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PRISONS ACT
(CHAPTER 247)

PRISONS (ADVISORY COMMITTEES)
REGULATIONS 2014

ARRANGEMENT OF REGULATIONS

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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 (Advisory Committees) Regulations 2014 and shall come into operation on 1st July 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —

“Committee” means —

- (a) an Employment Release Advisory Committee referred to in regulation 4 of the Prisons (Employment) Regulations (Rg 4);
- (b) an External Placement Review Board referred to in regulation 151L of the Prisons Regulations (Rg 2);
- (c) a Home Detention Advisory Committee referred to in regulation 151K of the Prisons Regulations;
- (d) an Institutional Discipline Advisory Committee referred to in regulation 73A of the Prisons Regulations;
- (e) a Life Imprisonment Review Board referred to in regulation 151B of the Prisons Regulations;
- (f) a Long Imprisonment Review Board referred to in regulation 151D of the Prisons Regulations; or
- (g) a Mandatory Aftercare Advisory Committee referred to in regulation 151F of the Prisons Regulations;

“member” means a member of a Committee, and includes the chairman and the deputy chairman of the Committee.

Constitution of Committee

3. Every Committee shall consist of —

- (a) a chairman;
- (b) a deputy chairman; and
- (c) between one to 5 other members.

Appointment of member

4.—(1) The Minister shall appoint the members of a Committee.

(2) A member shall hold office for 3 years or such shorter period as the Minister may specify in any particular case.

(3) A member shall be eligible for re-appointment.

(4) A member may at any time resign his office by notice in writing to the Minister.

(5) The Minister may at any time revoke the appointment of any member, or fill any vacancy in the membership of any Committee.

Secretary to Committee

5.—(1) One or more public officers may be designated, either by name or by office, by the Minister, to be the secretary of a Committee.

(2) The secretary shall attend all meetings of the Committee.

Quorum

6.—(1) A quorum for a meeting of a Committee shall be constituted by —

(a) the presiding member of the Committee; and

(b) any 2 other members of the Committee.

(2) The chairman of a Committee shall preside at every meeting of the Committee at which he is present, and in his absence, the deputy chairman, if present at the meeting, shall preside.

(3) If both the chairman and deputy chairman of a Committee are absent at a meeting, the remaining members of the Committee must elect one such member to preside at the meeting of the Committee.

Procedure

7.—(1) A Committee —

(a) shall sit in private;

(b) shall not be required to meet in person;

(c) may hold meetings, or allow its members to take part in meetings, by using the telephone, internet or any other contemporaneous link between members;

(d) shall not be required to conduct any hearing;

(e) shall not be required to interview any prisoner or person in respect of whom the advice or recommendation of the Committee is sought, or any other person; and

(f) may request from the Commissioner such information relating to any prisoner or person in respect of whom the advice or recommendation of the Committee is sought, as the Committee may require.

(2) Except as otherwise provided in paragraph (1), any subsidiary legislation made under the Act, or the Act, a Committee may determine its own procedure.

(3) Every advice or recommendation of a Committee is secret and must not be disclosed to any person other than to an officer or a member of the Government who is authorised by the Minister or the Commissioner to prepare, see or comment on the advice or recommendation.

Advice or recommendation how given

8.—(1) All questions for the advice or recommendation of a Committee must be decided by a majority of votes of the members of the Committee.

(2) If there is an equality of votes, the presiding member has a casting vote.

(3) The advice or recommendation of a Committee may be accompanied by any dissenting view of a member who voted against the advice or recommendation.

(4) A member who takes part in a meeting in the manner referred to in regulation 7(1)(c) shall be taken to be present at the meeting.

Minister or Commissioner to consider advice or recommendation

9. The Minister or the Commissioner, as the case may be, who receives any advice or recommendation given by a Committee shall consider the advice or recommendation but shall not be required to follow the advice or recommendation before exercising their respective functions under the Act.

Guidelines

10.—(1) The Minister may, from time to time, give a Committee appointed to advise or make recommendations to him or the Commissioner, guidelines on the discharge of its functions.

(2) The Commissioner may, from time to time, give a Committee appointed to advise or make recommendations to him, guidelines on the discharge of its functions.

(3) The Commissioner shall not give any guidelines under paragraph (2) that are contrary to any guidelines given by the Minister under paragraph (1).

Revocation

11. The Prisons (Home Detention Advisory Committee) Regulations (Rg 5) are revoked.

Transitional provisions

12.—(1) Every person who, immediately before 1st July 2014, is a chairman, deputy chairman or member of the Home Detention Advisory Committee appointed under regulation 3 of the revoked Prisons (Home Detention Advisory Committee) Regulations (Rg 5) shall continue in such appointment as if he were appointed by the Minister under regulation 3 of these Regulations as a chairman, deputy chairman or member of a Home Detention Advisory Committee, and his appointment shall expire on the day his appointment would have expired if these Regulations had not been enacted.

(2) Every person who, immediately before 1st July 2014, is a chairman, deputy chairman or member of the Employment Release Selection Committee appointed under regulation 3 of the Prisons (Employment) Regulations (Rg 4) shall continue in such appointment as if he were appointed by the Minister under regulation 3 of these Regulations as a chairman, deputy chairman or member of an Employment Release Advisory Committee, and his appointment shall expire on the date his appointment would have expired if the Prisons (Employment) (Amendment) Regulations 2014 (G.N. No. S 449/2014) had not been enacted.

(3) Every person who, immediately before 1st July 2014, is a chairman or member of the Institutional Discipline Review Committee appointed under regulation 73A of the Prisons Regulations (Rg 2) shall continue in such appointment as if he were appointed by the Minister under regulation 3 of these Regulations as a chairman or member of an Institutional Discipline Advisory Committee, and his appointment shall expire on the date his appointment would have expired if the Prisons (Amendment) Regulations 2014 (G.N. No. S 447/2014) had not been enacted.

(4) Every person who, immediately before 1st July 2014, is a chairman or member of the Life Imprisonment Review Board appointed under regulation 126 of the Prisons Regulations shall continue in such appointment as if he were appointed by the Minister under regulation 3 of these Regulations as a chairman or member of a Life Imprisonment Review Board, and his appointment shall expire on the date his appointment would have expired if the Prisons (Amendment) Regulations 2014 had not been enacted.

Made this 30th day of June 2014.

TAN TEE HOW
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Ministry of Home Affairs,
Singapore.*

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