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## No. S 136

### CIVIL DEFENCE ACT (CHAPTER 42)

#### CIVIL DEFENCE (DETENTION) (AMENDMENT) REGULATIONS 2016

In exercise of the powers conferred by section 115 of the Civil Defence Act, the Minister for Home Affairs makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Civil Defence (Detention) (Amendment) Regulations 2016 and come into operation on 1 April 2016.

#### **Amendment of regulation 2**

2. Regulation 2 of the Civil Defence (Detention) Regulations (Rg 3) (called in these Regulations the principal Regulations) is amended —

(a) by inserting, immediately after the definition of “arrested person”, the following definition:

“ “Board” means the Board of Visitors established under regulation 2A;”;

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

“ “Director Manpower” means the Director, Manpower Department of the Force;”;

(c) by deleting the definition of “Head of Manpower”.

#### **New regulations 2A, 2B and 2C**

3. The principal Regulations are amended by inserting, immediately after regulation 2, the following regulations:

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**“Establishment, etc., of Board of Visitors**

**2A.**—(1) There is established for all detention barracks a Board of Visitors.

(2) The Board consists of not less than 4 and not more than 12 members.

(3) Every member of the Board —

(a) is appointed by the Minister; and

(b) holds office for 3 years beginning on the date of the member’s appointment or for such shorter period as the Minister may specify in any particular case.

(4) At least 2 members of the Board must be appointed from among members and former members of the Force.

(5) The Minister must appoint a chairman of the Board from among the members of the Board.

(6) Each member (including the chairman) of the Board is eligible for re-appointment.

(7) Any member (including the chairman) of the Board may at any time resign from his or her office by notice in writing to the Minister.

(8) The Minister may at any time revoke the appointment of any member (including the chairman) of the Board, or fill any vacancy in the membership of the Board.

**Functions of Board of Visitors**

**2B.**—(1) The functions of the Board are as follows:

(a) to inspect the cells, yards and other places within a detention barrack and to ascertain whether the living conditions of the persons serving detention in the detention barrack are satisfactory;

(b) to inspect the food served to the persons serving detention in a detention barrack and to ascertain whether the hygiene, quality and quantity of the food are satisfactory;

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- (c) to hear, record and enquire into any complaint made by a person serving detention relating to the person's detention in a detention barrack;
  - (d) to ensure that the provisions of the standing orders issued under regulation 7 are complied with;
  - (e) to call to the attention of the commandant of a detention barrack any irregularity observed by the Board in the management or operation of the detention barrack, or the treatment of any person serving detention in the detention barrack;
  - (f) to perform such other duties as the Minister may assign to the Board.
- (2) The Board must visit a detention barrack at least once every month.
- (3) The Board may be represented by 2 or more of its members when the Board visits a detention barrack.

### **Board's report**

**2C.**—(1) After each visit to a detention barrack, the Board must submit a report to the Director Manpower or any other person (who is an officer appointed to the Force) authorised by the Commissioner to receive the report.

(2) The report must mention any irregularity observed by the Board in the management or operation of the detention barrack, or the treatment of any person serving detention in the detention barrack.

- (3) The commandant of a detention barrack must —
- (a) act on every irregularity brought to the commandant's attention by the Director Manpower or the other person authorised under paragraph (1) to receive the Board's report; and
  - (b) report to the Director Manpower or that other person any action that has been taken by the commandant.

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(4) Every report of the Board must not be disclosed to any person other than a public officer who is authorised by the Minister or the Commissioner to see or comment on the report.”.

### **Deletion and substitution of regulations 8 to 11**

4. Regulations 8 to 11 of the principal Regulations are deleted and the following regulations substituted therefor:

#### **“Admission to detention barracks**

8.—(1) Before a person liable to serve detention under these Regulations is delivered to a detention barrack, the person must be examined by a medical officer.

(2) The medical officer must certify in Form 1 set out in the Schedule whether the person is fit to undergo detention in a detention barrack.

(3) On admission of an arrested person or a person liable to serve detention to a guardroom or detention barrack, the following procedures apply:

- (a) the commandant of the guardroom or detention barrack, or a person acting on behalf of the commandant, must examine whether there is lawful authority for keeping the person in custody;
- (b) the person must, with due regard to decency, be searched, and any article or document found on the person must, if the person is not allowed to keep it, be taken from the person and kept in safe custody;
- (c) the commandant of the guardroom or detention barrack must keep a list of the articles or documents taken from the person, and the list must be signed by the guard who took those articles or documents, and countersigned by the person;
- (d) a copy of the list must be given to the person.

(4) A person serving detention must be issued with clothing which serves as the person’s attire during the person’s detention.

(5) A committal order of a person serving detention must be in Form 2 set out in the Schedule.

### **Accommodation**

9. A person serving detention must be kept in custody either alone in a cell, or together with 2 other persons serving detention in a cell.

### **Permitted articles**

10.—(1) Subject to paragraph (2), an arrested person or a person serving detention is not allowed to keep in the person's cell any article other than the person's clothing issued to the person.

(2) A commandant may permit an arrested person or person serving detention to keep any other article that the commandant deems appropriate.

(3) An arrested person or a person serving detention is not allowed to wear any decoration, insignia or badge of rank on the person or the person's clothing.

### **Searches**

11. A commandant may at any time order a search to be conducted on any arrested person or person serving detention, the person's cell, or the person's personal belongings.”.

### **Amendment of regulation 13**

5. Regulation 13 of the principal Regulations is amended by inserting, immediately after the words “naked light”, the words “for the purpose of lighting any tobacco or cigarette”.

### **Deletion and substitution of regulations 14 and 15**

6. Regulations 14 and 15 of the principal Regulations are deleted and the following regulations substituted therefor:

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**“Letters**

**14.**—(1) An arrested person or a person serving detention in a guardroom or detention barrack is allowed to write letters which must be sent through the commandant of the guardroom or detention barrack, as the case may be.

(2) The commandant of a guardroom or detention barrack, or a person authorised by the commandant —

- (a) must read every letter written by or addressed to an arrested person or a person serving detention in the guardroom or detention barrack; and
- (b) must withhold any letter from the arrested person or person serving detention if the commandant or authorised person is of the opinion that the content of that letter may affect security or is undesirable in any way.

**Parcels**

**15.**—(1) An arrested person or a person serving detention is not allowed to receive any parcel or any item without the approval of the commandant.

(2) Any parcel or item approved by the commandant under paragraph (1) must be opened and examined by or under the authority of the commandant for objectionable content.

(3) Any parcel or item not approved by the commandant under paragraph (1) must be returned to the sender, retained in safekeeping by the commandant, or disposed of.”.

**Amendment of regulation 17**

7. Regulation 17 of the principal Regulations is amended —

(a) by deleting paragraph (4) and substituting the following paragraph:

“(4) An order made under paragraph (1) —

- (a) must be in Part 1 of Form 3 set out in the Schedule; and

(b) must state the type and manner of restraint that is to be applied, and the period (not exceeding 12 hours) during which the restraint is to be applied.”; and

(b) by inserting, immediately after paragraph (5), the following paragraph:

“(5A) An approval of a medical officer under paragraph (5) must be in Part 2 of Form 3 set out in the Schedule.”.

### **Deletion of regulations 18 and 19**

8. Regulations 18 and 19 of the principal Regulations are deleted.

### **Deletion and substitution of regulation 21 and new regulation 21A**

9. Regulation 21 of the principal Regulations is deleted and the following regulations substituted therefor:

#### **“Temporary release**

**21.—**(1) The commandant of a detention barrack may, on the application of a person serving detention at the detention barrack or an immediate family member of the person and on compassionate grounds, grant the person temporary release for a period not exceeding 48 hours from the detention barrack.

(2) The temporary release period under paragraph (1) does not count as part of the period of detention served by the person.

(3) A certificate of temporary release must be in Form 4 set out in the Schedule.

#### **Release under escort**

**21A.—**(1) The commandant of a detention barrack may, on the application of a person serving detention at the detention barrack or an immediate family member of the person and on compassionate grounds, allow the person to leave the detention barrack under escort for such period as the commandant may determine.

(2) The period under paragraph (1) counts as part of the period of detention served by the person.

(3) An order for release under escort must be in Form 4A set out in the Schedule.”.

### **Amendment of regulation 22**

**10.** Regulation 22 of the principal Regulations is amended —

(a) by deleting sub-paragraph (b) of paragraph (1) and substituting the following sub-paragraphs:

“(b) if the person’s sentence exceeds 30 days but does not exceed 40 days — a period equal to the number of days by which the sentence exceeds 30 days;

(c) if the person’s sentence exceeds 40 days — subject to paragraph (1A), a period equal to one-third of the period of the person’s sentence.”;

(b) by inserting, immediately after paragraph (1), the following paragraphs:

“(1A) If, after deducting the period referred to in paragraph (1)(c) from the period of the person’s sentence of detention, the total period of detention is less than 30 days, the period of remission is equal to the number of days by which the person’s sentence of detention exceeds 30 days.

(1B) Any remission of sentence must be awarded upon the sentencing of the person serving detention.”;  
and

(c) by deleting paragraph (3) and substituting the following paragraph:

“(3) If a person serving detention misbehaves, the Director Manpower may, on the recommendation of the commandant of the detention barrack, and by an order for withdrawal of remission in Form 4B set out in the



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Schedule, withdraw the whole or any part of the remission awarded to the person.”.

### **Deletion and substitution of regulation 23**

**11.** Regulation 23 of the principal Regulations is deleted and the following regulation substituted therefor:

#### **“Minor offences**

**23.** An arrested person or a person serving detention in a detention barrack is guilty of a minor offence if the person —

- (a) shows disrespect to any guard, any person working in the guardroom or detention barrack, any member (including the chairman) of the Board visiting the detention barrack or any other visitor of the detention barrack;
- (b) is idle, careless or negligent;
- (c) uses any abusive, insolent, threatening or other improper language;
- (d) without the permission of the commandant or a guard, communicates with any person;
- (e) without the permission of the commandant or a guard, leaves the person’s cell or any other place appointed by the commandant;
- (f) commits any nuisance;
- (g) has, in the person’s cell or possession, any unauthorised article;
- (h) gives or receives from any person any unauthorised article;
- (i) refuses without any reasonable cause to eat the food provided in the guardroom or detention barrack;
- (j) omits or refuses to wear the clothing given to the person, or loses, discards, damages or alters any part of it;

- (k) refuses to undergo medical treatment or examination when required by a guard to do so;
- (l) does not comply with any standing orders issued under regulation 7;
- (m) does not comply with any lawful order of a guard; or
- (n) does any other act to the prejudice of good order or discipline in the guardroom or detention barrack.”.

### **Amendment of regulation 24**

**12.** Regulation 24 of the principal Regulations is amended —

- (a) by deleting the words “these Regulations” in paragraph (1) and substituting the words “regulation 23”;
- (b) by deleting the word “both” in paragraph (1) and substituting the word “more”;
- (c) by deleting the words “of bread and water or rice and water” in paragraph (1)(b);
- (d) by deleting the full-stop at the end of sub-paragraph (b) of paragraph (1) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraph:
  - “(c) forfeiture of any privilege granted to the person.”; and
- (e) by deleting the words “be allowed books of instruction only” in paragraph (2) and substituting the words “only be allowed to read materials authorised by the commandant”.

### **Deletion and substitution of regulation 25**

**13.** Regulation 25 of the principal Regulations is deleted and the following regulation substituted therefor:

#### **“Major offences**

**25.** The following are major offences:

- (a) mutiny;
- (b) escaping or attempting to escape from custody;

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- 
- (c) causing any self-inflicted injury;
  - (d) assaulting, or taking part in any assault on, any person in a guardroom or detention barrack;
  - (e) vandalising or damaging the property in a guardroom or detention barrack;
  - (f) wilfully making a false or groundless accusation or complaint against any guard or person serving detention in a detention barrack;
  - (g) repeating any minor offence after having been punished on 2 separate occasions for 2 separate instances of committing the same minor offence;
  - (h) any other act of gross misconduct or insubordination;
  - (i) abetting the commission of any offence referred to in paragraphs (a) to (h).”.

### **Deletion and substitution of regulation 27**

14. Regulation 27 of the principal Regulations is deleted and the following regulation substituted therefor:

#### **“Physical force**

27.—(1) Subject to paragraph (2), a guard of a detention barrack must not use physical force on any arrested person or a person serving detention.

(2) A guard may use such physical force as is necessary —

- (a) to subdue an aggressive arrested person or an aggressive person serving detention; or
- (b) in self-defence or to defend another person in the detention barrack.

(3) Where a guard uses a baton or any other object on an arrested person or a person serving detention in the circumstances set out in paragraph (2), the guard must attempt to strike only the non-vital parts of the person’s body.

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- (4) A medical officer must —
- (a) examine an arrested person or a person serving detention on whom physical force is used as soon as possible; and
  - (b) submit a written report of the examination to the commandant.”.

### **New regulation 28A**

15. The principal Regulations are amended by inserting, immediately after regulation 28, the following regulation:

#### **“Examination for infectious diseases**

**28A.**—(1) A commandant may, at any time, require any arrested person or person serving detention to undergo a medical examination by a medical officer for the purposes of ascertaining whether the person is suffering from, or is a carrier of, any infectious disease.

(2) An arrested person or a person serving detention must comply with any requirement of the commandant under paragraph (1).

(3) A commandant may, in the case of any arrested person or person serving detention who refuses to undergo a medical examination under paragraph (1) or refuses to provide any sample necessary for such medical examination, direct that the person be detained separately until the person has undergone the medical examination.

(4) Where a medical officer ascertains that an arrested person or a person serving detention is suffering from, or is a carrier of, any infectious disease, the medical officer must immediately give a written report to the commandant.

(5) A commandant may, upon receiving the written report under paragraph (4), direct that the arrested person or person serving detention be detained separately until a medical officer certifies that —

- (a) the person is free from infection; or

(b) the risk of spreading the infectious disease to other persons has been eliminated.

(6) In this regulation, “infectious disease” has the same meaning as in section 2 of the Infectious Diseases Act (Cap. 137).”.

### **New regulations 32 to 35**

16. The principal Regulations are amended by inserting, immediately after regulation 31, the following regulations:

#### **“Discipline**

32. Every arrested person or person serving detention must comply with the standing orders issued by the commandant under regulation 7.

#### **Record of offences and punishments**

33.—(1) The commandant must cause to be entered in a register a record of the punishments imposed on every arrested person or person serving detention, showing, in respect of each person punished —

- (a) the name of the person;
- (b) the nature of the offence; and
- (c) the nature and extent of the punishment.

(2) The register referred to in paragraph (1) must be open for inspection by the Board.

#### **Medical examination**

34.—(1) Before a person serving detention is discharged from a detention barrack, the person must be examined by a medical officer for any fresh marks, injuries or tattoos on any part of the person’s body which were not previously recorded upon the person’s admission or during the person’s detention.

(2) The medical officer must immediately inform the commandant of a detention barrack if the medical officer finds

any fresh marks, injuries or tattoos on the body of the person serving detention.

### **Date of release**

**35.** If the date of release of a person serving detention falls on a Sunday or public holiday, the person must be released on a preceding day that is not a Sunday or public holiday.”.

### **Deletion and substitution of Schedule**

**17.** The Schedule to the principal Regulations is deleted and the following Schedule substituted therefor:

“THE SCHEDULE

FORM 1

Regulation 8(2)

CIVIL DEFENCE ACT  
(CHAPTER 42)  
CIVIL DEFENCE (DETENTION) REGULATIONS  
MEDICAL CERTIFICATE OF FITNESS<sup>1</sup>

I, .....<sup>2</sup> after examining  
*(rank, name and appointment)*

.....<sup>3</sup> certify that the person  
*(rank, name and unit)*

is/is not<sup>4</sup> medically fit to be kept in custody under a sentence of  
detention.

I further certify that .....<sup>3</sup> is  
*(rank, name and unit)*

medically fit to be detained in a detention barrack subject to the  
following conditions:

.....  
.....  
.....<sup>5</sup>

Dated .....

.....  
*Signature of Medical Officer*

<sup>1</sup> To be filled by a medical officer before admission of a person liable to serve detention in a detention barrack.

<sup>2</sup> Particulars of medical officer.

<sup>3</sup> Particulars of person liable to serve detention.

<sup>4</sup> Delete where inapplicable.

<sup>5</sup> To be filled whenever medical certificate of fitness for detention in a detention barrack is given subject to any special condition.

FORM 2

Regulation 8(5)

CIVIL DEFENCE ACT  
(CHAPTER 42)  
CIVIL DEFENCE (DETENTION) REGULATIONS  
COMMITTAL ORDER FOR DETENTION BARRACK

To the Commandant or other person in charge

On .....,<sup>1</sup> .....<sup>2</sup>  
*(rank, name and unit)*

was sentenced to detention for a period of .....<sup>3</sup> days  
by .....<sup>4</sup>  
*(rank, name and unit)*

for the offence(s) of .....  
.....<sup>5</sup>

Now, pursuant to the Civil Defence Act, this is to authorise and require  
you to receive .....<sup>2</sup> into your custody and to  
*(rank, name and unit)*

retain the person to undergo the person's sentence of detention according  
to law and for so doing, this is your warrant.

Dated .....

.....  
*Signature, rank and name of  
Disciplinary Officer*

<sup>1</sup> State date of detention order.

<sup>2</sup> Particulars of person serving detention.

<sup>3</sup> State of length of detention.

<sup>4</sup> Particulars of disciplinary officer.

<sup>5</sup> State offence(s) and relevant provisions of the Civil Defence Act.



FORM 3

Regulation 17(4) and (5A)

CIVIL DEFENCE ACT  
(CHAPTER 42)  
CIVIL DEFENCE (DETENTION) REGULATIONS  
ORDER FOR RESTRAINT OF PERSON IN CUSTODY  
PART 1

I, .....<sup>1</sup> order  
.....<sup>2</sup> to be restrained by  
*(rank, name and unit)*  
means of .....<sup>3</sup> in the  
following manner .....<sup>4</sup>  
from .....<sup>5</sup> to .....<sup>5</sup>  
*(date/time)* *(date/time)*

This order is given for the following reasons:

.....  
.....<sup>6</sup>

Dated .....

.....  
*Signature, rank and name  
of Commandant*

<sup>1</sup> Particulars of Commandant.

<sup>2</sup> Particulars of person serving detention.

<sup>3</sup> State instrument of restraint.

<sup>4</sup> State position of the hands of person serving detention and other particulars relating to the manner of restraint.

<sup>5</sup> The period must not exceed 12 hours in the case of restraint with the hands handcuffed.

<sup>6</sup> State reasons for the order.

PART 2  
APPROVAL OF MEDICAL OFFICER<sup>1</sup>

I, .....<sup>2</sup> approve the  
(rank, name and appointment)

application of the following means and manner of restraint .....<sup>3</sup>

to .....<sup>4</sup>  
(rank, name and unit)

from ..... to .....  
(date/time) (date/time)

provided that .....<sup>5</sup>

Made at ..... hours on .....

.....  
*Signature of Medical Officer*

\_\_\_\_\_  
<sup>1</sup> To be filled by a medical officer when the instrument of restraint is not handcuffs.  
<sup>2</sup> Particulars of medical officer.  
<sup>3</sup> State the instrument and manner of restraint.  
<sup>4</sup> Particulars of person serving detention.  
<sup>5</sup> State any condition relevant to the application of restraint.

FORM 4

Regulation 21(3)

CIVIL DEFENCE ACT  
(CHAPTER 42)  
CIVIL DEFENCE (DETENTION) REGULATIONS  
CERTIFICATE OF TEMPORARY RELEASE FROM DETENTION

I, .....,<sup>1</sup> authorise the temporary release  
of the person under sentence, .....,<sup>2</sup> who is  
*(rank, name and unit)*  
undergoing a sentence of detention for .....,  
*(state nature of offence)*  
for .....<sup>3</sup> hours from ..... hours on .....  
to ..... hours on .....

Reason for temporary release: .....  
.....

Dated .....

.....  
*Signature, rank and name of  
Commandant*

\_\_\_\_\_  
<sup>1</sup> Particulars of Commandant.

<sup>2</sup> Particulars of person serving detention.

<sup>3</sup> The duration to be filled up in words.

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Condition of release: This temporary release is subject to the condition that if the abovenamed person serving detention fails to return on the due date, the person serving detention is liable to be arrested as an absconder and shall be liable to receive punishment for an offence of escape from custody or a place of detention under section 46 of the Civil Defence Act, Chapter 42.

I understand the conditions under which the temporary release has been granted to me and I undertake to return to the detention barrack before the expiry of the time allowed for my temporary release stated above.

.....  
*Signature of person serving  
detention*

FORM 4A

Regulation 21A(3)

CIVIL DEFENCE ACT  
 (CHAPTER 42)  
 CIVIL DEFENCE (DETENTION) REGULATIONS  
 ORDER FOR RELEASE UNDER ESCORT OF PERSON SERVING  
 DETENTION

I, .....<sup>1</sup> authorise  
 .....<sup>2</sup> to be released under escort for the period  
*(rank, name and unit)*  
 from ..... to .....<sup>3</sup>  
*(date/time) (date/time)*

This order for release under escort is given for the following reasons:

.....  
 .....  
 .....  
 .....<sup>4</sup>

Dated .....

.....  
*Signature, rank and name of  
 Commandant*

<sup>1</sup> Particulars of Commandant.

<sup>2</sup> Particulars of person serving detention.

<sup>3</sup> State the period of release under escort.

<sup>4</sup> State the reasons for release under escort.

FORM 4B

Regulation 22(3)

CIVIL DEFENCE ACT  
(CHAPTER 42)  
CIVIL DEFENCE (DETENTION) REGULATIONS  
ORDER FOR WITHDRAWAL OF REMISSION OF SENTENCE BY  
DIRECTOR MANPOWER

Pursuant to the Civil Defence Force (Detention) Regulations, I order the withdrawal of the whole/part<sup>1</sup> of the remission of the sentence of .....<sup>2</sup> who is  
*(rank, name and unit)*

undergoing a sentence of .....<sup>3</sup> months/days<sup>1</sup> of detention on the grounds of his or her misbehaviour, particulars of which are set out below:

.....  
.....  
.....<sup>4</sup>

Withdrawal of remission of ..... days detention.

Dated .....

.....  
*Signature, rank and name of  
Director Manpower*

<sup>1</sup> Delete where inapplicable.

<sup>2</sup> Particulars of person serving detention.

<sup>3</sup> Length of sentence.

<sup>4</sup> State summary of the particulars of misbehavior of the person serving detention.

## FORM 5

Regulation 30(2)

CIVIL DEFENCE ACT  
(CHAPTER 42)  
CIVIL DEFENCE (DETENTION) REGULATIONS  
COMMITTAL ORDER FOR PRISON

To the Commissioner of Prisons

.....<sup>1</sup>

*(rank, name and unit)*

was on .....<sup>2</sup> sentenced to detention for a period of ..... days by a disciplinary officer for an offence of ..... of the Civil Defence Act.

This is to authorise and require you to receive the said .....<sup>2</sup> into your custody and to  
*(rank, name and unit)*

retain the person serving detention for a period not exceeding 7 days from ..... to ..... and for so doing this is your warrant.

Dated .....

.....  
*Signature of Commissioner*  
*Singapore Civil Defence Force*

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<sup>1</sup> Particulars of person serving detention.

<sup>2</sup> State date.

FORM 6

Regulation 30(5)

CIVIL DEFENCE ACT  
(CHAPTER 42)  
CIVIL DEFENCE (DETENTION) REGULATIONS  
ORDER FOR RETURN TO DETENTION BARRACK

To the Commissioner of Prisons

Pursuant to regulation 30 of the Civil Defence (Detention) Regulations,  
this is to authorise and require you to deliver  
.....<sup>1</sup> now in your custody, to the  
*(rank, name and unit)*  
officer producing this order.

Dated .....

.....  
*Signature of Commissioner  
Singapore Civil Defence Force*

<sup>1</sup> Particulars of person serving detention.



**Miscellaneous amendments**

**18.** The principal Regulations are amended by deleting the words “Head of Manpower” in the following provisions and substituting in each case the words “Director Manpower”:

Regulations 3(2), 4, 20(2) and 31.

Made on 15 March 2016.

LEO YIP  
*Permanent Secretary,  
Ministry of Home Affairs,  
Singapore.*

[MHA 112/2/0061; AG/LEGIS/SL/42/2015/1 Vol. 1]