



REPUBLIC OF SINGAPORE  
**GOVERNMENT GAZETTE**  
**ACTS SUPPLEMENT**  
*Published by Authority*

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NO. 23]

FRIDAY, OCTOBER 8

[2021

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First published in the *Government Gazette*, Electronic Edition, on 7 October 2021 at 5 pm.

The following Act was passed by Parliament on 13 September 2021 and assented to by the President on 28 September 2021:—

**REPUBLIC OF SINGAPORE**

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**No. 23 of 2021.**

I assent.

HALIMAH YACOB,  
*President.*  
28 September 2021.

(LS)

An Act to amend the Penal Code to update the criminal offences, enhance the punishment for sexual offences and clarify the application of certain provisions, and to make amendments to certain other Acts.

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

**Short title and commencement**

1. This Act is the Criminal Law (Miscellaneous Amendments) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

## PART 1

## AMENDMENT OF PENAL CODE

**Amendment of section 73**

2. Section 73(4) of the Penal Code is amended by inserting, immediately after the words “section 304B” in paragraph (a) of the definition of “excluded offence”, “, 304C”.

**Amendment of section 74**

3. Section 74 of the Penal Code is amended by deleting subsection (3) and substituting the following subsection:

“(3) Despite anything to the contrary in the Criminal Procedure Code —

(a) a Magistrate’s Court —

(i) has jurisdiction to try any offence specified in subsection (2), where no imprisonment is prescribed or where twice the maximum term of imprisonment prescribed for the offence does not exceed 5 years; and

(ii) has power to impose the full punishment provided under subsection (1) in respect of the offence; and

(b) a District Court —

(i) has jurisdiction to try any offence specified in subsection (2); and

(ii) has power to impose the full punishment provided under subsection (1) in respect of the offence.”.

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**Amendment of section 74A**

4. Section 74A(1) of the Penal Code is amended by deleting the words “on or after the date of commencement of the Vulnerable Adults Act 2018”.

**Amendment of section 79**

5. Section 79 of the Penal Code is amended —

(a) by deleting subsection (2) and substituting the following subsection:

“(2) To avoid doubt, where a person alleges a mistake of fact or ignorance of a fact that may negate the fault element of the offence that the person is charged with, the prosecution must prove the fault element in order to establish liability under the offence.”;

(b) by renumbering the *Explanation* as *Explanation 1*, and by inserting immediately thereafter the following *Explanation*:

“*Explanation 2.*—Where an alleged mistake of fact or ignorance of a fact may negate the fault element of an offence, the accused person does not need to rely on the defence of mistake. The accused person may allege the mistake of fact or ignorance of the fact for the purpose of raising a reasonable doubt that the accused person had the requisite fault element as a result of labouring under the mistake of fact or ignorance of fact. The prosecution must prove the fault element in order to establish liability under the offence.”; and

(c) by deleting the words “as he did not intend to dishonestly take the watch out of *Z*’s possession” in *illustration (f)* and substituting the words “as *A* did not possess the requisite fault element of dishonesty when *A* took the watch out of *Z*’s possession. There is no need for *A* to rely on a defence under this section”.

**Amendment of section 79A**

6. Section 79A of the Penal Code is amended —

(a) by deleting subsection (2) and substituting the following subsection:

“(2) To avoid doubt, where a person alleges a mistake of law or ignorance of the law that may negate the fault element of the offence that the person is charged with, the prosecution must prove the fault element in order to establish liability under the offence.”; and

(b) by deleting the *Illustration*.

**Amendment of section 80**

7. Section 80 of the Penal Code is amended by deleting subsection (2) (excluding the *Explanation*) and substituting the following subsection:

“(2) To avoid doubt, where —

(a) a person alleges any act is done by accident or misfortune in the doing of a lawful act in a lawful manner, by lawful means, and with proper care and caution; and

(b) the doing of the act allegedly by accident or misfortune may negate the fault element of the offence that the person is charged with,

the prosecution must prove the fault element in order to establish liability under the offence.”.

**Amendment of section 84**

8. Section 84 of the Penal Code is amended —

(a) by deleting the words “(whether wrong by the ordinary standards of reasonable and honest persons or wrong as contrary to law)” in paragraph (b); and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection (before the *Illustration*):

“(2) Subsection (1)(b) applies only if the person is incapable of knowing that his act —

(a) is wrong by the ordinary standards of reasonable and honest persons; and

(b) is wrong as contrary to law.”.

### **Amendment of section 85**

9. Section 85 of the Penal Code is amended —

(a) by deleting the words “(whether wrong by the ordinary standards of reasonable and honest persons or wrong as contrary to law)” in subsection (2)(b); and

(b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Subsection (2)(b) only applies if the person charged, at the time of the act or omission complained of, did not know that the act or omission —

(a) was wrong by the ordinary standards of reasonable and honest persons; and

(b) was wrong as contrary to law.”.

### **Repeal and re-enactment of section 115**

10. Section 115 of the Penal Code is repealed and the following section and *Illustration* substituted therefor:

#### **“Abetment of offence punishable with death or imprisonment for life**

**115.** Whoever abets the commission of an offence punishable with death or imprisonment for life, shall, if that offence is not committed in consequence of the abetment, and no express provision is made by this Code or by any other written law for the punishment of such abetment, be punished with

imprisonment for a term that may extend to 20 years, and shall also be liable to fine or to caning.

*Illustration*

*A* instigates *B* to murder *Z*. The offence is not committed. If *B* had murdered *Z*, *B* would have been subject to the punishment of death. Therefore, *A* shall be punished with imprisonment for a term that may extend to 20 years, and shall also be liable to fine or to caning.”.

**Amendment of section 153**

11. Section 153 of the Penal Code is amended —

- (a) by deleting the words “malignantly or wantonly” and substituting the words “intentionally or rashly”; and
- (b) by deleting the word “Wantonly” in the section heading and substituting the words “Intentionally or rashly”.

**Amendment of section 182**

12. Section 182 of the Penal Code is amended —

- (a) by inserting, immediately after the words “ought not to”, the words “, or would not,”; and
- (b) by inserting, immediately after *illustration* (c), the following *illustration*:

“(d) *A* informs a policeman that *A* does not know the identity of the suspect of a criminal offence, knowing such information to be false, and knowing it to be likely that in consequence of this information, the policeman will expend additional time and resources to identify the suspect which will not be so expended if *A* had informed the policeman that *A* knew the identity of the suspect. *A* has committed an offence under this section.”.

**Amendment of section 186**

13. Section 186 of the Penal Code is amended —

- (a) by deleting the words “3 months” in paragraph (a) and substituting the words “6 months”; and
- (b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection and *Illustration*:

“(2) For the purposes of this section, an obstruction may be caused other than by the use of physical means or threatening language by a person against a public servant.

*Illustration*

A group of paramedics from the Singapore Civil Defence Force intends to take the lift to the 30th storey of a block of flats to reach a person suffering from a heart attack. *A* decides to play a prank on the paramedics by telling them that the lift has broken down, knowing this to be false. The paramedics took the stairs because of what *A* told them and reached the person 15 minutes later than if they had taken the lift. *A* has voluntarily obstructed the paramedics in the discharge of their public function.”.

**Amendment of section 219**

**14.** Section 219 of the Penal Code is amended by deleting the word “maliciously” and substituting the words “with intent to cause injury to any person,”.

**Repeal and re-enactment of section 220**

**15.** Section 220 of the Penal Code is repealed and the following section substituted therefor:

**“Commitment for trial or confinement by person having authority who knows he is acting contrary to law**

**220.—**(1) Whoever, being in an office that gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement —

(a) corruptly or with intent to cause injury to any person, commits the person or any other person for trial or to confinement, or keeps the person or any other person in confinement, in the exercise of that authority; and

(b) knowing that in doing so he is acting contrary to law,

shall be guilty of an offence.

(2) Any person convicted of an offence under subsection (1) shall be punished with imprisonment for a term that may extend to 7 years, or with fine, or with both.”.

**Amendment of section 270**

16. Section 270 of the Penal Code is amended —

- (a) by deleting the word “malignantly” and substituting the words “intentionally or rashly”; and
- (b) by deleting the word “Malignant” in the section heading and substituting the words “Intentional or rash”.

**Amendment of section 300**

17. Section 300 of the Penal Code is amended —

- (a) by deleting the words “(whether wrong by the ordinary standards of reasonable and honest persons or wrong as contrary to law)” in paragraph (a)(ii) of *Exception 7*; and
- (b) by inserting, at the end of *Exception 7*, the following paragraph:

“Paragraph (a)(ii) of the above exception applies only if, at the time of the acts or omissions causing the death concerned, there was a substantial impairment of the offender’s capacity to know that the acts or omissions —

- (a) are wrong by the ordinary standards of reasonable and honest persons; and
- (b) are wrong as contrary to law.”.

**Amendment of section 311**

18. Section 311 of the Penal Code is amended by deleting the words “he is” and substituting the words “she is”.

**Amendment of section 335**

19. Section 335 of the Penal Code is amended by inserting, immediately after the words “Sections 334” in the *Explanation*, “, 334A”.

**Amendment of section 352**

20. Section 352 of the Penal Code is amended by deleting the words “if the provocation is given by anything done in obedience to the law” in the *Explanation* and substituting the words “if the offender knows

or has reason to believe that the provocation is given by anything done in obedience to the law”.

#### **Amendment of section 354**

**21.** Section 354(1) of the Penal Code is amended by deleting the words “2 years” and substituting the words “3 years”.

#### **Amendment of section 355**

**22.** Section 355 of the Penal Code is amended by inserting, at the end of the section, the following *Explanation*:

*“Explanation.—This section is subject to the same explanation as section 352.”.*

#### **Amendment of section 376**

**23.** Section 376 of the Penal Code is amended —

- (a) by deleting subsection (1);
- (b) by deleting the words “(1) or” wherever they appear in subsections (4) and (5);
- (c) by deleting the word “man” in subsection (6) and substituting the word “person”; and
- (d) by deleting the word “he” wherever it appears in subsection (6) and substituting in each case the words “the person”.

#### **Amendment of section 376E**

**24.** Section 376E(2) of the Penal Code is amended —

- (a) by deleting the words “section 355,” in paragraph (a) and substituting the words “section 354, 354A, 355,”; and
- (b) by deleting “377(3),” in paragraph (a) and substituting the words “377(1)(e), (f), (g) or (h),”.

**Amendment of section 376EA**

**25.** Section 376EA(2) of the Penal Code is amended —

- (a) by deleting “377(3),” in paragraph (a) and substituting the words “377(1)(e), (f), (g) or (h),”;
- (b) by deleting the word “or” at the end of paragraph (a); and
- (c) by deleting the full-stop at the end of paragraph (b) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(c) section 7 of the Children and Young Persons Act.”.

**Amendment of section 376ED**

**26.** Section 376ED(3) of the Penal Code is amended by deleting the words “one year” in paragraph (b) and substituting the words “2 years”.

**Amendment of section 376EE**

**27.** Section 376EE(3) of the Penal Code is amended by deleting the words “one year” and substituting the words “2 years”.

**Amendment of section 376H**

**28.** Section 376H(1) of the Penal Code is amended —

- (a) by deleting paragraph (a) and substituting the following paragraph:

“(a) *A* intentionally touches another person (*B*) or intentionally incites *B* to —

- (i) touch *A* or the bodily fluids of *A*;
  - (ii) touch *B*;
  - (iii) touch another person (*C*) or the bodily fluids of *C*; or
  - (iv) be touched by *C*”; and
- (b) by deleting sub-paragraph (ii) of paragraph (d) and substituting the following sub-paragraph:

“(ii) the risk of *B* contracting a sexually transmitted disease from the touching; and”.

### **Repeal and re-enactment of section 377**

**29.** Section 377 of the Penal Code is repealed and the following section substituted therefor:

#### **“Sexual penetration, etc., of a corpse**

**377.**—(1) A person (*A*) who —

- (a) penetrates, with *A*'s penis, the vagina, anus or mouth of a human corpse;
- (b) sexually penetrates, with a part of *A*'s body (other than *A*'s penis, if *A* is a man) or anything else, the vagina or anus of a human corpse;
- (c) causes *A*'s vagina, anus or mouth to be penetrated by the penis of a human corpse;
- (d) causes *A*'s vagina or anus to be sexually penetrated by a part of a human corpse (other than the penis, if the human corpse is that of a deceased man);
- (e) causes a person (*B*) to penetrate, with *B*'s penis (if *B* is a man), the vagina, anus or mouth of a human corpse, without *B*'s consent;
- (f) causes *B* to sexually penetrate, with a part of *B*'s body (other than *B*'s penis, if *B* is a man) or anything else, the vagina or anus of a human corpse, without *B*'s consent;
- (g) causes *B*'s vagina, anus or mouth to be penetrated by the penis of a human corpse, without *B*'s consent; or
- (h) causes *B*'s vagina or anus to be sexually penetrated by a part of a human corpse (other than the penis, if the human corpse is that of a deceased man), without *B*'s consent,

shall be guilty of an offence.

(2) A person who is guilty of an offence under subsection (1)(a), (b), (c) or (d) shall be punished with imprisonment for a term that may extend to 5 years, or with fine, or with both.

(3) A person who is guilty of an offence under subsection (1)(e), (f), (g) or (h) shall be punished with imprisonment for a term that may extend to 20 years, and shall also be liable to fine or to caning.”.

### **Amendment of section 377BB**

**30.** Section 377BB of the Penal Code is amended by deleting the word “genitals” wherever it appears in subsections (4)(a), (5)(a) and (9) and substituting in each case the words “genital region”.

### **Amendment of section 377BL**

**31.** Section 377BL(6) of the Penal Code is amended —

(a) by deleting the words “the genital or anal region of *B*” in paragraph (b) and substituting the words “the genital region or buttocks (whether exposed or covered) of *B*, where the depiction is sexual and”; and

(b) by deleting the words “the breasts of *B* if *B* is female,” in paragraph (c) and substituting the words “the breasts (whether exposed or covered) of *B* if *B* is female, where the depiction is sexual and”.

### **Amendment of section 377BM**

**32.** Section 377BM(2) of the Penal Code is amended by deleting the words “without malice” in paragraph (a) and substituting the words “without intent to cause injury to the person (*B*) mentioned in section 377BB(1), (2), (3), (4) or (5), 377BC(1) or (2) or 377BE(1) or the person depicted in the intimate image or recording mentioned in section 377BD(1)(b).”.

### **Amendment of section 377BN**

**33.** Section 377BN(2) of the Penal Code is amended by deleting the words “without malice” in paragraph (a) and substituting the words

“without intent to cause injury to the person depicted in the child abuse material”.

### **Amendment of section 377C**

**34.** Section 377C of the Penal Code is amended —

- (a) by inserting, immediately after the word “In” in subsection (1), the words “this section and in”;
- (b) by inserting, immediately before the definition of “child abuse material” in subsection (1), the following definition:
  - ““buttocks”, in relation to a person, includes the anal region of the person;”;
- (c) by deleting the words “the genital or anal region” in paragraph (b) of the definition of “child abuse material” in subsection (1) and substituting the words “the genital region or buttocks (whether exposed or covered)”;
- (d) by inserting, immediately after the words “16 years of age” in paragraphs (b) and (c) of the definition of “child abuse material” in subsection (1), the words “, where the depiction is sexual and”;
- (e) by inserting, immediately after the words “the breasts” in paragraph (c) of the definition of “child abuse material” in subsection (1), the words “(whether exposed or covered)”;
- and
- (f) by deleting the word “genitals” in subsection (3)(f)(i) and substituting the words “genital region”.

### **Amendment of section 378**

**35.** Section 378 of the Penal Code is amended by deleting the words “the keeper of a warehouse” in *illustration (e)* and substituting the words “the owner or operator of a warehouse”.

### **Amendment of section 405**

**36.** Section 405 of the Penal Code is amended by deleting the word “warehouse-keeper” in *illustration (b)* and substituting the words “warehouse owner or warehouse operator”.

**Amendment of section 477A**

**37.** Section 477A of the Penal Code is amended by deleting the word “account” in *Explanation 2* and substituting the word “accounts”.

**Miscellaneous amendments**

**38.** The Penal Code is amended —

- (a) by deleting the words “section 376(1) or (2)” in section 102(d) and substituting the words “section 376(2)”;
- (b) by deleting the words “376(1)(a), 376(1)(b) read with section 376(4),” in section 376A(1A);
- (c) by deleting the words “376(1)(a) or (2)” in section 376G(4) and substituting “376(2)”;
- (d) by inserting, immediately after “376(1)” in section 377D(3)(a), the words “as in force before its deletion by section 23(a) of the Criminal Law (Miscellaneous Amendments) Act 2021”.

**PART 2****AMENDMENTS TO OTHER ACTS****Amendment of Animals and Birds Act**

**39.** Section 42(1) of the Animals and Birds Act is amended by deleting the word “wantonly” in paragraph (d) and substituting the word “rashly”.

**Amendment of Children and Young Persons Act**

**40.** Section 7 (Sexual exploitation of child or young person) of the Children and Young Persons Act is amended —

- (a) by deleting the word “or” at the end of subsection (12)(a); and
- (b) by deleting paragraph (b) of subsection (12) and substituting the following paragraphs:

- “(b) an offence under the repealed section 7 of the Children and Young Persons Act (Cap. 38, 2001 Ed.) as in force between 20 July 2011 and 30 June 2020 (both dates inclusive);
- (c) an offence under the repealed section 7 of the Children and Young Persons Act (Cap. 38, 2001 Ed.) as in force between 1 February 2008 and 19 July 2011 (both dates inclusive);
- (d) an offence under the repealed section 7 of the Children and Young Persons Act (Cap. 38, 2001 Ed.) as in force between 31 December 2001 and 31 January 2008 (both dates inclusive);
- (e) an offence under the repealed section 6 of the Children and Young Persons Act (Cap. 38, 1994 Ed.) as in force between 15 March 1994 and 30 December 2001 (both dates inclusive); or
- (f) an offence under the repealed section 6 of the Children and Young Persons Act 1993 (Act 1 of 1993) as in force between 21 March 1993 and 14 March 1994 (both dates inclusive).”

### **Amendment of Criminal Procedure Code**

**41.** The First Schedule to the Criminal Procedure Code is amended —

- (a) by deleting the words “15 years” under the sixth column in the first item relating to section 115 and substituting the words “20 years”;
- (b) by deleting the second item relating to section 115;

- (c) by deleting the word “Wantonly” under the second column in the item relating to section 153 and substituting the words “Intentionally or rashly”;
- (d) by deleting the words “3 months” under the sixth column in the item relating to section 186 and substituting the words “6 months”;
- (e) by deleting the word “Malignantly” under the second column in the item relating to section 270 and substituting the words “Intentionally or rashly”;
- (f) by deleting the words “2 years” under the sixth column in the item relating to section 354(1) and substituting the words “3 years”;
- (g) by deleting the words “one year” under the sixth column in the items relating to sections 376ED(1), 376ED(2), 376EE(1) and 376EE(2) and substituting in each case the words “2 years”; and
- (h) by deleting the items relating to sections 377(2) and 377(4) and substituting the following items:

“

377(2)	Penile or sexual penetration of a corpse, etc.	May arrest without warrant	Warrant	Bailable	Imprisonment for 5 years, or fine, or both	Magistrate’s Court or District Court
377(3)	Causing another person to carry out penile or sexual penetration of a corpse without the person’s consent, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 20 years, and fine or caning	

”.

### **Amendment of Registration of Criminals Act**

**42.** Part 1A of the First Schedule to the Registration of Criminals Act is amended by deleting the words “Sexual penetration of corpse.” in the second column of the item relating to “Section 377” and substituting the words “Sexual penetration, etc., of a corpse.”.