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MISUSE OF DRUGS ACT
(CHAPTER 185)

MISUSE OF DRUGS
(APPROVED INSTITUTIONS) (DISCIPLINE)
(AMENDMENT) REGULATIONS 2014

In exercise of the powers conferred by section 58 of the Misuse of Drugs Act, the Minister for Home Affairs hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs (Approved Institutions) (Discipline) (Amendment) Regulations 2014 and shall come into operation on 1 September 2014.

Amendment of regulation 2

2. Regulation 2 of the Misuse of Drugs (Approved Institutions) (Discipline) Regulations (Rg 5) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by deleting the words “under regulation 2A” in the definition of “Committee” and substituting the words “by the Minister under regulation 2C”;
- (b) by deleting the definition of “Director of Prisons”;
- (c) by inserting, immediately after the definition of “medical officer”, the following definition:
 - “ “member”, in relation to a Committee, includes the chairman or deputy chairman of the Committee;”;and
- (d) by deleting the definition of “officer” and substituting the following definition:

““officer” means any rehabilitation or custodial officer of a centre and includes the Superintendent of that centre;”.

Deletion and substitution of regulation 2A and new regulations 2B to 2H

3. Regulation 2A of the principal Regulations is deleted and the following regulations substituted therefor:

“Institutional Discipline Advisory Committee

2A.—(1) There may be an Institutional Discipline Advisory Committee for one or more centres, or more than one Institutional Discipline Advisory Committees for one centre.

(2) The function of any Institutional Discipline Advisory Committee is to render an opinion to the Commissioner of Prisons on whether any corporal punishment that a Superintendent of a centre has ordered to be imposed on an inmate is excessive.

Constitution of Committee

2B. Every Committee is to consist of —

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

Appointment of member of Committee

2C.—(1) The Minister is to appoint the members of a Committee.

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

(3) A member of a Committee is eligible for re-appointment.

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

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

Secretary of Committee

2D.—(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 must attend all meetings of the Committee.

Quorum

2E.—(1) The quorum for a meeting of a Committee is to 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 is to preside at every meeting of the Committee at which he is present, and in his absence, the deputy chairman, if present at the meeting, is to 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.

Proceedings of Institutional Discipline Advisory Committee

2F.—(1) A Committee —

- (a) is to sit in private;
- (b) is not required to meet in person;
- (c) may hold meetings, or allow its members to take part in meetings, by using the telephone, any Internet-based communication device or any other contemporaneous link between members;
- (d) is not required to conduct any hearing;

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- (e) is not required to interview any inmate or person in respect of whom the opinion of the Committee is sought, or any other person; and
 - (f) may request from the Commissioner of Prisons such information, relating to any inmate or person in respect of whom the opinion of the Committee is sought, as the Committee may require.

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

(3) Every opinion 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 of Prisons to prepare, see or comment on the opinion.

Opinion of Committee how rendered

2G.—(1) All questions for the opinion 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 opinion of a Committee may be accompanied by the dissenting view of any member of the Committee who voted against that opinion.

(4) A member of the Committee who takes part in a meeting of the Committee in the manner referred to in regulation 2F(1)(c) shall be taken to be present at that meeting.

Guidelines

2H.—(1) The Minister or the Commissioner of Prisons may, from time to time, give a Committee appointed to render an opinion to the Commissioner of Prisons, guidelines on the discharge of the Committee's functions.

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

Miscellaneous amendments

4. The principal Regulations are amended by deleting the word “Director” in the following regulations and substituting in each case the word “Commissioner”:

Regulations 2 (definitions of “medical officer” and “visitor”), 9(2) and 10(1), (2), (3), (4) and (5) and regulation heading.

[G.N. Nos. S 406/2003; S 454/2008]

Made on 1 September 2014.

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

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