

# **Singapore Armed Forces (Board of Inquiry) Regulations**

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#### SINGAPORE ARMED FORCES ACT (CHAPTER 295, SECTION 205)

#### SINGAPORE ARMED FORCES (BOARD OF INQUIRY) REGULATIONS

Rg 1

G.N. No. S 152/1972

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(31st January 2001)

[15th June 1972]

### Citation

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

### Definitions

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

“board” means a board of inquiry;

“chairman” means the chairman of a board;

“civil authority” includes a coroner and the civil police;

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

(a) a person to whom section 3 (c) and (d) of the Act applies; or

(b) a person who is not subject to military law or the service law (which

has the same meaning as in Part I of the Visiting Forces Act (Cap. 344)) of a visiting force, that is to say, any such body, contingent or detachment of the forces of any country as if for the time being a visiting force for the purpose of any of the provisions of that Act;

“convening body”, in relation to a board of inquiry, means the Armed Forces Council or any person or body of persons appointed under the Act or prescribed by these Regulations to convene the board;

“formation” means a brigade or its equivalent in the maritime and air commands or any equivalent body of servicemen;

“NUSAF officer” means a non-uniformed serviceman holding a service grade which is prescribed in the Singapore Armed Forces (NUSAF Service Grades) Regulations (Rg 16) as an officer grade;

“record of proceedings”, in relation to a board, includes the report of the board and any opinion expressed by the board in accordance with any direction given by the convening body;

“represented” means represented by an officer of the Singapore Armed Forces or by counsel (which means a person qualified within the meaning of the Legal Profession Act (Cap. 161)), and “representative” shall be construed accordingly.

### **Duties of board**

3. It shall be the duty of a board to investigate and report on the facts relating to any matter referred to the board under these Regulations and, if directed so to do, to express its opinion on any question arising out of any such matter.

### **Convening body**

4.—(1) The convening body for a board set up for the purpose of inquiring into and reporting on the facts relating to any matter mentioned in regulation 5(1) shall be —

- (a) the Armed Forces Council;
- (b) an officer commanding a command or formation or a person who is for the time being performing the functions of such officer;
- (c) an officer commanding a unit or detachment of the Singapore Armed Forces —
  - (i) where the matter to be inquired into is specified in regulation 5(1)(a); or

- (ii) where the matter to be inquired into is specified in regulation 5(1)(b), (c) or (d) and the officer is specifically authorised by the Armed Forces Council or an officer mentioned in sub-paragraph (b) to inquire into that particular matter; or

(d) any other convening body appointed under Part IX of the Act.

(2) The convening body for a board set up for the purpose of inquiring into and reporting on the facts relating to a matter mentioned in regulation 5(2) shall be an officer commanding a unit or detachment of the Singapore Armed Forces or, where necessary, a convening body referred to in paragraph (1)(a), (b) or (d).

(3) The following provisions shall be specified in the order convening a board:

- (a) the order shall specify the composition of the board and the place and time at which the board shall assemble;
- (b) where the matter referred to the board is that mentioned in regulation 5(1)(a) the order shall, and in the case of a board convened to inquire into any of the other matters set out in regulation 5(1) or into any of the matters set out in regulation 5(2), the order may specify the terms of reference of the board and be published in military orders;
- (c) the order may direct the board to express its opinion on any question arising out of any matter referred to the board;
- (d) the convening body may at any time revoke, vary or suspend the order; and
- (e) the order shall be in Form 1 set out in the First Schedule.

### **Matters for reference to board**

5.—(1) Subject to these Regulations, a board convened by any of the convening bodies set out in regulation 4(1) shall be competent to inquire into —

- (a) the absence of any person subject to military law who has been continuously absent without leave for a period of not less than 21 days and the deficiency (if any) in the clothing, arms, ammunition or other equipment or any other public or service property issued to him for his use;
- (b) the capture of any person subject to military law by the enemy and his conduct in captivity, if, on his return from captivity, the convening body considers that there are reasonable grounds for suspecting that he was made a prisoner of war through disobedience to orders or wilful neglect of his duty, or that having been made a prisoner of war he failed to take all reasonable steps available to him to rejoin the Singapore Armed Forces, or

that having been made a prisoner of war he served with or aided the enemy in the prosecution of hostilities or measures calculated to influence morale or in any other manner whatsoever not authorised by international usage;

- (c) the death of any person in a military establishment, being an establishment in any country or territory outside Singapore where an inquiry into the death is not required to be held by any civil authority; and
- (d) any of the matters set out in Part I of the Second Schedule which the convening body decides to refer to the board, and other matters which are deemed by the convening body to be important matters.

(2) Subject to these Regulations, a board convened by the convening body referred to in regulation 4(2) shall be competent to inquire into any of the matters set out in Part II of the Second Schedule and into any matter not being —

- (a) the absence of a person subject to military law;
- (b) the capture of any such person by the enemy; or
- (c) a matter which a board convened for the purposes of inquiry into matters set out in paragraph (1) is competent to inquire into, unless otherwise provided for.

### **Constitution of board**

6.—(1) The following provisions shall apply in regard to the constitution of a board convened for the purpose of an inquiry into matters set out in regulation 5(1):

- (a) the board shall consist of not less than 3 persons to be appointed by the convening body;
- (b) the chairman shall be an officer not below the rank of captain, or an NUSAF officer not below grade 5, who is subject to military law;
- (c) each member of the board other than the chairman shall be an officer, or an NUSAF officer, who is subject to military law; and
- (d) an order convening the board shall specify by name the members of the board and which of them is to act as chairman.

(2) The following provisions shall apply in regard to the constitution of a board convened for the purpose of an inquiry into the matters set out in regulation 5(2):

- (a) the board shall consist of one or more persons to be appointed by the convening body;
- (b) the chairman of the board shall be an officer or an NUSAF officer;