

Singapore Armed Forces (Committee of Inquiry) Regulations

Table of Contents

1 Citation

2 Definitions

3 Duties of committee

4 Assembly and procedure

5 Adjournment

6 Witnesses

7 Person who may be affected by findings

8 Evidence

9 Oaths and affirmations

10 Exhibits

11 Progress reports

12 Findings

13 Record of proceedings

14 Form of summons to give evidence

**FIRST SCHEDULE Singapore Armed Forces Act (Chapter 295) Singapore
Armed Forces (Committee of Inquiry) Regulations Form of Oath and
Affirmation**

**SECOND SCHEDULE Singapore Armed Forces Act (Chapter 295) Singapore
Armed Forces (Committee of Inquiry) Regulations Summons to A Witness**

Legislative History

SINGAPORE ARMED FORCES ACT (CHAPTER 295, SECTION 205)

SINGAPORE ARMED FORCES (COMMITTEE OF INQUIRY) REGULATIONS

Rg 13

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Citation

1. These Regulations may be cited as the Singapore Armed Forces (Committee of Inquiry) Regulations.

Definitions

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

“affected person” means a person who is subject to military law and who, as a result of the findings of the committee, may be subject to disciplinary action or proceedings before a Senior Disciplinary Committee, a subordinate military court or a disciplinary officer or may suffer a deduction from pay or be liable to be censured;

“chairman” means the chairman of a committee or any member appointed to preside in his absence;

“civilian witness” means a person who gives evidence before a committee and is —

- (a) a person to whom section 3(c) or (d) of the Act applies; or
- (b) a person who is not subject to military law or the service law, within the meaning of Part I of the Visiting Forces Act (Cap. 344), of a visiting force;

“committee” means a committee of inquiry appointed under section 8C of the Act;

“record of proceedings”, in relation to a committee, includes the report of the committee and any opinion expressed by the committee in accordance with any directions given by the Armed Forces Council;

“represented” means represented by an officer of the Singapore Armed Forces or by an advocate and solicitor and “representative” shall be construed accordingly.

Duties of committee

3. It shall be the duty of the committee to investigate and report on the facts relating to any matter referred to the committee under section 8C of the Act and, if directed to do so, to express its opinion on any question arising out of any such matter.

Assembly and procedure

4.—(1) A committee shall meet at the time and place specified by the Armed Forces Council in the order convening the committee.

(2) A committee shall proceed to conduct the inquiry in accordance with the terms of reference set out in the convening order and hear and record the evidence in accordance with these Regulations.

Adjournment

5. The chairman may from time to time adjourn the meetings of the committee which shall meet on such occasions and in such places as he may from time to time direct.

Witnesses

6.—(1) A committee shall have the power to call any witness it considers fit and may hear the evidence of such witness.

(2) A civilian witness shall be entitled to be paid the reasonable expenses incurred by his attendance including a reasonable allowance in respect of loss of time.

Person who may be affected by findings

7.—(1) Where it appears to the committee that a witness who is subject to military law may be affected by its findings of the committee, it shall take such steps as are in its view reasonable and necessary to ensure that such witness has notice of the proceedings and be given a reasonable opportunity to be present and represented at its meetings or such part thereof as the chairman may specify.

(2) Where an affected person is a witness or will give evidence at the inquiry and he has not applied to be present or represented, the chairman shall, before the committee begins to hear evidence or as soon as it becomes apparent that he is an affected person, explain to him his right to be present and be represented.

(3) Where an affected person is not present at the meeting of the committee, the chairman shall inquire into the steps taken to ensure that the person was notified of the date, time and place of the meeting of the committee and the nature of the matter under inquiry.

(4) If the chairman is not satisfied that reasonable steps were taken to notify the affected person, he shall adjourn the meeting of the committee and ensure that such steps are taken to give the affected person a reasonable opportunity to be present and represented at the meetings of the committee.

(5) Where an affected person states that he does not wish to be present at the meetings of the committee or to be represented, as the case may be, the chairman shall make a note of that fact in the record of proceedings.

(6) The chairman may, in the interests of the security of Singapore or the Singapore Armed Forces, direct that an affected person shall only be present at such times as he may specify, or that the affected person's representative shall not be allowed to attend the meetings of the committee for such period of time as the chairman may specify.

(7) An affected person may give evidence, question witnesses or produce any witness to give evidence on matters which may affect him and, if he is represented, his representative may question such witnesses, but a representative shall not address the committee except with the permission of the chairman.

(8) Where an affected person has not been given notice of any meeting of a committee or a reasonable opportunity of being present and represented thereat or any part thereof under paragraph (1), the committee shall —

- (a) allow such person or his representative to read the written record of the evidence or part thereof given by such witness as the chairman may specify; and
- (b) inform such person that he may give any evidence to the committee, examine any witness who has given evidence before the committee, or produce such other witness as the committee may allow to give evidence before the committee on any matter inquired into by it which may affect such person.

(9) Where a committee has pursuant to paragraph (8) allowed an affected person or his representative to read the written record of the evidence or part thereof given by a witness before the committee, the committee shall, if the affected person so desires —

- (a) allow him to give evidence to the committee on any matter inquired into by it which may affect that person;
- (b) allow him to examine any witness who has given evidence before the committee and to produce such other witness, as the committee may allow, to give evidence before it on such matter; and
- (c) allow his representative to question witnesses before the committee; but the representative shall not address the committee except with the permission of the chairman.

Evidence

8.—(1) A committee may receive any evidence which it considers relevant to the matter referred to the committee, whether oral or written, and whether or not it would be admissible in civil or criminal proceedings in court.

(2) A committee shall not be bound by the rules of evidence and shall, subject to these Regulations, regulate its own procedure and conduct its meetings in such manner as it thinks fit.

(3) No statement made in the course of any inquiry and no report of a committee shall be admissible as evidence in proceedings before a Senior Disciplinary Committee, a subordinate military court or a disciplinary officer other than proceedings for an offence of giving false evidence under section 49 of the Act.

Oaths and affirmations

9.—(1) Subject to paragraphs (2) and (4), every witness before a committee shall be examined on oath or affirmation.

(2) Where any child of tender years called as a witness does not in the opinion of the committee understand the nature of an oath or affirmation, his evidence may be received, though not given on oath or affirmation, if in the opinion of the committee he possesses sufficient understanding to justify the reception of the evidence and understands the duty of speaking the truth.

(3) An oath or affirmation shall be administered to any person in attendance as interpreter before a committee.

(4) An oath shall be administered, or an affirmation made, before a committee in the form and manner set out in the First Schedule.

Exhibits

10.—(1) Subject to paragraph (2), any document or thing produced to a committee by