

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**SMOKING (PROHIBITION IN CERTAIN PLACES) ACT**

**(CHAPTER 310)**

**1970 Ed. Cap. 165**

**Act**

**26 of 1970**

Amended by

57 of 1973

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# Smoking (Prohibition in Certain Places) Act

## ARRANGEMENT OF SECTIONS

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An Act to prohibit smoking in cinemas, theatres and specified buildings.

[1st October 1970]

**1.** This Act may be cited as the Smoking (Prohibition in Certain Places) Act. Short title.

**2.** In this Act, unless the context otherwise requires — Inter-pretation.  
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“bus” means a public service vehicle which is used for the conveyance of passengers for hire or reward on a scheduled service in which passengers are charged separate and distinct fares;

“cinema” means the auditorium of any building used for the exhibition of films to which members of the public are admitted upon payment of an admission fee, but does not include any part of the premises of any club, association, institution or other body in which films are exhibited, whether gratuitously

or otherwise, for the benefit primarily of the members thereof;

Cap. 95.

“Commissioner” means the Commissioner of Public Health appointed under section 3 of the Environmental Public Health Act, and includes a Deputy Commissioner of Public Health and an Assistant Commissioner of Public Health appointed under that section;

“manager”, in relation to —

(a) a cinema or theatre, includes an assistant manager, any person holding an appointment analogous to that of manager or assistant manager or any person who is responsible for the management of the cinema or theatre or is in charge or control thereof; and

(b) a specified building, includes the owner, occupier, lessee or person in charge or control thereof;

“public health auxiliary” means a public health inspector, an assistant public health inspector, or a public health overseer, in the service of the Government;

Cap. 276.

“public service vehicle” has the same meaning as in the Road Traffic Act;

“smoking”, with its grammatical variations, means inhaling and expelling the smoke of tobacco or other substance;

“specified building” means any building or part thereof which is the subject of a notification made under section 3;

“theatre” means the auditorium of any building used for the performance or presentation of any stage play or any musical, singing or dancing show or recital or any competition, sporting contest, exhibition, variety act or other entertainment to which members of the public are admitted upon payment of an admission fee, but does not include any part of the premises of any club, association, institution or other body in which any of the same are performed or presented, whether gratuitously or otherwise, for the benefit primarily of the members thereof.

3. The Minister may, by notification in the *Gazette* and subject to such conditions as he may think fit, specify any building or part thereof or class of buildings or parts thereof to which members of the public have access as being a place or places in which smoking shall not be permitted either permanently or for such period or periods as he may think fit.

Minister may prohibit smoking in specified buildings.

4.—(1) Any person who smokes —

- (a) in any cinema or theatre at any time during which it is open to the public;
- (b) in any specified building in contravention of any notification issued under section 3; or
- (c) in any bus while it is carrying fare-paying passengers on a scheduled or regular route,

Prohibition on smoking in cinemas, theatres, specified buildings and in buses.  
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shall be guilty of an offence and may be arrested without warrant by any police officer or public health auxiliary or by any public officer authorised in writing in that behalf by the Commissioner and taken before a Magistrate's Court and shall be liable on conviction to a fine not exceeding \$500.

(2) Notwithstanding subsection (1) or any other written law for the time being in force, any police officer, public health auxiliary or public officer who, having effected an arrest in accordance with this section, is satisfied as to the identity, name and place of residence of the person arrested, may in his discretion instead of taking that person before a Court or to a police station serve upon that person a notice requiring that person to attend at the Court described at the hour and on the date specified in the notice and the notice shall be in such form as may be required under section 9.

(3) For the purpose of satisfying himself as to the identity of the person arrested, the police officer, public health auxiliary or public officer may require the person arrested to furnish such evidence of identity as he may consider necessary.

(4) A duplicate of the notice referred to in subsection (2) shall be prepared by the police officer, public health auxiliary or public officer, as the case may be, and produced by him, if so required by a Court, to the Court.

(5) On an accused person appearing before a Court in pursuance of such a notice, the Court shall take cognisance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (1).

(6) If a person upon whom such a notice has been served fails to appear before a Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of that person.

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

**5.—(1)** The manager of every cinema, theatre and specified building and the owner of every bus —

(a) shall cause to be displayed suitable and sufficient notices of an adequate size or sizes in English, Chinese, Malay and Tamil in conspicuous positions therein, stating that smoking is prohibited and the penalty provided therefor under this Act; and

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

(2) Such manager or owner may, in addition to such notices, adopt any means, method or device as he may think fit for bringing the prohibition and penalty to the attention of the audience, spectators, passengers and other persons concerned, as the case may be.

(3) For the purposes of subsection (1), a notice shall be deemed to be adequately phrased if it states "Smoking Strictly Prohibited. Penalty \$500"; but, subject to any direction that may be given by the Commissioner under

Notices prohibiting smoking to be displayed in cinemas, etc.  
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subsection (1) (b), nothing in this section shall be construed as precluding the use of other words, phrases or modes of expression if their purport is clear and in accordance with that subsection.

(4) The manager of any cinema, theatre or specified building and the owner of any bus who contravenes any of the provisions of subsection (1) or fails to comply with any directions given by the Commissioner under that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

6.—(1) (a) The manager or any ticket collector or usher of any cinema or theatre or such employee as the manager may authorise in that behalf;

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(b) the manager of any specified building or such employee or other person as the manager may authorise in that behalf; or

(c) the conductor or ticket inspector of any bus,

may order any person who smokes in any cinema, theatre, specified building or bus, as the case may be, to cease smoking forthwith, indicating the penalty provided therefor, and if that person refuses, neglects or fails to comply with such order, he may require that person to leave forthwith the cinema, theatre, specified building or bus, as the case may be.

(2) If any such person refuses to leave forthwith the cinema, theatre, specified building or bus, as the case may be, any person mentioned in subsection (1) (a), (b) or (c) may seek the assistance of any police officer, public health auxiliary or public officer authorised in writing in that behalf by the Commissioner, and that police officer, public health auxiliary or public officer may thereupon deal with that person in the manner provided in section 4.

(3) Any person who hinders, obstructs, threatens, abuses, molests or assaults any person mentioned in subsection (1) (a), (b) or (c) in the performance or execution of anything which he is empowered to do under this section shall be guilty of an offence and may be arrested without warrant by any police officer, public health auxiliary or

public officer so authorised and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) No person who has been ordered to leave a cinema, theatre, specified building or a bus under subsection (1) shall be entitled to a refund of any admission fee or money paid by him for the purchase of a ticket.

(5) Nothing in this section shall be construed as preventing any person from being prosecuted for any act which constitutes an offence under section 4.

Where smoking not prohibited.

7. Nothing in this Act shall be construed as preventing any person from smoking at any cinematic or theatrical performance held wholly in the open air or in any part of a building containing a cinema or theatre other than in the auditorium of that cinema or theatre.

Exemption.

8. The Minister may, subject to such conditions as he may think fit, exempt any cinema or theatre from all or any of the provisions of this Act, either permanently or for such period or periods as he may determine.

Forms.

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

Regulations.

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

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