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PRISONS ACT (CHAPTER 247)

PRISONS (AMENDMENT) REGULATIONS 2018

In exercise of the powers conferred by section 84(1) of the Prisons Act, the Minister for Home Affairs makes the following Regulations:

Citation and commencement

1. These Regulations are the Prisons (Amendment) Regulations 2018 and come into operation on 1 September 2018.

Amendment of regulation 74

2. Regulation 74 of the Prisons Regulations (Rg 2) is amended —
- (a) by deleting the words “be registered, on their admission, in the Nominal Register of prisoners” in paragraph (1) and substituting the words “, on their admission, be entered into a register”;
 - (b) by deleting the words “(except in the case of persons detained for safe custody)” in paragraph (2);
 - (c) by deleting the words “in the Prisoners’ Effects Book” in paragraph (2); and
 - (d) by deleting paragraph (3) and substituting the following paragraph:

“(3) The prisoners must be provided with prison clothes and must wear those clothes.”.

Deletion of regulation 89

3. Regulation 89 of the Prisons Regulations is deleted.

New regulation 99A

4. The Prisons Regulations are amended by inserting, immediately after regulation 99, the following regulation:

“Lapsing of order of forfeiture of remission

99A. Any order of forfeiture of remission made in respect of a prisoner remanded for an offence is to be treated as lapsed upon the prisoner’s release from remand, even if the prisoner is subsequently sentenced to imprisonment for the offence.”.

Deletion of regulations 110 to 113 and substitution of regulation 110

5. Regulations 110 to 113 of the Prisons Regulations are deleted and the following regulation substituted therefor:

“Meals

110. Every prisoner must be provided with regular meals that are —

- (a) in terms of nutritional value, adequate for the basic health of the prisoner, taking into account the prisoner’s daily energy requirements; and
- (b) appropriate for the prisoner’s medical condition, in accordance with the directions of the medical officer.”.

Amendment of regulation 127

6. Regulation 127 of the Prisons Regulations is amended —

(a) by deleting paragraphs (1), (2) and (3) and substituting the following paragraphs:

“(1) A prisoner has the privilege of sending and receiving letters every month, in accordance with the conditions specified in the Prison Standing Orders, for purposes of maintaining ties with the prisoner’s family and friends.

(2) Subject to paragraph (3), a prisoner has the privilege of receiving visits by such individuals, at

such frequency and on such conditions, as allowed or specified in the Prison Standing Orders.

(3) The following prisoners may not receive a visit without the Superintendent's permission:

- (a) a prisoner detained under a banishment order under the Banishment Act (Cap. 18);
- (b) a prisoner who is ordered to be removed from Singapore under the Immigration Act (Cap. 133) and detained pending removal.”;
- (b) by deleting the words “who has completed 4 years of his sentence and” in paragraph (4); and
- (c) by deleting paragraph (6).

New regulations 127A and 127B

7. The Prisons Regulations are amended by inserting, immediately after regulation 127, the following regulations:

“Screening and recording of letters

127A.—(1) Every letter sent by or to a prisoner may be opened and read by a prison officer.

(2) A copy may be made of every letter sent by or to a prisoner.

(3) A letter sent by or to a prisoner may be withheld if it contains anything that affects the security or good order of the prison.

(4) Paragraphs (2) and (3) do not apply to letters written by a prisoner to the prisoner's legal adviser and letters written by a prisoner's legal adviser.

Access to counsel

127B.—(1) A prisoner represented by a legal adviser may, for the purposes in paragraph (2) —

- (a) be visited by the legal adviser at reasonable times during working days; and

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- (b) write letters to and receive letters from the legal adviser.
- (2) The purposes mentioned in paragraph (1) are as follows:
- (a) preparing for criminal proceedings in which the prisoner is an accused person;
 - (b) such other purposes as the Superintendent may allow.”.

Deletion of regulation 130

8. Regulation 130 of the Prisons Regulations is deleted.

Deletion of regulations 137 and 138 and substitution of regulation 137

9. Regulations 137 and 138 of the Prisons Regulations are deleted and the following regulation substituted therefor:

“Use of restraints on prisoners

137.—(1) A prison officer must not use a restraint on a prisoner unless authorised under this regulation.

(2) A prison officer may use a restraint on a prisoner only if all the following conditions are met:

- (a) the use of the restraint is necessary to prevent the prisoner from causing self-injury, injuring others, or escaping;
 - (b) the restraint is of a type approved under the Prison Standing Orders;
 - (c) the restraint is used in a way approved under the Prison Standing Orders;
 - (d) the restraint is removed immediately once it is no longer necessary.
- (3) To avoid doubt, a prison officer may not use a restraint on a prisoner as punishment.”.

Deletion of regulations 146 to 150

10. Regulations 146 to 150 of the Prisons Regulations are deleted.

New regulation 151IA

11. The Prisons Regulations are amended by inserting, immediately after regulation 151I, the following regulation:

“Confinement and forfeiture during remand to be non-reckonable for purposes of remission order

151IA.—(1) This regulation applies to a prisoner —

- (a) to whom Division 2 or 7 of Part VB of the Act applies;
- (b) who was imprisoned for a period immediately before being sentenced to imprisonment (and not released during that period); and
- (c) who was punished with confinement in a punishment cell or forfeiture of remission under the Act during that period.

(2) The following periods are not reckonable for the purposes of section 50I(1) of the Act:

- (a) one-third of the time which the prisoner is confined in a punishment cell under paragraph (1)(c);
- (b) the forfeiture of remission under paragraph (1)(c).

(3) Nothing in this regulation applies to any confinement in a punishment cell or forfeiture of remission that is imposed for a prison offence committed before 1 September 2018.”.

New regulation 151JA

12. The Prisons Regulations are amended by inserting, immediately after regulation 151J, the following regulation:

“Service of notice of recall

151JA.—(1) For the purposes of section 50X(3)(a)(ii) of the Act, a notice of recall under section 50X(2) of the Act may also be served on a person by any of the following means:

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- (a) by addressing it to that person and delivering it at that person's last known residential address to an adult person who is a member of that person's family;
 - (b) by sending it by prepaid registered post addressed to that person at that person's last known residential address;
 - (c) by addressing it to that person and sending it by fax to that person's last known fax number;
 - (d) by addressing it to that person, and sending it to an email address or a digital mobile telephone number specified by that person in accordance with paragraph (2);
 - (e) by leaving it at that person's last known residential address if service cannot be effected under sub-paragraph (a), (b), (c) or (d).

(2) The notice may be served in a manner specified in paragraph (1)(d) only if both of the following conditions are satisfied:

- (a) the person to whom the notice is to be served gives that person's prior written consent for the notice to be served in that manner;
- (b) that person specifies, in that written consent, the email address or digital mobile telephone number to which the notice is to be sent."

Deletion of regulations 152 and 153 and new regulations 152, 152A and 153

13. Regulations 152 and 153 of the Prisons Regulations are deleted and the following regulations substituted therefor:

"Definition for this Part

152. In this Part, "specified prisoner" means a debtor, a prisoner awaiting trial or a prisoner committed for safe custody only.

Separation of prisoners

152A. A specified prisoner must in no case be confined in association with convicted criminals.

Labour

153. A specified prisoner will not be required to do any labour other than what is required to keep the specified prisoner's room, furniture and utensils clean.”.

Amendment of regulation 155

14. Regulation 155 of the Prisons Regulations is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) A specified prisoner may be allowed to receive or purchase items such as books, papers and food, as are consistent with good order and the discipline of the prison.”.

Deletion of regulation 156

15. Regulation 156 of the Prisons Regulations is deleted.

Amendment of regulation 157

16. Regulation 157 of the Prisons Regulations is amended by deleting the words “foregoing privileges” and substituting the words “privileges mentioned in regulation 153 or 155(1)”.

Deletion of regulations 158, 159 and 160

17. Regulations 158, 159 and 160 of the Prisons Regulations are deleted.

Deletion of Schedule

18. The Schedule to the Prisons Regulations is deleted.

Miscellaneous amendments

19. The Prisons Regulations are amended by deleting the sub-headings immediately above regulations 146, 152 and 158.

Made on 31 August 2018.

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

[MHA 112/2/044; AG/LEGIS/SL/247/2015/1 Vol. 2]

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