

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**INTOXICATING SUBSTANCES ACT
(CHAPTER 146A)**

**Act
24 of 1987**

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1988

Intoxicating Substances Act

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

[1st November 1987]

PART I

PRELIMINARY

Short title.

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

Interpretation.

2. In this Act, unless the context otherwise requires —
 “approved centre” means any place or premises declared by the Minister to be an approved centre under section 18;

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

“Director” means the Director of the Central Narcotics Bureau appointed by the Minister under section 3 (1) of the Misuse of Drugs Act and includes the Deputy Director of the Bureau;

Cap. 185.

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

“intoxicating substance” means any substance having the property of releasing toxic vapours or fumes which contain any chemical compound specified in

the Schedule and which when inhaled induces or causes a state of intoxication;

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

“police officer” has the same meaning as in the Police Force Act and, in relation to a person who is subject to military law under the Singapore Armed Forces Act, includes a military policeman as defined in section 2 of that Act; Cap. 235.
Cap. 295.

“Review Committee”, in relation to any approved centre, means a Review Committee appointed for the approved centre under section 19;

“special police officer” means a member of the Special Constabulary constituted under Part VIII of the Police Force Act;

“supervision order” means an order in writing by the Director made under section 16;

“supervision period” means the period for which a person is placed under supervision pursuant to a supervision order made under section 16;

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

PART II

OFFENCES RELATING TO INTOXICATING SUBSTANCES

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

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

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

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine

not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

General powers to call for information as to intoxicating substances.

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

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

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

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

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

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

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

shall be guilty of an offence.

PART III

EVIDENCE AND ENFORCEMENT

Protection of informers.

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

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

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

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

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

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

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

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

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

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

8.—(1) Any officer of the Bureau or any police officer or any special police officer may at any time — Powers of search and seizure.

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

- (b) search any person found in that place or premises; and
- (c) seize and detain any article liable to seizure found in that place or premises.

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

Obstruction
of search.

9. Any person who —

- (a) obstructs any officer of the Bureau, any police officer or any special police officer in the exercise of any power under this Act; or
- (b) fails to comply with any lawful requirements of any officer of the Bureau or police officer or special police officer in the execution of his duty under this Act,

shall be guilty of an offence.

Forfeiture.

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

(2) An order for the forfeiture of any article liable to seizure shall be made if it is proved to the satisfaction of a court that an offence under this Act has been committed and that such article was the subject-matter of or was used in the commission of the offence notwithstanding that no person may have been convicted of that offence.

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

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

Disposal of things forfeited.

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

Powers of investigation of officers of Bureau. Cap. 68.

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

Blood tests.

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

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

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

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

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

Presumption of misuse of intoxicating substance.

14. A person shall be presumed, until the contrary is proved, to have used or inhaled any intoxicating substance for the purpose of inducing or causing in himself a state of intoxication if the specimen of blood provided by him under section 13 is certified by a Government chemist to contain an amount of any chemical compound specified in the Schedule in excess of the amount specified in the second column of the Schedule in relation to that chemical compound.

Government chemist certificate.

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

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

PART IV

TREATMENT AND REHABILITATION

Supervision.

16.—(1) If as a result of a blood test under section 13, it appears to the Director that the person who supplied the specimen of blood for the blood test has used or inhaled any intoxicating substance in contravention of section 3 and that

it is necessary for that person to be subject to supervision, the Director may make a supervision order requiring that person to be subject to the supervision of an officer of the Bureau or a person appointed by the Director for the purpose for a supervision period not exceeding one year.

(2) The Director may make a supervision order requiring a person who has been discharged from an approved centre under section 20 to be subject to the supervision of an officer of the Bureau or a person appointed by the Director for the purpose for a period not exceeding one year.

(3) A supervision order made under subsection (1) or (2) may require the person subject to the supervision order to comply during the whole or any part of the supervision period with such requirements as to residence and any other requirements as the Director, having regard to the circumstances of the case, considers necessary for securing the good conduct of such person and if the person wilfully fails to comply with any requirement in the supervision order, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

17.—(1) If at any time during or after the supervision period a person who is or has been subject to a supervision order is arrested under section 7 on the ground that the person is reasonably suspected to have committed an offence under section 3, the Director, having regard to the result of a medical examination or observation or a blood test under section 13 and, where applicable, a report of the supervising officer in relation to the person concerned, may, if it appears to the Director that it is necessary for that person to undergo treatment and rehabilitation at an approved centre, by order in writing direct the person to be admitted to an approved centre and detained there for a period not exceeding 6 months.

Treatment
and re-
habilitation.

(2) An approved centre may —

- (a) admit any person who uses or inhales any intoxicating substance for the purpose of inducing or causing a state of intoxication; or
- (b) admit any person under the age of 21 years who uses or inhales any intoxicating substance for the purpose of inducing or causing a state of

intoxication on the application made by either parent of such person or by his guardian or by any person for the time being having the custody or control of such person,

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

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

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

(5) In this section, “supervising officer” means an officer of the Bureau or a person appointed by the Director under section 16 who is charged with the responsibility for the supervision of the person brought before the Director under subsection (1).

Approved
centres.

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

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

19.—(1) The Minister shall appoint for any approved centre or centres a Review Committee which shall have such functions as are conferred upon it by this Act or any regulations made thereunder. Review Committees for approved centres.

(2) Every such Committee shall consist of a Chairman, who shall be a person registered under the Medical Registration Act, and 5 other members. Cap. 174.

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

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

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

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

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

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

20.—(1) The Review Committee of an approved centre shall keep the case of every inmate under review and shall as often as practicable consider whether he should be discharged. Review, discharge and transfer of inmates.

(2) Notwithstanding any order made under section 17, the Director or the Review Committee of an approved centre may at any time by order in writing —

(a) discharge any inmate; or

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

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

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

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

21.—(1) Where a complaint is made on oath to a Magistrate that any person is improperly detained in an approved centre by reason of any misconduct or breach of duty on the part of any officer in the discharge of his functions pursuant to this Act or any regulations made thereunder, the Magistrate may either inquire into the complaint himself or direct a police officer to make an inquiry for the purpose of ascertaining the truth or falsehood of the complaint and report to him the result of the inquiry.

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

Cap. 68.

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

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

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

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

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

Inmates deemed to be in legal custody.

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

- (a) while he is confined in, or is being taken to or from, an approved centre;
- (b) while he is for any other reason outside an approved centre in the custody or under the control of the officer-in-charge of the approved centre; or
- (c) while he is being taken to any place to which he is required or authorised by or under this Act to be taken, or is kept in custody in pursuance of any such requirement or authorisation.

23.—(1) Any inmate who —

- (a) while undergoing treatment and rehabilitation in an approved centre escapes from the legal custody thereof;
- (b) while he is outside an approved centre escapes from the legal custody or control of an officer-in-charge of an approved centre; or
- (c) while he is otherwise in the legal custody of any other person escapes therefrom,

Escape from legal custody of an approved centre.

shall be guilty of an offence.

(2) Any person who —

- (a) knowingly assists, directly or indirectly, any inmate of an approved centre to escape therefrom;
- (b) induces any such inmate so to escape; or
- (c) knowing that any inmate has escaped from an approved centre, harbours or conceals, or assists in harbouring or concealing that inmate or causes or induces him not to return to such approved centre,

shall be guilty of an offence.

PART V

GENERAL

General
penalty.

24. Any person who is guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Indemnity.

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

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

Protection of
persons
acting under
authority of
this Act.

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

Offences by
corporation.

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

Regulations.

28.—(1) The Minister may make regulations for any purpose for which regulations may be made under this Act and for prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect.

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

- (a) providing for the treatment and rehabilitation of persons who use or inhale intoxicating substances for the purpose of inducing or causing a state of intoxication;
- (b) providing for the supervision and aftercare of persons who have undergone treatment and rehabilitation at any approved centre or who have been convicted of an offence under section 3;
- (c) providing for the management, maintenance and inspection of approved centres;
- (d) prescribing the functions and procedure of Review Committees;
- (e) providing for the control, discipline and occupation of inmates, including the imposition of corporal punishment;
- (f) prescribing the appointment and duties of officers of approved centres; and
- (g) prescribing the punishment by a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both to be imposed on conviction for a breach of any regulations.

THE SCHEDULE

Section 2.

First column

Second column

Toluene

1 microgramme per 1 millilitre of blood.
