

Singapore Armed Forces (Amendment) Bill

Bill No. 12/2007.

Read the first time on 9th April 2007.

A BILL

intituled

An Act to amend the Singapore Armed Forces Act (Chapter 295 of the 2000 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Singapore Armed Forces (Amendment) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 **New Part XIII A**

2. The Singapore Armed Forces Act is amended by inserting, immediately after section 201, the following Part:

“PART XIII A

AID TO CIVILIAN AUTHORITIES

10 **Interpretation of this Part**

201A. In this Part —

“Committee” means the Committee appointed under section 201C(2);

15 “infrastructure” includes physical facilities, supply chains, information technologies and communication networks or systems.

Deployment of Singapore Armed Forces for air and sea operations in aid of civilian authorities

20 **201B.**—(1) The Minister may authorise the Singapore Armed Forces to be deployed in such manner as is reasonable and necessary for all or any of the following air or sea operations:

- (a) to combat piracy or piratical acts;
- (b) to detect and prevent any aerial or maritime threat to the defence or security of Singapore;
- 25 (c) to detect and prevent the unlawful carriage by air or sea of any weapon, explosive or other dangerous device or substance;
- (d) to rescue any hijacked aircraft, vessel or other fixed or floating facility;

(e) to carry out such other air or sea operation as the Minister, after consulting the Committee, may, by notification in the *Gazette*, prescribe.

5 (2) The Minister shall have regard to Singapore's international obligations when giving any authorisation under subsection (1).

(3) Subject to sections 201E and 201F, any serviceman deployed for duty under subsection (1) may, for the purposes of the operation for which he is deployed, do one or more of the following in relation to any aircraft:

10 (a) intercept the aircraft and require it —

(i) to leave, or not to enter, Singapore airspace or such part of Singapore airspace as may be specified by him; or

(ii) to land at an aerodrome or such other place in Singapore as may be specified by him;

15 (b) capture or recapture the aircraft;

(c) board the aircraft;

(d) where he is on board the aircraft —

(i) prevent, or put an end to, acts of violence;

(ii) protect persons from acts of violence;

20 (iii) free any hostage from the aircraft;

(iv) evacuate persons to a place of safety;

(v) detain any person whom the serviceman believes on reasonable grounds to have committed an offence or to have a design to commit an offence, to be handed over to a police officer as soon as practicable;

25 (vi) search the aircraft, and any person or anything on it, including its cargo;

(vii) seize any dangerous thing or other thing related to the operation concerned or evidence of any offence found in such a search;

30 (e) detain the aircraft and bring it, or cause it to be brought, to any other place in Singapore;

- (f) take measures (including the use of force) reasonable and necessary in the circumstances to exercise any of the powers in paragraphs (a) to (e).

(4) Subject to sections 201E and 201F, any serviceman deployed for duty under subsection (1) may, for the purposes of the operation for which he is deployed, do one or more of the following in relation to any vessel or fixed or floating facility:

- (a) intercept the vessel and require it to leave, or not to enter, Singapore territorial waters or such part of Singapore territorial waters as may be specified by him;
- (b) pursue, stop and board the vessel;
- (c) where necessary and after firing a warning signal, fire at or into the vessel to disable it or compel it to be brought to for boarding;
- (d) capture or recapture the vessel or facility;
- (e) where he is on the vessel or facility —
- (i) prevent, or put an end to, acts of violence;
 - (ii) protect persons from acts of violence;
 - (iii) free any hostage from the vessel or facility;
 - (iv) evacuate persons to a place of safety;
 - (v) require any person to give information concerning himself, the vessel or facility or anything thereon;
 - (vi) detain any person whom the serviceman believes on reasonable grounds to have committed an offence or to have a design to commit an offence, to be handed over to a police officer as soon as practicable;
 - (vii) search the vessel or facility, and any person or anything on it, including its cargo;
 - (viii) seize any dangerous thing or other thing related to the operation concerned or evidence of any offence found in such a search;
- (f) detain the vessel and bring it, or direct the person in charge of the vessel to bring it —

- (i) to a port or to any other place in Singapore; or
- (ii) out of Singapore;

(g) take measures (including the use of force) reasonable and necessary in the circumstances to exercise any of the powers in paragraphs (a) to (f).

(5) The powers under subsections (3) and (4) shall extend to aircraft and vessels outside Singapore in accordance with Singapore's international obligations.

Deployment of Singapore Armed Forces for land operations in aid of civilian authorities

201C.—(1) Where the Minister, after consulting the Committee, is of the opinion that a relevant event has occurred, could occur or would be likely to occur, the Minister may, from time to time, order the Singapore Armed Forces to be deployed for the relevant event for such period as may be specified in the order.

(2) For the purposes of this Part, the Prime Minister shall appoint a Committee consisting of such persons as he may appoint.

(3) Any order made under subsection (1) shall be published in the *Gazette* as soon as practicable after it is made unless, for reasons of urgency or national security, it would be impracticable or undesirable to do so.

(4) Any order made under subsection (1) shall specify —

- (a) the circumstances to which the order relates;
- (b) the location or infrastructure to which, or the person to whom, the order relates;
- (c) the interest to be protected or threat to be averted, as the case may be;
- (d) the powers under subsection (9) which apply in relation to the order; and
- (e) the period for which the order shall be in force.

(5) An order made under subsection (1) shall not be invalid by reason that it does not specify one or more of the particulars in subsection (4), if the Minister is satisfied that it is impracticable or undesirable that such particulars be so specified.

(6) The Minister, after consulting the Committee, may at any time revoke or vary any order made under subsection (1).

(7) The Minister may make any order under subsection (1) without consulting the Committee if he is satisfied that —

5 (a) because of a sudden and extraordinary emergency, it is not practicable to do so; and

 (b) any of the circumstances specified in that subsection exists.

10 (8) An order made under subsection (1) by virtue of subsection (7) shall cease to be valid after the expiration of 72 hours from the time it was made, unless confirmed by the Committee.

 (9) Subject to sections 201E and 201F, any serviceman deployed for duty in accordance with any order made under subsection (1) which is in force may, for the purposes of the relevant event for which he is deployed, do one or more of the following:

15 (a) exercise any of the powers conferred on a police officer by Chapters IV and XII and section 68 of the Criminal Procedure Code (Cap. 68) in like manner as if references in those provisions to —

 (i) a police officer were references to a serviceman;

20 (ii) “sergeant” were references to a sergeant; and

 (iii) “inspector” were references to an officer;

 (b) regulate, restrict, control or prohibit the use of any public road or public place;

25 (c) erect or place barriers in or across any public road or street or in any public place and take all reasonable steps to prevent any vehicle being driven or ridden past any such barrier;

30 (d) arrest, without warrant, any driver or rider of any vehicle who fails to comply with the signal of a police officer or serviceman requiring such person to stop the vehicle before reaching the barrier erected or placed under paragraph (c);

 (e) stop and search any person or vehicle, or enter and search any premises, if the serviceman has reasonable grounds for believing that any evidence of the commission or of the

preparation for the commission of an offence under the Arms and Explosives Act (Cap. 13), the Arms Offences Act (Cap. 14) or the Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65) is likely to be found on such person or premises or in such vehicle, and may —

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(i) disarm any such person;

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(ii) seize any such evidence so found, any weapon, explosive or other dangerous device or substance and any article or material or accumulation thereof capable of being used for causing hurt if he has reasonable grounds for believing that it is intended or likely to be used for the purpose of causing hurt; and

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(iii) seize any vehicle in which that evidence, weapon, explosive, dangerous device or substance, article or material is found.

(10) In this section, “relevant event” means —

(a) a terrorist attack in Singapore;

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(b) injury or threat to the life of such person as the Minister proposes to specify in the order to be made under subsection (1);

(c) damage or disruption to the operation of such infrastructure as the Minister proposes to specify in the order to be made under subsection (1);

(d) the taking of any hostage;

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(e) the unlawful carriage by land in or through Singapore of any weapon, explosive or other dangerous device or substance; or

(f) such other event as the Prime Minister may, by notification in the *Gazette*, specify.

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Powers of Singapore Armed Forces in vicinity of protected area or place

201D. The Minister may authorise any serviceman to exercise one or more of the powers under section 201C(9) in the immediate vicinity of any Singapore Armed Forces property which has been

declared a protected area or a protected place under the Protected Areas and Protected Places Act (Cap. 256), for the protection of persons and property therein.

Serviceman to act on Minister's authorisation or superior order

5 **201E.**—(1) A serviceman may exercise any power under section 201B(3) or (4) or 201C(9), or give an order to exercise that power, only —

 (a) in accordance with any authorisation or order by the Minister to do so; or

10 (b) under, or under the authority of, an order of a superior (referred to in this section as a superior order) to do so.

 (2) For the purposes of subsection (1)(a), any authorisation by the Minister includes written authorisation given in advance specifying the powers which shall be exercisable under the circumstances specified in the authorisation.

15 (3) The Minister shall not authorise or order the taking of measures involving the use of lethal force against any person, vehicle, aircraft, vessel or facility unless the Minister is satisfied that such measures are reasonable and necessary in the circumstances, and in so doing, the Minister shall have regard to Singapore's international obligations.

 (4) Subsection (1)(b) shall apply only if —

 (a) the serviceman is under a legal obligation to obey the superior order;

25 (b) the superior order is not manifestly unlawful;

 (c) the serviceman has no reason to believe that circumstances have changed in a material way since the superior order was given;

30 (d) the serviceman has no reason to believe that the superior order was based on a mistake as to a material fact; and

 (e) the serviceman exercises the power or gives the order to exercise the power in a manner reasonable and necessary to give effect to the superior order.

(5) In this section, “superior” means the Chief of Defence Force, an officer, a warrant officer or such other serviceman as the Minister may specify in his authorisation or order.

Restriction on use of force likely to cause death or grievous hurt

5 **201F.**—(1) A serviceman in exercising any power under section 201B(3) or (4) or 201C(9) shall not, in using force against any person —

10 (a) do anything likely to cause the death of, or grievous hurt to, the person unless the serviceman believes on reasonable grounds that doing that thing is necessary to —

 (i) protect the life of, or to prevent serious injury to, another person (including himself); or

15 (ii) protect infrastructure specified in an order made under section 201C(1) against damage or disruption to its operation; or

 (b) subject the person to greater indignity than is reasonable and necessary in the circumstances.

20 (2) If a person attempts to escape being detained, a serviceman shall not do anything that is likely to cause the death of, or grievous hurt to, the person unless the person has, if practicable, been called on to surrender and the serviceman believes on reasonable grounds that the person cannot be apprehended in any other manner.

Procedure on arrest of persons, seizure of property or detention of aircraft and vessels

25 **201G.**—(1) Any person arrested or detained by a serviceman in exercise of his powers under section 201B(3) or (4) or 201C(9) shall be handed over to a police officer as soon as practicable, and section 34(2), (3) and (4) of the Criminal Procedure Code (Cap. 68) shall apply to that person as if he were handed over to the police officer under section 34(1) of that Code.

30 (2) Where a serviceman has seized any thing or vehicle in exercise of his powers under section 201B(3) or (4) or 201C(9), the serviceman shall —

- (a) take such action as is reasonable and necessary to secure the thing or vehicle or prevent it from being used;
- (b) if the serviceman believes on reasonable grounds that the thing or vehicle has been used or otherwise involved in the commission of an offence, hand it to a police officer as soon as practicable; and
- (c) if paragraph (b) does not apply, return the thing or vehicle to the person from whom it was seized, or hand it to a police officer as soon as practicable.

(3) Any thing or vehicle seized by a serviceman shall be dealt with in the same manner as if it were seized by a police officer under the Criminal Procedure Code (Cap. 68).

(4) Where a serviceman has detained any aircraft or vessel in exercise of his powers under section 201B(3) or (4), the serviceman shall —

- (a) take such action as is reasonable and necessary to secure the aircraft or vessel, or prevent it from being used;
- (b) report the detention of the aircraft or vessel to the Chief of Defence Force as soon as practicable; and
- (c) deal with the aircraft or vessel in such manner as the Chief of Defence Force, after consulting the Commissioner of Police, shall determine.

Obstruction of exercise of powers

201H. Any person who obstructs or resists, or fails to comply with any order of, a serviceman acting in the exercise of his powers under this Part 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 3 years or to both.

Saving

201I. Nothing in this Part shall affect or derogate from any other power exercisable by a serviceman under any other written law.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Singapore Armed Forces Act (Cap. 295) to enable the Singapore Armed Forces to be deployed in aid of civilian authorities for specified purposes or in specified events.

Clause 1 relates to the short title and commencement.

Clause 2 inserts a new Part XIIA to the Act (comprising sections 201A to 201I).

The new section 201A defines certain terms used in the new Part.

The new section 201B empowers the Minister to authorise the Singapore Armed Forces to be deployed in air and sea operations, such as to combat piracy, to detect and prevent any threat of attack on Singapore by air or sea, to implement international initiatives against proliferation of weapons and to rescue hostages. The powers which may be exercised for these purposes in relation to aircraft, vessels and fixed or floating facilities are set out in the section. The powers also have extra-territorial application, subject to Singapore's obligations under international law. Such deployments do not require an order of the Minister under new section 201C.

The new section 201C empowers the Minister, upon the occurrence or likely occurrence of any relevant event and after consulting the Committee established by the Prime Minister for this purpose, to make an order for the Singapore Armed Forces to be deployed for the relevant event. Relevant events would include terrorist attacks in Singapore, threats to persons such as visiting dignitaries, and damage or disruption to the operation of key civilian installations. The section also provides for the Minister's order to be published in the *Gazette* and for the contents of the order. Subsection (7) allows the Minister to make an order under subsection (1) without consulting the Committee if it is impractical to do so because of a sudden and extraordinary emergency, but such order is valid for only 72 hours unless confirmed by the Committee (subsection (8)). Subsection (9) sets out the land-based powers which may be lawfully exercised by a serviceman within Singapore acting in accordance with an order made under subsection (1). The powers are similar to powers which a police officer may exercise, and include powers of arrest and seizure, powers to prevent offences, powers of crowd control and traffic control, powers to set up road blocks and powers to search for and seize any weapon, explosive or other dangerous device or substance.

The new section 201D empowers the Minister to authorise any serviceman to exercise the powers under the new section 201C(9) in the immediate vicinity of any Singapore Armed Forces property which has been declared a protected area or protected place, for the purpose of protecting persons and property therein.

The new section 201E sets out the chain of command for the exercise of powers under the new section 201B(3) or (4) or 201C(9). A serviceman may exercise such powers only in accordance with an authorisation or order by the Minister or under an order of a superior (referred to in the section as a superior order). A serviceman giving a superior order to exercise such powers may similarly do so only in accordance with an authorisation or order by the Minister or if he is himself under a superior order to do so. The Minister's authorisation specifying the rules of engagement may be given in

writing in advance. Safeguards are incorporated where measures involving the use of lethal force against persons, vehicles, aircraft, vessels or facilities may be taken.

The new section 201F restricts the use of force likely to cause death or grievous hurt to a person by a serviceman in the exercise of his powers under the new section 201B(3) or (4) or 201C(9).

The new section 201G provides the procedure for dealing with any person arrested or detained, any thing or vehicle seized or any aircraft or vessel detained by a serviceman acting in the exercise of his powers.

The new section 201H makes it an offence for any person to obstruct or resist, or fail to comply with an order of, a serviceman acting in the exercise of his powers under the new Part XIA.

The new section 201I is a saving provision.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
