

MISUSE OF DRUGS ACT
(CHAPTER 27)
MISUSE OF DRUGS (APPROVED INSTITUTIONS)
(DISCIPLINE) REGULATIONS

S 32/87

Amended by

S 10/90

S 25/97

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SUBSIDIARY LEGISLATION

MISUSE OF DRUGS (APPROVED INSTITUTIONS) (DISCIPLINE)
REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation.
3. Duties of inmates.
4. Enforcement of discipline.
5. Use of reasonable force.
6. Discipline outside centre.
7. Punishments for minor offences.
8. Punishments for major offences.
9. Record of punishments.
10. Director to be informed of offences.
11. Inmate's right to be heard.
12. Offences.

SCHEDULES — PART I — MINOR OFFENCES
PART II — MAJOR OFFENCES

SUBSIDIARY LEGISLATION

Regulations under section 34

MISUSE OF DRUGS (APPROVED INSTITUTIONS) (DISCIPLINE)
REGULATIONS*Commencement: 1st November 1987**[S 33/87***Citation.**

1. These Regulations may be cited as the Misuse of Drugs (Approved Institutions) (Discipline) Regulations.

Interpretation.

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

“centre” means any approved institution as defined in the Misuse of Drugs Act (Chapter 27);

“Director” means the Director of Prisons;

[S 10/90

“inmate” means any drug addict or abuser who is detained in a centre;

“Medical Officer” means a Government Medical Officer who is for the time being assigned to perform the functions of a Medical Officer under these Regulations;

“officer” means the Director or his deputy or his assistant or the Officer-in-Charge and includes any other officer attached to the centre;

[S 10/90

“Officer-in-Charge” means a person appointed to be in charge of an approved institution;

[S 10/90

“Probation officer” means a person appointed as a Probation Officer or volunteer Probation Officer;

“Supervision Officer” means any person appointed by the Minister under paragraph (1) of regulation 12 of the Misuse of Drugs (Approved Institutions and Treatment and Rehabilitation) Regulations;

“visitor” means a member of the Board of Visitor appointed under regulation 3 of the Misuse of Drugs (Board of Visitors for Approved Institutions) Regulations,

[Subsidiary]

and includes any other person authorised by the Minister or the Director to visit a centre.

[S 10/90

Duties of inmates.

3. (1) An inmate of a centre shall work in such workshop or do such work as may be assigned to him by the Officer-in-Charge of the centre.

[S 10/90

(2) An inmate shall keep his bedding, personal effects and all the surrounding area and the toilet of his living quarters clean and tidy.

Enforcement of discipline.

4. Every officer shall treat every inmate justly and firmly in the enforcement of discipline.

Use of reasonable force.

5. (1) Every officer may use reasonable force against any inmate —

- (a) who is escaping or attempting to escape from a centre;
- (b) who is engaged in a mutiny or an outbreak by himself or with other inmates;
- (c) who attacks the officer or any other person; or
- (d) who, without any reasonable excuse, repeatedly refuses to obey a lawful order given by the officer.

(2) Where force is used against an inmate under paragraph (1), the inmate shall be examined by a Medical Officer as soon as possible.

Discipline outside centre.

6. Every person, while being taken to or from any centre to which he has been lawfully committed under the Act or while working or being engaged in further studies outside the centre, or is otherwise beyond the premises thereof, in or under the lawful charge or control of an officer, shall be subject to the same discipline and to the same constraints as if he were within the centre.

[S 25/97

Punishments for minor offences.

7. An inmate of a centre who contravenes or fails to comply with any of the provisions of regulation 3 or commits any of the minor offences set out in Part I of the Schedule to these Regulations shall be liable, in addition to or in lieu of any other punishment which may be

imposed under the Act or any other written law, to any one or more of the following punishments to be imposed by the Officer-in-Charge of the centre —

[S 10/90

- (a) deprivation of not more than two visits by relatives and friends of the inmate;
- (b) stoppage or reduction of earnings for a period not exceeding one month;
- (c) reprimand.

Punishments for major offences.

8. (1) An inmate of a centre who commits any of the major offences set out in Part II of the Schedule to these Regulations shall be liable, in addition to or in lieu of any other punishment which may be imposed under the Act or any other written law, to any one or more of the following punishments to be imposed by the Officer-in-Charge of the centre —

[S 10/90

- (a) deprivation of not more than 4 visits by relatives and friends of the inmate;
- (b) solitary confinement in a ward for a period not exceeding 7 days;
- (c) stoppage or reduction of earnings for a period not exceeding 2 months.

(2) Where an inmate of a centre is accused of any of the major offences set out in Part II of the Schedule to these Regulations and the Officer-in-Charge is of the opinion that in the circumstances of the case the power of punishment which he possesses is inadequate, he shall refer to the Director a copy of the record of the investigation together with his recommendations, and the Director may thereupon decide the matter, and impose such punishments as conferred by paragraph (3) of this regulation.

[S 10/90

(3) The Director shall have power to investigate and decide any conduct against discipline of a centre and he may order any inmate found guilty of any offence to undergo one or more of the following punishments —

- (a) deprivation of not more than 6 visits by relatives and friends of the inmate;
- (b) solitary confinement in a ward for a term not exceeding a period of 14 days;
- (c) stoppage or reduction of earnings for a period not exceeding 2 months;
- (d) whipping with not more than 6 strokes of the rattan.

[S 10/90

(4) No order for the infliction of corporal punishment shall be carried out unless it has been confirmed by the Minister.

[S 10/90

[Subsidiary]

Record of punishments.

9. (1) Any punishment imposed on an inmate under these Regulations shall be recorded in a register.

(2) The number and name of the inmate, the nature of the offence for which the punishment is imposed and such other details thereof as the Director may require shall also be recorded in the register.

[S 10/90]

Director to be informed of offences.

10. (1) Where the Officer-in-Charge of a centre has found an inmate thereof guilty of an offence, he shall notify the Director of the facts of the case not later than 7 days after the inmate has been found guilty of the offence.

[S 10/90]

(2) The Director may amend, alter or vary any punishment imposed by the Officer-in-Charge of a centre under these Regulations.

[S 10/90]

Inmate's right to be heard.

11. No inmate shall be punished under these Regulations until he has had an opportunity of hearing the charge and the evidence against him and making his defence.

Offences. *[S 10/90]*

12. Every person who, without lawful authority —

(a) conveys, supplies or causes to be supplied or conveyed to any inmate, or hides or places for his use, any tobacco, drug, money, clothing, provisions or any other article whatsoever;

(b) brings or attempts by any means whatever to introduce into any centre, or places or attempts to place where inmates shall labour or are engaged in further studies, any letter or document or any intoxicating liquor, tobacco, drug, money, clothing, provisions or other article to be sold or used therein;

[S 25/97]

(c) brings or attempts to bring out of any centre or conveys from any inmate any letter, document or other article; or

(d) communicates with any inmates; and

every officer who, without lawful authority —

- (i) knowingly suffers any intoxicating liquor, tobacco, drug, money, clothings, provisions, letter, document or other article to be sold to or received or used by or on behalf of any inmate;
- (ii) lends or gives to any inmate any such intoxicating liquor, tobacco, drug, money, clothings, provisions or other articles; or
- (iii) knowingly suffers any letter, document or other articles to be brought out of any centre, or to be conveyed from any inmate,

shall be guilty of an offence: Penalty, imprisonment for 6 months and a fine of \$1,000; and if an officer, he shall, unless the conviction is reversed on appeal or revision, be dismissed from his office, and all arrears of pay due to him any be forfeited.

SCHEDULE

regulations 7 and 8

PART I**MINOR OFFENCES**

For the purpose of regulation 7, a minor offence is —

- (a) behaving in a disorderly or indecent manner;
- (b) talking without any reasonable cause during working hours, during an assembly or during physical exercise, or talking loudly, laughing or singing at any time after having been ordered by an officer to desist from doing so;
- (c) leaving his place in a file or any seat or berth assigned to him without the permission of an officer for any reasonable cause;
- (d) omitting or refusing, without any reasonable excuse, to march in a file when moving about a centre or when proceeding to or returning from work;
- (e) committing a nuisance in any part of a centre;
- (f) secreting any article without any reasonable excuse;
- (g) omitting or refusing, without any reasonable excuse, to be clean or tidy or disobeying, without any reasonable cause, an order relating to the cutting of hair;
- (h) smoking a cigarette or any from of tobacco in a centre;
- (i) doing any act which in injurious to his health;
- (j) refusing to undergo any medical treatment or examination when required by an officer to do so;
- (k) doing any act or using any language calculated to offend or insult any other inmate;

PART I — (continued)

- (l) quarreling with any other inmate;
- (m) doing any act calculated to create unnecessary alarm in the mind of any other inmate or an officer;
- (n) visiting a latrine without the permission of an officer or remaining there longer than is necessary without reasonable cause;
- (o) mixing or adding any substance to any material issued for work without the permission of an officer;
- (p) leaving a place of work or that part of a centre in which he is confined without the permission of an officer or any reasonable cause;
- (q) performing any work allotted to another inmate, or obtaining his assistance to do any work without any reasonable excuse;
- (r) loitering about during working hours or idling or malingering when engaged in work or being negligent therein;
- (s) defacing or damaging any wall, furniture or other property of a centre;
- (t) eating or appropriating any food not assigned to him, or increasing or decreasing the portion of any food assigned to another inmate, without the permission of an officer or any reasonable excuse;
- (u) removing any food or drink from a kitchen or from a place where meals are served in a centre without the permission of an officer or any reasonable cause, or disobeying any order of an officer in respect of the issue and distribution of any food or drink in the centre without any reasonable excuse;
- (v) introducing into any food or drink in a centre anything likely to render it unpalatable or unwholesome;
- (w) refusing, without any reasonable cause, to eat any food assigned to him in accordance with a centre's diet scale;
- (x) wilfully destroying any food in a centre or throwing it away without the permission of an officer or any reasonable cause;
- (y) omitting or refusing to wear any clothing issued to him in a centre or exchanging the clothing for that of another inmate, or damaging or altering any clothing issued to him or another inmate in the centre without the permission of an officer or any reasonable excuse, or losing or discarding the clothing;
- (z) removing, defacing or altering without any reasonable excuse any distinctive number, mark or badge to be attached to, or worn on, the body or any clothing issued in a centre;

PART I — (continued)

(aa) omitting or refusing to keep any utensil or clothing clean or disobeying any lawful order as to the arrangement or disposition of the utensil or clothing or any blanket, bedsheet or personal belonging in a centre;

(bb) tampering with a centre's lock, lamp or electrical fitting, or any other property in the centre with which he has no concern;

(cc) damaging or omitting or refusing to take due care of any property of a centre which has been entrusted to him;

(dd) spitting on or otherwise soiling or befouling any floor, door, wall or other part of a centre's building or any article therein;

(ee) littering;

(ff) omitting to report at once or as soon as possible any loss, destruction, breakage or damage which he has caused to any property of a centre;

(gg) stealing a centre's property or that of another inmate;

(hh) damaging or destroying a tree or plant within the enclosure of a centre without the permission of an officer or any reasonable excuse;

(ii) showing disrespect to any officer, Probation Officer, Supervision Officer or visitor or to any employee of the centre;

(jj) answering untruthfully any question put to him by any officer, Probation Officer, Supervision Officer or visitor;

(kk) omitting, without any reasonable excuse, to assist in the maintenance of discipline by not reporting the commission of an offence in a centre, or to assist an officer to investigate into the commission of the offence when called upon to do so;

(ll) making any instrument for shooting, cutting or stabbing or any weapon without the knowledge or permission of an officer;

(mm) causing violence or insubordination of any kind in a centre or omitting, without any reasonable excuse, to assist in the suppression of violence or insubordination of any kind when called upon by an officer to do so;

(nn) omitting, or refusing, without any reasonable excuse, to help an officer to prevent another inmate from escaping from a centre;

(oo) any other act, conduct or neglect to the prejudice of good order or discipline in a centre; or

(pp) abetting the commission of a minor offence.

PART II

MAJOR OFFENCES

For the purposes of regulation 8, a major offence is —

- (a) bringing any drug, money or cigarette into a centre without the permission of an officer or concealing any drug, money or cigarette in a centre;
- (b) repeating any minor offence after having been punished twice for the offence;
- (c) wilfully causing to himself any illness, injury or disability;
- (d) wilfully destroying a centre's property;
- (e) wilfully making a false or groundless accusation or complaint against any officer, Probation Officer, Supervision Officer, visitor or inmate or any employee of the centre;
- (f) aggravated or repeated assault on another inmate;
- (g) striking or otherwise using violence on, or offering violence to, any officer, Probation Officer, Supervision Officer or visitor or any employee of the centre;
- (h) escaping or attempting to escape from a centre;
- (i) mutiny;
- (j) any other act of gross misconduct or insubordination; or
- (k) abetting the commission of a major offence.