



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

BILLS SUPPLEMENT

Published by Authority

NO. 44]

MONDAY, OCTOBER 1

[2018

First published in the *Government Gazette*, Electronic Edition, on 1 October 2018 at 5 pm.

Notification No. B 44 — The Civil Defence and Other Matters Bill is published for general information. It was introduced in Parliament on 1 October 2018.

Civil Defence and Other Matters Bill

Bill No. 44/2018.

Read the first time on 1 October 2018.

A BILL

i n t i t u l e d

An Act to amend the Civil Defence Act (Chapter 42 of the 2001 Revised Edition), the Immigration Act (Chapter 133 of the 2008 Revised Edition), the Police Force Act (Chapter 235 of the 2006 Revised Edition) and the Prisons Act (Chapter 247 of the 2000 Revised Edition), and to make related amendments to the Enlistment Act (Chapter 93 of the 2001 Revised Edition).

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

Short title and commencement

1. This Act is the Civil Defence and Other Matters Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

PART 1

AMENDMENTS TO CIVIL DEFENCE ACT

Amendment of section 2

2. Section 2 of the Civil Defence Act (Cap. 42) is amended —

(a) by inserting, immediately after the definition of “emergency services”, the following definition:

““ex-NSman” means a former operationally ready national serviceman;”;

(b) by inserting, immediately after the word “include” in the definition of “member”, the words “a volunteer ex-NSman or”;

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

““prescribed civil defence emergency device” means —

(a) a public warning device; or

(b) such device for the detection or monitoring of a civil defence emergency as may be prescribed,

and includes a prescribed civil defence emergency device installed by the Commissioner, with the agreement of the owner of the premises, before the date of commencement of section 20 of the Civil Defence and Other Matters Act 2018;”;

- (d) by deleting the full-stop at the end of the definition of “state of emergency” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““volunteer ex-NSman” means an ex-NSman enrolled as a volunteer ex-NSman under section 9A.”.

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Amendment of section 4

3. Section 4 of the Civil Defence Act is amended —

- (a) by deleting the word “and” at the end of subsection (1)(a);

- (b) by deleting the full-stop at the end of paragraph (b) of subsection (1) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

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“(c) to carry out, on a day-to-day basis, operations for the protection of the life, health or safety of individuals, whether or not arising out of a civil defence emergency.”; and

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- (c) by deleting the word “warning” in subsection (2)(g) and substituting the words “civil defence emergency”.

Amendment of section 5

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4. Section 5(3) of the Civil Defence Act is amended by inserting, immediately after paragraph (b), the following paragraph:

“(ba) volunteer ex-NSmen enrolled under section 9A;”.

Amendment of section 6

5. Section 6(3) of the Civil Defence Act is amended by deleting the word “The” and substituting the words “Unless otherwise provided, the”.

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Amendment of section 7

6. Section 7 of the Civil Defence Act is amended —

(a) by deleting the words “and confer any rank on any such auxiliary member” in subsection (2); and

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

“(4) The Minister may, from time to time, authorise such allowances to be paid to auxiliary members for their services.”.

New sections 9A and 9B

7. The Civil Defence Act is amended by inserting, immediately after section 9, the following sections:

“Volunteer ex-NSmen

9A.—(1) The Commissioner may enrol under this section, as a volunteer ex-NSman, any ex-NSman who was enlisted as a national serviceman in the Force where —

(a) the Commissioner wants that ex-NSman to continue to serve in the Force; and

(b) the ex-NSman is offering his service.

(2) The provisions of sections 14, 15, 21, 22, 23, 24, 25 and 30 of the Enlistment Act (Cap. 93) affecting any person who is liable for operationally ready national service apply (so far as relevant) to a volunteer ex-NSman enrolled under this section 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.

(3) The provisions of any other existing law that relate to an individual liable for operationally ready national service 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.

(4) The Minister may, from time to time, authorise such emoluments to be paid to volunteer ex-NSmen for their services.

(5) 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 7 of the Civil Defence and Other Matters Act 2018.

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Appointments and promotions

9B.—(1) Subject to section 8, the Minister may do the following:

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(a) appoint or promote a member to the rank of lieutenant-colonel and above;

(b) reduce the rank of a member of the rank of lieutenant-colonel and above.

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(2) Subject to section 8, the Commissioner may do the following:

(a) appoint or promote a member to the rank of major and below;

(b) reduce the rank of a member of the rank of major and below.

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(3) The Commissioner may delegate the power under subsection (2) to any officer of the rank of lieutenant-colonel and above.”.

New section 10A

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8. The Civil Defence Act is amended by inserting, immediately after section 10, the following section:

“Discharge of volunteer ex-NSmen

10A.—(1) The Commissioner may, without notice, discharge any volunteer ex-NSman.

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(2) Any volunteer ex-NSman is entitled, except when a state of emergency or a state of civil defence emergency is in force or when volunteer ex-NSmen are mobilised under section 113(1)(a), to be discharged from the Force after giving the Commissioner at least 3 months' notice in writing of his intention to resign from the Force.”.

Amendment of section 14

9. Section 14(2) of the Civil Defence Act is amended by inserting, immediately after the words “national service”, the words “and volunteer ex-NSmen”.

Amendment of section 18

10. Section 18 of the Civil Defence Act is amended by inserting, immediately after subsection (1), the following subsections:

“(1A) Subject to section 19, where a service offence under this Act has been committed, or is reasonably suspected of having been committed, by any person while subject to this Act, then the disciplinary officer or Disciplinary Board before whom the offence is triable may, under the authority of the Commissioner, order that person to report for trial for the offence as if that person continued to be subject to this Act despite the person ceasing at any time to be subject to this Act.

(1B) Any person who fails to comply with any order under subsection (1A) —

(a) is deemed to have failed to comply with a lawful order within the meaning of section 35(1); and

(b) is liable to be arrested, proceeded against and punished for an offence under section 35(1) as if the person continued to be subject to this Act.”.

Amendment of section 19

11. Section 19 of the Civil Defence Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Subject to subsection (3), a person is not liable to be tried by a disciplinary officer for a service offence unless the trial begins within 3 years after the later of the following dates:

- (a) the date on which the service 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 service offence.”.

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New section 32A

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12. The Civil Defence Act is amended by inserting, immediately after section 32, the following section:

“Refusing medical or dental examination or treatment

32A. Any person who, without reasonable excuse, does not submit to —

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- (a) a medical or dental examination or test;
- (b) inoculation, vaccination or immunisation; or
- (c) medical or dental treatment,

where required to by the Commissioner, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months or to any other punishment authorised by this Act.”.

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Amendment of section 75

13. Section 75 of the Civil Defence Act is amended —

- (a) by deleting subsection (1) and substituting the following subsections:

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“(1) Where a junior disciplinary officer finds an accused guilty of a charge, the junior disciplinary officer may award one of the following punishments:

- (a) detention for a period not exceeding 40 days;

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- (b) a fine not exceeding \$1,500;
- (c) a reprimand;
- (d) such other minor punishment as may be prescribed by regulations.

(1A) Where a senior disciplinary officer finds an accused guilty of a charge, the senior disciplinary officer may award one of the following punishments:

- (a) if the accused is a warrant officer (of any rank), detention for a period not exceeding 40 days;
- (b) if the accused is a warrant officer (of any rank), second lieutenant or lieutenant, a fine not exceeding \$2,000 or, if the accused is a captain or major, a fine not exceeding \$3,000;
- (c) a reprimand;
- (d) such other minor punishment as may be prescribed by regulations.”; and

(b) by inserting, immediately after the words “at his discretion” in subsection (2), the words “but subject to section 76B”.

Amendment of section 76

14. Section 76 of the Civil Defence Act is amended —

- (a) by inserting, immediately after the words “dealt with” in subsection (1), the word “only”;
- (b) by inserting, immediately after the words “3 persons” in subsection (1), the words “(none of whom may be the Commissioner)”;
- (c) by inserting, immediately after subsection (1), the following subsection:

“(1A) The following provisions apply to an officer dealt with by a Disciplinary Board as if the officer were dealt with by a disciplinary officer:

Sections 17, 18(1), 19(1) and (4), 20, 21, 43, 53, 74, 75(3) to (6), 83, 85, 89(1)(b), (c) and (d), 91, 97 and 115(2)(e).”; and

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(d) by deleting paragraph (b) of subsection (2) and substituting the following paragraph:

“(b) deal with the case and upon conviction of the accused impose —

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(i) a reprimand; or

(ii) if the accused is a lieutenant-colonel or a colonel, a fine not exceeding \$6,000, or if the accused is an Assistant Commissioner, a fine not exceeding \$10,000,

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and may additionally make a recommendation to the Minister that the accused be reduced in rank, and the Minister may, subject to section 76B, reduce the rank of the accused in addition to or in substitution for the punishment imposed by the Disciplinary Board.”.

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New sections 76A and 76B

15. The Civil Defence Act is amended by inserting, immediately after section 76, the following sections:

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“Appeal against award or finding

76A.—(1) An accused who is aggrieved by a finding or punishment awarded by a disciplinary officer or Disciplinary Board may, within 5 days after being notified of the finding or punishment (or a longer or shorter period if prescribed in substitution), appeal to the Commissioner against the finding or punishment.

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(2) An appeal under subsection (1) must be made in such form and manner as may be prescribed.

(3) Where an appeal has been made under subsection (2) against a finding or punishment awarded by a disciplinary officer or Disciplinary Board, the punishment awarded is suspended pending the determination of the appeal.

(4) The Commissioner may determine an appeal under subsection (2) against a finding or punishment awarded by a disciplinary officer or Disciplinary Board —

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

(b) by quashing any finding of guilt or punishment ordered by the disciplinary officer or Disciplinary Board and, if the 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 or Disciplinary Board;

(c) by replacing any finding by the disciplinary officer or Disciplinary Board that, in the opinion of the Commissioner, is illegal or cannot be supported by the evidence with a new finding that could validly have been made by the disciplinary officer or Disciplinary Board 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) The Commissioner's decision under this section is final.

(6) Every appellant must be notified of the Commissioner's decision under this section.

(7) The Commissioner may designate a Deputy Commissioner to hear and determine, in the Commissioner's place, any appeal to the Commissioner under subsection (1).

(8) A reference to the Commissioner in subsections (4), (5) and (6) includes a reference to a person designated under subsection (7).

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Reduction after conviction

76B. Where a disciplinary officer or Disciplinary Board recommends to the Commissioner or the Minister under section 75(2) or 76(2)(b) to reduce the rank of an accused, the Commissioner or the Minister must not reduce the rank of the accused before —

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(a) the expiry of the period for making an appeal under section 76A(1); or

(b) the determination of any appeal under section 76A,

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whichever is later.”.

Amendment of section 81

16. Section 81 of the Civil Defence Act is amended —

(a) by deleting subsections (1) and (2);

(b) by deleting the words “shall as soon as practicable” in subsection (3) and substituting the word “may”;

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(c) by deleting the words “reviewing authority” wherever they appear in subsections (3) to (9) and substituting in each case the word “Commissioner”;

(d) by deleting the words “if it considers” in subsection (4) and substituting the words “if the Commissioner considers”; and

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(e) by deleting the word “it” in subsection (9) and substituting the words “the Commissioner”.

Amendment of section 84

17. Section 84(2) of the Civil Defence Act is amended —

(a) by deleting “\$100” in paragraph (a) and substituting “\$300”; and

5 (b) by deleting paragraph (b) and substituting the following paragraph:

“(b) if the fine exceeds \$300 but does not exceed \$1,000, detention for a period not exceeding 20 days;”.

10 New Part XIA

18. The Civil Defence Act is amended by inserting, immediately after section 101, the following Part:

“PART XIA

DAY-TO-DAY OPERATIONS

15 Powers for day-to-day operations

101A.—(1) The Commissioner or any member authorised by the Commissioner may, if the action authorised by this section appears to him to be necessary for the discharge of the function in section 4(1)(c) —

20 (a) enter upon and, if necessary, break into any place, building, premises or land;

(b) remove from any place, vehicle, structure or thing impeding such operations and, to facilitate its removal, use such force as is reasonably necessary or break into any such vehicle;

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(c) remove, using reasonable force if necessary, any individual whose life, health or safety is, in his opinion, endangered;

(d) stop individuals from entering, or close or cause to be closed to traffic, any road, street, path, private street, private way, service lane, waterway, right of way or access way or other way;

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- (e) shut off or disconnect the supply of gas, fuel oil, water or electricity to any premises or order any person having the control of such supply to shut off or disconnect the supply;
- (f) require any individual whom he has reason to suspect has been exposed to any hazardous material in a hazardous materials incident to undergo such medical examination and medical treatment at such place or hospital as he may specify; and 5
- (g) seize any thing that is contaminated by any hazardous material as a result of a hazardous materials incident and dispose of the thing. 10

(2) The Commissioner or any member authorised by the Commissioner may, for the purposes of facilitating the provision of urgent medical care to an individual whose identity is not known and who is unconscious or otherwise unable to communicate, take the individual's fingerprints or other personal identifiers. 15

Persons assisting Force

101B.—(1) The powers conferred by section 101A(1)(a) to (e) and (2) may also be exercised by the following persons: 20

- (a) any employee of an emergency ambulance service provider providing emergency ambulance services for the Force in the performance of a contract between the emergency ambulance service provider and the Government; 25
- (b) any regular serviceman or national serviceman enlisted with the Singapore Armed Forces who is attached to the Force to assist in the provision of emergency ambulance services by the Force. 30

(2) An employee of an emergency ambulance service provider providing emergency ambulance services for the Force in the performance of a contract between the emergency ambulance service provider and the Government is, in relation to the

employee's performance of the employee's duties in connection with the provision of the emergency ambulance services, taken to be a public servant for the purposes of the Penal Code (Cap. 224).

Protection from personal liability

101C. No liability shall lie personally against the Commissioner or any member, or any person mentioned in section 101B who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.”.

Amendment of section 103

19. Section 103(1) of the Civil Defence Act is amended —

(a) by deleting the word “motorway” in paragraph (e) and substituting the word “path”; and

(b) by inserting, immediately after the words “service lane,” in paragraph (e), the word “waterway,”.

New Part XIIA

20. The Civil Defence Act is amended by inserting, immediately after section 103, the following Part:

“PART XIIA

PUBLIC WARNING SYSTEM

Interpretation of this Part

103A.—(1) In this Part —

“owner” —

(a) in relation to any premises comprised in a strata title plan under the Land Titles (Strata) Act (Cap. 158), means —

(i) in the case of a lot, the person who is registered as the subsidiary proprietor of the lot under that Act;

- (ii) in the case of a common property, the management corporation having control of that common property, or the person receiving any rent or charge for the maintenance and management of that common property; and 5
 - (iii) in the case of a limited common property as defined in section 2(1) of the Building Maintenance and Strata Management Act (Cap. 30C), the subsidiary management corporation established by that Act having control of that limited common property, or the person receiving any rent or charge for the maintenance and management of that limited common property; 10 15
- (b) in relation to a building in a housing estate of the Housing and Development Board (called an HDB housing estate), means —
 - (i) in the case of a flat, any owner of the flat as defined in section 2(1) of the Housing and Development Act (Cap. 129); 20
 - (ii) in the case of the building's common property in an HDB housing estate that is controlled, managed and maintained by a Town Council, that Town Council; and 25
 - (iii) in the case of the building's common property in an HDB housing estate that is not controlled, managed and maintained by a Town Council, the Housing and Development Board; 30
- (c) in relation to a subdivided building that is not mentioned in paragraph (a) or (b), means —
 - (i) in the case of a lot, the person who is registered under the Land Titles 35

Act (Cap. 157) as the proprietor of the fee simple, estate in perpetuity or leasehold estate of that lot; and

5 (ii) in the case of the subdivided building's common property, every person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of a lot in that building, or the person receiving any
10 rent or charge for the maintenance and management of the common property;

(d) in relation to any premises which are not a subdivided building mentioned in paragraph (a),
15 (b) or (c), means any person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of those premises; and

(e) in relation to any other premises or building,
20 means the person for the time being receiving the rent of the premises or building, whether on the person's own account or as agent, trustee or receiver, or who would receive such rent if the premises or building were let to a tenant, and includes the person whose name is entered in the
25 Valuation List prepared under section 10 of the Property Tax Act (Cap. 254) as the owner of the premises or building, or a mortgagee in possession;

30 "relevant premises" means any building or part of a building but does not include —

(a) a residential building not exceeding such height as may be prescribed; and

(b) such other type of building as may be prescribed;

“working day” means any day other than a Saturday, Sunday or public holiday.

(2) For the purposes of this Part, the height of a building is the distance, measured in a straight line on a vertical plane, from the lowest point of the building at ground level to the highest point of the building (including any structure fixed to the building).

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Provision of space to install prescribed civil defence emergency devices

103B.—(1) The Commissioner may by direction require the owner of any relevant premises to provide, at the owner’s expense and within such period as may be specified in the direction —

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(a) such space or facility within or on the premises specified in the direction; and

(b) access to the premises,

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as will substantially assist the Commissioner in installing a prescribed civil defence emergency device.

(2) To avoid doubt, the Commissioner may give a direction under subsection (1) even though the direction may prejudice the contractual obligations of the owner or occupier of the premises, whether the obligation relates to a contract made before, on or after the date of commencement of section 20 of the Civil Defence and Other Matters Act 2018.

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(3) No liability shall lie against any party to a contract made before, on or after the date of commencement of section 20 of the Civil Defence and Other Matters Act 2018 for or in relation to, any breach of the contract where the breach is solely attributable to, or occasioned by, the compliance by that party with any direction of the Commissioner under subsection (1).

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(4) Nothing in subsection (3) affects the operation of the Frustrated Contracts Act (Cap. 115).

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(5) The Commissioner may at any time vary, suspend or revoke the whole or any part of a direction under subsection (1).

(6) Any owner who contravenes any direction under subsection (1) 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 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Power to enter premises for assessment, repair and maintenance

103C.—(1) The Commissioner may —

(a) enter any relevant premises to assess whether the premises are suitable for installing a prescribed civil defence emergency device; and

(b) enter any premises on which a prescribed civil defence emergency device is installed by the Commissioner to inspect or carry out works to repair or maintain the prescribed civil defence emergency device.

(2) The Commissioner must not exercise the power under subsection (1)(a) or (b) in respect of any premises unless the Commissioner notifies the owner of the premises of the intention to exercise a power conferred by that subsection not less than 5 working days before the power is exercised.

(3) Despite subsection (2), where the Commissioner has reason to believe that a civil defence emergency is likely to occur and urgent repairs to a prescribed civil defence emergency device installed on any relevant premises are needed, and —

(a) entry into those premises has been refused or such refusal is apprehended; or

(b) the Commissioner is, after reasonable efforts, unable to obtain the owner's consent to enter the premises for any other reason,

the Commissioner may enter the premises to carry out such urgent repairs to the prescribed civil defence emergency device

at any time and without giving the owner of the premises notice of the Commissioner's intention to do so.

(4) The Commissioner may, in exercising the power under subsection (1)(a) or (b), take with the Commissioner such other persons as may be necessary.

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(5) The Commissioner may, in exercising the power under subsection (3), do all or any of the following:

(a) take with the Commissioner such other persons as may be necessary;

(b) break open any outer or inner door or window leading to the premises;

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(c) forcibly enter the premises and every part of the premises;

(d) remove by force any obstruction to the entry;

(e) remove or demolish any fixtures or fittings in the premises if the removal or demolition is necessary for the carrying out of urgent repairs to a prescribed civil defence emergency device.

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(6) The Commissioner's powers under subsections (1) to (5) may be exercised by any officer or serviceman authorised by the Commissioner (called in this section an authorised person), and any reference to the Commissioner in those subsections includes a reference to such an authorised person.

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(7) Before entering the premises under subsection (1)(a) or (b), an authorised person must produce, if so required —

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(a) the authorised person's original identity card or such identification card as the Commissioner may direct to be carried by the person as proof of the authorised person's identity; and

(b) some duly authenticated document showing the authorised person's authority.

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Damage, etc., to prescribed civil defence emergency devices

103D. Any person who wilfully removes, relocates, destroys, damages or tampers with any prescribed civil defence emergency device installed by the Commissioner shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.”.

Amendment of section 105A

21. Section 105A(7) of the Civil Defence Act is amended by inserting, immediately after the word “No”, the words “volunteer ex-NSman or”.

New section 106A

22. The Civil Defence Act is amended by inserting, immediately after section 106, the following section:

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

106A.—(1) A person who, when the person is not a member —

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

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

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

(b) uses the designation of a member or a rank of the Force, in connection with any business, occupation or employment —

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

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

- (c) represents himself, by word or conduct, to be a member for the purpose of personating or representing himself as a member; or
- (d) wears or possesses any SCDF uniform, or uses any SCDF insignia, in connection with any business, occupation or employment, for the purpose of falsely claiming, suggesting or implying —
 - (i) 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 Force;
 - (ii) that the Force 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 Force; or
 - (iii) that the person has the sponsorship or approval of the Force for any goods or services provided by or on behalf of the person,

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.

(2) A member who wears an SCDF uniform or uses any SCDF insignia otherwise than —

- (a) in the course of, and for the purpose of, exercising the functions of a member; or
- (b) for such other purpose authorised in writing by the Commissioner,

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.

(3) It is a defence to any 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 SCDF uniform or use the SCDF insignia, as the case may be; or

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

(4) A person (whether or not a member) who —

(a) manufactures any SCDF uniform or SCDF insignia otherwise than under an agreement with the Government;

(b) sells any SCDF uniform or SCDF insignia to a person who is neither a member nor otherwise authorised or permitted under subsection (3) to wear or possess the SCDF uniform or use the SCDF insignia; or

(c) gives or provides, whether or not for a consideration, any SCDF uniform or SCDF insignia to a person who is neither a member nor otherwise authorised or permitted under subsection (3) to wear or possess the SCDF uniform or use the SCDF 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.

(5) It is a defence to any prosecution for an offence under subsection (4) if the accused proves, on a 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 SCDF uniform or SCDF insignia was sold, given or provided was —

- (i) a member; or
 - (ii) a person otherwise authorised or permitted under subsection (3) to wear or possess the SCDF uniform or use the SCDF insignia; or 5
- (b) the accused had received from the person to whom the SCDF uniform or SCDF insignia was sold, given or provided, evidence purporting to show that —
- (i) that person was a member or was otherwise authorised or permitted under subsection (3) to wear or possess the SCDF uniform or use the SCDF insignia; and 10
 - (ii) it was reasonable to and the accused did accept that evidence as correct. 15

(6) An offence under subsection (1), (2) or (4) is an arrestable offence.

(7) In this section —

“SCDF insignia” means —

- (a) any item (being any insignia, emblem, logo, symbol, representation, device, badge of rank or other thing) that is generally recognised as pertaining to the Force or as being used by members; 20
- (b) any part of any such item; 25
- (c) any reasonable imitation of any such item, or part of such item; or
- (d) any insignia, emblem, logo, symbol, representation, device, badge of rank or other thing prescribed as being within this definition; 30

“SCDF uniform” means the uniform of a member, and includes —

(a) any part of such a uniform or any accoutrement of a member that is generally recognised as a part of the uniform or accoutrement of a member; or

5 (b) any reasonable imitation of such a uniform or accoutrement, or part of a uniform or accoutrement;

“sell” includes —

(a) exchange or let on hire;

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

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

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

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

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

but does not include wearing an SCDF uniform.”.

Amendment of section 113

20 **23.** Section 113 of the Civil Defence Act is amended —

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

25 “(1) During a state of emergency or a state of civil defence emergency, the Minister may by declaration mobilise all or any of the following for continuous full-time service:

(a) volunteer ex-NSmen;

(b) auxiliary members.”;

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

- (c) by inserting, immediately after the words “employment of” in subsection (3), the words “volunteer ex-NSmen or”; and
- (d) by inserting, immediately after the word “of” in the section heading, the words “ex-NSmen or”.

Amendment of section 115

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24. Section 115(2) of the Civil Defence Act is amended by deleting the full-stop at the end of paragraph (*p*) and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:

“(q) prescribing anything which may be prescribed.”.

PART 2

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AMENDMENTS TO IMMIGRATION ACT

Amendment of section 36B

25. Section 36B(2) of the Immigration Act (Cap. 133) is amended by inserting, immediately after paragraph (*ia*), the following paragraph:

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“(*ib*) identifying an individual who is unconscious or otherwise unable to communicate, for the purposes of providing urgent medical care to the individual;”.

New section 57D

26. The Immigration Act is amended by inserting, immediately after section 57C, the following section:

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

57D.—(1) A person who, when the person is not an immigration officer —

- (a) wears or possesses any immigration officer uniform, or uses any immigration officer insignia —

25

- (i) for the purpose of personating or representing himself as an immigration officer; or

- (ii) knowing that it is likely to cause any member of the public to believe that he is an immigration officer;
- 5 (b) uses the designation or a rank of an immigration officer, in connection with any business, occupation or employment —
 - (i) for the purpose of personating or representing himself as an immigration officer; or
 - 10 (ii) knowing that it is likely to cause any member of the public to believe that he is an immigration officer;
- (c) represents himself, by word or conduct, to be an immigration officer for the purpose of personating or representing himself as an immigration officer; or
- 15 (d) wears or possesses any immigration officer uniform, or uses any immigration officer insignia, in connection with any business, occupation or employment, for the purpose of falsely claiming, suggesting or implying —
 - 20 (i) 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 Controller;
 - 25 (ii) that the Controller 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 Controller; or

- (iii) that the person has the sponsorship or approval of the Controller for any goods or services provided by or on behalf of the person,

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.

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(2) An immigration officer who wears any immigration officer uniform or uses any immigration officer insignia otherwise than —

- (a) in the course of, and for the purpose of, exercising the functions of an immigration officer; or

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- (b) for such other purpose authorised in writing by the Controller,

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.

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(3) It is a defence to any 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 Controller to wear or possess the immigration officer uniform or use the immigration officer insignia, as the case may be; or

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

25

(4) A person (whether or not an immigration officer) who —

- (a) manufactures any immigration officer uniform or immigration officer insignia otherwise than under an agreement with the Government;

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- (b) sells any immigration officer uniform or immigration officer insignia to a person who is neither an

immigration officer nor otherwise authorised or permitted under subsection (3) to wear or possess the immigration officer uniform or use the immigration officer insignia; or

- 5 (c) gives or provides, whether or not for a consideration, any immigration officer uniform or immigration officer insignia to a person who is neither an immigration officer nor otherwise authorised or permitted under subsection (3) to wear or possess
10 the immigration officer uniform or use the immigration officer 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.

15 (5) It is a defence to any prosecution for an offence under subsection (4) if the accused proves, on a 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 immigration officer uniform or immigration officer insignia was sold, given or provided was —

(i) an immigration officer; or

25 (ii) a person otherwise authorised or permitted under subsection (3) to wear or possess the immigration officer uniform or use the immigration officer insignia; or

- (b) the accused had received from the person to whom the immigration officer uniform or immigration officer insignia was sold, given or provided, evidence purporting to show that —

30 (i) that person was an immigration officer or was otherwise authorised or permitted under subsection (3) to wear or possess the

immigration officer uniform or use the immigration officer insignia; and

- (ii) it was reasonable to and the accused did accept that evidence as correct.

(6) An offence under subsection (1), (2) or (4) is an arrestable offence. 5

(7) In this section —

“immigration officer insignia” means —

- (a) any item (being any insignia, emblem, logo, symbol, representation, device, badge of rank or other thing) that is generally recognised as being used by an immigration officer; 10
- (b) any part of any such item;
- (c) any reasonable imitation of any such item, or part of such item; or 15
- (d) any insignia, emblem, logo, symbol, representation, device, badge of rank or other thing prescribed as being within this definition;

“immigration officer uniform” means the uniform of an immigration officer, and includes — 20

- (a) any part of such a uniform or any accoutrement of an immigration officer that is generally recognised as a part of the uniform or accoutrement of an immigration officer; or
- (b) any reasonable imitation of such a uniform or accoutrement, or part of a uniform or accoutrement; 25

“sell” includes —

- (a) exchange or let on hire;
- (b) offer, expose, possess, send, forward or deliver for sale, exchange or hire; or 30
- (c) cause, suffer or allow any sale, exchange or hire;

“use”, in relation to immigration officer insignia, includes —

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

(b) using a reproduction or representation of immigration officer insignia,

but does not include wearing an immigration officer uniform.”.

PART 3

AMENDMENTS TO POLICE FORCE ACT

Amendment of section 81

27. Section 81 of the Police Force Act (Cap. 235) is amended —

(a) by deleting subsection (6) and substituting the following subsection:

“(6) A disciplinary officer may, in lieu of or in addition to any punishment specified in subsection (3) or (4), order the special police officer concerned to pay —

(a) in the case of a special police officer below the rank of senior staff sergeant —

(i) a fine not exceeding \$1,500 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;

(b) in the case of a special police officer of the rank of senior staff sergeant or higher but below the rank of assistant superintendent —

- (i) a fine not exceeding \$2,000 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; 5
 - (c) in the case of a special police officer of the rank of assistant superintendent or deputy superintendent —
 - (i) a fine not exceeding \$3,000 if the special police officer is a volunteer ex-NSman; or 10
 - (ii) a fine not exceeding \$400 for a special police officer who is a volunteer; 15
 - (d) in the case of a special police officer of the rank of superintendent or deputy assistant commissioner —
 - (i) a fine not exceeding \$6,000 if the special police officer is a volunteer ex-NSman; or 20
 - (ii) a fine not exceeding \$400 for a special police officer who is a volunteer; or
 - (e) in the case of a special police officer of the rank of assistant commissioner or higher — 25
 - (i) a fine not exceeding \$10,000 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.”; 30
- (b) by deleting “\$100” in subsection (6D)(a) and substituting “\$300”; and

(c) by deleting paragraph (b) of subsection (6D) and substituting the following paragraph:

“(b) if the fine exceeds \$300 but does not exceed \$1,000, detention for a period not exceeding 20 days;”.

Amendment of section 82

28. Section 82 of the Police Force Act is amended —

(a) by deleting subsection (6) and substituting the following subsection:

“(6) A disciplinary officer may, in lieu of or in addition to any punishment specified in subsection (3) or (4), order the special police officer concerned to pay —

(a) in the case of a special police officer below the rank of senior staff sergeant — a fine not exceeding \$1,500;

(b) in the case of a special police officer of the rank of senior staff sergeant or higher but below the rank of assistant superintendent — a fine not exceeding \$2,000;

(c) in the case of a special police officer of the rank of assistant superintendent or deputy superintendent — a fine not exceeding \$3,000;

(d) in the case of a special police officer of the rank of superintendent or deputy assistant commissioner — a fine not exceeding \$6,000; or

(e) in the case of a special police officer of the rank of assistant commissioner or higher — a fine not exceeding \$10,000.”;

(b) by deleting “\$100” in subsection (6D)(a) and substituting “\$300”; and

(c) by deleting paragraph (b) of subsection (6D) and substituting the following paragraph:

“(b) if the fine exceeds \$300 but does not exceed \$1,000, detention for a period not exceeding 20 days;”.

Amendment of section 120A

29. Section 120A of the Police Force Act is amended —

(a) by inserting, immediately after the words “knowing that” in subsection (1)(a)(ii) and (b)(ii), the word “it”; 10

(b) by deleting subsection (2) and substituting the following subsection:

“(2) A police officer who wears a police uniform or uses any police insignia otherwise than — 15

(a) in the course of, and for the purpose of, exercising the functions of a police officer; or

(b) for such other purpose authorised in writing by the Commissioner, 20

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.”; and

(c) by deleting “(3)” in subsection (6) and substituting “(4)”. 25

Amendment of Schedule

30. The Schedule to the Police Force Act is amended —

(a) by deleting the words “, 40(1), 81 and 82” in the Schedule reference and substituting the words “and 40(1)”; and

(b) by inserting, immediately after paragraph 22, the following paragraph:

“23. Failing, without reasonable excuse, to submit to —

(a) a medical or dental examination or test;

(b) inoculation, vaccination or immunisation; or

(c) medical or dental treatment,

where required to by the Commissioner.”.

PART 4

AMENDMENT TO PRISONS ACT

New section 65

31. The Prisons Act (Cap. 247) is amended by inserting, immediately after section 64, the following section:

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

65.—(1) A person who, when the person is not a prison officer —

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

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

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

(b) uses the designation of a prison officer or a rank of the Singapore Prison Service, in connection with any business, occupation or employment —

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

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

(c) represents himself, by word or conduct, to be a prison officer for the purpose of personating or representing himself as a prison officer; or

(d) wears or possesses any prison officer uniform, or uses any prison officer insignia, in connection with any business, occupation or employment, for the purpose of falsely claiming, suggesting or implying —

- (i) 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 Singapore Prison Service; 5
- (ii) that the Singapore Prison Service 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 Singapore Prison Service; or 10
- (iii) that the person has the sponsorship or approval of the Singapore Prison Service for any goods or services provided by or on behalf of the person, 15

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. 20

(2) A prison officer who wears any prison officer uniform or uses any prison officer insignia otherwise than —

- (a) in the course of, and for the purpose of, exercising the functions of a prison officer; or 25
- (b) for such other purpose authorised in writing by the Commissioner,

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

(3) It is a defence to any 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 prison officer uniform or use the prison officer insignia, as the case may be; or

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

10 (4) A person (whether or not a prison officer) who —

(a) manufactures any prison officer uniform or prison officer insignia otherwise than under an agreement with the Government;

15 (b) sells any prison officer uniform or prison officer insignia to a person who is neither a prison officer nor otherwise authorised or permitted under subsection (3) to wear or possess the prison officer uniform or use the prison officer insignia; or

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

25 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.

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

30 (a) the accused had reasonable grounds to believe and did make reasonable inquiries to ascertain that the person to whom the prison officer uniform or prison officer insignia was sold, given or provided was —

- (i) a prison officer; or
 - (ii) a person otherwise authorised or permitted under subsection (3) to wear or possess the prison officer uniform or use the prison officer insignia; or
- (b) the accused had received from the person to whom the prison officer uniform or prison officer insignia was sold, given or provided, evidence purporting to show that —
 - (i) that person was a prison officer or was otherwise authorised or permitted under subsection (3) to wear or possess the prison officer uniform or use the prison officer insignia; and
 - (ii) it was reasonable to and the accused did accept that evidence as correct.
- (6) An offence under subsection (1), (2) or (4) is an arrestable offence.
- (7) In this section —
 - “prison officer insignia” means —
 - (a) any item (being any insignia, emblem, logo, symbol, representation, device, badge of rank or other thing) that is generally recognised as being used by a prison officer;
 - (b) any part of any such item;
 - (c) any reasonable imitation of any such item, or part of such item; or
 - (d) any insignia, emblem, logo, symbol, representation, device, badge of rank or other thing prescribed as being within this definition;
 - “prison officer uniform” means the uniform of a prison officer, and includes —

(a) any part of such a uniform or any accoutrement of a prison officer that is generally recognised as a part of the uniform or accoutrement of a prison officer; or

5 (b) any reasonable imitation of such a uniform or accoutrement, or part of a uniform or accoutrement;

“sell” includes —

(a) exchange or let on hire;

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

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

“use”, in relation to prison officer insignia, includes —

15 (a) driving on a public road a vehicle that has on it any prison officer insignia; and

(b) using a reproduction or representation of prison officer insignia,

but does not include wearing a prison officer uniform.”.

PART 5

20 RELATED AMENDMENTS TO ENLISTMENT ACT

Related amendments to Enlistment Act

25 **32.**—(1) Section 21(1) of the Enlistment Act (Cap. 93) is amended by deleting the words “Police Force Act 2004” in paragraph (b) and substituting the words “Police Force Act or section 113(1)(a) of the Civil Defence Act”.

(2) Section 22(1) of the Enlistment Act is amended by deleting the words “Police Force Act 2004” in paragraph (b) and substituting the words “Police Force Act or section 113(1)(a) of the Civil Defence Act”.

30 (3) Section 23(1) of the Enlistment Act is amended by deleting the words “Police Force Act 2004” in paragraph (b) and substituting the

words “Police Force Act or section 113(1)(a) of the Civil Defence Act”.

(4) Section 24(7) of the Enlistment Act is amended by deleting the words “Police Force Act 2004” in the definition of “mobilised service” and substituting the words “Police Force Act or section 113(1)(a) of the Civil Defence Act”.

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Saving and transitional provisions

33.—(1) Sections 11, 13, 14, 15, 16 and 17 of this Act do not apply to, or in relation to, any service offence under the Civil Defence Act that is committed before the date of commencement of those sections, and sections 19, 75, 76, 81 and 84 of the Civil Defence Act as in force immediately before the date of commencement of those sections of this Act continue to apply to or in relation to any such service offence, as if those sections of this Act had not been enacted.

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(2) Sections 27 and 28 of this Act do not apply to, or in relation to, any disciplinary offence under the Police Force Act that is committed before the date of commencement of those sections, and sections 81 and 82 of the Police Force Act as in force immediately before the date of commencement of those sections of this Act continue to apply to or in relation to any such disciplinary offence, as if those sections of this Act had not been enacted.

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

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EXPLANATORY STATEMENT

This Bill seeks to amend 5 Acts and is to that end divided into 5 Parts.

Part 1 consists of amendments to the Civil Defence Act (Cap. 42) for the following purposes:

- (a) to introduce a new scheme to allow former operationally ready national servicemen to voluntarily extend their period of service and

enrol as volunteer ex-NSmen with the Singapore Civil Defence Force (SCDF);

- (b) to grant powers to SCDF members and persons acting on behalf of the SCDF in their day-to-day operations;
- (c) to empower the Commissioner of Civil Defence (the Commissioner) to require building owners to allow the Commissioner to install prescribed civil defence emergency devices on their premises;
- (d) to prescribe offences for the unauthorised manufacture, sale and use of SCDF uniforms and insignia, and the impersonation of SCDF members;
- (e) for the better discipline of the SCDF.

Part 2 consists of amendments to the Immigration Act (Cap. 133) for the following purposes:

- (a) to empower the Minister to authorise the disclosure of a patient's identity for the purposes of providing urgent medical care to the patient;
- (b) to prescribe offences for the unauthorised manufacture, sale and use of immigration officers' uniforms and insignia, and the impersonation of immigration officers.

Part 3 consists of amendments to the Police Force Act (Cap. 235) for the better discipline of police officers.

Part 4 consists of amendments to the Prisons Act (Cap. 247) to prescribe offences for the unauthorised manufacture, sale and use of prison officers' uniforms and insignia, and the impersonation of prison officers.

Part 5 consists of amendments to the Enlistment Act (Cap. 93) which are related to the introduction of the new volunteer ex-NSmen scheme in the Civil Defence Act.

Clause 1 relates to the short title and commencement.

PART 1

AMENDMENTS TO CIVIL DEFENCE ACT

Clause 2 amends section 2 of the Civil Defence Act to insert definitions for new terms that are used in the new provisions and to amend a current definition.

Clause 3 amends section 4 of the Civil Defence Act to provide that it is a function of the SCDF to carry out day-to-day operations for the protection of the life, health or safety of individuals, whether or not the situation arises out of a civil defence emergency.

Clause 4 amends section 5(3) of the Civil Defence Act for the purposes of a new scheme that allows a former operationally ready national serviceman to voluntarily extend his period of service under the new section 9A.

Clause 5 amends section 6(3) of the Civil Defence Act to provide that the power of a Deputy Commissioner, Senior Assistant Commissioner or Assistant Commissioner of Civil Defence to exercise a power conferred on the Commissioner is subject to other provisions in the Act. This amendment is made in light of the new section 76A(7), which provides that the Commissioner may delegate to only a Deputy Commissioner the power to hear an appeal or review cases.

Clause 6 amends section 7(2) of the Civil Defence Act to delete the reference to the Commissioner conferring ranks on auxiliary members, as the new section 9B will provide for this. The clause also deletes and substitutes subsection (4) of section 7 to provide that the Minister may authorise allowances to be paid to auxiliary members.

Clause 7 inserts new sections 9A and 9B to the Civil Defence Act.

The new section 9A empowers the Commissioner to enrol a new category of volunteers in the SCDF called volunteer ex-NSmen, who are former operationally ready national servicemen who voluntarily extend their periods of service. The new section 9A also 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, and for the Minister to authorise the payment of emoluments to volunteer ex-NSmen for their services.

The new section 9B provides that the Minister has the authority to appoint or promote an SCDF member to the rank of lieutenant-colonel and above, and to reduce the rank of a member who is of the rank of lieutenant-colonel and above, whereas the Commissioner has the same authority in relation to an SCDF member of the rank of major and below. This provision applies to an SCDF member who is not a public officer. The Commissioner may delegate this power to any SCDF officer of the rank of lieutenant-colonel and above.

Clause 8 inserts a new section 10A to the Civil Defence Act, which provides for the discharge of volunteer ex-NSmen.

Clause 9 amends section 14(2) of the Civil Defence Act to apply the Act to volunteer ex-NSmen.

Clause 10 amends section 18 of the Civil Defence Act to provide that —

- (a) subject to the limitation of time for trial of offences, where a service offence under the Act has been committed, or is reasonably suspected to have been committed, the relevant disciplinary officer or Disciplinary Board may order that person to report for trial as if that

person continued to be subject to the Act despite the person ceasing to be so; and

- (b) a person who fails to comply with such an order to report for trial is deemed to have failed to comply with a lawful order within the meaning of section 35(1) of the Act and is liable to be arrested, proceeded against and punished as if the person continued to be subject to the Act.

Clause 11 amends section 19 of the Civil Defence Act to provide that the current limitation period of 3 years for the trial of a service offence now starts from either the date on which the offence was alleged to have been committed, or the date on which the officer investigating the offence comes to know of the offence, whichever is later.

Clause 12 inserts a new section 32A to the Civil Defence Act to make it a service offence for an SCDF member to, without reasonable excuse, refuse to submit to a medical or dental examination or treatment or inoculation, vaccination or immunisation, where required to by the Commissioner. The penalty is imprisonment for a term not exceeding 6 months or any other punishment authorised by the Act that may be imposed under disciplinary proceedings, which include a fine or a reprimand.

Clause 13 amends section 75 of the Civil Defence Act to increase the fine amounts that may be awarded as a punishment for disciplinary offences.

Clause 14 amends section 76 of the Civil Defence Act to empower a Disciplinary Board to award a fine as punishment for an SCDF member of the rank of lieutenant-colonel and above. A new subsection (1A) states that certain provisions in the Civil Defence Act that currently apply to service offences tried by disciplinary officers are to apply in relation to service offences dealt with by a Disciplinary Board as well.

Clause 15 inserts new sections 76A and 76B to the Civil Defence Act.

The new section 76A provides that an accused may appeal against a finding or award of punishment by a disciplinary officer or Disciplinary Board. The appeal is to be made to the Commissioner, who may quash or replace a finding or vary the punishment. The Commissioner may designate a Deputy Commissioner to hear and determine an appeal on the Commissioner's behalf.

The new section 76B provides that where a disciplinary officer or Disciplinary Board recommends to the Commissioner or the Minister to reduce the rank of an accused following disciplinary proceedings for a service offence, the Commissioner or the Minister (as the case may be) must not reduce the rank of the accused before the expiry of the time for making an appeal under the new section 76A, or such an appeal is disposed of, whichever is later.

Clause 16 amends section 81 of the Civil Defence Act to provide that the Commissioner (instead of a legally qualified person) is to be the person conducting a review of any finding or award, and that a review need not be conducted for every disciplinary case.

Clause 17 amends section 84(2) of the Civil Defence Act to adjust the periods of detention in lieu of fine, to align it with section 71(2) of the Singapore Armed Forces Act (Cap. 295).

Clause 18 inserts a new Part XIA to the Civil Defence Act (comprising sections 101A, 101B and 101C) relating to the powers available to SCDF members and persons who act on behalf of SCDF in day-to-day operations.

The new section 101A grants powers to the Commissioner and SCDF members authorised by the Commissioner, for SCDF's day-to-day operations in protecting the life, health or safety of individuals, including powers to break into any place or vehicle, or to close roads to human or vehicular traffic. The Commissioner or an authorised SCDF member may also take the fingerprints or other personal identifiers of an individual whose identity is not known and who is unconscious or otherwise unable to communicate, in order to identify the individual and thereafter access his or her medical records to better provide urgent medical care to the individual.

The new section 101B provides that certain powers under the new section 101A may be exercised by —

- (a) an employee of an emergency ambulance service provider that has contracted with the SCDF to provide emergency ambulance services on behalf of the SCDF; or
- (b) a regular serviceman or national serviceman enlisted with the Singapore Armed Forces who is attached to the SCDF to assist in providing emergency ambulance services.

The new section 101B also deems an employee of an emergency ambulance service provider mentioned in the new section as a public servant for the purposes of the Penal Code (Cap. 224).

The new section 101C provides that if the Commissioner, any SCDF member and any person mentioned in the new section 101B, acts in good faith and with reasonable care, then he or she is not personally liable for any act or omission in execution or purported execution of the Civil Defence Act.

Clause 19 amends section 103(1) of the Civil Defence Act to align it with the wording used in the new section 101A(1).

Clause 20 introduces a new Part XIIA to the Civil Defence Act (comprising sections 103A to 103D) relating to the public warning system.

The new section 103A contains definitions of terms used in the new Part XIIA.

The new section 103B empowers the Commissioner to issue directions to require building owners to provide such space or facility specified in the direction and access to the premises that will enable the Commissioner to install a prescribed civil defence emergency device. The Commissioner may give such a direction even if the direction may prejudice the contractual obligations of the building owner. Failure to comply with the direction is an offence, and the penalty for an offence under the new section 103B(6) is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

The new section 103C empowers the Commissioner to enter premises to assess whether they are suitable for installing a prescribed civil defence emergency device, or to inspect or carry out works to repair or maintain a prescribed civil defence emergency device installed on the premises. The power of entry under the new section 103C(1) may only be exercised if the Commissioner gives the owner 5 working days' notice of his intention to exercise the power.

The new section 103C also empowers the Commissioner to enter premises without notice if the Commissioner has reason to believe that a civil defence emergency is likely to occur and urgent repairs to a prescribed civil defence emergency device are required, and entry to the premises is refused or likely to be refused, or the Commissioner is unable to obtain the owner's consent for any other reason.

The new section 103D makes it an offence for any person to wilfully remove, relocate, destroy, damage or tamper with a prescribed civil defence emergency device installed by the Commissioner. The penalty for an offence under the new section 103D is a fine not exceeding \$50,000 or imprisonment for a term not exceeding 3 years or both.

Clause 21 amends section 105A(7) of the Civil Defence Act to provide that a volunteer ex-NSman is not liable to serve outside Singapore unless he consents to it.

Clause 22 inserts a new section 106A to the Civil Defence Act containing offences to prevent abuses regarding SCDF uniforms and insignia. The provision parallels section 120A of the Police Force Act.

The new section 106A(1) makes it an offence for a person who is not an SCDF member to do various things (such as wearing any SCDF uniform, or using the designation of an SCDF member or a rank of the SCDF in connection with any business, occupation or employment) for the purpose of personating or representing himself or herself as an SCDF member, or knowing that it is likely to cause any member of the public to believe that the person is an SCDF

member. The penalty is a fine not exceeding \$2,500 or imprisonment for a term not exceeding 6 months or both.

The new section 106A(2) makes it an offence for an SCDF member to wear an SCDF uniform or use any SCDF insignia otherwise than in the course of, and for the purpose of, exercising the functions of an SCDF member, or for such other purpose authorised in writing by the Commissioner. The penalty is a fine not exceeding \$2,500 or imprisonment for a term not exceeding 6 months or both.

The new section 106A(4) also makes it an offence if a person (whether or not an SCDF member) manufactures or sells any SCDF uniform (or any uniform that resembles an SCDF uniform) or SCDF insignia (or anything that resembles an SCDF insignia) except under certain circumstances (such as under a contract with the Government) or to persons authorised or permitted to possess or wear SCDF uniform or insignia. The penalty is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 years or both.

The new section 106A(3) and (5) sets out the defences available for offences under the new section 106A(1)(a), (2) and (4)(b) or (c). For example, it is a defence to the offence of wearing an SCDF uniform to personate an SCDF member if the person wore the SCDF uniform for the purposes of a public entertainment provided in compliance with the Public Entertainments Act (Cap. 257).

Clause 23 amends section 113 of the Civil Defence Act to allow the Commissioner to also mobilise volunteer ex-NSmen during a state of emergency or a state of civil defence emergency.

Clause 24 amends section 115(2) of the Civil Defence Act to empower the Minister to make regulations to prescribe any matter which may be prescribed under the Act.

PART 2

AMENDMENTS TO IMMIGRATION ACT

Clause 25 amends section 36B(2) of the Immigration Act to empower the Minister to authorise disclosure of identifying information for the purposes of providing urgent medical care to an individual who is unconscious or otherwise unable to communicate.

Clause 26 inserts a new section 57D to the Immigration Act, which contains offences to prevent abuses regarding immigration officers' uniforms and insignia. The provision parallels the new section 106A of the Civil Defence Act to be inserted by clause 22.

PART 3

AMENDMENTS TO POLICE FORCE ACT

Clause 27 amends section 81 of the Police Force Act to allow more severe punishment to be awarded on volunteer ex-NSmen who are police officers of higher ranks. The clause also adjusts the periods of detention in lieu of fine, to align it with section 71(2) of the Singapore Armed Forces Act.

Clause 28 amends section 82 of the Police Force Act for the same purposes as in clause 27, but in relation to national servicemen.

Clause 29 amends section 120A of the Police Force Act to align it with the new section 106A of the Civil Defence Act to be inserted by clause 22.

Clause 30 amends the Schedule to the Police Force Act to specify that the refusal, without reasonable excuse, to submit to medical or dental examinations and treatments or inoculation, vaccination or immunisation, where required to by the Commissioner of Police, is a disciplinary offence.

PART 4

AMENDMENT TO PRISONS ACT

Clause 31 inserts a new section 65 to the Prisons Act which contains offences to prevent abuses regarding prison officers' uniforms and insignia. The provision parallels the new section 106A of the Civil Defence Act to be inserted by clause 22.

PART 5

RELATED AMENDMENTS TO ENLISTMENT ACT

Clause 32 makes various amendments to the Enlistment Act to treat volunteer ex-NSmen in the SCDF who are mobilised under section 113(1)(a) of the Civil Defence Act the same way as persons mobilised under section 73 of the Police Force Act.

Clause 33 sets out the saving and transitional provisions consequential upon the amendments in the Bill.

EXPENDITURE OF PUBLIC MONEY

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