at any time, revoke an order made under section 30(1) or 32, whether or not the order has been confirmed under section 31(3) or extended under section 38.”.

Amendment of section 47

7. Section 47 of the principal Act is amended —

(a) by deleting the words “an Assistant Director” in subsection (2) and substituting the words “a Divisional Director”;

(b) by deleting subsection (6) and substituting the following subsections:

“(5A) In any case relating to the commission of an offence under section 33(3), an officer of the Central Narcotics Bureau —

(a) has all the powers of a police officer under the Criminal Procedure Code (Cap. 68) in relation to an investigation into an arrestable offence; and

(b) for the purposes of exercising such powers, is deemed to be a police officer not below the rank of inspector of police.

(6) In this section —

“Director”, “Deputy Director” and “Divisional Director”, in relation to the Central Narcotics Bureau, mean the Director, a Deputy Director and a Divisional Director, respectively, of the Central Narcotics Bureau appointed under section 3 of the Misuse of Drugs Act (Cap. 185);

“officer of the Central Narcotics Bureau” means the Director, a Deputy Director, a Divisional Director or any other officer of the Central Narcotics Bureau appointed under section 3 of the Misuse of Drugs Act.”; and

(c) by inserting, immediately after the words “sections 44, 45 and 46” in the section heading, the word “, etc.”.

New Fourth Schedule

8. The principal Act is amended by inserting, immediately after the Third Schedule, the following Schedule:

“FOURTH SCHEDULE

Section 30(3) 5

ACTIVITIES OF A CRIMINAL NATURE

1. Unlicensed moneylending
2. Drug trafficking
3. Involvement in a secret society, or as a gangster
4. Human trafficking 10
5. Robbery with firearms
6. Murder
7. Gang rape
8. Kidnapping
9. Participating in, or facilitating, any organised crime activity as defined in section 48(1) of the Organised Crime Act 2015 (Act 26 of 2015) 15
10. Attempting to carry out, abetting, or being a party to a criminal conspiracy to carry out, any activity listed in items 1 to 9.”

Miscellaneous amendments

9. The principal Act is amended — 20

(a) by deleting the words “section 30” in the following provisions and substituting in each case the words “section 30(1)”:

Sections 27(1) (definition of “registrable particulars”), 27A(2)(b), 31(1), 32(1) and (2), 42(1), (2) and (3), 43(9), 44(1) and 45(1); and 25

(b) by deleting the words “under this Act” in sections 35 and 49(2)(a).

Consequential amendments to other Acts

10.—(1) The Criminal Procedure Code (Cap. 68, 2012 Ed.) is 30 amended —

(a) by deleting the words “section 30” in paragraph (d) of the definition of “criminal record” in section 2(1) and substituting the words “section 30(1)”; and

(b) by deleting the words “section 30” in section 337(1)(f) and substituting the words “section 30(1)”.
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(2) The Moneylenders Act (Cap. 188, 2010 Ed.) is amended —

(a) by deleting the words “section 30(a)” in section 15C(1)(a) and substituting the words “section 30(1)(a)”; and

(b) by deleting the words “section 30” in section 15D(6) and substituting the words “section 30(1)”.
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(3) Section 83 of the Parliamentary Elections Act (Cap. 218, 2011 Ed.) is amended by deleting the words “section 30(b)” in subsections (1)(b), (4) and (6) and substituting in each case the words “section 30(1)(b)”.

(4) Section 65 of the Presidential Elections Act (Cap. 240A, 2011 Ed.) is amended by deleting the words “section 30(b)” in subsections (1)(b), (4) and (6) and substituting in each case the words “section 30(1)(b)”.
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(5) The Registration of Criminals Act (Cap. 268, 1985 Ed.) is amended —
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(a) by deleting the words “section 30” in paragraph (c) of the definition of “crime-free period” in section 7B(4) and substituting the words “section 30(1)”; and

(b) by deleting the words “section 30” in section 7C(d) and substituting the words “section 30(1)”.
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Saving and transitional provisions

11.—(1) Despite section 3, section 30 of the principal Act as in force immediately before the date of commencement of section 3 continues to apply to a person in relation to any activities of a criminal nature that occurred before that date.
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(2) Section 8 does not apply to any activities of a criminal nature that occurred before the date of commencement of that section.

EXPLANATORY STATEMENT

This Bill seeks to amend the Criminal Law (Temporary Provisions) Act (Cap. 67) for the following main purposes:

- (a) to provide that the Minister's decision on any of the following matters is final:
 - (i) that a person has been associated with activities of a criminal nature;
 - (ii) that it is necessary for a person to be detained in the interests of public safety, peace and good order;
 - (iii) that it is necessary that a person be subject to the supervision of the police;
- (b) to enable the Minister to direct, by order in writing, a person subject to police supervision to comply with certain obligations;
- (c) to specify the circumstances in which a person subject to police supervision is not required to comply with certain obligations imposed on that person;
- (d) to enable the Minister to revoke an order made under the new section 30(1) (as renumbered by clause 3), or the existing section 32, at any time;
- (e) to allow an officer of the Central Narcotics Bureau to exercise, in any case relating to an offence under section 33(3), the powers of a police officer under the Criminal Procedure Code (Cap. 68) in relation to an investigation into an arrestable offence;
- (f) to insert a new Fourth Schedule that specifies "activities of a criminal nature" for the purposes of section 30 (as amended by clause 3).

The Bill also makes consequential amendments to the Criminal Procedure Code, the Moneylenders Act (Cap. 188), the Parliamentary Elections Act (Cap. 218), the Presidential Elections Act (Cap. 240A) and the Registration of Criminals Act (Cap. 268).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 1(2) to extend the operation of the Act for a further period of 5 years beginning on 21 October 2019.

Clause 3 renumbers section 30 as section 30(1) and inserts new section 30(2) and (3).

The new section 30(2) provides that every decision of the Minister on any of the following matters is final:

- (a) that a person has been associated with activities of a criminal nature;
- (b) that it is necessary for a person to be detained in the interests of public safety, peace and good order;
- (c) that it is necessary that a person be subject to the supervision of the police.

The new section 30(3) defines the term “activities of a criminal nature” used in the renumbered section 30(1).

Clause 4 repeals sections 33 and 34 and re-enacts section 33.

The new section 33(1) enables the Minister to direct, by order in writing, a person subject to police supervision to comply with all or any of the obligations prescribed by rules made under section 49 for the purposes of the new section 33.

The new section 33(2) enables the Minister to cancel any of the obligations imposed on that person by an order under the new section 33(1) or (2), or to direct that person to comply with any obligation (prescribed by rules made under section 49 for the purposes of the new section 33), by order in writing served on that person.

The new section 33(3) makes it an offence for a person subject to police supervision to contravene or fail to comply with any obligation imposed on that person by an order under the new section 33(1) or (2).

The new section 33(4) specifies the circumstances in which a person subject to police supervision is not required to comply with any obligation imposed on that person by an order under the new section 33(1) or (2). That person is not required to comply with any such obligation —

- (a) while that person is imprisoned or otherwise in custody, or detained, under any other written law; or
- (b) if, and only to the extent that, the obligation is inconsistent with any order or direction made by a court in respect of the person. Examples of these court orders or directions are in the Bill.

Clause 5 repeals section 36.

Sections 34 and 36 are repealed because the obligations imposed by those sections, on a person subject to police supervision, will be prescribed in rules made under section 49 for the purposes of the new section 33, so long as those obligations remain relevant.

Clause 6 inserts a new section 38A to provide that the Minister may at any time revoke an order made under the new section 30(1) (as renumbered by clause 3) or the existing section 32. This applies whether or not the order has been confirmed by the President under section 31(3), or extended by the President under section 38.

Clause 7 inserts a new section 47(5A) to provide that an officer of the Central Narcotics Bureau may, in any case relating to the commission of an offence under section 33(3), exercise all the powers of a police officer under the Criminal Procedure Code in relation to an investigation into an arrestable offence. For the purposes of exercising such powers, the officer of the Central Narcotics Bureau is deemed to be a police officer not below the rank of inspector of police.

The clause also replaces references to an “Assistant Director” of the Central Narcotics Bureau in section 47 with references to a “Divisional Director” of the Central Narcotics Bureau, so as to be consistent with the terminology used in the Misuse of Drugs Act (Cap. 185).

Clause 8 inserts a new Fourth Schedule to specify the activities that constitute “activities of a criminal nature” for the purposes of the definition of that term in the new section 30(3) (inserted by clause 3).

Clause 9(a) makes amendments to sections 27(1), 27A(2)(b), 31(1), 32(1) and (2), 42(1), (2) and (3), 43(9), 44(1) and 45(1) that are consequential to the renumbering of section 30 by clause 3.

Clause 9(b) amends sections 35 and 49(2)(a) so that they refer to a “person subject to supervision” and a “class of persons subject to supervision”, respectively, instead of a “person subject to supervision under this Act” and a “class of persons subject to supervision under this Act”, respectively. These changes in terminology are consequential to the repeal and re-enactment of section 33(1) by clause 4.

Clause 10 makes amendments to the Criminal Procedure Code, the Moneylenders Act, the Parliamentary Elections Act, the Presidential Elections Act and the Registration of Criminals Act that are consequential to the renumbering of section 30 by clause 3.

Clause 11 contains saving and transitional provisions.

EXPENDITURE OF PUBLIC MONEY

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