

**Banishment Act
(CHAPTER 18)**

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THE SCHEDULE

Legislative History

BANISHMENT ACT

(CHAPTER 18)

(Original Enactment: M Ord 11 of 1959)

REVISED EDITION 1985

(30th March 1987)

An Act relating to banishment and expulsion from Singapore of persons other than citizens.

[16th September 1963]

Short title

1. This Act may be cited as the Banishment Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“banishment order” means an order made by the Minister under section 5;

“exempted person” means a person exempted from sections 5 and 8 by an order made under section 12;

“expulsion order” means an order made by the Minister under section 8;

“warrant of arrest and detention” means a warrant issued under section 3.

[21/73]

Warrant of arrest and detention

3.—(1) Where it appears to the Minister, on receiving written information submitted to him by the Commissioner of Police, that there are reasonable grounds for believing that the banishment of any person whom the Minister is satisfied is not a citizen of Singapore or an exempted person is conducive to the good of Singapore, the Minister may issue a warrant for the arrest and detention of that person.

(2) A warrant of arrest and detention shall be in accordance with Form 1 in the Schedule.

Execution of warrant of arrest and detention

4.—(1) The police or prison officer executing a warrant of arrest and detention shall notify the substance thereof to the person arrested or detained and, if so required, shall show him the warrant or a copy thereof under the hand of the authority by whom it was issued.

(2) Where in execution of a warrant of arrest and detention any person is arrested or is required to be further detained in prison after the expiration of any sentence of imprisonment passed upon him, the officer executing the warrant shall without unnecessary delay, and in any case within 24 hours (excluding the time of any necessary journey) from the arrest or from the expiration of the sentence, produce the person arrested or so detained before a Magistrate who shall, upon production of the warrant duly signed and upon proof of the identity of the person arrested or detained with the person named in the warrant, by order endorsed on the warrant, commit the person to prison, there to be detained in accordance with the tenor of the warrant:

Provided that if that person proves that he is a citizen of Singapore or an exempted person the Magistrate shall order that person forthwith to be released.

Banishment order

5.—(1) Where the Minister is satisfied after such inquiry or on such written information as he may consider necessary or sufficient that the banishment from Singapore of any person not being a citizen of Singapore or an exempted person would be conducive to the good of Singapore, the Minister may make an order that the person be banished from Singapore either for the term of his natural life or for such other term as may be specified in such order.

(2) A banishment order shall be in accordance with Form 2 in the Schedule and shall be signed by the Minister.

(3) As soon as possible after the making of a banishment order against any person, a copy of the order shall be served on the person by the officer in charge of the prison in which the person may be confined or by a police officer not below the rank of sergeant; and the officer serving the copy shall notify the person against whom it is made that he may at any time within 14 days of the service apply to the High Court for an order that the banishment order be set aside on the ground that he is a citizen of Singapore or an exempted person.

[21/73]

Execution of banishment order

6.—(1) Subject to the provisions of this Act, a banishment order may be carried into execution at any time after the expiration of 14 days from the date of service of a copy thereof under section 5(3), upon the issue by the Minister of a warrant of execution which shall be in accordance with Form 3 in the Schedule and shall be signed by the Minister.

(2) Upon receiving the warrant of execution of a banishment order made against any person, the officer in charge of the prison in which the person is confined shall inform that person of the period for which he is banished and warn him that he is forbidden by law to return to Singapore or to enter or reside in Singapore, except as specially provided in the banishment order.

(3) As soon as possible after receiving the warrant of execution of a banishment order against any person, the officer in charge of the prison in which the person is confined or some prison officer appointed by that officer in that behalf shall hand the person ordered to be banished to a police officer not below the rank of sergeant appointed by the Commissioner of Police to receive him, and that person shall thereupon be conveyed in the custody of that or some other police officer not below the rank of sergeant on board a ship or such other means of transport as may be expedient for conveyance to the country of which he is a citizen or to such other place as may be stated in the warrant.

[21/73]

(4) Any banished person who is in the custody of a police officer under subsection (3) may be received into and detained in any prison or other suitable place in Singapore until

he can be placed on board a ship or other means of transport in accordance with that subsection.

Suspension of banishment order on execution of a bond

7.—(1) The Minister may at his discretion at the time of making a banishment order or at any time thereafter direct that the order be suspended and that the person ordered to be banished shall execute a bond with sureties to the satisfaction of the Minister for his good behaviour in such amount and for such period (not exceeding 5 years) and subject to such conditions as to residence or otherwise as may be specified in the direction.

(2) If the Minister is satisfied that a person subject to a banishment order directed to be suspended under subsection (1) has failed to observe any condition specified in the bond executed by him under that subsection or that it is not conducive to the good of Singapore that that person should further remain therein, the Minister may at any time revoke the suspension of the banishment order and upon revocation that person may be arrested and detained without a warrant, and the original banishment order shall thereupon be executed in accordance with the provisions of this Act.

(3) Where a banishment order has been suspended under subsection (1) and the suspension has not been revoked before the expiration of the period for which security for good behaviour was given under that subsection, then upon the expiration of that period the order shall lapse and cease to have effect, but nothing in this subsection shall prevent the making of a fresh banishment order against that person.

Expulsion order

8.—(1) The Minister may, if he thinks fit, in place of issuing a warrant of arrest and detention or in place of making a banishment order make an order requiring any person whom he is satisfied is not a citizen of Singapore or an exempted person to leave Singapore before the expiration of a period of 14 days from the date of service under subsection (4) of a copy of the order.

(2) An expulsion order shall be in accordance with Form 4 in the Schedule.

(3) The Minister may by an expulsion order impose such conditions as he may think fit as to the residence, occupation or conduct or police supervision or otherwise of the person against whom the order is made which shall be observed by the person so long as he remains in Singapore.

(4) A copy of the expulsion order shall be served on the person against whom it is made by a police officer not below the rank of sergeant, or by any other person authorised by the Minister to serve the order and shall be served personally on that person in the same manner as a summons is required to be served under section 43 of the Criminal Procedure Code [Cap. 68]; and the officer or person serving that copy shall