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CASINO CONTROL ACT 2006

CASINO CONTROL (SECTION 122 RECONSIDERATION AND APPEALS) RULES 2022

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In exercise of the powers conferred by section 122(5) of the Casino Control Act 2006, the Minister for Home Affairs makes the following Rules:

PART 1

PRELIMINARY

Citation and commencement

1. These Rules are the Casino Control (Section 122 Reconsideration and Appeals) Rules 2022 and come into operation on 1 August 2022.

Definitions

2.—(1) In these Rules, unless the context otherwise requires —

“appeal” means an appeal under section 122(3) of the Act;

“appealable decision” means a decision of the Commissioner of Police making an exclusion order in respect of an individual unless the Commissioner of Police revoked the exclusion order in whole or in part upon a reconsideration application;

“appellant” means an individual in respect of whom an exclusion order is made, who is given the exclusion order, and who brings an appeal against an appealable decision concerning that exclusion order;

“applicant” means an individual making a reconsideration application;

“appropriate form”, in relation to any reconsideration application or appeal, means the relevant form that is set out on the website at <https://www.police.gov.sg>;

“authorised representative”, for an applicant or appellant, includes an advocate and solicitor or other legal representative of the applicant or appellant;

“Commissioner of Police” includes a public officer who —

- (a) holds a post in a law enforcement agency within the meaning of section 186(6) of the Act; or
- (b) is designated by the Minister for the purposes of section 122 of the Act;

“contact address”, for an individual, means any of the following nominated by the individual for the receiving of documents under these Rules:

- (a) his or her residential address in Singapore;
- (b) his or her place of business or work in Singapore;
- (c) an email address;

“exclusion order” includes an exclusion order that —

- (a) is made before 1 August 2022 under section 122 of the Act in respect of an individual; and
- (b) is in force in respect of the individual;

“identity particulars” means the full name, and the number of the passport or other identity document, of the individual;

“reconsideration application”, for an individual, means an application under section 122(4) of the Act to the Commissioner of Police to reconsider the making of the exclusion order in respect of the individual;

“working day” means any day except a Saturday, Sunday or public holiday.

(2) Where the time specified by the Minister or the Commissioner of Police or these Rules for doing any act expires on a Saturday, Sunday or public holiday, the act is in time if done on the next following working day.

PART 2

RECONSIDERATION BY COMMISSIONER OF POLICE

Making reconsideration application

- 3.—(1) Every reconsideration application —
- (a) must be in writing and in the appropriate form;
 - (b) must be made no later than 14 days after the exclusion order is given to the applicant;
 - (c) must state —
 - (i) the identity particulars of the applicant making the reconsideration application;
 - (ii) the identity particulars of the applicant’s authorised representative, if any; and
 - (iii) a contact address for the service of documents on the applicant and the applicant’s authorised representative (if any) in connection with the reconsideration application;
 - (d) must be accompanied by a copy of the exclusion order that the applicant is seeking a reconsideration of;
 - (e) must —
 - (i) state that the applicant is seeking to revoke the exclusion order wholly or in part;
 - (ii) contain a summary of the grounds of the reconsideration application; and
 - (iii) state the arguments for each ground of the reconsideration application;
 - (f) must be accompanied by any documents supporting those arguments; and
 - (g) must be signed and dated by the applicant, or on the applicant’s behalf by the authorised representative of the applicant.

(2) However, where strict compliance with an appropriate form is not possible, the Commissioner of Police may allow for the necessary modifications to be made to that form, or for the requirements of that form to be complied with in such other manner as the Commissioner of Police thinks fit.

Powers to ask for further and better particulars

4.—(1) For the purposes of deciding a reconsideration application, the Commissioner of Police may request the applicant, or the authorised representative of the applicant, to do all or any of the following as may be necessary to decide on the reconsideration application:

- (a) give additional information to the Commissioner of Police within a time specified in the request;
- (b) produce to the Commissioner of Police, within a time specified in the request, any document, record or other thing in the custody or under the control of the applicant.

(2) For the purposes of deciding a reconsideration application, the Commissioner of Police may also make such inquiries as the Commissioner of Police considers necessary.

(3) In exercising any power under this rule, the Commissioner of Police is not bound by the provisions of the Evidence Act 1893 or by any other written law relating to evidence.

Failure to comply with time limits, etc.

5.—(1) The Commissioner of Police may refuse any reconsideration application —

- (a) that is incomplete or not made in accordance with these Rules; or
- (b) if the applicant fails to comply with the Commissioner of Police's request for information or documents under rule 4(1).

(2) The Commissioner of Police may disregard any information, document, record or other thing given to the Commissioner of Police after the expiry of the time limit for the giving of the information,

document, record or other thing imposed by this Part or under any provision of this Part.

Decision on reconsideration to be notified

6. When the Commissioner of Police has made a decision regarding a reconsideration application, the Commissioner of Police must without delay notify the applicant of the Commissioner of Police's decision in respect of the reconsideration application.

Withdrawal of reconsideration application at any time

7. An applicant may withdraw the applicant's reconsideration application at any time before the Commissioner of Police makes a decision under section 122(4) of the Act in respect of the application; and the applicant is then treated as not having made any reconsideration application.

PART 3

APPEAL TO MINISTER

How to start appeal

8. An appeal against an appealable decision must be made to the Minister by lodging, a notice of appeal in accordance with rule 9, no later than 28 days after the date the appellant in the appeal is given notice under rule 6 of the appealable decision.

Notice of appeal

9.—(1) Every notice of appeal —

(a) must state —

- (i) the name and address of the appellant making the appeal;
- (ii) the name and address of the appellant's authorised representative; and
- (iii) a contact address for the service of documents on the appellant in connection with the appeal proceedings;

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- (b) must contain —
- (i) a concise statement of the circumstances under which the appeal arises, the facts and the issues in the appeal;
 - (ii) a summary of the grounds of appeal against the appealable decision; and
 - (iii) a succinct presentation of the arguments supporting each ground of appeal;
- (c) must be in the appropriate form;
- (d) must be signed and dated by the appellant, or on the appellant's behalf by the authorised representative of the appellant; and
- (e) must be accompanied by —
- (i) a copy of the appealable decision; and
 - (ii) any documents supporting the arguments.

(2) Unless the Minister otherwise directs, the appellant must also give the Commissioner of Police a copy of the notice of appeal and those accompanying documents, each certified by the appellant, or by the appellant's authorised representative, to be in conformity with the original.

(3) An appellant cannot raise or rely on any ground of appeal objection which is not stated in the notice of appeal during any hearing of the appeal by the Minister unless the appellant has permission to amend the appellant's notice of appeal to include that ground.

Defective notices of appeal

10. If the Minister considers that a notice of appeal —

- (a) is not lodged in accordance with rule 9; or
- (b) is unduly prolix or lacking in clarity,

the Minister may, without affecting rule 19, give any directions to the appellant that are necessary to remedy the notice and to give the Commissioner of Police a copy of the amended notice of appeal.

Amendment of notice of appeal

11.—(1) An appellant may, with the permission of the Minister, amend the appellant's notice of appeal.

(2) Where the Minister grants permission under paragraph (1), the Minister may do so on such terms or conditions as he or she considers fit to impose and with such further or consequential directions as the Minister may consider necessary, including giving the Commissioner of Police a copy of the amended notice of appeal.

(3) Permission to amend a notice of appeal against an appealable decision in order to add a new ground of appeal must not be granted unless the Minister is satisfied that —

- (a) the ground is based on any matter of fact or law which came to light after the notice of appeal was lodged;
- (b) it was not practicable to include such ground in the notice of appeal at the time the notice of appeal was lodged; or
- (c) there are exceptional circumstances to do so.

Withdrawal of appeal

12. An appellant may, at any time and with the permission of the Minister, withdraw the appellant's notice of appeal.

Response

13.—(1) Subject to rule 14, the Commissioner of Police may serve on the Minister a response after receiving a copy of the notice of appeal (or an amended notice of appeal) from the appellant under rule 9(2), 10 or 11(2), except that any such response must be served on the Minister no later than 15 working days after that receipt.

(2) Any response to a notice of appeal —

- (a) must contain a succinct presentation of the arguments upon which the Commissioner of Police will rely in responding to each ground of appeal in the notice of appeal or amended notice of appeal, if any;
- (b) must be in the appropriate form; and
- (c) must be signed and dated by the Commissioner of Police.

(3) To file a response, the Commissioner of Police must send or cause to be sent to the appellant a copy of the response and its accompanying documents, each certified to be in conformity with the original.

Defective response

14. If the Minister considers that a response —

- (a) is not sent to him or her in accordance with rule 13; or
- (b) is unduly prolix or lacking in clarity,

the Minister may give such directions to the person who signed the response as may be necessary to remedy the response and to give the appellant a copy of the amended response.

No new grounds for appealable decision to be raised

15.—(1) Any response of the Commissioner of Police under rule 13 must not raise any new ground, fact or document supporting the making of the appealable decision which is the subject of the appeal, that was not contained in the grounds, facts and documents supporting the appealable decision.

(2) Where any new ground, fact or document supporting the making of the appealable decision which is the subject of the appeal is raised, the Minister may disregard it in the Minister's consideration of the appeal.

Minister may request for other documents or information, etc.

16.—(1) The Minister may, by written notice, require the appellant or the Commissioner of Police to provide, within the period specified in the notice, any other document or information to enable the Minister to decide the appeal.

(2) Without limiting paragraph (1), the Minister may require —

- (a) the appellant to reply to the response of the Commissioner of Police (if made); or

(b) the Commissioner of Police to give a rejoinder to the appellant's reply (if made),
within a time specified by the Minister.

(3) On receiving the reply of an appellant or a rejoinder by the Commissioner of Police, the Minister must cause the reply or rejoinder (as the case may be) to be given without delay to the other party in the appeal.

(4) Rule 9(3) applies to every reply of an appellant as if it were a notice of appeal, and rule 15 applies to every rejoinder by the Commissioner of Police under this rule (if made) as if it were a response.

(5) In exercising any power under this rule, the Minister is not bound by the provisions of the Evidence Act 1893 or by any other written law relating to evidence.

Extension of time

17.—(1) A person who, in any particular case, is unable to do anything that the person is required to do under this Part within the time specified for the person, may apply in writing to the Minister for an extension of time.

(2) The Minister may extend the time for doing anything or for anything required to be done under this Part (whether for the same or less than the period of extension applied for) upon being satisfied that there are good reasons to do so.

(3) The Minister may grant an extension under paragraph (2) even if the time delimited for doing that thing has expired.

Failure to comply with time limits, etc.

18.—(1) Without limiting rule 19, the Minister may refuse any appeal that is incomplete or not made in accordance with these Rules.

(2) The Minister may disregard any notice, response, document or other thing given to the Minister after the expiry of the time limit for the giving of the notice, response, document or other thing imposed by this Part or under any provision of this Part.

Summary disposal of appeal

19. The Minister may, after giving the parties an opportunity to be heard, at any stage in the appeal proceedings and without calling for a response from the Commissioner of Police, determine the appeal by confirming the appealable decision of the Commissioner of Police if the Minister —

- (a) considers that the appellant is not a person entitled to appeal under the Act; or
- (b) is satisfied that the appeal is vexatious.

Decision of Minister to be notified

20. When the Minister has made a decision regarding an appeal, the Minister must without delay notify the parties of the appeal of his or her decision in respect of the appeal.

Made on 28 July 2022.

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

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