

LAWS OF BRUNEI

CHAPTER 161

INTOXICATING SUBSTANCES

ARRANGEMENT OF SECTIONS

Section

PART I

PRELIMINARY

1. Citation
2. Interpretation

PART II

OFFENCES RELATING TO INTOXICATING
SUBSTANCES

3. Offence of misuse of intoxicating substances
4. Offence of supply of intoxicating substances
5. General powers to call for information as to intoxicating substances

PART III

EVIDENCE AND ENFORCEMENT

6. Protection of informers
7. Powers of arrest
8. Procedure where investigation cannot be completed within twenty-four hours by an officer of the Bureau or by a police officer
9. Powers of search and seizure
10. Obstruction of search
11. Forfeiture
12. Disposal of things forfeited
13. Powers of investigation of officers of Bureau
14. Blood tests
15. Presumption of misuse of intoxicating substance
16. Government analyst certificate

PART IV

TREATMENT AND REHABILITATION

17. Supervision
18. Treatment and rehabilitation
19. Approved institutions
20. Advisory Committees for approved institutions
21. Review, discharge and transfer of inmates
22. Power of Magistrate to inquire into complaints of misconduct or breach of duty

- 23. Inmates deemed to be in legal custody
- 24. Escape from legal custody of an approved institution

PART V

GENERAL

- 25. General penalty
- 26. Indemnity
- 27. Protection of persons acting under authority of this Act
- 28. Offences by corporation
- 29. Regulations

SCHEDULE

INTOXICATING SUBSTANCES ACT

S.12/91
S.29/96

An Act to prohibit the misuse of certain substances which may cause intoxication when inhaled, and for purposes connected therewith

S.18/92

Commencement : 1st May 1992

PART I

PRELIMINARY

Citation

1. This Act may be cited as the Intoxicating Substances Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“Advisory Committee”, in relation to any approved institution, means an Advisory Committee appointed for the approved institution under section 20 ;

“approved institution” means any place or premises declared by the Minister to be an approved institution under section 19 ;

“article liable to seizure” means any thing by means of or in respect of which an offence under this Act has been committed or which contains evidence of an offence under this Act and includes money ;

“Director” means the Director of the Narcotics Control Bureau appointed under section 2A(1) of the Misuse of Drugs Act and includes the Deputy Director of the Bureau ;

Cap. 27

“inmate” means a person who is detained in an approved institution ;

“intoxicating substance” means any substance having the property of releasing toxic vapours or fumes which contain any chemical compound specified in the Schedule and which when inhaled induces or causes a state of intoxication ;

Schedule

“officer of Customs” has the same meaning as in the Customs Act ;

Cap. 36

“officer of the Bureau” means the Director or any officer of the Narcotics Control Bureau ;

“police officer” has the same meaning as in the Royal Brunei Police Force Act ;

Cap. 50

“supervision order” means an order in writing by the Director made under section 17 ;

“supervision period” means the period for which a person is placed under supervision pursuant to a supervision order made under section 17 ;

“supply”, with its grammatical variations and cognate expressions, includes having possession for the purpose of supply.

PART II

OFFENCES RELATING TO INTOXICATING SUBSTANCES

3. (1) No person shall, for the purpose of inducing or causing in himself a state of intoxication, use or inhale any intoxicating substance.

Offence of
misuse of
intoxicating
substances

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Offence of
supply of
intoxicating
substances

4. (1) No person shall sell or supply or offer to sell or supply an intoxicating substance to any person if he knows or has reasonable cause to believe that the intoxicating substance is, or its fumes are, likely to be used or inhaled in contravention of section 3(1) by the person to whom the substance is sold or supplied or by another person.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 5 years or to both.

General
powers to
call for
information
as to
intoxicating
substances

5. (1) The Director may require any person who, in the course of conducting a business, sells or supplies or offers to sell or supply any intoxicating substance to produce such documents, to answer such questions and to furnish such information as he may consider necessary for the effective exercise of his powers and performance of his duties under this Act.

(2) Any such requisition shall be made in writing served on the person to whom it is addressed, and any such service shall be good service if the requisition is left with that person, or is left with any adult at the usual or last known place of residence or business of that person, or is served on that person by post at his usual or last known place of residence or business.

(3) Every person required to produce any document, answer any question or furnish any information shall produce the document, answer the question or furnish the information within such time as may be stated in the requisition.

(4) Any person required to produce any document, answer any question or furnish any information under this section who —

(a) fails without lawful excuse to comply with any requisition under this section ;

(b) produces any document which is false in any material particular, or has not been given or made by the person by whom it purports to have been given or made, or has been in any way altered or tampered with ; or

(c) makes any declaration, statement or representation which is false in a material particular,

shall be guilty of an offence.

PART III

EVIDENCE AND ENFORCEMENT

6. (1) Except as provided in subsection (3) —

Protection of
informers

(a) no information for an offence under this Act shall be admitted in evidence in any civil or criminal proceeding ; and

(b) no witness in any civil or criminal proceeding shall be obliged —

- (i) to disclose the name and address of any informer who has given information with respect to an offence under this Act ; or
- (ii) to answer any question if the answer thereto would lead, or would tend to lead, to the discovery of the name or address of the informer.

(2) If any book, document or paper which is in evidence or liable to inspection in any civil or criminal proceeding contain any entry in which any informer is named or described or which might lead to his discovery, the court shall cause those entries to be concealed for view or to be obliterated so far as may be necessary to protect the informer from discovery.

(3) If in any proceeding before a court for an offence under this Act, the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceedings the court is of the opinion that justice cannot be fully done between the parties thereto without the disclosure of the name of an informer the court may permit inquiry and require full disclosure concerning the informer.

Powers of
arrest

7. (1) Any officer of the Bureau, any police officer or any officer of Customs may arrest without a warrant any person who has committed or whom he reasonably suspects to have committed an offence under this Act.

(2) Any person so arrested shall, together with any article which is liable to seizure, be taken to the Narcotics Control Bureau or a police station and may be searched.

(3) No woman shall be searched under this Part except by another woman and with strict regard to decency.

(4) An officer making an arrest under this section may seize and detain any article liable to seizure.

Procedure
where
investigation
cannot be
completed
within
twenty-four
hours by
an officer of
the Bureau or
by a police
officer

8. Whenever any person is arrested and detained in custody by an officer of the Bureau or a police officer for an offence against this Act and it appears that the investigation cannot be completed within a period of twenty-four hours from the time that the person is arrested, an officer of the Bureau or a police officer may produce such person before a Magistrate and the Magistrate may, whether he has or has no jurisdiction to try the case, from time to time, authorise the detention of such person in such custody as such Magistrate thinks fit for a term not exceeding fifteen days in the whole.

Powers of
search and
seizure

9. (1) Any officer of the Bureau or any police officer or any officer of Customs may at any time —

(a) without a warrant enter and search any place or premises in which he reasonably suspects that there is to be found any article liable to seizure ;

(b) search any person found in that place or premises ; and

(c) seize and detain any article liable to seizure found in that place or premises.

(2) For that purpose of exercising his power under this section, an officer may, with such assistance as he considers necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, box, container or any other thing.

10. Any person who —

Obstruction
of search

(a) obstructs any officer of the Bureau or any police officer or in the exercise of any power under this Act ; or

(b) fails to comply with any lawful requirement of any officer of the Bureau or any police officer in the execution of his duty under this Act,

shall be guilty of an offence.

11. (1) Whenever anything is seized under this Act, the officer who carried out the seizure shall forthwith give notice in writing of the seizure to the owner of that thing, if known, either by delivering the notice personally to him or by post at his place of abode, if known, except that the notice shall not be required to be given where the seizure is made in the presence of the offender or the owner or his agent.

Forfeiture

(2) An order for the forfeiture of any article liable to seizure shall be made if it is proved to the satisfaction of a court that an offence under this Act has been committed and that

such article was the subject matter of or was used in the commission of the offence notwithstanding that no person may have been convicted of that offence.

(3) If there is no prosecution with regard to any article seized under this Act, that article shall be deemed to be forfeited at the expiration of one month from the date of seizure thereof unless a claim thereto has been made before that date in such manner as may be prescribed.

Disposal of
things
forfeited

12. All things which are forfeited to the Government under this Act shall be disposed of in such manner as the Minister thinks fit.

Powers of
investigation
of officers of
Bureau
Cap. 7

13. In any case relating to the commission of an offence under this Act, an officer of the Bureau shall have all the powers of a police officer under the Criminal Procedure Code in relation to an investigation into a seizable offence.

Blood tests

14. (1) Any officer of the Bureau or any police officer, or the officer-in-charge of an approved institution may require any person who has used or inhaled, or is reasonably suspected to have used or inhaled, any intoxicating substance for the purpose of inducing or causing a state of intoxication to provide to a registered medical practitioner a specimen of his blood for a laboratory test ; but a person shall not be required to provide a specimen of his blood for a laboratory test under this subsection if the registered medical practitioner in immediate charge of his case objects to the provision of such specimen on the ground that it would be prejudicial to the proper care or treatment of that person.

(2) A person who without reasonable excuse fails to provide a specimen of his blood for a laboratory test in pursuance of a requirement imposed under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months.

(3) An officer of the Bureau or any police officer or the officer-in-charge of an approved institution shall, on requiring any person under this section to provide a specimen of blood for a laboratory test, warn him that failure to provide a specimen of blood may make him liable to a fine or imprisonment, and, if such officer fails to do so, the court before which the person is charged with an offence under subsection (2) may dismiss the charge.

(4) For the purposes of any proceeding for an offence under section 3, a certificate purporting to be signed by a registered medical practitioner that he took a specimen of a blood from a person with his consent shall be evidence of the matters so certified and of the qualifications of the registered medical practitioner :

Provided that the certificate shall not be accepted as evidence for the prosecution unless a copy thereof had been served on the accused not less than 7 days before the hearing.

(5) For the purposes of this section, the consent of a person who has attained the age of 16 years to providing a specimen of blood in pursuance of a requirement imposed under subsection (1) shall be effective as it would be if he were of full age ; and where such person has, by virtue of this subsection, given an effective consent, it shall not be necessary to obtain any consent from his parent or guardian in respect of his providing the specimen of blood.

15. A person shall be presumed, until the contrary is proved, to have used or inhaled any intoxicating substance for the purpose of inducing or causing in himself a state of intoxication if the specimen of blood provided by him under section 14 is certified by a Government analyst to contain an amount of any chemical compound specified in the Schedule in excess of the amount specified in the second column of the Schedule in relation to that chemical compound.

Presumption
of misuse of
intoxicating
substance

Schedule

Government
analyst
certificate
Schedule

16. A certificate purporting to be signed by a Government analyst and purporting to relate to any chemical compound specified in the Schedule shall be admitted in evidence, in any proceeding for an offence under this Act, on its production by the prosecution without proof of signature and, until the contrary is proved, that certificate shall be *prima facie* evidence of all matters contained therein :

Provided that the certificate shall not be accepted as evidence for the prosecution unless a copy thereof had been served on the accused not less than 7 days before the hearing.

PART IV

TREATMENT AND REHABILITATION

Supervision

17. (1) If as a result of a blood test under section 14 it appears to the Director that the person who supplied the specimen of blood for the blood test has used or inhaled any intoxicating substance in contravention of section 3 and that it is necessary for that person to be subject to supervision, the Director may make a supervision order requiring that person to be subject to the supervision of an officer of the Bureau or a person appointed by the Director for the purpose for a supervision period not exceeding one year.

(2) The Director may make a supervision order requiring a person who has been discharged from an approved institution under section 21 to be subject to the supervision of an officer of the Bureau or a person appointed by the Director for the purpose for a supervision period not exceeding one year.

(3) A supervision order made under subsection (1) or (2) may require the person subject to the supervision order to comply during the whole or any part of the supervision period with such requirements as to residence and any other requirements as the Director, having regard to the circumstances of the case, considers necessary for securing the

good conduct of such person and if the person wilfully fails to comply with any requirement in the supervision order, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

18. (1) If at any time during or after the supervision period a person who is or has been subject to a supervision order is arrested under section 7 on the ground that the person is reasonably suspected to have committed an offence under section 3, the Minister, having regard to the results of a medical examination or observation or a blood test under section 14 and, where applicable, a report of the supervision officer in relation to the person concerned may, if it appears to the Minister that it is necessary for such person to undergo treatment and rehabilitation at an approved institution, by order in writing direct the person to be admitted to an approved institution and detained there for a period not exceeding 6 months.

Treatment
and
rehabilitation

(2) An approved institution may —

(a) admit any person who uses or inhales any intoxicating substance for the purpose of inducing or causing a state of intoxication ; or

(b) admit any person under the age of 21 years who uses or inhales any intoxicating substance for the purpose of inducing or causing a state of intoxication on the application made by either parent of such person or by his guardian or by any person for the time being having the custody or control of such person,

for voluntary treatment and rehabilitation on such terms and conditions as may be prescribed except that every person who is admitted to an approved institution under this subsection shall not be detained therein for a period exceeding 6 months.

(3) Any statement made by a person admitted to an approved institution under subsection (2) for the purpose of undergoing treatment and rehabilitation shall not be admissible in evidence against him in respect of any subsequent prosecution for an offence under this Act.

(4) If the Minister, after considering a report of an Advisory Committee of an approved institution, is of the opinion that an inmate of that institution whose period of detention therein is about to expire requires further treatment or rehabilitation or both, the Minister may by order in writing direct that the inmate be detained in the institution for a further period or periods not exceeding 3 months at any one time except that no person in respect of whom an order has been made under subsection (1) shall be detained in an approved institution or institutions for a period of more than one year after his admission to any approved institution pursuant to such order.

(5) In this section, “supervision officer” means a person appointed by the Director under section 17 who is charged with the responsibility for the supervision of the person brought before the Director under subsection (1).

Approved
institutions

19. (1) The Minister may from time to time, by notification in the *Gazette*, declare any place or premises to be an approved institution for the purpose of the treatment and rehabilitation of persons who use or inhale intoxicating substances for the purpose of inducing or causing a state of intoxication and may at any time in like manner revoke or amend any such notification.

(2) The Minister may appoint any person as the officer-in-charge of an approved institution and such person shall be responsible for the general charge and supervision of the approved institution.

20. (1) The Minister shall appoint for any approved institution or institutions an Advisory Committee which shall have such functions as are conferred upon it by this Act or any regulation made thereunder.

Advisory
Committees
for approved
institutions

(2) Every such Committee shall consist of a Chairman, and not less than 2 other members.

(3) The Chairman and members of an Advisory Committee shall be appointed by the Minister for a term not exceeding 3 years, but may from time to time be reappointed, or may at any time be removed from office by the Minister, or may at any time resign from their office by writing addressed to the Minister.

(4) Three members of the Committee shall constitute a quorum at any meeting of the Committee.

(5) The Chairman shall preside at every meeting of the Committee at which he is present and in his absence the members present shall elect one of their number to preside at the meeting.

(6) Every question before the Committee shall be determined by a majority of the votes of the members present and voting thereon, and in the event of an equality of votes the Chairman or the member presiding at the meeting shall have a casting vote in addition to his original vote.

(7) Subject to the provisions of this Act and any regulation made thereunder, the Committee may determine its own procedure.

(8) Any order of the Committee may be signed by the Chairman or a member of the Committee.

Review,
discharge and
transfer of
inmates

21. (1) The Advisory Committee of an approved institution shall keep the case of every inmate under review and shall as often as practicable consider whether he should be discharged.

(2) Notwithstanding any order made under section 18 or under subsection (2) of section 25, the Minister or the Advisory Committee of an approved institution may at any time by order in writing —

(a) discharge any inmate ; or

(b) transfer any inmate from one approved institution to another approved institution.

(3) The officer-in-charge of an approved institution may enter into an arrangement with the officer-in-charge of another approved institution for the transfer of any inmate to that other approved institution and, subject to any direction given by the Director or the Advisory Committee, may carry out any transfer in accordance with that arrangement except that the whole period of detention for which the inmate was admitted to such approved institution shall not be increased by the transfer.

(4) On proof to his satisfaction that the presence at any place of an inmate is required in the interests of justice, or for the purpose of any inquiry, or in the public interest or in the interest of the inmate, the officer-in-charge of the relevant approved institution may order that the inmate be taken to that place.

Power of
Magistrate to
inquire into
complaints of
misconduct or
breach of
duty

22. (1) Where a complaint is made on oath to a Magistrate that any person is improperly detained in an approved institution by reasons of any misconduct or breach of duty on the part of any officer in the discharge of his functions pursuant to this Act or any regulation made thereunder, the Magistrate may either inquire into the complaint himself or

direct a police officer to make an inquiry for the purpose of ascertaining the truth or falsehood of the complaint and report to him the result of the inquiry.

(2) Every inquiry under subsection (1) shall be conducted in private but, save as aforesaid, the procedure for conducting any inquiry shall be such as the Magistrate considers appropriate in the circumstances of the case.

(3) A Magistrate or a police officer conducting any inquiry under subsection (1) shall have all the powers conferred on him by the Criminal Procedure Code in relation to the attendance and examination of witnesses, the taking of evidence and the production of documents.

Cap. 7

(4) If after considering the result of any such inquiry the Magistrate is satisfied that any person who is detained in an approved institution ought not to be so detained, he may make an order for the discharge of that person from the approved institution and that person shall be discharged accordingly.

(5) Any order or decision of the Magistrate made under this section shall be final.

(6) No evidence taken for the purpose of any such inquiry shall be admissible in any civil or criminal proceeding except where the person who gave such evidence is charged with giving or fabricating false evidence.

23. (1) Every inmate shall be deemed to be in the legal custody of the approved institution in which he is for the time being detained.

Inmates
deemed to be
in legal
custody

(2) An inmate shall be deemed to be in legal custody —

(a) while he is confined in, or is being taken to or from, an approved institution ;

(b) while he is for any other reason outside an approved institution in the custody or under the control of the officer-in-charge of the approved institution ; or

(c) while he is being taken to any place to which he is required or authorised by or under this Act to be taken, or is kept in custody in pursuance of any such requirement or authorisation.

Escape from
legal custody
of an
approved
institution

24. (1) Any inmate who —

(a) while undergoing treatment and rehabilitation in an approved institution escapes from the legal custody thereof ;

(b) while he is outside an approved institution escapes from the legal custody or control of an officer-in-charge of an approved institution ; or

(c) while he is otherwise in the legal custody of any other person escapes therefrom,

shall be guilty of an offence.

(2) Any person who —

(a) knowingly assists, directly or indirectly, any inmate of an approved institution to escape therefrom ;

(b) induces any such inmate so to escape ; or

(c) knowing that any inmate has escaped from an approved institution, harbours or conceals, or assists in harbouring or concealing that inmate or causes or induces him not to return to such approved institution,

shall be guilty of an offence.

PART V

GENERAL

25. (1) Any person who is guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding one year or to both.

General
penalty

(2) Where any person is convicted of an offence under section 3 of this Act, the Court shall consider a report of a Government Medical Officer and if the Court is satisfied that it is necessary for such person to undergo treatment or rehabilitation or both at an approved institution, the Court shall in addition to any punishment it may lawfully impose make an order requiring that person to be admitted as an inmate to an approved institution for the purpose of such treatment or rehabilitation or both.

26. (1) The Government shall not be liable to make good any damage caused to any goods or property as a result of an entry, search or detention under the provisions of this Act unless the damage is caused by the wilful neglect or default of an officer employed by the Government.

Indemnity

(2) In the event of any dispute as to the amount of any damage so caused the same shall be summarily ascertained and determined by a Magistrate Court.

27. Any person who does any act in pursuance or intended pursuance of any of the provisions of this Act or the regulations made thereunder shall not be subject to any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, mistake of law or fact, or any other ground, unless he has acted in bad faith or without reasonable care.

Protection of
persons
acting under
authority of
this Act

Offences by
corporation

28. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to Act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly.

Regulations

29. (1) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may make regulations for any purpose for which regulations may be made under this Act and for prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations with respect to any of the following matters —

(a) providing for the treatment and rehabilitation of persons who use or inhale intoxicating substances for the purpose of inducing or causing a state of intoxication ;

(b) providing for the supervision and aftercare of persons who have undergone treatment and rehabilitation at any approved institution or who have been convicted of an offence under section 3 ;

(c) providing for the management, maintenance and inspection of approved institutions ;

(d) prescribing the functions and procedure of Advisory Committees ;

(e) providing for the control, discipline and occupation of inmates, including the imposition of corporal punishment ;

(f) prescribing the appointment and duties of officers of approved institutions ; and

(g) prescribing the punishment by a fine not exceeding \$3,000 or imprisonment for a term not exceeding one year or both to be imposed on the conviction for a breach of any regulation.

SCHEDULE**First Column****Second Column**

Toluene

1 microgramme per 1
millilitre of blood

SUBSIDIARY LEGISLATION

Regulations under section 29

**INTOXICATING SUBSTANCES (BOARD OF VISITORS FOR
APPROVED INSTITUTIONS) REGULATIONS**

S.8/92

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Interpretation
3. Appointment of Board of Visitors
4. Number of Board members
5. Term of office
6. Termination of office
7. Vacancy
8. Assistance from officer-in-charge
9. Duties of Board members
10. Visits by Board members

[Subsidiary]

S.18/92

Commencement : 1st May 1992

- Citation 1. These Regulations may be cited as the Intoxicating Substances (Board of Visitors for Approved Institutions) Regulations.
- Interpretation 2. In these Regulations, unless the context otherwise requires —
- “Board” means the Board of Visitors appointed by the Minister under regulation 3 ;
- “Director” means the Director of Prisons ;
- “officer-in-charge” means a person appointed by the Minister under section 19(2) of the Act to be the officer-in-charge of an approved institution.
- Appointment of Board of Visitors 3. (1) The Minister may, by notification in the *Gazette*, appoint a Board of Visitors to advise and make recommendations to the officer-in-charge of an approved institution in respect of the matters referred to in regulation 9 at the approved institution.
- (2) A Board may be appointed for one or more approved institutions as the Minister thinks fit.
- Number of Board members 4. (1) The number of members of the Board shall be at the discretion of the Minister.
- (2) The Minister may at any time revoke the appointment of any member of the Board.
- Term of office 5. A member of the Board shall hold office for a period of not more than one year from the date of his appointment and shall be eligible for a re-appointment on completion of that period unless such member resigns during his period of office or unless his appointment is revoked by the Minister under the provisions of paragraph (2) of regulation 4.
- Termination of office 6. A person appointed as a member of the Board shall cease to hold such appointment —
- (a) on his death or resignation ;
- (b) if he is absent from Brunei Darussalam for more than 3 months without the prior permission of the Minister ; or
- (c) if the Minister revokes such appointment under the provisions of paragraph (2) of regulation 4.

[Subsidiary]

7. A vacancy occurring in the Board shall be filled by a fresh appointment made by the Minister, and the person appointed to fill such vacancy shall hold office for so long as the member in whose place he is appointed would have held office.

Vacancy

8. Every officer-in-charge shall assist any member of the Board in the exercise of his powers and the discharge of his functions under these Regulations.

Assistance
from officer-
in-charge

9. (1) Members of the Board shall satisfy themselves that the health, maintenance, recreation and discipline of the inmates are satisfactory and that an efficient standard is maintained throughout each approved institution, but shall not be concerned with the general administrative matters of the approved institutions.

Duties of
Board
members

(2) Members of the the Board shall on every visit hear any complaint which any inmate may wish to make to them.

(3) Members of the Board shall send their comments and recommendations regarding an approved institution to the Director.

(4) The Director shall take such action as may be necessary on any recommendation made under paragraph (3) and report to the Minister on any action taken as soon as possible.

10. Not less than two members of the Board shall visit each approved institution in respect of which they are appointed at least once a month.

Visits by
Board
members

SUBSIDIARY LEGISLATION

Regulations under section 29

**INTOXICATING SUBSTANCES (TREATMENT AND
REHABILITATION) REGULATIONS**

S.9/92

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Interpretation
3. Supervision and control of approved institution
4. Medical examination
5. Bedding and diet
6. Daily routine
7. Vocational training
8. Reasonable recreation etc.
9. Religious instruction

[Subsidiary]

Commencement : 1st May 1992

S.18/92

1. These Regulations may be cited as the Intoxicating Substances (Treatment and Rehabilitation) Regulations. Citation
2. In these Regulations, unless the context otherwise requires — Interpretation
- “Director” means the Director of Prisons ;
- “medical officer” means a Government medical officer who for the time being is assigned to perform the functions of a medical officer under these Regulations ;
- “officer-in-charge” means a person appointed by the Minister under section 19(2) of the Act to be the officer-in-charge of an approved institution.
3. (1) Subject to any direction of the Minister, an approved institution shall be under the general charge and supervision of the Director. Supervision and control of approved institution
- (2) Subject to any direction of the Director, the officer-in-charge of an approved institution shall be responsible for the occupation, discipline and control of the inmates and may issue general orders which shall be observed by the inmates.
4. Every inmate shall be examined by a medical officer as soon as possible after his admission to an approved institution. Medical examination
5. Every inmate of an approved institution shall — Bedding and diet
- (a) be provided with a separate bed ; and
- (b) be supplied with sufficient and varied food based in a dietary scale drawn up by the medical officer and approved by the Director.
6. The daily routine of every inmate in an approved institution, including the hours of sleep and recreation of, and classroom instruction, practical training, domestic work and meals given to, such inmate shall be in accordance with a scheme approved, from time to time, by the Director. Daily routine
7. The vocational training given to inmates shall, insofar as is practicable, be directed towards preparing them for some form of employment, having regard to the capacity, aptitude and preference of each inmate. Vocational training

[Subsidiary]

Reasonable
recreation etc.

8. No inmate in an approved institution shall be employed to work in the approved institution in such a way as to impair the inmates capacity to acquire any knowledge or skill from the education or training given therein or to deprive the inmate of reasonable recreation or leisure.

Religious
instruction

9. So far as is practicable, arrangements shall be made for the religious instruction of inmates according to their own religious persuasion.

SUBSIDIARY LEGISLATION

Regulations under section 29

**INTOXICATING SUBSTANCES (DISCIPLINE IN APPROVED
INSTITUTIONS) REGULATIONS**

S.10/92

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Interpretation
3. Work
4. Fair discipline
5. Use of force
6. Discipline of inmates outside an approved institution
7. Punishment for minor offences
8. Punishment for major offences
9. Recording of punishment
10. Variation of punishment
11. Inmate may make his defence
12. Articles not to be conveyed into or out of approved institution

SCHEDULE

[Subsidiary]

S.18/92

Commencement : 1st May 1992

Citation

1. These Regulations may be cited as the Intoxicating Substances (Discipline in Approved Institutions) Regulations.

Interpretation

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

“Director” means the Director of Prisons ;

“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 approved institution ;

“officer-in-charge” means a person appointed by the Minister under section 19(2) of the Act to be the officer-in-charge of an approved institution ;

“visitor” means a member of the Board of Visitors appointed under regulation 3 of the Intoxicating Substances (Board of Visitors for Approved Institutions) Regulations and includes any other person authorised by the Minister or the Director to visit an approved institution.

Work

3. (1) An inmate of an approved institution shall work in such workshop or do such work as may be assigned to him by the officer-in-charge of the approved institution.

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

Fair discipline

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

Use of force

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

(a) who is escaping or attempting to escape from an approved institution ;

(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, 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.

6. Every person, while being taken to or from any approved institution to which he has been lawfully committed under the Act 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 approved institution.

Discipline
of inmates
outside an
approved
institution

7. An inmate of an approved institution 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 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 approved institution —

Punishment
for minor
offences
Schedule

(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.

8. (1) An inmate of an approved institution who commits any of the major offences set out in Part II of the Schedule shall be liable, in addition to or in lieu of any other written law, to any one or more of the following punishments to be imposed by the officer-in-charge of the approved institution —

Punishment
for major
offences
Schedule

(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 two months.

(2) Where an inmate of an approved institution 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

Schedule

[Subsidiary]

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.

(3) The Director shall have power to investigate and decide any conduct against discipline of an approved institution 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 six visits by relatives and friends of the inmates ;

(b) solitary confinement in a ward for a term not exceeding a period of fourteen days ;

(c) stoppage or reduction of earnings for a period not exceeding two months ;

(d) whipping with not more than six strokes of the rattan.

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

Recording of punishment

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.

Variation of punishment

10. (1) Where the officer-in-charge of an approved institution 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.

(2) The Director may amend, alter or vary any punishment imposed by the officer-in-charge of an approved institution under these Regulations.

Inmate may make his defence

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 of making his defence.

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 letter, document, intoxicating liquor, intoxicating substance, tobacco, drug, money, clothing, provision or any other article ;

Articles
not to be
conveyed
into or
out of
approved
institution

(b) brings or attempts by any means whatever to introduce into any approved institution, or places or attempts to place where inmates shall labour, any letter, document, intoxicating liquor, intoxicating substance, tobacco, drug, money, clothing, provision or any other article to be sold or used therein ;

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

(d) communicates with any inmate ; and

every officer who, without lawful authority —

(i) knowingly suffers any intoxicating liquor, intoxicating substance, tobacco, drug, money, clothing, provision, 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, intoxicating substance, tobacco, drug, money, clothing, provision or other article ; or

(iii) knowingly suffers any letter, document or other article to be brought out of any approved institution, or to be conveyed from any inmate,

shall be guilty of an offence : Penalty, imprisonment for six months and a fine of one thousand dollars ; 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 may be forfeited.

SCHEDULE

Regulations 7 and 8

PART I

For the purposes of regulation 7, a minor offence means —

- (1) behaving in a disorderly or indecent manner ;
- (2) 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 ;
- (3) leaving his place in a file or any seat or berth assigned to him without the permission of an officer or without any reasonable cause ;
- (4) omitting or refusing, without any reasonable excuse, to march in a file when moving about an approved institution or when proceeding to or returning from work ;
- (5) committing a nuisance in any part of an approved institution ;
- (6) secreting any article without any reasonable excuse ;
- (7) 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 ;
- (8) smoking a cigarette or any form of tobacco in an approved institution ;
- (9) doing any act which is injurious to his health ;
- (10) refusing to undergo any medical treatment or examination when required by an officer to do so ;
- (11) doing any act or using any language calculated to offend or insult any other inmate ;
- (12) quarrelling with any other inmate ;
- (13) doing any act calculated to create unnecessary alarm in the mind of any other inmate or an officer ;

(14) visiting a latrine without the permission of an officer or remaining there longer than is necessary without any reasonable cause ;

(15) mixing or adding any substance to any material issued for work without the permission of an officer ;

(16) leaving a place of work or that part of an approved institution in which he is confined without the permission of an officer or without any reasonable cause ;

(17) performing any work allotted to another inmate, or obtaining his assistance to do any work without any reasonable excuse ;

(18) malingering, loitering about during working hours, idling or refusing to work or being negligent when engaged in work ;

(19) defacing or damaging any wall, furniture or other property of an approved institution ;

(20) 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 without any reasonable excuse ;

(21) removing any food or drink from a kitchen or from a place where meals are served in an approved institution 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 approved institution without any reasonable excuse ;

(22) introducing into any food or drink in an approved institution anything likely to render it unpalatable or unwholesome ;

(23) refusing, without any reasonable cause, to eat any food assigned to him in accordance with the diet scale used at an approved institution ;

(24) wilfully destroying any food in an approved institution or throwing away such food without the permission of an officer or without any reasonable cause ;

(25) omitting or refusing to wear any clothing issued to him in an approved institution or exchanging the clothing for that of another inmate, or damaging or altering any clothing issued to him or another inmate in the approved institution without the permission of an officer or without any reasonable excuse, or losing or discarding the clothing ;

[Subsidiary]

(26) 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 an approved institution ;

(27) omitting or refusing to keep away 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 an approved institution ;

(28) tampering with any lock, lamp or electrical fitting in an approved institution or any other property in the approved institution with which the inmate has no concern ;

(29) damaging or omitting or refusing to make due care of any property of an approved institution which has been entrusted to him ;

(30) spitting on or otherwise soiling or befouling any floor, door, wall or other part of the building of an approved institution or any article therein ;

(31) littering ;

(32) omitting to report at once or as soon as possible any loss, destruction, breakage or damage which he has caused to any property in an approved institution ;

(33) stealing any property within an approved institution or that of another inmate ;

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

(35) showing disrespect to any officer, Probation Officer, Supervision Officer, visitor or to any employee of the approved institution ;

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

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

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

(39) causing violence or insubordination of any kind in an approved institution 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 ;

(40) omitting or refusing, without any reasonable excuse, to help an officer to prevent another inmate from escaping from an approved institution ;

(41) any other act, conduct or neglect to the prejudice of good order or discipline in an approved institution ; or

(42) abetting the commission of a minor offence.

PART II

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

(1) bringing any intoxicating substance, drug, money or cigarette into an approved institution without the permission of an officer or concealing any intoxicating substance, drug, money or cigarette in an approved institution ;

(2) repeating any minor offence after having been punished twice for the offence ;

(3) wilfully causing to himself any illness, injury or disability ;

(4) wilfully destroying an approved institution's property ;

(5) wilfully making a false or groundless accusation or complaint against any officer, Probation Officer, Supervision Officer, visitor or inmate or any employee of an approved institution ;

(6) aggravated or repeated assault on another inmate ;

(7) striking or otherwise using violence on, or offering violence to, any officer, Probation Officer, Supervision Officer or visitor or any employee of an approved institution ;

(8) escaping or attempting to escape from an approved institution ;

(9) mutiny ;

(10) any other act of gross misconduct or insubordination ; or

(11) abetting the commission of a major offence.