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## No. S 35

### PRISONS ACT 1933

#### PRISONS (AMENDMENT) REGULATIONS 2022

In exercise of the powers conferred by section 84 of the Prisons Act 1933, the Minister for Home Affairs makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Prisons (Amendment) Regulations 2022 and come into operation on 18 January 2022.

#### **Deletion and substitution of regulations 2 and 3**

2. Regulations 2 and 3 of the Prisons Regulations (Rg 2) are deleted and the following regulations substituted therefor:

##### **“Inspection of prisons by Commissioner**

2. The Commissioner must inspect, or direct the inspection of, every prison once every year.

##### **Compliance with Act, regulations and Prison Standing Orders**

3. The Commissioner must ensure that the Act, the regulations made under the Act, and the Prison Standing Orders are complied with.”.

#### **Amendment of regulation 4**

3. Regulation 4 of the Prisons Regulations is amended —

(a) by inserting, immediately after the word “submit”, the words “, or cause to be submitted,”; and

- (b) by deleting the words “upon all the prisons in Singapore” and substituting the words “on the custody and rehabilitation of prisoners”.

### **Deletion and substitution of regulation 5**

4. Regulation 5 of the Prisons Regulations is deleted and the following regulation substituted therefor:

#### **“General duties of Superintendent**

5. Without limiting any other duties of the Superintendent in these Regulations, the Superintendent of a prison is responsible for —

- (a) ensuring that the prison is administered in accordance with the Act, the regulations made under the Act, and the Prison Standing Orders;
- (b) ensuring that the staff of the prison (including the prison officers and medical officers) comply with the law and the Prison Standing Orders applicable to them;
- (c) ensuring that the prison is maintained in a clean and sanitary condition;
- (d) maintaining the good order and discipline in the prison; and
- (e) ensuring the humane and fair treatment of prisoners in the prison.”.

### **Deletion of regulations 7, 8 and 9 and new regulations 7 and 8**

5. Regulations 7, 8 and 9 of the Prison Regulations are deleted and the following regulations substituted therefor:

#### **“Inspection of prison by Superintendent**

7.—(1) The Superintendent, or any person authorised by the Superintendent, must, as far as practicable, inspect a prison once every day (not including Saturdays, Sundays and public holidays).

(2) The Superintendent must hear and deal with any request or complaint made by a prisoner during an inspection.

### **Security of prisoners' cells**

**8.**—(1) The Superintendent must ensure that the cells of prisoners are inspected regularly by prison officers to —

- (a) check the security of the cells; and
- (b) check for any unauthorised item, which must be confiscated.

(2) A prison officer who finds any breach in the security of a prisoner's cell or any unauthorised item in the cell must immediately make a report to the Superintendent.”.

### **Deletion and substitution of regulation 13**

**6.** Regulation 13 of the Prisons Regulations is deleted and the following regulation substituted therefor:

#### **“Complaints and requests**

**13.**—(1) The Superintendent must ensure that every prisoner who wishes to make a complaint or request to a prison officer or a Visiting Justice must be given a reasonable opportunity to do so.

(2) Any complaint of misconduct involving a prison officer must be dealt with without undue delay.”.

### **Deletion and substitution of regulation 36**

**7.** Regulation 36 of the Prisons Regulations is deleted and the following regulation substituted therefor:

#### **“General duties of prison officers**

**36.**—(1) Every prison officer must —

- (a) comply with the regulations made under the Act and the Prison Standing Orders;
- (b) assist and support the Superintendent in maintaining order and discipline in the prison;

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- (c) within the scope of the prison officer's responsibilities, be firm in maintaining order and discipline in the prison;
  - (d) refer any prisoner who appears from the prison officer's observation to be physically or mentally unwell for medical observation; and
  - (e) treat every prisoner humanely and fairly.
- (2) A prison officer must promptly report to a superior officer any unlawful activity, misconduct, abuse or irregularity in the prison.
- (3) A prison officer who receives a complaint or request from a prisoner must either deal with the matter raised as advised by a superior officer or report the matter to the Superintendent.”.

### **Deletion and substitution of regulation 38**

8. Regulation 38 of the Prisons Regulations is deleted and the following regulation substituted therefor:

#### **“Use of force**

**38.**—(1) A prison officer may use force as is necessary for the security and good order of the prison or for the safety and welfare of the prisoners or other persons in the prison.

(2) Where force is used on a prisoner —

- (a) the prisoner must, as soon as practicable, be brought to a medical officer —
  - (i) to be examined for injury; and
  - (ii) for any injury and other observations to be recorded; and
- (b) a report of the matter must be made to the Superintendent immediately.”.

### **Deletion and substitution of regulation 40**

9. Regulation 40 of the Prisons Regulations is deleted and the following regulation substituted therefor:

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**“No testimonials or references**

**40.** A prison officer must not write a testimonial or reference for a prisoner unless the Commissioner, or an officer authorised by the Commissioner, gives permission.”.

**Deletion and substitution of regulation 60**

**10.** Regulation 60 of the Prisons Regulations is deleted and the following regulation substituted therefor:

**“Duties of medical officer**

**60.—(1)** A medical officer of a prison must —

- (a) keep proper medical records of every prisoner;
- (b) ensure that every prisoner who is sick, or complains of being sick, is given adequate medical treatment and is placed under such medical observation as the medical officer considers necessary;
- (c) direct any modifications of labour, diet and punishment in any particular case as the medical officer considers necessary; and
- (d) perform all duties of a medical officer under the Act and these Regulations.

(2) Where a medical officer considers it necessary to inform the Superintendent of a prisoner’s medical condition, the medical officer —

- (a) must make a report to the Superintendent; and
- (b) may make any recommendations for the modification of labour, diet, punishment or treatment of the prisoner, or the supply of additional articles to the prisoner, as the medical officer considers necessary.”.

**Deletion and substitution of regulation 66**

**11.** Regulation 66 of the Prisons Regulations is deleted and the following regulation substituted therefor:

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**“Medical officer to report terminally ill or unfit prisoners**

**66.**—(1) A medical officer must make a report to the Superintendent if the medical officer considers that —

- (a) a prisoner will not survive the prisoner’s imprisonment because of any illness or disease; or
- (b) a prisoner is totally and permanently unfit for prison life and discipline.

(2) The Superintendent must forward the report to the Commissioner, and the Commissioner, upon receiving the report, may refer the prisoner’s case to the External Placement Review Board under regulation 151L.”.

**Deletion and substitution of regulation 68**

**12.** Regulation 68 of the Prisons Regulations is deleted and the following regulation substituted therefor:

**“Death**

**68.** In the event of the death of any prisoner, other than death by execution, the medical officer must ensure that all relevant information relating to the prisoner’s death is entered into the medical record of the prisoner.”.

**Deletion and substitution of regulations 72 and 73**

**13.** Regulations 72 and 73 of the Prisons Regulations are deleted and the following regulations substituted therefor:

**“Superintendent not to accompany Visiting Justice, etc.**

**72.**—(1) A Visiting Justice must not be accompanied by the Superintendent when visiting a prison.

(2) The Superintendent of a prison —

- (a) must inform the Visiting Justice visiting the prison of any prisoner who has requested to see the Visiting Justice; and

- (b) must assist the Visiting Justice where necessary for the carrying out of the Visiting Justice's duties under the Act.

### **Visiting Justices**

**73.**—(1) A Visiting Justice appointed under section 79(1) of the Act must —

- (a) visit every prison once a month; and  
(b) be given full access to every part of the prison and to every prisoner.

(2) On every visit to a prison, a Visiting Justice must hear any request, complaint or appeal that any prisoner in the prison wishes to make to the Visiting Justice.

(3) After visiting a prison, a Visiting Justice must make a record of —

- (a) the date and time of the visit;  
(b) the complaints, requests and appeals heard by the Visiting Justice;  
(c) any punishment given by the Visiting Justice; and  
(d) any observation, suggestion or recommendation that the Visiting Justice wishes to make.

(4) Every record mentioned in paragraph (3) must be sent to the Commissioner and the Minister for their inspection as soon as practicable.”.

### **Deletion and substitution of regulation 74 and new regulation 74A**

**14.** Regulation 74 of the Prisons Regulations is deleted and the following regulations substituted therefor:

#### **“Records to be kept upon admission and searches**

**74.**—(1) A record of each prisoner must be created on admission and kept updated.

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(2) A prisoner's record must contain the following information:

- (a) the prisoner's name;
- (b) the prisoner's identification number;
- (c) a photograph of the prisoner;
- (d) the prisoner's fingerprints and any of the prisoner's physiological data necessary for identifying or authenticating the identity of the prisoner using a biometric authenticating system;
- (e) any other information about the prisoner that the Commissioner may require.

(3) Every prisoner must be searched on admission and whenever a prison officer reasonably suspects that the prisoner has any prohibited article in the prisoner's possession.

(4) The following procedures apply to any search mentioned in paragraph (3):

- (a) a prison officer searching a prisoner may use any equipment that is approved by the Commissioner;
- (b) a female prisoner must only be searched by a female prison officer;
- (c) any article or document found on a prisoner must, if the prisoner is not allowed to keep it, be taken from the prisoner and be inventoried;
- (d) every article or document taken from a prisoner upon admission must be kept in storage or returned to the prisoner's family, unless it is of a perishable or dangerous nature, then it may be destroyed or otherwise disposed of.

### **Examination by medical officer upon admission**

**74A.**—(1) A prisoner must be examined by a medical officer as soon as possible after admission.

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(2) The medical officer examining a prisoner must record the state of health of the prisoner and any other particulars that the medical officer considers necessary.”.

### **Deletion and substitution of regulation 79**

**15.** Regulation 79 of the Prisons Regulations is deleted and the following regulation substituted therefor:

#### **“Separation of prisoners**

**79.**—(1) Male and female prisoners must be kept separate from one another.

(2) The Commissioner may separate prisoners into different categories to be subject to different regimes to facilitate the rehabilitation of prisoners and the maintenance of good order and discipline in the prison.”.

### **Deletion and substitution of regulation 82**

**16.** Regulation 82 of the Prisons Regulations is deleted and the following regulation substituted therefor:

#### **“Treatment of female prisoners**

**82.**—(1) A male person (including a male prison officer) must not attend to, or otherwise be in a room with, a female prisoner unless he is accompanied by a female person who is not a prisoner.

(2) However, in the event of an emergency, a male person (including a male prison officer) may attend to, or otherwise be in a room with, a female prisoner, to respond to the emergency if he is, as far as is reasonably practicable, accompanied by another prison officer.

(3) Where any male person (including a male prison officer) attends to, or must otherwise be in a room with, a female prisoner in accordance with paragraph (2), he must make a report of the incident to the Superintendent as soon as possible.

(4) In this regulation, “emergency” means an actual or imminent event that causes, or threatens to cause —

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- (a) any harm or danger to the life, health or safety of any female prisoner; or
- (b) any destruction of, or danger to, any property.”.

### **Deletion and substitution of regulation 85**

17. Regulation 85 of the Prisons Regulations is deleted and the following regulation substituted therefor:

#### **“Child born during imprisonment**

**85.**—(1) The Commissioner may allow a child born to a female prisoner during her imprisonment to stay with the prisoner if the Commissioner considers this to be in the child’s best interests, having regard to the female prisoner’s fitness to care for the child.

(2) Otherwise, a child born to a female prisoner must be placed under alternative care outside of prison as soon as practicable.

(3) A child allowed to stay with a female prisoner under paragraph (1) must be provided with basic necessities, adequate nutrition and healthcare.

(4) The female prisoner is responsible for the safety and care of the child while the child stays with her.”.

### **Deletion of regulations 97 and 98 and new regulation 97**

18. Regulations 97 and 98 of the Prisons Regulations are deleted and the following regulation substituted therefor:

#### **“Date of release**

**97.** If a prisoner is entitled to be released on a Sunday or a public holiday, the prisoner must be released on the preceding day.”.

### **Deletion of regulations 102 and 103 and new regulation 102**

19. Regulations 102 and 103 of the Prisons Regulations are deleted and the following regulation substituted therefor:

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**“Maximum daily hours of work**

**102.** A prisoner who is allowed to work under section 67 of the Act may not work in a prison for more than 8 hours a day unless the prisoner consents to do so.”.

**Deletion and substitution of regulation 105**

**20.** Regulation 105 of the Prisons Regulations is deleted and the following regulation substituted therefor:

**“Observation of prisoners awaiting trial on capital charges**

**105.** The Superintendent must ensure that every prisoner awaiting trial on capital charges is kept under close observation on the prisoner’s mental and physical condition.”.

**Deletion and substitution of regulation 107**

**21.** Regulation 107 of the Prisons Regulations is deleted and the following regulation substituted therefor:

**“Time out of accommodation**

**107.—**(1) Subject to the need to maintain good order and discipline in the prison and paragraph (2), every prisoner is to be given the opportunity to spend time out of the prisoner’s cell and for such period as may be allowed or specified by the Superintendent.

(2) Paragraph (1) does not apply to any prisoner —

(a) who is confined in a punishment cell; or

(b) who is subject to a regime by the Commissioner under regulation 79(2) where time out of the prisoner’s cell is restricted,

unless the medical officer of the prison certifies that it is necessary for the prisoner’s health that the prisoner be given such opportunity.”.

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**Deletion and substitution of regulations 114 and 115**

**22.** Regulations 114 and 115 of the Prisons Regulations are deleted and the following regulations substituted therefor:

**“Religious observances**

**114.**—(1) The holding of religious services for prisoners must be consistent with prison discipline and security.

(2) Ministers of religion may be allowed in every facility consistent with prison discipline and security to visit prisoners.

(3) Without limiting paragraph (1), a Muslim prisoner is allowed to observe the fast of Ramadan, subject to any medical considerations.

**Reading material and recreation**

**115.**—(1) A prisoner must not receive or keep any reading material unless allowed by the Superintendent.

(2) The Superintendent may confiscate any reading material with objectionable content.

(3) The Superintendent may allow recreation for the prisoners, subject to the considerations of discipline and good order.”.

**Amendment of regulation 128**

**23.** Regulation 128 of the Prisons Regulations is amended by deleting the words “The Chief Rehabilitation Officer or an officer detailed by him,” and substituting the words “A prison officer”.

**Deletion and substitution of regulation 129 and new regulation 130**

**24.** Regulation 129 of the Prisons Regulations is deleted and the following regulations substituted therefor:

**“Visitors may be searched**

**129.**—(1) Every visitor to a prisoner must provide the prison officer conducting the visit with his or her personal particulars necessary for the verification of the visitor’s identity.

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(2) Any visitor to a prisoner may be searched by a prison officer or an authorised auxiliary police officer, and the search —

- (a) must not take place in the presence of any prisoner or of another visitor;
- (b) must be conducted with due regard to decency; and
- (c) if the visitor is female, must be carried out by a female prison officer or female authorised auxiliary police officer.

(3) A prison officer or an authorised auxiliary police officer conducting a search mentioned in paragraph (2) may impound any article found during the search if the officer is of the opinion that the article —

- (a) is prohibited under the Act, any regulations made under the Act, or the Prison Standing Orders;
- (b) is likely to be dangerous to the health or life of any prisoner; or
- (c) is likely to facilitate any prisoner's escape from the prison.

(4) A visitor may be refused entry to a prison if —

- (a) the visitor refuses to be searched by a prison officer or an authorised auxiliary police officer; or
- (b) the prison officer conducting the visit, or an authorised auxiliary police officer, is of the opinion that the entry of the visitor would be prejudicial to the security or good order of the prison.

(5) Where a visitor is refused entry under paragraph (4), the prison officer conducting the visit or authorised auxiliary police officer (as the case may be) must record the grounds of refusal in a report to the Superintendent.

(6) In this regulation, “authorised auxiliary police officer” means an auxiliary police officer employed by the Commissioner for the purposes of this regulation.

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**Visitor barred from visiting prisoner**

**130.**—(1) The Superintendent may prohibit visits by a visitor to a prison or a prisoner in a prison for any period of time as the Superintendent considers necessary if the visitor has —

- (a) insulted, intimidated, threatened or harassed any prison officer, auxiliary police officer, or any other person working in the prison, in relation to the execution of the duty of the officer or person; or
- (b) otherwise engaged in any conduct that, in the opinion of the Superintendent, may —
  - (i) have a detrimental influence or effect on a prisoner; or
  - (ii) affect the security or good order of the prison, or the security or safety of a prisoner or any other person.

(2) Paragraph (1) does not apply to —

- (a) any visits to a prison or prisoner by a Visiting Justice; or
- (b) any visits by a prisoner’s legal adviser mentioned in regulation 127B(1)(a).”.

**Amendment of regulation 135**

**25.** Regulation 135 of the Prisons Regulations is amended by deleting the words “these Regulations of the prison and received from or through the Chief Rehabilitation Officer” and substituting the words “the Commissioner”.

**Deletion and substitution of regulation 139**

**26.** Regulation 139 of the Prisons Regulations is deleted and the following regulation substituted therefor:

**“Corporal punishment**

**139.**—(1) This regulation applies to sentences of corporal punishment passed under section 71(1)(a) or 74(2)(b) of the Act.

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(2) The sentence of corporal punishment must not be carried out within 24 hours of the sentence being imposed, unless the Commissioner considers it necessary.

(3) Corporal punishment cannot be carried out in instalments.

(4) The Superintendent and medical officer must be present when corporal punishment is being carried out.

(5) A rattan is to be used for all corporal punishment.

(6) Any punishment with the rattan is to be inflicted in the following manner:

(a) in the case of an adult prisoner — on his buttocks using a rattan that is no more than 1.25 centimetres in diameter;

(b) in the case of a juvenile prisoner — on his buttocks using a light rattan.

(7) The medical officer may give directions for preventing injury to other parts of the prisoner's body as the medical officer considers necessary.”.

### **Deletion and substitution of regulation 142**

27. Regulation 142 of the Prisons Regulations is deleted and the following regulation substituted therefor:

#### **“Medical examination of prisoners sentenced to punishment**

142. Every prisoner ordered to undergo corporal punishment or confinement in a punishment cell under section 70, 71 or 74 of the Act must be examined by a medical officer to ascertain the prisoner's fitness to undergo such punishment or confinement.”.

### **Amendment of regulation 151K**

28. Regulation 151K of the Prisons Regulations is amended —

(a) by deleting the words “section 53(1A)” in paragraph (1)(b) and substituting the words “section 53(2)”;

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- (b) by deleting the words “subsection (1A) of section 53” in paragraph (3) and substituting the words “subsection (2) of section 53”; and
- (c) by deleting the words “Part VI” in paragraph (1)(c) and substituting the words “Part 6”.

### **Amendment of regulation 155**

**29.** Regulation 155 of the Prisons Regulations is amended —

- (a) by deleting the words “or purchase” in paragraph (1); and
- (b) by deleting paragraph (2) and substituting the following paragraph:

“(2) All such items must be received or brought through as allowed by the Commissioner.”.

### **Deletion and substitution of regulation 161**

**30.** Regulation 161 of the Prisons Regulations is deleted and the following regulation substituted therefor:

#### **“Medical practitioner of choice**

**161.** A prisoner awaiting trial must, if necessary for the purposes of the prisoner’s defence in criminal proceedings in which the prisoner is an accused person, be allowed to be seen by a medical practitioner of the prisoner’s choice on any working day at any reasonable time, and in the sight, but not in the hearing, of a prison officer.”.

### **Deletion and substitution of heading to Part X**

**31.** Part X of the Prisons Regulations is amended by deleting the Part heading and substituting the following Part heading:

“TREATMENT OF PRISONERS  
AWAITING CAPITAL PUNISHMENT”.

### **Deletion and substitution of regulation 162**

**32.** Regulation 162 of the Prisons Regulations is deleted and the following regulation substituted therefor:

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**“Search and examination of cells**

**162.**—(1) Every prisoner awaiting capital punishment must be thoroughly searched and any unauthorised article found on the prisoner must be removed.

(2) Every prisoner awaiting capital punishment —

(a) must be confined apart from all other prisoners; and

(b) must be under close supervision of a prison officer.

(3) The cell in which a prisoner awaiting capital punishment is confined must be examined as often as is necessary to ensure its security and safety.”.

**Deletion and substitution of regulations 164, 165 and 166**

**33.** Regulations 164, 165 and 166 of the Prisons Regulations are deleted and the following regulations substituted therefor:

**“Restricted access to prisoner**

**164.**—(1) No person may have access to a prisoner awaiting capital punishment without a written order from the Commissioner, except the medical officer of the prison, any prison officer in the course of duty and, if required by the prisoner, a minister of religion.

(2) A prison officer must be present during the whole of every such access to the prisoner by the medical officer or minister of religion.

**Restricted access at executions**

**165.**—(1) Every execution must be attended by the Superintendent, a medical officer and any other prison officer that the Commissioner requires.

(2) There may also be present at the execution a minister of religion in attendance at the prison and any other persons that the Commissioner thinks proper to admit at the execution.

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**Gallows and executions**

- 166.** The Superintendent must ensure that —
- (a) the gallows and other equipment used for executions in a prison are properly maintained; and
  - (b) executions in a prison are carried out in accordance with the law and the procedures approved by the Commissioner.”.

**Miscellaneous amendments**

- 34.** The Prisons Regulations are amended —
- (a) by deleting the following Parts:
    - Part III (regulations 18 to 35)
    - Part V (regulations 56 to 59);
  - (b) by deleting the heading to Part IV and substituting the following heading:

“PRISON OFFICERS”;
  - (c) by deleting the following regulations:
    - Regulation 42
    - Regulation 45
    - Regulation 48
    - Regulation 50
    - Regulation 54
    - Regulations 61, 62 and 63
    - Regulation 77
    - Regulation 81
    - Regulation 84
    - Regulation 87
    - Regulation 136
    - Regulation 145;

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(d) by deleting the words “subordinate officer” in the following provisions and substituting in each case the words “prison officer”:

Regulation 47

Regulation 49

Regulation 51(1), (2) and (3)

Regulation 52

Regulation 53(2)

Regulation 55;

(e) by deleting the words “Subordinate officers” in the following provisions and substituting in each case the words “Prison officers”:

Regulation 43(1), (2) and (3)

Regulation 44 and regulation heading

Regulation 46

Regulation 49 (regulation heading)

Regulation 53 (regulation heading);

(f) by deleting the words “subordinate officers” in the following provisions and substituting in each case the words “prison officers”:

Regulation 43(4)

Regulation 51 (regulation heading)

Regulation 53(1);

(g) by deleting the words “Infectious Diseases Act (Cap. 137)” in regulation 75(6) and substituting the words “Infectious Diseases Act 1976”;

(h) by inserting, immediately after the words “Infectious Diseases Act” in regulation 76(f), “1976”;

(i) by deleting the words “Chapter XIII of the Criminal Procedure Code (Cap. 68) or for any enquiry under the Banishment Act (Cap. 18)” in regulation 104(1)(c) and substituting the words “Part 4 of the Criminal Procedure

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Code 2010 or for any enquiry under the Banishment Act 1959”;

- (j) by deleting the words “Banishment Act (Cap. 18)” in regulation 127(3)(a) and substituting the words “Banishment Act 1959”;
- (k) by deleting the words “Immigration Act (Cap. 133)” in regulation 127(3)(b) and substituting the words “Immigration Act 1959”;
- (l) by deleting the words “Part VB” in the following provisions and substituting in each case the words “Part 5B”:

Regulation 151A

Regulation 151E(a) and (b)

Regulation 151F(1)(f)

Regulation 151I(1)

Regulation 151IA(1)(a)

Regulation 151J(2), (3) and (4); and

- (m) by deleting the words “Part VIA” in regulation 151L(d) and substituting the words “Part 6A”.

*[G.N. Nos. S 408/2003; S 7/2004; S 609/2004; S 455/2008;  
S 447/2014; S 533/2018; S 1065/2020]*

Made on 12 January 2022.

PANG KIN KEONG  
*Permanent Secretary,  
Ministry of Home Affairs,  
Singapore.*

[MHA 112/2/044; AG/LEGIS/SL/247/2020/1 Vol. 1]

(To be presented to Parliament under section 84(3) of the Prisons Act 1933).