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PRISONS ACT (CHAPTER 247)

PRISONS ACT (AMENDMENT OF FIRST AND SECOND SCHEDULES) ORDER 2019

In exercise of the powers conferred by section 82(1) of the Prisons Act, the Minister for Home Affairs makes the following Order:

Citation and commencement

1. This Order is the Prisons Act (Amendment of First and Second Schedules) Order 2019 and comes into operation on 1 January 2020.

Amendment of First Schedule

2.—(1) The First Schedule to the Prisons Act is amended by inserting, immediately after the item relating to section 8 under the heading “Arms Offences Act (Cap. 14)”, the following heading and items:

“Children and Young Persons Act (Cap. 38)

Section 5	Ill-treatment of child or young person	1 year	-
Section 7	Sexual exploitation of child or young person	1 year	-”.

(2) The items under the heading “Penal Code (Cap. 224)” in the First Schedule to the Prisons Act are amended —

(a) by inserting, immediately after the item relating to section 304, the following items:

“Section 304B	Causing death of child below 14 years of age, domestic worker or vulnerable person by sustained abuse	1 year	-
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Section 304C	Causing or allowing death of child below 14 years of age, domestic worker or vulnerable person in same household	1 year	-
Section 305	Abetment of suicide or attempted suicide of minor or person who lacks mental capacity	1 year	-
Section 306	Abetment of suicide or attempted suicide	1 year	”;

(b) by inserting, immediately after the item relating to section 307, the following item:

“Section 308A	Causing death in furtherance of group’s object	1 year	”;
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(c) by inserting, immediately after the item relating to section 326, the following items:

“Section 329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act	1 year	-
Section 331	Voluntarily causing grievous hurt to extort confession or to compel restoration of property	1 year	-
Section 333	Voluntarily causing grievous hurt to deter public servant from his duty	1 year	-
Section 335A	Allowing neglect, physical or sexual abuse of domestic worker or vulnerable person	1 year	-
Section 354(2)	Assault or use of criminal force to a person below 14 years of age	1 year	”;

with intent to outrage
modesty

- (d) by deleting the words “section 354A(1)” under the heading “*Offences*” in the item relating to section 354A(1) and substituting the words “section 354A”;
- (e) by inserting, immediately after the item relating to section 363, the following items:

“Section 363A	Punishment for abduction	1 year	-
Section 365	Kidnapping or abducting with intent secretly and wrongfully to confine a person	1 year	-
Section 366	Kidnapping or abducting a woman to compel her marriage, etc.	1 year	-
Section 367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	1 year	-”;

- (f) by deleting the word “by” under the heading “*Description**” in the item relating to section 376 and substituting the word “involving”;
- (g) by inserting, immediately after the item relating to section 376A, the following items:

“Section 376AA	Exploitative sexual penetration of minor of or above 16 but below 18 years of age	1 year	-
Section 376B	Commercial sex with minor below 18 years of age	1 year	-
Section 376C	Commercial sex with minor below 18 years of age outside Singapore	1 year	-

Section 376D	Tour outside Singapore for commercial sex with minor below 18 years of age	1 year	-
Section 376E	Sexual grooming of minor below 16 years of age	1 year	-
Section 376EA	Exploitative sexual grooming of minor of or above 16 but below 18 years of age	1 year	-
Section 376EB	Sexual communication with minor below 16 years of age	1 year	-
Section 376EC	Exploitative sexual communication with minor of or above 16 but below 18 years of age	1 year	-
Section 376ED	Sexual activity or image in presence of minor below 16 years of age	1 year	-
Section 376EE	Exploitative sexual activity or image in presence of minor of or above 16 but below 18 years of age	1 year	-”;

(h) by inserting, immediately after the item relating to section 376G(1), the following item:

“Section 376H(2)(a)	Procurement of sexual activity, involving penetration, by deception or false representation	1 year	-”;
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(i) by inserting, immediately after the item relating to section 377B(3), the following items:

“Section 377BB(8)	Voyeurism committed against minor below 14 years of age	1 year	-
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Section 377BC(4)	Distribution of voyeuristic image or recording involving minor below 14 years of age	1 year	-
Section 377BD(3)	Possession of or gaining access to voyeuristic or intimate image or recording involving minor below 14 years of age	1 year	-
Section 377BE(4)	Distributing or threatening to distribute intimate image or recording involving minor below 14 years of age	1 year	-
Section 377BF(4)	Sexual exposure against minor below 14 years of age	1 year	-
Section 377BG	Using or involving child in production of child abuse material	1 year	-
Section 377BH	Producing child abuse material	1 year	-
Section 377BI	Distributing or selling child abuse material	1 year	-
Section 377BJ	Advertising or seeking child abuse material	1 year	-
Section 377BK	Possession of or gaining access to child abuse material	1 year	-
Section 377BL	Exploitation by abusive material of minor of or above 16 but below 18 years of age	1 year	-”;

(j) by deleting the word “wandering” under the heading “*Description**” in the item relating to section 401;

(k) by deleting the words “by carrier, etc.” under the heading “*Description**” in the item relating to section 407 and

substituting the words “of property entrusted for purposes of transportation or storage”;

- (l) by deleting the words “clerk or servant” under the heading “*Description**” in the item relating to section 408 and substituting the word “employees”;
- (m) by deleting the words “merchant or agent” under the heading “*Description**” in the item relating to section 409 and substituting the words “merchant, agent, director, officer, partner, key executive or fiduciary”;
- (n) by deleting the words “Dishonestly receiving” under the heading “*Description**” in the items relating to sections 411 and 412 and substituting in each case the word “Receiving”;
- (o) by inserting, immediately after the item relating to section 420, the following item:

“Section 420A	Obtaining services dishonestly or fraudulently	1 year	A drug-related antecedent”;
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- (p) by inserting, immediately after the item relating to section 424, the following item:

“Section 424A	Fraud by false representation, non-disclosure or abuse of position not connected with contracts for goods or services	1 year	A drug-related antecedent”;
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- (q) by deleting the word “House-trespass” under the heading “*Description**” in the item relating to section 448 and substituting the words “Punishment for house-breaking”;
- (r) by deleting the word “House-trespass” under the heading “*Description**” in the items relating to sections 449, 450, 451 and 452 and substituting in each case the word “House-breaking”;

- (s) by deleting the words “Punishment for lurking house-trespass or house-breaking” under the heading “*Description**” in the item relating to section 453 and substituting the words “Possession of house-breaking implements or offensive weapons”;
- (t) by deleting the words “lurking house-trespass or” under the heading “*Description**” in the item relating to section 459; and
- (u) by deleting the words “Lurking house-trespass by night or house-breaking by night when death or grievous hurt is caused” under the heading “*Description**” in the item relating to section 460 and substituting the words “House-breaking when death or grievous hurt caused”.

(3) The *Note* in the First Schedule to the Prisons Act is amended by deleting “12, 12A, 13, 14, 30(1), 31(2), 31A(2)” in paragraph (a) and substituting the words “11B(1) or (2), 11C, 11D(1) or (2), 11E, 12, 12A (as in force before 1 August 2019), 13, 14, 30(1), 31(2) or (2A), 31A(2) or (2A), 31B(2)”.

Amendment of Second Schedule

3. The Second Schedule to the Prisons Act is amended —

- (a) by inserting, immediately after sub-paragraph (z) of paragraph (7), the following heading and sub-paragraphs:

“Offences included with effect from 1 January 2020

- (za) section 304B (Causing death of child below 14 years of age, domestic worker or vulnerable person by sustained abuse)
- (zb) section 304C (Causing or allowing death of child below 14 years of age, domestic worker or vulnerable person in same household)
- (zc) section 305 (Abetment of suicide or attempted suicide of minor or person who lacks mental capacity as re-enacted by the Criminal Law Reform Act 2019)
- (zd) section 306 (Abetment of suicide or attempted suicide)

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- (ze) section 308A (Causing death in furtherance of group's object)
 - (zf) section 329 (Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act)
 - (zg) section 331 (Voluntarily causing grievous hurt to extort confession or to compel restoration of property)
 - (zh) section 333 (Voluntarily causing grievous hurt to deter public servant from his duty)
 - (zi) section 335A (Allowing neglect, physical or sexual abuse of domestic worker or vulnerable person)
 - (zj) section 363A (Punishment for abduction)
 - (zk) section 365 (Kidnapping or abducting with intent secretly and wrongfully to confine a person)
 - (zl) section 366 (Kidnapping or abducting a woman to compel her marriage, etc.)
 - (zm) section 367 (Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.)
 - (zn) section 376AA (Exploitative sexual penetration of minor of or above 16 but below 18 years of age)
 - (zo) section 376B (Commercial sex with minor below 18 years of age)
 - (zp) section 376C (Commercial sex with minor below 18 years of age outside Singapore)
 - (zq) section 376D (Tour outside Singapore for commercial sex with minor below 18 years of age)
 - (zr) section 376E (Sexual grooming of minor below 16 years of age)
 - (zs) section 376EA (Exploitative sexual grooming of minor of or above 16 but below 18 years of age)
 - (zt) section 376EB (Sexual communication with minor below 16 years of age)
 - (zu) section 376EC (Exploitative sexual communication with minor of or above 16 but below 18 years of age)
 - (zv) section 376ED (Sexual activity or image in presence of minor below 16 years of age)

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- (zw) section 376EE (Exploitative sexual activity or image in presence of minor of or above 16 but below 18 years of age)
 - (zx) section 376G (Incest as re-enacted by the Criminal Law Reform Act 2019)
 - (zy) section 376H(2)(a) (Procurement of sexual activity, involving penetration, by deception or false representation)
 - (zz) section 377BB (Voyeurism)
 - (zza) section 377BC (Distribution of voyeuristic image or recording)
 - (zzb) section 377BD (Possession of or gaining access to voyeuristic or intimate image or recording)
 - (zzc) section 377BE (Distributing or threatening to distribute intimate image or recording)
 - (zzd) section 377BF(4) (Sexual exposure against minor below 14 years of age)
 - (zze) section 377BG (Using or involving child in production of child abuse material)
 - (zzf) section 377BH (Producing child abuse material)
 - (zzg) section 377BI (Distributing or selling child abuse material)
 - (zzh) section 377BJ (Advertising or seeking child abuse material)
 - (zzi) section 377BK (Possession of or gaining access to child abuse material)
 - (zzj) section 377BL (Exploitation by abusive material of minor of or above 16 but below 18 years of age)”;

- (b) by deleting the word “or” at the end of paragraph (9); and
- (c) by deleting the full-stop at the end of paragraph (10) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(11) is convicted on or after 1 January 2020 of an offence under section 5 or 7 of the Children and Young Persons Act (Cap. 38) or under section 7 of that Act (as re-enacted by

the Children and Young Persons (Amendment) Act 2019).”.

Made on 23 December 2019.

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

[112/2/044; AG/LEGIS/SL/247/2015/8 Vol. 1]

(To be presented to Parliament under section 82(3) of the Prisons Act).