

15.3.1994

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**SMOKING (CONTROL OF ADVERTISEMENTS
AND SALE OF TOBACCO) ACT**

(CHAPTER 309)

**Act
10 of 1993**

REVISED EDITION 1994

PRINTED BY THE GOVERNMENT PRINTER, SINGAPORE

1994

Smoking (Control of Advertisements and Sale of Tobacco) Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II

CONTROL OF ADVERTISEMENTS RELATING TO SMOKING

3. Prohibition on advertisements relating to smoking.
4. Defence.
5. Offences by owner and occupier.
6. Presumption relating to printed documents.
7. Advertisements in newspapers published outside Singapore.
8. Advertisements not exempted.

PART III

CONTROL OF SALE OF TOBACCO PRODUCTS

9. Prohibition on sales promotion of tobacco products.
10. Prohibition on supply to persons below age of 18 years.
11. Control of smoking, etc., by young persons.
12. Notice of prohibition.
13. Prohibition on sale by vending machines.
14. Prohibition on importation and sale of harmful tobacco products.
15. Prohibition on sale of imitation tobacco products.
16. Health warnings and labelling.
17. Power to license tobacco retailers.
18. Appointment of authorised officers.

PART IV

ENFORCEMENT AND MISCELLANEOUS

Section

19. Offences by bodies corporate or unincorporate.
20. Immunity from suit.
21. Exemption.
22. Powers of police and authorised officers.
23. Power of Director to require tobacco products for testing or analysis and furnishing of information.
24. Power to enter premises and inspect and seize advertisements, products, machines and documents.
25. Obstruction of officers.
26. Notice of test and intended prosecution.
27. Forfeiture.
28. Things seized may be delivered to owner or other person.
29. Protection of officers.
30. Forms.
31. Jurisdiction of Courts.
32. Composition of offences.
33. Regulations.
34. Transitional.

An Act to prohibit advertisements relating to smoking, to control the use of tobacco products by young persons, to control the sale, packaging and trade description of tobacco products and for matters connected therewith.

[31st May 1993]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Smoking (Control of Advertisements and Sale of Tobacco) Act.

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

“advertisement” includes any notice, circular, pamphlet, brochure, programme, price-list, label, wrapper or other document and any announcement, notification or intimation to the public or any section thereof or to any person or persons made —

- (a) orally or in writing;
- (b) by means of any poster, placard, notice or other document affixed, posted up or displayed on any wall, billboard or hoarding or on any other object or thing;
- (c) by means of producing or transmitting sound or light and whether for aural or visual reception or both;
- (d) by means of any writing on any vehicle, ash-tray, calendar, cigarette-lighter, clock or any other object or thing; or
- (e) in any other manner whatsoever;

“advertisement relating to smoking” means any advertisement referred to in section 3 (1) which has not been approved under section 3 (2);

“authorised officer” means any officer or person appointed under section 18;

“Director” means the Director of Medical Services and includes a Deputy or an Assistant Director of Medical Services;

“imitation tobacco product” means any of the products referred to in section 15 (1);

“newspaper” includes any magazine, journal, periodical or any other publication containing news, intelligence, information or reports of occurrences, or any remarks, observations or comments in relation either to such news, intelligence, information or occurrences or to any other matter of interest to the public or any section of the public, issued in any language at regular or irregular intervals;

“publish”, with its grammatical variations, in relation to an advertisement, includes issuing, showing, displaying, exhibiting or making known an advertisement in any manner whatsoever;

“smoking”, with its grammatical variations, means inhaling and expelling the smoke of any tobacco product and includes the holding of any tobacco product which is alight or emitting smoke;

“tobacco product” means any cigarette, cigar or any other form of tobacco including any mixture containing tobacco but excludes any medicinal product registered under the Medicines Act;

“writing” includes painting, inscription, printing, lithography, typewriting, photography and other modes of representing or reproducing words or figures in visible form.

Cap. 176.

PART II

CONTROL OF ADVERTISEMENTS RELATING TO SMOKING

Prohibition
on advertise-
ments
relating to
smoking.

3.—(1) Except as provided in subsection (2) or section 21, any person who publishes or causes to be published or takes part in the publication of any advertisement —

- (a) containing any express or implied inducement, suggestion or request to purchase or to smoke any tobacco product;
- (b) relating to smoking in terms which are calculated, expressly or impliedly, to lead to, induce, urge, promote or encourage the use of any tobacco product for the purpose of smoking; or
- (c) which mentions, illustrates or depicts —
 - (i) the name or trade name of any person associated or concerned with the manufacture, distribution or marketing of any tobacco product;

- (ii) a brand name of or trade mark relating to any tobacco product; or
- (iii) any pictorial device commonly associated with a brand name of or trade mark relating to any tobacco product,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding one year or to both.

(2) The Minister may, in his discretion, approve, for such time and upon such conditions as he may think fit, the publication of an advertisement or class of advertisements which mentions or refers to the brand name associated with or the name or trade name of a person associated or concerned with the manufacture, distribution or marketing of a tobacco product —

- (a) as the sponsor of an event or as congratulating another person or thing on an achievement of or event relating to such person or thing; or
- (b) for the purpose of promoting or identifying any goods or services unconnected with any tobacco product which are manufactured, distributed, marketed or provided by that person:

Provided that the advertisement shall not, directly or indirectly, lead to, induce, urge, promote or encourage the use of any tobacco product for the purpose of smoking.

(3) Where any person fails to comply with any condition imposed by the Minister under this section, the Minister may cancel the approval in relation to which that condition was imposed.

(4) Any application for approval under subsection (2) shall be made in such form and with such particulars as may be determined by the Minister.

4. In any proceedings for a contravention of section 3, it shall be a defence for the person charged to prove that the Defence.

advertisement to which the proceedings relate was published in such circumstances that he did not know and had no reason to believe that he was taking part in the publication of the advertisement.

Offences by
owner and
occupier.

5. Any person being the owner or occupier of any premises or place to which the public or any section of the public has access, on payment or otherwise, who knowingly permits or suffers such premises or place or any part thereof to be kept or used for the publication of any advertisement in contravention of section 3 (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 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

Presumption
relating to
printed
documents.

6. Where more than 10 copies of a notice, pamphlet, brochure or other printed document, containing an advertisement relating to smoking which has been published, are found in the possession of or in premises occupied by a person who is associated or concerned with the manufacture, distribution or marketing of any tobacco product associated with or related to the brand name, trade name or trade mark mentioned or depicted in the advertisement, he shall be presumed, until the contrary is proved, to have knowingly taken part in the publication of the advertisement in contravention of section 3 (1).

Advertise-
ments in
newspapers
published
outside
Singapore.

7.—(1) This Part shall not apply to any advertisement relating to smoking contained in a newspaper which is printed or published outside Singapore and is brought into Singapore for sale, free distribution or personal use other than a newspaper of a class or description specified by the Minister by notification in the *Gazette*.

(2) Notwithstanding subsection (1), no person shall distribute or supply or cause to be distributed or supplied, whether free of charge or otherwise, any newspaper or printed matter containing any advertisement relating to smoking which is printed or published outside Singapore and is brought into Singapore, if such newspaper or printed matter —

- (a) forms part of, or is supplemental to, any newspaper that is printed or published in Singapore; and
- (b) is supplied or distributed to any purchaser or subscriber of any newspaper that is printed or published in Singapore, whether or not the first-mentioned newspaper or printed matter is supplied or distributed at the same time as, or together with, the newspaper printed or published in Singapore.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding one year or to both.

8. Nothing in section 7 (1) shall be construed as exempting from the provisions of this Act any advertisement relating to smoking contained in any notice, circular, pamphlet, brochure or other printed matter or document which is not a newspaper within the meaning of this Act and which is printed or published outside Singapore and brought into Singapore for distribution solely or mainly for the purpose of announcing or commending the qualities of any brand of tobacco product.

Advertisements not exempted.

PART III

CONTROL OF SALE OF TOBACCO PRODUCTS

9.—(1) No person shall sell or offer for sale —

- (a) any goods with any tobacco product as a free gift;
- (b) any tobacco product with any other goods as a free gift; or
- (c) any tobacco product packaged or labelled together or otherwise in conjunction with any other goods.

Prohibition on sales promotion of tobacco products.

(2) No person shall distribute or give or cause to be distributed or given or assist in the distribution or giving of any free sample of a tobacco product to the public or any

section of the public other than to persons who are associated or concerned with the manufacture, distribution or sale of tobacco products.

(3) No person shall offer or give any tobacco product as a prize in any lottery, raffle, draw, game or competition.

(4) Any person who contravenes or fails to comply with subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding one year or to both.

Prohibition
on supply to
persons
below age of
18 years.

10.—(1) Any person who, directly or indirectly —

- (a) sells any tobacco product to a person below the age of 18 years;
- (b) buys or acquires any tobacco product for the purpose of giving it, whether or not for a consideration, to a person below the age of 18 years; or
- (c) gives or furnishes any tobacco product to a person below the age of 18 years,

shall be guilty of an offence and shall be liable on conviction for —

- (i) an offence under paragraph (a) to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000;
- (ii) an offence under paragraph (b) to a fine not exceeding \$2,500 and, in the case of a second or subsequent conviction, to a fine not exceeding \$5,000;
- (iii) an offence under paragraph (c) to a fine not exceeding \$500 and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000.

(2) It shall be a defence to any prosecution for an offence under subsection (1) if a person proves that he —

- (a) had reasonable grounds to believe and did make reasonable inquiries to ascertain that the person to whom the tobacco product was sold, given or furnished was not below the age of 18 years; or
- (b) had received from the person to whom the tobacco product was sold, given or furnished evidence purporting to show that that person was not below the age of 18 years, and that it was reasonable to and he did accept that evidence as correct.

11.—(1) Any person who, being below the age of 18 years, smokes or chews any tobacco product in a public place or on a road, or buys or has in his possession, whether for his own use or not, any tobacco product, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50 and, in the case of a second or subsequent conviction, to a fine not exceeding \$100.

Control of smoking, etc., by young persons.

(2) Where a police officer or an authorised officer finds in any public place or on a road a person, whom the officer reasonably suspects as being below the age of 18 years, smoking or chewing or about to smoke or chew any tobacco product, the officer may seize any tobacco product in the possession of such person.

(3) For the purposes of this section —

“public place” means the premises of a school within the meaning of the Education Act or any place, premises or building or part thereof to which members of the public or a section of the public have or ordinarily would have access whether on payment of a fee or otherwise;

Cap. 87.

“road” has the same meaning as in the Road Traffic Act.

Cap. 276.

12.—(1) Every person who sells or offers for sale any tobacco product by retail (referred to in this section as the retailer) —

Notice of prohibition.

- (a) shall cause to be displayed suitable and sufficient number of notices of an adequate size or sizes in conspicuous positions in the premises or place

where the product is sold, stating to the effect that the sale of any tobacco product to persons below the age of 18 years is prohibited by law; and

(b) shall, if so directed by the Director, display such notices in such places, phrase them in such manner or cause them to be of such size, as the Director may consider fit.

(2) The retailer may, subject to any direction that may be given by the Director under subsection (1) (b), in addition to such notices, adopt any means, method or device as he may think fit for bringing such prohibition to the attention of members of the public in the premises or place.

(3) A retailer who contravenes or fails to comply with subsection (1) or fails to comply with any direction given by the Director under that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

Prohibition on sale by vending machines.

13.—(1) No person shall place or cause or knowingly permit to be placed in any premises a vending machine containing any tobacco product that may be obtained by the insertion of any note, coin, token or similar object.

(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 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

Prohibition on importation and sale of harmful tobacco products.

14.—(1) No person shall import, sell or offer for sale —

(a) any chewing tobacco; or

(b) such other tobacco product intended, labelled or described as suitable for inhaling, chewing or any oral use other than smoking as the Minister may, by notification in the *Gazette*, specify.

(2) No person shall import, sell or offer for sale any cigarette containing —

- (a) a yield of more than 1.3 mg (or such other minimum amount as the Minister may by order prescribe) of nicotine per cigarette; or
- (b) a yield of more than 15.0 mg (or such other minimum amount as the Minister may by order prescribe) of tar (nicotine free smoke condensate) per cigarette.

(3) Subsections (1) and (2) shall not apply to the importation of any tobacco product which is intended for re-export.

(4) For the purposes of subsection (2), “cigarette” means any product which consists in whole or in part of cut, shredded or manufactured tobacco, or any tobacco derivative or substitute, rolled up in paper, tobacco leaf or other material and which is in such form as to be capable of immediate use for smoking.

(5) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding one year or to both.

15.—(1) No person shall import, sell or offer for sale any confectionery or other food product or any toy or other article that is designed to resemble a tobacco product or which is sold in a package designed to resemble the packaging commonly associated with tobacco products.

Prohibition on sale of imitation tobacco products.

(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 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

16.—(1) The Minister may by regulations impose requirements for securing that such tobacco products as may be specified in those regulations be marked with, labelled or accompanied by any warning relating to health, information or description as may be prescribed and control or prohibit

Health warnings and labelling.

the supply of tobacco products with respect to which such requirements are not complied with.

(2) Any person who contravenes the requirements imposed under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding one year or to both.

Power to
license
tobacco
retailers.

17.—(1) The Minister may by regulations require any person who sells by retail or offers for sale by retail, or permits to be sold or offered or has in his possession for sale by retail any tobacco product, to be licensed by the Director.

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

- (a) the class or classes of licences to be granted under regulations made under this section, the form and duration of licences, the terms and conditions upon which and the circumstances in which licences may be granted, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof;
- (b) a register to be kept of such licences, the particulars to be entered in the register and for the publication of the names of licensees;
- (c) the form and manner in which an application for or renewal of a licence shall be made;
- (d) requiring such information or security as he considers necessary in relation to the application for the grant or renewal of a licence;
- (e) prescribing the books, records or accounts to be kept by licensees; and
- (f) to provide for the exemption of any person or class of persons from the provisions of any regulations made under this section.

(3) Any person who is aggrieved by a decision of the Director to refuse to grant or renew a licence or to revoke, suspend or cancel his licence may appeal against the decision to the Minister.

(4) A person required by regulations made under subsection (1) to be licensed, who sells by retail or offers for sale by retail or permits to be sold or offered or has in his possession for sale by retail any tobacco product without a licence in force shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

18.—(1) The Director may appoint any officer or any person to be an authorised officer for the purposes of this Act or any regulations made thereunder.

Appointment of authorised officers.

(2) In the exercise of his powers and in carrying out his duties under this Act or any regulations made thereunder, an authorised officer shall comply with such general or special directions as may, from time to time, be given to him by the Director.

PART IV

ENFORCEMENT AND MISCELLANEOUS

19. Where an offence under this Act or any regulations made thereunder has been committed by any company or association or body of persons, corporate or unincorporate, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer thereof or was purporting to act in that capacity shall be guilty of that offence unless he satisfies the court that the offence was committed without his knowledge or consent.

Offences by bodies corporate or unincorporate.

20. No action, suit or other proceedings shall be brought or instituted in any court against any party to a contract for failing, neglecting or refusing to publish any advertisement relating to smoking, the subject-matter of such contract, where such failure, neglect or refusal is solely attributable

Immunity from suit.

to, or occasioned by, the commencement of this Act or any Act amending this Act, but nothing in this section shall affect the operation of the Frustrated Contracts Act.

Cap. 115.

Exemption.

21. The Minister may, in his discretion, either generally or in any particular case, and either permanently or for such period or periods as he may think fit, exempt any person or class of persons, or any place or type of place, or any event or occasion or class of event or occasion, or any object or thing or type of object or thing, from all or any of the provisions of this Act or any regulations made thereunder; and in granting such exemption the Minister may impose such conditions as he may think fit.

Powers of
police and
authorised
officers.

22. —(1) Any person reasonably suspected of having committed an offence under this Act may be arrested without warrant by any police officer or authorised officer and produced before a Magistrate's Court or a District Court (referred to in this section as a Court).

(2) Notwithstanding any other written law, any police officer or authorised officer who, having effected an arrest in accordance with subsection (1), is satisfied as to the identity, name and place of residence of the person arrested may, instead of producing the person before a Court or to a police station, serve upon the person a notice in such form as may be determined under section 30 requiring the person to attend at such Court, at such time and on such date as may be specified in the notice.

(3) For the purpose of satisfying himself as to the identity of the person arrested, the police officer or authorised officer may require such evidence of identity as he may consider necessary to be furnished by the person.

(4) A duplicate of the notice served under subsection (2) shall be prepared by the police officer or authorised officer, as the case may be, and produced by him to the Court if so required by the Court.

(5) Where an accused person appears before a Court in accordance with a notice served under subsection (2), the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (1).

(6) If a person upon whom a notice has been served under subsection (2) fails to appear before a Court in accordance with the notice, the Court may issue a warrant for the arrest of that person.

(7) Where a person arrested in pursuance of a warrant issued under subsection (6) is produced before a Court, the Court shall proceed as though he were produced before it under subsection (1) and shall, at the conclusion of such proceedings, call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served under subsection (2) and, if due cause is not shown, the Court may order him to pay a penalty not exceeding \$2,000 or may commit him to prison for a term not exceeding one month.

23.—(1) Any person carrying on a trade or business which consists of or includes the manufacture, distribution, importation or sale of any tobacco or imitation tobacco product —

Power of Director to require tobacco products for testing or analysis and furnishing of information.

(a) shall supply free of charge to the Director or an authorised officer samples of any tobacco product or any imitation tobacco product as the Director or authorised officer may require for the purpose of testing, analysis or investigations; and

(b) shall furnish to the Director or authorised officer such information as the Director or authorised officer may require in respect of those products.

(2) Any person involved or concerned with the importation, distribution, sale or supply of any newspaper which is printed or published outside Singapore shall furnish to the Director or an authorised officer such information as the Director or authorised officer may require in respect of such newspapers.

Power to enter premises and inspect and seize advertisements, products, machines and documents.

24.—(1) The Director or an authorised officer may, at all reasonable hours, exercise the following powers:

- (a) he may, for the purpose of ascertaining whether any offence under this Act has been committed, inspect any advertisement, tobacco or imitation tobacco product or vending machine and enter any business premises;
- (b) if he has reasonable cause to suspect that an offence under this Act has been committed, he may, for the purpose of ascertaining whether it has been committed, require any person carrying on a trade or business or employed in connection with a trade or business to produce any books or documents relating to the trade or business and may take copies of, or of any entry in, any such books or documents;
- (c) if he has reasonable cause to believe that an offence under this Act has been committed, he may seize and detain any advertisement, tobacco or imitation tobacco product or vending machine for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed;
- (d) he may seize and detain any advertisement, tobacco or imitation tobacco product, vending machine or document which he has reason to believe may be required as evidence in proceedings for an offence under this Act; and
- (e) he may, for the purpose of exercising his powers under this subsection to seize any advertisement, tobacco or imitation tobacco product or vending machine, but only if and to the extent that it is reasonably necessary in order to secure that the provisions of this Act and any regulations made thereunder are duly observed, require any person having authority to do so to break open any container or open any vending machine and, if that person does not comply with the requirement, he may do so himself.

(2) The Director or an authorised officer may, if he has reasonable cause to believe that an offence under section 3 (1) has been committed in respect of an advertisement relating to smoking, require the person reasonably suspected of committing the offence to remove the advertisement from the view of members of the public and if the person fails to do so, the Director or authorised officer may cause the advertisement to be so removed and the person shall be liable to pay to the Director the reasonable costs of removal and disposal of the advertisement which may be recovered as a debt due to the Government.

(3) The Director or an authorised officer shall, on seizing any advertisement, tobacco or imitation tobacco product, machine or document in the exercise of his powers under this section, inform the person from whom it was seized of such seizure and, in the case of tobacco products seized from a vending machine, the person whose name and address are stated on the machine as being the proprietor or, if no name and address are so stated, the occupier of the premises on which the machine stands or to which it is affixed.

(4) The Director or an authorised officer entering any premises by virtue of this section may take with him such other persons and such equipment as may appear to him necessary.

25.—(1) Any person who —

- (a) wilfully obstructs the Director or an authorised officer acting in pursuance of this Act;
- (b) wilfully fails to comply with any requirement under section 23 properly made to him by the Director or an authorised officer; or
- (c) without reasonable cause, fails to give the Director or an authorised officer any other assistance or information which the Director or authorised officer may reasonably require for the purpose of the performance of his functions under this Act,

Obstruction
of officers.

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

(2) If any person, in giving any such information as is mentioned in subsection (1), makes any statement which he knows to be false, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

Notice of test
and intended
prosecution.

26. Where any tobacco or imitation tobacco product seized in pursuance of this Act is submitted to a test, then —

- (a) if the product is seized, the Director shall inform the person mentioned in section 24 (3) of the result of the test; or
- (b) if the product was purchased and the test leads to the institution of proceedings for an offence under this Act, the Director shall inform the person from whom the product was purchased or, in the case of a product sold through a vending machine, the person mentioned in section 24 (3) of the result of the test,

and shall, where as a result of the test proceedings for an offence under this Act are instituted against any person, allow him to have the product tested on his behalf if it is reasonably practicable to do so.

Forfeiture.

27.—(1) Any advertisement, product or vending machine seized in exercise of any power conferred under this Act shall be liable to forfeiture.

(2) An order for the forfeiture or for the release of any advertisement, product or machine seized in exercise of any power conferred by this Act shall be made by the court before which the prosecution with regard thereto has been held and an order for the forfeiture of the advertisement, product or machine shall be made if it is proved to the satisfaction of the court that an offence under this Act has been committed and that the advertisement, product or machine 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) In the absence of any prosecution with regard to any advertisement, product or machine seized in the exercise of any power conferred by this Act, the

advertisement, product or machine shall be deemed to be forfeited at the expiration of one month from the date of the seizure unless a claim thereto is made before then in accordance with subsection (4).

(4) A person asserting that he is the owner of any advertisement, product or machine seized and that the advertisement, product or machine is not liable to forfeiture may personally, or by his agent authorised in writing, make a claim by giving written notice to the Director.

(5) On receipt of such notice, the Director may direct that the advertisement, product or machine be released or may refer the matter to a court for decision.

(6) All things forfeited or deemed to be forfeited shall be delivered to the Director and shall be disposed of in accordance with the directions of the Minister.

28. The Minister may, upon application made to him in writing through the Director, order any advertisement, product or machine seized in exercise of the powers conferred by this Act, whether forfeited or taken and deemed to be forfeited, to be delivered to the owner or other person entitled thereto upon such terms and conditions as the Minister may consider fit.

Things seized may be delivered to owner or other person.

29. No person shall be personally liable in respect of any act done by him in the execution or purported execution of this Act and within the scope of his employment if he did it in the honest belief that his duty under this Act required or entitled him to do it.

Protection of officers.

30. The Director may design and utilise such forms as he may think fit for any of the purposes of this Act or any regulations made thereunder, and may require any person to complete any of the forms for any such purpose.

Forms.

31. Any offence under this Act may be tried by a District Court or a Magistrate's Court and that Court shall, notwithstanding any other written law, have jurisdiction to impose the maximum penalty provided for by this Act.

Jurisdiction of Courts.

*Smoking (Control of
Advertisements
and Sale of Tobacco)*

20

CAP. 309

1994 Ed.

Composition
of offences.

32.—(1) The Director or any person authorised by the Director in writing may, in his discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$2,000.

(2) The Minister may make regulations to prescribe the offences which may be compounded.

Regulations.

33.—(1) The Minister may make such regulations as appear to him necessary or expedient for the purpose of carrying out the provisions of this Act.

(2) All such regulations shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Transitional.

Cap. 309,
1990 Ed.

34.—(1) Any authorisation or exemption relating to any matter dealt with under this Act which was made, granted or approved under the repealed Smoking (Prohibition on Advertisements) Act shall, except where otherwise expressly provided in this Act, continue and be deemed to have been made, granted or approved under this Act.

(2) Any form used for the purposes of the repealed Smoking (Prohibition on Advertisements) Act which was in force or in effect immediately before 31st May 1993 shall continue in force and have effect as though designed under this Act until new forms are so designed or determined.