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VULNERABLE ADULTS ACT 2018 (ACT 27 OF 2018)

VULNERABLE ADULTS (BAIL AND PERSONAL BOND) REGULATIONS 2018

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In exercise of the powers conferred by section 37 of the Vulnerable Adults Act 2018, the Minister for Social and Family Development makes the following Regulations:

Citation and commencement

1. These Regulations are the Vulnerable Adults (Bail and Personal Bond) Regulations 2018 and come into operation on 19 December 2018.

Definition

2. In these Regulations, unless the context otherwise requires, "released person" means any person who is released on bail or on the person's personal bond under regulation 3.

When person may be released on bail or on personal bond

- 3.—(1) Subject to paragraph (3), a person who —
- (a) is arrested for an offence under section 14(10) or 15(8) of the Act by the Director or an authorised officer; and
 - (b) is prepared to give bail while in the custody of the Director or authorised officer,

must be released on bail by the Director, or by an authorised officer who is an enforcement officer, in accordance with these Regulations.

(2) Despite paragraph (1), the Director, or an authorised officer who is an enforcement officer, may, instead of taking bail from the person, release the person if the person signs a personal bond without sureties in accordance with these Regulations.

(3) A vulnerable adult who is the subject of any order made by a court under section 14 or 15 of the Act cannot be offered as surety for a person who is to be released on bail under paragraph (1).

Person released on bail or on personal bond to give address for service, etc.

4.—(1) A released person must give to the Director or authorised officer releasing the person an address at which the person can be served all notices under the Act.

(2) Section 101(2) of the Criminal Procedure Code (Cap. 68) applies to a released person as if the person were released under Division 5 of Part VI of that Code.

(3) A surety of a person released on bail under regulation 3(1) must give to the Director or authorised person releasing the person an address at which the surety can be contacted.

Bond to be executed

5.—(1) Before a person is released on bail, a bond of an amount mentioned in paragraph (3) must be signed by the person and every surety required by the Director, or by an authorised officer who is an enforcement officer, to execute the bond.

(2) Before a person is released on personal bond, a bond of an amount mentioned in paragraph (3) must be signed by the person.

(3) Every bond executed under paragraph (1) or (2) must be of an amount that the Director, or an authorised officer who is an enforcement officer, having regard to the circumstances of the case, thinks sufficient to secure the attendance of the person to be released on bail or on personal bond.

(4) All of the following conditions are imposed when the Director, or an authorised officer who is an enforcement officer, releases a person accused of an offence under section 14(10) or 15(8) of the Act (called in this regulation the accused) on bail or on personal bond under regulation 3, unless the Director or authorised officer (as the case may be) specifies otherwise:

- (a) the accused must surrender the accused's travel document;
- (b) the accused must surrender to custody, be available for investigations, or attend court, on the day and at the time and place appointed for the accused to do so, as the case may be;
- (c) the accused must not commit any offence while released on bail or on personal bond;
- (d) the accused must not interfere with any witness or otherwise obstruct the course of justice, whether in relation to the accused or any other person;
- (e) the accused must not visit or communicate with the vulnerable adult who is the subject of the offence for which the accused is released on bail or on personal bond;
- (f) in the case of bail — any person offered as surety for the accused in the criminal matter must not be a co-accused in the same matter.

(5) The Director, or an authorised officer who is an enforcement officer, may impose such other conditions as are necessary when releasing the accused on bail or on personal bond under regulation 3.

Duties of surety

6. A surety must, in addition to performing the surety's duties under section 104(1)(a) and (b) of the Criminal Procedure Code —

- (a) if the released person is medically unfit to surrender to custody or be available for investigations, submit to the Director, or to an authorised officer who is an enforcement officer, a medical certificate certifying that the released person is so medically unfit;
- (b) notify the Director, or an authorised officer who is an enforcement officer, within 24 hours after losing contact with the released person; and
- (c) ensure that the released person is within Singapore unless the released person is permitted by the Director, an authorised officer who is an enforcement officer, or the court, to leave Singapore.

Person to be released

7. An arrested person is to be released under regulation 3(1) or (2) by the Director, or an authorised officer who is an enforcement officer, as soon as the bond has been signed —

- (a) if the arrested person is released on bail — by that person and every surety required by the Director or authorised officer to execute the bond; or
- (b) if the arrested person is released on personal bond — by that person.

Procedure on forfeiture of bond

8.—(1) If it is proved to a court's satisfaction that a released person bound by a personal bond executed under regulation 5 has failed, without reasonable excuse, to surrender to custody, make himself or herself available for investigations or attend court on the day and at the time and place appointed for the released person to do so, section 107 of the Criminal Procedure Code applies to the released person as if the personal bond executed under regulation 5 was a personal bond executed under Division 5 of Part VI of that Code.

(2) If it is proved to a court's satisfaction that a released person for whose appearance a bond was executed by the released person and one or more sureties under regulation 5 has failed, without reasonable excuse, to surrender to custody, make himself or herself available for investigations or attend court on the day and at the time and place appointed for the released person to do so —

- (a) section 107A(2) and (3) of the Criminal Procedure Code, read with section 107(3) to (8) of that Code, applies to the released person as if the bond executed by the released person under regulation 5 were a bond executed under Division 5 of Part VI of that Code; and
- (b) section 107A(2) and (4) to (11) of the Criminal Procedure Code applies to the surety as if the bond executed by the surety under regulation 5 were a bond executed under Division 5 of Part VI of that Code.

Appeal from orders

9. Section 108 of the Criminal Procedure Code applies to any order made by a District Court or Magistrate's Court under section 107 or 107A of the Criminal Procedure Code, read with regulation 8.

Power to direct Magistrate's Court to exercise powers under regulation 8

10. A District Court may direct any Magistrate's Court to exercise the court's powers of forfeiture under section 107 or 107A of the Criminal Procedure Code, read with regulation 8, in respect of a bond to appear before the District Court, in accordance with section 109 of the Criminal Procedure Code.

Made on 17 December 2018.

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