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## No. S 136

### CIVIL DEFENCE ACT (CHAPTER 42)

#### CIVIL DEFENCE (DETENTION) (AMENDMENT) REGULATIONS 2016

In exercise of the powers conferred by section 115 of the Civil Defence Act, the Minister for Home Affairs makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Civil Defence (Detention) (Amendment) Regulations 2016 and come into operation on 1 April 2016.

#### **Amendment of regulation 2**

2. Regulation 2 of the Civil Defence (Detention) Regulations (Rg 3) (called in these Regulations the principal Regulations) is amended —

(a) by inserting, immediately after the definition of “arrested person”, the following definition:

“ “Board” means the Board of Visitors established under regulation 2A;”;

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

“ “Director Manpower” means the Director, Manpower Department of the Force;”;

(c) by deleting the definition of “Head of Manpower”.

#### **New regulations 2A, 2B and 2C**

3. The principal Regulations are amended by inserting, immediately after regulation 2, the following regulations:

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**“Establishment, etc., of Board of Visitors**

**2A.**—(1) There is established for all detention barracks a Board of Visitors.

(2) The Board consists of not less than 4 and not more than 12 members.

(3) Every member of the Board —

(a) is appointed by the Minister; and

(b) holds office for 3 years beginning on the date of the member’s appointment or for such shorter period as the Minister may specify in any particular case.

(4) At least 2 members of the Board must be appointed from among members and former members of the Force.

(5) The Minister must appoint a chairman of the Board from among the members of the Board.

(6) Each member (including the chairman) of the Board is eligible for re-appointment.

(7) Any member (including the chairman) of the Board may at any time resign from his or her office by notice in writing to the Minister.

(8) The Minister may at any time revoke the appointment of any member (including the chairman) of the Board, or fill any vacancy in the membership of the Board.

**Functions of Board of Visitors**

**2B.**—(1) The functions of the Board are as follows:

(a) to inspect the cells, yards and other places within a detention barrack and to ascertain whether the living conditions of the persons serving detention in the detention barrack are satisfactory;

(b) to inspect the food served to the persons serving detention in a detention barrack and to ascertain whether the hygiene, quality and quantity of the food are satisfactory;

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- (c) to hear, record and enquire into any complaint made by a person serving detention relating to the person's detention in a detention barrack;
  - (d) to ensure that the provisions of the standing orders issued under regulation 7 are complied with;
  - (e) to call to the attention of the commandant of a detention barrack any irregularity observed by the Board in the management or operation of the detention barrack, or the treatment of any person serving detention in the detention barrack;
  - (f) to perform such other duties as the Minister may assign to the Board.
- (2) The Board must visit a detention barrack at least once every month.
- (3) The Board may be represented by 2 or more of its members when the Board visits a detention barrack.

### **Board's report**

- 2C.**—(1) After each visit to a detention barrack, the Board must submit a report to the Director Manpower or any other person (who is an officer appointed to the Force) authorised by the Commissioner to receive the report.
- (2) The report must mention any irregularity observed by the Board in the management or operation of the detention barrack, or the treatment of any person serving detention in the detention barrack.
- (3) The commandant of a detention barrack must —
- (a) act on every irregularity brought to the commandant's attention by the Director Manpower or the other person authorised under paragraph (1) to receive the Board's report; and
  - (b) report to the Director Manpower or that other person any action that has been taken by the commandant.

(4) Every report of the Board must not be disclosed to any person other than a public officer who is authorised by the Minister or the Commissioner to see or comment on the report.”.

### **Deletion and substitution of regulations 8 to 11**

4. Regulations 8 to 11 of the principal Regulations are deleted and the following regulations substituted therefor:

#### **“Admission to detention barracks**

**8.—(1)** Before a person liable to serve detention under these Regulations is delivered to a detention barrack, the person must be examined by a medical officer.

(2) The medical officer must certify in Form 1 set out in the Schedule whether the person is fit to undergo detention in a detention barrack.

(3) On admission of an arrested person or a person liable to serve detention to a guardroom or detention barrack, the following procedures apply:

- (a) the commandant of the guardroom or detention barrack, or a person acting on behalf of the commandant, must examine whether there is lawful authority for keeping the person in custody;
- (b) the person must, with due regard to decency, be searched, and any article or document found on the person must, if the person is not allowed to keep it, be taken from the person and kept in safe custody;
- (c) the commandant of the guardroom or detention barrack must keep a list of the articles or documents taken from the person, and the list must be signed by the guard who took those articles or documents, and countersigned by the person;
- (d) a copy of the list must be given to the person.

(4) A person serving detention must be issued with clothing which serves as the person’s attire during the person’s detention.

(5) A committal order of a person serving detention must be in Form 2 set out in the Schedule.

### **Accommodation**

9. A person serving detention must be kept in custody either alone in a cell, or together with 2 other persons serving detention in a cell.

### **Permitted articles**

10.—(1) Subject to paragraph (2), an arrested person or a person serving detention is not allowed to keep in the person's cell any article other than the person's clothing issued to the person.

(2) A commandant may permit an arrested person or person serving detention to keep any other article that the commandant deems appropriate.

(3) An arrested person or a person serving detention is not allowed to wear any decoration, insignia or badge of rank on the person or the person's clothing.

### **Searches**

11. A commandant may at any time order a search to be conducted on any arrested person or person serving detention, the person's cell, or the person's personal belongings.”.

### **Amendment of regulation 13**

5. Regulation 13 of the principal Regulations is amended by inserting, immediately after the words “naked light”, the words “for the purpose of lighting any tobacco or cigarette”.

### **Deletion and substitution of regulations 14 and 15**

6. Regulations 14 and 15 of the principal Regulations are deleted and the following regulations substituted therefor: