

# **Singapore Armed Forces (Amendment) Bill**

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**Bill No: 22/1975**

***Read the first time: 24th March 1975***

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**Singapore Armed Forces (Amendment) Bill**

**Bill No. 22/1975**

*Read the first time on 24th March 1975.*

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, 1975 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### **Amendment of section 2**

2. Section 2 of the Singapore Armed Forces Act, 1972 (hereinafter in this Act referred to as “the principal Act”) is hereby amended by inserting immediately after the definition of “detention barracks” appearing in subsection (1) thereof the following definition: —

““disciplinary barrack” means any premises or place set apart by the Armed Forces Council for the purposes of persons serving sentences of special detention in a disciplinary barrack;”.

### **New section 69A**

3. The principal Act is hereby amended by inserting immediately after section 69 thereof the following section: —

#### **“Detention in default of fine**

**69A.**—(1) A disciplinary officer, if he is empowered under this Act to impose detention as a punishment, may direct that in default of the payment of any fine imposed by him on any offender, the offender shall, subject to subsection (2) of this section, undergo detention for such period as the disciplinary officer may determine.

(2) The period of detention which a disciplinary officer may direct under subsection (1) of this section shall be as follows: —

- (a) if the fine does not exceed fifty dollars, detention for a period not exceeding ten days;
- (b) if the fine exceeds fifty dollars but does not exceed one hundred dollars, detention for a period not exceeding twenty days; and
- (c) in any other case, detention for a period not exceeding forty days,

and such detention shall take effect from such date as the disciplinary officer may direct and shall terminate whenever the fine is paid.”.

## **Repeal and re-enactment of section 70**

4. Section 70 of the principal Act is hereby repealed and the following substituted therefor: —

### **“Power of the Armed Forces Council to deal summarily with charges against lieutenant-colonel and above**

**70.**—(1) A charge against an officer of or above the rank of lieutenant-colonel may be dealt with summarily by the Armed Forces Council.

(2) The Armed Forces Council may dismiss the charge if it, in its discretion, thinks that it ought not to be proceeded with or may deal with the case summarily and upon conviction of the accused impose either or both of the following punishments: —

- (a) forfeiture of seniority of rank and forfeiture of all or any part of service for purposes of promotion;
- (b) reprimand.

(3) Where the Armed Forces Council has proceeded to deal with a case summarily under this section and is satisfied on the evidence as to the guilt of the accused it shall, before proceeding to conviction and punishment other than a reprimand, afford the accused an opportunity of electing to be tried by a subordinate military court and if the accused so elects, the Council shall refer the charge to the person appointed under paragraph (a) of subsection (5) of section 80 of this Act who shall direct that a charge be submitted to the convening authority.

(4) Where the Armed Forces Council considers under this section that the accused should be tried by a subordinate military court it shall refer the charge to the person appointed under paragraph (a) of subsection (5) of section 80 of this Act.”.

## **Amendment of section 73**

5. Section 73 of the principal Act is hereby amended by inserting immediately after subsection (3) thereof the following subsections: —

“(4) When the Armed Forces Council has in any case quashed the finding, sentence, order of dismissal of a charge or award of compensation of a disciplinary officer under paragraph (a) of subsection (1) of this section it may refer the case to be retried by the same or another disciplinary officer.

(5) The Armed Forces Council may at any time suspend the execution of any sentence passed by a disciplinary officer for such period as it thinks fit.”.

## **Repeal and re-enactment of section 76**

6. Section 76 of the principal Act is hereby repealed and the following substituted therefor: —

### **“Limitation on disciplinary proceedings**

76.—(1) Subject to subsection (2) of this section no person shall be tried by a disciplinary officer after the expiry of six months from the date of the commission of the offence.

(2) A person may be tried by a disciplinary officer within three years of the date of commission of the offence if he is a reservist or has been released or discharged within six months after the commission of the offence.”.

## **Amendment of section 79**

7. Section 79 of the principal Act is hereby amended by inserting immediately after subsection (4) thereof the following subsection: —

“(4A) Notwithstanding anything to the contrary in this section, where the accused is charged with murder or culpable homicide not amounting to murder or with an offence under section 121 or 121A of the Penal Code (Cap. 103), the president of a general court martial shall be a Judge of the Supreme Court appointed by the Chief Justice.”.

## **Amendment of section 85**

8. Section 85 of the principal Act is hereby amended by deleting the full-stop appearing at the end of subsection (1) thereof and substituting therefor a colon and by inserting immediately thereafter the following proviso: —

“Provided that a Judge of the Supreme Court acting as president of a subordinate military court shall take in the presence of the Chief Justice the oath or affirmation of allegiance in the prescribed form before he enters upon the execution of his office.”.

## **Amendment of section 86**

9. Section 86 of the principal Act is hereby amended by inserting immediately after the word “thereof” appearing in the fifth line of subsection (1) thereof the words “except a president who is a Judge of the Supreme Court”.

## **Repeal and re-enactment of section 90**