

Singapore Armed Forces (Amendment) Bill

Bill No. 21/2009.

Read the first time on 19th October 2009.

A BILL

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An Act to amend the Singapore Armed Forces Act (Chapter 295 of the 2000 Revised Edition) and to make related amendments to the Enlistment Act (Chapter 93 of the 2001 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 2009 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2 of the Singapore Armed Forces Act (referred to in this Act as the principal Act) is amended —

- 10 (a) by inserting, immediately after the word “captain” in the definition of “commander” in subsection (1), the words “or a senior military expert”;
- (b) by inserting, immediately after the word “major” in paragraph (a) of the definition of “convening authority” in subsection (1), the words “, or the senior military expert of or above the rank of ME5,”;
- 15 (c) by inserting, immediately after the definition of “military documents” in subsection (1), the following definition:
- “ “military expert” means a serviceman in the military domain experts service;”;
- (d) by inserting, immediately after the definition of “regular serviceman” in subsection (1), the following definition:
- 20 “ “senior military expert” means a military expert of or above the rank of ME4;”;
- (e) by deleting the definition of “serviceman” in subsection (1) and substituting the following definition:
- 25 “ “serviceman” means an officer, a soldier, a military expert or a non-uniformed serviceman of the Singapore Armed Forces, and includes a servicewoman;”;
- (f) by deleting the definition of “soldier” in subsection (1) and substituting the following definition:
- 30 “ “soldier” means any person, other than an officer, a senior military expert or a non-uniformed serviceman, who is a member of the Singapore Armed Forces, and includes any such person who is a servicewoman;”;
- (g) by deleting the words “to “an officer” or” in subsection (2)(d).

Amendment of section 5

3. Section 5(4) of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph:

5 “(a) subject to paragraph (c), where he was a regular serviceman,
be regarded as having the rank or service grade that he held
on the day of his discharge or release as a regular
serviceman;”.

New section 10C

10 4. The principal Act is amended by inserting, immediately after section 10B, the following section:

“Appointment of senior military experts

15 **10C.**—(1) Senior military experts of the Singapore Armed Forces shall be appointed by the President or by the proper authority who or which may, without assigning any reason, cancel any such appointment.

(2) An appointment made under subsection (1) shall be in the prescribed form.

20 (3) Senior military experts appointed under subsection (1) shall be deemed to be senior military experts of the Singapore Armed Forces from the date specified in their appointments.

(4) Senior military experts may from time to time be promoted or advanced in rank by the proper authority.”.

Amendment of section 11

25 5. Section 11(2) of the principal Act is amended by deleting the words “superior officers” in paragraph (a) and substituting the words “superiors (being officers or senior military experts)”.

Amendment of section 39

6. Section 39 of the principal Act is amended —

30 (a) by deleting the words “officer or warrant officer” and substituting the words “officer, warrant officer or military expert of or above the rank of ME3”; and

- (b) by deleting the section heading and substituting the following section heading:

“Offences by officer, etc., serving in ship involved in convoying and protection of vessel”.

5 **Amendment of section 60**

7. Section 60 of the principal Act is amended —

- (a) by deleting the definition of “junior disciplinary officer” and substituting the following definition:

10 “junior disciplinary officer” means, except where otherwise expressly provided, any officer, warrant officer or military expert of or above the rank of ME3 —

- (a) who is in command of a squadron, battery or company or an equivalent sub-unit; or
 15 (b) in whom a senior disciplinary officer has vested the powers of a junior disciplinary officer for the purposes of discipline;”;

- (b) by deleting the definition of “private”; and

20 (c) by deleting the definitions of “senior disciplinary officer” and “superior commander” and substituting the following definitions:

“senior disciplinary officer” means —

- (a) any officer, warrant officer or senior military expert who is —
 (i) in command of a base or unit; or
 25 (ii) designated by the Armed Forces Council as a senior disciplinary officer for the purposes of discipline; or
 (b) a commander of a detachment;

30 “superior commander” means any officer or senior military expert who is —

- (a) in command of a command or formation; or

(b) designated by the Armed Forces Council as a superior commander for the purposes of discipline;”.

Amendment of section 62

5 **8.** Section 62 of the principal Act is amended —

- (a) by inserting, immediately after the word “colonel,” in subsection (2), the words “or a senior military expert of the rank of ME7;”;
- (b) by inserting, immediately after the word “lieutenant-colonel” in subsection (2A), the words “or senior lieutenant-colonel, or a
10 senior military expert of the rank of ME6”;
- (c) by inserting, immediately after the word “lieutenant-colonel,” in subsection (3), the words “or a senior military expert below the rank of ME6;”;
- (d) by inserting, immediately after the words “warrant officer” in
15 subsection (4), the words “or a military expert of the rank of ME3;”;
- (e) by inserting, immediately after the words “warrant officer” in subsection (5), the words “or ME3;”.

Amendment of section 68

20 **9.** Section 68 of the principal Act is amended —

- (a) by inserting, immediately after the words “warrant officer”, the words “or ME3”;
- (b) by inserting, immediately after the words “in the case of” in paragraph (a), the words “servicemen holding trainee ranks
25 which are equivalent to the rank of private;”;
- (c) by inserting, immediately after the words “third sergeant” in paragraph (b)(i), the words “(including military experts)”.

Amendment of section 69

10. Section 69(1) of the principal Act is amended —

- (a) by inserting, immediately after the words “warrant officer”, the
30 words “or ME3”; and

- (b) by inserting, immediately after the words “third sergeant” in paragraph (d)(i), the words “(including military experts)”.

Amendment of section 70

11. Section 70(1) of the principal Act is amended —

- 5 (a) by deleting the words “or a warrant officer” and substituting the words “, a warrant officer or a military expert of the rank of ME3, ME4 or ME5”;
- (b) by inserting, immediately after the word “major,” in paragraph (b)(i), the words “or senior military experts who are of the rank of ME4 or ME5,”; and
- 10 (c) by deleting the words “and of warrant officers” in paragraph (b)(ii) and substituting the words “, warrant officers and military experts of the rank of ME3”.

Amendment of section 70A

- 15 **12.** Section 70A(1) of the principal Act is amended by inserting, immediately after the word “lieutenant-colonel,” the words “senior lieutenant-colonel or ME6,”.

Amendment of section 70B

- 20 **13.** Section 70B(1) of the principal Act is amended by deleting the words “or colonel” and substituting the words “, senior lieutenant-colonel, colonel, ME6 or ME7”.

Amendment of section 72

14. Section 72 of the principal Act is amended —

- 25 (a) by inserting, immediately after the word “brigadier-general” in subsection (1), the words “or rear admiral (one-star), or a senior military expert of the rank of ME8,”;
- (b) by inserting, immediately after the word “colonel” in subsection (2), the words “, or a senior military expert of the rank of ME7,”;
- 30 (c) by deleting the words “of or above the rank of” in subsection (4) and substituting the words “equivalent or superior in rank to”; and

- (e) by deleting the words “of or above the rank of” in subsection (6)(a) and (b) and substituting in each case the words “, or a senior military expert, who is equivalent or superior in rank to”.

Amendment of section 82

- 5 **19.** Section 82(2) of the principal Act is amended by deleting the words “a member of the judicial and legal service” and substituting the words “an officer in the Singapore Legal Service”.

Amendment of section 83

- 20.** Section 83 of the principal Act is amended —

- 10 (a) by deleting the words “not less than 3 members who shall be officers or any other uneven number of members” in subsection (3) and substituting the words “3 or any greater uneven number of members (each of whom shall be an officer or a senior military expert),”; and

- 15 (b) by deleting subsection (4) and substituting the following subsection:

“(4) The convening officer may preside over a field general court martial, but shall, whenever it is practicable, appoint as president of the field general court martial another person, who shall be —

- 20 (a) an officer of or above the rank of captain; or
 (b) a senior military expert.”.

Amendment of section 88

- 25 **21.** Section 88(3) of the principal Act is amended by inserting, immediately after the words “an officer” in paragraph (b), the words “or a senior military expert”.

Amendment of section 89

- 30 **22.** Section 89 of the principal Act is amended by deleting the words “another officer” in subsections (1)(c) and (3) and substituting in each case the words “another person (being an officer or a senior military expert)”.

Amendment of section 90

23. Section 90(7) of the principal Act is amended —

(a) by deleting the words “an officer” and substituting the words “a person”; and

5 (b) by deleting the words “his superior officer” and substituting the words “a person superior in rank or appointment”.

Amendment of section 98

24. Section 98(1) of the principal Act is amended by deleting the words “or a warrant officer” and substituting the words “, a warrant officer or a
10 military expert of or above the rank of ME3”.

Amendment of section 101

25. Section 101 of the principal Act is amended by inserting, immediately after the words “an officer”, the words “or a senior military expert”.

Amendment of section 102

26. Section 102(1) of the principal Act is amended by inserting, immediately after the words “any officer”, the words “or senior military expert”.

Amendment of section 106

20 27. Section 106 of the principal Act is amended by deleting the words “field military court” wherever they appear in the section and section heading and substituting in each case the words “field general court martial”.

Amendment of section 114

25 28. Section 114(1) of the principal Act is amended by deleting the words “officer or warrant officer” and substituting the words “serviceman (being an officer, a warrant officer or a military expert of or above the rank of ME3)”.

Amendment of section 115

29. Section 115(2) of the principal Act is amended by inserting, immediately after the words “a warrant officer”, the words “, a military expert of or above the rank of ME3”.

5 **Amendment of section 118**

30. Section 118 of the principal Act is amended —

(a) by deleting paragraph (g) of subsection (1) and substituting the following paragraph:

“(g) reduction in rank, except that —

10 (i) an officer shall not be reduced below the rank of second lieutenant;

(ii) a warrant officer shall not be reduced below —

15 (A) the rank of third warrant officer, if he was appointed as a warrant officer on or after the date of commencement of section 30(a) of the Singapore Armed Forces (Amendment) Act 2009; or

20 (B) the rank of second warrant officer, if he was appointed as a warrant officer before that date; and

(iii) a senior military expert shall not be reduced below the rank of ME4;”;

25 (b) by deleting the words “or a warrant officer” in subsection (4) and substituting the words “, a warrant officer or a military expert of or above the rank of ME3 who is”;

(c) by deleting the words “other than a warrant officer” in subsection (4A) and substituting the words “(other than a warrant officer or a military expert of the rank of ME3) or a non-uniformed serviceman who is”;

30 (d) by inserting, immediately after the word “officers” in subsection (6)(a), the words “and senior military experts”; and

(e) by inserting, immediately after the word “soldiers” in subsection (6)(b), the words “and non-uniformed servicemen”.

Amendment of section 119

31. Section 119 of the principal Act is amended by inserting, immediately after the word “officer” in subsections (1) and (2), the words “or senior military expert”.

5 **Amendment of section 127**

32. Section 127 of the principal Act is amended —

- (a) by inserting, immediately after the word “captain” in subsection (1)(b), the words “or senior military experts”;
- 10 (b) by inserting, immediately after the words “who are officers” in subsection (2), the words “or senior military experts”; and
- (c) by inserting, immediately after the words “panel of officers” in subsection (2), the words “and senior military experts”.

Amendment of section 139

15 **33.** Section 139(2) of the principal Act is amended by inserting, immediately after the word “officer”, the words “or senior military expert”.

Amendment of section 164

34. Section 164 of the principal Act is amended —

- 20 (a) by inserting, immediately after the words “An officer”, the words “or a senior military expert”;
- (b) by inserting, immediately after the words “any officer” in paragraph (b), the words “or senior military expert”; and
- (c) by inserting, immediately after the word “officers” in the section heading, the words “and senior military experts”.

25 **Amendment of section 165**

35. Section 165 of the principal Act is amended by inserting, immediately after the words “an officer” wherever they appear in the section, the words “or a senior military expert”.

Amendment of section 177

36. Section 177 of the principal Act is amended by deleting the words “or warrant officer” in paragraph (a) and substituting the words “, warrant officer or military expert of or above the rank of ME3”.

5 **Amendment of section 178**

37. Section 178 of the principal Act is amended —

- (a) by inserting, immediately after the words “An officer” in subsection (1), the words “or a senior military expert”;
- 10 (b) by inserting, immediately after the words “A warrant officer” in subsection (2), the words “, or a military expert of the rank of ME3,”; and
- (c) by inserting, immediately after the words “rank of warrant officer” in subsection (2), the words “or ME3”.

Amendment of section 179

15 **38.** Section 179(2) of the principal Act is amended by deleting the words “or a warrant officer” in paragraph (a) and substituting the words “, a warrant officer or a military expert of or above the rank of ME3”.

Amendment of section 182A

20 **39.** Section 182A of the principal Act is amended by inserting, immediately after the words “any officer” in the definition of “Bail Officer”, the words “or senior military expert”.

Amendment of section 197

40. Section 197(6) of the principal Act is amended —

- 25 (a) by inserting, immediately after the words “an officer” in paragraph (a), the words “or a senior military expert”; and
- (b) by inserting, immediately after the words “the officer”, the words “, senior military expert”.

Amendment of section 201C

30 **41.** Section 201C(9) of the principal Act is amended by deleting sub-paragraphs (ii) and (iii) of paragraph (a) and substituting the following sub-paragraphs:

“(ii) the rank of “sergeant” were references to the rank of third sergeant or ME1 (depending on whether the holder of that rank is a military expert); and

5 (iii) the rank of “inspector” were references to the rank of second lieutenant or ME4 (depending on whether the holder of that rank is an officer or a senior military expert);”.

Amendment of section 201E

10 **42.** Section 201E(5) of the principal Act is amended by inserting, immediately after the words “a warrant officer”, the words “, a military expert of or above the rank of ME3”.

Amendment of section 204

43. Section 204 of the principal Act is amended —

15 (a) by inserting, immediately after the words “an officer” wherever they appear in subsection (1), the words “or a senior military expert”; and

(b) by inserting, immediately after the words “Every officer” in subsection (2), the words “or senior military expert”.

Amendment of section 205

44. Section 205 of the principal Act is amended —

20 (a) by inserting, immediately after the word “servicemen” in paragraph (b), the words “in the uniformed services (including the military domain experts service)”;

(b) by deleting the word “(NUSAF)” in paragraph (c); and

(c) by deleting the words “officers and other” in paragraph (u).

25 New section 205D

45. The principal Act is amended by inserting, immediately after section 205C, the following section:

“Military domain experts service

30 **205D.**—(1) The Armed Forces Council may, in making any regulations under section 205(j), provide for the rank of a serviceman

to be changed upon his transfer from the military domain experts service to any other uniformed service, or vice versa.

(2) A change in the rank of a serviceman upon his transfer from the military domain experts service to any other uniformed service, or vice versa, shall not be treated as a reduction in the rank of the serviceman.

(3) The Armed Forces Council may, in making any regulations under section 205 or 205A, provide for —

(a) any regular serviceman who opts to transfer to the military domain experts service to opt for the provident fund scheme applicable to non-pensionable employees of the Government under the Central Provident Fund Act (Cap. 36); and

(b) the terms and conditions of such option.”.

Related amendments to Enlistment Act

46. Section 2 of the Enlistment Act (Cap. 93) is amended —

(a) by inserting, immediately after the words “armed forces” in paragraph (a) of the definition of “person subject to this Act”, the words “or a senior military expert”; and

(b) by inserting, immediately after the definition of “regular serviceman”, the following definition:

““senior military expert” has the same meaning as in the Singapore Armed Forces Act;”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Singapore Armed Forces Act (Cap. 295) mainly to provide for the introduction of the military domain experts service, and to make related amendments to section 2 of the Enlistment Act (Cap. 93).

Clause 1 relates to the short title and commencement.

Clause 2(a) amends the definition of “commander” in section 2(1) to enable a senior military expert to be a commander for the purposes of the Act.

Clause 2(b) amends the definition of “convening authority” in section 2(1) to enable a senior military expert of or above the rank of ME5 to be appointed by the Armed Forces Council as the convening authority for general courts martial.

Clause 2(c) and (d) inserts new definitions for “military expert” and “senior military expert”, respectively, in section 2(1). A military expert is a serviceman in the military domain experts service. A senior military expert is a military expert of or above the rank of ME4.

Clause 2(e) deletes and substitutes the definition of “serviceman” in section 2(1) —

- (a) to extend that definition to cover a military expert, as a consequence of the introduction of the military domain experts service; and
- (b) to make express reference in that definition to a non-uniformed serviceman, as a consequence of the exclusion of any non-uniformed serviceman from the ambit of the definition of “soldier” in section 2(1) (by clause 2(f)).

Clause 2(f) deletes and substitutes the definition of “soldier” in section 2(1) to exclude, from the ambit of that definition, any senior military expert and any non-uniformed serviceman.

Clause 2(g) amends section 2(2)(d) to make it consistent with other Singapore legislation. Generally, the expression “an officer” is used in Singapore legislation to refer to a public officer, and not necessarily to an officer of the Singapore Armed Forces.

Clause 3 deletes and substitutes section 5(4)(a) —

- (a) to make express reference therein to the service grade of a non-uniformed serviceman, as a regular serviceman in the non-uniformed service does not have a rank; and
- (b) to clarify that it is to be read subject to section 5(4)(c), and that where a regular serviceman who is discharged or released from regular service remains liable to render operationally ready national service, he shall be regarded, for the purposes of section 5(2) and (3), as having the rank that he holds as an operationally ready national serviceman, and not the rank or service grade that he held on the day of his discharge or release as a regular serviceman.

Clause 4 inserts a new section 10C to provide for the appointment of senior military experts by the President or by the proper authority, who or which may, without assigning any reason, cancel any such appointment.

Clause 5 amends section 11(2)(a) to make it a military offence for a person subject to military law to fail, in certain circumstances, to use his utmost exertions to carry the lawful orders of his superiors (being officers or senior military experts) into execution.

Clause 6 amends section 39 to make it a military offence for an officer, a warrant officer or a military expert of or above the rank of ME3 who is involved in the convoying and protection of a vessel to —

- (a) fail to defend a vessel or goods in his convoy;
- (b) refuse to fight in the defence of a vessel in his convoy when it is attacked; or
- (c) cowardly abandon or expose a vessel in his convoy to hazards.

Clause 7(a) deletes and substitutes the definition of “junior disciplinary officer” in section 60 to enable a military expert of or above the rank of ME3 to be a junior disciplinary officer for the purposes of Part IV.

Clause 7(b) deletes the definition of “private” in section 60 as a consequence of the amendment of section 68 by clause 9(b).

Clause 7(c) —

- (a) deletes and substitutes the definition of “senior disciplinary officer” in section 60 to enable a senior military expert to be a senior disciplinary officer for the purposes of Part IV; and
- (b) deletes and substitutes the definition of “superior commander” in section 60 to enable a senior military expert to be a superior commander for the purposes of Part IV.

Clause 8(a), (b), (c), (d) and (e) amends section 62(2), (2A), (3), (4) and (5), respectively, to provide for how a charge against a military expert is to be dealt with. If the accused is a senior military expert of the rank of ME7, the charge shall be brought before the Chief of Defence Force. If the accused is a senior military expert of the rank of ME6, the charge shall be brought before any Service Chief. If the accused is a senior military expert below the rank of ME6, the charge shall be brought before a superior commander at least 2 ranks above him. If the accused is a military expert of the rank of ME3, the charge shall be brought before a superior commander. If the accused is a military expert below the rank of ME3, the charge shall be brought before a junior disciplinary officer.

Clause 9 amends section 68 —

- (a) to provide for the punishments which a junior disciplinary officer may impose upon the conviction of an accused who is a military expert below the rank of ME3; and
- (b) to empower a junior disciplinary officer to sentence servicemen holding trainee ranks which are equivalent to the rank of private to undergo detention for a period not exceeding 10 days.

Clause 10 amends section 69(1) to provide for the punishments which a senior disciplinary officer may impose upon the conviction of an accused who is a military expert below the rank of ME3.

Clause 11 amends section 70(1) to provide for the punishments which a superior commander may impose upon the conviction of an accused who is a military expert of the rank of ME3, ME4 or ME5.

Clause 12 amends section 70A(1) to provide for the punishments which a Service Chief may impose upon the conviction of an accused who is a senior lieutenant-colonel or a senior military expert of the rank of ME6.

Clause 13 amends section 70B(1) to provide for the punishments which the Chief of Defence Force may impose upon the conviction of an accused who is a senior lieutenant-colonel or a senior military expert of the rank of ME6 or ME7.

Clause 14(a) amends section 72(1) to expressly empower a Senior Disciplinary Committee to deal summarily with a charge against an officer in the navy of or above the rank of rear admiral (one-star), and to empower a Senior Disciplinary Committee to deal summarily with a charge against a senior military expert of the rank of ME8.

Clause 14(b) amends section 72(2) to empower a Senior Disciplinary Committee to deal with a charge against a senior military expert of the rank of ME7 in certain circumstances.

Clause 14(c) and (d) makes technical amendments to section 72(4) to require the members of a Senior Disciplinary Committee to be equivalent or superior in rank to (as opposed to of or above the rank of) the accused, or to each hold an appointment equivalent or superior to (as opposed to of or above) that held by the accused.

Clause 15 amends section 75(3)(b) to enable the Armed Forces Council to appoint a senior military expert to exercise certain powers under section 75(1).

Clause 16 amends section 78(2) to enable the Armed Forces Council to authorise a senior military expert to exercise certain powers under that provision.

Clause 17 amends section 80A(1) to enable the convening authority to appoint senior military experts to the general courts martial panel.

Clause 18(a) and (e) amends section 81(3), (4)(a) and (6)(a) and (b) to enable a senior military expert of the requisite rank and qualifications to be the president of a judge court martial or panel court martial.

Clause 18(b), (c) and (d) amends section 81(4), (5) and (6)(c) to enable a senior military expert to be a member of a panel court martial, subject to any condition as to the ranks of the members of the panel court martial where the accused is of or above the rank of lieutenant-colonel or ME6. Clause 18(d) also amends section 81(6) to provide for the rank of the president of a judge court martial, and the ranks of the president and members of a panel court martial, in a case where the accused is a senior military expert of or above the rank of ME6.

Clause 19 makes a technical amendment to section 82(2) by deleting and substituting the reference therein to “a member of the judicial and legal service” with a reference to “an officer in the Singapore Legal Service”, which is the terminology used in Articles 111 and 111AA of the Constitution of the Republic of Singapore and in the Legal Profession Act (Cap. 161) to describe such a person.

Clause 20(a) amends section 83(3) to enable a senior military expert to be a member of a field general court martial.

Clause 20(b) deletes and substitutes section 83(4) to enable a senior military expert to be appointed as president of a field general court martial.

Clauses 21 and 22 amend sections 88(3)(b) and 89(1)(c) and (3), respectively, to enable the convening officer of a field general court martial to appoint a senior military expert to fill a vacancy in the field general court martial.

Clause 23 amends section 90(7) to align it with section 19(1)(a).

Clause 24 amends section 98(1) to provide for a document purporting to be signed by a military expert of or above the rank of ME3 in the course of his duty, and containing any particulars enumerated in section 98(1)(a) to (i), to be prima facie evidence of those particulars.

Clause 25 amends section 101 to provide for a transcript of a document referred to therein which is authenticated by a senior military expert to have the effect of the original and to be presumed correct.

Clause 26 amends section 102(1) to enable a senior military expert to represent an accused in his defence before a subordinate military court.

Clause 27 makes technical amendments to section 106 by deleting and substituting the references therein to “field military court” with references to “field general court martial”, which is the terminology used elsewhere in Part V to describe such a subordinate military court.

Clause 28 amends section 114(1) to enable a military expert of or above the rank of ME3 to require the documents referred to therein to be transmitted to him when a person subject to military law has been tried by any civil court.

Clause 29 amends section 115(2) to provide for a copy of the original proceedings of a subordinate military court to be admissible in evidence without proof of the signature of the president of the court, if it purports to be certified by a military expert of or above the rank of ME3 to be a true copy of such proceedings or of any part thereof.

Clause 30(a) deletes and substitutes section 118(1)(g) —

- (a) to provide that a warrant officer shall not be reduced below —
 - (i) the rank of third warrant officer, if he was appointed as a warrant officer on or after the date of commencement of clause 30(a); or
 - (ii) the rank of second warrant officer, if he was appointed as a warrant officer before that date; and
- (b) to provide that a senior military expert shall not be reduced below the rank of ME4.

Clause 30(b) amends section 118(4) to provide that a military expert of or above the rank of ME3 who is sentenced by a subordinate military court to imprisonment, special detention in a disciplinary barrack or detention shall also be sentenced to discharge with ignominy.

Clause 30(c) amends section 118(4A) to provide that a soldier (other than a warrant officer or a military expert of or above the rank of ME3) or a non-uniformed serviceman who is sentenced by a subordinate military court to imprisonment, special detention in a disciplinary barrack or detention may also be sentenced to discharge with ignominy.

Clause 30(d) amends section 118(6)(a) to provide that subject to section 112(1), the amount of a fine that may be awarded by a subordinate military court shall not exceed a sum of \$10,000, in the case of senior military experts.

Clause 30(e) amends section 118(6)(b) to provide that subject to section 112(1), the amount of a fine that may be awarded by a subordinate military court shall not exceed a sum of \$10,000, in the case of soldiers and non-uniformed serviceman. This is a technical amendment that is consequential to the exclusion of any non-uniformed serviceman from the ambit of the definition of “soldier” in section 2(1) (by clause 2(f)).

Clause 31 amends section 119(1) and (2) to enable a senior military expert placed in charge of a disciplinary barrack to award caning to a person serving a sentence of special detention in a disciplinary barrack who is found after due inquiry to be guilty of an aggravated disciplinary barrack offence.

Clause 32 amends section 127(1)(b) and (2) to enable senior military experts to be members of the Military Court of Appeal.

Clause 33 amends section 139(2) to empower the Armed Forces Council to bar any senior military expert from serving as a member of the Military Court of Appeal.

Clause 34 amends section 164 —

- (a) to empower a senior military expert to arrest, without a warrant of arrest —
 - (i) any serviceman of lower rank; and
 - (ii) any officer or senior military expert who is engaged in a quarrel, affray or disorder; and
- (b) to empower an officer to arrest, without a warrant of arrest, any senior military expert who is engaged in a quarrel, affray or disorder.

Clause 35 amends section 165 to provide that a serviceman (other than an officer or a senior military expert) may arrest, without a warrant of arrest, only any serviceman (other than an officer or a senior military expert) of lower rank.

Clause 36 amends section 177(a) to enable a military expert of or above the rank of ME3 to serve as an investigating officer.

Clause 37 amends section 178(1) and (2) to provide for restrictions on the powers of investigating officers who are military experts of or above the rank of ME3.

Clause 38 amends section 179(2)(a) to provide for the matters subsequent to the completion of an investigation into an offence involving persons subject to military law (being an offence that is not committed on active service) by an investigating officer who is a military expert of or above the rank of ME3.

Clause 39 amends the definition of “Bail Officer” in section 182A to enable a senior military expert to be appointed as a Bail Officer.

Clause 40 makes changes to section 197(6) that are consequential to the amendment of section 75(3)(b) by clause 15.

Clause 41 deletes and substitutes section 201C(9)(a)(ii) and (iii) to provide that for the purposes of the exercise by a serviceman, under section 201C(9)(a), of any powers conferred on a police officer by Chapters IV and XII and section 68 of the Criminal Procedure Code (Cap. 68), references in those provisions of the Criminal Procedure Code to the police rank of “sergeant” and the police rank of “inspector” shall be read as

if they were references to the rank of third sergeant or ME1 (depending on whether the holder of that rank is a military expert) and the rank of second lieutenant or ME4 (depending on whether the holder of that rank is an officer or a senior military expert), respectively.

Clause 42 amends the definition of “superior” in section 201E(5) to enable a military expert of or above the rank of ME3 to be a superior for the purposes of section 201E.

Clause 43 amends section 204(1) and (2) to provide for —

- (a) the making of complaints by a senior military expert who is equivalent or superior in rank to his commander; and
- (b) the making of complaints to senior military experts.

Clause 44(a) amends section 205(b) to expressly empower the Armed Forces Council to make regulations in respect of the ranks of servicemen in the military domain experts service.

Clause 44(b) makes a technical amendment to section 205(c) that is consequential to the rebranding of regular servicemen in the non-uniformed service (formerly known as NUSAF) as defence executive officers.

Clause 44(c) amends section 205(u) to remove the distinction therein between officers and other members of the staff of military prisons, disciplinary barracks and detention barracks, as the senior personnel of such institutions may comprise senior military experts instead of officers.

Clause 45 inserts a new section 205D to provide that —

- (a) the Armed Forces Council may in making any regulations under section 205(j), provide for the rank of a serviceman to be changed upon his transfer from the military domain experts service to any other uniformed service, or vice versa; and
- (b) a change in the rank of a serviceman upon any such transfer shall not be treated as a reduction in the rank of the serviceman.

This will enable the rank of a serviceman who is a senior military expert to be changed to a rank below the rank of second lieutenant, should it be necessary to transfer him from the military domain experts service to any other uniformed service for the purposes of his liability to render national service.

The new section 205D also provides that the Armed Forces Council may make regulations under section 205 or 205A to provide for regular servicemen who opt to transfer to the military domain experts service to opt for the provident fund scheme applicable to non-pensionable employees of the Government under the Central Provident Fund Act (Cap. 36), and for the terms and conditions of such option.

Clause 46 makes the following related amendments to section 2 of the Enlistment Act (Cap. 93):

- (a) clause 46(a) amends the definition of “person subject to this Act” to make a senior military expert who is more than 40 years of age, but not more than 50

years of age, a person subject to that Act and consequently liable, under section 13 of that Act, to render operationally ready national service; and

- (b) clause 46(b) inserts a new definition for the term “senior military expert” used in the amended definition of “person subject to this Act”.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
