

Singapore Armed Forces (Amendment) Bill

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Bill No: 8/1978

Read the first time: 17th February 1978

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Expenditure of Public Money

Singapore Armed Forces (Amendment) Bill

Bill No. 8/1978

Read the first time on 17th February 1978.

An Act to amend the Singapore Armed Forces Act, 1972 (No. 7 of 1972).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows: —

Short title and commencement

1. This Act may be cited as the Singapore Armed Forces (Amendment) Act, 1978, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

New section 4A

2. The Singapore Armed Forces Act, 1972 (hereinafter in this Act referred to as “the principal Act”) is hereby amended by inserting immediately after section 4 thereof the following new section: —

“Liability for offences under the Emergency (Essential Powers) Act

4A.—(1) A person, who was subject to military law under paragraph (a) or (b) of section 3 of this Act and —

- (a) who is liable to render reserve service as a person subject to the Enlistment Act (Cap. 229); or
- (b) who is exempted from liability to render reserve service under section 28 of that Act, but comes within the definition of a person subject to the Enlistment Act in section 2 thereof,

shall be regarded as continuing to be subject to military law and, where such

person was a member of the Singapore Armed Forces, be regarded as continuing to be a member of the Singapore Armed Forces, for the purposes of proceedings for such offence under the Emergency (Essential Powers) Act (Cap. 114) as may be prescribed under subsection (5) of this section, notwithstanding that he has been discharged or released from the Singapore Armed Forces or has otherwise ceased to be subject to military law at the time of the commission of the offence.

(2) Subject to the provisions of subsection (1) of section 107 of this Act, where such offence under the Emergency (Essential Powers) Act as may be prescribed under subsection (5) of this section has been committed or is reasonably suspected of having been committed by a person who was, at the time of the commission of the offence, subject to military law under subsection (1) of this section, such person shall —

- (a) be liable to be tried by a subordinate military court for the offence; and
- (b) in relation to that offence, be treated for the purposes of the provisions of this Act relating to arrest, keeping in custody, investigation of offences, trial and punishment by a subordinate military court, and execution of sentences as continuing to be subject to military law,

notwithstanding that he has been discharged or released from the Singapore Armed Forces or has otherwise ceased to be subject to military law at any time.

(3) Where a person, who is subject to military law by virtue of subsection (1) of this section, is sentenced by a subordinate military court to imprisonment, special detention or detention for such offence under the Emergency (Essential Powers) Act as may be prescribed under subsection (5) of this section, this Act shall apply to him during the term of his sentence, notwithstanding that he has been discharged or released from the Singapore Armed Forces, or has otherwise ceased to be subject to military law; and he may be kept, removed, imprisoned, made to undergo special detention or detention, and punished accordingly as if he continued to be subject to military law.

(4) For the purposes of subsections (2) and (3) of this section a person shall —

- (a) where he was a regular serviceman, be regarded as having the rank that he held on the day of his discharge or release as a regular serviceman; or
- (b) where such person was a full-time national serviceman or reservist, be regarded as having the rank that he held on the day of his release

as a full-time national serviceman or as a reservist, if he is no more liable for full-time or reserve service, as the case may be, under the Enlistment Act (Cap. 229); or

- (c) where he remains liable to render reserve service under that Act, be regarded as having the rank that he holds as a reservist in the Singapore Armed Forces or the People's Defence Force at the date of the trial for such offence.

(5) For the purposes of this section, the Minister may, by order published in the *Gazette*, prescribe the offences under the Emergency (Essential Powers) Act (Cap. 114), for which a person, who commits any of those offences, may be tried and punished under this Act.”.

Amendment of section 79

3. Section 79 of the principal Act is hereby amended —

- (a) by inserting immediately after the word “Code” appearing in the fifth line of subsection (4A) thereof the expression “or with any other offence for which the punishment of death is authorised under any written law, if the accused were to be tried by a civil court for that other offence”; and
- (b) by inserting immediately after the word “Act” appearing in the sixth line of subsection (5) thereof the expression “or any other written law, if the accused had been tried by a civil court.”.

New sections 96A and 96B

4. The principal Act is hereby amended by inserting immediately after section 96 thereof the following new sections: —

“Certificate relating to controlled drug

96A.—(1) A certificate purporting to be signed by a Government or a Singapore Armed Forces pharmacist or chemist and purporting to relate to a controlled drug shall be admitted in evidence, in any proceedings under this Act for an offence under section 33 of this Act or an offence under the Misuse of Drugs Act, 1973 (Act 5 of 1973), on its production by the prosecution without proof of signature and, until the contrary is proved, such certificate shall be prima facie evidence of all matters contained therein.

(2) In this section, the expression “controlled drug” has the same meaning as in the Misuse of Drugs Act, 1973.

Urine test

96B.—(1) A person subject to military law who has been required by a lawful order or a general order to provide a specimen of his urine for a urine test may, within such time and in such manner as may be prescribed, apply for a second test of the specimen of his urine which is kept for that purpose in accordance with any regulations made under this Act.

(2) If —

- (a) a person is convicted by a subordinate military court as a result of a urine test of the offence of smoking, administering to himself or otherwise consuming a controlled drug under section 33 of this Act or paragraph (b) of section 6 of the Misuse of Drugs Act, 1973; and
- (b) as a result of a second test which has been conducted on the application of such person under subsection (1) of this section it is found that there is no controlled drug in the specimen of his urine,

the Armed Forces Council shall quash the finding of that offence made by the subordinate military court and the sentence imposed by the subordinate military court for that offence.”.

Amendment of section 105

5. Subsection (2) of section 105 of the principal Act is hereby amended —

- (a) by inserting immediately after the word “imprisonment” appearing in the second line thereof the expression “, special detention”; and
- (b) by inserting immediately after the word “undergo” appearing in the seventh line thereof the words “special detention or”.

Amendment of section 108

6. Subsection (1) of section 108 of the principal Act is hereby amended —

- (a) by inserting immediately after sub-paragraph (ii) thereof the following new sub-paragraph: —
 - “(iii) if he is convicted of any other offence for which the punishment of death is authorised under any written law had he been convicted by a civil court for such other offence, be liable to suffer death;”;
- (b) by renumbering the existing sub-paragraphs (iii), (iv) and (v) thereof as