

Encl. 11 to FSSA-5717/11



COLONY OF SINGAPORE.

No. 25 of 1955.

I assent.

LS

R. B. BLACK,
Governor and Commander-in-Chief

18th October, 1955.

Date of coming into operation: 21st October, 1955.

An Ordinance to make provision for the Preservation of Public Security.

It is hereby enacted by the Governor of the Colony of Singapore with the advice and consent of the Legislative Assembly thereof as follows:—

1.—(1) This Ordinance may be cited as the Preservation of Public Security Ordinance, 1955, and shall come into force on such day as the Governor may by notification in the *Gazette* appoint.

Short title and commencement.

(2) This Ordinance shall continue in force for a period of three years from the date of commencement.

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

Interpretation.

“Commissioner of Police” includes Deputy Commissioner of Police;

“police officer” includes any member of the Special constabulary constituted under Part IV of the Police Force Ordinance, 1941;

Ord. 39 of 1941.

“protected area” means any area declared to be a protected area by virtue of the provisions of the Protected Places and Areas Ordinance, 1955;

SECURITY.

"protected place" means any place declared to be a protected place by virtue of the provisions of the Protected Places and Areas Ordinance, 1955.

Power to
order
detention.

3.—(1) If the Governor in Council is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Malaya or the maintenance of public order therein or the maintenance therein of essential services, it is necessary so to do, the Chief Secretary shall by order under his hand make an order directing that such person be detained for any period not exceeding two years.

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(2) For the purposes of the foregoing subsection "essential services" means any service, business, trade, undertaking, manufacture or calling included in the First Schedule to this Ordinance.

(3) Every person detained in pursuance of an order made under the provisions of subsection (1) of this section shall be detained in such place as the Chief Secretary may direct and in accordance with instructions issued by the Chief Secretary.

(4) In any case where under the provisions of subsection (1) of this section the Chief Secretary is required to make an order directing that a person be detained he may in lieu thereof by order under his hand make in respect of such person an order for all or any of the following purposes, that is to say:—

- (i) for imposing upon that person such restrictions as may be specified in the order in respect of the place of his residence;
- (ii) for prohibiting him from being out of doors between such hours as may be specified in the order except under the authority of a written permit granted by such authority or person as may be so specified;
- (iii) for requiring him to notify his movements in such manner at such times and to such authority or person as may be specified in the order;
- (iv) for prohibiting him from travelling beyond the limits of Singapore Island except in accordance with permission given to him by such authority or person as may be specified in the order.

4. At any time after an order has been made in respect of any person under the provisions of subsection (1) of section 3 of this Ordinance the Chief Secretary may direct that the operation of such order be suspended subject to such conditions—

Detention
order may
be sus-
pended.

- (a) imposing upon that person such restrictions as may be specified in the direction in respect of the place of his residence;
- (b) prohibiting him from being out of doors between such hours as may be so specified except under the authority of a written permit granted by such authority or person as may be so specified;
- (c) requiring him to notify his movements in such manner at such times and to such authority or person as may be so specified;
- (d) prohibiting him from travelling beyond the limits of Singapore Island except in accordance with permission given to him by such authority or person as may be so specified;
- (e) permitting him to return to the country to which he belongs or to any other place to which he wishes to proceed provided that the Government of such place consents to receive him

as the Chief Secretary sees fit and the Chief Secretary may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed or that it is necessary in the public interest that such direction should be revoked.

5.—(1) Every person in respect of whom an order or direction is made by the Chief Secretary under the provisions of section 3 or section 4 of this Ordinance shall be entitled to appeal against the making of such order to an Appeal Tribunal.

APPEALS

(2) For the purpose of enabling a person to prosecute such appeal he shall, within fourteen days of the making of the order or direction, be informed of his right of appeal and be furnished by the Chief Secretary with a statement of the grounds on which the order or direction is made and such other particulars, if any, as he may in the opinion of the Chief Secretary reasonably require for the presentation of his case before the Appeal Tribunal due regard being had to the requirements of public security, the protection of individuals and the safeguarding of sources of information:

Provided that the Appeal Tribunal may, at any time, before or during the hearing of the appeal, direct that such further information as it considers necessary, due regard being had to the requirements of public security, the protection of individuals and the safeguarding of sources of information, shall be furnished to such person by the Chief Secretary or by such other person as the Tribunal may determine.

(3) The Governor in Council may make rules as to the manner in which appeals may be made and for regulating the procedure of Appeal Tribunals.

(4) Decisions of an Appeal Tribunal shall, subject to the provisions of this Ordinance relating to review, be final and shall not be called into question in any Court.

Appeal
Tribunals.

6. For the purposes of this Ordinance the Chief Justice may from time to time appoint one or more Appeal Tribunals each consisting of not less than three persons of whom two shall be Judges and one a District Judge.

Powers of
Appeal
Tribunal.

7. On the hearing of an appeal under the provisions of section 5 of this Ordinance an Appeal Tribunal may in its discretion revoke, amend or confirm an order or direction made by the Chief Secretary and when it so amends or confirms such an order or direction may make with regard thereto such recommendation, if any, as it shall think fit.

Review.

8.—(1) Every order or direction made by the Chief Secretary under the provisions of section 3 or section 4 of the Ordinance shall, notwithstanding that an appeal may have been made under the provisions of section 5 of this Ordinance, so long as it shall remain in force, be reviewed not less often than once in every six months by a Reviewing Officer appointed under the provisions of section 9 of this Ordinance.

(2) The Reviewing Officer shall forthwith submit to the Governor in Council a written report of every such review and may make therein such recommendations as he shall think fit.

(3) Upon considering such report the Governor in Council may give such directions, if any, as he shall think fit regarding the order or direction made by the Chief Secretary or the Appeal Tribunal as the case may be.

Reviewing
Officers.

9. The Governor in Council may appoint one or more persons qualified to be appointed Judges to be Reviewing Officers for the purposes of this Ordinance.

10.—(1) Every Appeal Tribunal and every Reviewing Officer shall, for the purposes of this Ordinance, have all the powers of a Court for the summoning and examination of witnesses and the administration of oaths or affirmations and for compelling the production of documents.

Power to
summon
witnesses

(2) Every member of an Appeal Tribunal and every Reviewing Officer shall be deemed to be public servants within the meaning of the Penal Code and shall have in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under the provisions of this Ordinance the like protection and privileges as are by law given to a Judge in the execution of his office.

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11. Nothing in this Ordinance or in any rules made thereunder shall require the Chief Secretary or any other public servant to disclose facts which he considers it to be against the public interest to disclose.

Disclosure
of info
material

12.—(1) The Chief Secretary may by order direct the removal from any place of detention to another place of detention to be specified in such order of any person detained in pursuance of the provisions of this Ordinance and may by arrangement with the Government of the Federation of Malaya direct the removal of any such person to the Federation of Malaya to be there detained for the whole or any part or parts of such period for which it has been ordered that such person shall be detained.

Power to
order
removal

(2) Any person in course of removal under the provisions of subsection (1) of this section shall be deemed to be in lawful custody.

13. (1) On proof to his satisfaction that the presence at any place of any person detained under the provisions of this Ordinance, or lawfully in the custody of the police or confined in any prison whether in pursuance of the provisions of this Ordinance or under an order of any Court or otherwise howsoever, and notwithstanding any order of any Court or other authority whatsoever, is required in the interests of justice, or for the purpose of any public or other inquiry, or in the public interest, or in the interests of the person detained, in custody, or confined, the Chief Secretary may, by writing under his hand order that such person be taken to that place.

Power to
order
production
detained
person

(2) Any person in course of being taken to any place in pursuance of the provisions of subsection (1) of this section and whilst at such place shall be kept in such custody as the Chief Secretary may direct and whilst in that custody shall be deemed to be in lawful custody.

SECURITY.

Enforcement of documents issued in the Federation of Malaya.

14.—(1) Any document which purports to be a warrant or an order made in the Federation of Malaya under any regulation or other written law in force in the Federation of Malaya and similar or equivalent to section 3 of this Ordinance and which has been received from any police officer or other Government officer of the Federation of Malaya shall be enforceable as if it were an order which had been duly made under section 3 of this Ordinance and if the person named therein enters or is within the Colony shall be enforced accordingly by arrest and detention under this Ordinance:

Provided that where any person is arrested under the provisions of this section he shall be returned in custody to the Federation of Malaya unless the Chief Secretary is satisfied that there are special circumstances which warrant his detention in the Colony:

And provided further that without prejudice to the provisions of section 3 of this Ordinance where any person arrested and detained under the provisions of this subsection satisfies the Governor in Council that he was ordinarily resident in the Colony for a period of not less than three years immediately preceding the date on which such warrant or order was made and was actually in the Colony on the said date such person shall be forthwith released.

(2) Whenever a request is made by the Chief Secretary, Federation of Malaya, that a person detained in the Federation of Malaya under any regulation or other written law in force in the Federation of Malaya and similar or equivalent to section 3 of this Ordinance, is in force should be transferred to the Colony there to be detained, the Chief Secretary may, on being satisfied that all expenses which may be incurred by the Colony in the maintenance of or otherwise in relation to such person will be borne by the Government of the Federation of Malaya, direct such person, when delivered up in the Colony by such Government as aforesaid, to be received into the custody of such police officers as the Commissioner of Police shall appoint for the purpose and such person shall thereafter be detained in the Colony as if the order under which he was detained in the Federation of Malaya had been duly made under section 3 of this Ordinance:

Provided always that any objection made by such person against the order for his detention shall be lodged by the Chief Secretary with the appropriate authority in the Federation of Malaya and such person shall for the purpose of prosecuting such objection be returned to the custody of the appropriate police officers of the Federation of Malaya.

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(3) The Chief Secretary may at the request of the Chief Secretary, Federation of Malaya, or otherwise, order any person who is detained in the Colony under the provisions of subsection (2) of this section to be returned to the Federation of Malaya and may for that purpose direct such person to be delivered into the custody of police officers of the Federation of Malaya.

15.—(1) Any person lawfully ordered to leave and remain out of the Federation of Malaya is prohibited from residing in the Colony so long as the order ordering him to leave and remain out of the Federation of Malaya remains in force and any such person brought in custody to the Colony may be detained in custody by any police officer or immigration officer in such place as the Chief Secretary may direct until he can conveniently be placed on board a ship or aircraft and any such person may be lawfully detained on board so long as such ship is within the territorial waters of the Colony.

Enforcement of orders issued in the Federation of Malaya.

(2) Except in the case of a person detained under the provisions of subsection (1) of this section any person who having left the Federation of Malaya in pursuance of any lawful order enters the Colony or is found therein whilst such order is in force shall be guilty of an offence against this Ordinance and whether or not a prosecution for that offence has been instituted against him may be detained on board any ship or aircraft for the purpose of removing him from the Colony.

(3) Any person who has been detained in accordance with the provisions of subsection (1) or subsection (2) of this section shall be deemed to be in lawful custody.

(4) The provisions of this section shall not apply to any person who is a British subject born or domiciled in the Colony.

16.—(1) Any police officer may, without warrant and with or without assistance—

Powers of search.

(a) if not below the rank of Assistant Superintendent of Police, enter and search any premises;

(b) if not below the rank of Inspector,

(i) board and search any vessel, not being or having the status of a ship of war;

(ii) stop and search any vehicle or individual, whether in a public place or not,

if he has reasonable grounds for believing that any document containing an incitement to violence or counselling disobedience to any law or to any lawful order or which is

calculated or likely to lead to a breach of the peace is likely to be found on such premises, vessel or individual or in such vehicle and may seize any document so found :

Provided always that any police officer not below the rank of Inspector may exercise the powers conferred by this subsection on a police officer not below the rank of Assistant Superintendent of Police if he has good grounds for believing that by reason of the delay which would be caused by referring to an officer not below the rank of Assistant Superintendent of Police any document liable to seizure under the provisions of this subsection is likely to be removed therefrom.

(2) Any document seized under the provisions of subsection (1) of this section shall be destroyed or otherwise disposed of in such manner as the Commissioner of Police may order.

(3) The Commissioner of Police shall, on making an order under subsection (2) of this section, if he has reason to believe that the owner, or person who was in possession immediately before such document was seized, is in the Colony cause a notice to be served on that person informing him of the terms of the order.

(4) Any person aggrieved by an order made under subsection (2) of this section may appeal against such order to the Governor in Council.

Provided that no appeal against such order shall be allowed unless notice of appeal in writing, together with the reasons for appeal, is given to the Commissioner of Police and to the Governor in Council within seven days of service of notice of the order under subsection (3) of this section.

(5) Where an order has been made under subsection (2) of this section it shall only be carried into effect if such order has not been appealed against or if any appeal against the order has been dismissed or abandoned.

Power to detain suspected persons.

17.—(1) Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe—

(a) there are grounds which would justify his detention under section 3 of this Ordinance;

(b) that he has acted or is about to act or is likely to act in any manner prejudicial to the public safety or the maintenance of public order.

(2) Any police officer may without warrant arrest and detain pending enquiries any person, who upon being questioned by such officer fails to satisfy such officer as to his identity or as to the purposes for which he is in the place

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where he is found and who such officer suspects has acted or is about to act in any manner prejudicial to the public safety or the maintenance of public order.

(3) No person shall be detained under the provisions of this section for a period exceeding twenty-four hours except with the authority of a police officer of or above the rank of Assistant Superintendent of Police or for a period of forty-eight hours in all:

Provided that if an officer of or above the rank of Superintendent of Police is satisfied that the necessary enquiries cannot be completed within the aforesaid period of forty-eight hours he may authorise the further detention of such person for an additional period not exceeding fourteen days and shall on giving such authorisation forthwith report the circumstances to the Commissioner of Police.

(4) Any person detained under the powers conferred by this section shall be deemed to be in lawful custody and may be detained in any prison, or in any police station or in any other similar place authorised generally or specially by the Chief Secretary.

18.—(1) Notwithstanding anything to the contrary contained in any other written law it shall be lawful for any officer in order—

- (a) to effect the arrest of any person whom he has reasonable grounds for suspecting to have committed an offence against any provision of any written law for the time being specified in the Second Schedule to this Ordinance;
- (b) to overcome forcible resistance offered by any person to such arrest; or
- (c) to prevent the escape from arrest or the rescue of any person arrested as aforesaid,

to use such force as, in the circumstances of the case, may be reasonably necessary, which force may extend to the use of lethal weapons.

(2) Every person arrested for any of the offences mentioned in subsection (1) of this section shall as soon as possible after his arrest be clearly warned of the provisions of subsection (1) of this section.

(3) Nothing in this section contained shall derogate from the right of private defence contained in sections 96 to 106 inclusive of the Penal Code.

(4) For the purposes of this section "officer" means any police officer or any member of Her Majesty's Naval, Military or Air Forces or of any local Forces established under

Use of lethal weapons in effecting arrests.

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any written law and includes any other person performing the duties of guard or watchman in a protected place or a protected area and specially authorised in writing in that behalf by a Gazetted police officer by virtue of section 3 of the Protected Places and Areas Ordinance, 1955.

(5) The Governor in Council may by notification in the *Gazette* add to vary or amend the Second Schedule to this Ordinance.

Curfew.

19.—(1) The Commissioner of Police may, subject to such exceptions as may be specified therein, by order require every person within any area specified in such order to remain within doors during such period and between such hours as may be specified therein and in such a case if any person is or remains out of doors within such area without a permit in writing issued by a police officer of or above the rank of inspector he shall be guilty of an offence against this Ordinance.

(2) No order made under the provisions of subsection (1) of this section shall remain in force for a period exceeding forty-eight hours unless confirmed by the Governor in Council.

(3) No order made under the provisions of subsection (1) of this section shall apply to—

- (a) the Governor or any member of the Legislative Assembly; or
- (b) any police officer or any member, in uniform, of Her Majesty's Naval, Military or Air Forces or of any Local Forces established under any written law.

Promul-
gation of
Orders.

20.—(1) When any rule or order is made or direction or instruction given in pursuance of powers conferred by this Ordinance the Governor in Council or other authority making such rule or order or giving such direction or instruction shall cause notice of the effect of it to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of it and such rule, order, direction or instruction shall have effect as soon as notice as aforesaid has been given, without publication in the *Gazette*.

(2) Without prejudice to any special provisions contained in this Ordinance or in any rules made thereunder a notice to be served on any person for the purposes of this Ordinance may be served by leaving it at, or by sending it by post

addressed to that person at his last or usual place of abode or place of business.

21.—(1) Without prejudice to the operation of Chapter V and Chapter XXIII of the Penal Code any person who attempts to commit, or does any act preparatory to the commission of an offence against this Ordinance or against any rule made thereunder shall be deemed to be guilty of that offence against this Ordinance.

Attempts to commit offences and assisting offenders.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against this Ordinance shall give that other person any assistance with intent thereby to prevent, hinder, or interfere with the apprehension, trial or punishment of that person for that offence.

22. If any person contravenes or fails to comply with any provision of this Ordinance or any rule or order made or any direction or instruction given or requirement imposed thereunder or abets such contravention or failure he shall be guilty of an offence against this Ordinance and shall on conviction be liable to imprisonment for a term not exceeding three years or to a fine or to both such imprisonment and fine.

Penalties.

23. Without prejudice to the jurisdiction of the High Court a District Court shall have jurisdiction to try any offence against this Ordinance and to impose therefor a sentence not exceeding five years imprisonment or a fine not exceeding five thousand dollars or both such imprisonment and fine.

Jurisdiction of District Courts.

24.—(1) Where any person is charged with any offence against this Ordinance or with any offence arising out of or in connection with an occasion of emergency or public danger or arising out of subversive activities any statement, whether such statement amounts to a confession or not or is oral or in writing; made at any time, whether before or after such person is charged and whether in the course of a police investigation or not, by such person to or in the hearing of any police officer of or above the rank of Inspector shall, notwithstanding anything to the contrary contained in any written law, be admissible at his trial in evidence and, if such person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit:

Admission of statements in evidence

Provided that no such statement shall be admissible or used as aforesaid—

(a) if the making of the statement appears to the Court to have been caused by any inducement, threat

or promise having reference to the charge against such person, proceeding from a person in authority and sufficient in the opinion of the Court, to give such person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceeding against him; or

(b) in the case of a statement made by such person after his arrest unless the Court is satisfied that a caution was administered to him in the following words or words to the like effect—"Do you wish to say anything? You are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given in evidence."

Provided that a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been given if it has been given as soon as possible.

(2) Notwithstanding anything to the contrary contained in any written law a person accused of an offence to which subsection (1) of this section applies shall not be bound to answer any questions relating to such case after any such caution as aforesaid has been administered to him.

(3) This section shall apply in relation to any person tried after the commencement of this Ordinance whether or not the proceedings against such person were instituted and whether or not the relevant statement were made, before such commencement.

Trials may
be in
camera.

25. Notwithstanding anything to the contrary contained in any written law, a Court may order that the whole or any part of any trial before it for any offence against this Ordinance or for any offence arising out of or in connection with an occasion of emergency or public danger or arising out of subversive activities shall be dealt with *in camera* if it is satisfied that it is expedient in the interest of justice or of public safety or security so to do.

Power to
prohibit
publica-
tion of
witnesses
names or
descrip-
tions

26. A Court may at any time order that no person shall publish the name, address or photograph of any witness in any case tried or about to be tried before it for an offence against this Ordinance or for any offence arising out of or in connection with an occasion of emergency or public danger or arising out of subversive activities or any evidence or any other thing likely to lead to the identification of any

such witness. Any person who acts in contravention of any such order shall be guilty of an offence against this Ordinance.

27. A Certificate signed by the Chief Secretary that any offence arises out of or in connection with an occasion of emergency or public danger or arises out of subversive activities shall be admissible in evidence and shall not be called into question in any Court.

Certificates of Chief Secretary.

28.—(1) The provisions of the Criminal Procedure Code, 1955 relating to the disposal of property the subject of offences shall apply to any article coming into the possession of an authority which the authority has reasonable ground for believing to be evidence of the commission of an offence against this Ordinance or any rule made thereunder or connected with an occasion of emergency or public danger as they apply to property coming into the possession of the police and in relation to any such article any reference therein to a police officer shall have effect as if it included a reference to the authority.

Disposal of property. Ord. 13 of 1955.

(2) For the purposes of this section authority includes any police officer and any other person whomsoever having functions in connection with the operation of this Ordinance.

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from the provisions of this section.

29. The provisions of this Ordinance and of any rules made thereunder shall be in addition to and not in derogation of the provisions of any other written law, other than the Criminal Law (Temporary Provisions) Ordinance, 1955, and in the event of any conflict between any provision of this Ordinance or of any rule made thereunder and any provision of any other written law, other than the Criminal Law (Temporary Provisions) Ordinance, 1955, the provisions of this Ordinance or of any rules made thereunder, as the case may be, shall prevail.

Effect of provisions of the Ordinance.

30.—(1) Any police officer may without warrant arrest any person suspected of the commission of an offence against this Ordinance or of being a person ordered in pursuance of this Ordinance to be detained.

All offences seizable.

(2) Every offence against this Ordinance shall be seizable and non-bailable for the purposes of the Criminal Procedure Code, 1955.

Ord. 13 of 1955.

31. The detention of any person under the provisions of this Ordinance shall be without prejudice to the taking of any criminal proceeding against such person whether during or after the period of his detention.

Registration of persons arrested or detained. Ord. 20 of 1949.

32.—(1) The provisions of the Registration of Criminals Ordinance, 1949, relating to the taking of finger impressions and photographs of persons under arrest and accused of any crime shall apply to persons arrested and detained under this Ordinance as if they were persons accused of any crime within the meaning of that Ordinance.

(2) The provisions of the Registration of Criminals Ordinance, 1949, shall apply to persons convicted of an offence against this Ordinance as if such offence were a crime included in the First Schedule to such Ordinance.

Continuance of Orders made under Emergency Regulations.

33. Every order or direction made under the provisions of the Emergency Regulations, 1948 and in force on the commencement of this Ordinance shall for the purposes of this Ordinance be deemed to have been lawfully made under the provisions of this Ordinance provided that the period of validity of any such order or direction shall not thereby be extended and provided further that the provisions of section 8 of this Ordinance relating to review shall apply to any such order or direction made under the provisions of regulation 20 or regulation 20A of the Emergency Regulations, 1948 as if it were an order or direction made under the provisions of section 3 or section 4 of this Ordinance, as the case may be.

FIRST SCHEDULE.

(Section 3).

ESSENTIAL SERVICES.

1. Water Services.
2. Gas Services.
3. Electricity Services.
4. Public Health Services.
5. Fire Services.
6. Prison Services.
7. Postal Services.
8. Telephone Services and Undertakings.
9. Telegraph Services and Undertakings.
10. Port, Dock and Harbour Services and Undertakings.
11. Bulk Distribution of Fuel and Lubricants.

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SECOND SCHEDULE.

(Section 18).

- (i) **The Criminal Law (Temporary Provisions) Ordinance, 1955.** Sections 3, 4, 6 and 7.
- (ii) **The Arms Offences Ordinance, 1947.** Section 3.
- (iii) **The Firearms and Ammunition (Unlawful Possession) Ordinance, 1946.** Section 3.
- (iv) **The Penal Code.** Sections 435 and 436.
- (v) **The Corrosive Substances Ordinance, 1955.** Sections 3, 4 and 5.

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