

Police Force (Amendment) Bill

Bill No. 5/2015.

Read the first time on 29 January 2015.

A BILL

intituled

An Act to amend the Police Force Act (Chapter 235 of the 2006 Revised Edition), to make related amendments to the Fire Safety Act (Chapter 109A of the 2000 Revised Edition) in connection with fire forensic specialists, and to make consequential amendments to certain other written laws.

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 Police Force (Amendment) Act 2015 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(1) of the Police Force Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately before the definition of “arms”, the following definition:

10 ““accoutrement” includes surveillance equipment capable of being worn on the body for the purpose of recording a view of, or recording a conversation between, the wearer and another individual;”;

15 (b) by inserting, immediately after the definition of “auxiliary police officer”, the following definition:

““civilian police assistant” means an individual who is appointed under section 65C as a civilian police assistant;”;

20 (c) by deleting the definition of “Deputy Commissioner” and substituting the following definition:

25 ““Deputy Commissioner”, in relation to any provision in this Act or its subsidiary legislation, or in the Police General Orders, Force Orders or Standing Orders, means the Deputy Commissioner of Police designated by the Commissioner for the purposes of that provision;”;

30 (d) by inserting, immediately after the definition of “disciplinary officer”, the following definitions:

““emoluments” includes gross salary, the annual variable component, allowances (whether

monthly, annual or otherwise), bonuses and other benefits but not performance bonuses;

“forensic specialist” means an individual who is appointed under section 65A as a forensic specialist;”;

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(e) by inserting, immediately after the definition of “inspector”, the following definitions:

“law enforcement” means —

(a) activities carried on by any police officer or law enforcement officer in the exercise of any function, power or duty of such an officer in accordance with law with respect to the commission of offences; or

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(b) activities carried on by any police officer or law enforcement officer for the purpose of dealing with terrorism, civil unrest or public disorder;

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“law enforcement agency” means —

(a) the Central Narcotics Bureau;

(b) the Internal Security Department; or

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(c) any similar department or office of the Government prescribed by the Minister by notification in the *Gazette*;

“law enforcement officer” means —

(a) a narcotics officer appointed to the Narcotics Service;

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(b) an intelligence officer; or

(c) a public officer holding a post, or seconded to serve, in a law enforcement agency;

“lost property” means any movable property or cash that has been lost and whose owner is unknown at the time at which it is found;”;

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(f) by inserting, immediately after the definition of “national serviceman”, the following definition:

““owner”, in relation to property or cash, means the person who is entitled to possession of the property or cash;”;

(g) by inserting, immediately after paragraph (c) of the definition of “security activity”, the following paragraph:

“(ca) the detention or arrest of individuals that police officers or law enforcement officers are authorised under written law to apprehend;”;
and

(h) by inserting, immediately after the definition of “substantial shareholder”, the following definitions:

““unclaimed property” means any lost property that has been in the custody of the Police Force for the period specified in section 108(2) and in relation to which —

(a) there is no person who appears, to the satisfaction of the Commissioner, to be the owner of the lost property;

(b) there is such a person but that person has not been located after reasonable inquiry;
or

(c) there is such a person but that person has not exercised his right to recover the lost property;

“volunteer ex-NSman” means a special police officer enrolled under section 68 as a volunteer ex-NSman;”.

Amendment of section 4

3. Section 4(2) of the principal Act is amended by deleting paragraph (k) and substituting the following paragraph:

“(k) taking action for the safe custody of lost property and for the disposal of unclaimed property;”.

Amendment of section 16

4. Section 16 of the principal Act is amended by deleting the word “pay” in subsections (1)(b) and (4) and substituting in each case the word “emoluments”.

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Amendment of section 17

5. Section 17 of the principal Act is amended —

(a) by inserting, immediately after the words “Except as otherwise specially provided in section 18” in subsection (1), the words “or 110A”; and

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(b) by deleting the words “where the Deputy Commissioner” in subsection (2) and substituting the words “where a Deputy Commissioner”.

Amendment of section 18

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6. Section 18 of the principal Act is amended —

(a) by deleting the words “the Deputy Commissioner to” in subsection (1) and substituting the words “a Deputy Commissioner to”; and

(b) by inserting, immediately after subsection (2), the following subsection:

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“(2A) Whenever by any written law power is given to the Commissioner to hear an appeal against any decision, and the decision-maker is a police officer who, if not for this subsection, may hear that appeal, then despite section 17(1), the appeal must be heard and determined by —

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(a) the Commissioner in person (and no other); or

(b) if the Commissioner is absent or incapable for any reason of hearing and determining that appeal, a public officer who is not the decision-maker whose decision is appealed against and

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not subordinate to that decision-maker, and is designated by the Minister to hear and determine that appeal.”.

Amendment of section 25

5 7. Section 25 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(4) Where this section provides to a police officer relief from liability, the section shall also extend to apply to a forensic specialist assisting that police officer in the course of his duty as a forensic specialist in accordance with section 65B.”.

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Amendment of section 26

8. Section 26(2) of the principal Act is amended by deleting the words “\$1,000 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$5,000 or to imprisonment for a term not exceeding 12 months”.

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Amendment of section 28

9. Section 28(1) of the principal Act is amended by inserting, immediately after the words “Public Service Commission”, the words “in accordance with the regulations governing disciplinary proceedings against officers in the public service”.

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Amendment of section 29

10. Section 29 of the principal Act is amended —

(a) by deleting the words “or suspended” in subsection (1);

(b) by deleting paragraphs (a) and (b) of subsection (1) and substituting the following paragraphs:

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“(a) the police officer is charged in court for an offence and the Commissioner is of the opinion that the nature and gravity of the offence warrants the police officer’s interdiction;

(b) the police officer is being investigated for having committed an offence under any

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written law and the Commissioner considers that it is undesirable for that officer to continue to exercise the powers or perform the duties of a police officer;

- (c) disciplinary proceedings under this Part that may result in the police officer's dismissal, reduction in rank or retirement in the public interest are or are to be instituted under this Part; or 5
- (d) the Commissioner considers that it is otherwise in the public interest that the police officer should immediately cease to exercise the powers and perform the duties of a police officer."}; 10
- (c) by deleting the words "salary to be" in subsection (2) and substituting the words "emoluments as the Commissioner thinks fit to be"; and 15
- (d) by deleting subsection (3) and substituting the following subsections:
 - "(3) If disciplinary proceedings started against a police officer below the rank of inspector under this Part result in the police officer's dismissal, the Commissioner may order the forfeiture of all or any of the emoluments which the police officer would have enjoyed but for the police officer's dismissal. 20
 - (4) If disciplinary proceedings started against a police officer below the rank of inspector under this Part result in a disciplinary measure other than dismissal — 25
 - (a) where the police officer's emoluments (other than increments) have been withheld, the Commissioner may order the forfeiture of the whole or a part of the withheld emoluments or that the withheld emoluments or a part of it be restored; and 30
 - (b) where the police officer's increment has been withheld, the Commissioner may order the 35

forfeiture of the whole or a part of the withheld increment or that the withheld increment or a part of it be restored.

5 (5) If the Commissioner decides that no disciplinary proceedings are to be started under this Part against a police officer who is interdicted under subsection (1), or if any such disciplinary proceedings started against the police officer do not result in any disciplinary measure being imposed on him, the police officer is to be entitled to the full amount of the emoluments (including increments) withheld as a result of his interdiction.

10 (6) When directing that any withheld increment or part of any withheld increment be restored under subsection (4)(b), the Commissioner must specify the date from which the increment is to be restored.

15 (7) To avoid doubt, nothing in this section affects section 42.”.

Amendment of section 30

11. Section 30 of the principal Act is amended —

20 (a) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) the police officer is interdicted under section 29 from the performance of duty;”; and

25 (b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

30 “(2) Except with the written permission of the Commissioner, no police officer below the rank of inspector shall, during any period referred to in subsection (1), leave Singapore before disciplinary proceedings against that police officer under this Part are concluded.”.

Amendment of section 32

12. Section 32 of the principal Act is amended —

- (a) by inserting, immediately after the words “governing disciplinary proceedings” in subsection (1), the words “against officers”; and
- (b) by inserting, immediately after the words “be retired” in subsection (2)(b), the words “in the public interest”.

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Amendment of section 34

13. Section 34(1) of the principal Act is amended by deleting the word “pay” and substituting the word “emoluments”.

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Amendment of section 36

14. Section 36(1) of the principal Act is amended by deleting the word “pay” and substituting the word “emoluments”.

Amendment of section 40

15. Section 40 of the principal Act is amended —

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- (a) by deleting the words “compulsory retirement” in subsection (2)(a) and substituting the words “retirement in the public interest”;
- (b) by deleting paragraph (c) of subsection (2) and substituting the following paragraph:

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“(c) stoppage of increment for up to 2 years;”;

- (c) by deleting subsection (3) and substituting the following subsections:

“(3) A disciplinary officer who is not a commanding officer but is an officer authorised by a commanding officer to conduct disciplinary proceedings against a police officer below the rank of inspector (called in this subsection and subsection (3A) the defendant police officer) may, after giving the defendant police officer a reasonable opportunity to be heard in accordance with this Act and the Police Regulations and if that

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disciplinary officer is satisfied on the evidence as to the defendant police officer's guilt —

(a) order that the defendant police officer be subject to any one of the punishments specified in subsection (2)(b) to (h); or

(b) recommend in writing to the commanding officer that the defendant police officer should be dismissed or retired in the public interest from the Police Force, together with a report containing a record of the proceedings conducted by the disciplinary officer and the grounds for the recommendation.

(3A) Upon receipt of any written recommendation and report under subsection (3)(b) from a disciplinary officer with respect to a defendant police officer below the rank of inspector, the commanding officer may, after reviewing that report, by order —

(a) quash any finding of guilt made by the disciplinary officer and acquit the defendant police officer if the commanding officer is of the opinion that —

(i) the finding is illegal or cannot be supported by the evidence; or

(ii) the disciplinary proceedings conducted by the disciplinary officer were not in accordance with any provision in this Part or the Police Regulations,

and, where appropriate, refer the case to another disciplinary officer recommending that disciplinary proceedings be re-instituted against the defendant police officer; or

(b) dismiss the defendant police officer, or order the defendant police officer's retirement in the public interest, from the Police Force or

substitute another punishment referred to in subsection (2)(b) to (h).”;

- (d) by deleting the words “specified in subsection (2)” in subsections (4) and (5) and substituting in each case the words “imposed under subsection (2), (3)(a) or (3A)(b)”;
- (e) by deleting the word “salary” in subsection (4)(b) and substituting the words “gross monthly salary”;
- (f) by deleting the word “salary” in subsection (5)(a) and substituting the word “emoluments”;
- (g) by deleting the words “commanding officer” in subsection (5)(a) and substituting the words “disciplinary officer”;
- (h) by deleting the words “injury to” in subsection (5)(b) and substituting the words “damage to”;
- (i) by deleting subsection (6) and substituting the following subsection:
- “(6) Where an order is made by a disciplinary officer under subsection (2), (3)(a), (3A)(b), (4) or (5) against a police officer below the rank of inspector, that police officer may, not later than the 30th day after the date the order is served on the police officer, appeal to a Disciplinary Appeal Committee against any punishment imposed by, or against any finding of guilt in, the disciplinary officer’s order.”;
- (j) by deleting the words “any punishment awarded, the punishment” in subsection (7) and substituting the words “any order under subsection (2), (3)(a), (3A)(b), (4) or (5), the punishment awarded by that order”;
- (k) by deleting subsection (8) and substituting the following subsection:
- “(8) A Disciplinary Appeal Committee may determine an appeal under subsection (6) against an order of a disciplinary officer —

(a) by confirming any finding of guilt or punishment ordered by the disciplinary officer;

(b) by quashing any finding of guilt or punishment ordered by the disciplinary officer and, if the Disciplinary Appeal Committee is of the opinion that the case against the appellant should be re-tried, by ordering the case to be re-tried by another disciplinary officer;

(c) by replacing any finding by the disciplinary officer that, in the opinion of the Disciplinary Appeal Committee, is illegal or cannot be supported by the evidence with a new finding that could validly have been made by the disciplinary officer on the charge and on the facts; or

(d) by varying the punishment by way of enhancement, reduction, substitution or otherwise except that no greater or more severe punishment shall be ordered unless the appellant has been given a reasonable opportunity of being heard,

and the decision of the Disciplinary Appeal Committee in any such appeal is final.”;

(l) by inserting, immediately after the words “ordered to be retired” in subsection (9), the words “in the public interest”; and

(m) by deleting the words “his pay” in subsection (10)(a) and substituting the words “the whole or part of any of his emoluments”.

New section 40A

16. The principal Act is amended by inserting, immediately after section 40, the following section:

“Disciplinary Appeal Committees

40A.—(1) There are to be one or more Disciplinary Appeal Committees to hear appeals under section 40(6) by a police officer below the rank of inspector.

(2) The Minister is to appoint a panel consisting of such number of commanding officers as the Minister may consider necessary for the purpose of constituting a Disciplinary Appeal Committee to hear an appeal under section 40(6). 5

(3) Whenever an appeal under section 40(6) is made, there shall be constituted a Disciplinary Appeal Committee to hear the appeal, comprising — 10

(a) the Commissioner; and

(b) 2 other commanding officers selected by the Commissioner from the panel of such officers appointed by the Minister under subsection (2). 15

(4) Where an appeal under section 40(6) is made against a decision of a commanding officer, that commanding officer must not be selected under subsection (3) to be a member of the Disciplinary Appeal Committee constituted to hear that appeal.

(5) Unless otherwise provided by or under this Act, a Disciplinary Appeal Committee may determine the procedure to be adopted by it in considering an appeal under section 40(6).” 20

Amendment of section 42

17. Section 42 of the principal Act is amended — 25

(a) by inserting, immediately after the words “or dismissed” in subsection (1), the words “, or retired in the public interest”;

(b) by inserting, immediately after the words “is dismissed” in subsection (2), the words “or retired in the public interest from the Police Force”; 30

(c) by deleting the word “pay” in subsection (2) and substituting the word “emoluments”; and

(d) by inserting, immediately after the words “or dismissal” in the section heading, the word “, etc.,”.

Amendment of heading to Part VII

5 **18.** Part VII of the principal Act is amended by inserting, immediately after the words “POLICE POWERS” in the Part heading, the words “, FORENSIC SPECIALISTS AND CIVILIAN POLICE ASSISTANTS”.

New sections 65A to 65D

10 **19.** The principal Act is amended by inserting, immediately after section 65, the following sections:

“Forensic specialists

65A.—(1) The Minister may, in writing, appoint any of the following individuals to be forensic specialists:

- 15 (a) a Division I, II or III public officer who is not a police officer but is employed in the offices of the Police Force or a law enforcement agency;
- (b) an individual (who is not a public officer) with suitable qualifications or experience to properly exercise the powers of a forensic specialist.

20 (2) The Minister may, for any reason that appears to the Minister to be sufficient, at any time revoke an individual’s appointment as a forensic specialist.

25 (3) The Commissioner must issue to each forensic specialist an identification card, which must be carried at all times by the forensic specialist when exercising powers under any provision in this Act or in any other written law.

 (4) A forensic specialist whose appointment as such ceases must return any identification card issued to him under subsection (3) to the Commissioner.

30 (5) A forensic specialist is to be issued with such accoutrements or equipment, or such description of accoutrements or equipment, as the Commissioner may

determine to be necessary for the effectual discharge of the duties of a forensic specialist, such as but not limited to handcuffs or cable ties, batons and defensive weapons.

(6) A forensic specialist is not a member of the Police Force.

(7) An individual referred to in subsection (1)(b) who is appointed as a forensic specialist under that subsection does not, by virtue only of that appointment, become an employee or agent of the Government.

(8) A forensic specialist who is a public officer is subject to the same disqualifications as a police officer as is specified in section 16(1), and any reference in section 16(2) to a police officer includes a reference to a forensic specialist.

Powers of forensic specialists

65B.—(1) The Commissioner must, in writing, issue to each forensic specialist an authorisation —

- (a) specifying such power as is specified in subsection (3) that the forensic specialist may exercise; and
- (b) specifying the police officer or class of police officers, or the law enforcement officer or class of law enforcement officers, the forensic specialist is to assist by the exercise of those powers.

(2) However, to avoid doubt, the Commissioner cannot authorise under subsection (1) a forensic specialist to arrest any individual.

(3) The powers that a forensic specialist may be authorised under subsection (1) by the Commissioner to exercise may be all or any of the following, and no others:

- (a) to secure a crime scene against unauthorised disturbance to the extent authorised by a warrant or directed by the police officer or law enforcement officer whom the forensic specialist is so authorised to assist, including (but not limited to) —

- (i) preventing any unauthorised individual, animal or vehicle from disturbing or entering the crime scene;
- 5 (ii) restricting entry to the crime scene to people, animals, and vehicles, that are authorised;
- (iii) removing any unauthorised individual, animal or vehicle from the crime scene;
- 10 (iv) if the crime scene is established in or around a vehicle, preventing the vehicle from being moved;
- (v) preventing a thing relevant to the offence to which a crime scene relates from being concealed or disturbed; and
- 15 (vi) preventing an individual from removing evidence from or otherwise interfering with the crime scene or anything in it and, for that purpose, detain and search the individual;
- (b) to search a crime scene, and any individual at or within the vicinity of the crime scene, to the extent authorised by a warrant or directed by the police officer or law enforcement officer whom the forensic specialist is so authorised to assist, including (but not limited to) any of the following to obtain evidence of the commission of an offence:
 - 20 (i) opening anything at the crime scene, or in the possession of the individual, that is locked and to inspect anything in it;
 - (ii) removing or causing to be removed an obstruction from the crime scene;
 - 30 (iii) digging up anything at the crime scene, removing roofing material, wall or ceiling linings or floors of a building, or panels of a vehicle that is a crime scene;

- (iv) photographing or otherwise recording the crime scene and any thing or individual in it;
- (v) taking into and using in the crime scene any equipment or facilities that are reasonably necessary in order to search or inspect in accordance with any warrant or the directions of the police officer or law enforcement officer the forensic specialist is so authorised to assist; 5
- (vi) making reasonable use of any equipment, facilities or services in the crime scene to operate the equipment or facilities referred to in sub-paragraph (v), and taking electricity, gas, water or any other utility for such use in the crime scene; 10
- (vii) exercising any power of a police officer under sections 34, 35, 39 and 40 of the Criminal Procedure Code (Cap. 68) at the crime scene in accordance with any warrant or the directions of the police officer or law enforcement officer the forensic specialist is so authorised to assist; 15 20
- (c) to seize and detain all or part of a thing that might provide evidence of the commission of an offence to the extent authorised by a warrant or directed by the police officer or law enforcement officer whom the forensic specialist is so authorised to assist; 25
- (d) to do a forensic examination, whether at a crime scene or otherwise, on a thing relevant to an offence or a sample of such a thing;
- (e) to carry out any forensic procedure on any individual, whether at a crime scene or otherwise, in accordance with Part III or IV of the Registration of Criminals Act (Cap. 268), for the purpose of searching for a thing, or evidence of a thing — 30
 - (i) that is relevant to an offence that is reasonably suspected to have been committed; and 35

(ii) the existence or absence of which on or in the body of the individual is relevant to the investigation of the offence;

(f) to take statements from individuals to the extent directed by the police officer or law enforcement officer the forensic specialist is so authorised to assist, and to require such an individual to make and sign a declaration of the truth of the statement made by the individual;

(g) to exercise such other powers and perform such other duty as may be conferred by any other written law on forensic specialists.

(4) The Commissioner's written authorisation under subsection (1) for a forensic specialist may do all or any of the following:

(a) limit the powers in subsection (3) that the forensic specialist may exercise;

(b) limit when the forensic specialist may exercise his powers in subsection (3) or any of them;

(c) limit where in Singapore the forensic specialist may exercise his powers in subsection (3) or any of them;

(d) limit the circumstances in which the forensic specialist may exercise his powers in subsection (3) or any of them;

(e) limit the offences in respect of which the forensic specialist may exercise his powers in subsection (3) or any of them;

(f) limit the purposes for which the forensic specialist may exercise his powers in subsection (3) or any of them.

(5) A forensic specialist who is authorised under subsection (1) to exercise any power under subsection (3) to assist a police officer or law enforcement officer specified in that authorisation (specially or by class) is —

(a) to exercise that power only to assist the police officer or law enforcement officer, or officer in that class (as the

case may be) where the officer is exercising in Singapore a power or discharging any duty, under this Act or any other written law, for purposes of law enforcement; and

- (b) to obey all lawful directions (general or specific) of the Commissioner, and that police officer or law enforcement officer (as the case may be), when exercising that power. 5

(6) Without prejudice to section 25, where any law or written law protects —

- (a) a police officer from liability for the police officer's acts or omissions; or 10
- (b) a law enforcement officer from liability for the law enforcement officer's acts or omissions,

that law or written law shall be taken to operate as if those acts or omissions include the forensic specialist's acts or omissions when acting in the course of his duty as a forensic specialist in accordance with the written authorisation of the Commissioner under subsection (1) and with subsection (5). 15

(7) Without prejudice to section 25, in any action brought against any forensic specialist for anything done in obedience to a warrant, or any forensic specialist acting in the course of his duty as such in assisting a law enforcement officer for anything done in obedience to a warrant — 20

- (a) the forensic specialist shall not be responsible for any irregularity in the issuing of the warrant because of any want of jurisdiction in the court issuing that warrant; and 25
- (b) upon the warrant being produced and proved at the trial of the action and upon it being proved that the act complained of was done in obedience to the warrant, verdict and judgment must be given for the forensic specialist, despite any such irregularity or want of jurisdiction, and the forensic specialist shall recover his costs, 30

and this subsection is to apply whether or not it is an action that is brought jointly against the law enforcement officer and forensic specialist.

(8) To avoid doubt —

- 5 (a) a forensic specialist does not cease to be acting on the direction of a police officer or law enforcement officer by reason only that that officer is not present at all times when the forensic specialist exercises any power under subsection (3);
- 10 (b) a forensic specialist is not to be regarded as a member of the Police Force for the purposes of section 14 of the Government Proceedings Act (Cap. 121); and
- 15 (c) nothing in this section shall limit the powers of any authority to investigate accidents under any written law for the time being in force relating to air navigation or merchant shipping.

(9) A forensic specialist who, in the course of his duty as a forensic specialist, exercises any power in subsection (3) in accordance with the written authorisation of the Commissioner under subsection (1) and with subsection (5) shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.

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(10) In this section —

“crime scene” means —

- 25 (a) any place or vehicle where an offence was committed or is reasonably suspected to have been committed; or
- (b) any place or vehicle associated with, or relevant to, the commission or suspected commission of an offence;
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“forensic examination”, in relation to any thing, means doing one or all of the following:

- (a) examining or operating the thing;

- (b) photographing, measuring or otherwise making a record of the thing;
 - (c) taking an impression or making a cast of the thing;
 - (d) taking samples of or from the thing;
 - (e) doing tests on the thing, or on any sample taken under paragraph (d), for forensic purposes, 5
and includes dismantling, damaging or destroying the thing if it is reasonably necessary to do so in order to do all or any of the above;
- “forensic procedure”, in relation to an individual, includes 10
doing one or all of the following in relation to the individual:
- (a) taking a sample of a nail or from under a nail of an individual;
 - (b) taking an impression or cast of a wound from the external parts of the individual’s body other than the individual’s private parts; 15
 - (c) the taking of physical measurements (whether or not involving marking) for biomechanical analysis of an external part of the body other than the individual’s private parts; 20
 - (d) taking of prints of the individual’s hands, fingers, feet or toes;
 - (e) taking from the individual a sample of blood, a sample of head hair (including the roots thereof) or other body samples within the meaning of the Registration of Criminals Act; 25
 - (f) taking a swab, or using other means, to detect a relevant thing on the external parts of the individual’s body other than the individual’s private parts; 30
 - (g) searching the individual (including the mouth);

(h) removing any article that the individual is wearing, and searching any article so removed;

(i) removing a relevant thing attached physically to those external parts of the individual's body or taking a sample of that relevant thing;

(j) photographing any relevant thing in the position it is found on the external parts of the individual's body, or in the individual's mouth;

“photograph” includes a digital image and a moving visual record;

“seize and detain”, in relation to any thing at a crime scene, includes a power to remove the thing from the crime scene when it is found and a power to guard the thing in or on the crime scene;

“vehicle” includes a vessel and an aircraft;

“warrant” means a warrant of a court.

Civilian police assistants

65C.—(1) The Minister may in writing appoint an individual (who may or may not be a public officer) to be a civilian police assistant to assist police officers in maintaining peace and good order in any particular area in Singapore.

(2) The Minister may, for any reason that appears to the Minister to be sufficient, at any time revoke an individual's appointment as a civilian police assistant.

(3) The Commissioner must issue to each civilian police assistant an identification card, which must be carried at all times by the civilian police assistant when exercising powers under any provision in this Act or in any other written law.

(4) A civilian police assistant whose appointment as such ceases must return any identification card issued to him under subsection (3) to the Commissioner.

(5) A civilian police assistant is to be issued with such accoutrements or equipment, or such description of

accoutrements or equipment, as the Commissioner may determine to be necessary for the effectual discharge of the duties of a civilian police assistant, such as but not limited to batons.

(6) A civilian police assistant is not a member of the Police Force. 5

(7) An individual who is appointed as a civilian police assistant under subsection (1) does not, by virtue only of the appointment, become an employee or agent of the Government.

Powers of civilian police assistants 10

65D.—(1) The Commissioner must, in writing, issue to each civilian police assistant an authorisation specifying such power as is specified in subsection (3) that the civilian police assistant may exercise, and no other powers.

(2) The powers that a civilian police assistant may be authorised under this section to exercise may be exercised — 15

(a) only to the extent authorised by the Commissioner under this section and directed by a police officer; and

(b) only in any case where an individual is suspected of making such noise in any premises or in any public place as to cause annoyance or inconvenience to the occupier of any other premises in the vicinity or to any person lawfully in a public place. 20

(3) The powers that a civilian police assistant may be authorised under this section to exercise are all or any of the following: 25

(a) to ask the individual suspected of making such noise to state the individual's name and residence;

(b) to advise the individual to abate the nuisance;

(c) to take statements from — 30

(i) the individual referred to in paragraph (a);

(ii) any complainant against the individual referred to in paragraph (a); or

(iii) any other individual who may assist in the investigation of the case described in subsection (2)(b);

(d) to require any individual or complainant referred to in paragraph (c) to make and sign a declaration of the truth of the statement he makes;

(e) to give or deliver to any such individual alleged to have committed an offence an offer of composition made by a duly authorised police officer.

(4) The Commissioner's authorisation under subsection (1) for a civilian police assistant may also do all or any of the following:

(a) limit the powers in subsection (3) that the civilian police assistant may exercise;

(b) limit when the civilian police assistant may exercise his powers in subsection (3) or any of them;

(c) limit where in Singapore the civilian police assistant may exercise his powers in subsection (3) or any of them;

(d) limit the circumstances in which the civilian police assistant may exercise his powers in subsection (3) or any of them.

(5) A civilian police assistant who is authorised under subsection (1) to exercise any power under subsection (3) —

(a) must obey all lawful directions (general or specific) of the Commissioner and a police officer when exercising that power; and

(b) shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.

(6) Without prejudice to subsection (5), where any law or written law protects, a police officer from liability for the police officer's acts or omissions, that law or written law shall be taken

to operate as if those acts or omissions included the civilian police assistant's acts or omissions when acting in the course of his duty as a civilian police assistant in accordance with —

(a) the written authorisation of the Commissioner under subsection (1); and

5

(b) the lawful directions (general or specific) of the Commissioner and a police officer.

(7) To avoid doubt —

(a) a civilian police assistant does not cease to be acting on the direction of a police officer by reason only that the police officer is not present at all times; and

10

(b) a civilian police assistant is not to be regarded as a member of the Police Force for the purposes of section 14 of the Government Proceedings Act (Cap. 121).

15

(8) In this section, “abate”, for noise, includes prevent, reduce, eliminate and control the noise.

(9) Nothing in section 65C or this section derogates from the powers of the Director-General of Public Health under Part V of the Environmental Public Health Act (Cap. 95), or section 15 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184).”.

20

Amendment of section 66

20. Section 66(2) of the principal Act is amended by inserting, immediately after the word “volunteers” in paragraph (c), the words “and volunteer ex-NSmen”.

25

Amendment of section 67

21. Section 67(2) of the principal Act is amended by inserting, immediately after the word “volunteer” in paragraph (c), the words “or a volunteer ex-NSman”.

30

Amendment of section 68

22. Section 68 of the principal Act is amended —

(a) by inserting, immediately after subsection (2), the following subsection:

5 “(2A) Despite subsection (2), the Commissioner may enrol under this section, as a volunteer ex-NSman in the Special Constabulary, any former operationally ready national serviceman who had enlisted in the Special Constabulary where —

10 (a) the Commissioner wants that former operationally ready national serviceman to continue to serve as a member of the Special Constabulary; and

15 (b) the operationally ready national serviceman is offering his service.”;

(b) by inserting, immediately after the word “volunteer” in subsection (3), the words “or a volunteer ex-NSman”;

(c) by deleting the word “allowances” in subsection (3) and substituting the word “emoluments”; and

20 (d) by inserting, immediately after the word “volunteers” in the section heading, the word “, etc.”.

New section 68A

23. The principal Act is amended by inserting, immediately after section 68, the following section:

“Applicability of Enlistment Act to volunteer ex-NSmen

25 **68A.**—(1) The provisions of sections 14, 15, 21, 22 and 30 of the Enlistment Act (Cap. 93) affecting any person who is liable for operationally ready national service shall apply (so far as relevant) to any special police officer who is a volunteer
30 ex-NSman as if the volunteer ex-NSman were an individual liable for operationally ready national service, with such prescribed exceptions, modifications and adaptations as the

differences between an operationally ready national serviceman and a volunteer ex-NSman require.

(2) The provisions of any other existing law that relate to an individual liable for operationally ready national service shall have effect as if any reference therein to any such individual also includes a reference to any volunteer ex-NSman, with such prescribed exceptions, modifications and adaptations as the differences between this Part and that existing law require.

(3) In this section, “existing law” means any written law having effect as part of the law of Singapore immediately before the date of commencement of section 23 of the Police Force (Amendment) Act 2015.”.

Amendment of section 72

24. Section 72 of the principal Act is amended by deleting subsection (3) and substituting the following subsections:

“(3) Any volunteer or volunteer ex-NSman shall be entitled, except when mobilised under section 73, to be discharged from the Special Constabulary —

(a) after giving to the Commissioner —

(i) in the case of a volunteer ex-NSman, at least 3 months’ notice in writing of his intention to resign from the Special Constabulary; or

(ii) in any other case, at least 14 days’ notice in writing of his intention to resign from the Special Constabulary; and

(b) upon delivering to the Commissioner in good order (fair wear and tear excepted only) all arms, ammunition, accoutrement, uniform or other article or property belonging to the Government issued to the volunteer or volunteer ex-NSman which may be in his possession.

(3A) The Commissioner may, without notice, discharge any special police officer who is a volunteer ex-NSman; but this does not prevent him from offering his service and being enrolled subsequently as a volunteer under section 68(1).

(3B) Every special police officer who by resignation, dismissal, discharge or otherwise leaves the Special Constabulary must, before leaving, deliver up in good order (fair wear and tear excepted only) all arms, ammunition, accoutrement, uniform or other article or property belonging to the Government issued to him which may be in his possession.”.

Amendment of section 75

25. Section 75 of the principal Act is amended by inserting, immediately after the words “section 66(2)(a) or (b)” in subsections (1) and (2), the words “, or who is a volunteer ex-NSman,”.

Amendment of section 76

26. Section 76(1) of the principal Act is amended —

(a) by inserting, immediately after the words “section 66(2)(a) or (b)”, the words “, or who is a volunteer ex-NSman,”; and

(b) by deleting the word “pay” and substituting the word “emoluments”.

Amendment of section 78

27. Section 78 of the principal Act is amended —

(a) by inserting, immediately after the word “volunteer” in subsections (1)(b) and (2)(b), the words “or a volunteer ex-NSman”; and

(b) by deleting the word “allowances” in subsection (3) and substituting the word “emoluments”.

Amendment of section 79

28. Section 79 of the principal Act is amended —

(a) by deleting the words “or suspended” in subsection (1);

(b) by deleting paragraphs (a) and (b) of subsection (1) and substituting the following paragraphs:

- “(a) the special police officer is charged in court for an offence and the Commissioner is of the opinion that the nature and gravity of the offence warrants his interdiction;
- (b) the special police officer is being investigated for having committed an offence under any written law and the Commissioner considers that it is undesirable for that officer to continue to exercise the powers or perform the duties of a special police officer;
- (c) disciplinary proceedings under this Part that may result in the special police officer’s dismissal or reduction in rank are or are to be instituted under this Part; or
- (d) the Commissioner considers that it is otherwise in the public interest that the special police officer should immediately cease to exercise the powers and perform the duties of a police officer.”;
- (c) by deleting the words “special police officer’s allowance” in subsection (2) and substituting the words “special police officer’s emoluments as the Commissioner thinks fit”; and
- (d) by deleting paragraphs (a) and (b) of subsection (3) and substituting the following paragraphs:
- “(a) if the special police officer is reduced in rank or otherwise disciplined — the whole or such proportion of the emoluments withheld during the period of interdiction as the Commissioner may determine; or
- (b) if the special police officer is acquitted — the full amount of the emoluments or the part thereof withheld during the period of interdiction.”.

Amendment of section 81

29. Section 81 of the principal Act is amended —

5 (a) by inserting, immediately after the words “a volunteer” in subsections (1), (2), (3) and (4), the words “or a volunteer ex-NSman”;

(b) by inserting, immediately after paragraph (a) of subsection (3), the following paragraph:

“(aa) detention of a volunteer ex-NSman for a period not exceeding 40 days;”;

10 (c) by deleting paragraph (c) of subsection (3) and substituting the following paragraph:

“(c) forfeiture of emoluments as follows:

15 (i) up to 14 days’ emoluments for a special police officer who is a volunteer ex-NSman;

(ii) up to 8 hours’ emoluments for a special police officer who is a volunteer;”;

(d) by inserting, immediately after paragraph (d) of subsection (3), the following paragraphs:

20 “(da) stoppage of leave for a special police officer who is a volunteer ex-NSman;

(db) restriction of privileges for a special police officer who is a volunteer ex-NSman;

25 (dc) extra duty for a special police officer who is a volunteer ex-NSman;”;

(e) by deleting paragraph (c) of subsection (4) and substituting the following paragraphs:

“(c) forfeiture of emoluments as follows:

30 (i) up to 14 days’ emoluments for a special police officer who is a volunteer ex-NSman;

- (ii) up to 8 hours' emoluments for a special police officer who is a volunteer;
- (ca) stoppage or deferment of increment (of up to 2 years) for a special police officer who is a volunteer ex-NSman;”;
- (f) by deleting paragraphs (a) and (b) of subsection (6) and substituting the following paragraphs:
 - “(a) in the case of a special police officer below the rank of assistant superintendent —
 - (i) a fine not exceeding \$300 if the special police officer is a volunteer ex-NSman; or
 - (ii) a fine not exceeding \$200 for a special police officer who is a volunteer; or
 - (b) in the case of a special police officer of the rank of assistant superintendent or higher —
 - (i) a fine not exceeding \$1,000 if the special police officer is a volunteer ex-NSman; or
 - (ii) a fine not exceeding \$400 for a special police officer who is a volunteer.”;
- (g) by deleting subsection (7) and substituting the following subsections:
 - “(6A) In addition to any punishment specified in subsections (3), (4) and (6), if a disciplinary officer finds any special police officer who is a volunteer ex-NSman guilty of the disciplinary offence of wilful destruction or negligent loss of or damage to property belonging to the Government, the disciplinary officer may order that special police officer concerned to pay compensation to make good, either partially or wholly, the value of such property or the amount of such loss or damage.

5 (6B) In assessing the amount to be paid by way of compensation ordered under subsection (6A), a disciplinary officer must have regard to the emoluments of the special police officer concerned, and any order under that subsection shall not prejudice any right to any civil remedy for the recovery of damages beyond the amount of compensation so ordered.

10 (6C) The value or amount ordered to be made good by a special police officer under subsection (6A) is recoverable as a debt due to the Government from that special police officer and be payable to the Police Fund established under Part X.

15 (6D) A disciplinary officer authorised to impose detention as punishment under this section with respect to special police officers may order the detention as follows of a special police officer who is a volunteer ex-NSman and ordered under subsection (6), on or after the date of commencement of section 29(f) of the Police Force (Amendment) Act 2015, to pay a fine and who defaults in payment:

- 20
- (a) if the fine is \$100 or lower, detention for not more than 10 days;
 - 25 (b) if the fine is more than \$100 but not more than \$300, detention for not more than 20 days;
 - (c) in any other case, detention for not more than 40 days or until the fine is paid.

30 (6E) Any detention ordered under subsection (6D) against a special police officer who is a volunteer ex-NSman is to start on such date as the disciplinary officer may specify in the order but must end earlier if the special police officer pays the fine in full.

35 (7) Any special police officer against whom any order is made by a disciplinary officer under subsection (3), (4), (6), (6A) or (6D) may, not later than the 30th day

after the date the order is served on the special police officer, appeal to the Commissioner or a Deputy Commissioner against any punishment imposed by that order or against any finding of guilt therein.”;

(h) by deleting the words “any punishment awarded, the punishment” in subsection (8) and substituting the words “any order under subsection (3), (4), (6) or (6A), the punishment awarded by that order”;

(i) by deleting subsection (9) and substituting the following subsections:

“(9) The Commissioner or a Deputy Commissioner, as the case may be, may determine an appeal under subsection (7) against an order of a disciplinary officer —

(a) by confirming any finding of guilt or punishment ordered by the disciplinary officer;

(b) by quashing any finding of guilt or punishment ordered by the disciplinary officer and, if the Commissioner or Deputy Commissioner is of the opinion that the case against the appellant should be re-tried, by ordering the case to be re-tried by another disciplinary officer;

(c) by replacing any finding by the disciplinary officer that, in the opinion of the Commissioner or Deputy Commissioner, is illegal or cannot be supported by the evidence with a new finding that could validly have been made by the disciplinary officer on the charge and on the facts; or

(d) by varying the punishment by way of enhancement, reduction, substitution or otherwise except that no greater or more severe punishment is to be ordered unless the appellant has been given a reasonable opportunity of being heard.

(10) Every decision of the Commissioner or a Deputy Commissioner, as the case may be, under subsection (9) in any such appeal is final.

(11) Any person sentenced to detention under this section shall, unless otherwise provided for in the Special Constabulary Regulations, serve his sentence in a detention barrack.”; and

(j) by inserting, immediately after the words “police officers” in the section heading, the words “and volunteer ex-NSmen”.

Amendment of section 82

30. Section 82 of the principal Act is amended —

(a) by inserting, immediately after the words “a volunteer” in subsections (1), (2), (3) and (4), the words “or a volunteer ex-NSman”;

(b) by deleting the word “allowance” in subsections (3)(c) and (4)(b) and substituting in each case the word “emoluments”;

(c) by deleting paragraph (c) of subsection (4) and substituting the following paragraph:

“(c) stoppage of increment for up to 2 years;”;

(d) by deleting paragraphs (a) and (b) of subsection (6) and substituting the following paragraphs:

“(a) in the case of a special police officer below the rank of assistant superintendent — a fine not exceeding \$300; or

(b) in the case of a special police officer of the rank of assistant superintendent or higher — a fine not exceeding \$1,000.”;

(e) by deleting subsection (7) and substituting the following subsections:

“(6A) In addition to any punishment specified in subsections (3), (4) and (6), if a disciplinary officer finds any special police officer guilty of the disciplinary

offence of wilful destruction or negligent loss of or damage to property belonging to the Government, the disciplinary officer may order that special police officer concerned to pay compensation to make good, either partially or wholly, the value of such property or the amount of such loss or damage. 5

(6B) In assessing the amount to be paid by way of compensation ordered under subsection (6A), a disciplinary officer must have regard to the emoluments of the special police officer concerned, and any order under that subsection shall not prejudice any right to any civil remedy for the recovery of damages beyond the amount of compensation so ordered. 10

(6C) The value or amount ordered to be made good by a special police officer under subsection (6A) is recoverable as a debt due to the Government from that special police officer and be payable to the Police Fund established under Part X. 15

(6D) A disciplinary officer authorised to impose detention as punishment under this section with respect to special police officers may order the detention as follows of a special police officer who is ordered under subsection (6), on or after the date of commencement of section 30(d) of the Police Force (Amendment) Act 2015, to pay a fine and who defaults in payment: 20

- (a) if the fine is \$100 or lower, detention for not more than 10 days;
- (b) if the fine is more than \$100 but not more than \$300, detention for not more than 20 days; 30
- (c) in any other case, detention for not more than 40 days or until the fine is paid.

(6E) Any detention ordered under subsection (6D) against a special police officer is to start on such date as 35

the disciplinary officer may specify in the order but must end earlier if the special police officer pays the fine in full.

(7) Any special police officer against whom any order is made by a disciplinary officer under subsection (3), (4), (6), (6A) or (6D) may, not later than the 30th day after the date the order is served on the special police officer, appeal to the Commissioner or a Deputy Commissioner against any punishment imposed by that order or against any finding of guilt therein.”;

(f) by deleting the words “any punishment awarded, the punishment” in subsection (8) and substituting the words “any order under subsection (3), (4), (6), (6A) or (6D), the punishment awarded by that order”; and

(g) by deleting subsection (9) and substituting the following subsections:

“(9) The Commissioner or a Deputy Commissioner, as the case may be, may determine an appeal under subsection (7) against an order of a disciplinary officer —

(a) by confirming any finding of guilt or punishment ordered by the disciplinary officer;

(b) by quashing any finding of guilt or punishment ordered by the disciplinary officer and, if the Commissioner or Deputy Commissioner is of the opinion that the case against the appellant should be re-tried, by ordering the case to be re-tried by another disciplinary officer;

(c) by replacing any finding by the disciplinary officer that, in the opinion of the Commissioner or Deputy Commissioner, is illegal or cannot be supported by the evidence with a new finding that could validly have been made by the disciplinary officer on the charge and on the facts; or

(d) by varying the punishment by way of enhancement, reduction, substitution or otherwise except that no greater or more severe punishment is to be ordered unless the appellant has been given a reasonable opportunity of being heard. 5

(9A) Every decision of the Commissioner or a Deputy Commissioner, as the case may be, under subsection (9) in any such appeal is final.”.

Amendment of section 85 10

31. Section 85(2) of the principal Act is amended —

(a) by inserting, immediately after paragraph (f), the following paragraph:

“(fa) the classification, treatment, employment, discipline and control of special police officers serving sentences of detention, including the temporary or other release from detention for good conduct while in detention, for compassionate grounds or otherwise;” and 15

(b) by inserting, immediately after the words “national service” in paragraph (i), the words “or other service”. 20

Amendment of section 86

32. Section 86 of the principal Act is amended —

(a) by inserting, immediately after the words “maintenance of law and order” in subsection (1)(c), the words “and the detention or arrest of individuals that police officers are authorised to apprehend”; and 25

(b) by inserting, immediately after subsection (8), the following subsection:

“(8A) The Minister may designate any of the following to hear and determine, in the Minister’s place, any appeals or a specific appeal under this section: 30

(a) any Minister of State or Parliamentary Secretary for the Minister’s Ministry;

(b) any public officer in that Ministry not subordinate to the Commissioner whose decision is appealed against,

and any reference in this section to the Minister includes a reference to the Minister of State, Parliamentary Secretary or public officer so designated for that appeal.”.

Amendment of section 90

33. Section 90 of the principal Act is amended by inserting, immediately after subsection (11), the following subsection:

“(12) The Minister may designate any of the following to hear and determine, in the Minister’s place, any appeals or a specific appeal under this section:

(a) any Minister of State or Parliamentary Secretary for the Minister’s Ministry;

(b) any public officer in that Ministry not subordinate to the decision-maker whose decision is appealed against,

and any reference in this section to the Minister includes a reference to the Minister of State, Parliamentary Secretary or public officer so designated for that appeal.”.

Amendment of section 93

34. Section 93 of the principal Act is amended —

(a) by deleting the word “pay” in subsection (1) and substituting the word “emoluments”; and

(b) by deleting the words “salaries and allowances” in subsection (4) and substituting the word “emoluments”.

Amendment of section 101

35. Section 101(8) of the principal Act is amended by deleting the words “salaries, fees and allowances” and substituting the word “emoluments”.

Repeal and re-enactment of section 108

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36. Section 108 of the principal Act is repealed and the following section substituted therefor:

“Lost property

108.—(1) Where any lost property is deposited with a police officer at a police station or otherwise, the lost property is to be disposed of as follows:

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(a) if the lost property is cash, it must, unless it is required to assist in the identification of its owner, be paid into a deposit account (within the meaning of the Financial Procedure Act (Cap. 109)) specially established for this purpose, and the cash shall be deemed to be lost property in the custody of the Police Force;

15

(b) if there is a person who appears, to the satisfaction of the Commissioner, to be the owner, the lost property in the custody of the Police Force must be returned to that person unless that person —

20

(i) cannot be located after reasonable inquiry; or

(ii) does not exercise his right to recover the property;

(c) if the lost property becomes unclaimed property, the Commissioner may cause the whole or any part of unclaimed property —

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(i) to be sold (by public auction or otherwise) and the proceeds of the sale to be paid into the Consolidated Fund;

(ii) if cash, to be forfeited and paid into the Consolidated Fund; or

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(iii) to be destroyed or otherwise disposed of at such time and in such manner as the Commissioner thinks fit.

5 (2) Where any lost property is deposited with a police officer under subsection (1), the lost property becomes unclaimed property if, at the end of 30 days after the day on which the property was so deposited —

(a) there is no person who appears, to the satisfaction of the Commissioner, to be the owner of the lost property; or

10 (b) there is such a person but that person has not been located after reasonable inquiry or that person has not exercised his right to recover the lost property by a claim.

15 (3) The proceeds of a sale of unclaimed property under this section must be applied as follows:

(a) firstly, in payment of the expenses occasioned by the sale;

(b) secondly, in payment of storage or other expenses incurred by the Commissioner in relation to the property;

20 (c) thirdly, by payment of the balance into the Consolidated Fund.

(4) A person who buys movable property that is lost property sold by or on the authority of the Commissioner under this section obtains good title to that property.

25 (5) Despite subsection (1), if a person who appears, to the satisfaction of the Commissioner, to be the owner of lost property claims, before the end of one year starting from the day on which the property was deposited with a police officer under subsection (1), that property after it has become unclaimed property, the Commissioner may do as follows:

30 (a) if the property remains in the custody of the Police Force, the Commissioner may authorise the property to be returned to the person;

- (b) if the property (being cash) or the proceeds of the sale of the property were paid into the Consolidated Fund, the Commissioner may authorise the refund of the property or the proceeds of the sale to the person.

(6) A finder of any lost property deposited under subsection (1) has no rights in relation to that property by reason of being the finder, and a police officer who comes into possession of any lost property in the course of his duties does not have the rights of a finder in relation to that property.” 5

Amendment of section 109 10

37. Section 109 of the principal Act is amended —

- (a) by deleting subsection (2); and
 (b) by deleting the words “or (2)” in subsection (3).

Repeal and re-enactment of section 110 and new section 110A

38. Section 110 of the principal Act is repealed and the following sections substituted therefor: 15

“Perishable or low value property, etc.

110.—(1) Where it appears to the Commissioner that any lost property referred to in section 108 or any property of a deceased person referred to in section 109 — 20

- (a) is cash of not more than \$1,000 or the equivalent in foreign currency;
 (b) is perishable;
 (c) may rapidly depreciate in value; or
 (d) is of such a nature or in such condition that it would be dangerous, not reasonably practicable or unduly costly for the Police Force to retain custody of the property, 25

this section applies despite sections 108 and 109.

(2) Subject to subsection (3), where this section applies to any lost property and any property of a deceased person referred to in 30

sections 108 and 109, respectively, the Commissioner may cause the property —

(a) to be paid into the Consolidated Fund at once;

(b) to be sold (by public auction or otherwise) at once and the proceeds of sale to be paid into the Consolidated Fund; or

(c) to be destroyed or otherwise disposed of at such time and in such manner as the Commissioner thinks fit.

(3) Where any lost property or any property of a deceased person referred to in section 108 or 109 —

(a) is paid into the Consolidated Fund under subsection (2)(a); or

(b) is sold (by public auction or otherwise) under subsection (2)(b),

the cash or the proceeds of the sale (as the case may be) are to be dealt with in the same manner as the property would have been required by section 108 or 109, as the case may be, to be dealt with if not so paid or sold.

(4) A person who buys property sold by or on the authority of the Commissioner under this section obtains good title to that property.

Outsourcing function as regards lost and unclaimed property

110A. The Commissioner (and no other) may, under his hand in writing, appoint any person outside of the Police Force as an independent contractor to exercise any power conferred or perform any duty imposed on the Commissioner under section 108, 109 or 110, and any reference in any such provision to the Commissioner includes a reference to such a person if appointed.”.

New section 112A

39. The principal Act is amended by inserting, immediately after section 112, the following section:

“Power to compound

112A.—(1) The Minister may, by regulations, prescribe any offence under this Act (except a service offence or disciplinary offence) as a compoundable offence. 5

(2) The Commissioner may compound any offence under this Act which is so prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following: 10

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000. 15

(3) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.”.

Amendment of section 115

40. Section 115 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following subsection: 20

“(1) Subject to subsection (3), no disciplinary proceedings shall be instituted under this Act against a special police officer who is a national serviceman for any disciplinary offence unless the disciplinary proceedings begin within 3 years after the later of the following dates: 25

(a) the date on which the disciplinary offence was alleged to have been committed;

(b) the date on which information relating to the commission of that offence was first reported to or discovered by an investigating officer for that disciplinary offence.”. 30

Amendment of section 117

41. Section 117(2) of the principal Act is amended —

(a) by deleting the word “pay” in paragraph (b) and substituting the word “emoluments”; and

5 (b) by inserting, immediately after paragraph (g), the following paragraphs:

“(ga) the appointment, release, discharge of forensic specialists and civilian police assistants, and the terms and conditions of service of forensic specialists and civilian police assistants who are not public officers;

10

(gb) the administration, organisation and discipline of forensic specialists and civilian police assistants, including (in particular) requiring compliance with any provision of the Police General Orders or Force Orders;”.

15

New section 120A

42. The principal Act is amended by inserting, immediately after section 120, the following section:

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“Wearing and possession of police uniforms, etc., by others

120A.—(1) A person who, when the person is not a police officer —

(a) wears or possesses any police uniform, or uses any police insignia —

25

(i) for the purpose of personating or representing himself as a police officer; or

(ii) knowing that is likely to cause any member of the public to believe that he is a police officer;

30

(b) uses the designation of a police officer or a rank of the Police Force or the Special Constabulary, in connection with any business, occupation or employment —

- (i) for the purpose of personating or representing himself as a police officer; or
 - (ii) knowing that is likely to cause any member of the public to believe that he is a police officer;
- (c) represents himself, by word or conduct, to be a police officer for the purpose of personating or representing himself as a police officer; or 5
- (d) wears or possesses any police uniform, or uses any police insignia, in connection with any business, occupation or employment, for the purpose of falsely claiming, suggesting or implying — 10
- (i) that the person holds a licence from the Commissioner referred to in subsection (4)(a);
 - (ii) that the person receives or is to receive, a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the Police Force or the Special Constabulary; 15
 - (iii) that the Police Force or the Special Constabulary has agreed to acquire any goods or services provided by or on behalf of the person, or that those goods or services had previously been used or acquired by the Police Force or the Special Constabulary; or 20
 - (iv) that the person has the sponsorship or approval of the Police Force or the Special Constabulary for any goods or services provided by or on behalf of the person, 25
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 6 months or to both. 30

(2) A police officer who wears a police uniform or uses any police insignia otherwise than in the course of, and for the purpose of, exercising the functions of a police officer shall be

guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 6 months or to both.

5 (3) It shall be a defence to a prosecution for an offence under subsection (1)(a) or (2) if the accused proves, on a balance of probabilities, that —

(a) the accused had the express permission of the Commissioner to wear or possess the police uniform or use the police insignia, as the case may be; or

10 (b) the accused wore or possessed the police uniform or used the police insignia (as the case may be) for the purposes of a public entertainment provided in compliance with the Public Entertainments and Meetings Act (Cap. 257).

15 (4) A person (whether or not a police officer) who —

(a) manufactures or sells any police uniform or police insignia otherwise than in accordance with a licence granted to the person by the Commissioner;

20 (b) sells any police uniform or police insignia to a person who is neither a police officer nor otherwise authorised or permitted under subsection (2) to possess or wear the police uniform or use the police insignia; or

25 (c) gives or furnishes, whether or not for a consideration, any police uniform or police insignia to a person who is neither a police officer nor otherwise authorised or permitted under subsection (3) to possess or wear the police uniform or use the police insignia,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

30 (5) It is a defence to any prosecution for an offence under subsection (4) if the accused proves, on the balance of probabilities, that —

- (a) the accused had reasonable grounds to believe and did make reasonable inquiries to ascertain that the person to whom the police uniform or police insignia was sold, given or furnished was —
- (i) a police officer; or 5
 - (ii) a person otherwise authorised or permitted under subsection (3) to possess or wear the police uniform or use the police insignia; or
- (b) the accused had received from the person to whom the police uniform or police insignia was sold, given or furnished evidence purporting to show that — 10
- (i) that person was a police officer or was otherwise authorised or permitted under subsection (2) to possess or wear the police uniform or use the police insignia; and 15
 - (ii) it was reasonable to and he did accept that evidence as correct.
- (6) An offence under subsection (1), (2) or (3) is an arrestable offence.
- (7) In this section — 20
- “police insignia” means —
- (a) any items (being insignia, emblems, logos, symbols, representation, devices, badges of rank or other things) that are generally recognised as pertaining to the Police Force or the Special Constabulary or as being used by police officers; 25
 - (b) any parts of any such items;
 - (c) any reasonable imitation of any such items, or parts of such items; or
 - (d) any insignia, emblems, logos, symbols, representation, devices, badges of rank or other things prescribed by Police Regulations as being within this definition; 30

“police officer” includes a special police officer;

“police uniform” means the uniform of a police officer, and includes —

(a) any parts of such a uniform or any accoutrements of a police officer that are generally recognised as parts of the uniform or accoutrements of a police officer; or

(b) any reasonable imitations of such a uniform or accoutrements, or parts of a uniform or accoutrements;

“sell” means sell, exchange or let on hire, and includes —

(a) offer, expose, possess, send, forward or deliver for sale, exchange or hire; or

(b) cause, suffer or allow any sale, exchange or hire;

“use”, in relation to police insignia, includes —

(a) driving on a public road a vehicle that has on it any police insignia; and

(b) using a reproduction or representation of police insignia,

but does not include wearing a police uniform.”.

Miscellaneous amendments

43. The principal Act is amended by deleting the words “the Deputy Commissioner” in sections 69(2) and 73(3) and substituting in each case the words “a Deputy Commissioner”.

Savings and transitional provisions

44.—(1) Section 6 of this Act applies to and in relation to any appeal to the Commissioner, whether made before, on or after the date of commencement of that section.

(2) Sections 10, 11, 15 and 17 of this Act shall not apply to, or in relation to, any disciplinary proceedings that —

(a) are instituted against a police officer below the rank of inspector before the respective dates of commencement of those sections;

(b) are pending on those respective dates of commencement, and those proceedings may be continued, and any punishment may be imposed on such a police officer, as if the relevant section had not been enacted. 5

(3) Sections 28, 29 and 30(a) to (e) and (g) of this Act shall not apply to or in relation to any disciplinary proceedings that —

(a) are instituted against a special police officer before the respective dates of commencement of those sections; and 10

(b) are pending on those respective dates of commencement, and those proceedings may be continued and any punishment may be imposed on such a special police officer as if the relevant section had not been enacted. 15

(4) Section 36 of this Act shall not apply to any lost property and unclaimed property deposited at a police station before the date of commencement of that section; and section 108 of the principal Act as in force before that date shall continue to apply to lost property and unclaimed property so deposited as if this Act had not been enacted. 20

(5) Section 38 of this Act shall apply to —

(a) any lost property and unclaimed property deposited with a police officer before, on or after the date of commencement of that section; and

(b) any movable property in Singapore taken charge of by the police under section 109 of the principal Act as in force before, on or after the date of commencement of section 37 of this Act. 25

(6) Section 40 of this Act does not prevent the commencement and maintenance of any disciplinary proceedings on or after the date of commencement of that section with respect to any disciplinary offence alleged to have been committed before that date, but it shall not be lawful to institute any disciplinary proceedings against a police officer in respect of such a disciplinary offence alleged to have been 30

committed by the police officer if, on that date, such proceedings in respect of that offence are barred by virtue of the expiration of the time allowed under the principal Act as in force before that date.

5 (7) For a period of 2 years after the date of commencement of any provision in this Act, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

10 (8) This section applies without prejudice to section 16 of the Interpretation Act (Cap. 1) except as expressly provided by or under this section.

Related amendments to Fire Safety Act

45. The Fire Safety Act (Cap. 109A) is amended in the manner set out in the Schedule.

15 Consequential amendments to other written laws

46.—(1) Part I of the First Schedule to the Criminal Law (Temporary Provisions) Act (Cap. 67, 2000 Ed.) is amended by inserting, immediately after item 28, the following item:

20 “29. Services provided by forensic specialists (within the meaning of the Police Force Act (Cap. 235)) and fire forensic specialists (within the meaning of the Fire Safety Act (Cap. 109A)).”.

(2) The Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended —

25 (a) by inserting, immediately after the words “a police officer” in section 22(1), the words “, or a forensic specialist acting in the course of his duty as such in accordance with the written authorisation of the Commissioner under the Police Force Act (Cap. 235) and the lawful directions of the police officer or law enforcement officer he assists,”;

30 (b) by inserting, immediately after subsection (2) of section 34, the following subsection:

“(2A) A reference to a police officer in this section includes a reference to a forensic specialist acting in the

course of his duty as such in accordance with the written authorisation of the Commissioner under the Police Force Act and the lawful directions of the police officer he assists.”;

- (c) by inserting, immediately after subsection (9) of section 35, the following subsection: 5

“(10) A reference to a police officer in this section includes a reference to a forensic specialist acting in the course of his duty as such in accordance with the written authorisation of the Commissioner under the Police Force Act and the lawful directions of the police officer he assists.”; and 10

- (d) by deleting the words “a person” in section 39(6) and substituting the words “a forensic specialist appointed under section 65A of the Police Force Act, or other person,”. 15

(3) Section 2 of the Enlistment Act (Cap. 93, 2001 Ed.) is amended by deleting the full-stop at the end of the definition of “subordinate military court” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

“ “voluntary service”, in relation to the Special Constabulary, includes service as a volunteer ex-NSman within the meaning of the Police Force Act (Cap. 235).” 20

(4) The Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184, 1997 Ed.) is amended —

- (a) by inserting, immediately after the words “any written law” in section 22(3)(a), the words “, a forensic specialist or civilian police assistant acting in the course of his duty as such in accordance with the Police Force Act (Cap. 235),”; 25

- (b) by inserting, immediately after the words “an auxiliary police officer,” in section 22A(3), the words “a forensic specialist or civilian police assistant acting in the course of his duty as such in accordance with the Police Force Act,”; and 30

- (c) by inserting, immediately after section 40, the following section:

“Regulations

41. The Minister may make regulations for anything that is required, permitted, expedient or necessary for carrying out the purposes and provisions of this Act, including prescribing any offences under this Act as offences that may be compounded if not so prescribed by section 241 of the Criminal Procedure Code (Cap. 68).”.

(5) The Registration of Criminals Act (Cap. 268, 1985 Ed.) is amended —

(a) by inserting, immediately after paragraph (c) in the definition of “authorised officer” in section 2, the following paragraph:

“(ca) a forensic specialist acting in accordance with an authorisation under section 65B(1) of the Police Force Act (Cap. 235) to exercise a power under this Act;”;

(b) by deleting the definition of “finger impression” in section 2 and substituting the following definitions:

“ “finger impression” includes palmar impressions, hand prints, finger prints, foot prints or toe prints;

“forensic procedure”, in relation to an individual, includes doing one or all of the following in relation to the individual:

(a) taking an impression or cast of a wound from the external parts of the individual’s body other than the parts referred to in section 13A(3);

(b) the taking of physical measurements (whether or not involving marking) for biomechanical analysis of an external part of the body other than the parts referred to in section 13A(3);

(c) removing any article that the individual is wearing, and searching any article so removed;

(d) removing a relevant thing attached physically to those external parts of the individual's body or taking a sample of that relevant thing;

(e) photographing any relevant thing in the position it is found on the external parts of the individual's body, or in the individual's mouth; 5

“forensic specialist” means an individual who is appointed under section 65A of the Police Force Act as a forensic specialist;” 10

(c) by inserting, immediately after paragraph (a) in section 8, the following paragraph:

“(aa) carry out a forensic procedure on an individual if the authorised officer is also a forensic specialist;” 15

(d) by inserting, immediately after the words “and his finger impressions” in section 13(1)(a), the words “and to any forensic procedure carried out by an authorised person who is also a forensic specialist;” 20

(e) by deleting the words “or finger impressions or” in section 13(2) and substituting the words “or finger impressions, to any forensic procedure carried out by an authorised person who is also a forensic specialist, or”;

(f) by inserting, immediately after the words “of that person” in section 13(2)(b), the words “or carrying out the forensic procedure, as the case may be”; 25

(g) by deleting the definition of “authorised analyst” in section 13A(1) and substituting the following definition:

““authorised analyst” means — 30

(a) a forensic specialist; or

(b) a person appointed by the Commissioner of Police to be an analyst for the purposes of this Part;” and

- (h) by deleting the words “types of body samples” in section 13A(2) and substituting the words “types of sample of or from a person’s body”.

THE SCHEDULE

5

Section 45

RELATED AMENDMENTS TO FIRE SAFETY ACT

Amendment of section 2

1. Section 2(1) of the Fire Safety Act (called in this Schedule FSA) is amended by inserting, immediately after the definition of “Fire Code”, the following definition:

““fire forensic specialist” means an individual who is appointed under section 8E as a fire forensic specialist;”.

Amendment of section 8

2. Section 8 of the FSA is amended —
- (a) by deleting paragraph (e) of subsection (1); and
- (b) by deleting paragraph (b) of subsection (3).

Amendment of section 8A

3. Section 8A of the FSA is amended —
- (a) by deleting paragraph (c) of subsection (1); and
- (b) by deleting the words “Except in respect of the boarding of any vessel within 48 hours after a fire has occurred on board the vessel for the purpose of determining the cause or causes of the fire, the Commissioner” in subsection (2) and substituting the words “The Commissioner”.

Repeal and re-enactment of section 8B

4. Section 8B of the FSA is repealed and the following section substituted therefor:

“Power to enter premises, etc., up to 48 hours after fire

- 8B.**—(1) For the purposes of investigating the cause or origin of any fire which has occurred in or on any aircraft, vessel or vehicle, or in or on any premises, the Commissioner, or a member of the Force or a fire forensic specialist authorised by the Commissioner in writing —

THE SCHEDULE — *continued*

(a) may enter and inspect those premises or any adjacent premises, or may board the aircraft, vessel or vehicle, as the case may be; and

(b) may seize or detain the aircraft or vehicle.

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(2) The power conferred under subsection (1)(a) on the Commissioner, or a member of the Force or a fire forensic specialist authorised by the Commissioner, may be exercised —

(a) without notice within a period of 48 hours after the fire on the premises, aircraft, vessel or vehicle, as the case may be, has been put out; and

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(b) in any other case, only after giving notice in writing of the intended entry to the occupier of the premises or intended boarding to the owner of the aircraft, vessel or vehicle, as the case may be.

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(3) However, this section does not authorise the Commissioner, or a member of the Force or a fire forensic specialist, to enter any part of premises, or to board any part of an aircraft, vessel or vehicle, as the case may be, without first producing, if so required, an authenticated document showing his authority to so enter or board.

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(4) To avoid doubt, nothing in this section shall limit the powers of any authority to investigate accidents under any written law for the time being in force relating to air navigation or merchant shipping.”.

Amendment of section 8C

5. Section 8C of the FSA is amended —

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(a) by inserting, immediately after the words “or any member of the Force” in subsection (1), the words “or fire forensic specialist”; and

(b) by deleting the words “or a member of the Force” wherever they appear in subsections (2), (4), (7), (8) and (9) and substituting in each case the words “, or a member of the Force or a fire forensic specialist”.

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New section 8E

6. The FSA is amended by inserting, immediately after section 8D, the following section:

“Fire forensic specialists

8E.—(1) The Minister may, in writing, appoint any of the following individuals to be fire forensic specialists to assist the Commissioner, or

35

THE SCHEDULE — *continued*

any member of the Force authorised by the Commissioner under section 8B, exercising in Singapore a power under that section or section 8C:

5 (a) a Division I, II or III public officer who is not a member of the Force but is employed in the offices of the Force;

 (b) an individual (who is not a public officer) with suitable qualifications or experience to properly exercise the powers of a fire forensic specialist.

10 (2) A fire forensic specialist's appointment is to be for such period as the Minister decides and, for an individual referred to in subsection (1)(b), is to be on such terms and conditions (including remuneration) as the Minister decides from time to time.

15 (3) The Minister may, for any reason that appears to the Minister to be sufficient, at any time revoke an individual's appointment as a fire forensic specialist.

 (4) The Commissioner must issue to each fire forensic specialist an identification card, which must be carried at all times by the fire forensic specialist when exercising powers under any provision in this Act.

20 (5) A fire forensic specialist whose appointment as such ceases must return any identification card issued to him under subsection (4) to the Commissioner.

25 (6) A fire forensic specialist is not a member of the Force, and an individual referred to in subsection (1)(b) who is appointed as a fire forensic specialist under that subsection does not, by virtue only of that appointment, become an employee or agent of the Government.

 (7) A fire forensic specialist is to be issued with such equipment, or such description of equipment, as the Commissioner may determine.

30 (8) The Commissioner may, in writing, authorise a fire forensic specialist to exercise any of the powers in sections 8B and 8C in aid of any member of the Force or class of such members, as the Commissioner may specify in that authorisation, but the Commissioner cannot authorise under this subsection any fire forensic specialist to arrest any individual.

35 (9) The Commissioner's authorisation under subsection (8) for a fire forensic specialist may do any or all of the following:

 (a) limit the powers in sections 8B and 8C that the fire forensic specialist may exercise;

THE SCHEDULE — *continued*

- (b) limit when the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them;
- (c) limit where in Singapore the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them; 5
- (d) limit the circumstances in which the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them;
- (e) limit the purposes for which the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them.
- (10) A fire forensic specialist who under this section is authorised by the Commissioner to exercise any power under section 8B or 8C to assist the Commissioner or a member of the Force — 10
- (a) must obey all lawful directions (general or specific) of the Commissioner and the member of the Force when exercising such power; and 15
- (b) shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.
- (11) Without prejudice to subsection (10), where any law or written law protects a member of the Force from liability for the member’s acts or omissions, that law or written law shall be taken to operate as if those acts or omissions included the fire forensic specialist’s acts or omissions when acting in the course of his duty as a fire forensic specialist in accordance with the written authorisation of the Commissioner under this Part and the lawful directions of the member of the Force he assists. 20
- (12) To avoid doubt, a fire forensic specialist does not cease to be acting on the direction of a member of the Force by reason only that that member of the Force is not present at all times when the fire forensic specialist exercises any power under section 8B or 8C.”. 25

Amendment of section 59

7. Section 59(3) of the FSA is amended by inserting, immediately after the words “any public officer”, the words “, fire forensic specialist”. 30

EXPLANATORY STATEMENT

This Bill seeks to amend the Police Force Act (Cap. 235) for the following main purposes:

- (a) to provide for forensic specialists and civilian police assistants who may be called upon to assist police officers or law enforcement officers in the discharge of functions and the exercise of powers in law enforcement under the Act or other written law;
- (b) to establish a new group of volunteers in the Special Constabulary (called volunteer ex-NSmen) comprising those on the voluntary extension of service national servicemen scheme;
- (c) to improve the disciplinary framework in the Act for police officers and special police officers in the Special Constabulary;
- (d) to streamline the procedure for the disposal of lost property and unclaimed property in the custody of the Singapore Police Force (called the Police Force);
- (e) to allow auxiliary police officers to detain or arrest offenders, subject to such authorisation and directions as may be issued by the Commissioner of Police (called the Commissioner); and
- (f) to prescribe offences for the unauthorised manufacture, sale and use of police uniforms and police insignia, and the impersonation of police officers.

The Bill also makes related amendments to the Fire Safety Act (Cap. 109A) with similar amendments relating to fire forensic specialists, and consequential amendments to the Criminal Law (Temporary Provisions) Act (Cap. 67), the Criminal Procedure Code (Cap. 68), the Enlistment Act (Cap. 93), the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) and the Registration of Criminals Act (Cap. 268).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) by introducing several new definitions to support the various amendments in the Bill.

Firstly, a new definition of “emoluments” is introduced, which covers the gross salary, the annual variable component, allowances (whether monthly, annual or otherwise), bonuses and other benefits but not performance bonuses. The Act uses varying expressions to describe a police officer’s remuneration, such as pay, allowances and salary, in the context of punishment in disciplinary proceedings. This new definition will replace the varying expressions used with a single consistent term. Performance bonuses are excluded because of the different authorities in the public service for performance assessment and disciplinary control, and there is a need to distinguish between disincentives arising from performance and misconduct. Furthermore, it is not uncommon for disciplinary action to be taken for an activity occurring outside of the year for which performance bonus is payable. The new definition does not foreclose a reduction of

the performance bonus under the service terms and conditions where the misconduct affects performance.

Next, section 2(1) is amended by introducing the new definitions of “lost property”, “unclaimed property” and “owner”. These new definitions are necessary to support the amendments in clauses 36 and 38. The definitions also make it clear that lost property and unclaimed property can include cash.

Thirdly, in support of the amendments relating to auxiliary police officers in clause 32, clause 2 expands the definition of “security activity” to include the detention or arrest of individuals whom police officers or law enforcement officers are authorised under written law to apprehend. This will enable auxiliary police officers to apprehend offenders.

In support of the amendments on forensic specialists and civilian police assistants, clause 2 inserts new definitions for the terms “law enforcement”, “law enforcement agency” and “law enforcement officer”. Forensic specialists and civilian police assistants may be appointed to aid any “law enforcement officer”, which is defined to refer to narcotics officers in the Central Narcotics Bureau and intelligence officers of the Internal Security Department. The Minister is vested with the power to expand the definition of “law enforcement officers” to include other officers posted or seconded to a similar department or office of the Government specified in a notification in the *Gazette*.

The expression “law enforcement” is defined to mean activities carried on by any police officer or law enforcement officer in the exercise of any function, power or duty of such an officer in accordance with the law with respect to the commission of offences, or activities carried on by any police officer or law enforcement officer for the purpose of dealing with terrorism, civil unrest or public disorder.

The term “accoutrement”, which ordinarily encompasses articles to be carried, is defined non-exhaustively to include new apparatus such as body-worn surveillance equipment capable of recording a view of, and recording a conversation between, the wearer and another individual. This is to enable the issuing to and requiring, where appropriate, forensic specialists, civilian police assistants or police officers to wear these surveillance equipment in the discharge of their duties.

Finally, the definition of “Deputy Commissioner” is replaced with one that acknowledges that there can be more than one Deputy Commissioner of Police, and whose respective responsibilities under the various provisions in the Act or its subsidiary legislation, or in the Police General Orders, Forces Orders or Standing Orders, will be allocated by the Commissioner.

Clause 3 amends section 4(2) by re-stating one of the duties of the Police Force as regards lost and unclaimed property, so as to take into account other written laws that empower other agencies, such as Town Councils, the rapid transit system operators and airport operators, to take into custody lost property found on

premises under their respective charge. The duty of the Police Force is re-stated as taking action for the safe custody of lost property and for the disposal of unclaimed property.

Clause 4 makes a minor amendment each to section 16(1)(b) and (4) by replacing the reference therein to “pay” with the new expression “emoluments”.

Clause 5 makes a minor amendment to section 17(1) (which empowers the Commissioner to delegate his powers to certain police officers) to provide that the power to outsource conferred by the new section 110A (which is inserted by clause 38) cannot be delegated as a consequence of the new section 110A.

Clause 6 amends section 18 to ensure a system of unbiased hearing of appeals against decisions of the Commissioner under the Act as well as under other written laws. This is because section 17(1) provides that any act or thing which may be done or ordered by the Commissioner may be done, ordered or performed by a police officer not below the rank of superintendent. This can include a Deputy Commissioner.

A new subsection (2A) is inserted to the effect that whenever by any written law power is given to the Commissioner to hear an appeal against any decision, and the decision-maker is a police officer who, if not for the subsection, may hear that appeal, then the appeal must be heard and determined by the Commissioner in person (and no other). However, if the Commissioner is absent or incapable for any reason of hearing and determining that appeal, the Minister may designate a public officer who is not the decision-maker whose decision is appealed against and not subordinate to that decision-maker to hear and determine that appeal.

Clause 7 amends section 25, which provides for certain immunity from liability for a police officer acting under a warrant, to extend its application to a forensic specialist assisting that police officer in the course of his duty as a forensic specialist and in accordance with the new section 65B.

Clause 8 amends section 26(2) by raising the punishment for the offence of not complying with the signal of a police officer requiring a vehicle to stop before reaching any road barrier. The maximum fine that may be imposed is raised from \$1,000 to \$5,000 and the maximum term of imprisonment is raised from 6 months to 12 months.

Clause 9 amends section 28(1) to make it clear that the disciplinary procedure for senior police officers is that which the Public Service Commission will apply to officers in the Civil Service. Under the Constitution of the Republic of Singapore, senior police officers come under the disciplinary jurisdiction of the Public Service Commission.

Clause 10 amends section 29 which currently deals with interdiction and suspension of police officers below the rank of inspector (called junior police officers) from the performance of duties.

Firstly, the amendment abolishes the power to suspend junior police officers. This is done to align the disciplinary measures against junior police officers with that for senior police officers under the charge of the Public Service Commission.

The second amendment expands the circumstances where the Commissioner may interdict junior police officers. Interdiction may be ordered where the junior police officer is charged in court for an offence and the Commissioner is of the opinion that the nature and gravity of the offence warrants the junior police officer's interdiction, or where the junior police officer is being investigated for having committed an offence and the Commissioner considers that it is undesirable for that officer to continue to exercise the powers or perform the duties of a police officer. Interdiction may also be ordered where disciplinary proceedings are or are to be instituted under Part III that may result in the junior police officer's dismissal, reduction in rank or retirement in the public interest, or where the Commissioner considers that it is otherwise in the public interest that the junior police officer should immediately cease to exercise the powers and perform the duties of a police officer.

Thirdly, section 29(2) is amended to make it clear that interdiction involves withholding of the whole or a part of the junior police officer's emoluments (as defined by clause 2) during the period of interdiction.

Fourthly, if disciplinary proceedings started against a junior police officer result in the officer's dismissal, the Commissioner may order the forfeiture of all or part of the emoluments which the junior police officer would have enjoyed but for the junior police officer's dismissal.

If the junior police officer is not dismissed, the new section 29(4) provides that the Commissioner has a choice to order the forfeiture of the whole or a part of the emoluments withheld during the junior police officer's period of interdiction, or that the whole or a part of the withheld emoluments be restored. Where the officer's increment had been withheld, the Commissioner may order the forfeiture of the whole or part of the withheld increment or that the withheld increment or a part of it be restored.

For example, emoluments withheld may be forfeited or restored if the junior police officer is retired in the public interest or reduced in rank. This is aligned with the disciplinary framework of the Public Service Commission that applies to senior police officers.

On the other hand, if the junior police officer is acquitted, or no disciplinary proceedings are started, the new section 29(5) provides that the full amount of the emoluments or the part thereof withheld during the period of interdiction must be paid to the junior police officer.

Clause 11 amends section 30 to prohibit a junior police officer from resigning from the Police Force during the period the junior police officer is interdicted under section 29. Section 30 is also amended to prohibit a junior police officer from

leaving Singapore during any period that junior police officer is so interdicted, when any disciplinary proceedings are instituted and pending or when notice of intention to start a prosecution or disciplinary proceedings against him is given to him, except with the written permission of the Commissioner.

Clause 12 makes a minor amendment to section 32(1) to make it clear that the disciplinary procedure for junior police officers in a case that the Commissioner considers appropriate to be dealt with by the Public Service Commission is that which that Commission will apply to officers in the Civil Service.

Clauses 13 and 14 make amendments to sections 34(1) and 36(1), respectively, by replacing their references to “pay” with the new expression “emoluments”.

Clause 15 amends section 40 to enhance the disciplinary framework for junior police officers.

First, where a junior police officer is to be punished with stoppage of increment, section 40(2)(c) is amended to limit the stoppage to not more than 2 years. This is aligned with the disciplinary framework of the Public Service Commission that applies to senior police officers.

Secondly, section 40(3) is amended to clarify the procedure where the disciplinary officer is not a commanding officer. A disciplinary officer who is not a commanding officer but is an officer authorised by a commanding officer to conduct disciplinary proceedings against a junior police officer may, after giving such a police officer a reasonable opportunity to be heard, dismiss the charge against the police officer if the disciplinary officer is of the opinion that the charge is groundless or that there are special circumstances which justify its dismissal. On the other hand, if the disciplinary officer is satisfied on the evidence as to the police officer’s guilt, the disciplinary officer who is not a commanding officer may either order that the police officer be subject to any one of the punishments specified in section 40(2)(b) to (h) (which does not include dismissal or retirement in the public interest) or recommend in writing to the commanding officer that the junior police officer should be dismissed or retired in the public interest from the Police Force.

A commanding officer may, upon receiving the written recommendation from the disciplinary officer with respect to a junior police officer, and after reviewing the disciplinary officer’s report of the matter, either quash any finding of guilt made by the disciplinary officer and acquit the junior police officer and where appropriate, refer the case to another disciplinary officer recommending that disciplinary proceedings be re-instituted against the junior police officer, or dismiss the police officer, or order that police officer’s retirement in the public interest, from the Police Force or substitute another punishment referred to in section 40(2)(b) to (h).

A junior police officer retains the right to appeal to a Disciplinary Appeal Committee against an order of a disciplinary officer. Section 40(6) is amended to provide for such right to be exercised no later than the 30th day after the date the

order is served on the junior police officer, instead of the date of the order under the present law.

Finally, section 40(8) is amended to set out what a Disciplinary Appeal Committee may do on appeal. A Disciplinary Appeal Committee may determine the appeal by confirming any finding of guilt or punishment ordered by the disciplinary officer, by quashing any finding of guilt or punishment ordered by the disciplinary officer and, if the Disciplinary Appeal Committee is of the opinion that the case against the appellant should be re-tried, by ordering the case to be re-tried, or by varying the punishment by way of enhancement, reduction, substitution or otherwise except that no greater or more severe punishment may be ordered on appeal unless the appellant-police officer has been given a reasonable opportunity of being heard. There is no further appeal against the decision of a Disciplinary Appeal Committee as its decision on appeal is final.

Clause 16 introduces a new section 40A relating to the establishment of one or more Disciplinary Appeal Committees to hear appeals against an order of a disciplinary officer. Every Disciplinary Appeal Committee is to be made up of the Commissioner and 2 other commanding officers selected by the Commissioner from a panel of commanding officers appointed by the Minister. However, a commanding officer whose decision is appealed against under section 40(6) must not be selected to be a member of the Disciplinary Appeal Committee constituted to hear that appeal.

Clause 17 amends section 42(1) so that a junior police officer may, in lieu of dismissal or reduction in rank, be retired in the public interest if the junior police officer is convicted of a service offence in Part III or an offence under any other written law punishable with imprisonment. This provision is not affected by the amendments in clause 10 to section 29. The reference to “pay” in section 42(2) is replaced with the new expression “emoluments”.

Clause 18 amends the heading to Part VII to include mention of forensic specialists and civilian police assistants.

Clause 19 inserts new sections 65A and 65B relating to forensic specialists, and new sections 65C and 65D relating to civilian police assistants.

Under the new section 65A, the Minister is conferred power to appoint any civil servant, or any class of civil servants, or suitably qualified individuals who are not civil servants, to be forensic specialists to assist any police officer or law enforcement officer exercising in Singapore a power under the Act or any other written law. The civil servants must be Division I, II or III public officers who are not police officers but are deployed to work in the Police Force or a law enforcement agency. Non-civil servants may include experts in the field of forensic science whose expertise are required in particular investigations.

A forensic specialist is not a member of the Police Force. However, a forensic specialist is subject to the same disqualifications as a police officer as regards membership in trade unions in section 16(1) and (2).

A non-civil servant who is appointed as a forensic specialist under the new section does not, by virtue only of that appointment, become an employee or agent of the Government. This will ensure that any prohibition on other employment that an expert in a forensic science may be subject to is not triggered when he or she is appointed under the new section 65A as a forensic specialist for any particular investigation.

An individual's appointment as a forensic specialist can be revoked at any time.

The Commissioner has to issue to each forensic specialist an identification card. The identification card must be carried at all times by the forensic specialist when exercising powers under any provision in the Act or in any other written law. A forensic specialist whose appointment as such ceases must return to the Commissioner the identification card issued to him.

Finally, every forensic specialist is to be issued with specific accoutrements or equipment, or accoutrements or equipment of a certain description, determined by the Commissioner. This can include handcuffs and weapons like batons.

The new section 65B empowers the Commissioner to authorise, in writing, a forensic specialist to exercise certain powers specified in the new section 65B(3) to assist any police officer or a class of police officers, or any law enforcement officer or a class of law enforcement officers, specified in that authorisation. However, the Commissioner cannot authorise any forensic specialist to arrest any individual.

The powers that a forensic specialist may be authorised by the Commissioner to exercise may be all or any of the following, and no others.

The first set of powers is to secure a crime scene against unauthorised disturbance to the extent authorised by a warrant or directed by the police officer or law enforcement officer whom the forensic specialist is to assist. A crime scene is defined to refer to any place, vehicle, vessel or aircraft where an offence was committed or is reasonably suspected to have been committed. It is extended to also cover any place, vehicle, vessel or aircraft associated with, or relevant to, the commission or suspected commission of an offence.

The powers to secure a crime scene includes preventing any unauthorised individual, animal or vehicle from disturbing or entering the crime scene, restricting entry to the crime scene to people, animals, and vehicles, that are authorised, removing any unauthorised individual, animal or vehicle from the crime scene, preventing a thing relevant to the offence to which a crime scene relates from being concealed or disturbed and preventing any individual from removing evidence from or otherwise interfering with the crime scene or anything in it and, for that purpose, detain and search the individual. If the crime scene is

established in or around a vehicle, this also includes preventing the vehicle from being moved.

The second set of powers is to search a crime scene, and any individual at or within the vicinity of the crime scene, to the extent authorised by a warrant or directed by the police officer or law enforcement officer whom the forensic specialist is to assist. This includes doing any of the following to obtain evidence of the commission of an offence:

- (a) opening anything at the crime scene, or in the possession of the individual, that is locked and to inspect anything in it;
- (b) removing or causing to be removed an obstruction from the crime scene;
- (c) digging up anything at the crime scene, removing roofing material, wall or ceiling linings or floors of a building, or panels of a vehicle, vessel or aircraft that is a crime scene;
- (d) photographing or otherwise recording the crime scene and any thing or individual in it;
- (e) taking into and using in the crime scene any equipment or facilities that are reasonably necessary in order to search or inspect in accordance with any warrant or the directions of the police officer or law enforcement officer, including making reasonable use of any equipment, facilities or services in the crime scene, and to take electricity, gas, water or other utility, to operate those equipment or facilities;
- (f) exercising any power of a police officer under sections 34, 35, 39 and 40 of the Criminal Procedure Code (Cap. 68) (such as powers to access and decrypt information) at the crime scene.

Forensic specialists also have power to seize and detain all or part of a thing that might provide evidence of the commission of an offence to the extent authorised by a warrant or directed by the police officer or law enforcement officer, as the case may be.

They can also take statements from individuals to the extent directed by the police officer or law enforcement officer whom the forensic specialist is to assist, and to require any such individual to make and sign a declaration of the truth of the statement made by the individual.

Being specially trained, forensic specialists also have the power to do a forensic examination (whether at a crime scene or otherwise) on a thing relevant to an offence or a sample of such a thing, and to carry out any forensic procedure on any individual (whether at a crime scene or otherwise) in accordance with Part III or IV of the Registration of Criminals Act. The forensic specialist need not be authorised again by the Commissioner as an authorised person or authorised analyst for the purposes of Part III or IV of that Act (see clause 46(5)) if the forensic specialist is

acting in accordance with the written authorisation of the Commissioner under the new section 65B.

However, a forensic specialist's powers do not derogate from the power of accident investigators under any written law relating to air navigation or merchant shipping.

The powers of a forensic specialist are not to be exercised in instances where there is no basis for the police officer or law enforcement officer concerned to exercise his or her powers. The new section 65B(5) provides that a forensic specialist who is authorised by the Commissioner to exercise any power to assist a police officer or law enforcement officer specified in that authorisation may exercise that power only to assist the police officer or law enforcement officer, as the case may be. A forensic specialist has also to obey all lawful directions (general or specific) of the Commissioner and the police officer or law enforcement officer (as the case may be) when exercising such power.

Such a forensic specialist is also deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power, so that the various offences in the Penal Code on disobeying orders of public servants apply equally to forensic specialists.

However, a forensic specialist does not cease to be acting on the direction of a police officer or other law enforcement officer just because the police officer or law enforcement officer is not present at all times when the forensic specialist exercises the power. This will enable directions to be given by telephone or broadly, depending on the circumstances.

The new section 65B(6) also provides that where any written law protects a police officer or law enforcement officer from liability for that officer's acts or omissions, that written law is to be taken to operate as if those acts or omissions included the forensic specialist's acts or omissions when acting in the course of his duty as a forensic specialist in accordance with the written authorisation of the Commissioner and with subsection (5).

To extend to forensic specialists a similar level of immunity for assisting police officers as in the amendments in clause 7 to section 25, the new section 65B(7) provides that where any legal action is brought against a forensic specialist for anything done in obedience to a warrant, or any forensic specialist acting in the course of his duty as such by order or in assisting a law enforcement officer for anything done in obedience to a warrant, the forensic specialist is not to be held responsible for any irregularity in the issuing of the warrant because of any want of jurisdiction in the court issuing that warrant. Upon the warrant being produced and proved at the trial of the action and upon it being proved that the act complained of was done in obedience to the warrant, judgment must be given for the defendant despite any such irregularity or want of jurisdiction, and, without prejudice to section 25, the forensic specialist will be entitled to recover his costs.

The new section 65C empowers the Minister to appoint an individual to be a civilian police assistant to assist police officers in maintaining peace and good order in any particular area in Singapore. The individual may or may not be a civil servant; civilian police assistants can therefore also be made up of staff from public sector agencies and even individuals who have private sector jobs.

However, a civilian police assistant is not a member of the Police Force, and does not, by virtue only of the appointment, become an employee or agent of the Government.

As is the case of forensic specialists, the Minister can, for any reason that appears to the Minister to be sufficient, at any time revoke an individual's appointment as a civilian police assistant. The Commissioner is required to issue to each civilian police assistant an identification card, which must be carried at all times by the civilian police assistant when exercising powers under any provision in the Act or in any other written law. That identification card issued to a civilian police assistant must be returned if the civilian police assistant's appointment ends.

Every civilian police assistant is to be issued with such accoutrements or equipment or description of accoutrements or equipment as the Commissioner may determine (including batons). Clause 2 has defined "accoutrement" to include body-worn surveillance equipment capable of recording visual images and sound.

The new section 65D sets out the powers and functions of civilian police assistants. These are limited to powers described in new section 65D(3) and these can be exercised only if authorised by the Commissioner, to the extent directed by a police officer and only in any case where an individual is suspected of making such noise in any premises or in any public place as to cause annoyance or inconvenience to the occupier of any other premises in the vicinity or to any person lawfully in a public place.

These powers are to ask the individual suspected of making such noise to state the individual's name and residence, to prevent, reduce, eliminate or control the noise, or otherwise abate the nuisance. A civilian police assistant also has power to take statements from an individual suspected of making the noise, the complainant or any other individual who may assist in the investigation of the making of such noise, and to require any such individual or complainant to make and sign a declaration of the truth of the statement made by that individual or complainant.

A civilian police assistant can also be called on to give or deliver to any such individual alleged to have committed an offence in connection with that noise an offer of composition made by a duly authorised police officer.

The new section 65D(7)(a) makes it clear that civilian police assistants may exercise the above powers unaccompanied by police officers. However, they must obey all lawful directions (general or specific) of the Commissioner and a police officer when exercising such powers, and is deemed to be a public servant for the purposes of the Penal Code when exercising such power.

The Commissioner's authorisation for a civilian police assistant may limit when the civilian police assistant may exercise his powers or any of them, or limit where in Singapore the civilian police assistant may exercise those powers or limit the circumstances in which the civilian police assistant may do so.

The new section 65D(6) also provides that where any written law protects a police officer from liability for the police officer's acts or omissions, that written law is taken to operate as if those acts or omissions included the civilian police assistant's acts or omissions when acting in the course of his duty as such in accordance with the written authorisation of the Commissioner and the lawful directions of a police officer.

The new sections 65C and 65D do not derogate from the powers of the Director-General of Public Health under Part V of the Environmental Public Health Act (Cap. 95), or the right of the occupier of premises aggrieved by nuisance due to noise or vibration from making a complaint to a Magistrate under section 15 of the Miscellaneous Offences (Public Order and Nuisance) Act.

Section 44 of the Environmental Public Health Act provides that any place where there occurs, or from which there emanates noise or vibration, as to amount to a nuisance is a nuisance that can be dealt with summarily by the Director-General of Public Health under that Act. The Director-General of Public Health has the power, if satisfied of the existence of such a nuisance, to serve a nuisance order on the person by whose act, default or sufferance the nuisance arises or continues, or if the person cannot be found, on the owner or occupier of the premises on which the nuisance arises. Non-compliance with a nuisance order is an offence.

If the occupier of premises complains to a Magistrate that the occupier is aggrieved by noise or vibrations amounting to a nuisance, section 15 of the Miscellaneous Offences (Public Order and Nuisance) Act empowers the Magistrate to order the abatement of the nuisance and to prohibit a recurrence of the nuisance.

Clauses 20 and 21 amend sections 66(2)(c) and 67(2)(c), respectively, to reflect the new category of volunteers in the Special Constabulary called volunteer ex-NSmen.

Clause 22 amends section 68 to empower the Commissioner to enrol a new category of volunteers in the Special Constabulary called volunteer ex-NSmen. This is the voluntary extension of service national servicemen scheme.

The Commissioner is empowered to enrol as a volunteer ex-NSman in the Special Constabulary any former operationally ready national serviceman who enlisted in the Special Constabulary if the Commissioner wants that former operationally ready national serviceman to continue to serve as a member of the Special Constabulary and the operationally ready national serviceman is offering his service.

Clause 22 also makes a minor amendment to section 68(3) to replace the reference to “allowances” with the new expression “emoluments”.

Clause 23 introduces a new section 68A that provides for certain provisions of the Enlistment Act to apply to volunteer ex-NSmen, subject to such exceptions, modifications and adaptations as may be prescribed.

Clause 24 amends section 72(3) by requiring a volunteer special police officer who is on the voluntary extension of service national servicemen scheme to give a longer period of notice before resigning from the Special Constabulary. In the case of a volunteer on the voluntary extension of service national servicemen scheme, he must give at least 3 months’ notice in writing of his intention to resign from the Special Constabulary. In the case of any other volunteer special police officer, he has to give at least 14 days’ notice in writing of his intention to resign from the Special Constabulary.

Clause 25 amends section 75(1) and (2) to extend the offence of being absent without leave to volunteer ex-NSmen.

Clause 26 amends section 76(1) to extend the offence of desertion to volunteer ex-NSmen. The clause also makes a minor amendment to section 76(1) to replace the reference therein to “pay” with the new expression “emoluments”.

Clause 27 amends section 78(1) and (2) to empower the Commissioner to dismiss from the Special Constabulary a special police officer who is a volunteer ex-NSman if the special police officer is convicted under any written law and the conviction is not set aside on appeal. The clause also makes a minor amendment to section 78(3) to replace the reference to “allowances” therein with the new expression “emoluments”.

Clause 28 amends section 79 which concerns the suspension and interdiction of all types of special police officers.

Firstly, the amendment abolishes the power to suspend special police officers, as has been done by clause 10 to section 29. This is to address the inconsistency in the present text of section 79, the rest of which does not at all mention suspension.

Next, section 79(1) is amended by expanding the circumstances in which the Commissioner may interdict a special police officer from the performance of duty. Interdiction may be ordered where the special police officer is charged in court for an offence and the Commissioner is of the opinion that the nature and gravity of the offence warrant his interdiction, where the special police officer is being investigated for having committed an offence and the Commissioner considers that it is undesirable for that officer to continue to exercise the powers or perform the duties of a special police officer, where disciplinary proceedings under Part IV may result in the special police officer’s dismissal or reduction in rank are or are to be instituted, or where the Commissioner considers that it is otherwise in the public

interest that the special police officer should immediately cease to exercise the powers and perform the duties of a special police officer.

Thirdly, section 79(2) is amended to make it clear that interdiction involves withholding the whole or part of the special police officer's emoluments during the period of interdiction.

Fourthly, section 79(3) is amended to allow the whole or such proportion of the emoluments or the part thereof withheld during the period of interdiction as the Commissioner may determine to be paid to the special police officer if the special police officer is reduced in rank or otherwise disciplined but is not dismissed or discharged. On the other hand, if the special police officer is acquitted, the full amount of the emoluments or the part thereof withheld during the period of interdiction must be paid to the special police officer.

Clause 29 amends section 81 to improve the disciplinary framework for special police officers who are volunteers, and expands that framework to cover special police officers who are on the voluntary extension of service national servicemen scheme (called volunteer ex-NSmen) in the Special Constabulary.

First, the punishment of forfeiture of emoluments is differentiated between a special police officer who is a volunteer and a special police officer who is a volunteer ex-NSman. For a special police officer who is a volunteer ex-NSman, forfeiture may be up to 14 days' emoluments, whereas for a volunteer special police officer, forfeiture is up to 8 hours.

For disciplinary offence he commits, a special police officer who is a volunteer ex-NSman may also be detained for a period not exceeding 40 days, or be punished with stoppage of leave, restriction of privileges or extra duty. If the special police officer who is a volunteer ex-NSman is not below the rank of assistant superintendent, he may be punished with stoppage or deferment of increment (of up to 2 years). No such punishments may be made against volunteers as their terms of appointment do not have features that enable such punishments to be imposed.

Secondly, the maximum fine in section 81(6) is raised where the volunteer special police officer is a volunteer ex-NSman. In the case of an ordinary volunteer special police officer below the rank of assistant superintendent, the maximum fine is retained at \$200, but where the special police officer is a volunteer ex-NSman, the maximum fine is higher viz. a fine not exceeding \$300. In the case of a volunteer special police officer of the rank of assistant superintendent or higher, the maximum fine is \$400 but where the special police officer is a volunteer ex-NSman, the maximum fine is higher viz. a fine not exceeding \$1,000.

In addition to any punishment specified above, where a disciplinary officer finds any special police officer who is a volunteer ex-NSman guilty of the disciplinary offence of wilful destruction or negligent loss of or damage to property belonging to the Government, the disciplinary officer may order that special police officer to

pay compensation to make good, either partially or wholly, the value of such property or the amount of such loss or damage. This is to align the disciplinary framework in section 81 with that for regular police officers set out in section 40(5).

Thirdly, a special police officer who is either a volunteer or volunteer ex-NSman retains the right to appeal to the Commissioner or a Deputy Commissioner against an order of a disciplinary officer. Section 81(7) is amended to provide for such right to be exercised not later than the 30th day after the date an order under the amended section 81(3), (4) or (6) or the new section 81(6A) or (6D) is served on the special police officer, instead of the date of the order under the present law.

Fourthly, section 81(9) is amended to set out clearly what the Commissioner and a Deputy Commissioner may do on appeal. The Commissioner or Deputy Commissioner may determine the appeal by confirming any finding of guilt or punishment ordered by the disciplinary officer, by quashing any finding of guilt or punishment ordered by the disciplinary officer and, if the Commissioner or Deputy Commissioner is of the opinion that the case against the appellant should be re-tried, by ordering the case to be re-tried, or by varying the punishment by way of enhancement, reduction, substitution or otherwise. However, no greater or more severe punishment may be ordered on appeal unless the appellant-special police officer has been given a reasonable opportunity of being heard. There is no further appeal against the decision of the Commissioner or Deputy Commissioner, as the case may be; their decisions are final.

Finally, minor amendments are also made to substitute references to “allowance” in section 81(3)(c) and (4)(c) with the new expression “emoluments”.

Clause 30 amends section 82 also to improve the disciplinary framework for special police officers who are national servicemen in the Special Constabulary.

First, where a special police officer not below the rank of assistant superintendent is to be punished with stoppage of increment, section 82(4)(c) is amended to limit the stoppage to not more than 2 years.

Secondly, the maximum fine in section 82(6) is raised. In the case of a special police officer below the rank of assistant superintendent, the maximum fine is raised from \$200 to a fine not exceeding \$300. In the case of a special police officer of the rank of assistant superintendent or higher, the maximum fine is raised from \$400 to a fine not exceeding \$1,000.

The third amendment allows the disciplinary officer to impose additional punishment where the disciplinary officer finds a special police officer guilty of the disciplinary offence of wilful destruction or negligent loss of or damage to property belonging to the Government. That additional punishment is an order to pay compensation to make good, either partially or wholly, the value of such property or the amount of such loss or damage. This is to align the disciplinary framework in

section 82 for national servicemen with that for regular police officers set out in section 40(5).

Furthermore, if a special police officer who is a national serviceman in the Special Constabulary defaults on payment of a fine imposed on him by a disciplinary officer, a duly authorised disciplinary officer is further empowered to order the detention of the special police officer, with periods ranging from not more than 10 days to not more than 40 days, depending on the original amount of the fine imposed. However, the detention must come to an end once the default is made good by the special police officer paying in full the original fine imposed. By clause 44(3), this amendment will apply only to and in relation to fines imposed on or after the operative date of the amendment.

These amendments parallel the provisions in the Civil Defence Act (Cap. 42) that are applicable to national servicemen in the Singapore Civil Defence Force. There are similar provisions in the Singapore Armed Forces Act (Cap. 295).

A special police officer who is a national serviceman retains the right to appeal to the Commissioner or Deputy Commissioner against an order of a disciplinary officer. Section 82(7) is amended to provide for such right to be exercised not later than the 30th day after the date the order is served on the special police officer, instead of the date of the order under the present law.

Section 82(9) is amended to set out clearly what the Commissioner and a Deputy Commissioner may do on appeal. The Commissioner or Deputy Commissioner may determine the appeal by confirming any finding of guilt or punishment ordered by the disciplinary officer, by quashing any finding of guilt or punishment ordered by the disciplinary officer and, if the Commissioner or Deputy Commissioner is of the opinion that the case against the appellant should be re-tried, by ordering the case to be re-tried, or by varying the punishment by way of enhancement, reduction, substitution or otherwise except that no greater or more severe punishment may be ordered on appeal unless the appellant-special police officer has been given a reasonable opportunity of being heard. There is no further appeal against the decision of the Commissioner or Deputy Commissioner, as the case may be, as their decisions are final.

Finally, minor amendments are also made to replace references to “allowance” in section 82(3)(c) and (4)(b) with the new expression “emoluments”.

Clause 31 amends section 85(2) to expand the power to make regulations relating to the Special Constabulary to provide for the classification, treatment, employment, discipline and control of special police officers serving sentences of detention. The regulations could deal with the provision and management of detention barracks for special police officers ordered under Part VIII to be detained, and with their temporary or other release from detention for good conduct while in detention, or for compassionate grounds or otherwise.

Clause 32 amends section 86(1) which describes the purposes for which an auxiliary police force may be created. As amended, an auxiliary police force may be created to assist the Police Force in the detention or arrest of offenders, in addition to assisting in the maintenance of law and order.

Section 86 is also amended to empower the Minister to designate other individuals to hear appeals against the decision of the Commissioner insofar as these are made under the section relating to the creation of auxiliary police forces and conditions imposed on such creation, such as conditions restricting the auxiliary police force to carrying out only certain security activities. The individuals who may be designated to hear appeals against the Commissioner's decisions under the section are any Minister of State or Parliamentary Secretary for the Minister's Ministry, or any public officer in that Ministry not subordinate to the Commissioner.

Clause 33 similarly amends section 90 to empower the Minister to designate other individuals to hear appeals against the decision of the Commissioner insofar as these are made under section 90, that is, regulatory sanctions against employers of auxiliary police forces for breaching codes of practices or directives issued under section 89. The Minister may designate any Minister of State or Parliamentary Secretary for his or her Ministry, or any public officer in his or her Ministry not subordinate to the Commissioner or the decision-maker in lieu of the Commissioner by reason of section 17(1).

Clause 34 amends section 93(1) and (4) by replacing the references therein to "pay" and "salaries and allowances", respectively, with the new expression "emoluments".

Clause 35 makes a minor amendment to section 101(8) by replacing the reference therein to "salaries, fee and allowances" with the new expression "emoluments".

Clause 36 repeals and re-enacts section 108 by streamlining the procedure by which lost property is to be handled and unclaimed property in the custody of the Police Force is to be disposed of.

The new section 108 is no longer confined to lost property deposited with police officers in accordance with any written law. The new section 108 extends to cover movable property or cash that has been lost and whose owner is unknown at the time at which it is found (referred to as lost property). Where any lost property is deposited with a police officer, whether or not at a police station, reasonable efforts have to be taken by the Commissioner to keep the lost property in safe custody and ascertain its owner.

If the lost property is cash, it must, unless it is required to assist in the identification of its owner, be paid into a deposit account specially established. If there is a person who appears, to the satisfaction of the Commissioner, to be the owner, the lost property in the custody of the Police Force must be returned to that

person unless that person cannot be located after reasonable inquiry, or does not exercise his right to recover the property.

If, on the other hand, there is no person who appears to be the owner or the owner does not exercise his right to recover, then at the end of 30 days after the day the finder so deposited the lost property with a police officer, the lost property becomes unclaimed property.

If the lost property becomes unclaimed property, the Commissioner may cause the whole or any part of the unclaimed property to be sold (by public auction or otherwise), forfeited, destroyed or otherwise disposed of at such time and in such manner as the Commissioner thinks fit. A person who buys movable property that is unclaimed property sold by or on the authority of the Commissioner under this section obtains good title to that property.

Any proceeds of a sale of unclaimed property must be applied firstly, in payment of the expenses occasioned by the sale, secondly, in payment of storage or other expenses incurred by the Commissioner in relation to the property, and thirdly, by payment of the balance into the Consolidated Fund.

However, a person who can satisfy the Commissioner that he or she is the owner of lost property can still make a claim to recover that property after it has become unclaimed property. Such a claim must be made before the end of one year starting from the day on which the property was deposited by the finder with a police officer under the new section 108(1). In this case, the Commissioner may return the property if the property is still in the custody of the Police Force. But where the lost property is cash, or the lost property has already been sold, these would have been paid into the Consolidated Fund. In these latter instances, the Commissioner may authorise the refund of the cash or the proceeds of the sale of the property, as the case may be, to the person.

Finally, the new section 108 also provides that a finder of any lost property who deposits the property with a police officer has no rights in relation to that property by reason of being the finder. This displaces the common law, where the finder of a lost item could claim the right to possess the item against any person except the true owner.

Clause 37 deletes section 109(2) as the new section 110 will cover an intestate person's property that is perishable.

Clause 38 repeals and re-enacts section 110 (relating to valueless unclaimed or intestate property) and introduces a new section 110A.

The new section 110 sets out the procedure for dealing with lost property or an intestate person's property in the custody of the Police Force that may rapidly depreciate in value, or that is of such a nature or in such condition that it would be dangerous, not reasonably practicable or unduly costly for the Police Force to

retain custody of the property. The new section 110 also applies to found cash of not more than \$1,000 or the equivalent in foreign currency that is found.

Under the new section 110, the Commissioner is empowered to cause such property to be sold, by public auction or otherwise, destroyed, returned to the owner or otherwise disposed of at such time and in such manner as the Commissioner thinks fit. A person who buys property that is sold by or on the authority of the Commissioner under the new section 110 obtains good title to that property.

The new section 110A empowers the Commissioner to outsource to any person outside of the Police Force as an independent contractor the exercise of any power conferred, or the performance of any duty imposed, on the Commissioner under section 108, 109 or 110.

Clause 39 inserts a new section 112A which provides for the composition of offences under the Act, except service offences and disciplinary offences. The new section 112A confers on the Minister power to make regulations prescribing any offence under the Act (except a service offence or disciplinary offence) as a compoundable offence. The exception is made because service offences and disciplinary offences may be the subject of disciplinary proceedings.

The Commissioner is further vested with the power to compound any such offence which is so prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$5,000 or one half of the amount of the maximum fine that is prescribed for the offence, if lower.

Clause 40 amends section 115 to remove the limitation period for disciplinary action for service offences committed by police officers except in the case of special police officers who are national servicemen. In the case of the latter, any disciplinary proceedings must begin within 3 years after the date on which the disciplinary offence was alleged to have been committed, or the date on which information relating to the commission of that offence was first reported to or discovered by an investigating officer, whichever date is later.

Clause 41 amends section 117(2) to expand the power to make Police Regulations as a consequence of the amendments relating to civilian police assistants in clause 19.

A new area for which Police Regulations may be made are the appointment, release and discharge of civilian police assistants, and the terms and conditions of service of civilian police assistants who are not public officers, and the administration, organisation and discipline of civilian police assistants, including (in particular) requiring compliance with any provision of the Police General Orders or Force Orders. This does not affect section 117(2), which already allows Police Regulations to be made applicable to, and binding on, all members of the public service of Singapore employed in connection with the Police Force in the

same manner as if they were police officers, notwithstanding that they are not police officers.

Clause 42 inserts a new section 120A that creates a variety of offences to prevent abuses regarding police uniforms and insignias.

The new section 120A(1)(a) makes it an offence for a person who is not a police officer to wear or possess any police uniform or part thereof (or any uniform that resembles a police uniform), or use any police insignia (or anything that resembles a police insignia), for the purpose of personating or representing himself as a police officer, or knowing that is likely to cause any member of the public to believe that the person is a police officer. For example, an elderly person who wears a singlet with a police logo when exercising is unlikely to cause a member of the public to believe that the person is a police officer.

The new section 120A(1)(b) makes it an offence for a person who is not a police officer to use the designation of a police officer or a rank of the Police Force or the Special Constabulary, in connection with any business, occupation or employment, for the purpose of personating or representing himself as a police officer, or knowing that is likely to cause any member of the public to believe that the person is a police officer.

The new section 120A(1)(c) also makes it an offence for a person who is not a police officer to represent himself or herself, by word or conduct, to be a police officer for the purpose of personating or representing himself or herself as a police officer.

It is an offence under the new section 120A(1)(d) for a person, when not a police officer, to wear or possess any police uniform or part thereof (or any uniform that resembles a police uniform), or use any police insignia (or anything that resembles a police insignia) in connection with any business, occupation or employment, for the purpose of falsely claiming, suggesting or implying that the person has certain associations with the Police Force or the Special Constabulary. This can include driving a vehicle with a police insignia or anything that resembles police insignia in connection with any business, occupation or employment, for the purpose of falsely claiming, suggesting or implying that the person has certain associations with the Police Force or the Special Constabulary.

The associations referred to are holding a licence to deal in or manufacture police uniforms or police insignia referred to in the new section 120A(4)(a), or that the person receives or is to receive, a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the Police Force or the Special Constabulary, that the Police Force or the Special Constabulary has agreed to acquire any goods or services provided by or on behalf of the person, or that those goods or services had previously been used or acquired by the Police Force or the Special Constabulary, or that there is

sponsorship or approval of the Police Force or the Special Constabulary for any goods or services provided by or on behalf of the person.

The penalty for an offence under the new section 120A(1) is a fine not exceeding \$2,500 or imprisonment for a term not exceeding 6 months or both.

Under the new section 120A(2), it is an offence for a police officer to wear a police uniform or use any police insignia otherwise than in the course of, and for the purpose of, exercising the functions of a police officer. The penalty is a fine not exceeding \$2,500 or imprisonment for a term not exceeding 6 months or both.

However, it is a defence if the accused charged with an offence under the new section 120A(1)(a) or (2) can prove, on a balance of probabilities, either that the accused had the express permission of the Commissioner to wear or possess the police uniform (or any uniform that resembles a police uniform) or use the police insignia (or anything that resembles a police insignia), as the case may be, or that the accused wore or possessed the uniform or used the insignia for the purposes of a public entertainment provided in compliance with the Public Entertainments and Meetings Act (Cap. 257).

The new section 120A(4) also makes it an offence if a person (whether or not a police officer) manufactures or sells any police uniform (or any uniform that resembles a police uniform) or police insignia (or anything that resembles a police insignia) otherwise than in accordance with a licence granted to the person by the Commissioner.

It is also an offence if a person sells any police uniform (or any uniform that resembles a police uniform) or any police insignia (or anything that resembles a police insignia) to, or gives or furnishes, with or without consideration, any such uniform or insignia, to a person who is neither a police officer nor otherwise authorised or permitted under the new section 120A(3) to possess or wear the police uniform or use the police insignia. The penalty is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 years or both.

A person is so authorised or permitted to possess or wear a police uniform or use a police insignia if the person has the express permission of the Commissioner to wear or possess the police uniform, or if the person is doing so in a public entertainment provided in compliance with the Public Entertainments and Meetings Act, such as an actor or a costume manager.

However, in a prosecution for an offence under the new section 120A(4)(b) or (c), the accused has a defence if he can prove, on a balance of probabilities, that he had reasonable grounds to believe and did make reasonable inquiries to ascertain that the person to whom the police uniform or police insignia was sold, given or furnished was a police officer or a person is authorised or permitted under the new section 120A(3) to possess or wear a police uniform or use a police insignia.

It is a further defence if the accused can prove, on a balance of probabilities, that the accused had received from the person to whom the police uniform or police insignia was sold, given or furnished evidence purporting to show that that person was a police officer or was otherwise authorised or permitted under the new section 120A(3) to possess or wear the police uniform or use the police insignia, and that it was reasonable to and the accused did accept that evidence as correct.

Clause 43 makes miscellaneous amendments to sections 69(2) and 73(3) in view of the amendment (in clause 2) to the definition of “Deputy Commissioner” which allows for more than one Deputy Commissioner.

Clause 44 is a saving and transitional provision.

It provides that the new disciplinary procedures in clauses 10, 11, 15 and 17 (relating to disciplinary proceedings against a police officer below the rank of inspector) and clauses 28, 29 and 30 (relating to disciplinary proceedings against special police officers), do not apply to, or in relation to, any disciplinary proceedings instituted against the relevant police officer before the respective operative dates of those clauses if these are pending on those respective dates. These proceedings are to be continued, and any punishment may be imposed on the officer concerned, under the Act as if not amended.

The amendment to section 115 in clause 40 will not prevent the commencement and maintenance of any disciplinary proceedings on or after the date of commencement of clause 40 with respect to any disciplinary offence alleged to have been committed before that date. However, disciplinary proceedings against a police officer in respect of such a disciplinary offence alleged to have been committed by the police officer will be time-barred if, on that date, such proceedings are barred by virtue of the Act as in force before that date.

The Minister is further given power to make regulations of a saving and transitional nature.

Clause 45 read with the Schedule makes related amendments to the Fire Safety Act (Cap. 109A) concerning fire forensic specialists which are in terms similar to that in the new sections 65A and 65B. A new definition of “fire forensic specialist” is introduced in section 2 of the Fire Safety Act.

Section 8 of the Fire Safety Act is amended by deleting the reference to the power to determine the cause or causes of any fire which has occurred, and the power to enter premises without notice within 48 hours after a fire has occurred in the premises for that purpose. This will be covered in a re-enacted section 8B.

Section 8A of the Fire Safety Act is amended to also omit references to the power to determine the cause or causes of any fire which has occurred on board a vessel, and the power to board a vessel without notice within 48 hours after a fire has occurred in the premises for that purpose. This will be covered in a re-enacted section 8B.

Section 8B of the Fire Safety Act is repealed and re-enacted to confer on the Commissioner of Civil Defence (SCDF Commissioner), a member of the Singapore Civil Defence Force (an SCDF member) or a fire forensic specialist authorised by the SCDF Commissioner in writing certain powers for the purposes of investigating the cause or origin of any fire which has occurred in or on any aircraft, vessel or vehicle, or in or on any premises. One of these powers is to enter and inspect those premises or any adjacent premises, or to board the aircraft, vessel or vehicle, after showing, if so required, an authenticated document showing authority to so enter or board, as the case may be.

This power to enter premises or board an aircraft, vessel or vehicle is exercisable without notice within a period of 48 hours after the fire on the premises, aircraft, vessel or vehicle, as the case may be, has been put out. If the power is to be exercised outside of the first 48 hours after a fire is put out, prior notice must be given to the premises occupier or the owner of the aircraft, vessel or vehicle before entry or boarding takes place.

The SCDF Commissioner, or an SCDF member or a fire forensic specialist authorised by the Commissioner in writing is also conferred power to seize or detain the aircraft or vehicle on which a fire has occurred for the purposes of investigating the cause or origin of the fire. However, this power cannot derogate from the power of accident investigators under any written law relating to air navigation or merchant shipping.

Section 8C of the Fire Safety Act (which relates to powers ancillary to sections 8, 8A and 8B of that Act) is amended to include mention of fire forensic specialists.

Finally, a new section 8E of the Fire Safety Act is introduced to provide for the appointment of fire forensic specialists by the Minister to assist the SCDF Commissioner, or any SCDF member exercising powers under sections 8 and 8B of the Fire Safety Act. Fire forensic specialists may be appointed from civil servants who are not SCDF members but are employed in SCDF offices, or from non-civil servants with suitable qualifications or experience to properly exercise the powers of a fire forensic specialist.

A fire forensic specialist is to be authorised by the SCDF Commissioner to exercise any of the powers in sections 8B and 8C of the Fire Safety Act in aid of any SCDF member or class of such members, as the SCDF Commissioner may specify in that authorisation.

Section 59(3) of the Fire Safety Act is amended to extend to fire forensic specialists the legal protection against personal legal liability for matters or things done with reasonable care and in good faith for the purpose of carrying out the provisions of that Act.

Clause 46 makes consequential amendments to the Criminal Law (Temporary Provisions) Act (Cap. 67), the Criminal Procedure Code (Cap. 68), the Enlistment

Act (Cap. 93), the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) and the Registration of Criminals Act (Cap. 268).

Services provided by forensic specialists and fire forensic specialists are specified to be essential services in Part I of the First Schedule to the Criminal Law (Temporary Provisions) Act. These individuals work in aid of law enforcement officers and civil defence officers who are already essential services. By this amendment, forensic specialists and fire forensic specialists are prohibited from striking unless notice of intention to strike is given at least 14 days before striking, etc.

Where the Criminal Procedure Code is concerned, section 22(1) (on oral examination of witnesses) is amended to include a reference to a forensic specialist acting in the course of his duty as such in accordance with the relevant authorisations and the lawful directions. By this amendment, the person examined will similarly be legally bound to state truly (as is the present case for a police officer) what the person examined knows of the facts and circumstances of the case, subject to the privilege of self-incrimination. This is a necessary consequential amendment as forensic specialists are conferred powers to take statements.

Sections 34 and 35 (on search and seizure) are also amended so that the reference in those provisions to a police officer include a reference to a forensic specialist acting in the course of his duty as such in accordance with the relevant written authorisations and the lawful directions of the police officer he assists.

Finally, section 39(6) of the Criminal Procedure Code is amended to expand the meaning of authorised person in sections 39 and 40 of that Code to include forensic specialists. By this consequential amendment, a forensic specialist authorised by the Commissioner of Police will, when investigating an arrestable offence, have similar powers of a police officer to access, inspect and check the operation of a computer that the forensic specialist has reasonable cause to suspect is or has been used in connection with the arrestable offence, and use or cause to be used any such computer to search any data contained in or available to such computer. Such a forensic specialist who is further authorised by the Public Prosecutor under section 40 of the Criminal Procedure Code will also have similar powers to access decryption information as a police officer for the purposes of investigating an arrestable offence.

Section 2 of the Enlistment Act is amended to introduce the definition of “voluntary service” which includes service as a volunteer ex-NSman in the Special Constabulary. By reason of this amendment, sections 23, 24 and 25 of the Enlistment Act will also apply to volunteer ex-NSmen in the Special Constabulary. Hence, for example, an employer of a volunteer ex-NSman must grant him leave of absence during his period of service as such. A volunteer ex-NSman who is gainfully employed is entitled to claim reimbursement of an amount by which his

civilian remuneration is reduced as a result of being required to perform service as a volunteer ex-NSman in the Special Constabulary.

Sections 22(3)(a) and 22A(3) of the Miscellaneous Offences (Public Order and Nuisance) Act are amended, respectively, so that a forensic specialist or civilian police assistant acting in the course of his duty as such and in accordance with the Police Force Act will not be committing an offence under those provisions, which makes unlawful the carrying of truncheons in public places.

Next, a new section 41 is introduced to the Miscellaneous Offences (Public Order and Nuisance) Act, to empower the Minister to make regulations for the purposes of that Act. Reading this with section 243(3) of the Criminal Procedure Code, the Minister is empowered to make regulations to prescribe the offences under that Act or any of its subsidiary legislation as offences that may be compounded, to designate the person who may compound such offences, and to specify the maximum sum for which any such offence may be compoundable. One such offence that may be made compoundable is the offence under section 14 of that Act viz. making noise by any instrument or other means in such a manner as to cause annoyance or inconvenience to the occupier of any premises in the vicinity or to any person lawfully using any public road or in any public place.

However, being subsidiary legislation, the regulations cannot extend to the offences in the Miscellaneous Offences (Public Order and Nuisance) Act that have been prescribed in the Fourth Schedule to the Criminal Procedure Code as being compoundable by the victim if no police investigations have started. These are presently offences under section 11(1)(a), (c) and (g) (nuisance from writing, defacing or marking on any building, wall or fence being private property, nuisance from obstructing or causing trouble or inconvenience to any person bathing at any place set aside as a bathing place, or nuisance from setting on or urging any dog or other animal to attack, worry or put in fear any person), section 12(1)(b) (allowing animal to stray upon private land), section 17 (depositing corpse or dying person in any private place) and section 32 (touting).

The last consequential amendment is to the Registration of Criminals Act.

A new definition of “forensic specialist” is introduced in section 2 of the Registration of Criminals Act with a cross-reference to the new section 65A of the Police Force Act. The definition is to enable a forensic specialist, acting in accordance with the authorisation of the Commissioner under section 65B of the Police Force Act, to serve —

- (a) as an authorised officer for the purposes of Part III of the Registration of Criminals Act, such as taking the finger impressions and photographs of any arrested person who is accused of any crime; and
- (b) as an authorised analyst for the purposes of Part IV of the Registration of Criminals Act, such as taking a body sample for forensic DNA analysis

from any person who is arrested and accused of a crime, who is convicted or is serving a sentence of imprisonment.

This will obviate the Commissioner having to take an extra step, under the Registration of Criminals Act, of authorising a forensic specialist whom he has already authorised under the new section 65B of the Police Force Act, to perform forensic DNA testing and analysis and taking of finger impressions and taking of body samples, etc., under the Registration of Criminals Act.

Section 13A(2) of the Registration of Criminals Act is also amended to make it clear that the Minister may, by subsidiary legislation, expand the meaning of “body sample” to specifying the types of samples of or from the body of a person that may be taken under Part IV of that Act. This will enable prescribing the taking of a sample of a nail as well as a sample of any thing, such as gun powder residue, under a person’s nail. The prohibition against taking a body sample from a person’s private parts, a body orifice except the mouth, or a woman’s breasts, is unchanged.

EXPENDITURE OF PUBLIC MONEY

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