

**MISUSE OF DRUGS ACT
(CHAPTER 185, SECTION 44)**

**MISUSE OF DRUGS (APPROVED INSTITUTIONS)
(DISCIPLINE) REGULATIONS**

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[29th June 1979]

Citation

1. These Regulations may be cited as the Misuse of Drugs (Approved Institutions) (Discipline) Regulations.

Definitions

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

“centre” means any approved institution as defined in the Act;

“Committee” means an Institutional Discipline Advisory Committee appointed by the Minister under regulation 2C;

[S 454/2008 wef 15/09/2008]

[S 578/2014 wef 01/09/2014]

[Deleted by S 578/2014 wef 01/09/2014]

“inmate” means any drug addict or abuser who is detained in a centre;

“medical officer” means a registered medical practitioner who is for the time being appointed by the Commissioner of Prisons to perform the functions of a medical officer under these Regulations;

[S 406/2003 wef 26/08/2003]

[S 578/2014 wef 01/09/2014]

“member”, in relation to a Committee, includes the chairman or deputy chairman of the Committee;

[S 578/2014 wef 01/09/2014]

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

[S 578/2014 wef 01/09/2014]

“probation officer” means a person appointed as a probation officer or volunteer probation officer under section 3 of the Probation of Offenders Act (Cap. 252);

“supervision officer” means any person appointed by the Minister under regulation 15(1) of the Misuse of Drugs (Approved Institutions and Treatment and Rehabilitation) Regulations (Rg 3);

“visitor” means a member of the Board of Visitors appointed under regulation 3 of the Misuse of Drugs (Board of Visitors for Approved Institutions) Regulations (Rg 4), and includes

any other person authorised by the Minister or the Commissioner of Prisons to visit a centre.

[S 578/2014 wef 01/09/2014]

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.

[S 578/2014 wef 01/09/2014]

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.

[S 578/2014 wef 01/09/2014]

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.

[S 578/2014 wef 01/09/2014]

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.

[S 578/2014 wef 01/09/2014]

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.

[S 578/2014 wef 01/09/2014]

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;

(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.

[S 578/2014 wef 01/09/2014]

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.

[S 578/2014 wef 01/09/2014]

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.

[S 578/2014 wef 01/09/2014]

Duties of inmates

3.—(1) An inmate of a centre shall work in such workshop or do such work as may be assigned to him by the Superintendent of the centre.

(2) An inmate shall keep his bedding, personal effects and all the surrounding areas and the toilets of his living quarters clean and tidy.

Enforcement of discipline

4. Every officer shall treat every inmate justly and firmly in the enforcement of discipline.

Use of force

5.—(1) Every officer may use reasonable force against any inmate who —

- (a) is escaping or attempting to escape from a centre;
- (b) is engaged in a mutiny or an outbreak by himself or with other inmates;
- (c) attacks the officer or any other person; or
- (d) without any reasonable excuse, repeatedly refuses to obey a lawful order given by the officer.

(2) Where force is used against an inmate under paragraph (1), the inmate shall be examined by a medical officer as soon as possible.

Discipline of inmates outside centre

6. Every person, while being taken to or from any centre to which he has been lawfully committed under the Act or while working outside the centre, or is otherwise beyond the premises thereof, in or under the lawful charge or control of an officer, shall be subject to the same discipline and to the same constraints as if he were within the centre.

Punishments for minor offences

7. An inmate of a centre who contravenes or fails to comply with regulation 3 or commits any of the minor offences set out in Part I of

the Schedule shall be liable, in addition to or in lieu of any other punishment which may be imposed under the Act or any other written law, to any one or more of the following punishments to be imposed by the Superintendent of the centre:

- (a) deprivation of not more than 2 visits by relatives and friends of the inmate;
- (b) deprivation of the privilege to use or patronise the centre's canteen for a period not exceeding one month;
- (c) stoppage or reduction of earnings for a period not exceeding one month;
- (d) reprimand.

Punishments for major offences

8. An inmate of a centre who commits any of the major offences set out in Part II of the Schedule shall be liable, in addition to or in lieu of any other punishment which may be imposed under the Act or any other written law, to any one or more of the following punishments to be imposed by the Superintendent of the centre:

- (a) deprivation of not more than 4 visits by relatives and friends of the inmate;
- (b) deprivation of the privilege to use or patronise the centre's canteen for a period not exceeding 2 months;
- (c) solitary confinement in a ward for a period not exceeding 7 days;
- (d) stoppage or reduction of earnings for a period not exceeding 2 months;
- (e) corporal punishment not exceeding 6 strokes with a rattan.

Records of punishments

9.—(1) Any punishment imposed on an inmate under these Regulations shall be recorded in a register.

(2) The number and name of the inmate, the nature of the offence for which the punishment is imposed and such other details thereof as

the Commissioner of Prisons may require shall also be recorded in the register.

[S 578/2014 wef 01/09/2014]

Commissioner to be informed of offences

10.—(1) Where the Superintendent of a centre has found an inmate guilty of an offence, he shall notify the Commissioner of Prisons of the facts of the case not later than 7 days after the inmate has been found guilty of the offence.

[S 578/2014 wef 01/09/2014]

(2) The Commissioner of Prisons may amend, alter or vary any punishment imposed by the Superintendent of a centre under these Regulations.

[S 578/2014 wef 01/09/2014]

(3) In any case where a Superintendent of a centre has ordered that corporal punishment be imposed on an inmate, the Commissioner of Prisons shall refer the case to a Committee for its opinion on whether the punishment imposed on the inmate is excessive.

[S 454/2008 wef 15/09/2008]

[S 578/2014 wef 01/09/2014]

(4) The Committee shall render its opinion to the Commissioner of Prisons within such period as the Minister may determine after the case has been referred to the Committee.

[S 454/2008 wef 15/09/2008]

[S 578/2014 wef 01/09/2014]

(5) The Commissioner of Prisons may, but shall not be required to, have regard to the opinion of the Committee when performing his functions and duties under paragraph (2).

[S 454/2008 wef 15/09/2008]

[S 578/2014 wef 01/09/2014]

Right to be heard

11. No inmate shall be punished under these Regulations until he has had an opportunity of hearing the charge and the evidence against him and of making his defence.

Corporal punishment

12. Corporal punishment shall not be imposed under these Regulations on —

- (a) women;
- (b) males who are above 50 years of age; or
- (c) any inmate unless a medical officer is present and certifies that the inmate is in a fit state of health to undergo such punishment.

Offences

13.—(1) Any person who without lawful authority —

- (a) conveys, supplies or causes to be conveyed or supplied to any inmate or hides or places for the use of any inmate any letter, document, intoxicating liquor, tobacco, drug, money, clothing, provisions or any other article;
- (b) brings or attempts by any means to introduce into any centre, or places or attempts to place where inmates work, any letter, document, intoxicating liquor, tobacco, drug, money, clothing, provisions or any other article to be sold or used therein;
- (c) brings or attempts to bring out of any centre or conveys from any inmate, any letter, document or other article; or
- (d) communicates with any inmate,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) Every officer of a centre who without lawful authority —

- (a) knowingly suffers any intoxicating liquor, tobacco, drug, money, clothing, provisions, letter, document or other article to be sold to or received or used by any inmate;
- (b) lends or gives to any inmate any such intoxicating liquor, tobacco, drug, money, clothing, provisions or other article;
or

(c) knowingly suffers any letter, document or other article to be brought out of any centre, or to be conveyed from any inmate,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

THE SCHEDULE

Regulations 7 and 8

PART I

MINOR OFFENCES

For the purposes of regulation 7, the minor offences are —

- (1) behaving in a disorderly or indecent manner;
- (2) talking without any reasonable cause during working hours, during an assembly or during physical exercise, or talking loudly, laughing or singing at any time after having been ordered by an officer to desist from doing so;
- (3) leaving his place in a file or any seat or berth assigned to him without the permission of an officer or without any reasonable cause;
- (4) omitting or refusing, without any reasonable excuse, to march in a file when moving about a centre or when proceeding to or returning from work;
- (5) committing a nuisance in any part of a centre;
- (6) secreting any article without any reasonable excuse;
- (7) omitting or refusing, without any reasonable excuse, to be clean or tidy or disobeying, without any reasonable cause, an order relating to the cutting of hair;
- (8) smoking a cigarette or any form of tobacco in a centre;
- (9) doing any act which is injurious to his health;
- (10) refusing to undergo any medical treatment or examination when required by an officer to do so;
- (11) doing any act or using any language calculated to offend or insult any other inmate;
- (12) quarrelling with any other inmate;

THE SCHEDULE — *continued*

- (13) doing any act calculated to create unnecessary alarm in the mind of any other inmate or an officer;
- (14) visiting a lavatory without the permission of an officer or remaining there longer than is necessary without any reasonable cause;
- (15) mixing or adding any substance to any material issued for work without the permission of an officer;
- (16) leaving a place of work or that part of a centre in which he is confined without the permission of an officer or without any reasonable cause;
- (17) performing any work allotted to another inmate, or obtaining his assistance to do any work without any reasonable excuse;
- (18) loitering about during working hours or idling or malingering when engaged in work or being negligent;
- (19) defacing or damaging any wall, furniture or other property of a centre;
- (20) eating or appropriating any food not assigned to him, or increasing or decreasing the portion of any food assigned to another inmate, without the permission of an officer or without any reasonable excuse;
- (21) removing any food or drink from a kitchen or from a place where meals are served in a centre without the permission of an officer or without any reasonable cause, or disobeying any order of an officer in respect of the issue and distribution of any food or drink in the centre without any reasonable excuse;
- (22) introducing into any food or drink in a centre anything likely to render it unpalatable or unwholesome;
- (23) refusing, without any reasonable cause, to eat any food assigned to him in accordance with a centre's diet scale;
- (24) wilfully destroying any food in a centre or throwing it away without the permission of an officer or without any reasonable cause;
- (25) omitting or refusing to wear any clothing issued to him in a centre or exchanging the clothing for that of another inmate, or damaging or altering any clothing issued to him or another inmate in the centre without the permission of an officer or without any reasonable excuse, or losing or discarding the clothing;
- (26) removing, defacing or altering without any reasonable excuse any distinctive number, mark or badge to be attached to, or worn on, the body or any clothing issued in a centre;

THE SCHEDULE — *continued*

- (27) omitting or refusing to keep any utensil or clothing clean or disobeying any lawful order as to the arrangement or disposition of the utensil or clothing or any blanket, bedsheet or personal belonging in a centre;
- (28) tampering with a centre's lock, lamp or electrical fitting, or any other property in the centre with which he has no concern;
- (29) damaging or omitting or refusing to take due care of any property of a centre which has been entrusted to him;
- (30) spitting on or otherwise soiling or befouling any floor, door, wall or other part of a centre's building or any article therein;
- (31) littering;
- (32) omitting to report at once or as soon as possible any loss, destruction, breakage or damage which he has caused to any property of a centre;
- (33) stealing a centre's property or that of another inmate;
- (34) damaging or destroying a tree or plant within the enclosure of a centre without the permission of an officer or without any reasonable excuse;
- (35) showing disrespect to any officer, probation officer, supervision officer or visitor;
- (36) answering untruthfully any question put to him by any officer, probation officer, supervision officer or visitor;
- (37) omitting, without any reasonable excuse, to assist in the maintenance of discipline by not reporting the commission of an offence in a centre, or to assist an officer to investigate into the commission of the offence when called upon to do so;
- (38) making any instrument for shooting, cutting or stabbing or any weapon without the knowledge or permission of an officer;
- (39) causing violence or insubordination of any kind in a centre or omitting, without any reasonable excuse, to assist in the suppression of violence or insubordination of any kind when called upon by an officer to do so;
- (40) omitting or refusing, without any reasonable excuse, to help an officer to prevent another inmate from escaping from a centre;
- (41) any other act, conduct or neglect to the prejudice of good order or discipline in a centre;
- (42) contravention of any condition under regulation 12(2) or 13(1)(b), (c), (d), (f), (g) or (h) of the Misuse of Drugs (Approved Institutions and Treatment and Rehabilitation) Regulations (Rg 3); and

THE SCHEDULE — *continued*

(43) abetting the commission of a minor offence.

PART II

MAJOR OFFENCES

For the purposes of regulation 8, the major offences are —

- (1) bringing any drug, money, intoxicating substance or cigarette into a centre without the permission of an officer or concealing any drug, money, intoxicating substance or cigarette in a centre;
- (2) wilfully causing to himself any illness, injury or disability;
- (3) wilfully destroying a centre's property;
- (4) aggravated or repeated assault on another inmate;
- (5) striking or otherwise using violence on, or offering violence to, any officer, probation officer, supervision officer or visitor;
- (6) escaping or attempting to escape from a centre;
- (7) mutiny;
- (8) any other act of gross misconduct or insubordination;
- (9) possessing or consuming any drug while on leave granted under regulation 12 or 13 of the Misuse of Drugs (Approved Institutions and Treatment and Rehabilitation) Regulations (Rg 3);
- (10) contravention of regulation 13(1)(a) or (e) of the Misuse of Drugs (Approved Institutions and Treatment and Rehabilitation) Regulations; and
- (11) abetting the commission of a major offence.

[G.N. Nos. S 137/79; S 182/82; S 51/90; S 325/91;
S 278/95]

LEGISLATIVE HISTORY
MISUSE OF DRUGS (APPROVED INSTITUTIONS)
(DISCIPLINE) REGULATIONS
(CHAPTER 185, RG 5)

This Legislative History is provided for the convenience of users of the Misuse of Drugs (Approved Institutions) (Discipline) Regulations. It is not part of these Regulations.

- 1. G. N. No. S 137/1979 — Misuse of Drugs (Approved Institutions) (Discipline) Regulations 1979**

Date of commencement : 29 June 1979
- 2. G. N. No. S 182/1982 — Misuse of Drugs (Approved Institutions) (Discipline) (Amendment) Regulations 1982**

Date of commencement : 25 June 1982
- 3. G. N. No. S 51/1990 — Misuse of Drugs (Approved Institutions) (Discipline) (Amendment) Regulations 1990**

Date of commencement : 15 February 1990
- 4. G. N. No. S 325/1991 — Misuse of Drugs (Approved Institutions) (Discipline) (Amendments) Regulations 1991**

Date of commencement : 2 August 1991
- 5. 1990 Revised Edition — Misuse of Drugs (Approved Institutions) (Discipline) Regulations**

Date of operation : 25 March 1992
- 6. G. N. No. S 278/1995 — Misuse of Drugs (Approved Institutions) (Discipline) (Amendment) Regulations 1995**

Date of commencement : 23 June 1995
- 7. 1999 Revised Edition — Misuse of Drugs (Approved Institutions) (Discipline) Regulations**

Date of operation : 1 July 1999
- 8. G. N. No. S 406/2003 — Misuse of Drugs (Approved Institutions) (Discipline) (Amendment) Regulations 2003**

Date of commencement : 26 August 2003
- 9. G. N. No. S 454/2008 — Misuse of Drugs (Approved Institutions) (Discipline) (Amendment) Regulations 2008**

Date of commencement : 15 September 2008

**10. G.N. No. S 578/2014 — Misuse of Drugs (Approved Institutions)
(Discipline) (Amendment) Regulations 2014**

Date of commencement : 1 September 2014