

Misuse of Drugs (Approved Institutions) (Discipline) Regulations

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Legislative History

MISUSE OF DRUGS ACT (CHAPTER 185, SECTION 44)

MISUSE OF DRUGS (APPROVED INSTITUTIONS) (DISCIPLINE) REGULATIONS

Rg 5

G.N. No. S 137/1979

REVISED EDITION 1999

(1st July 1999)

[29th June 1979]

Citation

1. These Regulations may be cited as the Misuse of Drugs (Approved Institutions) (Discipline) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —

“centre” means any approved institution as defined in the Act;

“Committee” means an Institutional Discipline Advisory Committee appointed by the Minister under regulation 2C;

[S 454/2008 wef 15/09/2008]

[S 578/2014 wef 01/09/2014]

[Deleted by S 578/2014 wef 01/09/2014]

“inmate” means any drug addict or abuser who is detained in a centre;

“medical officer” means a registered medical practitioner who is for the time being appointed by the Commissioner of Prisons to perform the functions of a medical officer under these Regulations;

*[S 406/2003 wef 26/08/2003]
[S 578/2014 wef 01/09/2014]*

“member”, in relation to a Committee, includes the chairman or deputy chairman of the Committee;

[S 578/2014 wef 01/09/2014]

“officer” means any rehabilitation or custodial officer of a centre and includes the Superintendent of that centre;

[S 578/2014 wef 01/09/2014]

“probation officer” means a person appointed as a probation officer or volunteer probation officer under section 3 of the Probation of Offenders Act (Cap. 252);

“supervision officer” means any person appointed by the Minister under regulation 15(1) of the Misuse of Drugs (Approved Institutions and Treatment and Rehabilitation) Regulations (Rg 3);

“visitor” means a member of the Board of Visitors appointed under regulation 3 of the Misuse of Drugs (Board of Visitors for Approved Institutions) Regulations (Rg 4), and includes any other person authorised by the Minister or the Commissioner of Prisons to visit a centre.

[S 578/2014 wef 01/09/2014]

Institutional Discipline Advisory Committee

2A.—(1) There may be an Institutional Discipline Advisory Committee for one or more centres, or more than one Institutional Discipline Advisory Committees for one centre.

(2) The function of any Institutional Discipline Advisory Committee is to render an opinion to the Commissioner of Prisons on whether any corporal punishment that a Superintendent of a centre has ordered to be imposed on an inmate is excessive.

[S 578/2014 wef 01/09/2014]

Constitution of Committee

2B. Every Committee is to consist of—

(a) a chairman;

- (b) a deputy chairman; and
- (c) between one and 5 other members.

[S 578/2014 wef 01/09/2014]

Appointment of member of Committee

2C.—(1) The Minister is to appoint the members of a Committee.

(2) A member of a Committee is to hold office for 3 years or such shorter period as the Minister may specify in any particular case.

(3) A member of a Committee is eligible for re-appointment.

(4) A member of a Committee may at any time resign office by notice in writing to the Minister.

(5) The Minister may at any time revoke the appointment of any member of a Committee, or fill any vacancy in the membership of any Committee.

[S 578/2014 wef 01/09/2014]

Secretary of Committee

2D.—(1) One or more public officers may be designated, either by name or by office, by the Minister, to be the secretary of a Committee.

(2) The secretary must attend all meetings of the Committee.

[S 578/2014 wef 01/09/2014]

Quorum

2E.—(1) The quorum for a meeting of a Committee is to be constituted by —

- (a) the presiding member of the Committee; and
- (b) any 2 other members of the Committee.

(2) The chairman of a Committee is to preside at every meeting of the Committee at which he is present, and in his absence, the deputy chairman, if present at the meeting, is to preside.

(3) If both the chairman and deputy chairman of a Committee are absent at a meeting, the remaining members of the Committee must elect one such member to preside at the meeting of the Committee.

[S 578/2014 wef 01/09/2014]

Proceedings of Institutional Discipline Advisory Committee

2F.—(1) A Committee —

- (a) is to sit in private;
- (b) is not required to meet in person;
- (c) may hold meetings, or allow its members to take part in meetings, by using the telephone, any Internet-based communication device or any other contemporaneous link between members;
- (d) is not required to conduct any hearing;
- (e) is not required to interview any inmate or person in respect of whom the opinion of the Committee is sought, or any other person; and
- (f) may request from the Commissioner of Prisons such information, relating to any inmate or person in respect of whom the opinion of the Committee is sought, as the Committee may require.

(2) Except as otherwise provided in paragraph (1) or by or under the Act, a Committee may determine its own procedure.

(3) Every opinion of a Committee is secret and must not be disclosed to any person other than to an officer or a member of the Government who is authorised by the Minister or the Commissioner of Prisons to prepare, see or comment on the opinion.

[S 578/2014 wef 01/09/2014]

Opinion of Committee how rendered

2G.—(1) All questions for the opinion of a Committee must be decided by a majority of votes of the members of the Committee.

(2) If there is an equality of votes, the presiding member has a casting vote.

(3) The opinion of a Committee may be accompanied by the dissenting view of any member of the Committee who voted against that opinion.

(4) A member of the Committee who takes part in a meeting of the Committee in the manner referred to in regulation 2F(1)(c) shall be taken to be present at that meeting.

[S 578/2014 wef 01/09/2014]

Guidelines

2H.—(1) The Minister or the Commissioner of Prisons may, from time to time, give a Committee appointed to render an opinion to the Commissioner of Prisons, guidelines on the discharge of the Committee's functions.

(2) The Commissioner of Prisons shall not give any guidelines under paragraph (1) that are contrary to any guidelines given by the Minister under that paragraph.

[S 578/2014 wef 01/09/2014]