

Singapore Armed Forces (Amendment) Bill

Table of Contents

Bill No: 16/2004

Read the first time: 19th April 2004

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of section 2

3 Amendment of section 67

4 Amendment of section 72

5 Amendment of section 77

6 New section 80A and repeal and re-enactment of section 81

7 Amendment of section 83

8 Amendment of section 84

9 Repeal and re-enactment of section 85

10 Amendment of section 86

11 Amendment of section 87

12 Repeal and re-enactment of sections 88 and 89

13 Amendment of section 104

14 Amendment of section 107

15 Amendment of section 179

16 Amendment of section 205C

17 Savings and transitional provisions

Explanatory Statement

Expenditure of Public Money

Singapore Armed Forces (Amendment) Bill

Bill No. 16/2004

Read the first time on 19th April 2004.

An Act to amend the Singapore Armed Forces Act (Chapter 295 of the 2000 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Singapore Armed Forces (Amendment) Act 2004 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2(1) of the Singapore Armed Forces Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the definition of “convening authority” and substituting the following definitions:

“ “convening authority” means —

- (a) in the case of a general court martial, the officer of or above the rank of major appointed by the Armed Forces Council for the purpose of being the convening authority for general courts martial; or
- (b) in the case of a field general court martial, a convening officer;

“convening officer” means a commander referred to in section 83(1);”;

- (b) by inserting, immediately after the definition of “enemy”, the following definition:

“ “general courts martial panel” means the panel appointed by the convening authority under section 80A;”;

- (c) by inserting, immediately after the definition of “qualified person”, the following definition:

“ “registrar for subordinate military courts” means the person appointed by the Armed Forces Council as registrar for subordinate military courts under section 82(5)(c);”.

Amendment of section 67

3. Section 67 of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) direct that the charge be tried by a subordinate military court;”.

Amendment of section 72

4. Section 72 of the principal Act is amended by deleting subsection (9) and substituting the following subsection:

“(9) If the accused so elects, the Committee shall refer the charge to the Director, Legal Services of the Singapore Armed Forces who shall direct that the charge be tried by a subordinate military court.”.

Amendment of section 77

5. Section 77(2) of the principal Act is amended by deleting paragraph (a) and

substituting the following paragraph:

“(a) direct that the charge be tried by a subordinate military court; or”.

New section 80A and repeal and re-enactment of section 81

6. Section 81 of the principal Act is repealed and the following sections substituted therefor:

“General courts martial panel

80A.—(1) For the purpose of enabling general courts martial to be constituted in accordance with this Part, the convening authority shall appoint a panel (referred to in this Act as the general courts martial panel) consisting of such number of officers and non-uniformed servicemen in officer grades as the convening authority shall determine.

(2) A member of the general courts martial panel shall be appointed for such term as the convening authority may determine.

(3) The convening authority may at any time revoke the appointment of any member of the general courts martial panel.

Constitution and jurisdiction of general court martial

81.—(1) The general courts martial shall consist of the following courts:

(a) judge courts martial; and

(b) panel courts martial.

(2) Every general court martial shall be constituted —

(a) by the convening authority; and

(b) subject to subsection (7), from the members of the general courts martial panel.

(3) A judge court martial shall consist of a president, who shall be a qualified person and, subject to subsection (6)(a), an officer of or above the rank of major.

(4) A panel court martial shall consist of the following members:

(a) a president who, subject to subsections (6)(b) and (7), shall be an officer of or above the rank of major; and

(b) subject to subsections (5) and (6)(c), 2 or any greater even number of other members who shall be officers and at least one of whom shall be of or above the rank of captain.

(5) Where a panel court martial is constituted for the trial of a non-uniformed serviceman, the members referred to in subsection (4)(b) may include, in place of the corresponding number of officers, not more than 2 non-uniformed servicemen in officer grades.

(6) Where the accused is of or above the rank of lieutenant-colonel —

- (a) the president of any judge court martial constituted for the trial of the accused shall be an officer of or above the rank of the accused;
- (b) subject to subsection (7), the president of any panel court martial constituted for the trial of the accused shall be an officer of or above the rank of the accused; and
- (c) if a panel court martial is constituted for the trial of the accused, at least 2 of the members under subsection (4)(b) shall be of or above the rank of lieutenant-colonel.

(7) Where the accused is charged with —

- (a) murder or culpable homicide not amounting to murder;
- (b) an offence under section 121 or 121A of the Penal Code (Cap. 224);
or
- (c) any other offence for which the punishment of death is authorised under any written law,

and the charge is to be tried by a general court martial, the accused shall be tried before a panel court martial and the president of the panel court martial shall be a Judge of the Supreme Court appointed by the Chief Justice.

(8) Where none of the members of a panel court martial is a qualified person, a judge advocate designated by the convening authority shall officiate in any trial before that court in accordance with regulations of procedure made under section 93.

(9) Subject to subsection (7), every general court martial shall have jurisdiction to try any person subject to military law for any offence under this Act and to award for any such offence any punishment authorised by this Act.

(10) Unless the Director, Legal Services of the Singapore Armed Forces directs otherwise, where a charge is to be tried by a general court martial, the charge shall be tried by a panel court martial.

(11) Subject to subsection (7), where, before the commencement of any trial before a general court martial —