

Singapore Armed Forces (Arrests, Searches and Investigation of Offences) Regulations

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THE SCHEDULE

Legislative History

SINGAPORE ARMED FORCES ACT (CHAPTER 295, SECTION 205)

SINGAPORE ARMED FORCES (ARRESTS, SEARCHES AND INVESTIGATION OF OFFENCES) REGULATIONS

Rg 4

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Citation

1. These Regulations may be cited as the Singapore Armed Forces (Arrests, Searches and Investigation of Offences) Regulations.

Reasons for arrest

2.—(1) A person shall not be placed or detained under arrest where the offence he has committed or is reasonably suspected of having committed is not of a serious nature.

(2) A person shall be placed under close arrest, when —

- (a) the offence he is found committing or reasonably suspected of having committed and in respect of which he is arrested is punishable with death;
- (b) he is deliberately trying to undermine discipline by acts of misconduct;
- (c) he is likely to injure himself or others;
- (d) he is likely to suborn witnesses;
- (e) he has been apprehended (and has not surrendered himself) as being absent without leave or is habitually absent without leave;
- (f) having regard to the nature or prevalence of the offence with which he is charged or which is under investigation, it is undesirable in the interests of discipline that he should be at large or in a position to consort with his comrades;
- (g) it is suspected that he will not attend the investigation of the case or the trial; or
- (h) in any other case where the person making or authorising the arrest under Part VIII of the Act, as the case may be, deems it desirable that the person shall be placed under close arrest.

Reconsideration of arrest and investigation

3.—(1) Subject to regulation 2, the person responsible for deciding whether a person should be kept under arrest and what the form of arrest should be, shall use his discretion from time to time, as circumstances may require, to change the form of arrest, to re-arrest or to release him without prejudice to re-arrest.

(2) The allegations against a person who is under arrest shall be duly investigated into without unnecessary delay and as soon as possible proceedings shall be instituted against him or he shall be duly released.

Delay reports

4.—(1) The report required by section 171(2) and (3) of the Act with regard to the necessity for further delay in bringing an accused to trial shall be in Form 1 set out in the Schedule.

(2) The report shall be in quadruplicate and sent direct to —

- (a) in the case of the first copy — the officer responsible for convening the subordinate military court for the trial of the accused;
- (b) in the case of the second copy — the person appointed under

section 82(5)(a) of the Act;

- (c) in the case of the third copy — the Regimentation and Discipline Branch of the Ministry of Defence; and
- (d) in the case of the fourth copy — be retained by the unit.

(3) A person shall not be held under arrest for more than 72 days without being brought to trial unless a convening authority directs in writing that he shall not be released from arrest.

(4) The direction that the person shall not be released from arrest is only to be given with the prior approval of the Director of Manpower.

Arrest during and after trial

5.—(1) During his trial by a subordinate military court the accused shall be held under close arrest, except where the convening authority directs that for the period of any adjournment of the court he shall be held under open arrest or released from arrest.

(2) Where the sentence announced in court is lower in the scale of punishments than detention, the accused shall be released from arrest immediately after the trial without prejudice to re-arrest.

Use of force

6.—(1) Force may be used for the purpose of arrest only when absolutely necessary and in no case shall it extend to the inflicting of more harm than it is necessary to inflict for the purpose of making the arrest.

(2) The use of force shall not include the use of fire-arms except under the following circumstances:

- (a) where the offence is of a very serious nature; and
- (b) the person being arrested is behaving in such a violent manner that damage to life or limb may result or the use of fire-arms is the only possible way of making the arrest.

(3) Before fire-arms are used, the person who makes an arrest, shall comply with the following procedure:

- (a) he shall warn the person being arrested that unless he ceases his violent behaviour fire-arms may be used;
- (b) he shall ascertain that the person being arrested understands the warning and still refuses to submit to arrest;

- (c) he shall fire a shot vertically into the air;
- (d) if the person being arrested still does not submit to arrest, he may fire at his knees but only so as to wound him; and
- (e) when an arrest is being made under the orders of a person superior in rank and in his presence, no fire-arms shall be used without his permission.

Duties of person making arrest

7.—(1) A person who makes an arrest shall —

- (a) inform the arrested person whether he is under close or open arrest;
- (b) inform the arrested person of the reason for which he is under arrest;
- (c) immediately deliver the arrested person to a place of custody; and
- (d) deliver to the person into whose custody the arrested person is committed at the time of arrest or within 24 hours thereafter a copy of a charge report.

(2) If no charge report is produced under paragraph (1)(d), the person into whose custody the arrested person is committed will report the circumstances to the commanding officer or other competent authority, who will, if continued arrest does not appear to be justified, order the release of the arrested person without prejudice to his re-arrest.

Form of warrant of arrest

8.—(1) A warrant of arrest issued by a superior commander or a senior disciplinary officer shall be in Form 2 set out in the Schedule.

(2) The offence in respect of which the warrant is issued shall be stated.

(3) A warrant of arrest may contain —

- (a) the names of more than one person in respect of the same offence; and
- (b) several offences.

Delivery of warrant

9.—(1) Where a person commits an arrested person into a place of custody under a warrant of arrest, he shall deliver to the custodian a copy of the warrant of arrest in Form 2 set out in the Schedule.

(2) Where the warrant of arrest which has been issued is not in the immediate possession of the person referred to in paragraph (1), he shall deliver it as soon as