



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**HUMAN CLONING AND
OTHER PROHIBITED PRACTICES
ACT 2004**

2020 REVISED EDITION

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Human Cloning and Other Prohibited Practices Act 2004

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An Act to prohibit the placing of a human embryo clone in the body of a human or an animal and certain other practices associated with reproductive technology.

[1 October 2004]

PART 1

PRELIMINARY

Short title

1. This Act is the Human Cloning and Other Prohibited Practices Act 2004.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —
- “animal” does not include a human;
 - “Director” means the Director of Medical Services;

“enforcement officer” means the Director and any other public officer or any officer of any statutory authority who is appointed by the Director under section 4 to be an enforcement officer for the purposes of this Act;

“human embryo” means any live embryo that —

- (a) has a human genome or an altered human genome; and
- (b) has been developing for less than 8 weeks since the appearance of 2 pro-nuclei or the initiation of its development by other means;

“human embryo clone” means any human embryo that is a genetic copy of another living or dead human, but does not include a human embryo created by the fertilisation of a human egg by human sperm;

“human sperm” includes human spermatids;

“prohibited embryo” means —

- (a) any human embryo that has been developing outside the body of a woman for a period of more than 14 days, excluding any period when the development is suspended;
- (b) any human embryo that was removed from the body of a woman by a person intending to collect a viable human embryo; or
- (c) such other thing as may be prescribed to be a prohibited embryo for the purposes of this Act;

“prohibited practice” means any of the practices prohibited under Part 3.

(2) For the purposes of establishing that a human embryo clone is a genetic copy of another living or dead human —

- (a) it is sufficient to establish that the set of genes in the nuclei of the cells of the living or dead human has been copied; and

(b) it is not necessary to establish that the copy is an identical genetic copy.

(3) For the purposes of the definition of “human embryo” in subsection (1), in working out the length of the period of development of a human embryo, any period when the development of the embryo is suspended is to be disregarded.

(4) For the purposes of the definition of “human embryo clone” in subsection (1), a human embryo that results from the technological process known as embryo splitting is not to be taken as created by a process of fertilisation of a human egg by human sperm.

Act to bind Government

3. This Act binds the Government.

PART 2

ADMINISTRATION

Administration of Act

4.—(1) The Director is responsible for the administration and enforcement of this Act, subject to the general and special directions of the Minister.

(2) The Director may in writing appoint any public officer or any officer of any statutory authority to be an enforcement officer for the purposes of this Act.

(3) Every enforcement officer must, when exercising his or her powers and carrying out his or her duties under this Act, comply with such general or special directions as may, from time to time, be given to him or her by the Director.

(4) Every enforcement officer must, when exercising any of his or her powers under this Act —

(a) if not in uniform, declare his or her office; and

(b) on demand, produce to any person affected by the exercise of those powers such identification card as the Director

may direct to be carried by the enforcement officer when exercising such powers.

(5) Every enforcement officer appointed under subsection (2) is deemed to be a public servant within the meaning of the Penal Code 1871.

PART 3

PROHIBITED PRACTICES

Division 1 — Human cloning

Prohibition against placing human embryo clone in body of human or animal

5. A person must not place any human embryo clone in the body of a human or the body of an animal.

No defence that human embryo clone could not survive

6. It is not a defence to an offence under section 5 that the human embryo clone did not survive or could not have survived.

Division 2 — Other prohibited practices

Prohibition against developing human embryo created other than by fertilisation of human egg by human sperm

7. A person must not develop any human embryo, that is created by a process other than the fertilisation of a human egg by human sperm, for a period of more than 14 days, excluding any period when the development of the embryo is suspended.

Prohibition against developing human embryo outside body of woman for more than 14 days

8. A person must not develop any human embryo outside the body of a woman for a period of more than 14 days, excluding any period when the development of the embryo is suspended.

Prohibition against collecting viable human embryo from body of woman

9. A person must not remove any human embryo from the body of a woman for the purpose of collecting a viable human embryo.

Prohibition against certain uses of embryo

10. A person must not —

- (a) place any human embryo in an animal;
- (b) place any human embryo in the body of a human, other than in a woman's reproductive tract; or
- (c) place any animal embryo in the body of a human for any period of gestation.

Prohibition against placing prohibited embryo in body of woman

11. A person must not place any embryo in the body of a woman knowing that, or reckless as to whether, the embryo is a prohibited embryo.

Prohibition against importing and exporting prohibited embryos

12. A person must not knowingly —

- (a) import any prohibited embryo into Singapore; or
- (b) export any prohibited embryo out of Singapore.

Prohibition against commercial trading in human eggs, human sperm and human embryos

13.—(1) A person must not —

- (a) give or offer valuable consideration to another person; or
- (b) receive, or offer to receive, valuable consideration from another person,

for the supply of any human egg, human sperm or human embryo.

(2) Any contract or arrangement entered into by any person in contravention of subsection (1) is void.

(3) Subsection (2) does not apply to or in relation to any contract or arrangement providing only for the reimbursement of any reasonable expenses incurred by a person in relation to the supply of any human egg, human sperm or human embryo.

(4) To avoid doubt, any reference in this section to the supply of any human egg, human sperm or human embryo does not include the provision of any service for facilitating the donation and receipt of any human egg, human sperm or human embryo by receiving, storing, processing and subsequently implanting the donated human egg, human sperm or human embryo in the body of another human, whether or not for consideration.

(5) In this section —

“reasonable expenses” —

(a) in relation to the supply of any human egg or human sperm, includes, but is not limited to, expenses relating to the collection, storage or transport of the egg or sperm; and

(b) in relation to the supply of any human embryo, includes, but is not limited to, expenses relating to the storage or transport of the embryo;

“valuable consideration”, in relation to the supply of any human egg, human sperm or human embryo by a person, includes any inducement, discount or priority in the provision of a service to the person, but does not include the payment of reasonable expenses incurred by the person in connection with the supply.

PART 4

POWERS OF ENFORCEMENT

Power of entry, inspection, search, seizure, etc.

14.—(1) For the purpose of investigating whether any provision of this Act has been or is being contravened, an enforcement officer may, at any time and without warrant, enter, inspect and search any premises and the facilities in the premises that are being used, or that the enforcement officer has reasonable cause to believe are being used, for any prohibited practice.

(2) In exercising his or her powers under subsection (1), an enforcement officer may —

- (a) inspect any apparatus, appliance, equipment or instrument used or found in those premises;
- (b) inspect, test, examine, remove and detain any sample of human, animal or plant tissue or any other substance or matter found in those premises;
- (c) inspect and make copies of and take extracts from, or require the person having the control or management of those premises or any other person found in those premises to provide copies of or extracts from, any book, document, record or electronic material that relates to, or that reasonably appears to relate to, any prohibited practice;
- (d) require the person having the control or management of those premises to provide such information as the enforcement officer may require in relation to —
 - (i) any person involved in carrying out any prohibited practice in those premises;
 - (ii) any prohibited practice that has been or is being carried out in those premises;
 - (iii) any apparatus, appliance, equipment or instrument that has been or is being used in carrying out any prohibited practice in those premises;

- (iv) the source of any human, animal or plant tissue or any other substance or matter that has been or is being used in any such prohibited practice; or
 - (v) any other matter that is relevant to the administration or enforcement of this Act; and
- (e) seize and remove from those premises any book, document, record, electronic material, apparatus, appliance, equipment, instrument, sample, human, animal or plant tissue or other substance or matter which the enforcement officer reasonably believes to be the subject matter of, or to be connected with the commission of, an offence under this Act.

(3) Subject to subsection (4), any article seized or taken by an enforcement officer under subsection (2) may be retained by the Director for a period of 6 months or such longer period as a Magistrate's Court may, on application by an enforcement officer, allow.

(4) If, within the period allowed under subsection (3), proceedings are commenced against any person for an offence under this Act and the article so seized or taken is relevant to the proceedings, that article may be retained by the Director until the conclusion of those proceedings.

(5) Where any person has been convicted of an offence under this Act, any article seized or taken by an enforcement officer under subsection (2) in respect of that offence may be destroyed, disposed of or otherwise dealt with in such manner as the Director may think fit.

(6) Any person who —

- (a) without reasonable excuse, refuses or fails to comply with any requirement of an enforcement officer under this section; or

- (b) gives any false or misleading information when required to provide any information to an enforcement officer under this section,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Protection from personal liability

15. No suit or other legal proceeding shall lie personally against the Director, any enforcement officer or any other person acting under the direction of the Director for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

PART 5

MISCELLANEOUS

Obstructing enforcement officer in execution of duties

16. Any person who obstructs, hinders or impedes an enforcement officer in the performance or execution of the enforcement officer's duty or anything which the enforcement officer is authorised, empowered or required to do under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Offences by bodies corporate, etc.

17.—(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer of the body corporate; or

- (b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on the part of a partner, the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“officer” —

(a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

(b) 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, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

Offences

18. Any person who contravenes section 5, 7, 8, 9, 10, 11, 12 or 13(1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

Consent to prosecute

19. No prosecution in respect of any offence under this Act may be instituted except by or with the consent of the Public Prosecutor.

Jurisdiction of court

20. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment for any such offence.

Service of documents

21.—(1) Any notice, order or document required or authorised by this Act to be served on any person, and any summons issued by a court against any person in connection with any offence under this Act may be served on the person —

- (a) by delivering it to the person or to some adult member or employee of the person’s family or household at the person’s last known place of residence;
- (b) by leaving it at the person’s usual or last known place of residence or business in an envelope addressed to the person;

- (c) by sending it by registered post addressed to the person at the person's usual or last known place of residence or business; or
- (d) in the case of an incorporated company, a partnership or a body of persons —
 - (i) by delivering it to the secretary or other similar officer of the company, partnership or body of persons at its registered office or principal place of business; or
 - (ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

(2) Any notice, order, document or summons sent by registered post to any person in accordance with subsection (1) is deemed to be duly served on the person at the time when the notice, order, document or summons (as the case may be) would in the ordinary course of post be delivered.

(3) In proving the service of any notice, order, document or summons effected under this section, it is sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

Regulations

22. The Minister may make regulations for prescribing anything which may be prescribed under this Act and generally to give effect to the provisions of this Act, and for carrying out the purposes and provisions of this Act.

LEGISLATIVE HISTORY
HUMAN CLONING AND
OTHER PROHIBITED PRACTICES
ACT 2004

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. Act 35 of 2004 — Human Cloning and Other Prohibited Practices Act 2004

Bill	:	34/2004
First Reading	:	20 July 2004
Second and Third Readings	:	1 September 2004
Commencement	:	1 October 2004

2. 2005 Revised Edition — Human Cloning and Other Prohibited Practices Act (Chapter 131B)

Operation	:	31 July 2005
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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