

Internal Security (Detained Persons Advisory Board) Rules

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Legislative History

INTERNAL SECURITY ACT (CHAPTER 143, SECTION 11(3))

INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES

R 2

G.N. No. S 23/1964

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(25th March 1992)

[16th January 1964]

Citation

1. These Rules may be cited as the Internal Security (Detained Persons Advisory Board) Rules.

Definitions

2. In these Rules —

“chairman” means any person appointed by the President under Article 151(2) of the Constitution to be the chairman of an advisory board;

“order of detention” means any order made under section 8(1) of the Act whereby it is directed that any person shall be detained;

“place of detention” means any place directed by the Minister under section 8(4) of the Act.

Duty of officer-in-charge of place of detention

3.—(1) It shall be obligatory for the officer-in-charge of any place of detention to inform every person arriving thereat in pursuance of an order of detention as soon as practicable after his arrival that he has the right to make representations in connection with the order of detention by forwarding his representations, within 14 days of his being so informed, to a chairman.

(2) Any representations forwarded under paragraph 1 shall be in the Form I in the Schedule and shall forthwith be forwarded by the officer-in-charge to a chairman.

(3) The chairman, upon receiving any such representations, shall thereupon, after reference to the Director of the Internal Security Department, appoint a time and place for the consideration of the representations by an advisory board and shall cause notice thereof in the Form II in the Schedule to be served on the person making the representations.

Notice to appear

4.—(1) Any person upon whom a notice has been served in accordance with rule 3(3) may appear at the time, date and place specified in the notice either in person or, with the leave of the advisory board, by an agent authorised by him in writing and, whether he appears in person or not, may, with the leave of the advisory board, be represented by an advocate and solicitor and make oral representations in connection with the order of detention.

(2) Any person who does not desire to appear personally or by advocate and solicitor or by agent may cause to be delivered to the chairman a written memorandum signed by

himself or by his advocate and solicitor setting forth the particulars of his representations and of any additional representations which he may wish to make:

Provided that an advisory board shall not be bound to consider any such written representations unless they reach the chairman at or before the time and date specified in the notice referred to in rule 3(3).

(3) Any chairman may, by arrangement with any other chairman, transfer the hearing of any oral representations or the consideration of any written representations to an advisory board presided over by that other chairman.

Proceedings to be in camera

5. All proceedings before an advisory board shall be dealt with in camera.

Notice that advisory board will sit to review order

6.—(1) Before the review under section 13 of the Act of any order of detention under which any person is detained in a place of detention, the chairman of the advisory board which is to hold the review shall cause notice to be given to the person so detained of the time and place where the advisory board will sit for the purpose of reviewing the order of detention and the person so detained may appear before the advisory board either in person or by an agent authorised by him in writing and shall, whether he appears in person or not, be entitled to be represented by an advocate and solicitor.

(2) The advisory board may by notice in writing addressed to an officer-in-charge of any place of detention require the production before it of any person detained therein under an order of detention and the aforesaid officer shall cause such person to be produced in accordance with the notice.

(3) Any person taken outside a place of detention in pursuance of paragraph (2) shall, while outside such place of detention, be deemed to be in lawful custody for the purposes of the Penal Code (Cap. 224).

Procedure at meeting of advisory board

7. All questions before an advisory board shall be determined by a majority of votes of the chairman and of any member present and voting. In case of an equality of votes the chairman shall have a casting vote.

THE SCHEDULE