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**No. S 447**

PRISONS ACT  
(CHAPTER 247)

PRISONS (AMENDMENT) REGULATIONS 2014

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

**Citation and commencement**

1. These Regulations may be cited as the Prisons (Amendment) Regulations 2014 and shall come into operation on 1st July 2014.

**Deletion and substitution of regulation 73A**

2. Regulation 73A of the Prisons Regulations (Rg 2) is deleted and the following regulation substituted therefor:

**“Institutional Discipline Advisory Committee**

**73A.** There shall be an Institutional Discipline Advisory Committee for one or more prisons, or more than one Institutional Discipline Advisory Committee for one prison, to render an opinion to the Commissioner on whether, in any case where a Superintendent has ordered a prisoner of that prison or any one of those prisons to undergo corporal punishment under section 71(1)(a) of the Act, the punishment imposed on the prisoner is excessive.”.

**Amendment of regulation 73B**

3. Regulation 73B of the Prisons Regulations is amended —

(a) by deleting the word “Director” in paragraph (1) and substituting the word “Commissioner”;

(b) by deleting the words “an Institutional Discipline Review Committee” in paragraph (1) and substituting the words “an Institutional Discipline Advisory Committee”;

(c) by deleting paragraphs (2) and (3) and substituting the following paragraph:

“(2) The Institutional Discipline Advisory Committee shall consider the case and shall make a recommendation to the Commissioner to assist the Commissioner in making a decision under section 71(3) of the Act.”; and

(d) by deleting the regulation heading and substituting the following regulation heading:

**“Referral to Institutional Discipline Advisory Committee”.**

#### **Deletion of regulations 116 to 126**

4. Regulations 116 to 126 (including the headings immediately above regulations 116 and 125) of the Prisons Regulations are deleted.

#### **Deletion of regulation 151 and insertion of new Parts VIIIA, VIIIB and VIIC**

5. The Prisons Regulations are amended by deleting regulation 151 and inserting the following Parts:

#### **“PART VIIIA**

##### **Remission of sentences**

##### *Division 1 — Review of life sentences, etc.*

#### **Application**

**151A.** Regulation 151B applies to a prisoner to whom Division 3 of Part VB of the Act applies.

#### **Referral to Life Imprisonment Review Board**

**151B.—**(1) There shall be a Life Imprisonment Review Board for one or more prisons, or more than one Life Imprisonment

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Review Board for one prison, to consider whether the Minister should direct the Commissioner to make a remission order in respect of a prisoner of that prison or any one of those prisons referred to it under paragraph (2), and to make a recommendation in that regard and on any other matter in relation to a remission order for the Minister's decision.

(2) Before the date on which the Minister would be required to review (or further review) a prisoner's case under section 50P of the Act, the Commissioner must refer the prisoner's case to a Life Imprisonment Review Board.

(3) A Life Imprisonment Review Board must make its recommendation under paragraph (1) before the date on which the Minister would be required to review (or further review) the prisoner's case under section 50P of the Act.

### *Division 2 — Review of long sentences*

#### **Application**

**151C.** Regulation 151D applies to a prisoner who, on 1st July 2014, has served 20 years of his sentence or more.

#### **Referral to Long Imprisonment Review Board**

**151D.**—(1) There shall be a Long Imprisonment Review Board for one or more prisons, or more than one Long Imprisonment Review Board for one prison, to consider whether the Minister should direct the Commissioner to make a remission order in respect of a prisoner of that prison or any one of those prisons referred to it under paragraph (2), and to make a recommendation in that regard and on any other matter in relation to a remission order for the Minister's decision.

(2) Before the date on which the Minister would be required to review (or further review) a prisoner's case under section 50J of the Act, the Commissioner must refer the prisoner's case to a Long Imprisonment Review Board.

(3) A Long Imprisonment Review Board must make its recommendation under paragraph (1) before the date on which

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the Minister would be required to review (or further review) the prisoner's case under section 50J of the Act.

*Division 3 — Mandatory aftercare scheme*

**Application**

**151E.** Regulations 151F, 151G and 151H apply to —

- (a) a person to whom Division 5 of Part VB of the Act applies; and
- (b) a person to whom Division 5 of Part VB of the Act would apply if he were released on a remission order.

**Referral to Mandatory Aftercare Advisory Committee**

**151F.**—(1) There shall be a Mandatory Aftercare Advisory Committee for one or more prisons, or more than one Mandatory Aftercare Advisory Committee for one prison, to make a recommendation to the Commissioner, in respect of a person of that prison or any one of those prisons, on any one or more of the following matters referred to the Committee by the Commissioner:

- (a) whether the Commissioner should impose mandatory aftercare conditions on the person under section 50V of the Act;
- (b) the type of mandatory aftercare conditions to be imposed on the person and the duration for which they are to be imposed;
- (c) whether the Commissioner should vary, cancel or add to any mandatory aftercare conditions imposed;
- (d) whether the Commissioner should extend or reduce the period for which the person is subject to the mandatory aftercare conditions;
- (e) whether the Commissioner should waive, in any particular case, any of the mandatory aftercare conditions imposed;

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- (f) any other matter relating to the mandatory aftercare scheme established under Division 5 of Part VB of the Act.

(2) A Mandatory Aftercare Advisory Committee must consider the matters referred to it, having regard to the factors in regulation 151G, before making its recommendation to the Commissioner.

**Factors to be considered in imposing mandatory aftercare conditions**

**151G.** The Commissioner must consider the following factors when exercising his powers under section 50V of the Act in relation to any person to whom this regulation applies:

- (a) the person's progress and response to rehabilitation in prison and (where relevant) while on remission;
- (b) the person's family support;
- (c) the person's risk of recidivism;
- (d) the person's latest offence and his antecedents;
- (e) all other relevant factors.

**Serious and minor breaches of mandatory aftercare conditions**

**151H.—(1)** The following shall be serious breaches of mandatory aftercare conditions for the purposes of section 50Y of the Act:

- (a) where as a result of one or more breaches of section 50V(3)(c) of the Act, the person fails, for a cumulative period of 24 hours, to remain indoors in accordance with that section;
- (b) every breach of the mandatory aftercare condition in section 50V(3)(e)(i) of the Act;
- (c) every breach of the mandatory aftercare condition in section 50V(3)(e)(v) of the Act;

(d) every breach of the mandatory aftercare condition in section 50V(3)(f) of the Act;

(e) the sixth and every subsequent breach of any mandatory aftercare condition other than the mandatory aftercare condition referred to in sub-paragraph (b), (c) or (d).

(2) For the purposes of paragraph (1)(e), it is immaterial whether the first 5 breaches, and the subsequent breaches, are of the same mandatory aftercare condition or of different mandatory aftercare conditions.

(3) For the purposes of section 50X of the Act, any breach of a mandatory aftercare condition that is not a serious breach of a mandatory aftercare condition is a minor breach of a mandatory aftercare condition.

#### *Division 4 — General provisions*

### **Remission system to be explained upon admission and release under remission order**

**151I.**—(1) When a prisoner is admitted to prison or released under a remission order, the provisions for the remission of sentences in Part VB of the Act (including the basic condition of a remission order and the mandatory aftercare scheme) must, so far as they apply to the prisoner, be explained to him.

(2) When any time spent by a prisoner serving his sentence is not reckonable for the purposes of the making of a remission order under section 50I of the Act, this must be explained to the prisoner.

(3) When a prisoner is punished with forfeiture of remission for any reason, the prisoner must be fully informed of this.

### **Record of remission and related matters**

**151J.**—(1) A record of remission shall be kept for every prisoner, in accordance with this regulation, except a prisoner committed for debt.

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(2) The record of remission for a prisoner to whom Division 2 of Part VB or section 50ZE of the Act applies shall contain the following information:

- (a) the latest possible date of release;
- (b) the periods that are not reckonable for the purposes of a remission order under section 50I of the Act;
- (c) the earliest possible date on which a remission order must be made under section 50I of the Act;
- (d) if the prisoner's sentence exceeds 20 years —
  - (i) the date on which the prisoner would have served 20 years of his sentence if he were not earlier released; or
  - (ii) if he has served 20 years of his sentence, the Minister's decision or decisions after reviewing the prisoner's case under section 50J of the Act;
- (e) if a remission order is made in respect of the prisoner —
  - (i) the remainder of the prisoner's sentence as determined under section 50K, or 50ZE(3) and (5) of the Act, as the case may be;
  - (ii) the duration of the remission order under section 50L, or section 50ZE(2), (3) and (5) of the Act, as the case may be;
  - (iii) any extension of the remission order under section 50M, 50N or 50ZE(2) of the Act, as the case may be; and
  - (iv) any breach of the basic condition of the remission order and the length of any enhanced sentence imposed under section 50T of the Act for that breach.

(3) The record of remission for a prisoner to whom Division 3 of Part VB of the Act applies shall contain all of the following information:

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- (a) the date on which the prisoner would have served 20 years of his sentence;
  - (b) if he has served 20 years of his sentence, the Minister's decision or decisions after reviewing the prisoner's case under section 50P of the Act;
  - (c) if a remission order is made in respect of the prisoner, any breach of the basic condition of the remission order and the length of any enhanced sentence ordered under section 50T of the Act for that breach.
- (4) The record of remission for a prisoner to whom Division 6 of Part VB or section 50ZD of the Act applies shall contain the following information:
- (a) the latest possible date of release;
  - (b) the periods that are not reckonable for the remission of the prisoner's sentence under section 50I or 50ZD of the Act;
  - (c) the earliest possible date on which the prisoner's sentence would be remitted under section 50ZB or 50ZD of the Act;
  - (d) if the prisoner's sentence exceeds 20 years —
    - (i) the date on which the prisoner would have served 20 years of his sentence if he were not earlier released; or
    - (ii) if he has served 20 years of his sentence, the Minister's decision or decisions after reviewing the prisoner's case under section 50ZD(4) or (5) of the Act;
  - (e) if a remission order is made in respect of the prisoner —
    - (i) the remainder of the prisoner's sentence as determined under section 50ZD(6) of the Act;
    - (ii) the duration of the remission order under section 50L and 50ZD(6) and (7) of the Act;

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- (iii) any extension of the remission order under section 50M or 50N, and section 50ZD(6) of the Act; and
  - (iv) any breach of the basic condition of the remission order and the length of any enhanced sentence imposed under section 50T of the Act for that breach.
- (5) The record of remission for a person who is required by the Commissioner to comply with mandatory aftercare conditions under section 50V of the Act shall contain, in addition to all of the information referred to in paragraph (2), (3) or (4), all of the following information:
- (a) the mandatory aftercare conditions that are imposed on the person;
  - (b) any minor breach of a mandatory aftercare condition and any punishment imposed by the Commissioner under section 50X of the Act for that breach;
  - (c) any serious breach of a mandatory aftercare condition and the duration of any sentence imposed under section 50Y of the Act for that breach;
- (6) Any period of time to be recorded under this regulation shall be recorded in whole days.

## PART VIII B

### HOME DETENTION SCHEME

#### **Referral to Home Detention Advisory Committee**

**151K.**—(1) There shall be a Home Detention Advisory Committee for one or more prisons, or more than one Home Detention Advisory Committee for one prison, to make a recommendation, in respect of a prisoner of that prison or any one of those prisons, on any one or more of the following matters referred to the Committee by the Commissioner, or by the Superintendent subject to the direction of the Commissioner:

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- (a) whether the Commissioner should make a home detention order under section 52 of the Act in respect of a prisoner who is eligible to be released on home detention under section 53(1) of the Act;
  - (b) whether a prisoner who is disqualified under section 53(1)(b) of the Act from being released on home detention, but who is otherwise eligible to be released on home detention under section 53(1) of the Act, should have his disqualification removed by the Minister under section 53(1A) of the Act and be released on a home detention order by the Commissioner under section 52 of the Act;
  - (c) any other matter relating to the home detention scheme established under Part VI of the Act.

(2) The Committee shall consider the matters referred to it and shall make a recommendation for the decision of the Minister or the Commissioner, as the case may be.

(3) The Committee shall, in making a recommendation to the Minister as to whether the Minister should remove a prisoner's disqualification under subsection (1A) of section 53 of the Act, have regard to the factors in that subsection.

## PART VIIIIC

### EXTERNAL PLACEMENT SCHEME

#### **Referral to External Placement Review Board**

**151L.**—(1) There shall be an External Placement Review Board for one or more prisons, or more than one External Placement Review Board for one prison, to make a recommendation to the Minister, in respect of a prisoner of that prison or any one of those prisons, on any one or more of the following matters referred to the Board by the Commissioner:

- (a) whether the Minister should direct the Commissioner to make an external placement order under section 59B(1) of the Act in respect of the prisoner;

- (b) whether the Minister should direct the Commissioner to extend the duration of the prisoner's external placement order under section 59B(2) of the Act;
- (c) whether the Minister should cancel the prisoner's external placement order under section 59H(1) of the Act;
- (d) any other matter relating to the external placement scheme established under Part VIA of the Act.

(2) Before the Minister gives any direction or makes any decision in relation to an external placement order in respect of a prisoner's case, the Commissioner must refer the prisoner's case to an External Placement Review Board.

(3) The Board shall consider the matters referred to it and shall make a recommendation for the Minister's decision.

(4) In making its recommendation, the Board shall have regard to the factors in section 59B(3)(a) of the Act and may have regard to the factors in section 59B(3)(b) of the Act."

### **Miscellaneous amendments**

#### **6. The Prisons Regulations are amended**

- (a) by deleting the heading to Part I and substituting the following heading:

"COMMISSIONER";

- (b) by deleting the word "Director" wherever it appears in the following provisions and substituting in each case the word "Commissioner":

Regulations 2 and regulation heading, 3 and regulation heading, 4, 8, 12, 13(1), 14(1) and (2), 15(1), 24(2), 26(1), 52, 56(2), 66(2), 67, 73(5), 75(1), 85(4), 89, 98(4), 115(1) and (2), 127(10) and 137(1);

- (c) by deleting the word "Director's" in the regulation heading of regulation 4 and substituting the word "Commissioner's";
- (d) by deleting the words "earned under regulations 117 to 124" in regulation 11(a); and

(e) by deleting the heading to Part VIIA and substituting the following heading:

“INSTITUTIONAL DISCIPLINE ADVISORY  
COMMITTEE”.

*[G.N. Nos. S 408/2003; S 7/2004; S 609/2004; S 455/2008]*

Made this 30th day of June 2014.

TAN TEE HOW  
*Permanent Secretary,  
Ministry of Home Affairs,  
Singapore.*

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