



# THE STATUTES OF THE REPUBLIC OF SINGAPORE

## PENAL CODE 1871

### 2020 REVISED EDITION

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# Penal Code 1871

## ARRANGEMENT OF SECTIONS

### CHAPTER 1

#### PRELIMINARY

#### Section

1. Short title
2. Punishment of offences committed within Singapore
3. Punishment of offences committed beyond, but which by law may be tried within Singapore
4. Jurisdiction over public servants for offences committed outside Singapore
- 4A. Offences against State and genocide committed outside Singapore by citizen or permanent resident
- 4B. Punishment of specified offences with elements occurring in Singapore but others occurring outside Singapore
5. Certain laws not to be affected by this Code

### CHAPTER 2

#### GENERAL EXPLANATIONS

6. Definitions in this Code to be understood subject to exceptions
- 6A. Definitions to apply to this Code and other written law
7. Expression once explained is used in the same sense throughout this Code
8. “Gender”
9. “Number”
10. “Man” and “woman”
11. “Person”
12. “Public”

*[There are no sections 13 to 16.]*

17. “Government”

*[There is no section 18.]*

19. “Judge”

## Section

20. “Court of justice”
21. “Public servant”
22. “Property”
- 22A. “Fault element” and “physical element”
23. “Wrongful gain” and “wrongful loss”
24. “Dishonestly”
25. “Fraudulently”
26. “Reason to believe”
- 26A. “Voluntarily”
- 26B. “Good faith”
- 26C. “Intentionally”
- 26D. “Knowingly”
- 26E. “Rashly”
- 26F. “Negligently”
- 26G. “Transferred fault”
- 26H. “Strict liability”
27. Property in possession of spouse, clerk or servant
28. “Counterfeit”
29. “Document”
- 29A. “Writing”
- 29B. “Electronic record”
30. “Valuable security”
31. “A will”
- 31A. “Die” and “instrument”
32. Words referring to acts include illegal omissions
33. “Act” and “omission”
34. Each of several persons liable for an act done by all, in like manner as if done by him alone
35. When such an act is criminal by reason of its being done with a criminal knowledge or intention
36. Effect caused partly by act and partly by omission
37. Cooperation by doing one of several acts constituting an offence
38. Several persons engaged in the commission of a criminal act may be guilty of different offences
39. *[Repealed]*
40. “Offence”
41. Offence with specified term of imprisonment
42. “Obscene”
43. “Illegal”, “unlawful” and “legally bound to do”
44. “Injury”

## Section

- 44A. “Bodily injury”
- 45. “Life”
- 46. “Death”
- 47. “Animal”
- 48. “Vessel”
- 49. “Year” and “month”
- 50. “Section”
- 51. “Oath”
- 52. *[Repealed]*

## CHAPTER 3

## PUNISHMENTS

- 53. Punishments
- 54. Imprisonment for life

*[There are no sections 55 and 56.]*

- 57. *[Repealed]*

*[There are no sections 58 to 70.]*

- 71. *[Repealed]*
- 72. Punishment of a person found guilty of one of several offences, the judgment stating that it is doubtful of which
- 73. Enhanced penalties for offences against domestic workers
- 74. Enhanced penalties for racially or religiously aggravated offences
- 74A. Enhanced penalties for offences against vulnerable persons
- 74B. Enhanced penalties for offences against person below 14 years of age
- 74C. Enhanced penalties for offences against victims in intimate relationships
- 74D. Enhanced penalties for offences against victims in close relationships
- 74E. Application of enhanced penalties
- 75. *[Repealed]*

## CHAPTER 4

## GENERAL EXCEPTIONS

- 76. Act done by person bound, or justified by law

## Section

77. Act of judge when acting judicially
78. Act done pursuant to the judgment or order of a court of justice
79. Act done by person by mistake of fact believing himself bound or justified by law
- 79A. Mistake of law or ignorance of law not defence
80. Accident in the doing of a lawful act
81. Act likely to cause harm but done to prevent other harm
82. Act of a child below 10 years of age
83. Act of a child of or above 10 and below 12 years of age, who has not sufficient maturity of understanding
84. Act of person of unsound mind
85. Intoxication when a defence
86. Effect of defence of intoxication when established
87. Act not intended and not known to be likely to cause death or grievous hurt, done by consent
88. Act not intended to cause death done by consent in good faith for the benefit of a person
89. Act done in good faith for the benefit of a child or person of unsound mind, by or by consent of guardian
90. Consent given under fear or misconception, by person of unsound mind, etc., and by child
91. Acts which are offences independently of harm caused to the person consenting, are not within the exceptions in sections 87, 88 and 89
92. Act done in good faith for the benefit of a person without consent
93. Communication made in good faith
94. Act to which a person is compelled by threats
95. Act causing slight harm

## CHAPTER 4A

## RIGHT OF PRIVATE DEFENCE

*General*

96. Nothing done in private defence is an offence
97. Right of private defence of the body and of property
98. Extent to which right may be exercised
99. Right of private defence against act of person of unsound mind, etc.
100. Right of private defence against deadly assault when there is risk of harm to innocent person

*Right of private defence of body*

## Section

- 101. Start and continuance of right of private defence of body
- 102. When right of private defence of body extends to causing death
- 103. When such right extends to causing any harm other than death

*Right of private defence of property*

- 104. Commencement and continuance of right of private defence of property
- 105. When right of private defence of property extends to causing death
- 106. When such right extends to causing any harm other than death

*No right of private defence*

- 106A. Acts against which there is no right of private defence

## CHAPTER 5

## ABETMENT

- 107. Abetment of the doing of a thing
- 108. Abettor
- 108A. Abetment in Singapore of an offence outside Singapore
- 108B. Abetment outside Singapore of an offence in Singapore
- 109. Punishment of abetment if the act abetted is committed in consequence, and where no express provision is made for its punishment
- 110. Punishment of abetment if the person abetted does the act with a different intention from that of the abettor
- 111. Liability of abettor when one act is abetted and a different act is done
- 112. Abettor, when liable to cumulative punishment for act abetted and for act done
- 113. Liability of abettor for an offence caused by the act abetted different from that intended by the abettor
- 114. Abettor present when offence committed
- 115. Abetment of an offence punishable with death or imprisonment for life
- 116. Abetment of offence punishable with imprisonment
- 117. Abetting the commission of an offence by the public or by more than 10 persons

## Section

- 118. Concealing a design to commit an offence punishable with death or imprisonment for life
- 119. A public servant concealing a design to commit an offence which it is his duty to prevent
- 120. Concealing a design to commit an offence punishable with imprisonment

## CHAPTER 5A

## CRIMINAL CONSPIRACY

- 120A. Definition of criminal conspiracy
- 120B. Punishment of criminal conspiracy

## CHAPTER 6

## OFFENCES AGAINST THE STATE

- 121. Waging or attempting to wage war or abetting the waging of war against the Government
- 121A. Offences against the President's person
- 121B. Offences against authority
- 121C. Abetting offences under section 121A or 121B
- 121D. Intentional omission to give information of offences against section 121, 121A, 121B or 121C by a person bound to inform
- 122. Collecting arms, etc., with the intention of waging war against the Government
- 123. Concealing with intent to facilitate a design to wage war
- 124. Assaulting President, etc., with intent to compel or restrain the exercise of any lawful power
- 125. Waging war against any power in alliance or at peace with Singapore
- 126. Committing depredation on the territories of any power in alliance or at peace with Singapore
- 127. Receiving property taken by war or depredation mentioned in sections 125 and 126
- 128. Public servant voluntarily allowing prisoner of State or war in his custody to escape
- 129. Public servant negligently suffering prisoner of State or war in his custody to escape
- 130. Aiding escape of, rescuing, or harbouring such prisoner
- 130A. "Harbour"



## CHAPTER 6A

## PIRACY

## Section

- 130B. Piracy by law of nations. Cf. 12 and 13 Victoria c. 96 (Admiralty Offences (Colonial) Act 1849)
- 130C. Piratical acts

## CHAPTER 6B

## GENOCIDE

- 130D. Genocide
- 130E. Punishment for genocide

## CHAPTER 7

## OFFENCES RELATING TO THE ARMED FORCES

- 131. Abetting mutiny, or attempting to seduce an officer or a serviceman from his duty
- 132. Abetment of mutiny, if mutiny is committed in consequence thereof
- 133. Abetment of an assault by an officer or a serviceman on his superior officer, when in the execution of his office
- 134. Abetment of such assault, if the assault is committed
- 135. Abetment of the desertion of an officer or a serviceman
- 136. Harboursing a deserter
- 137. Deserter concealed on board merchant vessel through negligence of master
- 138. Abetment of act of insubordination by an officer or a serviceman
- 139. Saving
- 140. Wearing the dress of a serviceman
- 140A. "Harbour"
- 140B. Application of Chapter 7 to Singapore Police Force

## CHAPTER 8

OFFENCES RELATING TO  
UNLAWFUL ASSEMBLY

- 141. Unlawful assembly
- 142. Being a member of an unlawful assembly
- 143. Punishment
- 144. Joining an unlawful assembly armed with any deadly weapon

## Section

- 145. Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse
- 146. Force used by one member in prosecution of common object
- 147. Punishment for rioting
- 148. Rioting, armed with a deadly weapon
- 149. Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object
- 150. Hiring, or conniving at hiring, of persons to join an unlawful assembly
- 151. Knowingly joining or continuing in any assembly of 5 or more persons after it has been commanded to disperse
- 151A. [*Repealed*]
- 152. Assaulting or obstructing public servant when suppressing riot, etc.
- 153. Wantonly giving provocation, with intent to cause riot
- 154. Owner or occupier of land on which an unlawful assembly is held
- 155. Liability of person for whose benefit a riot is committed
- 156. Liability of agent of owner or occupier for whose benefit a riot is committed
- 157. Harboursing persons hired for an unlawful assembly
- 158. Being hired to take part in an unlawful assembly or riot
- 159. [*Repealed*]
- 160. [*Repealed*]

## CHAPTER 9

## OFFENCES BY OR RELATING TO PUBLIC SERVANTS

- 161. Public servant taking a gratification, other than legal remuneration, in respect of an official act
- 162. Taking a gratification in order, by corrupt or illegal means, to influence a public servant
- 163. Taking a gratification, for the exercise of personal influence with a public servant
- 164. Punishment for abetment by public servant of the offences above defined
- 165. Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant
- 166. Public servant disobeying a direction of the law, with intent to cause injury to any person

## Section

- 167. Public servant framing an incorrect document or electronic record with intent to cause injury
- 168. Public servant unlawfully engaging in trade
- 169. Public servant unlawfully buying or bidding for property
- 170. Personating a public servant
- 171. Wearing garb or carrying token used by public servant, with fraudulent intent

## CHAPTER 10

CONTEMPTS OF THE LAWFUL AUTHORITY  
OF PUBLIC SERVANTS

- 172. Absconding to avoid arrest on warrant or service of summons, etc., proceeding from a public servant
- 173. Preventing service of summons, etc., or preventing publication thereof
- 174. Failure to attend in obedience to order from public servant
- 175. Omission to produce document or electronic record to public servant by person legally bound to produce such document or electronic record
- 176. Omission to give notice or information to public servant by person legally bound to give such notice or information
- 177. Furnishing false information
- 178. Refusing oath when duly required to take oath by a public servant
- 179. Refusing to answer public servant authorised to question
- 180. Refusing to sign statement
- 181. False statement on oath to public servant or person authorised to administer an oath
- 182. False information, with intent to cause a public servant to use his lawful power to the injury of another person
- 183. Resistance to taking of property by lawful authority of public servant
- 184. Obstructing sale of property offered for sale by authority of public servant
- 185. Illegal purchase or bid for property offered for sale by authority of public servant
- 186. Obstructing public servant in discharge of his public functions
- 187. Omission to assist public servant when bound by law to give assistance
- 188. Disobedience to order duly promulgated by public servant

## Section

- 189. Threat of injury to a public servant
- 190. Threat of injury to induce any person to refrain from applying for protection to a public servant

## CHAPTER 11

FALSE EVIDENCE AND OFFENCES  
AGAINST PUBLIC JUSTICE

- 191. Giving false evidence
- 192. Fabricating false evidence
- 193. Punishment for false evidence
- 194. Giving or fabricating false evidence with intent to procure conviction of a capital offence
- 195. Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment
- 196. Using evidence known to be false
- 197. Issuing or signing a false certificate
- 198. Using as a true certificate one known to be false in a material point
- 199. False statement made in any declaration which is by law receivable as evidence
- 200. Using as true any such declaration known to be false
- 201. Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender
- 202. Intentional omission to give information of an offence, by person bound to inform
- 203. Giving false information respecting an offence committed
- 204. Destruction of document or electronic record to prevent its production as evidence
- 204A. Obstructing, preventing, perverting or defeating course of justice
- 204B. Bribery of witnesses
- 205. False personation for the purpose of any act or proceeding in a suit
- 206. Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree
- 207. Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree
- 208. Fraudulently suffering a decree for a sum not due
- 209. [*Repealed*]
- 210. Fraudulently obtaining a decree for a sum not due

## Section

- 211. False charge of offence made with intent to injure
- 212. Harboursing an offender
- 213. Taking gifts, etc., to screen an offender from punishment
- 214. Offering gift or restoration of property in consideration of screening offender
- 215. Taking gift to help to recover stolen property, etc.
- 216. Harboursing an offender who has escaped from custody, or whose apprehension has been ordered
- 216A. Harboursing robbers or gang-robbers, etc.
- 216B. "Harbour"
- 217. Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture
- 218. Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture
- 219. Public servant in a judicial proceeding making an order, etc., which he knows to be contrary to law
- 220. Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law
- 221. Intentional omission to apprehend on the part of a public servant bound by law to apprehend
- 222. Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a court of justice
- 223. Escape from confinement negligently suffered by a public servant
- 224. Resistance or obstruction by a person to his lawful apprehension
- 225. Resistance or obstruction to the lawful apprehension of another person
- 225A. Public servant omitting to apprehend or suffering other persons to escape in cases not already provided for
- 225B. Resistance or obstruction to lawful apprehension, or escape, or rescue, in cases not otherwise provided for
- 225C. Offences against laws of Singapore where no special punishment is provided
- 226. Unlawful return from banishment
- 227. [*Repealed*]
- 228. Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding
- 229. Personation of an assessor

CHAPTER 12  
OFFENCES RELATING TO  
GOVERNMENT STAMPS

## Section

230. to 243. [*Repealed*]

243A. [*Repealed*]

*[There are no sections 244 and 245.]*

246. to 254A. [*Repealed*]

255. Counterfeiting a Government stamp

256. Having possession of an instrument or material for the purpose of counterfeiting a Government stamp

257. Making or selling an instrument for the purpose of counterfeiting a Government stamp

258. Sale of counterfeit Government stamp

259. Having possession of a counterfeit Government stamp

260. Using as genuine a Government stamp known to be counterfeit

261. Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government

262. Using a Government stamp known to have been before used

263. Erasure of mark denoting that stamp has been used

CHAPTER 13

264. [*Repealed*]

265. [*Repealed*]

266. [*Repealed*]

267. [*Repealed*]

CHAPTER 14  
OFFENCES AFFECTING  
THE PUBLIC TRANQUILLITY, PUBLIC HEALTH,  
SAFETY, CONVENIENCE, DECENCY  
AND MORALS

267A. Affray

267B. Punishment for committing affray

267C. Making, printing, etc., document containing incitement to violence, etc.

268. Public nuisance

## Section

- 268A. Communicating false information of harmful thing
- 268B. Placing or sending thing with intent to cause fear of harm
- 268C. Placing or sending thing causing fear of harm
- 269. Negligent act likely to spread infection of any disease dangerous to life
- 270. Malignant act likely to spread infection of any disease dangerous to life
- 271. Disobedience to a quarantine rule
- 272. Adulteration of food or drink which is intended for sale
- 273. Sale of noxious food or drink
- 274. Adulteration of drugs
- 275. Sale of adulterated drugs
- 276. Sale of any drug as a different drug or preparation
- 277. Fouling the water of a public spring or reservoir
- 278. Making atmosphere noxious to health
- 279. Rash driving or riding on a public way
- 280. Rash navigation of a vessel
- 281. Exhibition of a false light, mark or buoy
- 282. Conveying person by water for hire in a vessel overloaded or unsafe
- 283. Danger or obstruction in a public way or navigation
- 284. Rash or negligent conduct with respect to dangerous or harmful substance
- 285. Causing or contributing to risk of dangerous fire
- 286. Presumption of cause of fire
- 287. Rash or negligent conduct with respect to any machinery in possession or under charge of offender
- 288. Negligence in pulling down or repairing buildings
- 289. Negligence with respect to any animal
- 290. Punishment for public nuisance
- 291. Continuance of nuisance after injunction to discontinue
- 292. Sale of obscene books, etc.
- 292A. Possession, distribution, etc., of child sex-doll
- 293. Sale, etc., of obscene objects to young person
- 294. Obscene acts

CHAPTER 15  
OFFENCES RELATING TO  
RELIGION OR RACE

## Section

- 295. Injuring or defiling a place of worship with intent to insult the religion of any class
- 296. Disturbing a religious assembly
- 297. Trespassing on burial places, etc.
- 298. Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person
- 298A. Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony

CHAPTER 16  
OFFENCES AFFECTING  
THE HUMAN BODY

*Offences affecting life*

- 299. Culpable homicide
- 300. Murder
- 301. Culpable homicide by causing the death of a person other than the person whose death was intended
- 302. Punishment for murder

*[There is no section 303.]*

- 304. Punishment for culpable homicide not amounting to murder
- 304A. Causing death by rash or negligent act
- 304B. Causing death of child below 14 years of age, domestic worker or vulnerable person by sustained abuse
- 304C. Causing or allowing death of child below 14 years of age, domestic worker or vulnerable person in same household
- 305. Abetment of suicide or attempted suicide of minor or person who lacks mental capacity
- 306. Abetment of suicide or attempted suicide
- 307. Attempt to murder
- 308. Attempt to commit culpable homicide
- 308A. Causing death in furtherance of group's object
- 308B. Concealment, desecration or disposal of corpse that impedes discovery, identification, criminal investigations or prosecutions



## Section

- 309. [Repealed]
- 310. Infanticide
- 311. Punishment for infanticide

*Causing miscarriage; injuries to  
unborn children; exposure of infants;  
and concealment of births*

- 312. Causing miscarriage
- 313. Causing miscarriage without woman's consent
- 314. Death caused by act done with intent to cause miscarriage
- 315. Child destruction before, at or immediately after birth
- 316. Causing death of a quick unborn child by an act amounting to culpable homicide
- 317. Exposure and abandonment of a child below 12 years of age by parent or person having care of it
- 318. Concealment of birth by secret disposal of dead body

*Hurt*

- 319. Hurt
- 320. Grievous hurt
- 321. Voluntarily causing hurt
- 322. Voluntarily causing grievous hurt
- 323. Punishment for voluntarily causing hurt
- 323A. Punishment for voluntarily causing hurt which causes grievous hurt
- 324. Voluntarily causing hurt by dangerous weapons or means
- 325. Punishment for voluntarily causing grievous hurt
- 326. Voluntarily causing grievous hurt by dangerous weapons or means
- 327. Voluntarily causing hurt to extort property or to constrain to an illegal act
- 328. Causing hurt by means of poison, etc., with intent to commit an offence
- 329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act
- 330. Voluntarily causing hurt to extort confession or to compel restoration of property
- 331. Voluntarily causing grievous hurt to extort confession or to compel restoration of property
- 332. Voluntarily causing hurt to deter public servant from his duty

## Section

- 333. Voluntarily causing grievous hurt to deter public servant from his duty
- 334. Voluntarily causing hurt on provocation
- 334A. Punishment for voluntarily causing hurt on provocation which causes grievous hurt
- 335. Causing grievous hurt on provocation
- 335A. Allowing neglect, physical or sexual abuse of domestic worker or vulnerable person
- 335B. Punishment for act which endangers life or personal safety of others with knowledge or belief that it is likely to cause death
- 336. Punishment for act which endangers life or the personal safety of others
- 337. Causing hurt by an act which endangers life or the personal safety of others
- 338. Causing grievous hurt by an act which endangers life or the personal safety of others

*Wrongful restraint and wrongful confinement*

- 339. Wrongful restraint
- 340. Wrongful confinement
- 341. Punishment for wrongful restraint
- 342. Punishment for wrongful confinement
- 343. *[Repealed]*
- 344. *[Repealed]*
- 345. Wrongful confinement of person for whose liberation a writ has been issued
- 346. Wrongful confinement in secret
- 347. Wrongful confinement for the purpose of extorting property or constraining to an illegal act
- 348. Wrongful confinement for the purpose of extorting confession or of compelling restoration of property

*Criminal force and assault*

- 349. Force
- 350. Criminal force
- 351. Assault
- 352. Punishment for using criminal force otherwise than on grave and sudden provocation
- 353. Using criminal force to deter a public servant from discharge of his duty

## Section

- 354. Assault or use of criminal force to a person with intent to outrage modesty
- 354A. Outraging modesty in certain circumstances
- 355. Assault or criminal force with intent to dishonour otherwise than on grave and sudden provocation
- 356. Assault or criminal force in committing or attempting to commit theft of property carried by a person
- 357. Assault or criminal force in attempting wrongfully to confine a person
- 358. Assaulting or using criminal force on grave and sudden provocation

*Kidnapping, abduction, slavery and forced labour*

- 359. Kidnapping
- 360. Kidnapping from Singapore
- 361. Kidnapping from lawful guardianship
- 362. Abduction
- 363. Punishment for kidnapping
- 363A. Punishment for abduction
- 364. Kidnapping or abducting in order to murder
- 364A. *[Repealed]*
- 365. Kidnapping or abducting with intent secretly and wrongfully to confine a person
- 366. Kidnapping or abducting a woman to compel her marriage, etc.
- 367. Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.
- 368. Wrongfully concealing or keeping in confinement a kidnapped person
- 369. *[Repealed]*
- 370. Buying or disposing of any person as a slave
- 371. Habitual dealing in slaves
- 372. Selling minor for purposes of prostitution, etc.
- 373. Buying minor for purposes of prostitution, etc.
- 373A. Importing woman for purposes of prostitution, etc.
- 374. Unlawful compulsory labour

*Sexual offences*

- 375. Rape
- 376. Sexual assault involving penetration
- 376A. Sexual penetration of minor below 16 years of age

## Section

- 376AA. Exploitative sexual penetration of minor of or above 16 but below 18 years of age
- 376B. Commercial sex with minor below 18 years of age
- 376C. Commercial sex with minor below 18 years of age outside Singapore
- 376D. Tour outside Singapore for commercial sex with minor below 18 years of age
- 376E. Sexual grooming of minor below 16 years of age
- 376EA. Exploitative sexual grooming of minor of or above 16 but below 18 years of age
- 376EB. Sexual communication with minor below 16 years of age
- 376EC. Exploitative sexual communication with minor of or above 16 but below 18 years of age
- 376ED. Sexual activity or image in presence of minor below 16 years of age
- 376EE. Exploitative sexual activity or image in presence of minor of or above 16 but below 18 years of age
- 376F. Procurement of sexual activity with person with mental disability
- 376G. Incest
- 376H. Procurement of sexual activity by deception or false representation
- 377. Sexual penetration of a corpse
- 377A. Outrages on decency
- 377B. Sexual penetration with living animal
- 377BA. Word or gesture intended to insult modesty of any person
- 377BB. Voyeurism
- 377BC. Distribution of voyeuristic image or recording
- 377BD. Possession of or gaining access to voyeuristic or intimate image or recording
- 377BE. Distributing or threatening to distribute intimate image or recording
- 377BF. Sexual exposure
- 377BG. Using or involving child in production of child abuse material
- 377BH. Producing child abuse material
- 377BI. Distributing or selling child abuse material
- 377BJ. Advertising or seeking child abuse material
- 377BK. Possession of or gaining access to child abuse material
- 377BL. Exploitation by abusive material of minor of or above 16 but below 18 years of age

## Section

- 377BM. Defences to offences relating to intimate image or recording and voyeurism
- 377BN. Defences to child abuse material offences
- 377BO. Child abuse material offences outside or partially outside Singapore
- 377C. Interpretation of sections 375 to 377BO (sexual offences)
- 377CA. Meaning of exploitative relationship
- 377CB. Consent given under misconception in sexual offences
- 377D. Mistake as to age in sexual offences

## CHAPTER 17

## OFFENCES AGAINST PROPERTY

*Theft*

- 378. Theft
- 379. Punishment for theft
- 379A. Punishment for theft of a motor vehicle
- 380. Theft in dwelling house, etc.
- 381. Theft by clerk or servant of property in possession of master
- 382. Theft after preparation made for causing death or hurt in order to commit theft

*Extortion*

- 383. Extortion
- 384. Punishment for extortion
- 385. Putting person in fear of harm in order to commit extortion
- 386. Extortion by putting a person in fear of death or grievous hurt
- 387. Putting person in fear of death or of grievous hurt in order to commit extortion
- 388. Extortion by threat of accusation of an offence punishable with death, or imprisonment, etc.
- 389. Putting person in fear of accusation of offence, in order to commit extortion

*Robbery and gang-robbery*

- 390. Robbery
- 391. Gang-robbery
- 392. Punishment for robbery
- 393. Attempt to commit robbery

## Section

- 394. Voluntarily causing hurt in committing robbery
- 395. Punishment for gang-robbery
- 396. Gang-robbery with murder
- 397. Robbery when armed or with attempt to cause death or grievous hurt

*[There is no section 398.]*

- 399. Making preparation to commit gang-robbery
- 400. Punishment for belonging to gang-robbers
- 401. Punishment for belonging to gang of thieves
- 402. Assembling for purpose of committing gang-robbery

*Criminal misappropriation of property*

- 403. Dishonest misappropriation of property
- 404. Dishonest misappropriation of property possessed by a deceased person at the time of his death

*Criminal breach of trust*

- 405. Criminal breach of trust
- 406. Punishment of criminal breach of trust
- 407. Criminal breach of trust of property entrusted for purposes of transportation or storage
- 408. Criminal breach of trust by employees
- 409. Criminal breach of trust by public servant, or by banker, merchant, agent, director, officer, partner, key executive or fiduciary

*Receiving stolen property*

- 410. Stolen property
- 411. Receiving stolen property
- 412. Receiving property stolen in the commission of a gang-robbery
- 413. Habitually dealing in stolen property
- 414. Assisting in concealment or disposal of stolen property

*Cheating*

- 415. Cheating
- 416. Cheating by personation
- 416A. Illegally obtained personal information
- 417. Punishment for cheating

## Section

- 418. Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect
- 419. Punishment for cheating by personation
- 420. Cheating and dishonestly inducing a delivery of property
- 420A. Obtaining services dishonestly or fraudulently

*Fraudulent deeds and dispositions of property*

- 421. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors
- 422. Dishonestly or fraudulently preventing a debt or demand due to the offender from being made available for his creditors
- 423. Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration
- 424. Dishonest or fraudulent removal or concealment of property or release of claim
- 424A. Fraud by false representation, non-disclosure or abuse of position not connected with contracts for goods or services

*Mischief*

- 425. Mischief
- 426. Punishment for committing mischief
- 427. Punishment for committing mischief causing disruption to key service, etc.
- 428. Mischief by killing or maiming any animal
- 429. [*Repealed*]
- 430. to 434. [*Repealed*]
- 435. Mischief by fire or explosive substance with intent to cause damage
- 436. Mischief by fire or explosive substance with intent to destroy a house, etc.
- 437. Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden
- 438. Punishment for the mischief described in section 437 when committed by fire or any explosive substance
- 439. Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.
- 440. Mischief committed after preparation made for causing death or hurt

*Criminal trespass*

## Section

- 441. Criminal trespass
- 442. House-breaking
- 443. [*Repealed*]
- 444. [*Repealed*]
- 445. [*Repealed*]
- 446. [*Repealed*]
- 447. Punishment for criminal trespass
- 448. Punishment for house-breaking
- 449. House-breaking in order to commit an offence punishable with death
- 450. House-breaking in order to commit an offence punishable with imprisonment for life
- 451. House-breaking in order to commit an offence punishable with imprisonment
- 452. House-breaking after preparation made for causing hurt, etc.
- 453. Possession of house-breaking implements or offensive weapons
- 454. to 458. [*Repealed*]
- 458A. Punishment for subsequent offence under section 449, 450, 451 or 452
- 459. Grievous hurt caused while committing house-breaking
- 460. House-breaking when death or grievous hurt caused
- 461. Dishonestly breaking open any closed receptacle containing or supposed to contain property
- 462. Punishment for same offence when committed by person entrusted with custody

## CHAPTER 18

OFFENCES RELATING TO  
DOCUMENTS OR ELECTRONIC RECORDS,  
FALSE INSTRUMENTS, AND TO CURRENCY  
AND BANK NOTES

- 463. Forgery
- 464. Making a false document or false electronic record
- 465. Punishment for forgery
- 466. Forgery of a record of a court of justice, or a public register of births, etc.
- 467. Forgery of a valuable security or will
- 468. Forgery for the purpose of cheating



## Section

- 469. Forgery for the purpose of harming the reputation of any person
- 470. “A forged document” or “a forged electronic record”
- 471. Using as genuine a forged document or forged electronic record
- 472. Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable under section 467
- 473. Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable otherwise
- 473A. Making or possessing equipment for making a false instrument
- 473B. Making or possessing equipment for making a false instrument with intent to induce prejudice
- 473C. Meaning of “prejudice” and “induce”
- 474. Having possession of certain document or electronic record known to be forged, with intent to use it as genuine
- 475. Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material
- 476. Counterfeiting a device or mark used for authenticating documents or electronic records other than those described in section 467, or possessing counterfeit marked material
- 477. Fraudulent cancellation, destruction, etc., of a will
- 477A. Falsification of accounts

*[There are no sections 478 to 489.]*

*Currency and bank notes*

- 489A. Forging or counterfeiting currency or bank notes
- 489B. Using as genuine forged or counterfeit currency or bank notes
- 489C. Possession of forged or counterfeit currency or bank notes
- 489D. Making or possessing instruments or materials for forging or counterfeiting currency or bank notes
- 489E. Abetting in Singapore counterfeiting of currency out of Singapore
- 489F. Fraudulently or dishonestly diminishing weight or altering composition of any coin
- 489G. Altering appearance of currency with intent that it shall pass as currency of different description
- 489H. Delivery to another of altered currency
- 489I. Possession of altered currency

*[There is no Chapter 19.]*

## CHAPTER 20

### Section

- 493. *[Repealed]*
- 494. *[Repealed]*
- 495. *[Repealed]*
- 496. *[Repealed]*

*[There is no section 497.]*

- 498. *[Repealed]*

## CHAPTER 21

### DEFAMATION

- 499. Defamation
- 500. Punishment for defamation
- 501. Printing or engraving matter known to be defamatory
- 502. Sale of printed or engraved substance containing defamatory matter

## CHAPTER 22

### CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

- 503. Criminal intimidation
- 504. Intentional insult with intent to provoke a breach of the peace
- 505. Statements conducing to public mischief
- 506. Punishment for criminal intimidation
- 507. Criminal intimidation by an anonymous communication
- 508. *[Repealed]*
- 509. *[Repealed]*
- 510. *[Repealed]*

## CHAPTER 23

### ATTEMPTS TO COMMIT OFFENCES

- 511. Attempt to commit offence
  - 512. Punishment for attempting to commit offences  
The Schedule — Specified offences deemed to be committed in Singapore
-

An Act to consolidate the law relating to criminal offences.

[16 September 1872]

## CHAPTER 1 PRELIMINARY

### **Short title**

1. This Act is the Penal Code 1871.

### **Punishment of offences committed within Singapore**

2. Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he is guilty within Singapore.

### **Punishment of offences committed beyond, but which by law may be tried within Singapore**

3. Any person liable by law to be tried for an offence committed beyond the limits of Singapore, shall be dealt with according to the provisions of this Code for any act committed beyond Singapore, in the same manner as if such act had been committed within Singapore.

### **Jurisdiction over public servants for offences committed outside Singapore**

4. Every public servant who, being a citizen or a permanent resident of Singapore, when acting or purporting to act in the course of his employment, commits an act or omission outside Singapore that if committed in Singapore would constitute an offence under the law in force in Singapore, is deemed to have committed that act or omission in Singapore.

### **Offences against State and genocide committed outside Singapore by citizen or permanent resident**

- 4A. Every person who, being a citizen or permanent resident of Singapore, commits an act or omission outside Singapore that if committed in Singapore would constitute an offence under Chapter 6

(Offences against the State) or 6B (Genocide), is deemed to have committed that act or omission in Singapore.

[15/2019]

### **Punishment of specified offences with elements occurring in Singapore but others occurring outside Singapore**

**4B.**—(1) A specified offence is deemed to have been committed in Singapore where —

- (a) a relevant act of the specified offence occurs in Singapore and any other relevant act of that specified offence occurs outside Singapore;
- (b) a relevant act of the specified offence occurs partly in Singapore and partly outside Singapore, whether or not other relevant acts of that specified offence occur in Singapore; or
- (c) the specified offence involved an intention to make a gain or cause a loss or exposure to a risk of loss or to cause harm to any person in body, mind, reputation or property, and that gain, loss or harm occurs in Singapore.

[15/2019]

(2) In this section —

“relevant act”, in relation to a specified offence, means an act or omission (whether occurring wholly or partly in or outside Singapore) which is a physical element of the specified offence;

“specified offence” means an offence specified in the Schedule and includes an attempt to commit the offence, an abetment of the offence and a criminal conspiracy to commit the offence.

[15/2019]

(3) The Minister may, by order in the *Gazette*, amend the Schedule.

[15/2019]

### **Certain laws not to be affected by this Code**

**5.** Nothing in this Code is intended to repeal, vary, suspend, or affect any of the provisions of any Act for punishing mutiny and

desertion of officers or servicemen in the Singapore Armed Forces, or of any other law for the time being in force.

## CHAPTER 2 GENERAL EXPLANATIONS

### **Definitions in this Code to be understood subject to exceptions**

**6.** Throughout this Code every definition of an offence, every penal provision, and every illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapters entitled “General Exceptions” and “Right of Private Defence”, though those exceptions are not repeated in such definition, penal provision or illustration.

#### *Illustrations*

(a) The sections in this Code which contain definitions of offences, do not express, that a child below 10 years of age cannot commit such offences, but the definitions are to be understood subject to the general exception which provides that “nothing shall be an offence which is done by a child below 10 years of age”.

(b) *A*, a police officer, without warrant, apprehends *Z*, who has committed murder. Here *A* is not guilty of the offence of wrongful confinement, for he was bound by law to apprehend *Z*, and therefore the case falls within the general exception which provides that “nothing is an offence which is done by a person who is bound by law to do it”.

[15/2019]

### **Definitions to apply to this Code and other written law**

**6A.** Every definition of a word or expression which is explained in sections 22A to 26H (except the definitions of “dishonestly” and “fraudulently” in sections 24 and 25, respectively) applies to any offence in this Code or in any other written law unless that written law expressly provides for a definition or explanation of that same word or expression.

[15/2019]

**Expression once explained is used in the same sense throughout this Code**

7. Every expression which is explained in any part of this Code is used in every part of this Code in conformity with the explanation.

**“Gender”**

8. The pronoun “he” and its derivatives are used of any person, whether male or female.

**“Number”**

9. Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

**“Man” and “woman”**

10. The word “man” denotes a male human being of any age; “woman” denotes a female human being of any age.

**“Person”**

11. The word “person” includes any company or association or body of persons, whether incorporated or not.

**“Public”**

12. The word “public” includes any class of the public or any community.

*[There are no sections 13 to 16.]*

**“Government”**

17. The word “Government” includes any person lawfully performing executive functions of the Government under any law.

*[There is no section 18.]*

**“Judge”**

19. The word “judge” denotes not only every person who is officially designated as a judge, but also every person who is

empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

*Illustrations*

(a) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a judge.

(b) Officers holding an inquiry as to the loss of a ship under the Merchant Shipping Act 1995 are judges.

(c) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another court, is not a judge.

**“Court of justice”**

**20.** The words “court of justice” denote a judge who is empowered by law to act judicially alone, or a body of judges which is empowered by law to act judicially as a body, when such judge or body of judges is acting judicially.

**“Public servant”**

**21.—(1)** The words “public servant” denote a person falling under any of the following descriptions:

(a) every officer in the Singapore Armed Forces;

(b) every judge;

(c) every officer of a court of justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the court, and every person specially authorised by a court of justice to perform any of such duties;

(d) every assessor assisting a court of justice or public servant;

- (e) every arbitrator or other person to whom any cause or matter has been referred for decision or report by any court of justice, or by any other competent public authority;
- (f) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;
- (g) every officer of the Government and every officer or employee of a body corporate established by a public Act for the purposes of a public function whose duty, as such officer or employee, is any of the following:
  - (i) maintaining law and order;
  - (ii) preserving the public peace;
  - (iii) preventing and detecting offences;
  - (iv) apprehending offenders or otherwise bringing offenders to justice;
  - (v) executing summonses, subpoenas, warrants, commitments and other legal processes issued by a court or Justice of the Peace;
  - (vi) maintaining order in the premises of the courts of justice;
  - (vii) escorting and guarding prisoners and accused persons in remand;
  - (viii) protecting the public health or safety or prevention of public inconvenience;
- (h) every officer whose duty it is, as such officer, to take, receive, keep or expend any property, on behalf of Government, or to make any survey, assessment, or contract on behalf of Government, or to execute any revenue process, or to investigate, or to report on any matter affecting the pecuniary interests of Government, or to make, authenticate or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every officer in the service or



pay of Government, or remunerated by fees or commission for the performance of any public duty;

- (i) a member of the Public Service Commission or the Legal Service Commission constituted under Part 9 of the Constitution;
- (j) every person (other than a person mentioned in paragraph (g)) who is employed to carry out any of the duties, mentioned in paragraph (g)(i) to (vii), on behalf of the Government or a body corporate established by a public Act for the purposes of a public function, when that person is performing such duties.

*Explanation 1.*—Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

*Explanation 2.*—Wherever the words “public servant” occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

[19/2016; 15/2019]

(2) Despite subsection (1), the words “public servant” in sections 175, 178, 179, 180 and 228 does not include a judge as defined in the Administration of Justice (Protection) Act 2016.

[19/2016]

## “Property”

**22.** In this Code —

“immovable property” means land, benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

“movable property” includes property of every description, except immovable property;

“property” means money and all other property, movable or immovable, including things in action, other intangible or incorporeal property and virtual currency;

“virtual currency” means a digital representation of value in money or money’s worth that can be digitally traded and

functions as a medium of exchange, a unit of account or store of value, regardless of whether it is legal tender in any country or territory including Singapore.

*Illustration*

Writings, relating to real or personal property or rights, are movable property.

[15/2019]

**“Fault element” and “physical element”**

**22A.**—(1) A fault element of an offence refers to any state of mind, proof of which is needed to establish liability under that offence, including but not limited to intention, wilfulness, knowledge, rashness and negligence.

[15/2019]

(2) A physical element of an offence refers to any fact, proof of which is needed to establish liability under that offence, and that is not a fault element of that offence.

[15/2019]

**“Wrongful gain” and “wrongful loss”**

**23.**—(1) A “wrongful gain” is gain by unlawful means of property to which the person gaining it is not legally entitled or avoidance by unlawful means of a loss of property to which the person avoiding it is not legally entitled to avoid.

[15/2019]

(2) A “wrongful loss” is loss or exposure of risk to a loss by unlawful means of property to which the person losing it or exposed to the risk of losing it is legally entitled.

*Explanation 1.*—A person is said to gain wrongfully when the person retains wrongfully, as well as when the person acquires wrongfully. A person is said to lose wrongfully when the person is wrongfully kept out of any property, as well as when the person is wrongfully deprived of property.

*Explanation 2.*—The word “gain” includes a gain by keeping what one has, as well as a gain by getting what one does not have.

*Explanation 3.*—The word “loss” includes a loss by not getting what one might get, as well as a loss by parting with what one has.

[15/2019]

### “Dishonestly”

**24.** A person (*A*) is said to do an act dishonestly if —

- (a) *A* does that act with the intention of causing wrongful gain to *A* or another person, or wrongful loss to another person, regardless of whether such gain or loss is temporary or permanent; or
- (b) that act done by *A* is dishonest by the ordinary standards of reasonable and honest persons and *A* knows that that act is dishonest by such standards.

[15/2019]

### “Fraudulently”

**25.** A person (*A*) is said to do an act fraudulently if *A* does that act with intent to deceive another person (*B*) and by means of such deception, that an advantage should accrue to *A* or another person or detriment should befall *B* or another person (other than *A*), regardless of whether such advantage or detriment is temporary or permanent.

*Explanation 1.*—Where the advantage or the detriment *A* intended by means of the act done is so slight that no reasonable person of ordinary sense or temper would complain of it, the act is not done fraudulently.

*Explanation 2.*—It is sufficient in any charge for an offence under this Code involving doing an act fraudulently to allege a general intent to act fraudulently without naming any particular person intended to be deceived.

[15/2019]

### “Reason to believe”

**26.** A person is said to have “reason to believe” a thing, if he has sufficient cause to believe that thing, but not otherwise.

**“Voluntarily”**

**26A.** A person is said to cause an effect “voluntarily” when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

*Illustration*

*A* sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery, and thus causes the death of a person. Here *A* may not have intended to cause death, and may even be sorry that death has been caused by this act; yet, if he knew that he was likely to cause death, he has caused death voluntarily.

[15/2019]

**“Good faith”**

**26B.** Nothing is said to be done or believed in good faith which is done or believed without due care and attention.

[15/2019]

**“Intentionally”**

**26C.—(1)** A person is said to do an act intentionally where that person does an act deliberately.

[15/2019]

(2) A person is said to cause an effect intentionally where that person does anything that causes an effect —

(a) with the purpose of causing that effect; or

(b) knowing that that effect would be virtually certain (barring an unforeseen intervention) to result.

[15/2019]

(3) To avoid doubt, a person does not intend or foresee a result of his acts by reason only of it being a natural and probable consequence of those acts.

[15/2019]

(4) To avoid doubt, nothing in this section prevents a court from relying on a person’s foresight that a certain effect was a probable consequence of his act as a basis to draw an inference that the person caused that effect intentionally.

*Explanation.*—Intention is distinct from motive or desire, and a person may do an act or cause an effect intentionally even if doing so was not his motive or he had no desire to do so.

[15/2019]

### **“Knowingly”**

**26D.**—(1) Whoever does an act with awareness that a circumstance exists, will exist, or is virtually certain (barring an unforeseen intervention) to exist, is said to do that act knowingly in respect of that circumstance.

[15/2019]

(2) Whoever does an act with awareness that an effect will be caused, or is virtually certain (barring an unforeseen intervention) to be caused, is said to do that act knowingly in respect of that effect.

[15/2019]

(3) Where doing an act knowingly is a fault element of an offence, that fault element is also established where that act is done intentionally or with wilful blindness.

[15/2019; 2/2020]

### **“Rashly”**

**26E.**—(1) Whoever does any act knowing that there is a real risk that a particular circumstance exists or will exist is said to do that act rashly in respect of that particular circumstance, if it would have been unreasonable to have taken that risk.

[15/2019]

(2) Whoever does any act knowing that there is a real risk that an effect will be caused is said to do that act rashly in respect of that effect, if it would have been unreasonable to have taken that risk.

[15/2019]

(3) Where doing an act rashly is a fault element of an offence, that fault element is also established where that act is done intentionally or knowingly.

[15/2019]

**“Negligently”**

**26F.**—(1) Whoever omits to do an act which a reasonable person would do, or does any act which a reasonable person would not do, is said to do so negligently.

[15/2019]

(2) Where doing an act negligently is a fault element of an offence, that fault element is also established where that act is done intentionally, knowingly or rashly.

[15/2019]

**“Transferred fault”**

**26G.**—(1) This section applies to any offence under this Code or any other written law where a fault element of the offence is intention or knowledge, except where section 301(1) applies to that offence.

[15/2019]

(2) Where all the fault elements and physical elements of the offence have been proven in respect of an accused person, and assuming no defence or exception applies, the accused person shall be guilty of the offence despite the following circumstances:

- (a) the physical elements of the offence included the doing of an act or the causing of an effect concerning a person or thing;
- (b) at the time such act or effect was done or caused, the accused person believed or intended that the act or effect would concern a person or thing different from the person or thing mentioned in paragraph (a).

[15/2019]

(3) Subsection (2) applies only where the accused person did or caused the physical elements in subsection (2)(a) negligently in respect of the person or thing mentioned in that subsection.

*Illustrations*

(a) *A* throws a stone at *B* intending to hurt *B* (but not intending, knowing or having reason to believe that anyone else would be hurt), but the stone hurts *C*. *A* commits an offence of voluntarily causing hurt in respect of *C* if *A* threw the stone negligently in respect of *C*.

(b) *A* throws a stone at a porcelain vase intending to cause loss to its owner, *B* (but not intending or knowing it likely that *A* would cause wrongful loss or damage in respect of any other property), but the stone damages a clay pot belonging to *C*. *A* commits mischief in respect of *C* if *A* threw the stone negligently in respect of *C*.

(c) *A* threatens injury to *B*'s person by shouting at *B* the words, "B, I will kill you", with intent to cause alarm to *B*. *C* hears these words and is alarmed. *A* does not commit the offence of criminal intimidation against *C* as *A* did not threaten *C* with any injury.

[15/2019]

(4) To avoid doubt, nothing in this section affects the requirement to prove all the fault elements of an offence in order for guilt to be established for that offence.

#### *Illustrations*

(a) *A* throws a stone at *B* intending to hurt *B* (but not intending or not knowing that *A* is likely to cause wrongful loss or damage in respect of any property), but the stone hits a porcelain vase. *A* does not commit mischief in respect of the vase. This is because *A* did not possess the fault element required to commit mischief.

(b) *A* throws a stone at *B* intending to hurt *B* (but not intending, knowing or having reason to believe that anyone else would be hurt), but the stone hurts *P*, a police officer in discharge of his duty. *A* commits an offence of voluntarily causing hurt against *P*. *A* does not commit an offence of voluntarily causing hurt to *P* in the discharge of *P*'s duty as a public servant because *A* did not possess the fault element required to commit this offence.

(c) *A* throws a stone at *B* intending to hurt *B* (but not intending or not knowing that *A* is likely to cause grievous hurt), but the stone causes grievous hurt to *C*. *A* commits an offence against *C* of voluntarily causing hurt where grievous hurt is caused under section 323A. *A* does not commit an offence of voluntarily causing grievous hurt against *C* because *A* did not possess the fault element required to commit this offence.

[15/2019]

(5) Where the circumstances mentioned in subsection (2)(a) and (b) exist, the accused person may rely on any defence or exception in law as though the act or effect mentioned in subsection (2)(a) concerned the person or thing the accused person believed or intended that act or effect to concern.

*Illustration*

*A* throws a stone at *B* in exercise of *A*'s right of private defence against *B*, but the stone hurts *C*. *A* may rely on the defence of private defence against *B* if *A* is charged for voluntarily causing hurt to *C*.

[15/2019]

**“Strict liability”**

**26H.**—(1) An offence of strict liability under this Code or any written law is one where, for every physical element of the offence, there is no corresponding fault element.

[15/2019]

(2) Strict liability is said to apply to a particular physical element of an offence where there is no corresponding fault element for that physical element, regardless of whether or not the offence is one of strict liability.

[15/2019]

(3) To avoid doubt, an offence may be a strict liability offence even though it is not so expressly described by any written law; and strict liability may apply to a particular physical element of any offence even though it is not so expressly described in any written law.

[15/2019]

(4) It is a defence for any person charged with a strict liability offence to prove that in committing all the acts or omissions that are physical elements of the offence, he exercised reasonable care.

[15/2019]

**Property in possession of spouse, clerk or servant**

**27.** When property is in the possession of a person's spouse, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Code.

*Explanation.*—A person employed temporarily or on a particular occasion in the capacity of a clerk or servant is a clerk or servant within the meaning of this section.



**“Counterfeit”**

**28.** A person is said to “counterfeit” who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

*Explanation 1.*—It is not essential to counterfeiting that the imitation should be exact.

*Explanation 2.*—Where a person causes one thing to resemble another thing and the resemblance is such that a person might be deceived thereby, it shall be presumed until the contrary is proved that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised.

**“Document”**

**29.** The word “document” includes, in addition to a document in writing —

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any label, marking or other writing which identifies or describes anything of which it forms a part, or to which it is attached by any means whatsoever;
- (d) any disc, tape, soundtrack or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- (e) any film (including microfilm), negative, tape, disc or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (f) any paper or other material on which there are marks, impressions, figures, letters, symbols or perforations having a meaning for persons qualified to interpret them.

**“Writing”**

**29A.** The word “writing” includes any mode of representing or reproducing words, figures, drawings or symbols in a visible form.

**“Electronic record”**

**29B.** The expression “electronic record” has the same meaning as in the Electronic Transactions Act 2010.

**“Valuable security”**

**30.—(1)** The words “valuable security” denote a document or an electronic record which is, or purports to be, a document or an electronic record whereby any legal right is created, extended, transferred, restricted, extinguished, or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

[15/2019]

(2) Notwithstanding the generality of subsection (1), “valuable security” includes credit cards, charge cards, stored value cards, automated teller machine cards and such other cards which have money or money’s worth or other financial rights attached.

*Illustrations*

(a) A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a “valuable security”.

(b) An electronic bill of lading in the form of an electronic record in a secure electronic trading system is a “valuable security”.

[15/2019]

**“A will”**

**31.** The words “a will” denote any testamentary document.

**“Die” and “instrument”**

**31A.** For the purposes of Chapters 12 and 18 —

“die” includes any plate, type, tool, chop or implement and also any part of any die, plate, type, tool, chop or implement, and

any stamp or impression thereof or any part of such stamp or impression;

“instrument” includes any document whether of a formal or an informal nature, any postage stamp or revenue stamp, any seal or die, and any disc, card, tape, microchip, soundtrack or other device on or in which information is recorded or stored by mechanical, electronic, optical or other means.

### **Words referring to acts include illegal omissions**

**32.** In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

### **“Act” and “omission”**

**33.—**(1) The word “act” denotes as well a series of acts as a single act; the word “omission” denotes as well a series of omissions as a single omission.

[15/2019]

(2) To avoid doubt, where a person does a series of acts, one or more of which caused a certain effect, that person is regarded to have caused that effect by that series of acts even if it is not known which of the acts in that series caused that effect.

#### *Illustration*

*A gives Z small doses of poison in Z’s food at different times over the course of a few days, with intent to kill Z. Z dies from poisoning, although it is not known which of those doses (individually or collectively) caused Z’s death. A has caused Z’s death by poisoning.*

[15/2019]

### **Each of several persons liable for an act done by all, in like manner as if done by him alone**

**34.** When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if the act were done by him alone.

**When such an act is criminal by reason of its being done with a criminal knowledge or intention**

**35.** Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention, is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

**Effect caused partly by act and partly by omission**

**36.** Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

*Illustration*

*A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.*

**Cooperation by doing one of several acts constituting an offence**

**37.** When an offence is committed by means of several acts, whoever intentionally cooperates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

*Illustrations*

(a) *A and B agree to murder Z, by severally, and at different times, giving him small doses of poison. A and B administer the poison, according to the agreement, with intent to murder Z. Z dies from the effects of the several doses of poison so administered to him. Here A and B intentionally cooperate in the commission of murder, and as each of them does an act by which the death is caused, they are both guilty of the offence, though their acts are separate.*

(b) *A and B are joint jailors, and as such have the charge of Z, a prisoner, alternately for 6 hours at a time. A and B, intending to cause Z's death, knowingly cooperate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.*

(c) *A*, a jailor, has the charge of *Z*, a prisoner. *A*, intending to cause *Z*'s death, illegally omits to supply *Z* with food; in consequence of which *Z* is much reduced in strength, but the starvation is not sufficient to cause his death. *A* is dismissed from his office, and *B* succeeds him. *B*, without collusion or cooperation with *A*, illegally omits to supply *Z* with food, knowing that he is likely thereby to cause *Z*'s death. *Z* dies of hunger. *B* is guilty of murder; but as *A* did not cooperate with *B*, *A* is guilty only of an attempt to commit murder.

### **Several persons engaged in the commission of a criminal act may be guilty of different offences**

**38.** Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

#### *Illustration*

*A* attacks *Z* under such circumstances of grave provocation that his killing of *Z* would be only culpable homicide not amounting to murder. *B*, having ill will towards *Z*, and intending to kill him, and not having been subject to the provocation, assists *A* in killing *Z*. Here, though *A* and *B* are both engaged in causing *Z*'s death, *B* is guilty of murder, and *A* is guilty only of culpable homicide.

**39.** [*Repealed by Act 15 of 2019*]

### **“Offence”**

**40.—(1)** Except in the Chapters and sections mentioned in subsections (2) and (3), “offence” denotes a thing made punishable by this Code.

(2) In Chapters 4, 4A, 5 and 5A, and in sections 4, 187, 194, 195, 203, 204B, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388 and 389, “offence” denotes a thing punishable under this Code or under any other written law for the time being in force.

[15/2019; 2/2020]

(3) In sections 141, 176, 177, 201, 202, 212, 216 and 441, “offence” has the same meaning when the thing punishable under any other law for the time being in force is punishable under such law with imprisonment for a term of 6 months or upwards, whether with or without fine.

**Offence with specified term of imprisonment**

**41.** An offence described in this Code or in any written law for the time being in force as being punishable with imprisonment for a specified term or upwards includes an offence for which the specified term is the maximum term of imprisonment.

**“Obscene”**

**42.** The word “obscene”, in relation to any thing or matter, means any thing or matter the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

**“Illegal”, “unlawful” and “legally bound to do”**

**43.** The word “illegal” or “unlawful” is applicable to every thing which is an offence, or which is prohibited by law, or which furnishes ground for a civil action: and a person is said to be “legally bound to do” whatever it is illegal or unlawful in him to omit.

**“Injury”**

**44.** The word “injury” denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

**“Bodily injury”**

**44A.** The words “bodily injury” denote as well a series of bodily injuries as a single bodily injury.

[15/2019]

**“Life”**

**45.** The word “life” denotes the life of a human being, unless the contrary appears from the context.

**“Death”**

**46.** The word “death” denotes the death of a human being, unless the contrary appears from the context.

**“Animal”**

47. The word “animal” denotes any living creature, other than a human being.

**“Vessel”**

48. The word “vessel” denotes anything made for the conveyance by water of human beings, or of property.

**“Year” and “month”**

49. Wherever the word “year” or “month” is used, it is to be understood that the year or the month is to be reckoned according to the Gregorian calendar.

**“Section”**

50. The word “section” denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

**“Oath”**

51. The word “oath” includes a solemn affirmation substituted by law for an oath, and any declaration required or authorised by law to be made before a public servant, or to be used for the purpose of proof, whether in a court of justice or not.

52. *[Repealed by Act 15 of 2019]*

## CHAPTER 3 PUNISHMENTS

**Punishments**

53. The punishments to which offenders are liable under the provisions of this Code are —

- (a) death;
- (b) imprisonment;
- (c) forfeiture of property;
- (d) fine;

(e) caning.

*Explanation.*—Caning shall be with a rattan.

### **Imprisonment for life**

54. “Imprisonment for life”, in relation to any prescribed punishment under this Code or any other written law, means imprisonment for the duration of a person’s natural life.

*[There are no sections 55 and 56.]*

57. *[Repealed by Act 51 of 2007]*

*[There are no sections 58 to 70.]*

71. *[Repealed by Act 15 of 2010]*

### **Punishment of a person found guilty of one of several offences, the judgment stating that it is doubtful of which**

72. In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided, if the same punishment is not provided for all.

### **Enhanced penalties for offences against domestic workers**

73.—(1) Where an employer of a domestic worker, a member of the employer’s household or an employment agent of a domestic worker is convicted of an offence under this Code (other than an excluded offence) that is committed against that domestic worker, the court may sentence the person convicted to twice the maximum punishment that the court could, but for this section, impose for that offence.

*[15/2019]*

(2) This section does not apply where the offender (*A*) proves that, despite *A* being an employer of the domestic worker (*B*), a member of *B*’s employer’s household or an employment agent of *B*, the relationship between *A* and *B* did not adversely affect *B*’s ability to protect herself from *A* in respect of the harm caused by the offence.

*[15/2019]*



(3) Despite anything to the contrary in the Criminal Procedure Code 2010 —

(a) a Magistrate’s Court has jurisdiction to try the offences in subsection (1), where no imprisonment is prescribed or where twice the maximum term of imprisonment prescribed for the offence does not exceed 5 years, and has power to impose the full punishment provided under that subsection in respect of those offences; and

(b) a District Court has jurisdiction to try the offences in subsection (1) and has power to impose the full punishment provided under that subsection in respect of those offences.

[15/2019]

(4) In this section —

“domestic worker” means any female house servant employed in, or in connection with, the domestic services of her employer’s private dwelling house and who is required to reside in her employer’s private dwelling house;

“dwelling house” means a place of residence and includes a building or tenement wholly or principally used, constructed or adapted for use for human habitation;

“employer”, in relation to a domestic worker, includes a person who has the same fundamental qualities as an employer of the domestic worker and whose orders the domestic worker has reasonable grounds for believing she is expected to obey;

“employment agency personnel” has the meaning given by section 2 of the Employment Agencies Act 1958;

“employment agent”, in relation to a domestic worker, means an employment agency personnel or a person who performs work similar to an employment agency personnel, and whose orders the domestic worker has reasonable grounds for believing she is expected to obey;

“excluded offence” means an offence —

(a) under section 304B or 335A; or

(b) under this Code which is punishable with death or imprisonment for life;

“member of the employer’s household”, in relation to a domestic worker, means a person residing in the private dwelling house of the domestic worker’s employer at the time the offence was committed, and whose orders the domestic worker has reasonable grounds for believing she is expected to obey.

[15/2019]

### **Enhanced penalties for racially or religiously aggravated offences**

74.—(1) Where a person is convicted of an offence specified in subsection (2) which is racially or religiously aggravated, the court may sentence the person to one and a half times the amount of punishment to which he would otherwise have been liable for that offence.

(2) The offence referred to in subsection (1) is as follows:

(a) an offence under section 143, 144, 145, 147, 148, 151, 153, 158, 267B, 267C, 323, 324, 325, 341, 342, 346, 352, 354, 355, 357, 363A, 376ED, 376EE, 377BA, 377BB, 377BC, 377BD, 377BE, 377BF, 504, 505, 506 or 507; or

(b) an offence of attempting to commit, abetting the commission of, or being a party to a criminal conspiracy to commit, any offence under paragraph (a).

[15/2019]

(3) Despite anything to the contrary in the Criminal Procedure Code 2010 —

(a) a Magistrate’s Court shall have jurisdiction to hear and determine all proceedings for the offences punishable under sections 143, 151, 153, 323, 346, 354(1), 355, 504, 505 and 507 and shall have power to award the full punishment provided under subsection (1) in respect of those offences; and

(b) a District Court shall have jurisdiction to hear and determine all proceedings for the offences punishable

under sections 144, 145, 147, 148, 158, 267C, 324, 325, 354(2), 363A and 506 and shall have power to award the full punishment provided under subsection (1) in respect of those offences.

[15/2019]

(4) For the purposes of this section, an offence is racially or religiously aggravated if —

- (a) at the time of committing the offence, or immediately before or after committing such offence, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or
- (b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.

(5) It is immaterial for the purposes of paragraph (a) or (b) of subsection (4) whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.

(6) In this section —

“membership”, in relation to a racial or religious group, includes association with members of that group;

“presumed” means presumed by the offender.

### **Enhanced penalties for offences against vulnerable persons**

**74A.**—(1) This section applies where a person is convicted on or after 19 December 2018 of an offence specified in subsection (3) (called in this section the offender) against a vulnerable person.

[27/2018; 15/2019]

(2) The court may sentence the offender to punishment not exceeding twice the maximum punishment that the court could, but for this section, impose for the offence, if at the time of committing the offence the offender knew or ought reasonably to have known that the victim was a vulnerable person.

[27/2018; 15/2019]

(2A) This section does not apply where the offender proves that despite being a vulnerable person the victim was capable of protecting himself from the offender in respect of the harm caused by the offence in the same manner as an ordinary person who is not a vulnerable person.

[15/2019]

(3) The offence to which this section applies is any offence under this Code which may be committed against a vulnerable person except an offence —

(a) under section 304B, 304C, 335A or 376F; or

(b) punishable with death or imprisonment for life.

[15/2019]

(4) Despite anything to the contrary in the Criminal Procedure Code 2010 —

(a) a Magistrate's Court has jurisdiction to try the offences specified in subsection (3), where no imprisonment is prescribed or where twice the maximum term of imprisonment prescribed for the offence does not exceed 5 years, and has power to impose the full punishment provided under subsection (2) in respect of those offences; and

(b) a District Court has jurisdiction to try the offences specified in subsection (3) and has power to impose the full punishment provided under subsection (2) in respect of those offences.

[15/2019]

(5) In this section —

“abuse” has the meaning given by section 2(1) of the Vulnerable Adults Act 2018;

“self-neglect” has the meaning given by section 2(1) of the Vulnerable Adults Act 2018;

“vulnerable person” means an individual who is, by reason of mental or physical infirmity, disability or incapacity,

substantially unable to protect himself from abuse, neglect or self-neglect.

[15/2019]

### **Enhanced penalties for offences against person below 14 years of age**

**74B.**—(1) Subsection (2) applies to any offence under this Code which may be committed against a person below 14 years of age except where —

- (a) it is expressly provided that an enhanced or mandatory minimum sentence will apply to the offence when it is committed against a person below 14 years of age;
- (b) the offence is under section 304B, 304C, 377BG, 377BH, 377BI, 377BJ or 377BK; or
- (c) the offence is punishable with death or imprisonment for life.

[15/2019]

(2) Where any person commits an offence under this Code against a person below 14 years of age, the court may sentence the person convicted of the offence to punishment not exceeding twice the maximum punishment that the court could, but for this section, impose for the offence if at the time of committing the offence the offender knew or ought reasonably to have known that the victim was a person below 14 years of age.

[15/2019]

(3) This section does not apply where the offender proves that the victim despite being a person below 14 years of age, was capable of protecting himself from the offender in respect of the harm caused by the offence in the same manner as a person of or above 14 years of age.

[15/2019]

(4) Despite anything to the contrary in the Criminal Procedure Code 2010 —

- (a) a Magistrate's Court has jurisdiction to try the offences to which subsection (2) applies, where no imprisonment is prescribed or where twice the maximum term of

imprisonment prescribed for the offence does not exceed 5 years, and has power to impose the full punishment provided under subsection (2) in respect of those offences; and

- (b) a District Court has jurisdiction to try the offences to which subsection (2) applies and has power to impose the full punishment provided under subsection (2) in respect of those offences.

[15/2019]

### **Enhanced penalties for offences against victims in intimate relationships**

**74C.**—(1) Subsection (2) applies where an offender (*A*) is convicted of any offence under Chapter 16 (except an offence punishable with death or imprisonment for life) committed against a person (*B*) who was or is in an intimate relationship with *A*.

[15/2019]

(2) When the offender (*A*) commits an offence against *B*, the court may sentence the person convicted of the offence to punishment not exceeding twice the maximum punishment that the court could, but for this section, impose for the offence if at the time of committing the offence *A* knew or ought reasonably to have known that *B* was or is in an intimate relationship with *A*.

[15/2019]

(3) This section does not apply where the offender (*A*) proves that, despite *A* having been or being in an intimate relationship with *B*, the relationship between *A* and *B* did not adversely affect *B*'s ability to protect *B* from *A* in respect of the harm caused by the offence.

[15/2019]

(4) Despite anything to the contrary in the Criminal Procedure Code 2010 —

- (a) a Magistrate's Court has jurisdiction to try the offences to which subsection (2) applies, where no imprisonment is prescribed or where twice the maximum term of imprisonment prescribed for the offence does not exceed 5 years, and has power to impose the full punishment

provided under subsection (2) in respect of those offences;  
and

- (b) a District Court has jurisdiction to try the offences to which subsection (2) applies and has power to impose the full punishment provided under subsection (2) in respect of those offences.

[15/2019]

(5) For the purpose of this section, the court may determine whether the offender (*A*) was or is in an intimate relationship with the victim (*B*) having regard to all the circumstances of the case, including the following:

- (a) whether *A* and *B* are living in the same household, although it is not necessary that they live in the same household;
- (b) whether *A* and *B* share the tasks and duties of their daily lives;
- (c) whether *A* and *B* have made arrangements to share expenses or financial support and the degree of financial dependence or interdependence between *A* and *B*;
- (d) whether there is a sexual relationship between *A* and *B*, although it is not necessary that there be a sexual relationship between them;
- (e) whether *A* and *B* share the care and support of a specific person below 21 years of age;
- (f) whether *A* and *B* conduct themselves toward their friends, relatives or other persons as parties to an intimate relationship, and whether *A* and *B* are so treated by their friends, relatives or other persons.

[15/2019]

### **Enhanced penalties for offences against victims in close relationships**

**74D.**—(1) Subsection (2) applies where an offender (*A*) is convicted of any offence under Chapter 16 (except an offence punishable with death or imprisonment for life) committed against a person (*B*) who was or is in a close relationship with *A*.

[15/2019]

(2) When the offender (*A*) commits an offence against *B*, the court may sentence the person convicted of the offence to punishment not exceeding twice the maximum punishment that the court could, but for this section, impose for the offence if at the time of committing the offence *A* knew or ought reasonably to have known that *B* was or is in a close relationship with *A*.

[15/2019]

(3) This section does not apply where the offender (*A*) proves that, despite *A* having been or being in a close relationship with *B*, the relationship between *A* and *B* did not adversely affect *B*'s ability to protect *B* from *A* in respect of the harm caused by the offence.

[15/2019]

(4) Despite anything to the contrary in the Criminal Procedure Code 2010 —

(a) a Magistrate's Court has jurisdiction to try the offences to which subsection (2) applies, where no imprisonment is prescribed or where twice the maximum term of imprisonment prescribed for the offence does not exceed 5 years, and has power to impose the full punishment provided under subsection (2) in respect of those offences; and

(b) a District Court has jurisdiction to try the offences to which subsection (2) applies and has power to impose the full punishment provided under subsection (2) in respect of those offences.

[15/2019]

(5) In this section, the offender (*A*) was or is in a close relationship with the victim (*B*) where —

(a) *A* is a member of the same household as *B*; and

(b) *A* and *B* had frequent contact with each other.

[15/2019]

(6) For the purposes of subsection (5), *A* and *B* are to be treated as members of the same household if —

(a) they live in the same household; or



- (b) they do not live in the same household, but *A* or *B* visits the household to which the other belongs so often and for such periods of time that it is reasonable to regard *A* and *B* as being members of the same household.

[15/2019]

### **Application of enhanced penalties**

**74E.**—(1) Where 2 or more of the sections from amongst sections 73 to 74D are applicable to enhance the punishment for an offence from that which the offender would otherwise have been liable for —

- (a) the punishment for the same offence shall not be enhanced by the application of more than one of those sections; and
- (b) the court may determine which section should apply to enhance the punishment.

[15/2019]

(2) Where any punishment prescribed for an offence is —

- (a) a specified minimum sentence or a mandatory minimum sentence of imprisonment or caning, section 73, 74, 74A, 74B, 74C or 74D does not apply to enhance such punishment; and
- (b) a sentence of caning, section 73, 74, 74A, 74B, 74C or 74D does not apply to enhance the maximum number of strokes of the cane that may be imposed.

[15/2019]

**75.** [Repealed by Act 15 of 2019]

## CHAPTER 4

### GENERAL EXCEPTIONS

#### **Act done by person bound, or justified by law**

**76.** Nothing is an offence which is done by a person who is bound by law to do it or justified by law in doing it.

*Illustrations*

(a) *A*, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. *A* has committed no offence.

(b) *A* sees *Z* repeatedly stabbing *Y* with a knife on a public road. *Y* dies. *A*, in the exercise of the power which the law gives to all persons apprehending murderers in the act, forcefully seizes *Z*, in order to detain *Z* so that *Z* can be arrested by the police officers when they arrive. *A* has committed no offence.

[15/2019]

**Act of judge when acting judicially**

77. Nothing is an offence which is done by a judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

**Act done pursuant to the judgment or order of a court of justice**

78. Nothing which is done in pursuance of, or which is warranted by, the judgment or order of a court of justice, if done while the judgment or order remains in force, is an offence, notwithstanding the court may have had no jurisdiction to pass the judgment or order, provided the person doing the act in good faith believes that the court had such jurisdiction.

**Act done by person by mistake of fact believing himself bound or justified by law**

79.—(1) Unless otherwise provided by written law, nothing is an offence which is done by any person who by reason of a mistake of fact or in ignorance of a fact in good faith believes himself to be bound by law to do it or justified by law in doing it.

[15/2019]

(2) Despite subsection (1), when a mistake of fact or ignorance of a fact negates the fault element required to establish liability under an offence, then to avoid doubt, that offence is not made out.

*Explanation.*—Where the physical and fault elements of an offence are proven, and the accused person proves the defence under subsection (1), the accused person is not guilty of that offence.

*Illustrations*

(a) *A* sees *Z* commit what appears to *A* to be a murder. *A*, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the act, seizes *Z*, in order to bring *Z* before the proper authorities. *A* has committed no offence, though it may turn out that *Z* was acting in self-defence.

(b) *A*, a police officer, is deployed to perform the duty of screening passengers boarding a flight at the airport. *A* sees *Z*, a passenger queuing up to be screened, acting suspiciously. As *A* approaches *Z*, *Z* suddenly shouts aloud that he is carrying a bomb and warns *A* not to approach further. As *A* draws his revolver, *Z* suddenly starts to run away. *A*, after assessing the circumstances of the case, and to the best of his judgment exerted in good faith, believes that *Z* has a bomb and will set it off. *A* shoots *Z* and *Z* dies as a result. *A* has committed no offence, even though it may turn out that *Z* was not carrying a bomb.

(c) *A*, a police officer, is deployed to perform patrol duty at an underground train station. *A* receives information from police headquarters that someone is attempting to plant a bomb in the public transport system. The profile of the suspect is also provided. While patrolling the underground train station, *A* sees *Z*, who fits the profile. *Z* is seen carrying a backpack and behaving suspiciously. *A* approaches *Z* and orders him to stop. *Z* suddenly starts running towards a crowd in the station. *A*, after assessing the circumstances of the case, and to the best of his judgment exerted in good faith, believes that *Z* has a bomb and will set it off. *A* shoots *Z* and *Z* dies as a result. *A* has committed no offence, even though it may turn out that *Z* was not carrying a bomb.

(d) *X*, the commander of a naval vessel, is patrolling Singapore territorial waters. *X* receives information that someone may hijack a vessel in order to commit a terrorist act. *X* spots vessel *A* which is proceeding at high speed towards a cruise liner. *X* orders vessel *A* to stop her manoeuvre immediately and fires a warning signal. Vessel *A* instead starts accelerating towards the cruise liner. *X*, after assessing the circumstances of the case, and to the best of his judgment exerted in good faith, believes that vessel *A* is going to ram into the cruise liner. *X* gives an order to fire at vessel *A*. The persons on board vessel *A* die as a result. *X* has committed no offence, even though it may turn out that vessel *A* was not hijacked nor were there any terrorist on board.

(e) *A*, an officer of a court, being ordered by that court to arrest *Y*, and, after due enquiry, believing *Z* to be *Y*, arrests *Z*. *A* has committed no offence.

(f) *A* sees a watch on *Z*'s desk, which is identical to one that *A* owns, and mistakenly believes the watch is actually his. *A* intentionally takes the watch out of *Z*'s possession without *Z*'s consent while labouring under such mistaken

belief. *A* has not committed an offence of theft as he did not intend to dishonestly take the watch out of *Z*'s possession.

[15/2019]

### **Mistake of law or ignorance of law not defence**

**79A.**—(1) A person's mistake of law or ignorance of the law is not a defence to a charge for an offence unless it is otherwise provided by written law.

[15/2019]

(2) Despite subsection (1), when a mistake of law negates the fault element required to establish liability under an offence, then to avoid doubt, that offence is not made out.

#### *Illustration*

*A* mistakenly believes he has in law the right to deprive *Z* of a watch. *A* intentionally takes the watch out of *Z*'s possession without *Z*'s consent while labouring under such mistaken belief. *A* has not committed an offence of theft as he did not intend to dishonestly take the watch out of *Z*'s possession.

[15/2019]

### **Accident in the doing of a lawful act**

**80.**—(1) Nothing is an offence which 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.

[15/2019]

(2) Despite subsection (1), when the facts which are relied upon to establish the defence in subsection (1) will, when proven, negate the fault element required to establish liability under an offence, then to avoid doubt, that offence is not made out.

*Explanation.*—A lawful act in this section is any act which is not an offence under this Code or any written law and which is not otherwise prohibited by law.

#### *Illustrations*

(a) *A* is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of *A*, his act is excusable and not an offence.

(b) *A* operates a construction crane and activates a control that causes a heavy load to fall onto *B*, killing *B*. *A* did not act negligently, but his activation of the control caused this result because the construction crane was malfunctioning. *A* has not committed an offence of causing death by doing a negligent act under section 304A as he did not possess the requisite fault element of negligence.

[15/2019]

### **Act likely to cause harm but done to prevent other harm**

**81.** Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done in good faith for the purpose of preventing or avoiding other harm to person or property.

*Explanation.*—It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

#### *Illustrations*

(a) *A*, the captain of a steam vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat *B*, with 20 or 30 passengers on board, unless he changes the course of his vessel, and that, by changing his course he must incur risk of running down a boat *C*, with only 2 passengers on board, which he may possibly clear. Here, if *A* alters his course without any intention to run down the boat *C*, and in good faith for the purposes of avoiding the danger to the passengers in the boat *B*, he is not guilty of an offence, though he may run down the boat *C*, by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat *C*.

(b) *A* in a great fire pulls down houses in order to prevent the conflagration from spreading. He does this with the intention, in good faith, of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse *A*'s act, *A* is not guilty of the offence.

(c) *X*, the commander of a naval vessel, is deployed in response to a threat of a terrorist attack against a ferry terminal in Singapore. *X* receives information that vessel *A*, with a crew of 6, has been hijacked by terrorists and is approaching the ferry terminal at great speed and is likely to collide into the terminal. There is insufficient time to evacuate the persons at the terminal, which is estimated to be about 100. *X* orders vessel *A* to stop her manoeuvre immediately and fires a warning signal. However, vessel *A* continues her advance towards the terminal. Here, if *X* gives an order to fire at vessel *A* to disable it, without any intention to

cause harm to the crew members of vessel *A*, and in good faith for the purpose of avoiding the danger to the persons at the terminal, he is not guilty of an offence. This is so even though he knows that he is likely to cause harm to the crew members of vessel *A*, if it be found as a matter of fact that the danger which *X* intends to avoid is such as to excuse him in incurring the risk of firing at vessel *A*.

[15/2019]

### **Act of a child below 10 years of age**

**82.** Nothing is an offence which is done by a child below 10 years of age.

[15/2019]

### **Act of a child of or above 10 and below 12 years of age, who has not sufficient maturity of understanding**

**83.** Nothing is an offence which is done by a child of or above 10 years and below 12, who has not attained sufficient maturity of understanding to judge of the nature and consequence of his conduct on that occasion.

[15/2019]

### **Act of person of unsound mind**

**84.** Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is —

- (a) incapable of knowing the nature of the act;
- (b) incapable of knowing that what he is doing is wrong (whether wrong by the ordinary standards of reasonable and honest persons or wrong as contrary to law); or
- (c) completely deprived of any power to control his actions.

#### *Illustration*

*A*, while labouring under a delusion, believes that he has received divine instructions to kill *Z* and that it is morally right for him to do so. *A* however knows that it is contrary to law to kill *Z*. *A* kills *Z*. Here, the defence of unsoundness of mind is not available to *A* as he is capable of knowing that it is contrary to law to kill *Z*.

[15/2019]

**Intoxication when a defence**

**85.**—(1) Except as provided in this section and in section 86, intoxication shall not constitute a defence to any criminal charge.

(2) Intoxication is a defence to any criminal charge if by reason of the intoxication the person charged, at the time of the act or omission complained of —

(a) did not know what he was doing; or

(b) did not know that such act or omission was wrong (whether wrong by the ordinary standards of reasonable and honest persons or wrong as contrary to law),

and the state of intoxication was caused without the knowledge or against the will of the person charged with the offence.

[15/2019]

(3) Intoxication is a defence to any criminal charge if by reason of the intoxication the person charged was of unsound mind as determined in accordance with section 84.

[15/2019]

**Effect of defence of intoxication when established**

**86.**—(1) Where the defence under section 85 is established, then the accused person must be acquitted, except that if the person was of unsound mind by reason of intoxication, section 84 of this Code and sections 251 and 252 of the Criminal Procedure Code 2010 will apply.

[15/2019]

(2) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention or had any knowledge or belief, specific or otherwise, in the absence of which he would not be guilty of the offence.

[15/2019]

(3) For the purposes of this section and section 85 “intoxication” shall be deemed to include a state produced by narcotics or drugs.

[15/2019]

**Act not intended and not known to be likely to cause death or grievous hurt, done by consent**

**87.** Nothing, which is not intended to cause death or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person above 18 years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

*Illustration*

*A* and *Z* agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if *A*, while playing fairly, hurts *Z*, *A* commits no offence.

**Act not intended to cause death done by consent in good faith for the benefit of a person**

**88.** Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

*Illustration*

*A*, a surgeon, knowing that a particular operation is likely to cause the death of *Z*, who suffers under a painful complaint, but not intending to cause *Z*'s death, and intending, in good faith, *Z*'s benefit, performs that operation on *Z*, with *Z*'s consent. *A* has committed no offence.

**Act done in good faith for the benefit of a child or person of unsound mind, by or by consent of guardian**

**89.** Nothing, which is done in good faith for the benefit of a person below 12 years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it



may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person:

Provided that this exception shall not extend to —

- (a) the intentional causing of death, or to the attempting to cause death;
- (b) the doing of anything which the person doing it knows to be likely to cause death for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;
- (c) the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;
- (d) the abetment of any offence, to the committing of which offence it would not extend.

*Illustration*

*A*, in good faith, for the benefit of his child, being below 12 years of age, without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. *A* is within the exception, inasmuch as his object was the cure of the child.

**Consent given under fear or misconception, by person of unsound mind, etc., and by child**

**90.** A consent is not such a consent as is intended by any section of this Code —

- (a) if the consent is given by a person —
  - (i) under fear of injury or wrongful restraint to the person or to some other person; or
  - (ii) under a misconception of fact,
 and the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception;

- (b) if the consent is given by a person who, from unsoundness of mind, mental incapacity, intoxication, or the influence of any drug or other substance, is unable to understand the nature and consequence of that to which he gives his consent; or
- (c) unless the contrary appears from the context, if the consent is given by a person who is below 12 years of age.

**Acts which are offences independently of harm caused to the person consenting, are not within the exceptions in sections 87, 88 and 89**

**91.** The exceptions in sections 87, 88 and 89 do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

*Illustration*

Causing miscarriage, unless it is authorised under the Termination of Pregnancy Act 1974 is an offence independently of any harm which it may cause or be intended to cause to the woman. Therefore it is not an offence “by reason of such harm”; and the consent of the woman, or of her guardian, to the causing of such miscarriage does not justify the act.

**Act done in good faith for the benefit of a person without consent**

**92.** Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person’s consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit:

Provided that this exception shall not extend to —

- (a) the intentional causing of death, or to the attempting to cause death;
- (b) the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the

preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

- (c) the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;
- (d) the abetment of any offence, to the committing of which offence it would not extend.

#### *Illustrations*

(a) *Z* is thrown from his horse, and is insensible. *A*, a surgeon, finds that *Z* requires to be trepanned. *A*, not intending *Z*'s death, but in good faith, for *Z*'s benefit, performs the trepan before *Z* recovers his power of judging for himself. *A* has committed no offence.

(b) [*Deleted by Act 51 of 2007*]

(c) *A*, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation is immediately performed. There is no time to apply to the child's guardian. *A* performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. *A* has committed no offence.

(d) *A* is in a house which is on fire, with *Z*, a child. People below hold out a blanket. *A* drops the child from the house-top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending in good faith, the child's benefit. Here, even if the child is killed by the fall, *A* has committed no offence.

*Explanation.*—Mere pecuniary benefit is not benefit within the meaning of sections 88, 89 and 92.

### **Communication made in good faith**

**93.** No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

#### *Illustration*

*A*, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. *A* has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

**Act to which a person is compelled by threats**

**94.** Except murder and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person or any other person will otherwise be the consequence:

Provided that the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

*Explanation 1.*—A person who, of his own accord, or by reason of a threat of being beaten, joins gang-robbers knowing their character, is not entitled to the benefit of this exception on the ground of his having been compelled by his associates to do anything that is an offence by law.

*Explanation 2.*—A person seized by gang-robbers, and forced by threat of instant death to do a thing which is an offence by law — for example, a smith compelled to take his tools and to force the door of a house for the gang-robbers to enter and plunder it — is entitled to the benefit of this exception.

**Act causing slight harm**

**95.** Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

## CHAPTER 4A

## RIGHT OF PRIVATE DEFENCE

*General*

[15/2019]

**Nothing done in private defence is an offence**

**96.** Nothing is an offence which is done in the exercise of the right of private defence.

**Right of private defence of the body and of property**

**97.** Every person has a right, subject to the restrictions contained in sections 98 and 106A, to defend —

- (a) his own body, and the body of any other person, against any offence affecting the human body;
- (b) the property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

[15/2019]

**Extent to which right may be exercised**

**98.—**(1) The right of private defence does not extend to the inflicting of more harm than it is reasonably necessary in the circumstances.

[15/2019]

(2) There is no right of private defence in cases in which there is reasonable opportunity to have recourse to the protection of a public authority in the circumstances.

*Illustrations*

(a) *Z* ambushes *A* in a secluded area and attempts to kill *A*. *A* kills *Z* while fending off *Z*'s attack. *A* is guilty of no offence because, in the circumstances, *A* had no reasonable opportunity to have recourse to the protection of a public authority.

(b) *Z* ambushes *A* in a secluded area and attempts to kill *A*. *A*'s right of private defence arises because, at that point of time, *A* had no reasonable opportunity to have recourse to the protection of a public authority. In the midst of the struggle between *A* and *Z*, a police patrol car arrives on the scene. *A*'s right of private defence ceases the moment *A* had reasonable opportunity to have recourse to the protection of the police.

[15/2019]

**Right of private defence against act of person of unsound mind, etc.**

**99.** When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind, or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

*Illustrations*

(a) *Z*, under the influence of madness, attempts to kill *A*. *Z* is guilty of no offence. But *A* has the same right of private defence which he would have if *Z* were sane.

(b) *A* enters, by night, a house which he is legally entitled to enter. *Z*, in good faith, taking *A* for a housebreaker, attacks *A*. Here *Z*, by attacking *A* under this misconception, commits no offence. But *A* has the same right of private defence against *Z*, which he would have if *Z* were not acting under that misconception.

[15/2019]

**Right of private defence against deadly assault when there is risk of harm to innocent person**

**100.** If, in the exercise of the right of private defence against an assault which causes the defender to reasonably believe that death would be caused to him or to any other person and the defender is so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

*Illustration*

*A* is attacked by a mob who attempt to murder him. *A* cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. *A* commits no offence if by so firing he harms any of the children.

[15/2019]

*Right of private defence of body***Start and continuance of right of private defence of body**

**101.**—(1) The right of private defence of the body starts as soon as the defender reasonably believes that there is danger to the body (either his own or that of any other person) arising from any act which is an offence against the human body or an attempt or a threat to commit the offence, though the offence may not have been committed.

[15/2019]

(2) The right of private defence continues as long as the belief of danger mentioned in subsection (1) continues.

[15/2019]

**When right of private defence of body extends to causing death**

**102.** The right of private defence of the body extends, under the restrictions mentioned in sections 98 and 106A, to the voluntary causing of death to the assailant, if the offence which gives rise to the exercise of the right is of any of the following descriptions:

- (a) an assault where the defender reasonably believes that death will otherwise be the consequence of such assault;
- (b) an assault where the defender reasonably believes that grievous hurt will otherwise be the consequence of such assault;
- (c) an assault that the defender reasonably believes to be done with the intention of committing rape as described in section 375 or causing such rape to be committed;
- (d) an assault that the defender reasonably believes to be done with the intention of causing penile penetration of the vagina, anus or mouth as described in section 376(1) or (2);
- (e) an assault that the defender reasonably believes to be done with the intention of kidnapping or abducting;
- (f) an assault that the defender reasonably believes to be done with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to believe

that he will be unable to have opportunity for recourse to a public authority for his release.

[15/2019]

### **When such right extends to causing any harm other than death**

**103.** If the offence is not of any of the descriptions mentioned in section 102, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in sections 98 and 106A, to the voluntary causing to the assailant of any harm other than death.

[15/2019]

### *Right of private defence of property*

### **Commencement and continuance of right of private defence of property**

**104.—(1)** The right of private defence of property starts when the defender reasonably believes that there was a danger to property (either his own or that of any other person) arising from any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit such an offence.

[15/2019]

(2) The right of private defence of property against theft continues till —

- (a) the offender has effected his retreat with the property;
- (b) the assistance of a public authority is obtained; or
- (c) the property has been recovered.

[15/2019]

(3) The right of private defence of property against robbery continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint, or as long as the fear of instant death or of instant hurt or of instant personal restraint continues.

[15/2019]

(4) The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief.

[15/2019]



(5) The right of private defence of property against house-breaking continues as long as such house-breaking continues.

[15/2019]

### **When right of private defence of property extends to causing death**

**105.**—(1) The right of private defence of property extends, under the restrictions mentioned in sections 98 and 106A, to the voluntary causing of death to the wrongdoer when the defender reasonably believes that there was a danger to property (either his own or that of any other person) arising from any of the following descriptions:

- (a) robbery;
- (b) house-breaking committed after 7 p.m. and before 7 a.m. and if the wrongdoer —
  - (i) effects his entrance into the house or any part of it in any of the 6 ways described in subsection (2); or
  - (ii) being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, the wrongdoer leaves the house or any part of it in any of these 6 ways;
- (c) mischief by fire committed on any building, tent, container or vessel, which building, tent, container or vessel is used as a human dwelling, or as a place for the custody of property;
- (d) theft, mischief or house-breaking, under such circumstances where the defender reasonably believes that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

[15/2019]

(2) For the purposes of subsection (1)(b), the 6 ways of entry or leaving by a wrongdoer are as follows:

- (a) if the wrongdoer enters or leaves through a passage made by the wrongdoer, or by any abettor of the house-breaking in order to commit the house-breaking;

- (b) if the wrongdoer enters or leaves through any passage not intended by any person, other than the wrongdoer or an abettor of the offence, for human entrance, or through any passage to which the wrongdoer has obtained access by scaling or climbing over any wall or building;
- (c) if the wrongdoer enters or leaves through any passage which the wrongdoer or any abettor of the house-breaking has opened, in order to commit the house-breaking, by any means by which that passage was not intended by the occupier of the house to be opened;
- (d) if the wrongdoer enters or leaves by opening any lock in order to commit the house-breaking, or in order to leave from the house after a house-breaking;
- (e) if the wrongdoer effects his entry or leaving by using criminal force or committing an assault, or by threatening any person with assault;
- (f) if the wrongdoer enters or leaves by any passage which he knows to have been fastened against such entry or leaving, and to have been unfastened by himself or by an abettor of the house-breaking.

[15/2019]

### **When such right extends to causing any harm other than death**

**106.** If the offence, the committing or the attempt to commit of which occasions the exercise of the right of private defence, is theft, mischief, or criminal trespass, not of any of the descriptions mentioned in section 105, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in sections 98 and 106A, to the voluntary causing to the wrongdoer of any harm other than death.

[15/2019]

### *No right of private defence*

### **Acts against which there is no right of private defence**

**106A.—(1)** There is no right of private defence against an act which does not cause the defender to reasonably believe that death or

grievous hurt would result, if done, or attempted to be done, by a public servant acting in good faith under the actual or apparent authority of his office, though that act may not be strictly justifiable by law.

[15/2019]

(2) There is no right of private defence against an act which does not cause the defender to reasonably believe that death or grievous hurt would result, if done, or attempted to be done, by the direction of a public servant acting in good faith under the actual or apparent authority of the public servant's office, though that direction may not be strictly justifiable by law.

*Explanation 1.*—A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows, or has reason to believe, that the person doing the act is such public servant.

*Explanation 2.*—A person (*A*) is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless *A* knows, or has reason to believe, that the person doing the act (*B*) is acting by such direction; or unless *B* states the authority under which *B* acts, or, if *B* has authority in writing, unless *B* produces such authority, if demanded.

[15/2019]

## CHAPTER 5

### ABETMENT

#### **Abetment of the doing of a thing**

**107.**—(1) A person abets the doing of a thing who —

- (a) instigates any person to do that thing;
- (b) engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
- (c) intentionally aids, by any act or illegal omission, the doing of that thing.

[15/2019]

(2) A person may abet the doing of a thing despite the existence of facts of which he is unaware which make the doing of the thing impossible.

*Explanation 1.*—A person who, by intentional misrepresentation, or by intentional concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

*Illustration*

*A*, a public officer, is authorised by a warrant from a court of justice to apprehend *Z*. *B*, knowing that fact and also that *C* is not *Z*, intentionally represents to *A* that *C* is *Z*, and thereby intentionally causes *A* to apprehend *C*. Here *B* abets by instigation the apprehension of *C*.

*Explanation 2.*—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

[15/2019]

## **Abettor**

**108.** A person abets an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

*Explanation 1.*—The abetment of the illegal omission of an act may amount to an offence, although the abettor may not himself be bound to do that act.

*Explanation 2.*—To constitute the offence of abetment, it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

*Illustrations*

(a) *A* instigates *B* to murder *C*. *B* refuses to do so. *A* is guilty of abetting *B* to commit murder.

(b) *A* instigates *B* to murder *D*. *B*, in pursuance of the instigation, stabs *D*. *D* recovers from the wound. *A* is guilty of instigating *B* to commit murder.

*Explanation 3.*—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

*Illustrations*

(a) *A*, with a guilty intention, abets a child or a person of unsound mind to commit an act which would be an offence if committed by a person capable by law of committing an offence, and having the same intention as *A*. Here *A*, whether the act is committed or not, is guilty of abetting an offence.

(b) *A*, with the intention of murdering *Z*, instigates *B*, a child below 7 years of age, to do an act which causes *Z*'s death. *B*, in consequence of the abetment, does the act, and thereby causes *Z*'s death. Here, though *B* was not capable by law of committing an offence, *A* is liable to be punished in the same manner as if *B* had been capable by law of committing an offence and had committed murder, and he is therefore subject to the punishment of death.

(c) *A* instigates *B* to set fire to a dwelling house. *B*, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of *A*'s instigation. *B* has committed no offence, but *A* is guilty of abetting the offence of setting fire to a dwelling house, and is liable to the punishment provided for that offence.

(d) *A*, intending to cause a theft to be committed, instigates *B* to take property belonging to *Z* out of *Z*'s possession. *A* induces *B* to believe that the property belongs to *A*. *B* takes the property out of *Z*'s possession, in good faith believing it to be *A*'s property. *B*, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But *A* is guilty of abetting theft, and is liable to the same punishment as if *B* had committed theft.

*Explanation 4.*—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

*Illustration*

*A* instigates *B* to instigate *C* to murder *Z*. *B* accordingly instigates *C* to murder *Z*, and *C* commits that offence in consequence of *B*'s instigation. *B* is liable to be punished for his offence with the punishment for murder; and as *A* instigated *B* to commit the offence *A* is also liable to the same punishment.

*Explanation 5.*—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.

*Illustration*

*A* concerts with *B* a plan for poisoning *Z*. It is agreed that *A* shall administer the poison. *B* then explains the plan to *C*, mentioning that a third person is to administer the poison, but without mentioning *A*'s name. *C* agrees to procure the poison, and procures and delivers it to *B* for the purpose of its being used in the

manner explained. *A* administers the poison; *Z* dies in consequence. Here, though *A* and *C* have not conspired together, yet *C* has been engaged in the conspiracy in pursuance of which *Z* has been murdered. *C* has therefore committed the offence defined in this section, and is liable to the punishment for murder.

### **Abetment in Singapore of an offence outside Singapore**

**108A.** A person abets an offence within the meaning of this Code who, in Singapore, abets the commission of any act without and beyond Singapore which would constitute an offence if committed in Singapore.

#### *Illustration*

*A*, in Singapore, instigates *B*, a foreigner in Java, to commit murder in Java. *A* is guilty of abetting murder.

### **Abetment outside Singapore of an offence in Singapore**

**108B.** A person abets an offence within the meaning of this Code who abets an offence committed in Singapore notwithstanding that any or all of the acts constituting the abetment were done outside Singapore.

### **Punishment of abetment if the act abetted is committed in consequence, and where no express provision is made for its punishment**

**109.** Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.

*Explanation.*—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

#### *Illustrations*

(a) *A* offers a bribe to *B*, a public servant, as a reward for showing *A* some favour in the exercise of *B*'s official functions. *B* accepts the bribe. *A* has abetted the offence defined in section 161.

(b) *A* instigates *B* to give false evidence. *B*, in consequence of the instigation, commits that offence. *A* is guilty of abetting that offence, and is liable to the same punishment as *B*.

(c) *A* and *B* conspire to poison *Z*. *A*, in pursuance of the conspiracy, procures the poison and delivers it to *B*, in order that he may administer it to *Z*. *B*, in pursuance of the conspiracy, administers the poison to *Z*, in *A*'s absence and thereby causes *Z*'s death. Here *B* is guilty of murder. *A* is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

### **Punishment of abetment if the person abetted does the act with a different intention from that of the abettor**

**110.** Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

### **Liability of abettor when one act is abetted and a different act is done**

**111.** When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner, and to the same extent, as if he had directly abetted it:

Provided the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

#### *Illustrations*

(a) *A* instigates a child to put poison into the food of *Z*, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of *Y*, which is by the side of that of *Z*. Here, if the child was acting under the influence of *A*'s instigation, and the act done was under the circumstances a probable consequence of the abetment, *A* is liable in the same manner, and to the same extent, as if he had instigated the child to put the poison into the food of *Y*.

(b) *A* instigates *B* to burn *Z*'s house. *B* sets fire to the house, and at the same time commits theft of property there. *A*, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

(c) *A* instigates *B* and *C* to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. *B* and *C* break into the house, and being resisted by *Z*, one of the inmates, murder *Z*. Here, if that murder was the probable consequence of the abetment, *A* is liable to the punishment provided for murder.

### **Abettor, when liable to cumulative punishment for act abetted and for act done**

**112.** If the act for which the abettor is liable under section 111 is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

#### *Illustration*

*A* instigates *B* to resist by force a distress made by a public servant. *B*, in consequence, resists that distress. In offering the resistance, *B* voluntarily caused grievous hurt to the officer executing the distress. As *B* has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, *B* is liable to punishment for both these offences; and if *A* knew that *B* was likely voluntarily to cause grievous hurt in resisting the distress, *A* will also be liable to punishment for each of the offences.

### **Liability of abettor for an offence caused by the act abetted different from that intended by the abettor**

**113.** When an act is abetted with the intention on the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner, and to the same extent, as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

#### *Illustration*

*A* instigates *B* to cause grievous hurt to *Z*. *B*, in consequence of the instigation, causes grievous hurt to *Z*. *Z* dies in consequence. Here, if *A* knew that the grievous hurt abetted was likely to cause death, *A* is liable to be punished with the punishment provided for murder.



**Abettor present when offence committed**

**114.** Whenever any person who, if absent, would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

**Abetment of an 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 for the punishment of such abetment, be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine or to caning; and if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment for a term which 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, he would have been subject to the punishment of death. Therefore, A is liable to imprisonment for a term which may extend to 15 years, and also to fine or to caning; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to 20 years, and to fine or to caning.*

[15/2019]

**Abetment of offence punishable with imprisonment**

**116.—(1)** Whoever abets an offence punishable with imprisonment shall, if that offence is not committed in consequence of the abetment, and no express provision is made by this Code or any other written law for the punishment of such abetment, be punished in the same manner as if the abettor had committed the offence.

[15/2019]

(2) Despite subsection (1), where the punishment prescribed for an offence mentioned in that subsection is fixed by law, or is a specified

minimum sentence or a mandatory minimum sentence of imprisonment or fine or caning, the court sentencing the person who abetted the offence —

- (a) shall not be bound to impose the fixed, specified minimum or mandatory minimum sentence; and
- (b) may sentence the abettor to such sentence or combination of sentences as the court thinks fit but not exceeding the maximum punishment prescribed for that offence.

[15/2019]

(3) To avoid doubt, nothing in subsection (2)(b) empowers a court to impose a type of punishment that is not prescribed for an offence mentioned in subsection (1) or otherwise provided by any written law for that offence.

#### *Illustrations*

(a) *A* offers a bribe to *B*, a public servant, as a reward for showing *A* some favour in the exercise of *B*'s official functions. *B* refuses to accept the bribe. *A* is punishable under this section for abetting the offence in section 161.

(b) *A* instigates *B* to give false evidence. Here, if *B* does not give false evidence, *A* has nevertheless committed the offence defined in this section, and is punishable accordingly.

(c) *A*, a police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery is not committed, *A* is liable to the maximum term of imprisonment provided for that offence.

(d) *B* abets the commission of a robbery by *A*, a police officer, whose duty it is to prevent that offence. Here, though the robbery is not committed, *B* is liable to the same punishment as if he had committed the offence of robbery.

[15/2019]

### **Abetting the commission of an offence by the public or by more than 10 persons**

**117.** Whoever abets the commission of an offence by the public generally, or by any number or class of persons exceeding 10, shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

*Illustration*

*A*, an employee at a worksite, affixes a placard at the worksite where more than 10 persons are employed. *A* instigates the workers to damage property at the worksite if their demand for a pay rise is not met. *A* has committed an offence under this section.

**Concealing a design to commit an offence punishable with death or imprisonment for life**

**118.** Whoever, intending to facilitate, or knowing it to be likely that he will thereby facilitate, the commission of an offence punishable with death or imprisonment for life, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if that offence is committed, be punished with imprisonment for a term which may extend to 7 years, or, if the offence is not committed, with imprisonment for a term which may extend to 3 years: and, in either case, shall also be liable to fine.

*Illustration*

*A*, knowing that a gang-robbery is about to be committed at *B*, falsely informs the police that a gang-robbery is about to be committed at *C*, a place in an opposite direction, and thereby misleads the police with intent to facilitate the commission of the offence. The gang-robbery is committed at *B* in pursuance of the design. *A* is punishable under this section.

**A public servant concealing a design to commit an offence which it is his duty to prevent**

**119.** Whoever, being a public servant, intending to facilitate, or knowing it to be likely that he will thereby facilitate, the commission of an offence, the commission of which it is his duty as such public servant to prevent, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if the offence is committed, be punished with imprisonment for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for that offence, or with both; or, if the offence is punishable with death or imprisonment for life, be punished with imprisonment

for a term which may extend to 15 years, and also be liable to fine; or if the offence is not committed, shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term provided for that offence, or with such fine as is provided for that offence, or with both; or, if the offence not committed is punishable with death or imprisonment for life, be punished with imprisonment for a term which may extend to 7 years, and also be liable to fine.

*Illustration*

*A*, an officer of police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that *B* designs to commit robbery, omits to give such information, with intent to facilitate the commission of that offence. Here *A* has by an illegal omission concealed the existence of *B*'s design, and is liable to punishment according to this section.

**Concealing a design to commit an offence punishable with imprisonment**

**120.** Whoever, intending to facilitate, or knowing it to be likely that he will thereby facilitate, the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if the offence is committed, be punished with imprisonment for a term which may extend to one-fourth, and if the offence is not committed, to one-eighth of the longest term provided for that offence; or with such fine as is provided for the offence, or with both.

CHAPTER 5A

CRIMINAL CONSPIRACY

**Definition of criminal conspiracy**

**120A.—(1)** When a person agrees with another person to commit an offence or cause an offence to be committed, such an agreement is designated a criminal conspiracy.

[15/2019]

(2) A person may be a party to a criminal conspiracy despite the existence of facts of which he is unaware which make the commission of the offence impossible.

[15/2019]

(3) A person may be a party to a criminal conspiracy even though any other person who agrees to commit the offence that is the subject of the conspiracy or to cause that offence to be committed does not intend to carry out that agreement.

[15/2019]

(4) A person may be a party to a criminal conspiracy in Singapore to commit an offence outside Singapore, which would constitute an offence if committed in Singapore.

[15/2019]

(5) A person may be a party to a criminal conspiracy to commit an offence in Singapore even though all or any of the acts constituting the criminal conspiracy were done outside Singapore.

*Explanation.*—It is immaterial whether the offence is the ultimate object of such agreement, or is merely incidental to that object.

[15/2019]

### **Punishment of criminal conspiracy**

**120B.** Whoever is a party to a criminal conspiracy shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted the offence that is the subject of the conspiracy.

[15/2019]

## CHAPTER 6

### OFFENCES AGAINST THE STATE

#### **Waging or attempting to wage war or abetting the waging of war against the Government**

**121.** Whoever wages war against the Government, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or with imprisonment for life.

*Illustration*

*A joins an insurrection against the Government. A has committed the offence defined in this section.*

[15/2019]

**Offences against the President's person**

**121A.** Whoever plans the death of or hurt to or unlawful imprisonment or restraint of the President, shall be punished with imprisonment for life or for a term which may extend to 20 years and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

**Offences against authority**

**121B.** Whoever plans the unlawful deprivation or deposition of the President from the sovereignty of Singapore, or the overawing by criminal force of the Government, shall be punished with imprisonment for life or for a term which may extend to 20 years and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

**Abetting offences under section 121A or 121B**

**121C.** Whoever abets the commission of any of the offences punishable by section 121A or 121B shall be punished with the punishment provided for those offences.

**Intentional omission to give information of offences against section 121, 121A, 121B or 121C by a person bound to inform**

**121D.** Whoever knowing or having reason to believe that any offence punishable under section 121, 121A, 121B or 121C has been committed intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

**Collecting arms, etc., with the intention of waging war against the Government**

**122.** Whoever collects men, arms or ammunition or otherwise prepares to wage war, with the intention of either waging or being prepared to wage war against the Government, shall be punished with imprisonment for life or imprisonment for a term not exceeding 20 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

**Concealing with intent to facilitate a design to wage war**

**123.** Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Government, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine.

**Assaulting President, etc., with intent to compel or restrain the exercise of any lawful power**

**124.** Whoever, with the intention of inducing or compelling the President or a Member of Parliament or the Cabinet, to exercise or refrain from exercising in any manner any of the lawful powers of the President, or such Member, assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes by means of criminal force, or the show of criminal force, or attempts so to overawe, the President or such Member, shall be punished with imprisonment for life or for a term which may extend to 20 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

**Waging war against any power in alliance or at peace with Singapore**

**125.** Whoever wages war against the government of any power in alliance or at peace with the Government, or attempts to wage such war, or abets the waging of such war, shall be punished with

imprisonment for life, or with imprisonment for a term which may extend to 15 years, to which fine may be added, or with fine.

[15/2019]

### **Committing depredation on the territories of any power in alliance or at peace with Singapore**

**126.** Whoever commits depredation, or makes preparations to commit depredation, on the territories of any power in alliance or at peace with the Government, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine, and any property used, or intended to be used, in committing such depredation, or acquired by such depredation, shall be forfeited.

### **Receiving property taken by war or depredation mentioned in sections 125 and 126**

**127.** Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine, and the property so received shall be forfeited.

### **Public servant voluntarily allowing prisoner of State or war in his custody to escape**

**128.** Whoever, being a public servant, and having the custody of any prisoner of State or prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with imprisonment for life, or imprisonment for a term which may extend to 15 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

### **Public servant negligently suffering prisoner of State or war in his custody to escape**

**129.** Whoever, being a public servant, and having the custody of any prisoner of State or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.



**Aiding escape of, rescuing, or harbouring such prisoner**

**130.** Whoever knowingly aids or assists any prisoner of State or prisoner of war in escaping from lawful custody or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 15 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

*Explanation.*—A prisoner of State or prisoner of war who is permitted to be at large on his parole within certain limits in Singapore, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

[15/2019]

**“Harbour”**

**130A.** In this Chapter, “harbour” includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition, or means of conveyance, or the assisting a person in any way to evade apprehension.

**CHAPTER 6A****PIRACY****Piracy by law of nations. Cf. 12 and 13 Victoria c. 96  
(Admiralty Offences (Colonial) Act 1849)**

**130B.**—(1) A person commits piracy who does any act that, by the law of nations, is piracy.

(2) Whoever commits piracy shall be punished with imprisonment for life and with caning with not less than 12 strokes, but if while committing or attempting to commit piracy he murders or attempts to murder another person or does any act that is likely to endanger the life of another person he shall be punished with death.

**Piratical acts**

**130C.** Whoever, while in or out of Singapore —

- (a) steals a Singapore ship;
- (b) steals or without lawful authority throws overboard, damages or destroys anything that is part of the cargo, supplies or fittings in a Singapore ship;
- (c) does or attempts to do a mutinous act on a Singapore ship;  
or
- (d) counsels or procures a person to do anything mentioned in paragraph (a), (b) or (c),

shall be punished with imprisonment for a term not exceeding 15 years and shall be liable to caning.

**CHAPTER 6B****GENOCIDE****Genocide**

**130D.** A person commits genocide who, with intent to destroy, in whole or in part, a national, an ethnical, a racial or a religious group, commits any of the following acts:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group; or
- (e) forcibly transferring children of the group to another group.

**Punishment for genocide**

**130E.** Whoever commits genocide shall —

- (a) if the offence consists of the killing of any person, be punished with death; or
- (b) in any other case, be punished with imprisonment for life or with imprisonment for a term which may extend to 20 years.

**CHAPTER 7****OFFENCES RELATING TO THE ARMED FORCES****Abetting mutiny, or attempting to seduce an officer or a serviceman from his duty**

**131.** Whoever abets the committing of mutiny by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore or attempts to seduce any such officer or serviceman from his allegiance or his duty, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

**Abetment of mutiny, if mutiny is committed in consequence thereof**

**132.** Whoever abets the committing of mutiny by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore shall, if mutiny be committed in consequence of that abetment, be punished with death or with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall, if he is not sentenced to death or imprisonment for life, also be liable to fine.

[15/2019]

**Abetment of an assault by an officer or a serviceman on his superior officer, when in the execution of his office**

133. Whoever abets an assault by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore, on any superior officer being in the execution of his office, shall be punished with imprisonment for a term which may extend to 3 years, and shall also be liable to fine.

**Abetment of such assault, if the assault is committed**

134. Whoever abets an assault by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

**Abetment of the desertion of an officer or a serviceman**

135. Whoever abets the desertion of any officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Harbouring a deserter**

136. Whoever knowing or having reason to believe that an officer or a serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore has deserted, harbours such officer or serviceman with the intention of preventing the officer or serviceman from being apprehended, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

[15/2019]

**Deserter concealed on board merchant vessel through negligence of master**

137. The master or person in charge of a merchant vessel, on board of which any deserter from the Singapore Armed Forces or any visiting forces lawfully present in Singapore is concealed, shall, though ignorant of such concealment, be punished with a fine not

exceeding \$1,500, if he might have known of such concealment, but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

[15/2019]

### **Abetment of act of insubordination by an officer or a serviceman**

**138.** Whoever abets what he knows to be an act of insubordination by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment for a term which may extend to 6 months, or with fine, or with both.

### **Saving**

**139.** Where provision is made in any law relating to the discipline of the Singapore Armed Forces for the punishment of an offence corresponding to an offence defined in this Chapter, no person who is subject to such provision shall be subject to punishment under this Code for the offence defined in this Chapter.

### **Wearing the dress of a serviceman**

**140.** Whoever, not being a serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore, wears any garb or carries any token resembling any garb or token used by such a serviceman, with the intention that it may be believed that he is such a serviceman, shall be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$2,500, or with both.

### **“Harbour”**

**140A.** In this Chapter, “harbour” includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition, or means of conveyance, or the assisting a person in any way to evade apprehension.

### **Application of Chapter 7 to Singapore Police Force**

**140B.** The provisions of this Chapter relating to offences committed in relation to members of the Singapore Armed Forces or any visiting forces lawfully present in Singapore shall apply, with the necessary modifications, to similar acts committed in relation to members of the Singapore Police Force or any volunteer, auxiliary or special force attached to, or coming under the jurisdiction of, that Force.

## CHAPTER 8

### OFFENCES RELATING TO UNLAWFUL ASSEMBLY

#### **Unlawful assembly**

**141.** An assembly of 5 or more persons is designated an “unlawful assembly”, if the common object of the persons composing that assembly is —

- (a) to overawe by criminal force, or show of criminal force, the Legislative or Executive Government, or any public servant in the exercise of the lawful power of such public servant;
- (b) to resist the execution of any law, or of any legal process;
- (c) to commit any offence;
- (d) by means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or
- (e) by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

*Explanation.*— An assembly which was not unlawful when it assembled may subsequently become an unlawful assembly.

**Being a member of an unlawful assembly**

**142.** Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

**Punishment**

**143.** Whoever is a member of an unlawful assembly, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Joining an unlawful assembly armed with any deadly weapon**

**144.** Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with caning, or with any combination of such punishments.

*Illustration*

A wooden pole sharpened at the end is a thing which, used as a weapon of offence, is likely to cause death.

This illustration is applicable to sections 148 and 158.

**Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse**

**145.** Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

**Force used by one member in prosecution of common object**

**146.** Whenever force or violence is used by an unlawful assembly or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

**Punishment for rioting**

147. Whoever is guilty of rioting shall be punished with imprisonment for a term which may extend to 7 years and shall also be liable to caning.

**Rioting, armed with a deadly weapon**

148. Whoever is guilty of rioting, being armed with a deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment for a term which may extend to 10 years and shall also be liable to caning.

*Illustration*

The last section is subject to the same illustration as section 144.

**Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object**

149. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly is guilty of that offence.

**Hiring, or conniving at hiring, of persons to join an unlawful assembly**

150. Whoever hires, or engages, or employs, or promotes or connives at the hiring, engagement, or employment of any person to join or become a member of any unlawful assembly shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly, in pursuance of such hiring, engagement, or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.



**Knowingly joining or continuing in any assembly of 5 or more persons after it has been commanded to disperse**

**151.** Whoever knowingly joins or continues in any assembly of 5 or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

*Explanation.*— If the assembly is an unlawful assembly within the meaning of section 141, the offender will be punishable under section 145.

**151A.** [*Repealed by Act 51 of 2007*]

**Assaulting or obstructing public servant when suppressing riot, etc.**

**152.** Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant in endeavouring to disperse an unlawful assembly or to suppress a riot or an affray, or uses, or threatens or attempts to use, criminal force to such public servant, shall be punished with imprisonment for a term which may extend to 8 years, or with fine, or with both.

**Wantonly giving provocation, with intent to cause riot**

**153.** Whoever maliciously or wantonly, by doing anything which is illegal, gives provocation to any person, intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting is committed in consequence of such provocation, be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both; and if the offence of rioting is not committed, with imprisonment for a term which may extend to one year, or with fine, or with both.

**Owner or occupier of land on which an unlawful assembly is held**

**154.** Whenever any unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held or such riot is committed, and any person having or claiming an

interest in such land, shall be punishable with fine not exceeding \$5,000, if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the principal officer at the nearest police station, and do not, in the case of his or their having reason to believe that it is about to be committed, use all lawful means in his or their power to prevent it, and in the event of its taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.

### **Liability of person for whose benefit a riot is committed**

**155.** Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such riot or assembly from taking place, and for suppressing and dispersing the same.

### **Liability of agent of owner or occupier for whose benefit a riot is committed**

**156.** Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place, and for suppressing and dispersing the same.

**Harbouring persons hired for an unlawful assembly**

**157.** Whoever harbours, receives or assembles in any house or premises in his occupation or charge, or under his control, any persons, knowing that such persons have been hired, engaged or employed, or are about to be hired, engaged or employed, to join or become members of an unlawful assembly, with the intention of permitting or facilitating them to join or become members of an unlawful assembly, or of screening them or any of them from punishment, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

[15/2019]

**Being hired to take part in an unlawful assembly or riot**

**158.** Whoever is engaged or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in section 141, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both; and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon, or with anything which used as a weapon of offence is likely to cause death, shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

*Illustration*

The last section is subject to the same illustration as section 144.

**159.** [Repealed by Act 51 of 2007]

**160.** [Repealed by Act 51 of 2007]

**CHAPTER 9****OFFENCES BY OR RELATING TO PUBLIC SERVANTS****Public servant taking a gratification, other than legal remuneration, in respect of an official act**

**161.** Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, other than

legal remuneration, as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Government, or with any Member of Parliament or the Cabinet, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

*Explanations.*—“Expecting to be a public servant”. If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.

“Gratification”. The word “gratification” is not restricted to pecuniary gratifications, or to gratifications estimable in money.

“Legal remuneration”. The words “legal remuneration” are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by law to accept.

“A motive or reward for doing”. A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, comes within these words.

#### *Illustrations*

(a) *A*, a judge, obtains from *Z*, a banker, a situation in *Z*'s bank for *A*'s brother, as a reward to *A* for deciding a cause in favour of *Z*. *A* has committed the offence defined in this section.

(b) *A*, a public servant, induces *Z* erroneously to believe that *A*'s influence with another public servant has obtained for *Z* a contract to do work, and thus induces *Z* to give *A* money. *A* has committed the offence defined in this section.

(c) *A*, a public servant, induces *Z* erroneously to believe that *A*'s influence with the Government has obtained a grant of land for *Z*, and thus induces *Z* to give *A* money, as a reward for his service. *A* has committed the offence defined in this section.

### **Taking a gratification in order, by corrupt or illegal means, to influence a public servant**

**162.** Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by corrupt

or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person, with the Government, or with any Member of Parliament or the Cabinet, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

### **Taking a gratification, for the exercise of personal influence with a public servant**

**163.** Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government, or with any Member of Parliament or the Cabinet, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

#### *Illustration*

An advocate who receives a fee for arguing a case before a judge; a person who receives pay for arranging and correcting a memorial addressed to Government, setting forth the services and claims of the memorialist; a paid agent for a condemned criminal, who lays before the Government statements tending to show that the condemnation was unjust — are not within this section, inasmuch as they do not exercise or profess to exercise personal influence.

### **Punishment for abetment by public servant of the offences above defined**

**164.** Whoever, being a public servant, in respect of whom either of the offences defined in sections 162 and 163 is committed, abets the offence, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

*Illustration*

*A* is a public servant. *B*, *A*'s wife, receives a present as a motive for soliciting *A* to give an office to a particular person. *A* abets her doing so. *B* is punishable with imprisonment for a term not exceeding one year, or with fine, or with both. *A* is punishable with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant**

**165.** Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any valuable thing, without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceedings or business transacted, or about to be transacted, by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

*Illustrations*

(a) *A*, a judge, hires a house of *Z*, who has a case pending before him. It is agreed that *A* shall pay \$50 a month, the house being such that, if the bargain were made in good faith, *A* would be required to pay \$200 a month. *A* has obtained a valuable thing from *Z* without adequate consideration.

(b) *A*, a judge, buys of *Z*, who has a cause pending in *A*'s court, Government promissory notes at a discount, when they are selling in the market at a premium. *A* has obtained a valuable thing from *Z* without adequate consideration.

(c) *Z*'s brother is apprehended and taken before *A*, a Magistrate, on a charge of perjury. *A* sells to *Z* shares in a bank at a premium, when they are selling in the market at a discount. *Z* pays *A* for the shares accordingly. The money so obtained by *A* is a valuable thing obtained by him without adequate consideration.

**Public servant disobeying a direction of the law, with intent to cause injury to any person**

**166.** Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

*Illustration*

*A*, being an officer directed by law to take property in execution in order to satisfy a decree pronounced in *Z*'s favour by a court of justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to *Z*. *A* has committed the offence defined in this section.

**Public servant framing an incorrect document or electronic record with intent to cause injury**

**167.** Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document or electronic record, frames or translates that document or electronic record in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury to any person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Public servant unlawfully engaging in trade**

**168.** Whoever, being a public servant, and being legally bound as such public servant not to engage in trade, engages in trade, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

**Public servant unlawfully buying or bidding for property**

**169.** Whoever, being a public servant, and being legally bound as such public servant not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly or in shares with others, shall be punished

with imprisonment for a term which may extend to 2 years, or with fine, or with both; and the property, if purchased, shall be confiscated.

### **Personating a public servant**

**170.** Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

### **Wearing garb or carrying token used by public servant, with fraudulent intent**

**171.** Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$1,000, or with both.

## CHAPTER 10

### CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

#### **Absconding to avoid arrest on warrant or service of summons, etc., proceeding from a public servant**

**172.** Whoever absconds in order to avoid being arrested on a warrant, or to avoid being served with a summons, a notice, or an order proceeding from any public servant, legally competent, as such public servant, to issue such warrant, summons, notice or order, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,500, or with both; or, if the summons, notice or order is to attend in person or by agent, or to produce a document or an electronic record before a court of justice,



with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both.

[15/2019]

**Preventing service of summons, etc., or preventing publication thereof**

**173.**—(1) A person who in any manner —

- (a) intentionally prevents the serving on himself, or on any other person, of any summons, notice or order, proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order;
- (b) intentionally prevents the lawful affixing to any place of any such summons, notice or order, or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed; or
- (c) intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made,

shall —

- (d) in the case of an individual, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,500, or with both; or
- (e) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

(2) If the summons, notice, order, or proclamation is to attend in person or by agent before a court, or to produce a document or an electronic record before a court, any person who is guilty of an offence under subsection (1) shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both; or

- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

### **Failure to attend in obedience to order from public servant**

**174.**—(1) A person who, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, a notice, an order or a proclamation, proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at the place or time, or departs from the place where the person is bound to attend before the time at which it is lawful for the person to depart, shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,500, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

(2) If the summons, notice, order or proclamation is to attend in person or by agent before a court, any person who is guilty of an offence under subsection (1) shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

#### *Illustrations*

(a) *A*, being legally bound to appear before the General Division of the High Court, in obedience to a subpoena issuing from the General Division of the High Court, intentionally omits to appear. *A* has committed the offence defined in this section.

(b) *A*, being legally bound to appear before a Magistrate as a witness, in obedience to a summons issued by that Magistrate, intentionally omits to appear. *A* has committed the offence defined in this section.

[15/2019; 40/2019]

**Omission to produce document or electronic record to public servant by person legally bound to produce such document or electronic record**

**175.** A person who, being legally bound to produce or deliver up any document or electronic record to any public servant, as such, intentionally omits so to produce or deliver up the same, shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,500, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

**Omission to give notice or information to public servant by person legally bound to give such notice or information**

**176.—**(1) A person who, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,500, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

(2) If the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence or in order to the apprehension of an

offender, any person who is guilty of an offence under subsection (1) shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

### **Furnishing false information**

**177.**—(1) A person who, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which the person knows or has reason to believe to be false, shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

(2) If the information which the person mentioned in subsection (1) is legally bound to furnish respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, the person who is guilty of an offence under that subsection shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both; or
- (b) in any other case, be punished with fine.

#### *Illustration*

*A*, a landholder, knowing of the commission of a murder, within the limits of his commercial property, intentionally misinforms the police that the death has occurred by accident in consequence of the bite of a snake. *A* is guilty of the offence defined in this section.

*Explanation.*—In this section and section 176, “offence” includes any act committed at any place out of Singapore, which if committed in Singapore would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 399, 402, 435, 436, 449, 450, 459 and 460, and “offender” includes any person who is alleged to have been guilty of any such act.

[15/2019]

### **Refusing oath when duly required to take oath by a public servant**

**178.** Whoever refuses to bind himself by an oath to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both.

[15/2019]

### **Refusing to answer public servant authorised to question**

**179.** A person who, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of the person touching that subject by that public servant, in the exercise of the legal powers of such public servant, shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

### **Refusing to sign statement**

**180.** Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with imprisonment for a term which may extend to 3 months, or with fine which may extend to \$2,500, or with both.

**False statement on oath to public servant or person authorised to administer an oath**

**181.** Whoever, being legally bound by an oath to state the truth on any subject to any public servant or other person authorised by law to administer such oaths, makes to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment for a term which may extend to 3 years, and shall also be liable to fine.

**False information, with intent to cause a public servant to use his lawful power to the injury of another person**

**182.** Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant to use the lawful power of such public servant to the injury or annoyance of any person, or to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

*Illustrations*

(a) *A* informs a superintendent of police that *Z*, a police officer subordinate to such superintendent, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the superintendent to dismiss *Z*. *A* has committed the offence defined in this section.

(b) *A* falsely informs a public servant that *Z* has contraband opium in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of *Z*'s premises, attended with annoyance to *Z*. *A* has committed the offence defined in this section.

(c) *A* falsely informs a policeman that he has been assaulted and robbed by a person whose identity he does not know. *A* also mentions that he often sees that person going in and out of a block of flats, knowing it to be likely that in consequence of this information, the police will make inquiries and institute

searches in the block of flats to the annoyance of the flat dwellers or some of them. *A* has committed an offence under this section.

[15/2019]

### **Resistance to taking of property by lawful authority of public servant**

**183.** A person who offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that the person is such public servant, shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

### **Obstructing sale of property offered for sale by authority of public servant**

**184.** A person who intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant as such, shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,500, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

### **Illegal purchase or bid for property offered for sale by authority of public servant**

**185.** A person who, at any sale of property held by the lawful authority of a public servant as such, purchases or bids for any property on account of the person or another person, whom the person knows to be under a legal incapacity to purchase that property at that

sale, or bids for such property not intending to perform the obligations under which the person lays himself by such bidding, shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,500, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

### **Obstructing public servant in discharge of his public functions**

**186.** A person who voluntarily obstructs any public servant in the discharge of the public servant's public functions, shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to 3 months, or with fine which may extend to \$2,500, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

### **Omission to assist public servant when bound by law to give assistance**

**187.—(1)** A person who, being bound by law to render or furnish assistance to any public servant in the execution of the public servant's public duty, intentionally omits to give such assistance, shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,500, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

(2) If such assistance is demanded of the person mentioned in subsection (1) by a public servant legally competent to make such



demand for the purposes of executing any process lawfully issued by a court, or of preventing the commission of an offence, or of suppressing a riot or an affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, the person who is guilty of an offence under that subsection shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

### **Disobedience to order duly promulgated by public servant**

**188.**—(1) A person who, knowing that by an order promulgated by a public servant lawfully empowered to promulgate such order the person is directed to abstain from a certain act, or to take certain order with certain property in the person's possession or under the person's management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,500, or with both; or
- (b) in any other case, be punished with fine which may extend to \$10,000.

[15/2019]

(2) If such disobedience mentioned in subsection (1) causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or an affray, the person who is guilty of an offence under that subsection shall —

- (a) in the case of an individual, be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both; or

(b) in any other case, be punished with fine which may extend to \$10,000.

*Explanation.*—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

*Illustration*

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession must not pass down a certain street. *A* knowingly disobeys the order, and thereby causes danger of riot. *A* has committed the offence defined in this section.

[15/2019]

### **Threat of injury to a public servant**

**189.** Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

### **Threat of injury to induce any person to refrain from applying for protection to a public servant**

**190.** Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application, for protection against any injury, to any public servant legally empowered as such to give such protection or to cause such protection to be given, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

## CHAPTER 11

FALSE EVIDENCE AND OFFENCES  
AGAINST PUBLIC JUSTICE**Giving false evidence**

**191.** Whoever, being legally bound by an oath, or by any express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false, or does not believe to be true, is said to give false evidence.

*Explanation 1.*—A statement is within the meaning of this section whether it is made verbally or otherwise.

*Explanation 2.*—A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

*Illustrations*

(a) *A*, in support of a just claim which *B* has against *Z* for \$1,000, falsely swears on a trial that he heard *Z* admit the justice of *B*'s claim. *A* has given false evidence.

(b) *A*, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of *Z*, when he does not believe it to be the handwriting of *Z*. Here *A* states that which he knows to be false, and therefore gives false evidence.

(c) *A*, knowing the general character of *Z*'s handwriting, states that he believes a certain signature to be the handwriting of *Z*, *A* in good faith believing it to be so. Here *A*'s statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of *Z*, *A* has not given false evidence.

(d) *A*, being bound by an oath to state the truth, states that he knows that *Z* was at a particular place on a particular day, not knowing anything upon the subject. *A* gives false evidence as to whether *Z* was at that place on the day named, or not.

(e) *A*, an interpreter or a translator, gives or certifies as a true interpretation or translation of a statement or document which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation. *A* has given false evidence.

## **Fabricating false evidence**

**192.** Whoever causes any circumstance to exist, or makes any false entry in any book or record or electronic record, or makes any document or electronic record containing a false statement, intending that such circumstance, false entry, or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry, or false statement, so appearing in evidence, may cause any person, who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said “to fabricate false evidence”.

### *Illustrations*

(a) *A* puts jewels into a box belonging to *Z* with the intention that they may be found in that box and that this circumstance may cause *Z* to be convicted of theft. *A* has fabricated false evidence.

(b) *A* makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a court of justice. *A* has fabricated false evidence.

(c) *A*, with the intention of causing *Z* to be convicted of a criminal conspiracy, writes a letter in imitation of *Z*'s handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the police are likely to search. *A* has fabricated false evidence.

## **Punishment for false evidence**

**193.** Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine; and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment for a term which may extend to 3 years, and shall also be liable to fine.

*Explanation 1.*—A trial before a court martial is a judicial proceeding.

*Explanation 2.*—An investigation directed by law preliminary to a proceeding before a court of justice, is a stage of a judicial proceeding, though that investigation may not take place before a court of justice.

*Illustration*

*A*, in an inquiry before a Magistrate for the purpose of ascertaining whether *Z* ought to be committed for trial, makes on oath a statement which he knows to be false. As this inquiry is a stage of a judicial proceeding, *A* has given false evidence.

*Explanation 3.*—An investigation directed by a court of justice according to law, and conducted under the authority of a court of justice, is a stage of a judicial proceeding, though that investigation may not take place before a court of justice.

*Illustration*

*A*, in an inquiry before an officer deputed by a court of justice to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false. As this inquiry is a stage of a judicial proceeding, *A* has given false evidence.

**Giving or fabricating false evidence with intent to procure conviction of a capital offence**

**194.** Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by this Code, or under any other law for the time being in force, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 20 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine; and if an innocent person is convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

[15/2019]

**Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment**

**195.**—(1) Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by this Code or under any other law for the time being in force is not capital, but punishable with imprisonment for a term of 7 years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

[15/2019]

(2) Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by this Code or under any other law for the time being in force is not capital, but punishable with imprisonment for life, shall be punished with imprisonment for a term which may extend to 20 years.

*Illustration*

*A gives false evidence before a court of justice, intending thereby to cause Z to be convicted of a gang-robbery. The punishment of gang-robbery is imprisonment for a term of not less than 5 years and not more than 20 years and also caning with not less than 12 strokes. A, therefore, is liable to such imprisonment, with caning.*

[15/2019]

**Using evidence known to be false**

**196.** Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

**Issuing or signing a false certificate**

**197.** Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

**Using as a true certificate one known to be false in a material point**

**198.** Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

**False statement made in any declaration which is by law receivable as evidence**

**199.** Whoever, in any declaration made or subscribed by him, which declaration any court of justice, or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

**Using as true any such declaration known to be false**

**200.** Whoever corruptly uses or attempts to use as true any such declaration knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

*Explanation.*—A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of sections 199 and 200.

**Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender**

**201.** Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall —

- (a) if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine;
- (b) if the offence is punishable with imprisonment for life or with imprisonment which may extend to 20 years, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine; and
- (c) if the offence is punishable with imprisonment for any term not extending to 20 years, shall be punished with imprisonment for a term which may extend to one-fourth

part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

*Illustration*

*A*, knowing that *B* has murdered *Z*, assists *B* to hide the body with the intention of screening *B* from punishment. *A* is liable to imprisonment for 10 years, and also to fine.

**Intentional omission to give information of an offence, by person bound to inform**

**202.** Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment for a term which may extend to 6 months, or with fine, or with both.

**Giving false information respecting an offence committed**

**203.** Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

*Explanations.*—In sections 201 and 202 and in this section “offence” includes any act committed at any place out of Singapore which if committed in Singapore would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 399, 402, 435, 436, 449, 450, 459 and 460.

[15/2019]

**Destruction of document or electronic record to prevent its production as evidence**

**204.** Whoever secretes or destroys any document or electronic record which he may be lawfully compelled to produce as evidence before a court of justice, or in any proceeding lawfully held before a public servant as such, or obliterates or renders illegible the whole or any part of such document or electronic record with the intention of preventing the same from being produced or used as evidence before



such court or public servant as aforesaid, or after he has been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

### **Obstructing, preventing, perverting or defeating course of justice**

**204A.** Whoever does an act that has a tendency to obstruct, prevent, pervert or defeat the course of justice —

- (a) knowing that the act is likely to obstruct, prevent, pervert or defeat the course of justice; or
- (b) intending to obstruct, prevent, pervert or defeat the course of justice,

shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

*Explanation 1.*—A mere warning to a witness that he may be prosecuted for perjury if he gives false evidence is insufficient to constitute an offence.

*Explanation 2.*—A person sentenced to imprisonment who leaves or attempts to leave Singapore unlawfully to avoid serving that person's sentence has done an act which has a tendency to obstruct and defeat the course of justice.

[15/2019]

### **Bribery of witnesses**

**204B.**—(1) Whoever —

- (a) gives, confers, or procures, promises or offers to give, confer, or procure or attempts to procure, any gratification to, upon, or for any person, upon any agreement or understanding that any person who is aware of any offence (being an offence which any person is legally bound to give information respecting that offence) will abstain from reporting that offence to the police or any agency charged by law with the duty of investigating offences;
- (b) gives, confers, or procures, promises or offers to give, confer, or procure or attempts to procure, any gratification to, upon, or for any person, upon any agreement or

understanding that any person called or to be called as a witness in any judicial proceeding will give false testimony or withhold true testimony or abstain from giving evidence;

- (c) attempts by any means to induce a person called or to be called as a witness in any judicial proceeding to give false testimony or withhold true testimony or abstain from giving evidence; or
- (d) asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself, or any other person, upon any agreement or understanding that any person will as a witness in any judicial proceeding give false testimony or withhold true testimony or abstain from giving evidence,

shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

(2) In this section, “judicial proceeding” means any proceeding in the course of which evidence is or may be legally taken.

### **False personation for the purpose of any act or proceeding in a suit**

**205.** Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued, or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

### **Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree**

**206.** Whoever fraudulently removes, conceals, transfers, or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a court of justice or other competent authority, or from being taken in

execution of a decree or an order which has been made, or which he knows to be likely to be made by a court of justice in a civil suit, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree**

**207.** Whoever fraudulently accepts, receives or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practises any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a court of justice or other competent authority, or from being taken in execution of a decree or an order which has been made or which he knows to be likely to be made by a court of justice in a civil suit, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Fraudulently suffering a decree for a sum not due**

**208.** Whoever fraudulently causes or suffers a decree or an order to be passed against him at the suit of any person for a sum not due, or for a larger sum than is due to such person, or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or an order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

*Illustration*

*A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this section.*

**209.** [*Repealed by Act 15 of 2019*]

**Fraudulently obtaining a decree for a sum not due**

**210.** Whoever fraudulently obtains a decree or an order against any person for a sum not due, or for a larger sum than is due, or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or an order to be executed against any person after it has been satisfied, or for anything in respect of which it has been satisfied, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**False charge of offence made with intent to injure**

**211.** Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both; and if such criminal proceeding be instituted on a false charge of an offence punishable with death, or imprisonment for 7 years or upwards, shall be punished with imprisonment for a term which may extend to 7 years and shall also be liable to fine.

**Harbouring an offender**

**212.—(1)** Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment, shall —

- (a) if the offence is punishable with death, be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine;
- (b) if the offence is punishable with imprisonment for life, or with imprisonment which may extend to 20 years, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine; and
- (c) if the offence is punishable with imprisonment which may extend to one year and not to 20 years, shall be punished

with imprisonment for a term which may extend to one-fourth part of the longest term of imprisonment provided for that offence, or with fine, or with both.

(2) In this section, “offence” includes any act committed at any place out of Singapore which if committed in Singapore would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 399, 402, 435, 436, 449, 450, 459 and 460, and every such act shall for the purposes of this section be deemed to be punishable as if the accused person had been guilty of it in Singapore.

#### *Illustrations*

(a) *A*, knowing that *B* has committed gang-robbery, knowingly conceals *B* in order to screen him from legal punishment. Here, as *B* is liable to imprisonment for a term of not less than 5 years and not more than 20 years, *A* is liable to imprisonment for a term not exceeding 7 years, and is also liable to fine.

(b) *A* and *B* are married to each other, and live in their matrimonial home. *A* knows that *B* has committed house-breaking. *A* provides food and shelter to *B*, with no intention to screen *B* from legal punishment. *A* is not guilty of the offence of harbouring.

(c) *A* and *B* are married to each other, and live in their matrimonial home. *A* knows that *B* has committed gang-robbery and is preparing to leave Singapore to evade arrest. *A* provides food and shelter to *B* for the purposes of helping *B* evade detection by the police before he leaves Singapore. *A* is guilty of the offence of harbouring.

[15/2019]

### **Taking gifts, etc., to screen an offender from punishment**

**213.** Whoever accepts, or agrees to accept, or attempts to obtain any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall —

- (a) if the offence is punishable with death, be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine;

- (b) if the offence is punishable with imprisonment for life, or with imprisonment which may extend to 20 years, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine; and
- (c) if the offence is punishable with imprisonment not extending to 20 years, shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term of imprisonment provided for that offence, or with fine, or with both.

### **Offering gift or restoration of property in consideration of screening offender**

**214.** Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or to restore or cause the restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall —

- (a) if the offence is punishable with death, be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine;
- (b) if the offence is punishable with imprisonment for life, or with imprisonment which may extend to 20 years, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine; and
- (c) if the offence is punishable with imprisonment not extending to 20 years, shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term of imprisonment provided for that offence, or with fine, or with both.

*Exceptions.*—Sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded.

### **Taking gift to help to recover stolen property, etc.**

**215.** Whoever takes, or agrees or consents to take, any gratification for himself or any other person under pretence or on account of

helping any person to recover any movable property of which he has been deprived by any offence punishable under this Code, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Harbouring an offender who has escaped from custody, or whose apprehension has been ordered**

**216.**—(1) Whenever any person convicted of, or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following:

- (a) if the offence for which the person was in custody, or is ordered to be apprehended, is punishable with death, he shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine;
- (b) if the offence is punishable with imprisonment for life, or imprisonment which may extend to 20 years, he shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine;
- (c) if the offence is punishable with imprisonment which may extend to one year and not to 20 years, he shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

(2) In this section, “offence” includes also any act or omission of which a person is alleged to have been guilty out of Singapore which if he had been guilty of it in Singapore would have been punishable as an offence and for which he is under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in Singapore, and every such act or omission shall for the purpose of this

section be deemed to be punishable as if the accused person had been guilty of it in Singapore.

[15/2019]

### **Harbouring robbers or gang-robbers, etc.**

**216A.** Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or gang-robbery, harbours them or any of them with the intention of facilitating the commission of such robbery or gang-robbery or of screening them or any of them from punishment, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

*Explanation.*— For the purpose of this section it is immaterial whether the robbery or gang-robbery is intended to be committed or has been committed within or without Singapore.

[15/2019]

### **“Harbour”**

**216B.** In sections 212, 216 and 216A, “harbour” includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition, or means of conveyance, or the assisting a person in any way to evade apprehension.

### **Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture**

**217.** Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a lesser punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.



**Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture**

**218.** Whoever, being a public servant, and being, as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Public servant in a judicial proceeding making an order, etc., which he knows to be contrary to law**

**219.** Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict or decision which he knows to be contrary to law, shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

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

**220.** Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority, knowing that in so doing he is acting contrary to law, shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

**Intentional omission to apprehend on the part of a public servant bound by law to apprehend**

**221.** Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged

with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished —

- (a) with imprisonment for a term which may extend to 10 years, and shall also be liable to fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with death;
- (b) with imprisonment for a term which may extend to 7 years, and shall also be liable to fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with imprisonment for life, or imprisonment for a term which may extend to 20 years; or
- (c) with imprisonment for a term which may extend to 5 years, or with fine, or with both, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with imprisonment for a term less than 20 years.

**Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a court of justice**

**222.** Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person under sentence of a court of justice for any offence, or lawfully committed to custody, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished —

- (a) with imprisonment for life or with imprisonment for a term which may extend to 20 years, and shall also be liable to fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death;

- (b) with imprisonment for a term which may extend to 10 years, and shall also be liable to fine, if the person in confinement, or who ought to have been apprehended, is subject, by a sentence of a court of justice, or by virtue of a commutation of such sentence, to imprisonment for a term of 20 years or upwards; or
- (c) with imprisonment for a term which may extend to 7 years, or with fine or with both, if the person in confinement, or who ought to have been apprehended, is subject, by a sentence of a court of justice, to imprisonment for a term less than 20 years, or if the person was lawfully committed to custody.

### **Escape from confinement negligently suffered by a public servant**

**223.** Whoever, being a public servant, legally bound as such public servant to keep in confinement any person charged with or convicted of any offence, or lawfully committed to custody, negligently suffers such person to escape from confinement, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

### **Resistance or obstruction by a person to his lawful apprehension**

**224.** Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged, or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

*Explanation.*— The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged or of which he was convicted.

**Resistance or obstruction to the lawful apprehension of another person**

**225.** Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence —

- (a) shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both;
- (b) if the person to be apprehended, or the person rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with imprisonment for life or imprisonment for a term which may extend to 20 years, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine;
- (c) if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine;
- (d) if the person to be apprehended or rescued, or attempted to be rescued, is liable, under the sentence of a court of justice, or by virtue of a commutation of such a sentence, to imprisonment for a term of 10 years or upwards, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine; or
- (e) if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with imprisonment for life or imprisonment for a term not exceeding 15 years, and shall also be liable to fine.

**Public servant omitting to apprehend or suffering other persons to escape in cases not already provided for**

**225A.** Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person in

any case not provided for in section 221, 222 or 223, or in any other law for the time being in force, omits to apprehend that person, or suffers him to escape from confinement, shall be punished —

- (a) if he does so intentionally, with imprisonment for a term which may extend to 3 years, or with fine, or with both; or
- (b) if he does so negligently, with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Resistance or obstruction to lawful apprehension, or escape, or rescue, in cases not otherwise provided for**

**225B.** Whoever, in any case not provided for in section 224 or 225, or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

**Offences against laws of Singapore where no special punishment is provided**

**225C.** Whoever does anything which by any law in force in Singapore he is prohibited from doing, or omits to do anything which he is so enjoined to do, shall, when no special punishment is provided by the law for such commission or omission, be punished with fine not exceeding \$2,000.

**Unlawful return from banishment**

**226.** Whoever, having been lawfully banished, or otherwise lawfully sent out of Singapore, returns to Singapore, the term for which he was banished or sent out of Singapore not having expired, and he not having received a remission of punishment, or otherwise not having lawful authority to return to Singapore, shall be punished with imprisonment for a term which shall not exceed that for which he was banished or sent out of Singapore, and shall also be liable to fine.

*Explanation.*— A person ordered to be banished from Singapore under the Banishment Act 1959 is liable to punishment for returning unlawfully to Singapore under this section.

**227.** *[Repealed by Act 1 of 2014]*

**Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding**

**228.** Whoever intentionally offers any insult or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both.

**Personation of an assessor**

**229.** Whoever, by personation or otherwise, intentionally causes or knowingly suffers himself to be returned, empanelled, or sworn as an assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled, or sworn, or knowing himself to have been so returned, empanelled, or sworn contrary to law, voluntarily serves as such assessor, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

CHAPTER 12

OFFENCES RELATING TO  
GOVERNMENT STAMPS

*[15/2019]*

**230. to 243.** *[Repealed by Act 15 of 2019]*

**243A.** *[Repealed by Act 51 of 2007]*

*[There are no sections 244 and 245.]*

**246. to 254A.** *[Repealed by Act 15 of 2019]*

**Counterfeiting a Government stamp**

**255.**—(1) Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any stamp issued by the Government

for the purpose of revenue, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

*Explanation.*—A person who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination commits this offence.

(2) In this section and sections 256 to 262, a reference to a Government stamp or stamp includes a reference to a stamp certificate issued under the Stamp Duties Act 1929.

### **Having possession of an instrument or material for the purpose of counterfeiting a Government stamp**

**256.** Whoever has in his possession any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by the Government for the purpose of revenue, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

### **Making or selling an instrument for the purpose of counterfeiting a Government stamp**

**257.** Whoever makes, performs any part of the process of making, buys, sells or disposes of, any instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by the Government for the purpose of revenue, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

### **Sale of counterfeit Government stamp**

**258.** Whoever sells, or offers for sale, any stamp which he knows or has reason to believe to be a counterfeit of any stamp issued by the Government for the purpose of revenue, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

**Having possession of a counterfeit Government stamp**

**259.** Whoever has in his possession any stamp which he knows to be a counterfeit of any stamp issued by the Government for the purpose of revenue, intending to use or dispose of the same as a genuine stamp, or in order that it may be used as a genuine stamp, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

**Using as genuine a Government stamp known to be counterfeit**

**260.** Whoever uses as genuine any stamp, knowing it to be a counterfeit of any stamp issued by the Government for the purpose of revenue, shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

**Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government**

**261.** Whoever, fraudulently or with intent to cause loss to the Government, removes or effaces from any substance bearing any stamp issued by the Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Using a Government stamp known to have been before used**

**262.** Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by the Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Erasure of mark denoting that stamp has been used**

**263.** Whoever, fraudulently or with intent to cause loss to the Government, erases or removes from a stamp issued by the Government for the purpose of revenue, any mark put or impressed



upon such stamp for the purpose of denoting that the stamp has been used, or knowingly has in his possession, or sells or disposes of, any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

## CHAPTER 13

**264.** [*Repealed by Act 15 of 2019*]

**265.** [*Repealed by Act 15 of 2019*]

**266.** [*Repealed by Act 15 of 2019*]

**267.** [*Repealed by Act 15 of 2019*]

## CHAPTER 14

### OFFENCES AFFECTING THE PUBLIC TRANQUILITY, PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS

#### **Affray**

**267A.** Where 2 or more persons disturb the public peace by fighting in a public place, they are said to “commit an affray”.

#### **Punishment for committing affray**

**267B.** Whoever commits an affray shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both.

#### **Making, printing, etc., document containing incitement to violence, etc.**

**267C.** Whoever —

- (a) makes, prints, possesses, posts, distributes or has under his control any document; or

(b) makes or communicates any electronic record, containing any incitement to violence or counselling disobedience to the law or to any lawful order of a public servant or likely to lead to any breach of the peace shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

### **Public nuisance**

**268.** A person is guilty of a public nuisance, who does any act, or is guilty of an illegal omission, which causes any common injury, danger or annoyance to the public, or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

*Explanation.*— A common nuisance is not excused on the ground that it causes some convenience or advantage.

### **Communicating false information of harmful thing**

**268A.** Any person who transmits or communicates or causes to be transmitted or communicated information —

(a) which contains a reference to the presence in any place or location or in any conveyance or means of transportation of any thing that is likely to cause hurt or damage to property by any means; and

(b) that person knows that such reference is false or fabricated, shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 7 years, or with fine which may extend to \$50,000, or with both.

[15/2019]

### **Placing or sending thing with intent to cause fear of harm**

**268B.**—(1) Any person (A) who without reasonable excuse —

(a) places any thing in any place or location or in any conveyance or means of transportation; or

- (b) sends any thing from one place to another place by post, courier or any other means,

with the intention (in either case) of inducing in one or more other persons a belief that this thing is likely to cause hurt or damage to property by any means, shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 7 years, or with fine which may extend to \$50,000, or with both.

[15/2019]

(2) For the purposes of subsection (1) and to avoid doubt, it is not necessary for A to have any particular person or persons in mind as being induced to have the belief mentioned in subsection (1).

[15/2019]

### **Placing or sending thing causing fear of harm**

**268C.**—(1) Any person who intentionally and without reasonable excuse —

- (a) places any thing in any place or location or in any conveyance or means of transportation; or
- (b) sends any thing from one place to another place by post, courier or any other means,

knowing that there is a real risk (in either case) that one or more persons would believe that this thing is likely to cause hurt or damage to property by any means, shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both.

[15/2019]

(2) To avoid doubt, it is not necessary for the accused person to have any particular person or persons in mind as being at risk of having the belief mentioned in subsection (1).

[15/2019]

### **Negligent act likely to spread infection of any disease dangerous to life**

**269.** Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the

infection of any disease dangerous to life, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

### **Malignant act likely to spread infection of any disease dangerous to life**

**270.** Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment for a term which may extend to 4 years, or with fine, or with both.

### **Disobedience to a quarantine rule**

**271.** Whoever knowingly disobeys any rule lawfully made and promulgated for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

### **Adulteration of food or drink which is intended for sale**

**272.** Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

### **Sale of noxious food or drink**

**273.** Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

**Adulteration of drugs**

**274.** Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy, or change the operation, of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

**Sale of adulterated drugs**

**275.** Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

**Sale of any drug as a different drug or preparation**

**276.** Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

**Fouling the water of a public spring or reservoir**

**277.** Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

**Making atmosphere noxious to health**

**278.** Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

**Rash driving or riding on a public way**

**279.** Whoever drives any vehicle, or rides, on any public way, in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both.

**Rash navigation of a vessel**

**280.** Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both.

**Exhibition of a false light, mark or buoy**

**281.** Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

**Conveying person by water for hire in a vessel overloaded or unsafe**

**282.** Whoever knowingly or negligently conveys, or causes to be conveyed, for hire any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to \$3,000, or with both.

**Danger or obstruction in a public way or navigation**

**283.** Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to \$1,000.

**Rash or negligent conduct with respect to dangerous or harmful substance**

**284.—(1)** A person shall be guilty of an offence who does, with any dangerous or harmful substance, any act so rashly or negligently as —

- (a) to be likely to cause hurt or injury to any other person;
- (b) to endanger human life;
- (c) to cause hurt to any other person;
- (d) to cause grievous hurt or injury to any other person; or
- (e) to cause the death of any other person.

[15/2019]

(2) In subsection (1), an act includes an omission to take such measure with any dangerous or harmful substance in a person's possession as is sufficient to guard against any probable danger to human life, grievous hurt or hurt from such substance.

[15/2019]

(3) Any person who is guilty of an offence under subsection (1) or (2) shall on conviction be punished —

- (a) in the case of an offence under subsection (1)(a) or (b), with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both;
- (b) in the case of an offence under subsection (1)(c), with imprisonment for a term which may extend to 3 years, or with fine, or with both;
- (c) in the case of an offence under subsection (1)(d), with imprisonment for a term which may extend to 6 years, or with fine, or with both; and

- (d) in the case of an offence under subsection (1)(e), with imprisonment for a term which may extend to 7 years, or with fine, or with both.

[15/2019]

(4) In this section, “dangerous or harmful substance” includes fire or any thing or matter that is likely to cause fire.

[15/2019]

### **Causing or contributing to risk of dangerous fire**

**285.**—(1) Whoever, with any fire or any thing that is likely to cause fire, rashly or negligently causes or substantially contributes to the risk of causing a fire, shall be guilty of an offence if such fire occurs and any of the following applies:

- (a) that fire is likely to cause hurt or injury to any other person;
- (b) that fire endangers human life;
- (c) that fire causes damage to or diminishes the value or utility of any property belonging to any other person or the Government;
- (d) that fire causes hurt or injury to any other person;
- (e) that fire causes grievous hurt to any other person;
- (f) that fire causes death to any other person.

[15/2019]

(2) Any person who is guilty of an offence under subsection (1) shall on conviction be punished —

- (a) in the case of an offence under subsection (1)(a) or (b), with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both;
- (b) in the case of an offence under subsection (1)(c), with imprisonment for a term which may extend to 18 months, or with fine, or with both;
- (c) in the case of an offence under subsection (1)(d), with imprisonment for a term which may extend to 3 years, or with fine, or with both;



- (d) in the case of an offence under subsection (1)(e), with imprisonment for a term which may extend to 6 years, or with fine, or with both; and
- (e) in the case of an offence under subsection (1)(f), with imprisonment for a term which may extend to 7 years, or with fine, or with both.

[15/2019]

### **Presumption of cause of fire**

**286.** In any proceedings for an offence under section 285, where any person deposits, drops, places or throws a cigarette or part thereof, cigar, match stick, charcoal, incense, any form of embers or any thing that is likely to cause fire in any place, and a fire occurs at that place or in the vicinity of that place within 60 minutes from the time of that act, that person is, until the contrary is proved, presumed to have substantially contributed to the risk of causing that fire.

[15/2019]

### **Rash or negligent conduct with respect to any machinery in possession or under charge of offender**

**287.—(1)** A person shall be guilty of an offence who does, with any machinery in the person's possession or under the person's care, any act so rashly or negligently as —

- (a) to be likely to cause hurt or injury to any other person;
- (b) to endanger human life;
- (c) to cause hurt or injury to any other person;
- (d) to cause grievous hurt to any other person; or
- (e) to cause the death of any other person.

[15/2019]

(2) In subsection (1), an act includes an omission to take such measure with any machinery in the person's possession or under the person's care as is sufficient to guard against any probable danger to human life, grievous hurt or hurt from such machinery.

[15/2019]

(3) Any person who is guilty of an offence under subsection (1) shall on conviction be punished —

- (a) in the case of an offence under subsection (1)(a) or (b), with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both;
- (b) in the case of an offence under subsection (1)(c), with imprisonment for a term which may extend to 3 years, or with fine, or with both;
- (c) in the case of an offence under subsection (1)(d), with imprisonment for a term which may extend to 6 years, or with fine, or with both; and
- (d) in the case of an offence under subsection (1)(e), with imprisonment for a term which may extend to 7 years, or with fine, or with both.

[15/2019]

### **Negligence in pulling down or repairing buildings**

**288.**—(1) A person shall be guilty of an offence who, in pulling down or repairing any building, knowingly or negligently omits to take such measure as is sufficient to guard against any probable danger to human life from the fall of that building or any part of the building and such omission —

- (a) endangers human life; or
- (b) causes the death of any other person.

[15/2019]

(2) Any person who is guilty of an offence under subsection (1) shall on conviction be punished —

- (a) in the case of an offence under subsection (1)(a), with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both; and
- (b) in the case of an offence under subsection (1)(b), with imprisonment for a term which may extend to 7 years, or with fine, or with both.

[15/2019]

**Negligence with respect to any animal**

**289.**—(1) A person shall be guilty of an offence who knowingly or negligently omits to take such measure with any animal as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal and such omission —

- (a) is likely to cause grievous hurt;
- (b) endangers human life;
- (c) causes grievous hurt to any other person; or
- (d) causes the death of any other person.

[15/2019]

(2) Any person who is guilty of an offence under subsection (1) shall on conviction be punished —

- (a) in the case of an offence under subsection (1)(a) or (b), with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both;
- (b) in the case of an offence under subsection (1)(c), with imprisonment for a term which may extend to 6 years, or with fine, or with both; and
- (c) in the case of an offence under subsection (1)(d), with imprisonment for a term which may extend to 7 years, or with fine, or with both.

[15/2019]

**Punishment for public nuisance**

**290.** Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be guilty of an offence and shall be punished —

- (a) with fine which may extend to \$2,000;
- (b) in the case where the offender knew that the act or omission constituting the public nuisance will cause or will probably cause any common injury, danger or annoyance to the public, or to the people in general who dwell or

occupy property in the vicinity, with imprisonment for a term which may extend to 3 months, or with fine which may extend to \$2,000, or with both; or

- (c) on a second or subsequent conviction, with imprisonment for a term which may extend to 3 months, or with fine which may extend to \$2,000, or with both.

[15/2019]

### **Continuance of nuisance after injunction to discontinue**

**291.** Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with imprisonment for a term which may extend to 6 months, or with fine, or with both.

### **Sale of obscene books, etc.**

**292.—(1)** Whoever —

- (a) sells, lets to hire, distributes, transmits by electronic means, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, transmission, public exhibition or circulation, makes, produces, or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure, or any other obscene object whatsoever;
- (b) imports, exports, transmits by electronic means or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited, or in any manner put into circulation;
- (c) takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, transmitted by electronic means, purchased, kept, imported, exported, conveyed, publicly exhibited, or in any manner put into circulation;

- (d) advertises, or makes known by any means whatsoever, that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person; or
- (e) offers or attempts to do any act which is an offence under this section,

shall be punished with imprisonment for a term which may extend to 3 months, or with fine, or with both.

(1A) A person who is guilty of an offence under subsection (1) in the case where the obscene object mentioned in that subsection depicts an image of a person who is or who appears to a reasonable observer to be or is implied to be below 16 years of age shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

[15/2019]

(2) For the purposes of this section, “object” includes data stored in a computer disc, or by other electronic means, that is capable of conversion to images, writing or any other form of representation.

(3) For the purposes of this section and section 293, an object shall be deemed not to be obscene if the sale, letting to hire, distribution, exhibition, circulation, import, export or conveyance of, or any other dealing in, the object is authorised by or under any written law.

*Exception.*— This section does not extend to any book, pamphlet, writing, drawing or painting kept or used bona fide for religious purposes, or any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

### **Possession, distribution, etc., of child sex-doll**

**292A.**—(1) Any person who imports, exports, conveys, sells, lets to hire, distributes, puts into circulation, makes, produces or is in possession of a child sex-doll shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

[15/2019]

(2) In subsection (1), “child sex-doll” means an anatomically correct doll, mannequin or robot, with the features of, or with features that appear to a reasonable observer to resemble a person below 16 years of age and intended for use in sexual activities.

[15/2019]

### **Sale, etc., of obscene objects to young person**

**293.** Whoever sells, lets to hire, distributes, exhibits or circulates to any person below 21 years of age any such obscene object as is referred to in section 292, or offers or attempts to do so, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

### **Obscene acts**

**294.** Whoever, to the annoyance of others —

(a) does any obscene act in any public place; or

(b) sings, recites or utters any obscene words in or near any public place,

shall be punished with imprisonment for a term which may extend to 3 months, or with fine, or with both.

[15/2019]

## CHAPTER 15

### OFFENCES RELATING TO RELIGION OR RACE

#### **Injuring or defiling a place of worship with intent to insult the religion of any class**

**295.** Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

**Disturbing a religious assembly**

**296.** Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Trespassing on burial places, etc.**

**297.** Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person**

**298.** Whoever, with deliberate intention of wounding the religious or racial feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, or causes any matter however represented to be seen or heard by that person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony**

**298A.** Whoever —

- (a) by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of religion or race,

disharmony or feelings of enmity, hatred or ill will between different religious or racial groups; or

- (b) commits any act which he knows is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquility,

shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

## CHAPTER 16

### OFFENCES AFFECTING THE HUMAN BODY

#### *Offences affecting life*

#### **Culpable homicide**

**299.** Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

#### *Illustrations*

(a) *A* lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. *Z*, believing the ground to be firm, treads on it, falls in and is killed. *A* has committed the offence of culpable homicide.

(b) *A* knows *Z* to be behind a bush. *B* does not know it. *A*, intending to cause, or knowing it to be likely to cause *Z*'s death, induces *B* to fire at the bush. *B* fires and kills *Z*. Here *B* may be guilty of no offence; but *A* has committed the offence of culpable homicide.

*Explanation 1.*—A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

*Explanation 2.*—Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.



*Explanation 3.*—The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

## **Murder**

**300.** Except in the cases hereinafter excepted culpable homicide is murder —

- (a) if the act by which the death is caused is done with the intention of causing death;
- (b) if it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused;
- (c) if it is done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or
- (d) if the person committing the act knows that it is so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death, or such injury as aforesaid.

### *Illustrations*

(a) *A* shoots *Z* with the intention of killing him. *Z* dies in consequence. *A* commits murder.

(b) *A*, knowing that *Z* is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. *Z* dies in consequence of the blow. *A* is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if *A*, not knowing that *Z* is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here *A*, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

(c) *A* intentionally gives *Z* a knife-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. *Z* dies in consequence. Here *A* is guilty of murder, although he may not have intended to cause *Z*'s death.

(d) *A*, without any excuse, fires a loaded cannon into a crowd of persons and kills one of them. *A* is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

### **When culpable homicide is not murder**

*Exception 1.*—Culpable homicide is not murder if the offender whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation, or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisos:

- (a) that the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person;
- (b) that the offender did not know and had no reason to believe that the provocation was given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant;
- (c) that the provocation is not given by anything done in the lawful exercise of the right of private defence.

*Explanation 1.*—Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact, having regard to whether an ordinary person of the same gender and age as the offender, sharing such characteristics as would affect the gravity of the provocation and placed in the same situation as the offender, would be deprived of self-control by the provocation.

*Explanation 2.*—Grave and sudden provocation may be in the form of words, gestures or conduct or any combination of words, gestures or conduct.

### *Illustrations*

(a) *A*, under the influence of passion excited by a provocation given by *Z*, intentionally kills *Y*, *Z*'s child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) *Y* gives grave and sudden provocation to *A*. *A*, on this provocation, fires a pistol at *Y*, neither intending nor knowing himself to be likely to kill *Z*, who is near him, but out of sight. *A* kills *Z*. Here *A* has not committed murder but merely culpable homicide.

(c) *A* is lawfully arrested by *Z*, a police officer. *A* is excited to sudden and violent passion by the arrest, and kills *Z*. This is murder, inasmuch as the

provocation was given by a thing done by a public servant in the exercise of his powers.

(d) *A* appears as a witness before *Z*, a Magistrate. *Z* says that he does not believe a word of *A*'s deposition, and that *A* has perjured himself. *A* is moved to sudden passion by these words, and kills *Z*. This is murder.

(e) *A* attempts to pull *Z*'s nose. *Z*, in the exercise of the right of private defence, lays hold of *A* to prevent him from doing so. *A* is moved to sudden and violent passion in consequence, and kills *Z*. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.

(f) *Z* strikes *B*. *B* is by this provocation excited to violent rage. *A*, a bystander, intending to take advantage of *B*'s rage, and to cause him to kill *Z*, puts a knife into *B*'s hand for that purpose. *B* kills *Z* with the knife. Here *B* may have committed only culpable homicide, but *A* is guilty of murder.

(g) *A* and *Z* are married to each other. *A* loses self-control on *Z*'s provocation and intentionally kills *Z* soon after the provocation was given. Although the provocation, when viewed in isolation, would not amount to grave and sudden provocation, it was the last of a series of prolonged physical and mental abuse of *A* by *Z*. An ordinary person in *A*'s position would have lost self-control and have done what *A* did. *A* has committed only culpable homicide and not murder.

*Exception 2.*—Culpable homicide is not murder if the offender, in the exercise of the right of private defence of person or property, exceeds the power given to him by law, and causes the death of the person against whom he is exercising such right of defence, without premeditation and without any intention of doing more harm than is necessary for the purpose of such defence.

*Explanation.*—The word “premeditation” means the offender’s intention, which was formed prior to the circumstances which gave rise to the act of private defence —

- (a) to cause death in section 300(a) or to cause such bodily injury as is mentioned in section 300(b) or (c); or
- (b) to do an act knowing that the act is so imminently dangerous in the way mentioned in section 300(d).

*Exception 3.*—Culpable homicide is not murder if the offender, being a public servant, or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant, and without ill will towards the person whose death is caused.

*Exception 4.*—Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel, and without the offender having taken undue advantage or acted in a cruel or unusual manner.

The above exception is subject to the proviso that the offender did not know and had no reason to believe that the person whose death was caused was acting in obedience to the law, or was a public servant acting in the lawful exercise of the powers of such public servant.

*Explanation 1.*—It is immaterial in such cases which party offers the provocation or commits the first assault.

*Explanation 2.*—The word “fight” includes the exchange of blows even if the blows do not land on their target and includes a single blow or punch.

*Explanation 3.*—The word “premeditation” means the offender’s intention, which was formed prior to the circumstances constituting the sudden fight —

- (a) to cause death in section 300(a) or to cause such bodily injury as is mentioned in section 300(b) or (c); or
- (b) to do an act knowing that the act is so imminently dangerous in the way mentioned in section 300(d).

*Explanation 4.*—A “quarrel” does not require a verbal exchange of words.

#### *Illustrations*

(a) *A* and *Z*, who are rival gang members, are in a coffee shop seated at different tables. They mutually stare at each other fiercely without exchanging any words. *Z* disengages from *A* by turning away and starts to leave the coffee shop. *A* sees a cutlery knife on his table which *A* had earlier used for *A*’s meal. *A* picks up the cutlery knife and stabs *Z*’s throat in the heat of passion. *Z* falls and dies almost immediately. Although there was a “sudden quarrel” without any exchange of words, *Exception 4* does not apply because there was no “fight”, there being no exchange of blows or assault between *A* and *Z*.

(b) *A* had a consensual sexual relationship with *Z* until *Z* terminated the relationship. *A* came to *Z*’s house and asked *Z* if *Z* would have sex with *A*. *Z* refused. *A* became angry and said *A* would use force, if necessary. *A* grappled with *Z* who resisted *A*’s advances and struck *A*’s face. Enraged by *Z*’s resistance, *A* slams *Z* into a wall, and *Z* slumps to the ground. While *Z* is motionless on the ground, *A* kicks *Z*’s head repeatedly and kills *Z*. *Exception 4* does not apply because *A* had taken undue advantage of *Z* while *Z* was lying motionless on the ground.

*Exception 5.*—Culpable homicide is not murder when the person whose death is caused, being above 18 years of age, suffers death or takes the risk of death with his own consent.

*Illustration*

*A* and *Z*, both being persons above 18 years of age, decide to commit suicide together by drinking poison. With *Z*'s consent, *A* pours a lethal poison down *Z*'s throat but after watching *Z* die, *A* cannot summon the courage to drink the same poison. *A* has committed culpable homicide and not murder.

*Exception 6.*—Culpable homicide is not murder if the offender being a woman voluntarily causes the death of her child being a child below 12 months of age, and at the time of the offence the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child.

*Exception 7.*—Culpable homicide is not murder if at the time of the acts or omissions causing the death concerned, the offender was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development or any inherent causes or induced by disease or injury) as substantially —

- (a) impaired the offender's capacity —
  - (i) to know the nature of the acts or omissions in causing the death or in being a party to causing the death; or
  - (ii) to know whether such acts or omissions are wrong (whether wrong by the ordinary standards of reasonable and honest persons or wrong as contrary to law); or
- (b) impaired the offender's power to control his acts or omissions in causing the death or being a party to causing the death.

[15/2019]

### **Culpable homicide by causing the death of a person other than the person whose death was intended**

**301.**—(1) If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had

caused the death of the person whose death he intended or knew himself to be likely to cause.

[15/2019]

(2) To avoid doubt, in the circumstances mentioned in subsection (1), the accused person may rely on any defence or exception in law as though the accused person had caused the death of the person whose death he intended or knew himself to be likely to cause.

[15/2019]

### **Punishment for murder**

**302.**—(1) Whoever commits murder within the meaning of section 300(a) shall be punished with death.

[32/2012]

(2) Whoever commits murder within the meaning of section 300(b), (c) or (d) shall be punished with death or imprisonment for life and shall, if he is not punished with death, also be liable to caning.

[32/2012]

*[There is no section 303.]*

### **Punishment for culpable homicide not amounting to murder**

**304.** Whoever commits culpable homicide not amounting to murder shall —

- (a) if the act by which death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death, be punished with —
  - (i) imprisonment for life, and shall also be liable to caning; or
  - (ii) imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning; or
- (b) if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death, be punished with imprisonment for a term which may extend

to 15 years, or with fine, or with caning, or with any combination of such punishments.

[32/2012; 15/2019]

### **Causing death by rash or negligent act**

**304A.** Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished —

- (a) in the case of a rash act, with imprisonment for a term which may extend to 5 years, or with fine, or with both; or
- (b) in the case of a negligent act, with imprisonment for a term which may extend to 2 years, or with fine, or with both.

### **Causing death of child below 14 years of age, domestic worker or vulnerable person by sustained abuse**

**304B.—(1)** A relevant person who causes the death of any child, domestic worker or vulnerable person by sustained abuse shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

[15/2019]

(2) In this section —

“child” means a person below 14 years of age;

“domestic worker”, “employer”, “employment agent” and “member of the employer’s household” have the meanings given by section 73(4);

“neglect” means the failure by a relevant person to provide any or adequate essential care (such as but not limited to food, clothing, medical aid, lodging and other necessities of life) to the extent of causing personal injury or physical pain to, or injury to the physical health of any child, domestic worker or vulnerable person;

“relevant person” means —

- (a) in the case of a child, a person who has custody, charge or care of the child;

(b) in the case of a domestic worker, the employer of the domestic worker, a member of the employer's household or the employment agent of the domestic worker; and

(c) in the case of a vulnerable person, a person who has custody, charge or care of the vulnerable person;

“sustained abuse” means a course of conduct which consists of voluntarily causing hurt or knowingly causing neglect, or both, of a child, domestic worker or vulnerable person on —

(a) 2 or more occasions; or

(b) a single occasion if the conduct is protracted;

“vulnerable person” has the meaning given by section 74A(5).

[15/2019]

**Causing or allowing death of child below 14 years of age, domestic worker or vulnerable person in same household**

**304C.**—(1) A person (*A*) shall be guilty of an offence if —

(a) a person below 14 years of age, a domestic worker or a vulnerable person (*B*) dies as a result of the unlawful act of a person who —

(i) was a member of the same household as *B*; and

(ii) had frequent contact with *B*;

(b) *A* was a member of the same household as *B*, and had frequent contact with *B* at the time of that act;

(c) at that time there was a significant risk of grievous hurt being caused to *B* by the unlawful act of such a person; and

(d) either *A* was the person whose act caused *B*'s death or —

(i) *A* was, or ought to have been, aware of the significant risk mentioned in paragraph (c);

(ii) *A* failed to take such steps as *A* could reasonably have been expected to take to protect *B* from the significant risk; and



- (iii) the unlawful act occurred in circumstances of the kind that *A* foresaw or ought to have foreseen.

[15/2019]

(2) The prosecution does not have to prove whether it is the first alternative element in subsection (1)(*d*) or the second alternative element (sub-paragraphs (i), (ii) and (iii) of subsection (1)(*d*)) that applies.

[15/2019]

(3) *A* is not guilty of an offence under this section if *A* could not have been expected in *A*'s circumstances to take any such step as is mentioned in subsection (1)(*d*)(ii).

[15/2019]

(4) Any person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

[15/2019]

(5) For the purposes of this section —

- (a) a person is to be regarded as a “member” of a particular household, even if that person does not live in that household, if that person visits it so often and for such periods of time that it is reasonable to regard him as a member of the particular household;
- (b) where *B* lived in different households at different times, “the same household as *B*” refers to the household in which *B* was living at the time of the act that caused *B*'s death;
- (c) an “unlawful” act, other than an act by *A*, is one that constitutes an offence or would constitute an offence but for being the act of —
- (i) a person below the age specified in section 82;
  - (ii) a person of the age specified in section 83 who had not attained sufficient maturity of understanding to judge of the nature and consequence of the act;
  - (iii) a person entitled to rely on a defence of unsoundness of mind;

- (iv) a person entitled to rely on a defence of intoxication;  
or
- (v) a person entitled to rely on a defence of mistake of  
fact;
- (d) “domestic worker” and “vulnerable person” have the  
meanings given by sections 73(4) and 74A(5),  
respectively; and
- (e) the circumstances mentioned in subsection (3) include but  
is not limited to *A*’s past or present experiences of suffering  
neglect, hurt, grievous hurt, sexual abuse or any injury to  
*A*’s mental health as a result of an unlawful act by any  
member of the same household as *A*.

[15/2019]

**Abetment of suicide or attempted suicide of minor or person  
who lacks mental capacity**

**305.—(1)** If any minor or other person who lacks capacity —

- (a) commits suicide, whoever abets the commission of the  
suicide and who knew or ought reasonably to have known  
that the person who committed suicide was a minor or a  
person who lacks capacity, shall be punished with death or  
imprisonment for life, or with imprisonment for a term  
which may extend to 20 years, and shall, if he is not  
sentenced to death or imprisonment for life, also be liable  
to fine;
- (b) attempts suicide, whoever abets the attempted suicide and  
who knew or ought reasonably to have known that the  
person who attempted suicide was a minor or a person who  
lacks capacity, shall be punished with imprisonment for a  
term which may extend to 15 years, and shall also be liable  
to fine; or
- (c) attempts suicide and hurt is caused to any person in the  
course of the attempted suicide, whoever abets the  
attempted suicide and who knew or ought reasonably to  
have known that the person who attempted suicide was a  
minor or a person who lacks capacity, shall be punished

with imprisonment for life or with imprisonment for a term which may extend to 20 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

(2) In subsection (1) —

“minor” means a person below 18 years of age;

“person who lacks capacity” means a person who lacks capacity to understand the consequences of attempting or committing suicide, as the case may be, from unsoundness of mind, mental incapacity, intoxication, or the influence of any drug or other substance.

[15/2019]

### **Abetment of suicide or attempted suicide**

**306.** If any person attempts or commits suicide, whoever abets the commission of such attempted suicide or suicide shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

[15/2019]

### **Attempt to murder**

**307.—**(1) Whoever does any act with the intention of causing death and under such circumstances that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be punished with —

- (a) imprisonment for life and shall also be liable to caning; or
- (b) imprisonment for a term which may extend to 20 years, and shall also be liable to fine, or to caning or to both.

#### *Illustrations*

(a) *A* shoots at *Z* with intention to kill him, under such circumstances that, if death ensued, *A* would be guilty of murder. *A* is liable to punishment under this section.

(b) *A*, with intention of causing the death of a child of tender years, throws the child into a river. *A* has committed the offence defined by this section, although the death of the child does not ensue.

(c) *A*, intending to murder *Z*, buys a gun and loads it. *A* has not yet committed the offence. *A* fires the gun at *Z*. He has committed the offence defined in this section; and if by such firing he wounds *Z*, he is liable to the punishment provided by the latter part of this section.

(d) *A*, intending to murder *Z* by poison, purchases poison and mixes the same with food which remains in *A*'s keeping; *A* has not yet committed the offence defined in this section. *A* places the food on *Z*'s table or delivers it to *Z*'s servants to place it on *Z*'s table. *A* has committed the offence defined in this section.

[15/2019]

### **Other offences by convicts**

(2) When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

### **Attempt to commit culpable homicide**

**308.** Whoever does any act with the intention to cause death and under such circumstances that if he by that act caused death he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both; and if hurt is caused to any person by such act, the offender shall be punished with imprisonment for a term which may extend to 15 years, or with fine, or with caning, or with any combination of such punishments.

#### *Illustration*

*A*, on grave and sudden provocation, fires a pistol at *Z* intending to kill *Z*, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. *A* has committed the offence defined in this section.

[15/2019]

### Causing death in furtherance of group's object

**308A.**—(1) Any person shall be guilty of an offence who is or acts as a member of a group —

- (a) knowing that the common object of the members of the group is to commit an offence under this Code or any written law;
- (b) knowing that —
  - (i) death or grievous hurt is likely to be caused in furtherance of the group's common object; or
  - (ii) a deadly weapon, or anything which, used as a weapon of offence, is likely to cause death, is to be used in any manner against another person in the furtherance of that common object; and
- (c) the death of a person was caused in furtherance of the group's common object.

#### *Illustration*

Three members of a group including *A* decide to rob a neighbourhood shop. The group leader, *B* brings a sharp knife but *B* reassures *A* that the knife is only to be used to threaten the shopkeeper, *C*, and not to harm *C*. *A* believes *B* and takes part in the robbery. *C* however refuses to surrender his cash to the group. *B* then stabs *C* with the knife and *C* dies from his stab wounds. *A* is guilty of an offence under this section because *A* knew that the knife was to be used to threaten another person, *C*, in furtherance of the group's common object to commit robbery.

[15/2019]

(2) A person who is guilty of an offence under subsection (1) shall be punished with imprisonment for life or imprisonment for a term which may extend to 20 years, and shall also be liable to caning.

[15/2019]

(3) In subsection (1), “group” has the meaning given by section 2(1) of the Organised Crime Act 2015.

[15/2019]

**Concealment, desecration or disposal of corpse that impedes discovery, identification, criminal investigations or prosecutions**

**308B.**—(1) A person shall be guilty of an offence who intentionally or knowingly conceals, desecrates or disposes of a human corpse and by such act impedes or prevents —

- (a) the discovery or identification of a human corpse; or
- (b) the detection, investigation or prosecution of an offence under this Code or any other written law.

[15/2019]

(2) A person who is guilty of an offence under subsection (1) shall be punished with imprisonment for a term which may extend to 7 years.

[15/2019]

(3) In this section, “desecrate”, in relation to a human corpse, includes any act committed after the death of a living person including but not limited to dismemberment, disfigurement, mutilation, burning, or any act committed to cause the human corpse in whole or in part to be devoured, scattered or dissipated.

[15/2019]

**309.** [Repealed by Act 15 of 2019]

**Infanticide**

**310.** When any woman by any intentional act or omission causes the death of her child being a child below 12 months of age, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, she shall, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, be guilty of the offence of infanticide.

[15/2019]

**Punishment for infanticide**

**311.** Whoever commits the offence of infanticide shall be punished at the discretion of the court with imprisonment for life, or with

imprisonment for a term which may extend to 10 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

*Causing miscarriage; injuries to  
unborn children; exposure of infants;  
and concealment of births*

### **Causing miscarriage**

**312.** Subject to the provisions of the Termination of Pregnancy Act 1974, whoever voluntarily causes a woman with child to miscarry, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both; and if the woman's pregnancy is of more than 16 weeks' duration as calculated in accordance with section 4 of that Act, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

*Explanation.*— A woman who causes herself to miscarry is within the meaning of this section.

[15/2019]

### **Causing miscarriage without woman's consent**

**313.** Whoever commits the offence defined in section 312, without the consent of the woman, whether the woman's pregnancy is of more than 16 weeks' duration or not as mentioned in that section, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

### **Death caused by act done with intent to cause miscarriage**

**314.** Subject to the provisions of the Termination of Pregnancy Act 1974, whoever with intent to cause the miscarriage of a woman with child does any act which causes the death of such woman, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine; and if the act is done without the consent of the woman, shall be punished either with imprisonment for life, or with the punishment above-mentioned.

*Explanation.*— It is not essential to this offence that the offender should know that the act is likely to cause death.

### **Child destruction before, at or immediately after birth**

**315.**—(1) Subject to the provisions of the Termination of Pregnancy Act 1974, whoever, with intent to destroy the life of a child capable of being born alive, by any intentional act causes a child to die before it has an existence independent of its mother or by such act causes the child to die after its birth, shall, unless such act is immediately necessary to save the life of the mother, be punished with imprisonment for a term not exceeding 10 years, or with fine, or with both.

[15/2019]

(2) For the purposes of this section, evidence that a woman had at any material time been pregnant for a period of 28 weeks or more shall be prima facie evidence that she was at that time pregnant of a child capable of being born alive.

### **Causing death of a quick unborn child by an act amounting to culpable homicide**

**316.** Whoever does any act under such circumstances that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

#### *Illustration*

*A*, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. *A* is guilty of the offence defined in this section.

### **Exposure and abandonment of a child below 12 years of age by parent or person having care of it**

**317.** Whoever, being the father or mother of a child below 12 years of age, or having the care of such child, exposes or leaves such child in any place with the intention of wholly abandoning such child shall



be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

*Explanation.*— This section is not intended to prevent the trial of the offender for murder or culpable homicide as the case may be, if the child dies in consequence of the exposure.

### **Concealment of birth by secret disposal of dead body**

**318.** Whoever by secretly burying or otherwise disposing of the dead body of a child, whether such child dies before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

### *Hurt*

#### **Hurt**

**319.** Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

*Explanation.*— A person is said to cause hurt if he causes another person to be unconscious.

#### **Grievous hurt**

**320.** The following kinds of hurt only are designated as “grievous”:

- (a) emasculation;
- (aa) death;
- (b) permanent privation of the sight of either eye;
- (c) permanent privation of the hearing of either ear;
- (d) privation of any member or joint;
- (e) destruction or permanent impairing of the powers of any member or joint;
- (f) permanent disfiguration of the head or face;
- (g) fracture or dislocation of a bone;

- (h) any hurt which endangers life, or which causes the sufferer to be, during the space of 20 days, in severe bodily pain, or unable to follow his ordinary pursuits;
- (i) penetration of the vagina or anus, as the case may be, of a person without that person's consent, which causes severe bodily pain.

### **Voluntarily causing hurt**

**321.** Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

### **Voluntarily causing grievous hurt**

**322.** Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt".

*Explanation.*— A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

#### *Illustration*

*A*, intending or knowing himself to be likely permanently to disfigure *Z*'s face, gives *Z* a blow which does not permanently disfigure *Z*'s face but which causes *Z* to suffer severe bodily pain for the space of 20 days. *A* has voluntarily caused grievous hurt.

### **Punishment for voluntarily causing hurt**

**323.** Whoever, except in the case provided for by section 323A or 334, voluntarily causes hurt, shall be punished with imprisonment for a term which may extend to 3 years, or with fine which may extend to \$5,000, or with both.

[15/2019]

**Punishment for voluntarily causing hurt which causes grievous hurt**

**323A.** Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is not grievous, but the hurt which he actually causes is grievous, shall be punished with imprisonment for a term which may extend to 5 years, or with fine which may extend to \$10,000, or with both.

*Illustration*

At a club, *A* notices one of *A*'s friends fighting with *Z*. *A* runs towards *Z* and punches *Z* in the face intending or knowing himself to be likely to cause minor injuries to *Z*'s face. *Z* loses his balance, falls and hits his head against a ledge. *Z* suffers from severe brain injuries and is permanently paralysed. *A* did not intend to cause grievous hurt but *A*'s action has actually caused grievous hurt to *Z*.

[15/2019]

**Voluntarily causing hurt by dangerous weapons or means**

**324.** Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is harmful to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with caning, or with any combination of such punishments.

[15/2019]

**Punishment for voluntarily causing grievous hurt**

**325.** Whoever, except in the case provided for by section 323A, 334A or 335, voluntarily causes grievous hurt, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

[15/2019]

**Voluntarily causing grievous hurt by dangerous weapons or means**

**326.** Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is harmful to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 15 years, and shall also be liable to caning or if he is not sentenced to imprisonment for life, liable to fine.

[15/2019]

**Voluntarily causing hurt to extort property or to constrain to an illegal act**

**327.** Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer, or any person interested in such sufferer, to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

**Causing hurt by means of poison, etc., with intent to commit an offence**

**328.** Whoever administers to, or causes to be taken by, any person any poison or any stupefying or intoxicating substance, or any substance which is harmful to the human body to inhale, swallow or receive into the blood, with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence, or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

[15/2019]

**Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act**

**329.** Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer, or any person interested in such sufferer, to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment for life, or imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

**Voluntarily causing hurt to extort confession or to compel restoration of property**

**330.** Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer, or any person interested in the sufferer, to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine or to caning.

*Illustrations*

(a) *A*, a police officer, tortures *Z* in order to induce *Z* to confess that he committed a crime. *A* is guilty of an offence under this section.

(b) *A*, a police officer, tortures *B* to induce him to point out where certain stolen property is deposited. *A* is guilty of an offence under this section.

(c) *A*, a customs officer, tortures *Z* in order to compel him to confess to a pretended offence against the customs laws. *A* is guilty of an offence under this section.

**Voluntarily causing grievous hurt to extort confession or to compel restoration of property**

**331.** Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the

sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer, or any person interested in the sufferer, to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

### **Voluntarily causing hurt to deter public servant from his duty**

**332.** Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine or to caning, provided that in exceptional circumstances imprisonment need not be imposed.

[15/2019]

### **Voluntarily causing grievous hurt to deter public servant from his duty**

**333.** Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine or to caning.

### **Voluntarily causing hurt on provocation**

**334.** Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment for a term which

may extend to 6 months, or with fine which may extend to \$2,500, or with both.

[15/2019]

### **Punishment for voluntarily causing hurt on provocation which causes grievous hurt**

**334A.** Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation and if the hurt which he intends to cause or knows himself to be likely to cause is not grievous, but the hurt which he actually causes is grievous, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to \$7,500, or with both.

[15/2019]

### **Causing grievous hurt on provocation**

**335.** Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment for a term which may extend to 6 years, or with fine which may extend to \$10,000, or with both.

*Explanation.*—Sections 334 and 335 are subject to the same provisos as exception 1 of section 300.

### **Allowing neglect, physical or sexual abuse of domestic worker or vulnerable person**

**335A.**—(1) A person (*A*) shall be guilty of an offence if —

- (a) a domestic worker (*B*) suffers neglect, hurt, grievous hurt, sexual abuse or any injury to *B*'s mental health as a result of the unlawful act of another person (*C*);
- (b) *A* knew or had reason to believe that *B* was at risk of such neglect, hurt, grievous hurt, sexual abuse or injury caused by *C*;

- (c) *A* was at the time of the risk mentioned in paragraph (b) the employer of *B*, a member of *B*'s employer's household or an employment agent of *B*;
- (d) *A* failed to take such steps as *A* could reasonably have been expected to take in *A*'s circumstances to protect *B* from the risk mentioned in paragraph (b); and
- (e) the act occurred in circumstances of the kind that *A* foresaw or ought to have foreseen.

[15/2019]

(2) A person (*A*) shall be guilty of an offence if —

- (a) a vulnerable person (*B*) suffers neglect, hurt, grievous hurt, sexual abuse or any injury to *B*'s mental health as a result of the unlawful act of another person (*C*);
- (b) *A* knew or had reason to believe that *B* was at risk of neglect, hurt, grievous hurt, sexual abuse or injury caused by *C*;
- (c) *A* had, at the time of the risk mentioned in paragraph (b), the custody, charge or care of *B*;
- (d) *A* failed to take such steps as *A* could reasonably have been expected to take in *A*'s circumstances to protect *B* from the risk mentioned in paragraph (b); and
- (e) the act occurred in circumstances of the kind that *A* foresaw or ought to have foreseen.

[15/2019]

(3) For the purposes of this section, “unlawful act”, other than an act by *A*, is one that constitutes an offence that causes neglect, hurt, grievous hurt or sexual abuse to *B* or injury to *B*'s mental health or would constitute such an offence but for being the act of —

- (a) a person below the age specified in section 82;
- (b) a person of the age specified in section 83 who had not attained sufficient maturity of understanding to judge of the nature and consequence of the act;
- (c) a person entitled to rely on a defence of unsoundness of mind;



(d) a person entitled to rely on a defence of intoxication; or

(e) a person entitled to rely on a defence of mistake of fact.

[15/2019]

(4) *A*'s circumstances mentioned in subsections (1)(d) and (2)(d), include but is not limited to *A*'s past or present experiences of suffering neglect, hurt, grievous hurt, sexual abuse or any injury to *A*'s mental health as a result of an unlawful act by *C*.

[15/2019]

(5) Any person who is guilty of an offence under subsection (1) or (2) shall on conviction —

(a) in the case where death is caused to the domestic worker or vulnerable person, be punished with imprisonment for a term which may extend to 7 years, or with fine which may extend to \$20,000, or with both; and

(b) in any other case, be punished with imprisonment for a term which may extend to 4 years, or with fine which may extend to \$4,000, or with both.

[15/2019]

(6) In this section —

“domestic worker”, “employer”, “employment agent” and “member of the employer’s household” have the meanings given by section 73(4);

“neglect” has the meaning given by section 304B(2);

“sexual abuse” means abuse caused to a victim by the commission of a sexual offence within the meaning of section 2(1) of the Criminal Procedure Code 2010;

“vulnerable person” has the meaning given by section 74A(5).

[15/2019]

### **Punishment for act which endangers life or personal safety of others with knowledge or belief that it is likely to cause death**

**335B.** Whoever does any act, that endangers human life or the personal safety of others, knowing or believing that such act is likely

to cause death, shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

[15/2019]

### **Punishment for act which endangers life or the personal safety of others**

**336.** Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished —

- (a) in the case of a rash act, with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$2,500, or with both; or
- (b) in the case of a negligent act, with imprisonment for a term which may extend to 3 months, or with fine which may extend to \$1,500, or with both.

### **Causing hurt by an act which endangers life or the personal safety of others**

**337.** Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished —

- (a) in the case of a rash act, with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both; or
- (b) in the case of a negligent act, with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$2,500, or with both.

### **Causing grievous hurt by an act which endangers life or the personal safety of others**

**338.** Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished —

- (a) in the case of a rash act, with imprisonment for a term which may extend to 4 years, or with fine which may extend to \$10,000, or with both; or

- (b) in the case of a negligent act, with imprisonment for a term which may extend to 2 years, or with fine which may extend to \$5,000, or with both.

*Wrongful restraint and wrongful confinement*

**Wrongful restraint**

**339.** Whoever voluntarily obstructs any person, so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

*Exception.*—The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

*Illustration*

*A* obstructs a path along which *Z* has a right to pass, *A* not believing in good faith that he has a right to stop the path. *Z* is thereby prevented from passing. *A* wrongfully restrains *Z*.

**Wrongful confinement**

**340.** Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said “wrongfully to confine” that person.

*Illustrations*

(a) *A* causes *Z* to go within a walled space, and locks *Z* in. *Z* is thus prevented from proceeding in any direction beyond the circumscribing line of wall. *A* wrongfully confines *Z*.

(b) *A* places men with firearms at the outlets of a building and tells *Z* that they will fire at *Z* if *Z* attempts to leave the building. *A* wrongfully confines *Z*.

**Punishment for wrongful restraint**

**341.** Whoever wrongfully restrains any person shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,500, or with both.

**Punishment for wrongful confinement**

**342.** Whoever wrongfully confines any person shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

**343.** [Repealed by Act 15 of 2019]

**344.** [Repealed by Act 15 of 2019]

**Wrongful confinement of person for whose liberation a writ has been issued**

**345.** Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment for a term which may extend to 2 years, in addition to any term of imprisonment to which he may be liable under any other section of this Code.

**Wrongful confinement in secret**

**346.** Whoever wrongfully confines any person in such a manner as to indicate an intention that the confinement of that person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment for a term which may extend to 2 years, in addition to any other punishment to which he may be liable for such wrongful confinement.

**Wrongful confinement for the purpose of extorting property or constraining to an illegal act**

**347.** Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security, or of constraining the person confined, or any person interested in such person, to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment for a term which may extend to 3 years, and shall also be liable to fine.

**Wrongful confinement for the purpose of extorting confession or of compelling restoration of property**

**348.** Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined, or any person interested in the person confined, to restore, or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment for a term which may extend to 3 years, and shall also be liable to fine.

*Criminal force and assault***Force**

**349.** A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling:

Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the following 3 ways:

- (a) by his own bodily power;
- (b) by disposing any substance in such a manner that the motion, or change or cessation of motion, takes place without any further act on his part, or on the part of any other person;
- (c) by inducing any animal to move, to change its motion, or to cease to move.

## Criminal force

**350.** Whoever intentionally uses force to any person, without that person's consent, in order to cause the committing of any offence, or intending by the use of such force illegally to cause, or knowing it to be likely that by the use of such force he will illegally cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

### *Illustrations*

(a) *Z* is sitting in a moored boat on a river. *A* unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here *A* intentionally causes motion to *Z*, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. *A* has therefore intentionally used force to *Z*; and if he has done so without *Z*'s consent, in order to cause the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to *Z*, *A* has used criminal force to *Z*.

(b) *Z* is riding a horse. *A* lashes *Z*'s horse, and thereby causes it to quicken its pace. Here *A* has caused change of motion to *Z* by inducing the horse to change its motion. *A* has therefore used force to *Z*; and if *A* has done this without *Z*'s consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy *Z*, *A* has used criminal force to *Z*.

(c) *Z* is riding a horse. *A*, intending to cause hurt to *Z*, seizes the horse and stops it. Here *A* has caused cessation of motion to *Z*, and he has done this by his own bodily power. *A* has therefore used force to *Z*; and as *A* has acted thus intentionally without *Z*'s consent, in order to cause the commission of an offence, *A* has used criminal force to *Z*.

(d) *A* intentionally pushes against *Z* in the street. Here *A* has by his own bodily power moved his own person so as to bring it into contact with *Z*. He has therefore intentionally used force to *Z*, and if he has done so without *Z*'s consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy *Z*, he has used criminal force to *Z*.

(e) *A* throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with *Z*, or with *Z*'s clothes, or with something carried by *Z*, or that it will strike water and dash up the water against *Z*'s clothes, or something carried by *Z*. Here if the throwing of the stone produces the effect of causing any substance to come into contact with *Z*, or *Z*'s clothes, *A* has used force to *Z*; and if he has done so without *Z*'s consent, intending thereby to injure, frighten or annoy *Z*, he has used criminal force to *Z*.

(f) *A* intentionally pulls up a woman's veil. Here *A* intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.

(g) *Z* is bathing. *A* pours into the bath water which he knows to be boiling. Here *A* intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with *Z*, or with other water so situated that such contact must affect *Z*'s sense of feeling; *A* has therefore intentionally used force to *Z*; and if he has done this without *Z*'s consent, intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to *Z*, *A* has used criminal force to *Z*.

(h) *A* incites a dog to spring upon *Z*, without *Z*'s consent. Here, if *A* intends to cause injury, fear or annoyance to *Z*, he uses criminal force to *Z*.

## Assault

**351.** Whoever makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

*Explanation.*— Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparations such a meaning as may make those gestures or preparations amount to an assault.

### *Illustrations*

(a) *A* shakes his fist at *Z*, intending or knowing it to be likely that he may thereby cause *Z* to believe that *A* is about to strike *Z*. *A* has committed an assault.

(b) *A* begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause *Z* to believe that he is about to cause the dog to attack *Z*. *A* has committed an assault upon *Z*.

(c) *A* takes up a stick, saying to *Z*, "I will give you a beating". Here, though the words used by *A* could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances might not amount to an assault, the gesture explained by the words may amount to an assault.

**Punishment for using criminal force otherwise than on grave and sudden provocation**

**352.** Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment for a term which may extend to 3 months, or with fine which may extend to \$1,500, or with both.

*Explanation.*—Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence; or

if the provocation is given by anything done in obedience to the law or by a public servant in the lawful exercise of the powers of such public servant; or

if the provocation is given by anything done in the lawful exercise of the right of private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

**Using criminal force to deter a public servant from discharge of his duty**

**353.** Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment for a term which may extend to 4 years, or with fine, or with both.

**Assault or use of criminal force to a person with intent to outrage modesty**

**354.**—(1) Whoever assaults or uses criminal force to any person, intending to outrage or knowing it to be likely that he will thereby outrage the modesty of that person, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with caning, or with any combination of such punishments.

(2) Whoever commits an offence under subsection (1) against any person below 14 years of age shall be punished with imprisonment for



a term which may extend to 5 years, or with fine, or with caning, or with any combination of such punishments.

### **Outraging modesty in certain circumstances**

**354A.**—(1) Whoever, in order to commit or to facilitate the commission of an offence against any person under section 354, voluntarily causes or attempts to cause to that person death, or hurt, or wrongful restraint, or fear of instant death, instant hurt or instant wrongful restraint, shall be punished with imprisonment for a term of not less than 2 years and not more than 10 years and with caning.

(2) Whoever commits an offence under subsection (1) —

(a) in a lift in any building; or

(b) against any person below 14 years of age,

shall be punished with imprisonment for a term of not less than 3 years and not more than 10 years and with caning.

### **Assault or criminal force with intent to dishonour otherwise than on grave and sudden provocation**

**355.** Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

### **Assault or criminal force in committing or attempting to commit theft of property carried by a person**

**356.** Whoever assaults or uses criminal force on any person, in committing or attempting to commit theft of any property which that person is then wearing or carrying, shall be punished with imprisonment for a term of not less than one year and not more than 7 years, and shall also be liable to caning.

### **Assault or criminal force in attempting wrongfully to confine a person**

**357.** Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with

imprisonment for a term which may extend to one year, or with fine which may extend to \$3,000, or with both.

### **Assaulting or using criminal force on grave and sudden provocation**

**358.** Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to \$1,000, or with both.

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

### *Kidnapping, abduction, slavery and forced labour*

### **Kidnapping**

**359.** Kidnapping is of 2 kinds: kidnapping from Singapore, and kidnapping from lawful guardianship.

### **Kidnapping from Singapore**

**360.** Whoever conveys any person beyond the limits of Singapore without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from Singapore.

### **Kidnapping from lawful guardianship**

**361.** Whoever takes or entices any minor below 16 years of age, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

*Explanation.*—The words “lawful guardian” in this section include any person lawfully entrusted with the care or custody of such minor or other person.

*Exception.*—This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

**Abduction**

**362.** Whoever by force compels, or by any deceitful means induces any person to go from any place, is said to abduct that person.

**Punishment for kidnapping**

**363.** Whoever kidnaps any person from Singapore or from lawful guardianship, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

**Punishment for abduction**

**363A.** Whoever abducts any person shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with caning, or with any combination of such punishments.

**Kidnapping or abducting in order to murder**

**364.** Whoever kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be punished with death or imprisonment for life and shall, if he is not sentenced to death, also be liable to caning.

*Illustrations*

(a) *A* kidnaps *Z* from Singapore, intending or knowing it to be likely that *Z* may be sacrificed to an idol. *A* has committed the offence defined in this section.

(b) *A* forcibly carries or entices *B* away from his home in order that *B* may be murdered. *A* has committed the offence defined in this section.

**364A.** [*Repealed by Act 19 of 2010*]

**Kidnapping or abducting with intent secretly and wrongfully to confine a person**

**365.** Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

**Kidnapping or abducting a woman to compel her marriage, etc.**

**366.** Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or to a life of prostitution, or knowing it to be likely that she will be forced or seduced to illicit intercourse, or to a life of prostitution, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

**Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.**

**367.** Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt or slavery, or to non-consensual penile penetration of the anus or mouth, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

[15/2019]

**Wrongfully concealing or keeping in confinement a kidnapped person**

**368.** Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or keeps such person in confinement, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge or for the same purpose as that with or for which he conceals or detains such person in confinement.

**369.** [Repealed by Act 15 of 2019]

**Buying or disposing of any person as a slave**

**370.** Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

**Habitual dealing in slaves**

**371.** Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with imprisonment for life, or with imprisonment for a term not exceeding 10 years, and shall also be liable to fine.

**Selling minor for purposes of prostitution, etc.**

**372.** Whoever sells, lets to hire, or otherwise disposes of any person below 21 years of age with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

*Explanation.*—When a female below 21 years of age is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

**Buying minor for purposes of prostitution, etc.**

**373.** Whoever buys, hires or otherwise obtains possession of any person below 21 years of age with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

*Explanation.*—Any prostitute, or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female below 21 years of age shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

**Importing woman for purposes of prostitution, etc.**

**373A.** Whoever —

- (a) by any false pretence, false representation, or fraudulent or deceitful means, brings, or assists in bringing, into Singapore any woman with intent that such woman may be employed or used for the purpose of prostitution;
- (b) brings, or assists in bringing, into Singapore any woman with intent that such woman may be sold or bought for the purpose of prostitution; or
- (c) sells or buys any woman for the purpose of prostitution,

shall be punished with imprisonment for a term not exceeding 10 years, and shall also be liable to fine.

**Unlawful compulsory labour**

**374.** Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

*Sexual offences***Rape**

**375.—(1)** Any man who penetrates the vagina of a woman with his penis —

- (a) without her consent; or
- (b) with or without her consent, when she is below 14 years of age,

shall be guilty of an offence.

(1A) Any man (*A*) who penetrates, with *A*'s penis, the anus or mouth of another person (*B*) —

- (a) without *B*'s consent; or

- (b) with or without *B*'s consent, when *B* is below 14 years of age,

shall be guilty of an offence.

[15/2019]

(2) Subject to subsection (3), a man who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

(3) Whoever —

- (a) in order to commit or to facilitate the commission of an offence under subsection (1) or (1A) —

(i) voluntarily causes hurt to any person; or

(ii) puts a person in fear of death or hurt to that person or any other person;

- (b) commits an offence under subsection (1) or (1A) against a person below 14 years of age without that person's consent; or

- (c) commits an offence under subsection (1) or (1A) against a person below 14 years of age with whom the offender is in a relationship that is exploitative of that person,

shall be punished with imprisonment for a term of not less than 8 years and not more than 20 years and shall also be punished with caning of not less than 12 strokes.

[15/2019]

(4) No man shall be guilty of an offence under subsection (1)(b) or (1A)(b) for an act of penetration against his wife with her consent.

[15/2019]

(5) Despite section 79, no man shall be guilty of an offence under subsection (1)(a) or (1A)(a) if he proves that by reason of mistake of fact in good faith, he believed that the act of penetration against a person was done with consent.

[15/2019]

(6) No man shall be punished under subsection (3)(b) if he proves that by reason of mistake of fact in good faith, he believed that the act

of penetration against a person below 14 years of age was done with consent.

[15/2019]

### **Sexual assault involving penetration**

**376.**—(1) Any man (*A*) who causes another man (*B*) to penetrate with *B*'s penis, the anus or mouth of *A* —

(a) without *B*'s consent; or

(b) with or without *B*'s consent, when *B* is below 14 years of age,

shall be guilty of an offence.

[15/2019]

(2) Any person (*A*) who —

(a) sexually penetrates, with a part of *A*'s body (other than *A*'s penis, if a man) or anything else, the vagina or anus, as the case may be, of another person (*B*);

(b) causes a man (*B*) to penetrate, with *B*'s penis, the vagina, anus or mouth, as the case may be, of another person including *A*; or

(c) causes another person (*B*), to sexually penetrate, with a part of *B*'s body (other than *B*'s penis, if a man) or anything else, the vagina or anus, as the case may be, of any person including *A* or *B*,

shall be guilty of an offence if *B* did not consent to the penetration or if *B* is below 14 years of age, whether *B* did or did not consent to the penetration.

[15/2019]

(3) Subject to subsection (4), a person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

(4) Whoever —

(a) in order to commit or to facilitate the commission of an offence under subsection (1) or (2) —



- (i) voluntarily causes hurt to any person; or
- (ii) puts any person in fear of death or hurt to himself or any other person;
- (b) commits an offence under subsection (1) or (2) against a person below 14 years of age without that person's consent; or
- (c) commits an offence under subsection (1) or (2) against a person below 14 years of age with whom the offender is in a relationship that is exploitative of that person,

shall be punished with imprisonment for a term of not less than 8 years and not more than 20 years and shall also be punished with caning with not less than 12 strokes.

[15/2019]

(5) No person shall be guilty of an offence under subsection (1) or (2) —

- (a) for an act of penetration against his or her spouse with the consent of that spouse; or
- (b) if despite section 79, that person proves that by reason of mistake of fact in good faith, the person believed that *B* mentioned in those subsections did consent to the penetration and *B* was not below 14 years of age.

[15/2019]

(6) No man shall be punished under subsection (4)(b) if he proves that by reason of mistake of fact in good faith, he believed that the act of penetration against a person below 14 years of age was done with consent.

[15/2019]

### **Sexual penetration of minor below 16 years of age**

**376A.**—(1) Any person (*A*) who —

- (a) penetrates, with *A*'s penis, the vagina, anus or mouth, as the case may be, of a person below 16 years of age (*B*);
- (b) sexually penetrates, with a part of *A*'s body (other than *A*'s penis, if a man) or anything else, the vagina or anus, as the case may be, of a person below 16 years of age (*B*);

- (c) causes a man below 16 years of age (*B*) to penetrate, with *B*'s penis, the vagina, anus or mouth, as the case may be, of another person including *A*; or
- (d) causes a person below 16 years of age (*B*) to sexually penetrate, with a part of *B*'s body (other than *B*'s penis, if a man) or anything else, the vagina or anus, as the case may be, of any person including *A* or *B*,

shall be guilty of an offence.

[15/2019]

(1A) This section does not apply to an act of penetration mentioned in subsection (1) which would constitute an offence under section 375(1)(a), 375(1)(b) read with section 375(3), 375(1A)(a), 375(1A)(b) read with section 375(3), 376(1)(a), 376(1)(b) read with section 376(4), 376(2) (if the victim *B* is of or above 14 years of age) or 376(2) (if the victim *B* is below 14 years of age) read with section 376(4).

[15/2019]

(1B) To avoid doubt —

- (a) it is not necessary for the prosecution to prove that *B* did consent to an act of penetration mentioned in subsection (1); and
- (b) it is not a defence that *B* did consent to that act.

[15/2019]

(2) Whoever commits an offence under this section against a person (*B*) who is of or above 14 years of age but below 16 years of age —

- (a) in a case where the offender is in a relationship that is exploitative of *B*, shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning; and
- (b) in any other case, shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

[15/2019]

(3) Whoever commits an offence under this section against a person (*B*) who is below 14 years of age shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

(4) No person shall be guilty of an offence under this section for an act of penetration against his or her spouse with the consent of that spouse.

**Exploitative sexual penetration of minor of or above 16 but below 18 years of age**

**376AA.**—(1) Any person (*A*) who is in a relationship that is exploitative of a person of or above 16 years of age but below 18 years of age (*B*) shall be guilty of an offence if *A* —

- (a) penetrates, with *A*'s penis, if *A* is a man, the vagina, anus or mouth, as the case may be, of *B*;
- (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, as the case may be, of *B*;
- (c) causes *B*, if a man, to penetrate, with *B*'s penis, the vagina, anus or mouth, as the case may be, of another person including *A*; or
- (d) 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, as the case may be, of any person including *A* or *B*.

[15/2019]

(2) For the purposes of subsection (1) —

- (a) it is not necessary for the prosecution to prove that *B* did or did not consent to the act mentioned in that subsection; and
- (b) to avoid doubt, it is not a defence that *B* did consent to that act.

[15/2019]

(3) A person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine or to caning.

[15/2019]

### **Commercial sex with minor below 18 years of age**

**376B.**—(1) Any person who obtains for consideration the sexual services of a person, who is below 18 years of age, shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

(2) Any person who communicates with another person for the purpose of obtaining for consideration, the sexual services of a person who is below 18 years of age, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

(3) No person shall be guilty of an offence under this section for any sexual services obtained from that person's spouse.

(4) In this section, "sexual services" means any sexual services involving —

- (a) sexual penetration of the vagina or anus, as the case may be, of a person by a part of another person's body (other than the penis) or by anything else;
- (b) penetration of the vagina, anus or mouth, as the case may be, of a person by a man's penis; or
- (c) touching which is sexual of another person or of himself or herself.

[15/2019]

### **Commercial sex with minor below 18 years of age outside Singapore**

**376C.**—(1) Any person, being a citizen or a permanent resident of Singapore, who does, outside Singapore, any act that would, if done in Singapore, constitute an offence under section 376B, shall be guilty of an offence.

(1A) To avoid doubt, any person (*A*) who does in Singapore, any act involving a person below 18 years of age (*B*) who is outside

Singapore, that would if *B* were in Singapore constitute an offence under section 376B, shall be guilty of an offence.

[15/2019]

(1B) Any person who does outside Singapore, any act involving a person below 18 years of age who is in Singapore, that would if done in Singapore constitute an offence under section 376B, shall be guilty of an offence.

[15/2019]

(2) A person who is guilty of an offence under this section shall be punished with the same punishment with which he would have been punished had he been convicted of an offence under section 376B.

[15/2019]

### **Tour outside Singapore for commercial sex with minor below 18 years of age**

**376D.**—(1) Any person who —

- (a) makes or organises any travel arrangements for or on behalf of any other person with the intention of facilitating the commission by that other person of an offence under section 376C, whether or not such an offence is actually committed by that other person;
- (b) transports any other person to a place outside Singapore with the intention of facilitating the commission by that other person of an offence under section 376C, whether or not such an offence is actually committed by that other person; or
- (c) prints, publishes or distributes any information that is intended to promote conduct that would constitute an offence under section 376C, or to assist any other person to engage in such conduct,

shall be guilty of an offence.

(2) For the purposes of subsection (1)(c), the publication of information means publication of information by any means, whether by written, electronic, or other form of communication.

(3) A person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

### **Sexual grooming of minor below 16 years of age**

**376E.**—(1) Any person of or above 18 years of age (*A*) shall be guilty of an offence if having met or communicated with another person (*B*) on at least one previous occasion —

- (a) *A* intentionally meets *B* or travels with the intention of meeting *B* or *B* travels to attend a meeting with *A* which *A* has either initiated or agreed to whether expressly or by implication; and
- (b) at the time of the acts referred to in paragraph (a) —
  - (i) *A* intends to do anything to or in respect of *B*, during or after the meeting, which if done will involve the commission by *A* of a relevant offence;
  - (ii) *B* is below 16 years of age; and
  - (iii) *A* does not reasonably believe that *B* is of or above 16 years of age.

[15/2019]

(2) In subsection (1), “relevant offence” means an offence under —

- (a) section 355, 372, 373, 373A, 375, 376, 376A, 376B, 376C, 376EB, 376ED, 376F, 376H, 377(3), 377A, 377B(3), 377BA, 377BB, 377BF, 377BG or 377BH;
- (b) section 8 of the Children and Young Persons Act 1993; or
- (c) section 140(1) of the Women’s Charter 1961.

[15/2019]

(3) For the purposes of this section, it is immaterial whether the previous occasion of *A* having met or communicated with *B* referred to in subsection (1) took place in or outside Singapore.

[15/2019]

(4) A person who is guilty of an offence under this section shall on conviction —

- (a) in the case where the offence is committed against a victim who is below 14 years of age and *A* does not reasonably believe that *B* is of or above that age, be punished with imprisonment for a term which may extend to 4 years, or with fine, or with both; or
- (b) in any other case, be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

### **Exploitative sexual grooming of minor of or above 16 but below 18 years of age**

**376EA.**—(1) Any person of or above 18 years of age (*A*) shall be guilty of an offence if having met or communicated with another person (*B*) on at least one previous occasion —

- (a) *A* intentionally meets *B* or travels with the intention of meeting *B* or *B* travels to attend a meeting with *A* which *A* has either initiated or agreed to whether expressly or by implication; and
- (b) at the time of the acts mentioned in paragraph (a) —
  - (i) *A* intends to do anything to or in respect of *B*, during or after the meeting, which if done will involve the commission by *A* of a relevant offence;
  - (ii) *B* is of or above 16 but below 18 years of age;
  - (iii) *A* does not reasonably believe that *B* is of or above 18 years of age; and
  - (iv) *A* is in a relationship that is exploitative of *B*.

[15/2019]

(2) In subsection (1), “relevant offence” means an offence under —

- (a) section 354, 354A, 355, 372, 373, 373A, 375, 376, 376AA, 376B, 376C, 376EC, 376EE, 376F, 376G, 376H, 377(3), 377A, 377B(3), 377BA, 377BB, 377BF or 377BL; or
- (b) section 140(1) of the Women’s Charter 1961.

[15/2019]

(3) For the purposes of this section, it is immaterial whether the previous occasion of *A* having met or communicated with *B* mentioned in subsection (1) took place in or outside Singapore.

[15/2019]

(4) A person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

### **Sexual communication with minor below 16 years of age**

**376EB.**—(1) Any person of or above 18 years of age (*A*) shall be guilty of an offence if —

- (a) for the purpose of obtaining sexual gratification or of causing another person (*B*) humiliation, alarm or distress, *A* intentionally communicated with *B*;
- (b) the communication is sexual;
- (c) at the time of the communication, *B* is below 16 years of age; and
- (d) *A* does not reasonably believe that *B* is of or above 16 years of age.

[15/2019]

(2) For the purposes of this section, it is immaterial —

- (a) whether *B* replied or responded to *A*'s communication mentioned in subsection (1); and
- (b) whether such communication originated in Singapore provided that either *A* or *B* was in Singapore at the time of such communication.

[15/2019]

(3) A person who is guilty of an offence under this section shall —

- (a) in the case where the offence is committed against a victim who is below 14 years of age and *A* does not reasonably believe that *B* is of or above that age, be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both; or



- (b) in any other case, be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

[15/2019]

(4) No person shall be guilty of an offence under this section for any communication with his or her spouse with the consent of that spouse.

[15/2019]

**Exploitative sexual communication with minor of or above 16 but below 18 years of age**

**376EC.**—(1) Any person of or above 18 years of age (*A*) shall be guilty of an offence if —

- (a) for the purpose of obtaining sexual gratification or of causing another person (*B*) humiliation, alarm or distress, *A* intentionally communicated with *B*;
- (b) the communication is sexual;
- (c) at the time of the communication, *B* is of or above 16 but below 18 years of age;
- (d) *A* does not reasonably believe that *B* is of or above 18 years of age; and
- (e) *B* is in a relationship with *A* that is exploitative of *B*.

[15/2019]

(2) For the purposes of this section, it is immaterial —

- (a) whether *B* replied or responded to *A*'s communication mentioned in subsection (1); and
- (b) whether such communication originated in Singapore provided that either *A* or *B* was in Singapore at the time of such communication.

[15/2019]

(3) A person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

[15/2019]

**Sexual activity or image in presence of minor below 16 years of age**

**376ED.**—(1) Any person of or above 18 years of age (*A*) shall be guilty of an offence if —

- (a) for the purpose of obtaining sexual gratification or of causing another person (*B*) humiliation, alarm or distress, *A* intentionally engages in an activity;
- (b) the activity is sexual;
- (c) *A* engages in the activity —
  - (i) when *B* is present or is in a place from which *A* can be observed;
  - (ii) when either *A* or *B* is or both are in Singapore; and
  - (iii) knowing or believing that *B* is aware, or intending that *B* should be aware, that *A* is engaging in it;
- (d) *B* is below 16 years of age; and
- (e) *A* does not reasonably believe that *B* is of or above 16 years of age.

[15/2019]

(2) Any person of or above 18 years of age (*A*) shall be guilty of an offence if —

- (a) for the purpose of obtaining sexual gratification or of causing another person (*B*) humiliation, alarm or distress, *A* intentionally causes *B* to observe an image;
- (b) the image is sexual;
- (c) *B* is below 16 years of age;
- (d) *A* does not reasonably believe that *B* is of or above 16 years of age; and
- (e) either *A* or *B* is or both are in Singapore.

[15/2019]

(3) A person who is guilty of an offence under this section shall —

- (a) in the case where the offence is committed against a victim who is below 14 years of age and *A* does not reasonably

believe that *B* is of or above that age, be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both; or

- (b) in any other case, be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

[15/2019]

(4) No person shall be guilty of an offence under this section against *B* if *B* is his or her spouse with the consent of that spouse.

[15/2019]

**Exploitative sexual activity or image in presence of minor of or above 16 but below 18 years of age**

**376EE.**—(1) Any person of or above 18 years of age (*A*) shall be guilty of an offence if —

- (a) for the purpose of obtaining sexual gratification or of causing another person (*B*) humiliation, alarm or distress, *A* intentionally engages in an activity;
- (b) the activity is sexual;
- (c) *A* engages in the activity —
- (i) when *B* is present or is in a place from which *A* can be observed;
  - (ii) when either *A* or *B* is or both are in Singapore; and
  - (iii) knowing or believing that *B* is aware, or intending that *B* should be aware, that *A* is engaging in it;
- (d) *B* is of or above 16 but below 18 years of age;
- (e) *A* does not reasonably believe that *B* is of or above 18 years of age; and
- (f) *A* is in a relationship with *B* that is exploitative of *B*.

[15/2019]

(2) Any person of or above 18 years of age (*A*) shall be guilty of an offence if —

- (a) for the purpose of obtaining sexual gratification or of causing another person (*B*) humiliation, alarm or distress, *A* intentionally causes *B* to observe an image;
- (b) the image is sexual;
- (c) *B* is of or above 16 but below 18 years of age;
- (d) *A* does not reasonably believe that *B* is of or above 18 years of age;
- (e) *A* is in a relationship with *B* that is exploitative of *B*; and
- (f) either *A* or *B* is or both are in Singapore.

[15/2019]

(3) A person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

[15/2019]

### **Procurement of sexual activity with person with mental disability**

**376F.**—(1) Any person (*A*) shall be guilty of an offence if —

- (a) *A* intentionally touches another person (*B*) or intentionally incites *B* to touch *A* or *B* or another person;
- (b) the touching is sexual and *B* consents to the touching;
- (c) *A* obtains *B*'s consent —
  - (i) where *B* is not *A*'s spouse, by means of an inducement offered or given, a threat made or a deception practised by *A* for that purpose; or
  - (ii) where *B* is *A*'s spouse, by means of a threat made or a deception practised by *A* for that purpose;

(ca) *B* has a mental disability; and

- (d) *A* knows or could reasonably be expected to know that *B* has a mental disability.

[15/2019]

(2) Subject to subsection (3), a person who is guilty of an offence under this section shall be punished with imprisonment for a term

which may extend to 5 years, or with fine, or with caning, or with any combination of such punishments.

[27/2018]

(3) If the touching involved —

- (a) penetration of the vagina or anus, as the case may be, with a part of the body or anything else; or
- (b) penetration of the mouth with the penis,

a person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to a fine or to caning.

[27/2018]

(4) [Deleted by Act 15 of 2019]

(5) For the purposes of this section, “mental disability” means an impairment of or a disturbance in the functioning of the mind or brain resulting from any disability or disorder of the mind or brain which impairs the ability to make a proper judgement in the giving of consent to sexual touching.

[15/2019]

## **Incest**

**376G.**—(1) Any person (*A*) of or above 16 years of age who —

- (a) penetrates, with *A*'s penis, the vagina, anus or mouth, as the case may be, of a person of or above 16 years of age who is a close family relative (*B*);
- (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, as the case may be, of a person of or above 16 years of age who is a close family relative (*B*);
- (c) causes or permits a man of or above 16 years of age who is a close family relative (*B*) to penetrate, with *B*'s penis, the vagina, anus or mouth, as the case may be, of *A*; or

(d) causes or permits a person of or above 16 years of age who is a close family relative (*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, as the case may be, of *A*, knowing that *B* is a close family relative, shall be guilty of an offence.  
[15/2019]

(2) For the purposes of subsection (1), *B* is a close family relative of *A* if *B* is *A*'s grandchild, child, sibling, half-sibling, parent or grandparent (whether such relationship is or is not traced through lawful wedlock).  
[15/2019]

(3) A person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 5 years.  
[15/2019]

(4) This section does not apply to an act of penetration mentioned in subsection (1) which would constitute an offence under section 375(1)(a), 375(1A)(a), 376(1)(a) or (2) or 376AA(1).  
[15/2019]

(5) To avoid doubt —

(a) it is not necessary for the prosecution to prove that *B* did consent to the act of penetration mentioned in subsection (1); and

(b) it is not a defence that *B* did consent to that act.  
[15/2019]

(6) A person below 18 years of age who is a victim of an offence under section 376AA is not guilty of an offence under this section in respect of the same acts constituting the offence under that section.  
[15/2019]

### **Procurement of sexual activity by deception or false representation**

**376H.**—(1) Any person (*A*) shall be guilty of an offence if —

(a) *A* intentionally touches another person (*B*) or intentionally incites *B* to touch *A* or *B* or another person;

(b) the touching is sexual and *B* consents to the touching;

- (c) *A* fraudulently obtains *B*'s consent by means of deception or false representation practised or made by *A* for that purpose;
  - (d) the deception or false representation mentioned in paragraph (c) relates to —
    - (i) the use or manner of use of any sexually protective measure; or
    - (ii) whether *A* or another person whom *B* is incited to touch is suffering from or is a carrier of a sexually transmitted disease; and
  - (e) *A* knows or has reason to believe that the consent was given in consequence of such deception or false representation.  
[15/2019]
- (2) A person who is guilty of an offence under subsection (1) shall —
- (a) in the case where the sexual touching mentioned in that subsection involved —
    - (i) penetration of the vagina or anus (as the case may be) with a part of the body or anything else; or
    - (ii) penetration of the mouth with the penis,be punished on conviction with imprisonment for a term which may extend to 10 years, or with fine, or with caning, or any combination of such punishments; and
  - (b) in any other case, be punished on conviction with imprisonment for a term which may extend to 2 years, or with fine, or with both.  
[15/2019]
- (3) For the purposes of subsection (1) —
- (a) a person makes a false representation if it is untrue or misleading, and that person knows that it is, or might be, untrue or misleading;
  - (b) a representation may be express or implied; and

- (c) a “sexually protective measure” means —
- (i) where *B* is female, a device, drug or medical procedure to prevent pregnancy or sexually transmitted diseases as a result of sexual intercourse; or
  - (ii) where *B* is male, a device, drug or medical procedure to prevent sexually transmitted diseases as a result of sexual intercourse.

[15/2019]

### **Sexual penetration of a corpse**

**377.**—(1) Any man who penetrates, with his penis, the vagina, anus or mouth, as the case may be, of a human corpse, shall be guilty of an offence.

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

(3) Any person (*A*) who causes any man (*B*) to penetrate with *B*'s penis, the vagina, anus or mouth, as the case may be, of a human corpse, shall be guilty of an offence if *B* did not consent to the penetration.

(4) A person who is guilty of an offence under subsection (3) shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

### **Outrages on decency**

**377A.** Any male person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be punished with imprisonment for a term which may extend to 2 years.



**Sexual penetration with living animal**

**377B.**—(1) Any person (*A*) who —

- (a) penetrates, with *A*'s penis, the vagina, anus or any orifice of an animal; or
- (b) causes or permits *A*'s vagina, anus or mouth, as the case may be, to be penetrated by the penis of an animal,

shall be guilty of an offence.

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

(3) Any person (*A*) who —

- (a) causes any man (*B*) to penetrate, with *B*'s penis, the vagina, anus or any orifice of an animal; or
- (b) causes the vagina, anus or mouth, as the case may be, of another person (*B*) to be penetrated with the penis of an animal,

shall be guilty of an offence if *B* did not consent to the penetration.

(4) A person who is guilty of an offence under subsection (3) shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

**Word or gesture intended to insult modesty of any person**

**377BA.** Whoever, intending to insult the modesty of any person, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound will be heard, or that such gesture or object will be seen by such person, or intrudes upon the privacy of such person, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

[15/2019]

**Voyeurism**

**377BB.**—(1) Any person (*A*) shall be guilty of an offence who —

- (a) intentionally observes another person (*B*) doing a private act without *B*'s consent; and

- (b) knows or has reason to believe that *B* does not consent to being observed.

[15/2019]

- (2) Any person (*A*) shall be guilty of an offence who —

- (a) operates equipment with the intention of enabling *A* or another person to observe a third person (*B*) doing a private act without *B*'s consent; and

- (b) knows or has reason to believe that *B* (whether *B*'s private act was recorded or not) does not consent to *A* operating equipment with that intention.

[15/2019]

- (3) Any person (*A*) shall be guilty of an offence who —

- (a) intentionally or knowingly records another person (*B*) doing a private act without *B*'s consent; and

- (b) knows or has reason to believe that *B* does not consent to *A* recording the act.

[15/2019]

- (4) Any person (*A*) shall be guilty of an offence who —

- (a) operates equipment without another person's (*B*) consent with the intention of enabling *A* or another person (*C*) to observe *B*'s genitals, breasts if *B* is female, or buttocks (whether exposed or covered) in circumstances where the genitals, breasts, buttocks or underwear would not otherwise be visible; and

- (b) knows or has reason to believe that *B* (whether *B*'s image was recorded or not) does not consent to *A* operating the equipment with that intention.

[15/2019]

- (5) Any person (*A*) shall be guilty of an offence who —

- (a) intentionally or knowingly records without another person's (*B*) consent an image of *B*'s genitals, breasts if *B* is female, or buttocks (whether exposed or covered), in circumstances where the genitals, breasts, buttocks or underwear would not otherwise be visible; and

- (b) knows or has reason to believe that *B* does not consent to *A* recording the image.

[15/2019]

(6) Any person (*A*) who installs equipment, or constructs or adapts a structure or part of a structure, with the intention of enabling *A* or another person to commit an offence under subsection (1), (2), (3), (4) or (5) shall be guilty of an offence.

[15/2019]

(7) Subject to subsection (8), a person who is guilty of an offence under this section shall on conviction be punished with imprisonment for a term which may extend to 2 years, or with fine, or with caning, or with any combination of such punishments.

[15/2019]

(8) A person who commits an offence under this section against a person who is below 14 years of age shall on conviction be punished with imprisonment for a term which may extend to 2 years and shall also be liable to fine or to caning.

[15/2019]

(9) In any proceedings for an offence under this section, where a person (*A*) has made a recording of another person (*B*) doing a private act or of *B*'s genitals, breasts if *B* is female, or buttocks (whether exposed or covered), in circumstances where the genitals, breasts or buttocks would not otherwise be visible, it is presumed until the contrary is proved that *B* did not consent to *A* making the recording.

[15/2019]

### **Distribution of voyeuristic image or recording**

**377BC.**—(1) Any person (*A*) shall be guilty of an offence who —

- (a) intentionally or knowingly distributes an image or recording of another person (*B*) without *B*'s consent to the distribution;
- (b) knowing or having reason to believe that the image or recording was obtained through the commission of an offence under section 377BB; and
- (c) knows or has reason to believe that *B* does not consent to the distribution.

[15/2019]

- (2) Any person (*A*) shall be guilty of an offence who —
- (a) intentionally or knowingly has in his possession an image or recording of another person (*B*) for the purpose of distribution without *B*'s consent to the distribution;
  - (b) knowing or having reason to believe that the image or recording was obtained through the commission of an offence under section 377BB; and
  - (c) knows or has reason to believe that *B* does not consent to the distribution.

[15/2019]

(3) Subject to subsection (4), a person who is guilty of an offence under subsection (1) or (2) shall on conviction be punished with imprisonment for a term which may extend to 5 years, or with fine, or with caning, or any combination of such punishments.

[15/2019]

(4) Where the image or recording in subsection (1) or (2) is of a person below 14 years of age, a person who is guilty of an offence under subsection (1) or (2) shall on conviction be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine or to caning.

[15/2019]

### **Possession of or gaining access to voyeuristic or intimate image or recording**

**377BD.**—(1) Any person shall be guilty of an offence who has in his possession or has gained access to an image or recording of another person and —

- (a) knows or has reason to believe that the image or recording was obtained through the commission of an offence under section 377BB; or
- (b) knows or has reason to believe that —
  - (i) the image or recording is an intimate image or recording as defined in section 377BE(5);

- (ii) the possession of or access to the image or recording was without the consent of the person depicted in the image or recording; and
- (iii) the possession of or access to the image or recording will or is likely to cause humiliation, alarm or distress to the person depicted in the image or recording.

[15/2019]

(2) Subject to subsection (3), a person who is guilty of an offence under this section shall on conviction be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

[15/2019]

(3) Where the image or recording mentioned in subsection (1)(a) is of a person below 14 years of age, a person who is guilty of an offence under this section shall on conviction be punished with imprisonment for a term which may extend to 2 years, and shall also be liable to fine or to caning.

[15/2019]

(4) For the purposes of subsection (1) —

- (a) a person has in his possession an image or recording of another person that is in electronic form if he controls access to the electronic image or recording, whether or not he has physical possession of the electronic image or recording; and
- (b) the ways in which a person gains access to an image or recording may include —
  - (i) viewing or displaying it by an electronic medium or any other output of the image by an electronic medium; or
  - (ii) communicating, sending, supplying or transmitting the image to himself or herself.

[15/2019]

**Distributing or threatening to distribute intimate image or recording**

**377BE.**—(1) Any person (*A*) shall be guilty of an offence who —

- (a) intentionally or knowingly distributes an intimate image or recording of another person (*B*);
- (b) without *B*'s consent to the distribution; and
- (c) knows or has reason to believe that the distribution will or is likely to cause *B* humiliation, alarm or distress.

[15/2019]

(2) Any person (*A*) shall be guilty of an offence who —

- (a) knowingly threatens the distribution of an intimate image or recording of another person (*B*);
- (b) without *B*'s consent to the distribution; and
- (c) knows or has reason to believe that the threat will or is likely to cause *B* humiliation, alarm or distress.

[15/2019]

(3) Subject to subsection (4), a person who is guilty of an offence under subsection (1) or (2) shall on conviction be punished with imprisonment for a term which may extend to 5 years, or with fine, or with caning, or with any combination of such punishments.

[15/2019]

(4) A person who commits an offence under subsection (1) or (2) against a person (*B*) who is below 14 years of age shall on conviction be punished with imprisonment for a term which may extend to 5 years and shall also be liable to fine or to caning.

[15/2019]

(5) In this section, “intimate image or recording”, in relation to a person (*B*) —

- (a) means an image or recording —
  - (i) of *B*'s genital or anal region, whether bare or covered by underwear;
  - (ii) of *B*'s breasts if *B* is female, whether bare or covered by underwear; or

- (iii) of *B* doing a private act; and
- (b) includes an image or recording, in any form, that has been altered to appear to show any of the things mentioned in paragraph (a) but excludes an image so altered that no reasonable person would believe that it depicts *B*.

*Illustrations*

(a) *A* copies, crops, and pastes an image of *B*'s face onto the image of a body of a person who is engaging in a sexual act. This image has been altered to appear to show that *B* actually engaged in a sexual act. This is an intimate image.

(b) *A* pastes an image of *B*'s face on a cartoon depicting *B* performing a sexual act on *C*. No reasonable person would believe that *B* was performing the sexual act depicted on *C*. This is not an intimate image.

[15/2019]

### Sexual exposure

**377BF.**—(1) Any person (*A*) shall be guilty of an offence who —

- (a) for the purpose of obtaining sexual gratification or of causing another person (*B*) humiliation, alarm or distress, intentionally exposes *A*'s genitals;
- (b) intends that *B* will see *A*'s genitals; and
- (c) does so without *B*'s consent.

[15/2019]

(2) Any person (*A*) shall be guilty of an offence who —

- (a) for the purpose of obtaining sexual gratification or of causing another person (*B*) humiliation, alarm or distress, intentionally distributes to *B* an image of *A*'s or any other person's genitals;
- (b) intends that *B* will see *A*'s or the other person's genitals; and
- (c) does so without *B*'s consent.

[15/2019]

(3) Subject to subsection (4), a person who is guilty of an offence under subsection (1) or (2) shall on conviction be punished with

imprisonment for a term which may extend to one year, or with fine, or with both.

[15/2019]

(4) A person who commits an offence under subsection (1) or (2) against a person (*B*) who is below 14 years of age shall on conviction be punished with imprisonment for a term which may extend to 2 years, and shall also be liable to fine or to caning.

[15/2019]

### **Using or involving child in production of child abuse material**

**377BG.**—(1) Any person shall be guilty of an offence who —

- (a) uses a person who is below 16 years of age for the production of material which he knows or has reason to believe is child abuse material;
- (b) causes or procures a person of that age to be so used; or
- (c) having the care or custody of a person of that age, consents to the person being so used or allows the person to be so used.

[15/2019]

(2) A person who is guilty of an offence under subsection (1) shall on conviction be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

[15/2019]

(3) For the purposes of subsection (1) —

- (a) a person may have the care of a person below 16 years of age without necessarily being entitled by law to have the custody of the child;
- (b) the ways in which material is produced may include —
  - (i) filming, printing, photographing, recording, drawing or otherwise generating material;
  - (ii) altering or manipulating material; or
  - (iii) reproducing or copying material; and
- (c) the ways in which a person may be used in the production of material include inviting or encouraging the person to be



involved, or offering the person to be involved, in the production of the material.

[15/2019]

### **Producing child abuse material**

**377BH.**—(1) Any person who intentionally produces child abuse material knowing or having reason to believe that the material is child abuse material shall be guilty of an offence.

[15/2019]

(2) A person who is guilty of an offence under subsection (1) shall on conviction be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

[15/2019]

(3) For the purposes of subsection (1), the ways in which material is produced may include —

- (a) filming, printing, photographing, recording, writing, drawing or otherwise generating material;
- (b) altering or manipulating material; or
- (c) reproducing or copying material.

[15/2019]

### **Distributing or selling child abuse material**

**377BI.**—(1) Any person shall be guilty of an offence who —

- (a) distributes or sells or offers for sale child abuse material or has in the person's possession child abuse material for the purpose of such distribution, sale or offer for sale; and
- (b) knows or has reason to believe that the material is child abuse material.

[15/2019]

(2) A person who is guilty of an offence under subsection (1) shall on conviction be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine or to caning.

[15/2019]

**Advertising or seeking child abuse material**

**377BJ.**—(1) Any person shall be guilty of an offence who —

- (a) for the purposes of distributing or selling or offering for sale any child abuse material advertises the material; and
- (b) knows or has reason to believe that the material is child abuse material.

[15/2019]

(2) Any person shall be guilty of an offence who —

- (a) announces or otherwise makes known by any means any offer or purported offer to acquire, buy or gain access to any child abuse material; and
- (b) knows or has reason to believe that the material is child abuse material.

[15/2019]

(3) A person who is guilty of an offence under subsection (1) or (2) shall on conviction be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine or to caning.

[15/2019]

(4) In subsection (1), “advertise”, in relation to child abuse material, includes —

- (a) exhibiting, displaying or supplying any advertising material relating to the material;
- (b) announcing by any means any offer to sell or distribute the material; or
- (c) distributing or circulating any advertisement relating to the material.

[15/2019]

**Possession of or gaining access to child abuse material**

**377BK.**—(1) Any person shall be guilty of an offence who —

- (a) has in the person’s possession or has gained access to child abuse material; and

- (b) knows or has reason to believe that the material is child abuse material.

[15/2019]

(2) A person who is guilty of an offence under subsection (1) shall on conviction be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine or to caning.

[15/2019]

(3) For the purposes of subsection (1) —

- (a) a person has in the person's possession child abuse material that is electronic material if the person controls access to the material whether or not the person has physical possession of the electronic material; and
- (b) the ways in which a person gains access to material may include viewing material or displaying material by an electronic medium or any other output of the material by an electronic medium.

*Illustration*

*Y* has an online storage account for electronic material accessible with a username and password. *Y* has control of what is stored in the account and can upload to, copy from or delete material from the account. *Y* has an electronic folder in the account to which *Y* uploads and stores electronic child abuse material. *Y* has in his possession child abuse material.

[15/2019]

**Exploitation by abusive material of minor of or above 16 but below 18 years of age**

**377BL.**—(1) This section applies only where a person (*A*) is in a relationship with another person (*B*) who is of or above 16 but below 18 years of age, that is exploitative of *B*.

[15/2019]

(2) A person (*A*) who uses *B* for the production of material which *A* knows or has reason to believe is abusive material or causes or procures *B* to be so used shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

[15/2019]

(3) A person (*A*) who intentionally produces abusive material of *B* shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

[15/2019]

(4) A person (*A*) who distributes or sells or offers for sale abusive material of *B* or has in *A*'s possession abusive material of *B* for the purpose of such distribution, sale or offer for sale; and knowing or having reason to believe that the material is abusive material of *B* shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine or to caning.

[15/2019]

(5) For the purposes of this section —

(a) the ways in which material is produced may include —

- (i) filming, printing, photographing, recording, writing, drawing or otherwise generating material;
- (ii) altering or manipulating material; or
- (iii) reproducing or copying material; and

(b) the ways in which a person may be used in the production of material include inviting or encouraging the person to be involved, or offering the person to be involved, in the production of the material.

[15/2019]

(6) In this section, “abusive material”, in relation to *B*, means material that depicts —

(a) an image of *B* —

- (i) as a victim of torture, cruelty or physical abuse (whether or not the torture, cruelty or abuse is sexual);
- (ii) as a victim of sexual abuse;
- (iii) engaged in, or apparently engaging in, a sexual pose or sexual activity (whether or not in the presence of another person); or

- (iv) in the presence of another person who is engaged in, or apparently engaged in a sexual pose or sexual activity;
- (b) the genital or anal region of *B* in circumstances (whether or not apparent from the depiction) which reasonable persons would regard as being offensive; or
- (c) the breasts of *B* if *B* is female, in circumstances (whether or not apparent from the depiction) which reasonable persons would regard as being offensive.

[15/2019]

### **Defences to offences relating to intimate image or recording and voyeurism**

**377BM.**—(1) It is a defence to a charge for an offence under section 377BD of having possession of or gained access to an image or a recording obtained through the commission of an offence under section 377BB or an intimate image or recording mentioned in section 377BD(1)(b) for the accused person to prove that the accused person —

- (a) did not intentionally come into possession of or gain access to the image or recording; and
- (b) on becoming aware of having come into possession of or gaining access to the image or recording, as soon as it was practicable to do so, took all reasonable steps in the circumstances to cease possession of or access to the image or recording.

[15/2019]

(2) It is a defence to a charge for an offence under section 377BB, 377BC, 377BD or 377BE(1) if —

- (a) the act that is alleged to constitute the offence was done for any of the following purposes without malice and with reasonable cause:
  - (i) the prevention, detection, investigation or punishment of any offence;

- (ii) the conduct of contemplated or pending proceedings in any court or tribunal or to obtain evidence for the purpose of contemplating such proceedings;
  - (iii) safety or national security; and
- (b) the image or recording (if any) obtained through the commission of an offence under section 377BB or the intimate image or recording (if any) mentioned in section 377BD(1)(b) or 377BE(5) was not kept for a period longer than what was reasonably necessary or required for the purposes mentioned in paragraph (a).

#### *Illustrations*

(a) *A*, a caregiver is concerned that *B*, an elderly person has been in the toilet for an unusually long period of time. Despite *A* knocking several times, there is no response from *B*. As *A* is concerned for *B*'s safety, *A* forcefully opens the toilet door to find *B* in a state of undress. *A* has committed no offence as the act was done for the purpose of ensuring *B*'s safety.

(b) *A* notices that a stranger is using a mobile phone taking an upskirt photograph of a woman in the mall. *A* confronts the stranger who flees and drops his mobile phone. *A* keeps the mobile phone with the upskirt photograph with the intention of reporting the offence to the police. *A* hands over the phone to the police when he makes the police report. *A* has committed no offence as the act of possession of the upskirt photograph was done for the purpose of assisting the detection or investigation of the offence.

[15/2019]

### **Defences to child abuse material offences**

**377BN.**—(1) It is a defence to a charge for an offence of having possession of or gaining access to child abuse material under section 377BK for the accused person to prove that the accused person —

- (a) did not intentionally come into possession of or gain access to child abuse material; and
- (b) on becoming aware of having come into possession of or gaining access to child abuse material, as soon as it was practicable to do so, took all reasonable steps in the

circumstances to cease possession of or access to the material.

[15/2019]

(2) It is a defence to a charge for an offence under sections 377BH to 377BK if —

(a) the act that is alleged to constitute the offence was done for any of the following purposes without malice and with reasonable cause:

(i) the prevention, detection, investigation or punishment of any offence;

(ii) the conduct of contemplated or pending proceedings in any court or tribunal or to obtain evidence for the purpose of contemplating such proceedings;

(iii) safety or national security; and

(b) the child abuse material or the abusive material, as the case may be, was not kept for a period longer than what was reasonably necessary or required for the purposes mentioned in paragraph (a).

[15/2019]

(3) It is a defence to a charge for an offence under sections 377BH to 377BK if the act that is alleged to constitute the offence —

(a) has a legitimate purpose related to science, medicine, education or art; and

(b) did not pose an undue risk of harm to any person below 16 years of age.

*Explanation.*—An act has a legitimate purpose related to art which reasonable persons would regard as art.

#### *Illustrations*

(a) A university researcher has child abuse material in his possession for the purposes of studying the psychological effects of exposure to such material. The researcher's possession of the child abuse material has a legitimate purpose.

(b) *A* is a photo-journalist in a war zone. *A* takes a photo of a child victim of torture and submits this together with an article on the plight of such children to a

news organisation for publication. The taking and sending of the photo has a legitimate purpose.

[15/2019]

(4) It is a defence to a charge for an offence under sections 377BH to 377BK if —

- (a) the accused person (*A*) is below 16 years of age; and
- (b) the child abuse material that is alleged to constitute the offence is an image of *A* alone.

*Illustration*

*A* is 15 years old and takes a photo of herself alone posing in the nude. *A* stores the photo in her mobile phone. *A* has not committed the offence of producing or possessing child abuse material.

[15/2019]

(5) To avoid doubt, it is not a defence to a charge for an offence relating to child abuse material under sections 377BG to 377BL that, at the time of the conduct constituting the offence, the accused was under a mistaken but honest and reasonable belief that reasonable persons would not regard the child abuse material as being, in the circumstances, offensive.

[15/2019]

(6) It is a defence to a charge for the following offences in circumstances where the offender (*A*) and the person below 16 years of age (*B*) are married and subject to the following respective conditions:

- (a) an offence under section 377BG(1) or 377BH(1) if the child abuse material —
  - (i) involves only *A* and *B* in its production;
  - (ii) depicts *B* only, *A* and *B* only, or *A* only if *A* is below 16 years of age; and
  - (iii) was produced with *B*'s consent;
- (b) an offence under section 377BI if the distribution of the child abuse material —



- (i) occurs between *A* and *B* only;
  - (ii) involves material depicting *B* only, *A* and *B* only, or *A* only if *A* is below 16 years of age; and
  - (iii) was distributed with *B*'s consent;
- (c) an offence under section 377BJ(2) if the offer to acquire, buy, or gain access to the child abuse material —
- (i) occurs between *A* and *B* only; and
  - (ii) involves material depicting *B* only, *A* and *B* only, or *A* only if *A* is below 16 years of age;
- (d) an offence under section 377BK(1) if the possession of the child abuse material was with *B*'s consent and the material depicts *B* only, *A* and *B* only, or *A* only if *A* is below 16 years of age.

[15/2019]

### **Child abuse material offences outside or partially outside Singapore**

**377BO.**—(1) Any person, being a citizen or a permanent resident of Singapore, who does, outside Singapore, any act that would, if done in Singapore, constitute an offence under section 377BG, 377BH or 377BL(2) or (3), shall be guilty of an offence under section 377BG, 377BH or 377BL(2) or (3), as the case may be.

[15/2019]

(2) To avoid doubt, any person (*A*) who does in Singapore, any act involving a person below 16 years of age (*B*) and *B* is outside Singapore, that would if *B* were in Singapore constitute an offence under section 377BG or 377BH, shall be guilty of an offence under section 377BG or 377BH, as the case may be.

[15/2019]

(3) Any person who does outside Singapore, any act involving a person below 16 years of age (*B*) and *B* is in Singapore, that would if done in Singapore constitute an offence under section 377BG or 377BH, shall be guilty of an offence under section 377BG or 377BH, as the case may be.

[15/2019]

(4) Subsections (5) and (6) apply only where *A* is in a relationship that is exploitative of *B*.

[15/2019]

(5) To avoid doubt, any person (*A*) who does in Singapore, any act involving a person who is of or above 16 but below 18 years of age (*B*) and *B* is outside Singapore, that would if *B* were in Singapore constitute an offence under section 377BL(2) or (3), shall be guilty of an offence under section 377BL(2) or (3), as the case may be.

[15/2019]

(6) Any person (*A*) who does outside Singapore, any act involving a person who is of or above 16 but below 18 years of age (*B*) and *B* is in Singapore, that would if done in Singapore constitute an offence under section 377BL(2) or (3), shall be guilty of an offence under section 377BL(2) or (3), as the case may be.

[15/2019]

(7) To avoid doubt, any person who does in Singapore an act which is a physical element of an offence under section 377BG, 377BH or 377BL(2) or (3) shall be guilty of an offence under section 377BG, 377BH or 377BL(2) or (3), as the case may be, if all the fault elements and physical elements of the offence are proven even though other physical elements of the same offence occurred outside Singapore.

#### *Illustrations*

(a) *A*, a citizen or a permanent resident of Singapore, films in a foreign country a video recording of child abuse material involving a person below 16 years of age (*B*). *B* is in that foreign country during the filming. *A* is guilty of an offence under section 377BG or 377BH read with section 377BO(1).

(b) *A*, who is in Singapore, uses remote video facilities to film a video recording of child abuse material involving a person below 16 years of age (*B*). *B* is in a foreign country during the filming. *A* is guilty of an offence under section 377BG or 377BH read with section 377BO(2).

(c) *A*, who is in a foreign country and is not a citizen or a permanent resident of Singapore, uses remote video facilities to film a video recording of child abuse material involving a person below 16 years of age (*B*). *B* is in Singapore during the filming. *A* is guilty of an offence under section 377BG or 377BH read with section 377BO(3).

(d) *A*, who is in Singapore, uses computer software to alter and reproduce child abuse material which was not filmed in Singapore. The child abuse material is not stored in Singapore but in a computer server in a foreign country which *A* accesses through *A*'s computer in Singapore. *A* is guilty of an offence under section 377BH read with section 377BO(7).

[15/2019]

### **Interpretation of sections 375 to 377BO (sexual offences)**

**377C.**—(1) In sections 375 to 377BO —

“child abuse material” means material that depicts an image of any of the following:

- (a) a person who is, or who appears to a reasonable observer to be, or who is implied to be, below 16 years of age —
  - (i) as a victim of torture, cruelty or physical abuse (whether or not the torture, cruelty or abuse is sexual);
  - (ii) as a victim of sexual abuse;
  - (iii) engaged in, or apparently engaging in, a sexual pose or sexual activity (whether or not in the presence of another person); or
  - (iv) in the presence of another person who is engaged in, or apparently engaged in a sexual pose or sexual activity;
- (b) the genital or anal region of a person who is, or who appears to a reasonable observer to be, or who is implied to be, a person below 16 years of age in circumstances (whether or not apparent from the depiction) which reasonable persons would regard as being offensive;
- (c) the breasts of a person who is, or who appears to a reasonable observer to be, or who is implied to be, a female below 16 years of age in circumstances

(whether or not apparent from the depiction) which reasonable persons would regard as being offensive;

“distribute” includes any of the following conduct, whether done in person, electronically, digitally or in any other way:

- (a) send, publish, supply, show, exhibit, transmit or communicate to another person;
- (b) make available for viewing or access by another person;

“image” means a still, moving, recorded or unrecorded image and includes an image produced by any means and, where the context requires, a three-dimensional image;

“image”, in relation to a person, means an image of a human being that is not fictional or imaginary but includes an image that so closely resembles that of a human being as to make it difficult for an ordinary person to distinguish it from an image of a human being that is not fictional or imaginary;

“material” means —

- (a) any film, photograph, printed matter or computer game depicting an image;
- (b) any electronic record depicting an image; or
- (c) any other thing of any kind depicting an image;

“structure” includes a tent, vehicle or vessel or other temporary or movable structure;

“touching” includes touching —

- (a) with any part of the body;
- (b) with anything else; or
- (c) through anything,

and includes penetration of the vagina or anus, as the case may be, with a part of the body or anything else and penetration of the mouth with the penis;

“vagina” includes vulva.

[15/2019]

(2) For the purposes of the definition of “distribute” in subsection (1), a person is treated as having distributed an image or recording whether or not another person views or gains access to the image.

[15/2019]

(3) In sections 375 to 377BO —

- (a) penetration is a continuing act from entry to withdrawal;
- (b) a reference to a part of the body includes a reference to a part which is surgically constructed (in particular, through a sex reassignment procedure);
- (c) for the purposes of identifying the sex of a person —
  - (i) the sex of a person as stated in that person’s identity card issued under the National Registration Act 1965 at the time the sexual activity took place is prima facie evidence of the sex of that person; and
  - (ii) a person who has undergone a sex reassignment procedure is identified as being of the sex to which that person has been reassigned;
- (d) penetration, touching, communication or other activity is “sexual” if —
  - (i) because of its nature it is sexual, whatever its circumstances or any person’s purpose in relation to it may be; or
  - (ii) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual;
- (e) references to observation (however expressed) are to observation whether direct or by looking at an image;
- (f) a person is doing a private act if under circumstances in which the person has a reasonable expectation of privacy, the person —

- (i) is in a state where the person's genitals, buttocks or breasts (if the person is a female) are exposed or covered only in underwear;
- (ii) is using a toilet, showering or bathing; or
- (iii) is doing a sexual act that is not of a kind ordinarily done in public.

*Illustration*

*A* is showering in an open-concept shower cubicle at the changing room of a swimming pool and cannot reasonably expect not to be casually observed. However, *A* has a reasonable expectation that *A* will not be surreptitiously recorded by a video camera.

[15/2019]

### Meaning of exploitative relationship

**377CA.**—(1) For the purposes of sections 375, 376, 376A, 376AA, 376EA, 376EC, 376EE, 377BL and 377D, whether an accused person's relationship with a person below 18 years of age (called in this section a minor) is exploitative of the minor is to be determined by the court in the circumstances of each case and the court must have regard to the following in making such determination:

- (a) the age of the minor;
- (b) the difference between the age of the accused person and the minor;
- (c) the nature of the relationship;
- (d) the degree of control or influence exercised by the accused person over the minor.

[15/2019]

(2) For the purposes of subsection (1) and subject to subsection (3), it is presumed until the contrary is proved that an accused person's relationship with a minor is exploitative where the relationship is any of the following:

- (a) the accused person is the parent, step-parent, guardian or foster parent of the minor;

- (b) the accused person is the de facto partner of the parent, guardian or foster parent of the minor;
  - (c) the accused person is a member of the teaching or management staff of the school or educational institution at which the minor is a student;
  - (d) the accused person has an established personal relationship with the minor in connection with the provision of religious, sporting, musical or other instruction to the minor;
  - (e) the accused person is a custodial officer of an institution in which the minor is detained;
  - (f) the accused person is a registered medical practitioner, a registered traditional Chinese medicine practitioner or a psychologist and the minor is a patient of the accused person;
  - (g) the accused person is an advocate and solicitor or a counsellor and the minor is a client of the accused person.
- [15/2019]*

(3) The presumption in subsection (2) does not apply to a person who is lawfully married to a minor even though the relationship may fall within any of the relationships mentioned in subsection (2).

*[15/2019]*

### **Consent given under misconception in sexual offences**

**377CB.**—(1) Despite section 90(a)(ii), a consent for the purposes of an act which is the physical element of a sexual offence is not a consent given by a person under a misconception of fact only if it is directly related to —

- (a) the nature of the act, namely that it is not of a sexual nature;
- (b) the purpose of the act, namely that it is not for a sexual purpose; or
- (c) the identity of the person doing the act,

and the person doing the act knows, or has reason to believe, that the consent was given in consequence of such misconception.

*[15/2019]*

(2) In subsection (1) —

“sexual” has the meaning given by section 377C(3);

“sexual offence” means any offence where the physical element of the offence under this Code or any other written law involves an act of a sexual nature and includes but is not limited to any offence under sections 375 to 377BN.

*Illustrations*

(a) *A* deceives *B* into allowing him to penetrate her vagina by inducing the misconception that he is extracting an evil spirit from *B*'s body. *B* believes *A* and thinks that what she has consented to is a procedure to extract an evil spirit, not sexual intercourse. *B* has given her consent under a misconception as to the sexual nature of the act. *B*'s apparent consent is therefore not a valid consent.

(b) *A* deceives *B* into believing that he can heal *B*'s chronic disease by treatment involving sexual penetration. *B* gives her consent under the misconception that the act is treatment for a health purpose and not for a sexual purpose. *B*'s apparent consent is therefore not a valid consent.

(c) *A* deceives *B* into believing that *A* is her husband. *A* is an imposter. *B* consents to sexual intercourse with *A* because she believes *A* is her husband. *B*'s consent is given under a misconception of the identity of *A* and is therefore not a valid consent.

(d) *A* deceives *B* into believing that *A* is an influential movie director. *A* is in fact only an administrative assistant to that movie director. *B* consents to sexual intercourse with *A* because she believes *A* is that movie director. *B*'s misconception is as to *A*'s attributes and not of *A*'s identity. *B*'s consent is therefore a valid consent.

[15/2019]

### **Mistake as to age in sexual offences**

**377D.**—(1) Subject to subsections (2) and (3) and despite section 79, a reasonable mistake as to the age of a person cannot be a defence to any charge for a sexual offence.

[15/2019]

(2) The presence of a reasonable mistaken belief that a minor was of or above 18 years of age is a valid defence to a charge for a sexual offence where the fact that a minor is of or above 16 years of age but below 18 years of age is a physical element of the offence.

[15/2019]



(3) For the purposes of subsection (2), the defence under that subsection is no longer available if at the time of the offence, the person charged with that offence —

- (a) has previously been charged in court for an offence under section 375(1)(b), 375(1A)(b), 376(1) (if the victim *B* is below 14 years of age), 376(2) (if the victim *B* is below 14 years of age), 376A, 376AA, 376B, 376C, 376E, 376EA, 376EB, 376EC, 376ED, 376EE, 377BG, 377BH, 377BI, 377BJ, 377BK or 377BL or section 8 of the Children and Young Persons Act 1993 or section 140(1)(i) or 145(1) of the Women’s Charter 1961; or
- (b) failed to take all reasonable steps to verify that the minor was of or above 18 years of age.

*Explanation.*—The fact that the minor was observed to be participating in activities which are restricted to persons of or above 18 years of age, such as smoking a cigarette or admission to premises with access restricted to persons of or above 18 years of age (such as a nightclub) is neither sufficient to constitute a reasonable basis for the mistaken belief nor reasonable steps to verify that minor’s age.

[15/2019]

(4) In this section, “sexual offence” has the meaning given by section 377CB.

[15/2019]

## CHAPTER 17

### OFFENCES AGAINST PROPERTY

#### *Theft*

#### **Theft**

**378.** Whoever, intending to take dishonestly any movable property out of the possession of any person without that person’s consent, moves that property in order to such taking, is said to commit theft.

*Explanation 1.*—A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

*Explanation 2.*—A moving, effected by the same act which effects the severance, may be a theft.

*Explanation 3.*—A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

*Explanation 4.*—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which in consequence of the motion so caused is moved by that animal.

*Explanation 5.*—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

*Explanation 6.*—A person may move property which is intangible or incorporeal by transferring the property from one account to another account or transferring the interests in the property from one person to another person or by extinguishing the property.

#### *Illustrations*

(a) *A* cuts down a tree on *Z*'s ground, with the intention of dishonestly taking the tree out of *Z*'s possession without *Z*'s consent. Here, as soon as *A* has severed the tree, in order to such taking, he has committed theft.

(b) *A* puts a bait for dogs in his pocket, and thus induces *Z*'s dog to follow it. Here, if *A*'s intention be dishonestly to take the dog out of *Z*'s possession without *Z*'s consent, *A* has committed theft as soon as *Z*'s dog has begun to follow *A*.

(c) [*Deleted by Act 51 of 2007*]

(d) *A*, being *Z*'s servant and entrusted by *Z* with the care of *Z*'s plate, dishonestly runs away with the plate without *Z*'s consent. *A* has committed theft.

(e) *Z*, going on a journey, entrusts his plate to *A*, the keeper of a warehouse, till *Z* shall return. *A* carries the plate to a goldsmith and sells it. Here the plate was not in *Z*'s possession. It could not, therefore, be taken out of *Z*'s possession, and *A* has not committed theft, though he may have committed criminal breach of trust.

(f) *A* finds a ring belonging to *Z* on a table in the house which *Z* occupies. Here the ring is in *Z*'s possession, and if *A* dishonestly removes it, *A* commits theft.

(g) *A* finds a ring lying on the high road, not in the possession of any person. *A* by taking it commits no theft, though he may commit criminal misappropriation of property.

(h) *A* sees a ring belonging to *Z* lying on a table in *Z*'s house. Not venturing to misappropriate the ring immediately for fear of search and detection, *A* hides the ring in a place where it is highly improbable that it will ever be found by *Z*, with

the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here *A*, at the time of first moving the ring, commits theft.

(i) *A* delivers his watch to *Z*, a jeweller, to be regulated. *Z* carries it to his shop. *A*, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of *Z*'s hand, and carries it away. Here *A*, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(j) If *A* owes money to *Z* for repairing the watch, and if *Z* retains the watch lawfully as a security for the debt, and *A* takes the watch out of *Z*'s possession, with the intention of depriving *Z* of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(k) Again, if *A* having pawned his watch to *Z*, takes it out of *Z*'s possession without *Z*'s consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property, inasmuch as he takes it dishonestly.

(l) *A* takes an article belonging to *Z* out of *Z*'s possession, without *Z*'s consent, with the intention of keeping it until he obtains money from *Z* as a reward for its restoration. Here *A* takes dishonestly; *A* has therefore committed theft.

(m) *A*, being on friendly terms with *Z*, goes into *Z*'s library in *Z*'s absence and takes away a book, without *Z*'s express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that *A* may have conceived that he had *Z*'s implied consent to use *Z*'s book. If this was *A*'s impression, *A* has not committed theft.

(n) *A* asks charity from *Z*'s wife. She gives *A* money, food and clothes, which *A* knows to belong to *Z*, her husband. Here, it is probable that *A* may conceive that *Z*'s wife is authorised to give away alms. If this was *A*'s impression, *A* has not committed theft.

(o) *A* is the paramour of *Z*'s wife. She gives *A* valuable property, which *A* knows to belong to her husband *Z*, and to be such property as she has no authority from *Z* to give. If *A* takes the property dishonestly, he commits theft.

(p) *A* in good faith, believing property belonging to *Z* to be *A*'s own property, takes that property out of *B*'s possession. Here, as *A* does not take dishonestly, he does not commit theft.

(q) *A* gains access to *Z*'s bank account and dishonestly transfers money from *Z*'s account to *A*'s own account without *Z*'s knowledge or consent. *A* commits theft.

[15/2019]

**Punishment for theft**

**379.** Whoever commits theft shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Punishment for theft of a motor vehicle**

**379A.**—(1) Whoever commits theft of a motor vehicle or any component part of a motor vehicle shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise, be disqualified for such period as the court may order from the date of his release from imprisonment from holding or obtaining a driving licence under the Road Traffic Act 1961.

(3) In this section —

“component part”, in relation to a motor vehicle, means any component part attached to the motor vehicle, and includes any tyre, accessory or equipment attached to the motor vehicle;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, and includes a trailer drawn by a motor vehicle.

**Theft in dwelling house, etc.**

**380.** Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or for the custody of property, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

**Theft by clerk or servant of property in possession of master**

**381.** Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

### **Theft after preparation made for causing death or hurt in order to commit theft**

**382.** Whoever commits theft, having made preparation for causing death or hurt or restraint, or fear of death or of hurt or of restraint, to any person in order to commit such theft, or in order to effect his escape after committing such theft, or in order to retain property taken by such theft, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be punished with caning with not less than 3 strokes.

#### *Illustrations*

(a) *A* commits theft of property in *Z*'s possession; and, while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting *Z* in case *Z* should resist. *A* has committed the offence defined in this section.

(b) *A* picks *Z*'s pocket, having posted several of his companions near him, in order that they may restrain *Z*, if *Z* should perceive what is passing and should resist, or should attempt to apprehend *A*. *A* has committed the offence defined in this section.

#### *Extortion*

### **Extortion**

**383.** Whoever intentionally puts any person in fear of any harm to that person or to any other person, in body, mind, reputation or property, whether such harm is to be caused legally or illegally, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion".

#### *Illustrations*

(a) *A* threatens to publish a defamatory libel concerning *Z*, unless *Z* gives him money. He thus induces *Z* to give him money. *A* has committed extortion.

(b) *A* threatens *Z* that he will keep *Z*'s child in wrongful confinement, unless *Z* will sign and deliver to *A* a promissory note binding *Z* to pay certain moneys to *A*. *Z* signs and delivers the note. *A* has committed extortion.

(c) *A*, an enforcement officer, sees *Z* committing an offence, and threatens to report the offence unless *Z* gives him money. *Z* fears that the report may result in

his being prosecuted for the offence and delivers money to *A*. *A* has committed extortion.

(*d*) *A*, by putting *Z* in fear of grievous hurt, dishonestly induces *Z* to sign or affix his seal to a blank paper and deliver it to *A*. *Z* signs and delivers the paper to *A*. Here, as the paper so signed may be converted into a valuable security, *A* has committed extortion.

### **Punishment for extortion**

**384.** Whoever commits extortion shall be punished with imprisonment for a term of not less than 2 years and not more than 7 years and with caning.

### **Putting person in fear of harm in order to commit extortion**

**385.** Whoever, in order to commit extortion, puts or attempts to put any person in fear of any harm to that person or to any other person, in body, mind, reputation or property, whether such harm is to be caused legally or illegally, shall be punished with imprisonment for a term of not less than 2 years and not more than 5 years and with caning.

### **Extortion by putting a person in fear of death or grievous hurt**

**386.** Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment for a term of not less than 2 years and not more than 10 years and with caning.

### **Putting person in fear of death or of grievous hurt in order to commit extortion**

**387.** Whoever, in order to commit extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment for a term of not less than 2 years and not more than 7 years and with caning.

### **Extortion by threat of accusation of an offence punishable with death, or imprisonment, etc.**

**388.** Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed, or attempted to commit, an offence punishable with death, or with

imprisonment for life, or with imprisonment for a term which may extend to 10 years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

### **Putting person in fear of accusation of offence, in order to commit extortion**

**389.** Whoever, in order to commit extortion, puts or attempts to put any person in fear of an accusation against that person or any other, of having committed, or attempted to commit, an offence punishable with death, or with imprisonment for life, or with imprisonment for a term which may extend to 10 years, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

### *Robbery and gang-robbery*

#### **Robbery**

**390.**—(1) In all robbery there is either theft or extortion.

#### **When theft is robbery**

(2) Theft is “robbery” if, in order to commit theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death, or hurt, or wrongful restraint, or fear of instant death, or of instant hurt, or of instant wrongful restraint.

#### **When extortion is robbery**

(3) Extortion is “robbery” if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

*Explanation.*—The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

#### *Illustrations*

(a) *A* holds *Z* down, and dishonestly takes *Z*'s money and jewels from *Z*'s clothes, without *Z*'s consent. Here *A* has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to *Z*. *A* has therefore committed robbery.

(b) *A* meets *Z* on the high road, shows a pistol, and demands *Z*'s purse. *Z*, in consequence surrenders his purse. Here *A* has extorted the purse from *Z*, by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. *A* has therefore committed robbery.

(c) *A* meets *Z* and *Z*'s child on the high road. *A* takes the child, and threatens to fling it down a precipice, unless *Z* delivers his purse. *Z*, in consequence, delivers his purse. Here *A* has extorted the purse from *Z*, by causing *Z* to be in fear of instant hurt to the child, *Z* being present. *A* has therefore committed robbery on *Z*.

(d) *A* obtains property from *Z* by saying, "Your child is in the hands of my gang, and will be put to death unless you send us \$1,000." This is extortion, and punishable as such; but it is not robbery, unless *Z* is put in fear of the instant death of his child.

### **Gang-robbery**

**391.** When 5 or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and of persons present and aiding such commission or attempt, amount to 5 or more, every person so committing, attempting, or aiding, is said to commit "gang-robbery".

### **Punishment for robbery**

**392.** Whoever commits robbery shall be punished with imprisonment for a term of not less than 2 years and not more than 10 years and shall also be punished with caning with not less than 6 strokes; and if the robbery is committed after 7 p.m. and before 7 a.m. the offender shall be punished with imprisonment for a term of not less than 3 years and not more than 14 years and shall also be punished with caning with not less than 12 strokes.



**Attempt to commit robbery**

**393.** Whoever attempts to commit robbery shall be punished with imprisonment for a term of not less than 2 years and not more than 7 years and shall also be punished with caning with not less than 6 strokes.

**Voluntarily causing hurt in committing robbery**

**394.** If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person, jointly concerned in committing or attempting to commit such robbery, shall be punished with imprisonment for a term of not less than 5 years and not more than 20 years and shall also be punished with caning with not less than 12 strokes.

**Punishment for gang-robbery**

**395.** Whoever commits gang-robbery shall be punished with imprisonment for a term of not less than 5 years and not more than 20 years and shall also be punished with caning with not less than 12 strokes.

**Gang-robbery with murder**

**396.** If any one of 5 or more persons who are conjointly committing gang-robbery, commits murder in so committing gang-robbery, every one of those persons shall be punished with death or imprisonment for life, and if he is not sentenced to death, shall also be punished with caning with not less than 12 strokes.

**Robbery when armed or with attempt to cause death or grievous hurt**

**397.** If at the time of committing or attempting to commit robbery, the offender is armed with or uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, such offender, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with caning with not less than 12 strokes, in addition to any other punishment to which he may be liable under any other section of this Code.

*[There is no section 398.]*

### **Making preparation to commit gang-robbery**

**399.** Whoever makes any preparation for committing gang-robbery, shall be punished with imprisonment for a term of not less than 3 years and not more than 10 years and shall also be punished with caning with not less than 12 strokes.

### **Punishment for belonging to gang-robbers**

**400.** Whoever shall belong to a gang of persons associated for the purpose of habitually committing gang-robbery, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall also be punished with caning with not less than 6 strokes.

### **Punishment for belonging to gang of thieves**

**401.** Whoever shall belong to any gang of persons associated for the purpose of habitually committing theft or robbery, and not being gang-robbers, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be punished with caning with not less than 4 strokes.

*[15/2019]*

### **Assembling for purpose of committing gang-robbery**

**402.** Whoever shall be one of 5 or more persons assembled for the purpose of committing gang-robbery, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be punished with caning with not less than 4 strokes.

### *Criminal misappropriation of property*

### **Dishonest misappropriation of property**

**403.** Whoever dishonestly misappropriates or converts to his own use movable property, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

#### *Illustrations*

(a) *A* takes property belonging to *Z* out of *Z*'s possession in good faith believing, at the time when he takes it, that the property belongs to himself. *A* is

not guilty of theft; but if *A*, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(*b*) *A*, being on friendly terms with *Z*, goes into *Z*'s house in *Z*'s absence and takes away a book without *Z*'s express consent. Here, if *A* was under the impression that he had *Z*'s implied consent to take the book for the purpose of reading it, *A* has not committed theft. But if *A* afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(*c*) *A* and *B* being joint owners of a horse, *A* takes the horse out of *B*'s possession, intending to use it. Here, as *A* has a right to use the horse, he does not dishonestly misappropriate it. But if *A* sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

*Explanation 1.*—A dishonest misappropriation for a time only is a misappropriation within the meaning of this section.

#### *Illustration*

*A* finds a Government promissory note belonging to *Z*, bearing a blank endorsement. *A*, knowing that the note belongs to *Z*, pledges it with a banker as a security for a loan, intending at a future time to restore it to *Z*. *A* has committed an offence under this section.

*Explanation 2.*—A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner, and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means, or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it; it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believe that the real owner cannot be found.

#### *Illustrations*

(*a*) *A* finds a dollar on the high road, not knowing to whom the dollar belongs. *A* picks up the dollar. Here *A* has not committed the offence defined in this section.

(b) *A* finds a letter on the high road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) *A* finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person who has drawn the cheque appears. *A* knows that this person can direct him to the person in whose favour the cheque was drawn. *A* appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) *A* sees *Z* drop his purse with money in it. *A* picks up the purse with the intention of restoring it to *Z*, but afterwards appropriates it to his own use. *A* has committed an offence under this section.

(e) *A* finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to *Z*, and appropriates it to his own use. *A* is guilty of an offence under this section.

(f) *A* finds a valuable ring, not knowing to whom it belongs. *A* sells it immediately without attempting to discover the owner. *A* is guilty of an offence under this section.

(g) *A* receives money transferred to his bank account from *Z*'s bank account. *A* discovers that *Z* did not intend to transfer the money to him. *A* retains the money and appropriates it to his own use. *A* is guilty of an offence under this section.

[15/2019]

### **Dishonest misappropriation of property possessed by a deceased person at the time of his death**

**404.** Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment for a term which may extend to 3 years, and shall also be liable to fine; and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to 7 years.

#### *Illustration*

*Z* dies in possession of furniture and money. His servant *A*, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. *A* has committed the offence defined in this section.

*Criminal breach of trust***Criminal breach of trust**

**405.** Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or intentionally suffers any other person to do so, commits “criminal breach of trust”.

*Illustrations*

(a) *A*, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. *A* has committed criminal breach of trust.

(b) *A* is a warehouse-keeper. *Z*, going on a journey, entrusts his furniture to *A*, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. *A* dishonestly sells the goods. *A* has committed breach of trust.

(c) *A*, residing in Singapore, is agent for *Z*, residing in Penang. There is an express or implied contract between *A* and *Z* that all sums remitted by *Z* to *A* shall be invested by *A* according to *Z*'s direction. *Z* remits \$5,000 to *A*, with directions to *A* to invest the same in Government securities. *A* dishonestly disobeys the direction, and employs the money in his own business. *A* has committed criminal breach of trust.

(d) But if *A*, in the last illustration, not dishonestly, but in good faith, believing that it will be more for *Z*'s advantage to hold shares in the Bank X, disobeys *Z*'s directions, and buys shares in the Bank X for *Z*, instead of buying Government securities, here, though *Z* should suffer loss and should be entitled to bring a civil action against *A* on account of that loss, yet *A*, not having acted dishonestly, has not committed criminal breach of trust.

(e) *A*, a collector of Government money, or a clerk in a Government office, is entrusted with public money, and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. *A* dishonestly appropriates the money. *A* has committed criminal breach of trust.

(f) *A*, a carrier, is entrusted by *Z* with property to be carried by land or by water. *A* dishonestly misappropriates the property. *A* has committed criminal breach of trust.

[15/2019]

### **Punishment of criminal breach of trust**

**406.** Whoever commits criminal breach of trust shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

### **Criminal breach of trust of property entrusted for purposes of transportation or storage**

**407.** Whoever, being entrusted with property for the purpose of transportation for hire or storage for rent or charge, commits criminal breach of trust in respect of such property, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine.

#### *Illustration*

A carrier is an example of a person who is entrusted with property for the purpose of transportation for hire and a warehouse owner or warehouse operator is an example of a person who is entrusted with property for the purpose of storage for rent or charge.

[15/2019]

### **Criminal breach of trust by employees**

**408.—(1)** Whoever, being an employee, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine.

[15/2019]

(2) For the purposes of subsection (1) —

(a) an employee includes a person who is engaged in a capacity with the same fundamental qualities as an employee; and

- (b) a person may be an employee or engaged in the capacity mentioned in paragraph (a) even though that person does not receive any salary or other remuneration arising from the person's employment or engagement.

[15/2019]

**Criminal breach of trust by public servant, or by banker, merchant, agent, director, officer, partner, key executive or fiduciary**

**409.**—(1) Whoever, being in any manner entrusted with property, or with any dominion over property —

- (a) in his capacity as a public servant;
- (b) in the way of his trade, profession or business as a banker, a merchant, a factor, a broker, an attorney or an agent;
- (c) in his professional capacity (other than by way of a trade, profession or business mentioned in paragraph (b));
- (d) in his capacity as a director of a corporation;
- (e) in his capacity as an officer of an unincorporated association;
- (f) in his capacity as a partner in a partnership;
- (g) in his capacity as a key executive of a corporation, an unincorporated association or a partnership; or
- (h) in his capacity as a fiduciary,

commits criminal breach of trust in respect of that property, shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine.

[15/2019]

(2) In this section —

“director” includes —

- (a) any person occupying the position of director of a corporation by whatever name called, and includes a person in accordance with whose directions or instructions the directors or the majority of the

directors of a corporation are accustomed to act, and an alternate or substitute director; or

- (b) a member of a corporation in the case where the affairs of the corporation are managed by its members, and includes a person in accordance with whose directions or instructions the members or the majority of the members of such corporation are accustomed to act, and an alternate or substitute member;

“fiduciary” means a person who has undertaken to act for or on behalf of another person in a matter in circumstances which give rise to a relationship of trust, confidence and loyalty, and includes but is not limited to an executor, an administrator, a liquidator, a receiver and a trustee (other than the trustee of an implied, a constructive or a resulting trust);

“key executive” means a person who, whether or not an employee of the corporation, unincorporated association or partnership, and whether acting alone or together with any other person, has general control and management of the administration of that corporation, unincorporated association or partnership;

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary or any member of the committee of the unincorporated association, and includes —

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association;
- (b) a person in accordance with whose directions or instructions the president, secretary or member of a committee of the unincorporated association or a majority of such persons are accustomed to act; and
- (c) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;



“partnership” includes a limited partnership and a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005.

[15/2019]

(3) For the purposes of this section and to avoid doubt —

(a) a person may be a director of a corporation, officer of an unincorporated association, partner in a partnership, key executive of a corporation, unincorporated association or partnership even though that person does not receive any salary or other remuneration from that corporation, unincorporated association or partnership, as the case may be; and

(b) a person may be a fiduciary even though it is stated in a contract or an agreement between the parties that a fiduciary relationship does not arise.

[15/2019]

### *Receiving stolen property*

#### **Stolen property**

**410.**—(1) Property the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated, or in respect of which criminal breach of trust or cheating has been committed, is designated as “stolen property”, whether the transfer has been made or the misappropriation or breach of trust or cheating has been committed within or without Singapore. But if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

(2) The expression “stolen property” includes any property into or for which stolen property has been converted or exchanged and anything acquired by such conversion or exchange, whether immediately or otherwise.

*Explanation.*—For the purpose of proving whether the whole or any part of any property constitutes “stolen property”, it is not necessary for the prosecution

to prove the elements or particulars of any offence that caused or contributed to the designation of the property as stolen property.

[15/2019]

### **Receiving stolen property**

**411.**—(1) Whoever receives or retains any property, knowing or having reason to believe the property to be stolen property or property obtained in whole or in part through an offence involving fraud or dishonesty, shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

[15/2019]

(2) If the stolen property is a motor vehicle or any component part of a motor vehicle as defined in section 379A(3), a person convicted of an offence under this section —

- (a) shall be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine; and
- (b) may be disqualified for such period as the court may order from the date of his release from imprisonment from holding or obtaining a driving licence under the Road Traffic Act 1961.

(3) It is a defence for a person charged with an offence under subsection (1) to prove that he has a reasonable excuse to receive or retain the property and that he exercised reasonable care as soon as practicable after having the knowledge or reason to believe mentioned in that subsection.

#### *Illustration*

A large sum of money is credited into A's bank account through a fund transfer. A later discovers the funds on checking his bank statement and has reason to believe that the funds were obtained in whole or in part through a criminal offence involving fraud or dishonesty. As soon as practicable after this discovery, A makes a report of the funds to the bank management and expresses his belief of the origins of the funds. A has a reasonable excuse for receiving and retaining the funds in his bank account while the report is being processed and has exercised reasonable care.

[15/2019]

**Receiving property stolen in the commission of a gang-robbery**

**412.**—(1) Whoever receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of gang-robbery, or receives from a person, whom he knows or has reason to believe to belong or to have belonged to gang-robbers, property which he knows or has reason to believe to have been stolen, shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine.

[15/2019]

(2) It is a defence for a person charged with an offence under subsection (1) to prove that he has a reasonable excuse to receive or retain the property and that he exercised reasonable care as soon as practicable after having the knowledge or reason to believe mentioned in that subsection.

*Illustration*

A box of valuable jewels is delivered by courier to *A*'s office. *A* later discovers the jewels and learns from the news reports that there was a gang robbery of jewels in the vicinity. *A* has reason to believe that the jewels were stolen in the gang robbery. As soon as practicable after this discovery, *A* keeps the jewels in the safe and travels to the police station to make a report of the jewels and express his belief that the jewels were stolen by gang-robbers. *A* has a reasonable excuse for receiving and retaining the jewels pending their retrieval by the police and has exercised reasonable care.

[15/2019]

**Habitually dealing in stolen property**

**413.** Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property or property obtained in whole or in part through any criminal offence involving fraud or dishonesty, shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine.

[15/2019]

**Assisting in concealment or disposal of stolen property**

**414.**—(1) Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property or property obtained in whole or in part

through any criminal offence involving fraud or dishonesty, shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

[15/2019]

(2) If the property mentioned in subsection (1) is a motor vehicle or any component part of a motor vehicle as defined in section 379A(3), a person convicted of an offence under this section —

- (a) shall be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine; and
- (b) may be disqualified for such period as the court may order from the date of his release from imprisonment from holding or obtaining a driving licence under the Road Traffic Act 1961.

[15/2019]

### *Cheating*

#### **Cheating**

**415.** Whoever, by deceiving any person, whether or not such deception was the sole or main inducement, fraudulently or dishonestly induces the person so deceived to deliver or cause the delivery of any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit to do if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to any person in body, mind, reputation or property, is said to “cheat”.

*Explanation 1.*—A dishonest concealment of facts is a deception within the meaning of this section.

*Explanation 2.*—Mere breach of contract is not of itself proof of an original fraudulent intent.

*Explanation 3.*—Whoever makes a representation through any agent is to be treated as having made the representation himself.

*Explanation 4.*—A person that is a company or association or body of persons, whether incorporated or not, can be deceived for the purposes of this section, even though none of its individual officers, employees or agents is personally deceived.

*Explanation 5.*—A person that is a company or association or body of persons, whether incorporated or not, can be induced to act in a manner mentioned in this section even though none of its individual officers, employees or agents is personally induced to act in such manner.

*Illustrations*

(a) *A*, by falsely pretending to be in the Government service, intentionally deceives *Z*, and thus dishonestly induces *Z* to let him have on credit goods for which he does not mean to pay. *A* cheats.

(b) *A*, by putting a counterfeit mark on an article, intentionally deceives *Z* into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces *Z* to buy and pay for the article. *A* cheats.

(c) *A*, by exhibiting to *Z* a false sample of an article, intentionally deceives *Z* into believing that the article corresponds with the sample, and thereby dishonestly induces *Z* to buy and pay for the article. *A* cheats.

(d) *A*, by tendering in payment for an article a bill on a house with which *A* keeps no money, and by which *A* expects that the bill will be dishonoured, intentionally deceives *Z*, and thereby dishonestly induces *Z* to deliver the article, intending not to pay for it. *A* cheats.

(e) *A*, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives *Z*, and thereby dishonestly induces *Z* to lend money. *A* cheats.

(f) *A* intentionally deceives *Z* into a belief that *A* means to repay any money that *Z* may lend to him, and thereby dishonestly induces *Z* to lend him money, *A* not intending to repay it. *A* cheats.

(g) *A* intentionally deceives *Z* into a belief that *A* means to deliver to *Z* a certain quantity of pepper which he does not intend to deliver, and thereby dishonestly induces *Z* to advance money upon the faith of such delivery. *A* cheats; but if *A*, at the time of obtaining the money, intends to deliver the pepper, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(h) *A* intentionally deceives *Z* into a belief that *A* has performed *A*'s part of a contract made with *Z*, which he has not performed, and thereby dishonestly induces *Z* to pay money. *A* cheats.

(i) *A* sells and conveys an estate to *B*. *A*, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to *Z* without disclosing the fact of the previous sale and conveyance to *B*, and receives the purchase or mortgage money from *Z*. *A* cheats.

(j) *A*, playing with false dice, or marked cards, wins money from *B*. *A* cheats.

(k) *A* places an order for concert tickets in the automated concert ticketing system of a company, *Z*, using stolen credit card details, and thereby causes *Z*'s ticketing system to electronically deliver the electronic concert tickets to *A*. *Z* has been deceived and induced into delivering the tickets to *A* even though no human officer, employee or agent of *Z* has been personally deceived or induced.

[15/2019]

### **Cheating by personation**

**416.** A person is said to “cheat by personation”, if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.

*Explanation.*—The offence is committed whether the individual personated is a real or an imaginary person.

#### *Illustrations*

(a) *A* cheats by pretending to be a certain rich banker of the same name. *A* cheats by personation.

(b) *A* cheats by pretending to be *B*, a person who is deceased. *A* cheats by personation.

### **Illegally obtained personal information**

**416A.**—(1) A person (*A*) shall be guilty of an offence who, knowing or having reason to believe that any personal information about another person (*B*) (being an individual) was obtained without *B*'s consent —

- (a) obtains or retains the personal information; or
- (b) supplies, offers to supply, transmits or makes available, by any means, the personal information.

[15/2019]

(2) It is not an offence under subsection (1)(a) if the person obtained or retained the personal information for a purpose other than —

- (a) for use in committing, or in facilitating the commission of, any offence under this Code or any other written law; or

- (b) for supply, transmission or making available by any means for the personal information to be used in committing, or in facilitating the commission of, any offence under this Code or any other written law.

[15/2019]

- (3) It is not an offence under subsection (1)(b) if —

- (a) the person did the act for a purpose other than for the personal information to be used in committing, or in facilitating the commission of, any offence under this Code or any other written law; and

- (b) the person did not know or have reason to believe that the personal information will be or is likely to be used to commit, or facilitate the commission of, any offence under this Code or any other written law.

[15/2019]

(4) For the purposes of subsection (1)(b), a person does not transmit or make available personal information merely because the person provides, or operates facilities for network access, or provides services relating to, or provides connections for, the transmission or routing of data.

[15/2019]

(5) A person who is guilty of an offence under subsection (1) shall on conviction be punished with imprisonment for a term which may extend to 3 years, or with fine which may extend to \$10,000, or with both.

[15/2019]

(6) For the purpose of proving under subsection (1) that a person knows or has reason to believe that any personal information of an individual (*B*) was obtained without *B*'s consent, it is not necessary for the prosecution to prove the particulars of the obtaining of the personal information, such as who obtained the information and when it took place.

[15/2019]

- (7) In this section —

- (a) personal information is any information, whether true or not, about an individual of a type that is commonly used

alone or in combination with other information to identify or purport to identify an individual, including (but not limited to) biometric data, name, address, date of birth, national registration identity card number, passport number, a written, electronic or digital signature, user authentication code, credit card or debit card number, and password; and

- (b) a reference to an offence under this Code includes an offence under subsection (1).

[15/2019]

### **Punishment for cheating**

**417.** Whoever cheats shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

### **Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect**

**418.** Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest, in the transaction to which the cheating relates, he was bound either by law or by a legal contract to protect shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

### **Punishment for cheating by personation**

**419.** Whoever cheats by personation shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

### **Cheating and dishonestly inducing a delivery of property**

**420.** Whoever cheats and thereby dishonestly induces the person deceived to deliver or cause the delivery of any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with



imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

[15/2019]

### **Obtaining services dishonestly or fraudulently**

**420A.**—(1) A person shall be guilty of an offence if he obtains services for himself or another person dishonestly or fraudulently and —

- (a) the services are made available on the basis that payment has been, is being or will be made for or in respect of them;
- (b) the person obtains the services without any payment having been made for or in respect of them or without payment having been made in full; and
- (c) when the person obtains the services —
  - (i) the person knows that they are being made available on the basis mentioned in paragraph (a) or that they might be; and
  - (ii) the person intends that payment will not be made or will not be made in full.

[15/2019]

(2) A person who is guilty of an offence under subsection (1) shall on conviction be liable to imprisonment for a term not exceeding 10 years, or to fine, or to both.

*Explanation.*—The services obtained are not excluded from this section merely because such services also involve the provision of goods or other things.

#### *Illustration*

*A* obtains services in the form of air transportation on an airline from Singapore to an overseas destination. *A* is also served food and beverages on the airline. *A* has obtained services even though *A* has also been provided with food and beverages.

[15/2019]

*Fraudulent deeds and dispositions of property***Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors**

**421.** Whoever dishonestly or fraudulently removes, conceals, or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Dishonestly or fraudulently preventing a debt or demand due to the offender from being made available for his creditors**

**422.** Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration**

**423.** Whoever dishonestly or fraudulently signs, executes, or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Dishonest or fraudulent removal or concealment of property or release of claim**

**424.** Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled,

shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

**Fraud by false representation, non-disclosure or abuse of position not connected with contracts for goods or services**

**424A.**—(1) A person shall be guilty of an offence if he, fraudulently or dishonestly —

- (a) makes a false representation;
- (b) fails to disclose to another person information which he is under a legal duty to disclose; or
- (c) abuses, whether by act or omission, a position which he occupies in which he is expected to safeguard, or not to act against, the financial interests of another person.

[15/2019]

(2) A person may be guilty of an offence under subsection (1) whether or not the acts in subsection (1)(a), (b) or (c) were material.

[15/2019]

(3) A person who is guilty of an offence under subsection (1) shall on conviction be punished with imprisonment for a term which may extend to 20 years, or with fine, or with both.

[15/2019]

(4) This section does not apply where the false representation, failure to disclose or abuse of position mentioned in subsection (1) is directly connected with a written or oral contract for the supply of goods or services.

[15/2019]

(5) For the purposes of this section and section 424B —

- (a) “representation” means any representation as to fact or law, including a representation as to the state of mind of the person making the representation, or any other person;
- (b) a person makes a false representation if it is untrue or misleading, and that person knows that it is, or might be, untrue or misleading;
- (c) a representation may be express or implied; and

- (d) a representation may be regarded as made if it (or anything implying it) is submitted in any form to any system or device designed to receive, convey or respond to communications (with or without human intervention).

[15/2019]

### *Mischief*

#### **Mischief**

**425.** Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or any person, causes the destruction of any property, or any such change in any property, or in the situation thereof, as destroys or diminishes its value or utility, or affects it injuriously, commits “mischief”.

*Explanation 1.*—It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

*Explanation 2.*—Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

#### *Illustrations*

(a) *A* voluntarily burns a valuable security belonging to *Z*, intending to cause wrongful loss to *Z*. *A* has committed mischief.

(b) [*Deleted by Act 51 of 2007*]

(c) *A* voluntarily throws into a river a ring belonging to *Z*, with the intention of thereby causing wrongful loss to *Z*. *A* has committed mischief.

(d) *A*, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to *Z*, destroys those effects, with the intention of thereby preventing *Z* from obtaining satisfaction of the debt, and of thus causing damage to *Z*. *A* has committed mischief.

(e) *A*, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. *A* has committed mischief.

(f) *A* causes a ship to be cast away, intending thereby to cause damage to *Z*, who has lent money on bottomry on the ship. *A* has committed mischief.

(g) *A*, having joint property with *Z* in a horse, shoots the horse, intending thereby to cause wrongful loss to *Z*. *A* has committed mischief.

**Punishment for committing mischief**

**426.** Whoever commits mischief shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

[15/2019]

**Punishment for committing mischief causing disruption to key service, etc.**

**427.—(1)** Whoever commits mischief by doing any act which causes, or which he knows is likely to cause, a disruption to —

- (a) the provision of any key service; or
- (b) the performance of any duty or function of, or the exercise of any power by the Government or a public agency,

shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

[15/2019]

(2) In subsection (1) —

“key service” means any of the following services:

- (a) a service directly related to the provision to the general public of water, sewerage, drainage, gas, electricity, waste collection and disposal, newspapers, broadcasting, telecommunications and other traditional forms of mass media communication (including radio and television services);
- (b) a search and rescue service, a fire-fighting service, a service providing rapid response to requests for help in a medical emergency, or other health emergency service;
- (c) a payments clearing and settlement service for payment obligations or securities, a service directly related to the provision to the general public of banking facilities and financial services associated with banking business, a securities trading, clearing and settlement service, and any other like service that

is necessary to the financial market or financial institutions in Singapore or the disruption of which would have a widespread adverse effect on the financial system in Singapore or the economy of Singapore, or both;

- (d) a service directly related to the provision to the general public of health or healthcare services at a hospital, primary care healthcare establishment or other like institution;
- (e) a service that is critical to ensuring the reliable supply in Singapore of food which is safe and suitable for human consumption;
- (f) a service directly related to ensuring the provision to the general public of reliable and safe public transport by land, water or air within Singapore or to and from Singapore;
- (g) any other service that is critical to maintaining public health, the social and economic stability of Singapore or its people, or the defence of Singapore or its national security;

“public agency” means —

- (a) a body corporate or unincorporate established by or under any public Act to perform or discharge a public function, or any part of such a body; or
- (b) a department or Ministry of the Government or an Organ of State.

#### *Illustrations*

(a) An act which causes damage to enforcement cameras installed in a public place by a statutory board responsible for land transport to detect illegal parking in a public road is an act which causes disruption to the performance of the function of that statutory board.

(b) Unauthorised destruction of the records and files of a department of the Government which role is to promote Singapore as a sound and reputable financial centre is an act which causes disruption to the performance of the function of that department.

(c) An act of mischief which damages an electricity licensee's power generation facility that is used to supply electricity to a public housing estate, is an act which is likely to cause disruption to a key service even though there is no actual disruption to that power supply.

[15/2019]

### **Mischief by killing or maiming any animal**

**428.** Whoever commits mischief by killing, poisoning, maiming or rendering useless, any animal shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

**429.** [*Repealed by Act 51 of 2007*]

**430. to 434.** [*Repealed by Act 15 of 2019*]

### **Mischief by fire or explosive substance with intent to cause damage**

**435.** Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

### **Mischief by fire or explosive substance with intent to destroy a house, etc.**

**436.** Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place for worship, or for the administration of justice, or for the transaction of public affairs, or for education, or art, or for public use or ornament, or as a human dwelling, or as a place for the custody of property, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

### **Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden**

**437.** Whoever commits mischief to any decked vessel or any vessel of a burden of 20 tons or upwards, intending to destroy or render

unsafe, or knowing it to be likely that he will thereby destroy or render unsafe that vessel, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

**Punishment for the mischief described in section 437 when committed by fire or any explosive substance**

**438.** Whoever commits or attempts to commit by fire or any explosive substance, such mischief as is described in section 437, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

**Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.**

**439.** Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

**Mischief committed after preparation made for causing death or hurt**

**440.** Whoever commits mischief, having made preparation for causing to any person death or hurt or wrongful restraint, or fear of death or of hurt or of wrongful restraint, shall be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine.

*Criminal trespass*

**Criminal trespass**

**441.** Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or having lawfully entered into or upon such property, unlawfully remains there with



intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit “criminal trespass”.

### **House-breaking**

**442.** Whoever commits criminal trespass by entering into, or remaining in, any building, tent, container or vessel used as a human dwelling, or any building used as a place for worship or as a place for the custody of property, is said to commit “house-breaking”.

*Explanation.*—The introduction of any part of the criminal trespasser’s body is entering sufficient to constitute house-breaking.

[15/2019]

**443.** [Repealed by Act 15 of 2019]

**444.** [Repealed by Act 15 of 2019]

**445.** [Repealed by Act 15 of 2019]

**446.** [Repealed by Act 15 of 2019]

### **Punishment for criminal trespass**

**447.** Whoever commits criminal trespass shall be punished with imprisonment for a term which may extend to 3 months, or with fine which may extend to \$1,500, or with both.

### **Punishment for house-breaking**

**448.** Whoever commits house-breaking shall be guilty of an offence and shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

[15/2019]

### **House-breaking in order to commit an offence punishable with death**

**449.** Whoever commits house-breaking in order to commit any offence punishable with death, shall be punished with imprisonment for life, or with imprisonment for a term not exceeding 15 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

[15/2019]

**House-breaking in order to commit an offence punishable with imprisonment for life**

**450.** Whoever commits house-breaking in order to commit any offence punishable with imprisonment for life, shall be punished with imprisonment for a term not exceeding 15 years, and shall also be liable to fine.

[15/2019]

**House-breaking in order to commit an offence punishable with imprisonment**

**451.** Whoever commits house-breaking in order to commit any offence punishable with imprisonment, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

[15/2019]

**House-breaking after preparation made for causing hurt, etc.**

**452.** Whoever commits house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault, or of wrongful restraint, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine, or to caning.

[15/2019]

**Possession of house-breaking implements or offensive weapons**

**453.—(1)** Any person who is found —

- (a) armed with any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, without lawful authority or a lawful purpose;
- (b) having his face covered or otherwise found disguised with intent to commit any offence; or

- (c) equipped with any article or instrument for use in the course of or in connection with any house-breaking,

shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both; and any instrument or article, mentioned in paragraph (a) or (c), found in the possession of that person shall be forfeited.

[15/2019]

(2) In any prosecution for an offence under subsection (1)(a), it is sufficient for the prosecution to allege and prove that the accused was found to be armed with any instrument mentioned in paragraph (a) and the burden is then on the accused to show that he had lawful authority or a lawful purpose to be so armed.

[15/2019]

(3) An article or instrument is presumed to be carried with lawful authority if it is carried by —

- (a) any member of the Singapore Armed Forces, the Singapore Police Force, the Singapore Civil Defence Force or any auxiliary police force created under any written law;
- (b) a forensic specialist, civilian police assistant or law enforcement officer acting in the course of his duty as such in accordance with the Police Force Act 2004;
- (c) any visiting force lawfully present in Singapore under the provisions of any law relating to visiting forces; or
- (d) any person as part of his official or ceremonial dress on any official or ceremonial occasion.

[15/2019]

**454. to 458.** [Repealed by Act 15 of 2019]

### **Punishment for subsequent offence under section 449, 450, 451 or 452**

**458A.** Whoever, having been convicted of an offence under section 449, 450, 451 or 452, commits an offence under section 449, 450, 451 or 452 shall be liable to caning in addition to the punishment prescribed for that offence.

[15/2019]

**Grievous hurt caused while committing house-breaking**

**459.** Whoever, while committing house-breaking, causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment for a term of not less than 3 years and not more than 20 years and with caning.

[15/2019]

**House-breaking when death or grievous hurt caused**

**460.** If, at the time of the committing of house-breaking, any person guilty of such offence voluntarily causes or attempts to cause death or grievous hurt to any person, every person jointly concerned in committing such house-breaking, shall be punished with imprisonment for a term of not less than 3 years and not more than 20 years.

[15/2019]

**Dishonestly breaking open any closed receptacle containing or supposed to contain property**

**461.** Whoever dishonestly, or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Punishment for same offence when committed by person entrusted with custody**

**462.** Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

## CHAPTER 18

OFFENCES RELATING TO  
DOCUMENTS OR ELECTRONIC RECORDS,  
FALSE INSTRUMENTS, AND TO CURRENCY  
AND BANK NOTES

[15/2019]

**Forgery**

**463.** Whoever makes any false document or electronic record or part of a document or an electronic record with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

**Making a false document or false electronic record**

**464.—(1)** A person is said to make a false document or false electronic record —

(a) who dishonestly or fraudulently —

- (i) makes, signs, seals or executes a document or part of a document;
- (ii) makes any electronic record or part of any electronic record;
- (iii) affixes any electronic signature on any electronic record; or
- (iv) makes any mark denoting the execution of a document or the authenticity of the electronic signature,

with the intention of causing it to be believed that such document or electronic record or part of a document or electronic record or electronic signature was made, signed, sealed, executed or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed, or at a

time at which he knows that it was not made, signed, sealed, executed or affixed;

- (b) who without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with an electronic signature, either by himself or by any other person, whether that person is living or dead at the time of the alteration; or
- (c) who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his electronic signature on an electronic record, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him he does not, know the contents of the document or electronic record or the nature of the alteration.

(2) In this section, “electronic signature” has the same meaning as in the Electronic Transactions Act 2010.

#### *Illustrations*

(a) *A* has a letter of credit upon *B* for \$1,000 written by *Z*. *A*, in order to defraud *B*, adds a cypher to the 1,000, and makes the sum \$10,000, intending that it may be believed by *B* that *Z* so wrote the letter. *A* has committed forgery.

(b) *A*, without *Z*'s authority, affixes *Z*'s seal to a document, purporting to be a conveyance of an estate from *Z* to *A*, with the intention of selling the estate to *B*, and thereby of obtaining from *B* the purchase money. *A* has committed forgery.

(c) *A* picks up a cheque on a banker signed by *B*, payable to bearer, but without any sum having been inserted in the cheque. *A* fraudulently fills up the cheque by inserting the sum of \$1,000. *A* commits forgery.

(d) *A* leaves with *B*, his agent, a cheque on a banker, signed by *A*, without inserting the sum payable, and authorises *B* to fill up the cheque by inserting a sum not exceeding \$1,000 for the purpose of making certain payments. *B* fraudulently fills up the cheque by inserting the sum of \$10,000. *B* commits forgery.

(e) *A* draws a bill of exchange on himself in the name of *B* without *B*'s authority, intending to discount it as a genuine bill with a banker, and intending to take up the bill on its maturity. Here, as *A* draws the bill with intent to deceive the

banker by leading him to suppose that he had the security of *B*, and thereby to discount the bill, *A* is guilty of forgery.

(*f*) *Z*'s will contains these words: "I direct that all my remaining property be equally divided between *A*, *B* and *C*". *A* dishonestly scratches out *B*'s name, intending that it may be believed that the whole was left to himself and *C*. *A* has committed forgery.

(*g*) *A* endorses a promissory note and makes it payable to *Z*, or his order, by writing on the bill the words "Pay to *Z* or his order", and signing the endorsement. *B* dishonestly erases the words "Pay to *Z*, or his order", and thereby converts the special endorsement into a blank endorsement. *B* commits forgery.

(*h*) *A* sells and conveys an estate to *Z*. *A* afterwards, in order to defraud *Z* of his estate, executes a conveyance of the same estate to *B*, dated 6 months earlier than the date of the conveyance to *Z*, intending it to be believed that he had conveyed the estate to *B* before he conveyed it to *Z*. *A* has committed forgery.

(*i*) *Z* dictates his will to *A*. *A* intentionally writes down a different legatee from the legatee named by *Z*, and by representing to *Z* that he has prepared the will according to his instructions, induces *Z* to sign the will. *A* has committed forgery.

(*j*) *A* writes a letter and signs it with *B*'s name without *B*'s authority, certifying that *A* is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from *Z* and other persons. Here, as *A* made a false document in order to induce *Z* to part with property, *A* has committed forgery.

(*k*) *A* without *B*'s authority writes a letter and signs it in *B*'s name, certifying to *A*'s character, intending thereby to obtain employment under *Z*. *A* has committed forgery, inasmuch as he intended to deceive *Z* by the forged certificate, and thereby to induce *Z* to enter into an express or implied contract for service.

*Explanation 1.*—A man's signature of his own name may amount to forgery.

#### *Illustrations*

(*a*) *A* signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. *A* has committed forgery.

(*b*) *A* writes the word "accepted" on a piece of paper and signs it with *Z*'s name, in order that *B* may afterwards write on the paper a bill of exchange drawn by *B* upon *Z*, and negotiate the bill as though it had been accepted by *Z*. *A* is guilty of forgery; and if *B* knowing the fact draws the bill upon the paper pursuant to *A*'s intention, *B* is also guilty of forgery.

(*c*) *A* picks up a bill of exchange payable to the order of a different person of the same name. *A* endorses the bill in his own name, intending to cause it to be

believed that it was endorsed by the person to whose order it was payable: here *A* has committed forgery.

(*d*) *A* purchases an estate sold under execution of a decree against *B*. *B* after the seizure of the estate, in collusion with *Z*, executes a lease of the estate to *Z* at a nominal rent and for a long period, and dates the lease 6 months prior to the seizure with intent to defraud *A*, and to cause it to be believed that the lease was granted before the seizure. *B*, though he executes the lease in his own name, commits forgery by antedating it.

(*e*) *A*, a trader, in anticipation of insolvency, lodges effects with *B* for *A*'s benefit, and with intent to defraud his creditors, and in order to give a colour to the transaction, writes a promissory note binding himself to pay to *B* a sum for value received, and antedates the note, intending that it may be believed to have been made before *A* was on the point of insolvency. *A* has committed forgery under the first head of the definition.

*Explanation 2.*—The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

#### *Illustration*

*A* draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. *A* commits forgery.

### **Punishment for forgery**

**465.** Whoever commits forgery shall be punished with imprisonment for a term which may extend to 4 years, or with fine, or with both.

### **Forgery of a record of a court of justice, or a public register of births, etc.**

**466.** Whoever forges a document or an electronic record, purporting to be a record or proceeding of or before a court of justice, or a register of birth, baptism, marriage or burial, or a register kept by a public servant as such, or a certificate or document or an electronic record, purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of



attorney, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

### **Forgery of a valuable security or will**

**467.** Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a child, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest, or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or a receipt, acknowledging the payment of money, or an acquittance or a receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine.

### **Forgery for the purpose of cheating**

**468.** Whoever commits forgery, intending that the document or electronic record forged shall be used for the purpose of cheating, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

### **Forgery for the purpose of harming the reputation of any person**

**469.** Whoever commits forgery, intending that the document or electronic record forged shall harm the reputation of any person, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine.

### **“A forged document” or “a forged electronic record”**

**470.** A false document or false electronic record, made wholly or in part by forgery, is designated “a forged document” or “a forged electronic record”, respectively.

**Using as genuine a forged document or forged electronic record**

**471.** Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or forged electronic record, shall be punished in the same manner as if he had forged such document or electronic record.

**Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable under section 467**

**472.** Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 467, or with such intent has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine.

**Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable otherwise**

**473.** Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 467, or with such intent has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

**Making or possessing equipment for making a false instrument**

**473A.** Whoever makes or has in his custody or under his control a machine or implement, or paper or other material, which to his knowledge is or has been specifically designed or adapted for the making of any false instrument shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

**Making or possessing equipment for making a false instrument with intent to induce prejudice**

**473B.** Any person (*A*) who —

- (a) makes or has in his custody or under his control a machine or implement, or paper or other material, which is or has been specifically designed or adapted for the making of any instrument; and
- (b) intends that —
  - (i) he or another person makes a false instrument using the machine or implement, or paper or other material in order to induce another person (*B*) to accept it as genuine; and
  - (ii) by reason of so accepting it, *B* does or does not do some act to *B*'s or any other person's prejudice,

shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

**Meaning of “prejudice” and “induce”**

**473C.**—(1) For the purposes of section 473B and subject to subsections (2) and (4), an act or omission intended to be induced is to a person's prejudice if, and only if, it is one which, if it occurs, will —

- (a) result in his permanent or temporary loss of property;
- (b) result in his being deprived of an opportunity to earn remuneration or greater remuneration;
- (c) result in his being deprived of an opportunity to gain a financial advantage otherwise than by way of remuneration;
- (d) result in somebody being given an opportunity to earn remuneration or greater remuneration from him;
- (e) result in somebody being given an opportunity to gain a financial advantage from him otherwise than by way of remuneration; or

(f) be the result of his having accepted a false instrument as genuine in connection with his performance of any duty.

(2) For the purpose of this section, an act which a person has an enforceable duty to do and an omission to do an act which a person is not entitled to do shall be disregarded.

(3) The reference in section 473B to inducing a person (*B*) to accept a false instrument as genuine includes a reference to inducing a machine to respond to an instrument as if it were a genuine instrument.

(4) Where subsection (3) applies, the act or omission intended to be induced by the machine responding to the instrument shall be treated as an act or omission to a person's prejudice.

(5) In subsection (1)(a), "loss" includes a loss by not getting what one might get, as well as a loss by parting with what one has.

### **Having possession of certain document or electronic record known to be forged, with intent to use it as genuine**

**474.** Whoever has in his possession any document or electronic record, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document or electronic record is one of the descriptions mentioned in section 466, be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine; and if the document is one of the descriptions mentioned in section 467, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine.

### **Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material**

**475.** Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document described in section 467, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any

material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine.

**Counterfeiting a device or mark used for authenticating documents or electronic records other than those described in section 467, or possessing counterfeit marked material**

**476.** Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document or electronic record other than the documents described in section 467, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document or electronic record then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

**Fraudulent cancellation, destruction, etc., of a will**

**477.** Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys, or defaces, or attempts to cancel, destroy, or deface, or secretes, or attempts to secrete any document which is or purports to be a will, or an authority to adopt a child, or any valuable security, or commits mischief in respect to such document, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine.

**Falsification of accounts**

**477A.** Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, intentionally and with intent to defraud destroys, alters, conceals, mutilates or falsifies any book, electronic record, paper, writing, valuable security or account or a set thereof which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or intentionally and with intent to defraud makes or abets the making of any false entry in, or omits or alters or abets the

omission or alteration of any material particular from or in any such book, electronic record, paper, writing, valuable security or account or a set thereof, shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

*Explanation 1.*—It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded, or specifying any particular sum of money intended to be the subject of the fraud or any particular day on which the offence was committed.

*Explanation 2.*—Any books, electronic records, papers, writings, valuable securities or account or any combination thereof form a set if they serve the same function or purpose in relation to the employer’s affairs or business.

[15/2019]

[There are no sections 478 to 489.]

### *Currency and bank notes*

[15/2019]

## **Forging or counterfeiting currency or bank notes**

**489A.**—(1) Whoever forges or counterfeits, or knowingly performs any part of the process of forging or counterfeiting, any currency or bank note shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine.

[15/2019]

(2) In this section and sections 489B to 489I —

“bank note” means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of the government of any country or territory and intended to be used as equivalent to, or as a substitute for, money;

“coin” is metal used as money stamped and issued by or under the authority of the government of any country or territory in order to be so used;

“currency” includes any currency note or coin (by whatever name called) which is legal tender in the country or territory in which it is issued.

[15/2019]

### **Using as genuine forged or counterfeit currency or bank notes**

**489B.** Whoever delivers or sells to, or buys or receives from, any other person, or otherwise imports, exports or traffics in or uses as genuine, any forged or counterfeit currency or bank note, knowing or having reason to believe the same to be forged or counterfeit, shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine.

[15/2019]

### **Possession of forged or counterfeit currency or bank notes**

**489C.** Whoever has in his possession any forged or counterfeit currency or bank note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment for a term which may extend to 15 years and shall also be liable to fine.

[15/2019]

### **Making or possessing instruments or materials for forging or counterfeiting currency or bank notes**

**489D.** Whoever makes, mends or performs any part of the process of making or mending or buys, sells or disposes of, or has in his possession, any die, machinery, instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency or bank note, shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine.

[15/2019]

**Abetting in Singapore counterfeiting of currency out of Singapore**

**489E.** Whoever, being within Singapore, abets the counterfeiting of any currency out of Singapore, shall be punished in the same manner as if he abetted the counterfeiting of such currency within Singapore.  
[15/2019]

**Fraudulently or dishonestly diminishing weight or altering composition of any coin**

**489F.** Whoever fraudulently or dishonestly performs on any coin any operation which diminishes the weight or alters the composition of that coin shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

*Explanation.*—A person who scoops out part of the coin and puts anything else into the cavity, alters the composition of that coin.

[15/2019]

**Altering appearance of currency with intent that it shall pass as currency of different description**

**489G.** Whoever performs on any currency any operation which alters the appearance of that currency, with the intention that that currency will pass as currency of a different description, shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

[15/2019]

**Delivery to another of altered currency**

**489H.** Whoever delivers to any other person as genuine, or as currency of a different description from what it is, or attempts to induce any person to receive as genuine or as a currency of a different description from what it is, any currency in respect of which he knows or has reason to believe that any operation mentioned in section 489F or 489G has been performed, shall be guilty of an offence and shall on



conviction be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

[15/2019]

### **Possession of altered currency**

**489I.** Whoever has in his possession any currency with respect to which he knows or has reason to believe that any offence defined in section 489F or 489G has been committed and intending to use such currency as genuine or that it may be used as genuine shall on conviction be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine.

[15/2019]

*[There is no Chapter 19.]*

## CHAPTER 20

**493.** *[Repealed by Act 15 of 2019]*

**494.** *[Repealed by Act 15 of 2019]*

**495.** *[Repealed by Act 15 of 2019]*

**496.** *[Repealed by Act 15 of 2019]*

*[There is no section 497.]*

**498.** *[Repealed by Act 51 of 2007]*

## CHAPTER 21

### DEFAMATION

#### **Defamation**

**499.** Whoever, by words either spoken or intended to be read, or by signs, or by visible representations, makes or publishes any imputation concerning any person, intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

*Explanation 1.*—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

*Explanation 2.*—It may amount to defamation to make an imputation concerning a company, or an association or a collection of persons as such.

*Explanation 3.*—An imputation in the form of an alternative, or expressed ironically, may amount to defamation.

*Explanation 4.*—No imputation is said to harm a person’s reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

*Explanation 5.*—An imputation may be made or published in written, electronic or other media.

#### *Illustrations*

(a) *A* says, “*Z* is an honest man; he never stole *B*’s watch”, intending to cause it to be believed that *Z* did steal *B*’s watch. This is defamation, unless it falls within one of the exceptions.

(b) *A* is asked who stole *B*’s watch. *A* points to *Z*, intending to cause it to be believed that *Z* stole *B*’s watch. This is defamation, unless it falls within one of the exceptions.

(c) *A* draws a picture of *Z* running away with *B*’s watch, intending it to be believed that *Z* stole *B*’s watch. This is defamation, unless it falls within one of the exceptions.

#### **Imputation of any truth which the public good requires to be made or published**

*First Exception.*—It is not defamation to impute anything which is true concerning any person, if it is for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

#### **Public conduct of public servants**

*Second Exception.*—It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

### **Conduct of any person touching any public question**

*Third Exception.*—It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

#### *Illustration*

It is not defamation in *A* to express in good faith any opinion whatever respecting *Z*'s conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such a meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties in which the public is interested.

### **Publication of reports of proceedings of courts of justice, etc.**

*Fourth Exception.*—It is not defamation to publish a substantially true report of the proceedings of a court of justice, or of Parliament, or of the result of any such proceedings.

*Explanation.*—A Magistrate or other officer holding an inquiry in open court preliminary to a trial in a court of justice, is a court within the meaning of the above section.

### **Merits of case decided in a court of justice; or conduct of witnesses and others concerned therein**

*Fifth Exception.*—It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a court of justice, or respecting the conduct of any person as a party, a witness or an agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

#### *Illustrations*

(a) *A* says, "I think *Z*'s evidence on that trial is so contradictory that he must be stupid or dishonest". *A* is within this exception if he says this in good faith, inasmuch as the opinion which he expresses respects *Z*'s character as it appears in *Z*'s conduct as a witness, and no further.

(b) But if *A* says, "I do not believe what *Z* asserted at that trial, because I know him to be a man without veracity", *A* is not within this exception, inasmuch as the opinion which he expresses of *Z*'s character is an opinion not founded on *Z*'s conduct as a witness.

### **Merits of a public performance**

*Sixth Exception.*—It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

*Explanation.*—A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

#### *Illustrations*

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or a singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(d) *A* says of a book published by *Z*, “*Z*’s book is foolish, *Z* must be a weak man. *Z*’s book is indecent, *Z* must be a man of impure mind”. *A* is within this exception, if he says this in good faith, inasmuch as the opinion which he expresses of *Z* respects *Z*’s character only so far as it appears in *Z*’s book, and no further.

(e) But if *A* says, “I am not surprised that *Z*’s book is foolish and indecent, for he is a weak man and a libertine”, *A* is not within this exception, inasmuch as the opinion which he expresses of *Z*’s character is an opinion not founded on *Z*’s book.

### **Censure passed in good faith by a person having lawful authority over another**

*Seventh Exception.*—It is not defamation in a person having over another any authority, either conferred by law, or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

#### *Illustration*

A judge censuring in good faith the conduct of a witness or of an officer of the court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for his conduct as such cashier — are within this exception.

### **Accusation preferred in good faith to a duly authorised person**

*Eighth Exception.*—It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of the accusation.

#### *Illustration*

If *A* in good faith accuses *Z* before a Magistrate; if *A* in good faith complains of the conduct of *Z*, a servant, to *Z*'s master; if *A* in good faith complains of the conduct of *Z*, a child, to *Z*'s father — *A* is within this exception.

### **Imputation made in good faith by a person for the protection of his interests**

*Ninth Exception.*—It is not defamation to make an imputation on the character of another, provided that the imputation is made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

#### *Illustrations*

(a) *A*, a shopkeeper, says to *B*, who manages his business, "Sell nothing to *Z* unless he pays you ready money, for I have no opinion of his honesty". *A* is within the exception, if he has made this imputation on *Z* in good faith for the protection of his own interests.

(b) *A*, a Magistrate, in making a report to his superior officer, casts an imputation on the character of *Z*. Here, if the imputation is made in good faith and for the public good, *A* is within the exception.

### **Caution intended for the good of the person to whom it is conveyed or for the public good**

*Tenth Exception.*—It is not defamation to convey a caution, in good faith, to one person against another, provided that the caution is intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

### **Explanation to Exceptions**

In proving the existence of circumstances as a defence under the Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth or Tenth exception, good faith shall be presumed unless the contrary appears.

### **Punishment for defamation**

**500.** Whoever defames another shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Printing or engraving matter known to be defamatory**

**501.** Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Sale of printed or engraved substance containing defamatory matter**

**502.** Whoever sells or offers for sale any printed or engraved substance, containing defamatory matter, knowing that it contains such matter, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

## CHAPTER 22

## CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

**Criminal intimidation**

**503.** Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

*Explanation.*—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

*Illustration*

*A*, for the purpose of inducing *B* to desist from prosecuting a civil suit, threatens to burn *B*'s house. *A* is guilty of criminal intimidation.

**Intentional insult with intent to provoke a breach of the peace**

**504.** Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

**Statements conducing to public mischief**

**505.** Whoever makes, publishes or circulates any statement, rumour or report in written, electronic or other media —

- (a) with intent to cause, or which is likely to cause any officer or serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore, or any person to whom section 140B refers, to mutiny or otherwise disregard or fail in his duty as such;
- (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public, whereby any person may be induced to commit an offence against the State or against the public tranquillity; or
- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community of persons,

shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

*Exception.*—It does not amount to an offence within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report in written, electronic or other media has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid.

**Punishment for criminal intimidation**

**506.** Whoever commits the offence of criminal intimidation shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both; and if the threat is to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or with imprisonment for a term which may extend to 7 years or more, shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

[15/2019]

**Criminal intimidation by an anonymous communication**

**507.** Whoever commits the offence of criminal intimidation by an anonymous communication, or by having taken precautions to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment for a term which may extend to 2 years, in addition to the punishment provided for the offence by section 506.

**508.** [*Repealed by Act 15 of 2019*]

**509.** [*Repealed by Act 15 of 2019*]

**510.** [*Repealed by Act 5 of 2015*]

## CHAPTER 23

## ATTEMPTS TO COMMIT OFFENCES

**Attempt to commit offence**

**511.—(1)** A person attempts to commit an offence punishable by this Code or by any other written law who, with the intention of committing that offence takes a substantial step towards the commission of that offence.

[15/2019]

(2) For the purposes of subsection (1), an act is a substantial step towards the commission of an offence if it is strongly corroborative of an intention to commit the offence and the following are examples of acts which in the circumstances of each case may constitute taking a substantial step:

- (a) lying in wait, searching for or following the contemplated victim of the offence;
- (b) enticing or seeking to entice the contemplated victim of the offence to go to the place contemplated for its commission;
- (c) reconnoitring the place contemplated for the commission of the offence;
- (d) unlawful entry of a place in which it is contemplated that the offence will be committed;



- (e) possession of materials to be employed in the commission of the offence, that are specially designed for such unlawful use or that can serve no lawful purpose of the person in such possession under the circumstances;
- (f) possession, collection or fabrication of materials to be employed in the commission of the offence, at or near the place contemplated for its commission, if such possession, collection or fabrication serves no lawful purpose of the person mentioned in subsection (1) under the circumstances;
- (g) soliciting an innocent agent to engage in conduct constituting a physical element of the offence.

[15/2019]

(3) A person may attempt the doing of a thing despite the existence of facts of which he is unaware which make the doing of the thing impossible.

#### *Illustrations*

(a) *A* makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no jewel in it. He has taken a substantial step towards the commission of theft, and therefore is guilty of attempted theft.

(b) *A* makes an attempt to pick the pocket of *Z* by thrusting his hand into *Z*'s pocket. *A* fails in the attempt in consequence of *Z*'s having nothing in his pocket. *A* is guilty of attempted theft even though it was not possible for *A* to steal any thing from *Z*'s empty pocket.

(c) When *Z* is not looking, *A* opens *Z*'s bag and takes away an electronic device with the intention of stealing it from *Z*. *A* genuinely believes that the electronic device belongs to *Z* but it in fact belongs to *A*, who had previously lent it to *Z*. *A* is guilty of attempted theft even though it was not possible for *A* to have committed theft of *A*'s own device.

(d) *A* and *Z* are friends who share a room in which *Z* keeps a personal safe with a combination lock. *A* peeps at *Z* opening the safe in order to memorise the combination code to the safe. When *Z* is out of the room, *A* attempts to remember the code to unlock *Z*'s safe with the intention of stealing the cash in the safe. *A* tries several times but is unable to remember the code correctly before *Z* returns. *A* is guilty of an offence of attempted theft even though he could not have opened the safe because of his inept memory of the code.

[15/2019]

**Punishment for attempting to commit offences**

**512.—(1)** A person who attempts to commit an offence punishable by this Code or by any other written law with death or imprisonment for life, shall, where no express provision is made by this Code or by such other written law for the punishment of such attempt, be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

*Illustration*

*A* attempts to commit kidnapping of *B* in order that *B* may be murdered but did not succeed. If *A* had committed kidnapping in order to murder, he would have been punished with death or imprisonment for life (and would, if not sentenced to death, also be liable to caning). *A* shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

[15/2019]

(2) Subject to subsection (3), any person who attempts to commit an offence punishable by this Code or by any other written law (other than an offence mentioned in subsection (1)), shall, where no express provision is made by this Code or by such other written law for the punishment of such attempt, be punished with such punishment as is prescribed for that offence.

[15/2019]

(3) Despite subsection (2), where the punishment prescribed for an offence mentioned in that subsection is fixed by law, a specified minimum sentence or a mandatory minimum sentence of imprisonment or fine or caning, the court sentencing the person who attempted to commit the offence —

- (a) shall not be bound to impose such fixed, specified or mandatory minimum sentence; and
- (b) may sentence the offender to such sentence or combination of sentences as the court thinks fit but not exceeding the maximum punishment prescribed for that offence.

[15/2019]

(4) To avoid doubt, nothing in subsection (3)(b) empowers a court to impose a type of punishment that is not prescribed for an offence

mentioned in subsection (2) or otherwise provided by any written law for that offence.

*Illustration*

*A* attempts to commit robbery but did not succeed. If *A* had committed robbery, he would have been subject to a mandatory minimum term of imprisonment of not less than 2 years and mandatory caning of a minimum of 6 strokes. As the court is not bound to impose the minimum mandatory punishment prescribed for robbery, *A* may be sentenced to 6 months imprisonment with no caning for attempted robbery. However, the court may not sentence *A* to a fine, as this is not a prescribed punishment for robbery but the court may sentence *A* to probation if he is a young offender.

[15/2019]

## THE SCHEDULE

Section 4B(2) and (3)

### SPECIFIED OFFENCES DEEMED TO BE COMMITTED IN SINGAPORE

1. Communicating false information of harmful thing under section 268A.
2. Placing or sending thing causing fear of harm under sections 268B and 268C.
3. Theft under sections 379 to 382.
4. Extortion and related offences under sections 384 to 389.
5. Robbery and related offences under sections 392 to 402.
6. Dishonest misappropriation of property under sections 403 and 404.
7. Criminal breach of trust under sections 406 to 409.
8. Receiving stolen property and related offences under sections 411 to 414.
9. Cheating and related offences under sections 417 to 420.
10. Obtaining services dishonestly or fraudulently under section 420A.
11. Offences relating to fraudulent deeds and dispositions of property under sections 421 to 424.
12. Fraud by false representation, non-disclosure or abuse of position under section 424A.
13. Forgery and related offences under sections 465 to 477A.
14. Offences relating to currency and bank notes under sections 489A to 489I.

31.12.2021

THE SCHEDULE — *continued*

15. All other offences in this Code or any other written law with fault elements of fraud, dishonesty or deception but excluding any offence under the Prevention of Corruption Act 1960 and the Securities and Futures Act 2001.  
*[15/2019]*

## LEGISLATIVE HISTORY

### PENAL CODE 1871

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

#### **1. Ordinance IV of 1871 — The Penal Code**

Bill	:	Information not available
First Reading	:	19 July 1871
Second Reading	:	8 August 1871
Notice of Amendments	:	9 August 1871
Third Reading	:	9 August 1871
Commencement	:	16 September 1872

#### **2. Ordinance III of 1872 — Penal Code Amendment Ordinance, 1872**

Bill	:	Information not available
First Reading	:	15 August 1872
Second Reading	:	20 August 1872
Notice of Amendments	:	
Third Reading	:	22 August 1872
Commencement	:	16 September 1872

#### **3. Ordinance III of 1882 — Penal Code Amendment Ordinance, 1882**

Bill	:	G.N. No. 48/1882
First Reading	:	31 January 1882
Second Reading	:	16 February 1882
Third Reading	:	28 February 1882
Commencement	:	28 February 1882

#### **4. Ordinance II of 1883 — The Penal Code Amendment Ordinance, 1883**

Bill	:	G.N. No. 100/1883
First Reading	:	28 February 1883
Second and Third Readings	:	14 March 1883
Commencement	:	14 March 1883

**5. Ordinance XVI of 1891 — The Penal Code Amendment Ordinance 1891**

Bill	:	G.N. No. 268/1891
First Reading	:	15 October 1891
Second Reading	:	5 November 1891
Notice of Amendments	:	5 November 1891
Third Reading	:	12 November 1891
Commencement	:	12 November 1891

**6. Ordinance XXI of 1900 — The Criminal Procedure Code 1900**

(Amendments made by section 435 read with Schedule V to the above Ordinance)

Bill	:	G.N. No. 194/1900
First Reading	:	27 February 1900
Second Reading	:	3 April 1900
Notice of Amendments	:	23 October 1900
Third Reading	:	6 November 1900
Commencement	:	1 January 1902 (section 435 read with Schedule V)

**7. Ordinance XII of 1902 — The Penal Code Amendment Ordinance 1902**

Bill	:	G.N. No. 415/1902
First Reading	:	15 April 1902
Second Reading	:	22 April 1902
Notice of Amendments	:	6 May 1902
Third Reading	:	16 May 1902
Commencement	:	16 May 1902

**8. Ordinance XXXV of 1902 — The Penal Code Amendment Ordinance No. II 1902**

Bill	:	G.N. No. 1405/1902
First Reading	:	7 November 1902
Second Reading	:	14 November 1902
Third Reading	:	28 November 1902
Commencement	:	28 November 1902

**9. Ordinance XXIII of 1907 — The Penal Code Amendment Ordinance 1907**

Bill	:	G.N. No. 1072/1907
First Reading	:	18 October 1907
Second Reading	:	15 November 1907
Third Reading	:	29 November 1907
Commencement	:	29 November 1907

**10. Ordinance 10 of 1917 — Criminal Law (Amendment) Ordinance 1917**  
(Amendments made by sections 2 to 10 and section 34 read with the Schedule to the above Ordinance)

Bill	:	G.N. No. 1571/1916
First Reading	:	8 January 1917
Second Reading	:	20 March 1917
Notice of Amendments	:	20 March 1917
Third Reading	:	26 March 1917
Commencement	:	3 April 1917 (sections 2 to 10 and section 34 read with the Schedule)

**11. Ordinance 19 of 1918 — Criminal Law (Currency Notes Forgery) Ordinance, 1918**

(Amendments made by sections 2 and 3 of the above Ordinance)

Bill	:	G.N. No. 815/1918
First Reading	:	1 July 1918
Second Reading	:	29 July 1918
Notice of Amendments	:	29 July 1918
Third Reading	:	29 July 1918
Commencement	:	1 August 1918 (sections 2 and 3)

**12. Ordinance 25 of 1919 — Criminal Law (Amendment) Ordinance, 1919**  
(Amendments made by sections 2 to 11 of the above Ordinance)

Bill	:	G.N. No. 578/1919
First Reading	:	28 April 1919
Second Reading	:	12 May 1919
Notice of Amendments	:	16 June 1919

Third Reading	:	16 June 1919
Commencement	:	24 June 1919 (sections 2 to 11)

**13. Ordinance 6 of 1920 — Criminal Law (Amendment) Ordinance, 1920**  
(Amendments made by sections 2 to 5 of the above Ordinance)

Bill	:	G.N. No. 1789/1919
First Reading	:	19 December 1919
Second Reading	:	19 January 1920
Third Reading	:	8 March 1920
Commencement	:	17 March 1920 (sections 2 to 5)

**14. 1920 Revised Edition — The Penal Code (Ordinance No. 14)**

Operation	:	28 November 1921
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**15. Ordinance 26 of 1921 — Statute Laws (Revised Edition) Operation Ordinance, 1921**

(Amendments made by section 3(a) read with Schedule B to the above Ordinance)

Bill	:	G.N. No. 1854/1921
First and Second Readings	:	22 November 1921
Notice of Amendments	:	22 November 1921
Third Reading	:	22 November 1921
Commencement	:	28 November 1921 (section 3(a) read with Schedule B)

**16. Ordinance 32 of 1922 — Statute Laws (Revised Edition) Amendment Ordinance, 1922**

(Amendments made by section 12(1) read with the Schedule to the above Ordinance)

Bill	:	G.N. No. 1158/1922
First Reading	:	14 August 1922
Second Reading	:	11 September 1922
Notice of Amendments	:	23 October 1922
Third Reading	:	23 October 1922
Commencement	:	28 November 1921 (section 12(1) read with the Schedule)



**17. Ordinance 25 of 1923 — Criminal Law Amendment Ordinance, 1923**  
(Amendments made by section 2 of the above Ordinance)

Bill	:	G.N. No. 1862/1923
First and Second Readings	:	17 December 1923
Notice of Amendments	:	17 December 1923
Third Reading	:	17 December 1923
Commencement	:	31 December 1923 (section 2)

**18. 1926 Revised Edition — The Penal Code (Ordinance No. 14)**

Operation	:	1 August 1926
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**19. Ordinance 32 of 1926 — The Penal Code (Amendment) Ordinance, 1926**

Bill	:	G.N. No. 1151/1926
First Reading	:	12 July 1926
Second Reading	:	6 September 1926
Notice of Amendments	:	13 December 1926
Third Reading	:	13 December 1926
Commencement	:	16 December 1926

**20. Ordinance 35 of 1933 — Penal Code (Amendment) Ordinance, 1933**

Bill	:	G.N. No. 1867/1933
First Reading	:	2 October 1933
Second Reading	:	25 October 1933
Notice of Amendments	:	4 December 1933
Third Reading	:	4 December 1933
Commencement	:	22 January 1934

**21. Ordinance 4 of 1934 — The Penal Code (Amendment) Ordinance, 1934**

Bill	:	G.N. No. 245/1934
First and Second Readings	:	12 February 1934
Notice of Amendments	:	12 February 1934
Third Reading	:	12 February 1934
Commencement	:	14 February 1934

**22. Ordinance 36 of 1934 — The Penal Code (Amendment No. 2) Ordinance, 1934**

Bill	:	G.N. No. 2016/1934
First Reading	:	24 September 1934
Second and Third Readings	:	17 October 1934
Commencement	:	2 November 1934

**23. Ordinance 2 of 1935 — The Penal Code (Amendment) Ordinance 1935**

Bill	:	G.N. No. 2734/1934
First Reading	:	3 December 1934
Second and Third Readings	:	18 February 1935
Commencement	:	3 March 1935

**24. Ordinance 16 of 1935 — Penal Code (Amendment No. 2) Ordinance, 1935**

Bill	:	G.N. No. 301/1935
First Reading	:	18 February 1935
Second Reading	:	15 April 1935
Notice of Amendments	:	15 April 1935
Third Reading	:	15 April 1935
Commencement	:	8 May 1935

**25. Ordinance 63 of 1935 — Statute Law Revision Ordinance, 1935**  
(Amendments made by section 2 read with item (b) of the First Schedule to the above Ordinance)

Bill	:	G.N. No. 3043/1935
First Reading	:	20 November 1935
Second Reading	:	9 December 1935
Notice of Amendments	:	9 December 1935
Third Reading	:	9 December 1935
Commencement	:	31 December 1935 (section 2 read with item (b) of the First Schedule)

**26. 1936 Revised Edition — Penal Code (Chapter 20)**

Operation	:	1 September 1936
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**27. Ordinance 13 of 1936 — The Penal Code (Amendment) Ordinance, 1936**

Bill	:	G.N. No. 2087/1936
First Reading	:	24 August 1936
Second Reading	:	26 October 1936
Notice of Amendments	:	26 October 1936
Third Reading	:	26 October 1936
Commencement	:	10 November 1936

**28. Ordinance 8 of 1937 — Penal Code (Amendment) Ordinance, 1937**

Bill	:	G.N. No. 551/1937
First Reading	:	26 April 1937
Second Reading	:	14 June 1937
Notice of Amendments	:	14 June 1937
Third Reading	:	14 June 1937
Commencement	:	25 June 1937

**29. Ordinance 12 of 1938 — Penal Code (Amendment) Ordinance, 1938**

Bill	:	G.N. No. 1174/1938
First Reading	:	25 April 1938
Second Reading	:	13 June 1938
Notice of Amendments	:	13 June 1938
Third Reading	:	13 June 1938
Commencement	:	2 July 1938

**30. Ordinance 18 of 1938 — Sedition Ordinance, 1938**

(Amendments made by section 10 of the above Ordinance)

Bill	:	G.N. No. 1666/1938
First Reading	:	13 June 1938
Second Reading	:	29 August 1938
Notice of Amendments	:	29 August 1938
Third Reading	:	29 August 1938
Commencement	:	14 September 1938 (section 10)

**31. Ordinance 11 of 1939 — Penal Code (Amendment) Ordinance, 1939**

Bill	:	G.N. No. 523/1939
First Reading	:	27 February 1939
Second and Third Readings	:	24 April 1939
Commencement	:	12 May 1939

**32. Ordinance 12 of 1941 — Penal Code (Amendment) Ordinance, 1941**

Bill	:	Information not available
First Reading	:	3 February 1941
Second and Third Readings	:	28 April 1941
Commencement	:	17 May 1941

**33. Ordinance 16 of 1949 — Penal Code (Amendment) Ordinance, 1949**

Bill	:	G.N. No. S 173/1949
First Reading	:	12 April 1949
Second and Third Readings	:	17 May 1949
Commencement	:	25 May 1949

**34. Ordinance 38 of 1950 — Penal Code (Amendment) Ordinance, 1950**

Bill	:	G.N. No. S 410/1950
First Reading	:	19 September 1950
Second and Third Readings	:	13 October 1950
Commencement	:	23 October 1950

**35. Ordinance 13 of 1952 — Penal Code (Amendment) Ordinance, 1952**

Bill	:	13/1952
First Reading	:	18 March 1952
Second and Third Readings	:	17 April 1952
Commencement	:	28 April 1952

**36. Ordinance 20 of 1954 — Criminal Justice (Punishment — Amendment) Ordinance, 1954**

(Amendments made by section 4 and section 3 read with Part I of the Schedule to the above Ordinance)

Bill	:	28/1954
First Reading	:	17 August 1954

Second Reading	:	21 September 1954
Third Reading	:	12 October 1954
Commencement	:	18 December 1954 (section 4 and section 3 read with Part I of the Schedule)

**37. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952**

(Amendments made by section 2 read with item 2 of the Schedule to the above Ordinance)

Bill	:	32/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952
Commencement	:	30 April 1955 (section 2 read with item 2 of the Schedule)

**38. Ordinance 27 of 1955 — Penal Code (Amendment) Ordinance, 1955**

Bill	:	11/1955
First Reading	:	18 August 1955
Second Reading	:	22 September 1955
Third Reading	:	12 October 1955
Commencement	:	21 October 1955

**39. 1955 Revised Edition — Penal Code (Chapter 119)**

Operation	:	1 July 1956
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**40. Ordinance 5 of 1958 — Penal Code (Amendment) Ordinance, 1958**

Bill	:	Information not available
First Reading	:	22 April 1958
Second Reading	:	23 April 1958
Notice of Amendments	:	23 April 1958
Third Reading	:	23 April 1958
Commencement	:	2 May 1958

**41. G.N. No. S 223/1959 — Singapore Constitution (Modification of Laws) Order, 1959**

Commencement	:	3 June 1959
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- 42. Ordinance 38 of 1959 — Laws of Singapore (Miscellaneous Amendments) Ordinance, 1959**  
(Amendments made by section 8 of the above Ordinance)
- |                      |   |                         |
|----------------------|---|-------------------------|
| Bill                 | : | 215/1959                |
| First Reading        | : | 3 March 1959            |
| Second Reading       | : | 18 March 1959           |
| Notice of Amendments | : | 18 March 1959           |
| Third Reading        | : | 18 March 1959           |
| Commencement         | : | 3 June 1959 (section 8) |
- 43. G.N. No. S (N.S.) 67/1959 — Singapore Constitution (Modification of Laws) (No. 2) Order, 1959**
- |              |   |                |
|--------------|---|----------------|
| Commencement | : | 21 August 1959 |
|--------------|---|----------------|
- 44. Ordinance 55 of 1959 — Penal Code (Amendment) Ordinance, 1959**
- |                           |   |                   |
|---------------------------|---|-------------------|
| Bill                      | : | 15/1959           |
| First Reading             | : | 13 August 1959    |
| Second and Third Readings | : | 2 September 1959  |
| Commencement              | : | 11 September 1959 |
- 45. G.N. No. S (N.S.) 178/1959 — Singapore Constitution (Modification of Laws) (No. 4) Order, 1959**
- |              |   |                  |
|--------------|---|------------------|
| Commencement | : | 20 November 1959 |
|--------------|---|------------------|
- 46. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959**
- |              |   |                  |
|--------------|---|------------------|
| Commencement | : | 20 November 1959 |
|--------------|---|------------------|
- 47. Ordinance 34 of 1960 — Penal Code (Amendment) Ordinance, 1960**
- |                      |   |              |
|----------------------|---|--------------|
| Bill                 | : | 77/1960      |
| First Reading        | : | 6 April 1960 |
| Second Reading       | : | 13 May 1960  |
| Notice of Amendments | : | 13 May 1960  |
| Third Reading        | : | 13 May 1960  |
| Commencement         | : | 20 May 1960  |
- 48. Ordinance 16 of 1961 — Penal Code (Amendment) Ordinance, 1961**
- |      |   |          |
|------|---|----------|
| Bill | : | 138/1961 |
|------|---|----------|

First Reading	:	26 April 1961
Second and Third Readings	:	24 May 1961
Commencement	:	2 June 1961

**49. L.N. 375/1964 (G.N. Sp. No. S 196/1964) — Modification of Laws (Penal Code) (Borneo States and Singapore) Order, 1964**

Commencement	:	12 November 1964
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**50. Act 14 of 1969 — Statute Law Revision Act, 1969**

(Amendments made by section 2 read with the First Schedule to the above Act)

Bill	:	22/1969
First Reading	:	15 October 1969
Second Reading	:	22 December 1969
Notice of Amendments	:	22 December 1969
Third Reading	:	22 December 1969
Commencement	:	2 January 1970 (section 2 read with the First Schedule)

**51. Act 25 of 1969 — Abortion Act, 1969**

(Amendments made by section 14 of the above Act)

Bill	:	40/1968
First Reading	:	3 December 1968
Second Reading	:	8 April 1969
Select Committee Report	:	Parl. 6 of 1969
Third Reading	:	29 December 1969
Commencement	:	20 March 1970 (section 14)

**52. 1970 Revised Edition — Penal Code (Chapter 103)**

Operation	:	15 April 1971
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**53. Act 21 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act, 1973**

(Amendments made by section 2 read with the Schedule to the above Act)

Bill	:	16/1973
First Reading	:	7 March 1973
Second and Third Readings	:	20 March 1973

- Commencement : 6 April 1973 (section 2 read with the Schedule)
- 54. Act 62 of 1973 — Penal Code (Amendment) Act, 1973**
- Bill : 54/1973
- First Reading : 28 August 1973
- Second and Third Readings : 30 November 1973
- Commencement : 8 February 1974
- 55. Act 32 of 1980 — Abortion (Amendment) Act, 1980**  
(Amendments made by section 9 of the above Act)
- Bill : 20/1980
- First Reading : 31 October 1980
- Second and Third Readings : 28 November 1980
- Commencement : 9 January 1981 (section 9)
- 56. Act 23 of 1984 — Penal Code (Amendment) Act 1984**
- Bill : 16/1984
- First Reading : 29 June 1984
- Second and Third Readings : 26 July 1984
- Commencement : 31 August 1984
- 57. 1985 Revised Edition — Penal Code (Chapter 224)**
- Operation : 30 March 1987
- 58. Act 35 of 1993 — Application of English Law Act 1993**  
(Amendments made by section 7 read with paragraph 5 of the Second Schedule to the above Act)
- Bill : 26/1993
- First Reading : 30 August 1993
- Second Reading : 12 October 1993
- Notice of Amendments : 12 October 1993
- Third Schedule : 12 October 1993
- Commencement : 12 November 1993 (section 7 read with paragraph 5 of the Second Schedule)



**59. Act 18 of 1998 — Penal Code (Amendment) Act 1998**

Bill	:	13/1998
First Reading	:	19 February 1998
Second and Third Readings	:	20 April 1998
Commencement	:	15 May 1998

**60. Act 51 of 2007 — Penal Code (Amendment) Act 2007**

Bill	:	38/2007
First Reading	:	17 September 2007
Second Reading	:	22 October 2007
Third Reading	:	23 October 2007
Commencement	:	1 February 2008

**61. 2008 Revised Edition — Penal Code (Chapter 224)**

Operation	:	30 November 2008
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**62. Act 19 of 2010 — Hostage-Taking Act 2010**

(Amendments made by section 16 of the above Act)

Bill	:	13/2010
First Reading	:	19 July 2010
Second and Third Readings	:	16 August 2010
Commencement	:	21 November 2010 (section 16)

**63. Act 15 of 2010 — Criminal Procedure Code 2010**

(Amendments made by section 430 read with item 74 of the Sixth Schedule to the above Act)

Bill	:	11/2010
First Reading	:	26 April 2010
Second Reading	:	18 May 2010
Third Reading	:	19 May 2010
Commencement	:	2 January 2011 (section 430 read with item 74 of the Sixth Schedule)

**64. G.N. No. S 340/2012 — Revised Edition of the Laws (Rectification) Order 2012**

Operation	:	30 November 2008
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**65. Act 32 of 2012 — Penal Code (Amendment) Act 2012**

Bill	:	33/2012
First Reading	:	15 October 2012
Second and Third Readings	:	14 November 2012
Commencement	:	1 January 2013

**66. Act 1 of 2014 — Prisons (Amendment) Act 2014**

(Amendments made by section 22 read with item 7 of the Schedule to the above Act)

Bill	:	22/2013
First Reading	:	11 November 2013
Second Reading	:	20 January 2014
Notice of Amendments	:	21 January 2014
Third Reading	:	21 January 2014
Commencement	:	1 July 2014 (section 22 read with item 7 of the Schedule)

**67. Act 5 of 2015 — Liquor Control (Supply and Consumption) Act 2015**

(Amendments made by section 38(8) of the above Act)

Bill	:	1/2015
First Reading	:	19 January 2015
Second and Third Readings	:	30 January 2015
Commencement	:	1 April 2015 (section 38(8))

**68. Act 19 of 2016 — Administration of Justice (Protection) Act 2016**

(Amendments made by section 42 of the above Act)

Bill	:	23/2016
First Reading	:	11 July 2016
Second and Third Readings	:	15 August 2016
Commencement	:	1 October 2017 (section 42)

**69. Act 27 of 2018 — Vulnerable Adults Act 2018**

(Amendments made by section 40 of the above Act)

Bill	:	20/2018
First Reading	:	20 March 2018
Second and Third Readings	:	18 May 2018

Commencement : 19 December 2018 (section 40)

**70. Act 15 of 2019 — Criminal Law Reform Act 2019**

(Amendments made by Part 1 of the above Act)

Bill : 6/2019  
 First Reading : 11 February 2019  
 Second Reading : 6 May 2019  
 Notice of Amendments : 6 May 2019  
 Third Reading : 6 May 2019  
 Commencement : 1 January 2020 (Part 1 except sections 3, 8, 11, 14, 25, 26, 30 and 139)  
 10 February 2020 (sections 3(a), 8, 11, 14 and 30)  
 1 July 2020 (sections 3(b), 25 and 26)

**71. Act 2 of 2020 — Statutes (Miscellaneous Amendments) Act 2020**

(Amendments made by section 5 of the above Act)

Bill : 36/2019  
 First Reading : 4 November 2019  
 Second Reading : 6 January 2020  
 Notice of Amendments : 6 January 2020  
 Third Reading : 6 January 2020  
 Commencement : 10 February 2020 (section 5)

**72. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019**

(Amendments made by section 29(11) of the above Act)

Bill : 32/2019  
 First Reading : 7 October 2019  
 Second Reading : 5 November 2019  
 Notice of Amendments : 5 November 2019  
 Third Reading : 5 November 2019  
 Commencement : 2 January 2021 (section 29(11))

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

## COMPARATIVE TABLE

### PENAL CODE 1871

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

<b>2020 Ed.</b>	<b>2008 Ed.</b>
<b>255—(1)</b>	<b>255</b>
(2)	—
—	<b>376A—(5)</b> [ <i>Deleted by Act 15 of 2019</i> ]