



THE STATUTES OF THE REPUBLIC OF SINGAPORE

INTOXICATING SUBSTANCES ACT

(CHAPTER 146A)

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Intoxicating Substances Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

OFFENCES RELATING TO INTOXICATING SUBSTANCES

3. Offence of misuse of intoxicating substances
4. Offence of supply of intoxicating substances
5. General powers to call for information as to intoxicating substances

PART III

EVIDENCE AND ENFORCEMENT

6. Protection of informers
7. Powers of arrest
8. Powers of search and seizure
9. Obstruction of search
10. Forfeiture
11. Disposal of things forfeited
12. Powers of investigation of officers of Bureau
13. Blood tests
14. Presumption of misuse of intoxicating substance
15. Certificate of analyst, etc.

PART IV

TREATMENT AND REHABILITATION

16. Supervision
17. Treatment and rehabilitation

Section

18. Approved centres
19. Administration of approved centres
20. Review Committees for approved centres
21. Review, discharge and transfer of inmates
22. Power of Magistrate to inquire into complaints of misconduct or breach of duty
23. Inmates deemed to be in legal custody
24. Use of weapons
25. Employment of auxiliary police officers as escorts and guards
26. Escape from legal custody of approved centre

PART IVA

TAKING OF PHOTOGRAPHS, FINGER IMPRESSIONS, PARTICULARS
AND BODY SAMPLES

- 26A. Interpretation of this Part
- 26B. Taking of photographs, finger impressions, particulars and body samples from person convicted, subject to supervision or in approved centres
- 26C. Further provisions for taking of body samples
- 26D. Retention of photographs, finger impressions, particulars and body samples taken

PART V

COMMITTEE OF INQUIRY

27. Committee of inquiry
28. Composition of committee of inquiry
29. Powers of committee of inquiry
30. Disobedience to summons
31. Refusal to give evidence
32. Giving of false evidence
33. Evidence and procedure
34. Admissibility of evidence
35. Proceedings not open to public
36. Persons who may be affected by findings
37. Record of proceedings
38. Offence to influence or attempt to influence committee of inquiry

PART VI
GENERAL

Section

- 39. General penalty
 - 40. Indemnity
 - 41. Protection of persons acting under authority of Act
 - 42. Offences by body corporate
 - 43. Regulations
 The Schedule
-

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

[1st November 1987]

PART I
PRELIMINARY

Short title

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

Interpretation

2. In this Act, unless the context otherwise requires —

“approved centre” means any place or premises declared by the Minister to be an approved centre under section 18;

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

“Director” means the Director of the Central Narcotics Bureau appointed under section 3(1) of the Misuse of Drugs Act (Cap. 185) and includes any Deputy Director of the Bureau;

[Act 3 of 2006 wef 01/03/2006]

“Director of Prisons” means the Director of Prisons appointed under section 20 of the Prisons Act (Cap. 247);

“Health Sciences Authority” means the Health Sciences Authority established under the Health Sciences Authority Act 2001 (Act 4 of 2001);

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

“intoxicating substance” means any substance having the property of releasing toxic vapours or fumes which contain any chemical compound specified in the Schedule and which when inhaled induces or causes a state of intoxication;

“officer of the Bureau” means the Director or any person appointed under section 3 of the Misuse of Drugs Act as a Deputy Director, an Assistant Director or an officer of the Central Narcotics Bureau;

[Act 3 of 2006 wef 01/03/2006]

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

“prison officer” has the same meaning as in the Prisons Act (Cap. 247);

“Review Committee”, in relation to any approved centre, means the Review Committee appointed for the approved centre under section 20;

“special police officer” means a member of the Special Constabulary constituted under Part VIII of the Police Force Act (Cap. 235);

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

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

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

[8/2000; 4/2001]

PART II

OFFENCES RELATING TO INTOXICATING SUBSTANCES

Offence of misuse of intoxicating substances

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

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

Offence of supply of intoxicating substances

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

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

General powers to call for information as to intoxicating substances

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

(2) Any such requisition shall be made in writing served on the person to whom it is addressed, and any such service shall be good service if the requisition —

- (a) is left with that person, or is left with any adult at the usual or last known place of residence or business of that person; or
- (b) is served on that person by post at his usual or last known place of residence or business.

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

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

- (a) fails without lawful excuse to comply with any requisition under this section;
- (b) produces any document which is false in any material particular, or has not been given or made by the person by whom it purports to have been given or made, or has been in any way altered or tampered with; or
- (c) makes any declaration, statement or representation which is false in a material particular,

shall be guilty of an offence.

PART III

EVIDENCE AND ENFORCEMENT

Protection of informers

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

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

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

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

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

(3) If —

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

the court may permit inquiry and require full disclosure concerning the informer.

Powers of arrest

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

(2) Any person arrested under subsection (1) shall, together with any article liable to seizure, be taken to the Central Narcotics Bureau or a police station and may be searched.

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

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

Powers of search and seizure

8.—(1) Any officer of the Bureau, police officer or special police officer may at any time —

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

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

Obstruction of search

9. Any person who —

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

shall be guilty of an offence.

Forfeiture

10.—(1) Where anything is seized under this Act, the officer who carried out the seizure shall immediately give notice in writing of the seizure to the owner of that thing, if known, either by delivering the notice personally to him or by post at his place of residence, if known.

(2) A notice under subsection (1) shall not be required to be given where the seizure is made in the presence of the offender or the owner or his agent.

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

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

Disposal of things forfeited

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

Powers of investigation of officers of Bureau

12.—(1) In any case relating to the commission of an offence under this Act, an officer of the Bureau shall have all the powers of a police officer under the Criminal Procedure Code (Cap. 68) in relation to an investigation into a seizable offence.

[Act 15 of 2010 wef 02/01/2011]

(2) For the purposes of subsection (1), when an officer of the Bureau is exercising the powers of a police officer under the Criminal Procedure Code 2010, the officer of the Bureau shall be deemed to be an officer not below the rank of inspector of police.

[Act 15 of 2010 wef 02/01/2011]

Blood tests

13.—(1) Any officer of the Bureau, police officer, special police officer, or the officer-in-charge of an approved centre may require any person who has used or inhaled, or is reasonably suspected to have used or inhaled, any intoxicating substance for the purpose of inducing or causing a state of intoxication to provide to a registered medical practitioner a specimen of his blood for a laboratory test.

(2) A person shall not be required to provide a specimen of his blood for a laboratory test under subsection (1) if the registered medical practitioner in immediate charge of his case objects to the provision of such specimen on the ground that it would be prejudicial to the proper care or treatment of that person.

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

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

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

(6) The certificate referred to in subsection (5) shall not be accepted as evidence for the prosecution unless a copy thereof had been served on the accused not less than 7 days before the hearing.

(7) For the purposes of this section, the consent of a person who has attained the age of 16 years to providing a specimen of blood in pursuance of a requirement imposed under subsection (1) shall be effective as it would be if he were of full age.

(8) Where the person referred to in subsection (7) has, by virtue of that subsection, given an effective consent, it shall not be necessary to obtain any consent from his parent or guardian in respect of him providing the specimen of blood.

Presumption of misuse of intoxicating substance

14. A person shall be presumed, until the contrary is proved, to have used or inhaled any intoxicating substance for the purpose of inducing or causing in himself a state of intoxication if the specimen of blood provided by him under section 13 is certified by —

- (a) an analyst employed by the Health Sciences Authority; or
- (b) such other person as the Minister may, by notification in the *Gazette*, appoint,

to contain an amount of any chemical compound specified in the first column of the Schedule in excess of the amount specified in the second column thereof in relation to that chemical compound.

[Act 3 of 2006 wef 01/03/2006]

Certificate of analyst, etc.

15.—(1) A certificate purporting —

- (a) to be signed by —
 - (i) an analyst employed by the Health Sciences Authority; or
 - (ii) such other person as the Minister may, by notification in the *Gazette*, appoint; and
- (b) to relate to any chemical compound specified in the Schedule,

shall be admitted in evidence, in any proceedings for an offence under this Act, on its production by the prosecution without proof of signature and, until the contrary is proved, shall be proof of all matters contained therein.

[Act 3 of 2006 wef 01/03/2006]

(2) The certificate under subsection (1) shall not be accepted as evidence for the prosecution unless a copy thereof had been served on the accused not less than 7 days before the hearing.

[4/2001]

PART IV

TREATMENT AND REHABILITATION

Supervision

16.—(1) If as a result of a blood test under section 13, it appears to the Director that the person who supplied the specimen of blood for the blood test has used or inhaled any intoxicating substance in contravention of section 3 and that it is necessary for that person to be subject to supervision, the Director may make a supervision order requiring that person to be subject to the supervision of an officer of the Bureau or a person appointed by the Director for that purpose for a supervision period not exceeding 12 months.

(2) The Director may make a supervision order requiring —

- (a) a person who has been convicted of an offence under section 3(2); or
- (b) a person who has been discharged from an approved centre under section 21,

to be subject to supervision by an officer of the Bureau or a person appointed by the Director for that purpose for a supervision period not exceeding 12 months.

[Act 3 of 2006 wef 01/03/2006]

(2A) Where the person referred to in subsection (2)(a) is sentenced to a term of imprisonment, the supervision order shall commence upon the expiration of that sentence.

[Act 3 of 2006 wef 01/03/2006]

(3) A supervision order made under subsection (1) or (2) may require the person subject to the supervision order to comply during the whole or any part of the supervision period with such requirements as to residence and any other requirements as the Director, having regard to the circumstances of the case, considers necessary for securing the good conduct of such person.

(4) Any person who wilfully fails to comply with any requirement in the supervision order referred to in subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Treatment and rehabilitation

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

(2) An approved centre may admit any person —

- (a) who uses or inhales any intoxicating substance for the purpose of inducing or causing a state of intoxication; or
- (b) under the age of 21 years who uses or inhales any intoxicating substance for the purpose of inducing or causing a state of intoxication on the application made by either parent of such person or by his guardian or by any person for the time being having the custody or control of such person,

for voluntary treatment and rehabilitation on such terms and conditions as may be prescribed.

(3) Every person who is admitted to an approved centre under subsection (2) shall not be detained therein for a period exceeding 6 months.

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

(5) If the Review Committee of an approved centre is of the opinion that an inmate of that centre whose period of detention therein is about to expire requires further treatment or rehabilitation or both, the Committee may by order in writing direct that the inmate be detained

in the centre for a further period or periods not exceeding 3 months at any one time.

(6) No person in respect of whom an order has been made under subsection (1) shall be detained in an approved centre or centres for a period of more than 12 months after his admission to any approved centre pursuant to such order.

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

Approved centres

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

Administration of approved centres

19.—(1) Subject to the directions of the Minister, the general charge and administration of —

- (a) approved centres, except those designated under paragraph (b), shall be under the Director of Prisons; and
- (b) such approved centres as the Minister may designate shall be under such person as the Minister may appoint.

[20/98]

(2) The Director of Prisons or the person appointed under subsection (1)(b), as the case may be, may appoint a person to be the officer-in-charge of an approved centre and such person shall be responsible for the supervision and administration of that approved centre.

[20/98]

(3) Subject to such modifications as may be made by the Director of Prisons, the standing orders issued under the Prisons Act (Cap. 247)

shall apply to an approved centre under the charge of the Director of Prisons as they apply to a prison.

[20/98]

(4) The person appointed under subsection (1)(b) may in writing issue orders, to be called standing orders, for the approved centres designated under his charge.

[18A

[20/98]

Review Committees for approved centres

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

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

(3) The Chairman and members of a Review Committee shall be appointed by the Minister for a term not exceeding 3 years, but may —

- (a) from time to time be reappointed;
- (b) at any time be removed from office by the Minister; or
- (c) at any time resign from their office in writing addressed to the Minister.

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

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

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

(7) Subject to the provisions of this Act, the Review Committee may determine its own procedure.

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

[19

Review, discharge and transfer of inmates

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

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

(a) discharge any inmate; or

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

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

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

[20

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

22.—(1) Where a complaint is made on oath to a Magistrate that any person is improperly detained in an approved centre by reason of

any misconduct or breach of duty on the part of any officer in the discharge of his functions pursuant to this Act, the Magistrate may —

- (a) inquire into the complaint himself; or
- (b) direct a police officer to make an inquiry for the purpose of ascertaining the truth or falsehood of the complaint and report to the Magistrate the result of the inquiry.

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

(3) A Magistrate or a police officer conducting any inquiry under subsection (1) shall have all the powers conferred on him by the Criminal Procedure Code (Cap. 68) in relation to the attendance and examination of witnesses, the taking of evidence and the production of documents.

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

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

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

[21

Inmates deemed to be in legal custody

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

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

- (a) while he is confined in, or is being taken to or from, an approved centre;

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

[22]

Use of weapons

24.—(1) Subject to this section, a prison officer may use any weapon against —

- (a) any inmate of any approved centre escaping or attempting to escape;
- (b) any person who does any act or attempts to do any act to facilitate the escape of an inmate of any approved centre; or
- (c) any person engaged in any attempt to damage or force or break open —
 - (i) the outside door or gate or enclosure wall of any approved centre or any other part of an approved centre; or
 - (ii) any part of any vehicle in which an inmate is conveyed.

[8/2000]

(2) A prison officer may use any weapon against —

- (a) any inmate of any approved centre engaged in any combined outbreak; and
- (b) any person engaged in any attempt to damage or force or break open —
 - (i) the outside door or gate or enclosure wall of any approved centre or any other part of an approved centre; or

- (ii) any part of any vehicle in which an inmate is conveyed,

and may continue to use the weapon so long as the combined outbreak or attempt is actually being prosecuted.

[8/2000]

(3) Every prison officer may use weapons against an inmate of any approved centre using violence against any prison officer or other person, if the prison officer has reasonable ground to believe that the prison officer or other person is in danger of life or limb, or that other grievous hurt is likely to be caused to either of them.

[8/2000]

(4) A prison officer shall not resort to the use of any weapon under subsection (1) unless the officer has reasonable ground to believe that he cannot otherwise prevent the escape of any inmate.

[8/2000]

(5) Before using any firearm against an inmate or other person referred to in subsection (1), the prison officer shall give a warning to the inmate or that other person, as the case may be, that he is about to fire on him.

[8/2000]

(6) No prison officer shall, in the presence of his superior officer, use any firearm against an inmate or other person in the circumstances described in subsection (1) or (2) except under the orders of his superior officer.

[8/2000]

(7) The use of weapons under this section shall be, as far as possible, to disable and not to kill.

[8/2000]

(8) Every police officer who is for the time being serving in the capacity of an escort, or of a guard in or around any approved centre, for the purpose of ensuring the safe custody of any inmate, shall be deemed to have all the powers and privileges granted to a prison officer under this section.

[22A
[8/2000]

Employment of auxiliary police officers as escorts and guards

25.—(1) For the purpose of assisting him in the discharge of his duties under this Act, the Director of Prisons may employ such numbers of auxiliary police officers as he considers fit as escorts or guards to ensure the safe custody of the inmates who are under his custody while the inmates are transported to, or from, any approved centre and while the inmates are at any place outside an approved centre.

[8/2000]

(2) An inmate who is delivered into the custody of an auxiliary police officer under this section shall be deemed to be in legal custody within the meaning of section 23.

[8/2000]

(3) Every auxiliary police officer who is employed as an escort or a guard under subsection (1) shall, in the course of carrying out his duties as an escort or a guard, have the same powers as a prison officer under section 24.

[8/2000]

(4) Every auxiliary police officer employed under subsection (1) shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

[8/2000]

(5) For the purpose of this section, “auxiliary police officer” means a member of an auxiliary police force established under any other written law.

[22B

[8/2000]

[Act 3 of 2005 wef 10/06/2005]

Escape from legal custody of approved centre

26.—(1) Any inmate who —

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

(c) while he is otherwise in the legal custody of any other person escapes from the legal custody thereof,
shall be guilty of an offence.

(2) Any person who —

(a) knowingly assists, directly or indirectly, any inmate of an approved centre to escape therefrom;

(b) induces any such inmate so to escape; or

(c) knowing that any inmate has escaped from an approved centre, harbours or conceals, or assists in harbouring or concealing that inmate or causes or induces him not to return to such approved centre,

shall be guilty of an offence.

[23

PART IVA

TAKING OF PHOTOGRAPHS, FINGER IMPRESSIONS, PARTICULARS AND BODY SAMPLES

[Act 3 of 2006 wef 01/03/2006]

Interpretation of this Part

26A.—(1) In this Part, unless the context otherwise requires —

“appropriate consent” means —

(a) for a person aged 16 years and above, the written consent of that person;

(b) for a person aged 14 years and above but below the age of 16 years, the written consent of both that person and of his parent or guardian; and

(c) for a person below the age of 14 years, the written consent of his parent or guardian,

given to —

(i) a police officer or an officer of the Bureau in charge of the case; or

(ii) a prison officer,

after that officer has informed the person concerned, his parent or guardian or both, as the case may be, of the purpose for which a body sample is required from such person and the manner by which such body sample is to be taken from him;

“authorised analyst” means a person appointed by the Commissioner of Police to be an analyst for the purposes of this Part;

“body sample” means —

(a) a sample of blood;

(b) a sample of head hair, including the roots thereof;

(c) a swab taken from a person’s mouth; or

(d) such other sample as may be prescribed under subsection (2);

“DNA” means deoxyribonucleic acid;

“DNA information” means genetic information derived from the forensic DNA analysis of a body sample;

“finger impression” includes thumb impression and palmar impression;

“intimate sample” means any body sample that is obtained by means of any invasive procedure, but does not include any sample described in subsection (3);

“particulars”, in relation to a person, means any particulars, information or description of that person that may be relevant or useful in the identification of that person;

“photograph”, in relation to a person, includes the photograph of any distinguishing feature or mark on the body of that person;

“registered medical practitioner” has the same meaning as in the Medical Registration Act (Cap. 174) and includes a dentist registered under the Dental Registration Act (Cap. 76).

[Act 22 of 2007 wef 01/01/2008]

(2) Subject to subsection (3), the Minister may prescribe additional types of body samples that may be taken under section 26B.

(3) The additional types of body samples that may be prescribed under subsection (2) shall not include samples to be obtained from —

- (a) the genital or anal area of a person's body;
- (b) a person's body orifice other than the mouth; or
- (c) the breast of a woman.

Taking of photographs, finger impressions, particulars and body samples from person convicted, subject to supervision or in approved centres

26B.—(1) Any police officer, prison officer, officer of the Bureau or person authorised by the Commissioner of Police may exercise all or any of the following powers in respect of any person referred to in subsection (2):

- (a) take or cause to be taken photographs and finger impressions of such person;
- (b) make or cause to be made a record of the particulars of such person;
- (c) cause body samples of such person to be taken by a person authorised under section 26C(1);
- (d) send any photograph, finger impression, record of particulars or body sample so taken or made to the Commissioner of Police for identification and report.

(2) The powers referred to in subsection (1) may be exercised in respect of a person who on or after the date of commencement of the Intoxicating Substances (Amendment) Act 2006 —

- (a) is convicted of or is serving a sentence of imprisonment for an offence under section 3(2), 4(2) or 13(3);
- (b) is subject to supervision pursuant to a supervision order made at any time (whether before, on or after that date) under section 16(1) or (2); or

- (c) is in an approved centre pursuant to an order made at any time (whether before, on or after that date) under section 17(1).
- (3) Every person mentioned in subsection (2) shall —
- (a) submit to the taking of his photographs and finger impressions under subsection (1);
 - (b) provide such particulars as may be required under subsection (1); and
 - (c) subject to subsection (5), submit to the taking of his body samples by a person authorised under section 26C(1).
- (4) Where any person mentioned in subsection (2) fails, without reasonable excuse, to comply with subsection (3) —
- (a) that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one month or to both; and
 - (b) any police officer, prison officer, officer of the Bureau or person authorised by the Commissioner of Police may use such force as is reasonably necessary to take or cause to be taken the photographs, finger impressions and body samples of that person.
- (5) No —
- (a) sample of blood; or
 - (b) intimate sample prescribed under section 26A(2),
- shall be taken from any person unless the appropriate consent is given for the taking of the sample.

Further provisions for taking of body samples

26C.—(1) For the purposes of section 26B(1)(c), a body sample may only be taken by —

- (a) a registered medical practitioner;
- (b) a police officer, a prison officer or an officer of the Bureau who has received training for the purpose; or

(c) any other suitably qualified or trained person who is duly appointed in writing by the Commissioner of Police as an authorised person for the purpose.

(2) Before taking any body sample, the person authorised under subsection (1) to take the sample must satisfy himself that the taking of the sample does not endanger the person from whom the sample is to be taken.

(3) The fact that a body sample has been taken shall be recorded by the person who took the sample in such form or manner as may be required by the Commissioner of Police.

(4) Every body sample taken shall be sent to an authorised analyst for forensic DNA analysis.

Retention of photographs, finger impressions, particulars and body samples taken

26D.—(1) The Commissioner of Police shall cause to be maintained —

(a) a register (whether in a computerised form or otherwise) in which shall be stored all photographs, finger impressions and particulars of a person taken under section 26B; and

(b) a DNA database (whether in a computerised form or otherwise) in which shall be stored all DNA information derived from a body sample taken from a person under section 26B.

(2) Any information stored in the register and the DNA database under subsection (1) may be used for all or any of the following purposes:

(a) for comparison with any other information or any other DNA information, as the case may be, obtained in the course of an investigation of an offence conducted by a police officer or an officer of the Bureau;

(b) for comparison with information in the register established under section 4 of the Registration of Criminals Act (Cap. 268) or with DNA information in the DNA database

established under section 13F of that Act, as the case may be;

- (c) for comparison with information or DNA information, as the case may be, in the register or DNA database, respectively, established under —
 - (i) section 27C of the Criminal Law (Temporary Provisions) Act (Cap. 67); or
 - (ii) section 40D of the Misuse of Drugs Act (Cap. 185);
- (d) for any proceedings for any offence;
- (e) for administering the register and DNA database for the purposes of this Act;
- (f) for such other purposes as may be prescribed.

(3) For the purposes of subsection (2)(d) —

- (a) any photograph, finger impression or particulars stored in the register under subsection (1)(a);
- (b) any DNA information stored in the DNA database under subsection (1)(b); and
- (c) any certificate or report purporting to have been compiled or made from information stored in the register or DNA database maintained under subsection (1),

shall, if produced from proper custody and authenticated by the signature of the Commissioner of Police or a police officer authorised by the Commissioner of Police, be admissible in evidence in any proceedings without proof of signature and, until the contrary is proved, shall be proof of all matters contained therein.

[Act 3 of 2006 wef 01/03/2006]

PART V

COMMITTEE OF INQUIRY

Committee of inquiry

27.—(1) Where it is expedient that the Minister, or such other person as the Minister may appoint to exercise the powers conferred

upon the Minister by sections 28, 35 and 37, should be informed on any matter connected with the discipline, administration or functions of any approved centre or affecting any inmate, the Minister or the person appointed by the Minister may convene a committee of inquiry.

[8/2000]

(2) A committee of inquiry shall inquire into and report on the facts relating to any matter referred to it and, if directed by the Minister to do so, express its opinion on any question arising out of any such matter.

[8/2000]

(3) In this section and in sections 28, 35 and 37, “Minister” includes the person appointed by the Minister under subsection (1) to act on his behalf for the purposes of this section and sections 28, 35 and 37.

[23A
[8/2000]

Composition of committee of inquiry

28.—(1) A committee of inquiry shall consist of one or more persons who shall be appointed by the Minister.

[8/2000]

(2) Where a committee of inquiry consists of more than one person, the Minister shall appoint one of the members to be the chairman.

[8/2000]

(3) Where a committee of inquiry consists of one member only, he shall be vested with the powers of a chairman.

[8/2000]

(4) Every member of a committee of inquiry appointed under this section shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

[23B
[8/2000]

Powers of committee of inquiry

29. A committee of inquiry may —

- (a) summon any person to give evidence on oath or on affirmation or to produce any document or material necessary for the purpose of the inquiry; and

- (b) visit any place in order to inquire into any matter which may arise in the course of the inquiry.

[23C
[8/2000]

Disobedience to summons

30.—(1) A person who is summoned to give evidence before a committee of inquiry shall not, without lawful excuse, fail to appear in obedience to the summons.

[8/2000]

(2) A person who is required by a committee of inquiry to produce any document or material for the purpose of the inquiry shall not, without lawful excuse, fail to produce the document or material.

[8/2000]

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[23D
[8/2000]

Refusal to give evidence

31.—(1) A person who appears before a committee of inquiry shall not, without lawful excuse, refuse to be sworn or to make an affirmation, or to produce any document or material, or to answer any question, which he is lawfully required to produce or answer.

[8/2000]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[23E
[8/2000]

Giving of false evidence

32. Every person who wilfully gives false evidence when examined on oath or on affirmation before a committee of inquiry shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

\$10,000 or to imprisonment for a term not exceeding 7 years or to both.

[23F
[8/2000]

Evidence and procedure

33. Except as otherwise provided in this Act, a committee of inquiry shall not be bound by the rules of evidence and may act in such manner as the committee of inquiry thinks most expedient.

[23G
[8/2000]

Admissibility of evidence

34. No statement made in the course of any inquiry and no report of a committee of inquiry shall be admissible as evidence in proceedings other than proceedings, whether criminal or disciplinary, for an offence of giving or fabricating false evidence under any written law.

[23H
[8/2000]

Proceedings not open to public

35.—(1) A committee of inquiry shall not sit in public.

(2) No person shall be allowed to attend the proceedings of a committee of inquiry, or address the committee of inquiry, except with the permission of the chairman or if the Minister so directs.

[23I
[8/2000]

Persons who may be affected by findings

36.—(1) Where it appears to a committee of inquiry that any witness or person involved in the supervision or administration of an approved centre may be adversely affected by its findings, the committee shall notify him and give him an opportunity to be present at the proceedings of the committee of inquiry or at such part thereof as the chairman may specify.

[8/2000]

(2) The person notified under subsection (1) shall be allowed to give evidence and examine any witness.

[23J
[8/2000]

Record of proceedings

37.—(1) The chairman shall record or cause to be recorded in writing the proceedings of the committee of inquiry.

[8/2000]

(2) The evidence of each witness before a committee of inquiry shall be read over to him and shall be signed by him.

[8/2000]

(3) A record of the proceedings of a committee of inquiry shall be signed by the chairman and the members of the committee, if any, and forwarded to the Minister.

[8/2000]

(4) The record of proceedings of a committee of inquiry or any part thereof or any information relating thereto shall be kept confidential and shall not be released to any person, other than a member of the committee, without the written permission of the Minister.

[23K
[8/2000]

Offence to influence or attempt to influence committee of inquiry

38. Every person who, otherwise than in the course of duty, directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of a committee of inquiry or any member of a committee of inquiry shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[23L
[8/2000]

PART VI
GENERAL

General penalty

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

[24]

Indemnity

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

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

[25]

Protection of persons acting under authority of Act

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

[26]

Offences by body corporate

42. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as

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

[27]

Regulations

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

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

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

[28]

THE SCHEDULE

Sections 2, 14 and 15

*First column**Second column*

Toluene

1 microgramme per 1 millilitre of blood.

LEGISLATIVE HISTORY
INTOXICATING SUBSTANCES ACT
(CHAPTER 146A)

This Legislative History is provided for the convenience of users of the Intoxicating Substances Act. It is not part of this Act.

1. Act 24 of 1987 — Intoxicating Substances Act 1987

Date of First Reading	:	28 July 1987 (Bill No. 17/87 published on 30 July 1987)
Date of Second and Third Readings	:	31 August 1987
Date of commencement	:	1 November 1987

2. 1988 Revised Edition — Intoxicating Substances Act

Date of operation	:	30 April 1988
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3. Act 20 of 1998 — Misuse of Drugs (Amendment) Act 1998

Date of First Reading	:	20 April 1998 (Bill No. 17/98 published on 21 April 1998)
Date of Second and Third Readings	:	1 June 1998
Date of commencement	:	20 July 1998

4. Act 8 of 2000 — Prisons (Amendment) Act 2000

Date of First Reading	:	17 January 2000 (Bill No. 5/2000 published on 18 January 2000)
Date of Second and Third Readings	:	21 February 2000
Date of commencement	:	17 April 2000

5. Act 4 of 2001 — Health Sciences Authority Act 2001

Date of First Reading	:	12 January 2001 (Bill No. 3/2001 published on 13 January 2001)
Date of Second and Third Readings	:	22 February 2001
Date of commencement	:	1 April 2001

6. 2001 Revised Edition — Intoxicating Substances Act

Date of operation	:	31 July 2001
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7. Act 3 of 2005 — CISCO (Dissolution) Act 2005

Date of First Reading : 19 October 2004
(Bill No. 52/2004 published on
20 October 2004)

Date of Second and Third Readings : 25 January 2005

Dates of commencement : 10th June 2005 (Part IV)

8. Act 3 of 2006 — Intoxicating Substances (Amendment) Act 2006

Date of First Reading : 21 November 2005
(Bill No. 41/2005 published on
22 November 2005)

Date of Second and Third Readings : 16 January 2006

Date of commencement : 1 March 2006

9. Act 22 of 2007 — Dentists (Amendment) Act 2007

Date of First Reading : 27 February 2007
(Bill No. 9/2007 published on
27 February 2007)

Date of Second and Third Readings : 12 April 2007

Date of commencement : 1 January 2008

10. Act 15 of 2010 — Criminal Procedure Code 2010

Date of First Reading : 26 April 2010
(Bill No. 11/2010 published on
26 April 2010)

Date of Second and Third Readings : 19 May 2010

Date of commencement : 2 January 2011

COMPARATIVE TABLE
INTOXICATING SUBSTANCES ACT
(CHAPTER 146A)

The following provisions in the 1988 Revised Edition of the Intoxicating Substances Act have been renumbered by the Law Revision Commissioners in this 2001 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Intoxicating Substances Act.

2001 Ed.	1988 Ed.
10—(1) and (2)	10—(1)
(3)	(2)
(4)	(3)
13—(1) and (2)	13—(1)
(3)	(2)
(4)	(3)
(5) and (6)	(4)
(7) and (8)	(5)
15—(1) and (2)	15
16—(3) and (4)	16—(3)
17—(2) and (3)	17—(2)
(4)	(3)
(5) and (6)	(4)
(7)	(5)
19	18A
20	19
21	20
22	21
23	22
24	22A
25	22B

26	23
PART V	PART IVA
27	23A
28	23B
29	23C
30	23D
31	23E
32	23F
33	23G
34	23H
35	23I
36	23J
37	23K
38	23L
PART VI	PART V
39	24
40	25
41	26
42	27
43	28