

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**UNDESIRABLE PUBLICATIONS ACT**  
**(CHAPTER 338)**

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**Act**  
**3 of 1967**

Amended by  
14 of 1969  
21 of 1973

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# Undesirable Publications Act

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An Act to prevent the importation, distribution or reproduction of undesirable publications and for purposes connected therewith.

[1st April 1967]

1. This Act may be cited as the Undesirable Publications Act. Short title.
2. In this Act, unless the context otherwise requires — Inter-pretation.
  - “periodical publication” includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;
  - “place” includes any vehicle, vessel, train or aircraft, whether in a public place or not;
  - “prohibited publication” means any publication the importation, sale or circulation of which has been prohibited under section 3;

“publication” includes all written pictorial or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction or substantial reproduction of any publication.

Power to prohibit importation, sale or circulation of publications.

3.—(1) If the Minister is of opinion that the importation, sale or circulation of any publication or series of publications published or printed outside Singapore or within Singapore by any person would be contrary to the public interest, he may in his discretion, by order published in the *Gazette*, prohibit the importation, sale or circulation of that particular publication or series of publications or all publications published or printed by that person.

(2) If an order made under subsection (1) specifies by name a publication which is a periodical publication, the order shall, unless a contrary intention be expressed therein, have effect with respect to —

- (a) all past and subsequent issues of such publication; and
- (b) any publication published or printed under any other name if the publishing or printing thereof is in any respect a continuation of, or in substitution for, the publishing or printing of the publication named in the order.

(3) If an order made under subsection (1) prohibits the importation, sale or circulation of all publications published or printed by a specified person that order shall, unless a contrary intention is expressed therein, have effect not only with respect to all publications published or printed by that person before the date of the order but also with respect to all publications so published or printed on or after that date.

(4) An order made under subsection (1) shall, unless a contrary intention is expressed therein, apply to any translation into any language of the publication specified in the order.

(5) The Minister may at any time revoke, vary or amend any order made under this section.

4.—(1) Any person who imports, publishes, sells, offers for sale, distributes or reproduces any prohibited publication or any extract therefrom shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years or to both, and for a subsequent offence to imprisonment for a term not exceeding 4 years. Offences.

(2) Any person who without reasonable excuse has in his possession any prohibited publication or any extract therefrom shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both, and for a subsequent offence to imprisonment for a term not exceeding 2 years.

(3) In any proceedings against any person for an offence under subsection (2) that person shall be presumed, until the contrary is proved, to have known the contents and the nature of the contents of any publication immediately after such publication came into his possession.

5. Any person —

(a) to whom any prohibited publication or any extract therefrom is sent without his knowledge or privity or is sent in response to a request made by that person before the prohibition of the importation, sale or circulation of such publication came into effect; or

(b) who has such a publication or extract therefrom in his possession at the time when the prohibition of its importation, sale or circulation comes into effect,

Delivery of prohibited publication to police station.

shall forthwith, as soon as the nature of its contents has become known to him, or in the case of a publication or extract therefrom coming into the possession of that person before an order prohibiting its importation, sale or circulation has been made upon the coming into effect of that order, deliver such publication or extract therefrom to the officer in charge of a police station and in default thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both.

Power to  
examine  
packages.  
21/73.

6.—(1) Any —

- (a) officer of the Telecommunication Authority of Singapore not below the rank of postal superintendent;
- (b) officer of the Customs and Excise Department not below the rank of Assistant Superintendent of Customs and Excise;
- (c) police officer not below the rank of sergeant; and
- (d) other officer authorised in that behalf by the Minister,

may detain, open and examine any package or article which he suspects to contain any prohibited publication or extract therefrom and during such examination may detain any person importing, distributing or posting such package or article, or in whose possession such package or article is found.

(2) If any prohibited publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing or posting it, or in whose possession it is found, may forthwith be arrested by such officer and proceeded against for the commission of an offence under section 4 or 5, as the case may be.

Forfeiture.

7. A court before which any proceedings are taken under this Act, if satisfied that any document produced in the proceedings is a prohibited publication or an extract therefrom, shall whether the alleged offender is convicted or not, order such publication or extract therefrom to be forfeited to the Commissioner of Police, who shall order the same to be destroyed or otherwise disposed of in such manner as he thinks fit.

Issue of  
search  
warrant.  
21/73.

8.—(1) Whenever it appears to any Magistrate upon information and after such inquiry as he thinks necessary that there is reasonable cause to believe that in any premises or place there is concealed or deposited any prohibited publication or extract therefrom, such Magistrate may, by warrant directed to any police officer, empower that officer to enter such premises or place by force if necessary to search for, seize and detain any such publication.

(2) Whenever it appears to any police officer, not below <sup>21/73.</sup> the rank of sergeant, that there is reasonable cause to believe that in any premises or place there is concealed or deposited any prohibited publication or extract therefrom, and he has good grounds for believing that by reason of the delay in obtaining a search warrant the object of the search is likely to be frustrated he may enter and search such premises or place as if he were empowered to do so by a warrant issued under subsection (1).

9. Any police officer may arrest without warrant any person found or reasonably suspected of committing or attempting to commit or of procuring or abetting any person to commit any offence under this Act, or reasonably suspected of the unlawful possession of any article liable to forfeiture thereunder. Arrest without warrant.

10.—(1) A controller or any authorised officer may detain, open and examine any article coming into Singapore in any manner whatsoever from any place outside Singapore which he has reason to believe contains or consists of a publication the importation, sale or circulation of which is prejudicial to public safety or public interest in Singapore. Examination of articles coming into Singapore.

(2) If after such article has been opened and examined it is found to contain or to consist of a publication which in the opinion of the controller or authorised officer is prejudicial to public safety or public interest in Singapore he may detain such article for so long as he considers necessary and may in his discretion destroy or cause to be destroyed the article or the contents thereof consisting of any such publication:

Provided that instead of destroying or causing any such article to be destroyed the controller or authorised officer may in his discretion cause the article to be returned to the sender thereof.

(3) This section shall not apply to any article sent from any country outside Singapore and coming into Singapore by land, sea or air (whether or not landed or transhipped in Singapore) for the sole purpose of being carried to any country outside Singapore either by the same or another conveyance.

Examination  
of persons  
entering  
Singapore.

**11.—(1)** Any person entering Singapore shall, if he is required to do so by a controller or any authorised officer —

(a) declare whether or not he has with him any publication; and

(b) produce the publication for examination.

(2) A controller or an authorised officer may examine or search any person entering Singapore or any article which that person has with him for the purpose of ascertaining whether he has in his possession any publication which the controller or authorised officer considers prejudicial to public safety or public interest in Singapore, and may seize any such publication produced or found upon such examination or search.

(3) Any publication seized under subsection (2) may be detained for so long as the controller or authorised officer considers necessary and the controller or authorised officer —

(a) may, if the publication is in his opinion a publication prejudicial to public safety or public interest in Singapore, confiscate the publication and in his discretion destroy it or cause it to be destroyed:

Provided that instead of destroying or causing any such publication to be destroyed the controller or authorised officer may in his discretion permit the same to be sent to a destination outside Singapore; and

(b) shall, if the publication is not in his opinion a publication prejudicial to public safety or public interest in Singapore return the publication to the person from whom it was seized.

(4) Any person who fails to comply with any requirement made by a controller or authorised officer under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Search of  
premises  
or place.  
21/73.

**12.—(1)** A controller may authorise any police officer not below the rank of sergeant to enter and search any premises or place where he has reasonable cause to believe any publication prejudicial to public safety or public interest

in Singapore is likely to be found, and to seize the publication so found.

(2) A controller may detain such publication for so long as he considers necessary and may in his discretion destroy or cause to be destroyed the publication so detained.

**13.—**(1) The Assistant General Manager of the Postal Services Division of the Telecommunication Authority of Singapore, the Director-General of Customs and Excise, the Controller of Immigration and such other officers as the Minister may by notification in the *Gazette* appoint shall be controllers for the purposes of sections 10, 11 and 12.

Appointment of controllers and authorised officers.

(2) The Minister may, by writing under his hand, appoint any public officer to be an authorised officer for the purposes of sections 10 and 11.

(3) In the exercise of their powers and in carrying out their duties under this Act, controllers and authorised officers shall be guided by such general or special directions as may, from time to time, be given to them by the Minister.

**14.** No legal proceedings whatsoever shall lie, or be instituted or maintained in any court for or on account of any loss of, or damage to any article or publication seized, detained, confiscated or destroyed under section 10, 11 or 12, or for or on account of any delay in the delivery or return of the article or publication to the person to whom the article or publication would otherwise have been delivered or returned.

Bar to legal proceedings.

**15.—**(1) Any person aggrieved by the detention of any article or publication under section 10, 11 or 12 may appeal against such detention to the Minister whose decision shall be final and shall not be called in question in any court:

Appeals.

Provided that no such appeal shall be allowed unless notice of appeal in writing together with the reasons for the appeal is given to the Minister within 14 days of the date of service of the notification referred to in subsection (2).

(2) A controller or an authorised officer shall notify the addressee or consignee of any article detained under section 10 or the person from whom any publication has been seized and detained under section 11 or 12 of his right to appeal under subsection (1).

(3) A notification given by a controller or an authorised officer under subsection (2) may be given personally or may be served by post and the day on which a notification which has been posted would be received in the ordinary course of post shall be deemed to be the date of service of the notification.

(4) Notwithstanding any other provisions of this Act no article or publication shall be destroyed under section 10, 11 or 12 unless its detention has not been appealed against or an appeal against its detention has been dismissed or abandoned.