



THE STATUTES OF THE REPUBLIC OF SINGAPORE

MISUSE OF DRUGS ACT

(CHAPTER 185)

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Misuse of Drugs Act

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An Act for the control of dangerous or otherwise harmful drugs and substances and for purposes connected therewith.

[7th July 1973]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Misuse of Drugs Act.

Interpretation

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

“approved institution” means any institution or place declared by the Minister to be an approved institution under section 35;

“article liable to seizure” means any money, thing, controlled equipment or controlled material 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;

“cannabis” means any part of a plant of the genus *Cannabis*, or any part of such plant, by whatever name it is called;

“cannabis mixture” means any mixture of vegetable matter containing tetrahydrocannabinol and cannabinal in any quantity;

“cannabis resin” means any substance containing resinous material and in which is found tetrahydrocannabinol and cannabinal in any quantity;

“Class A drug”, “Class B drug” and “Class C drug” mean any of the substances and products for the time being specified in Parts I, II and III of the First Schedule, respectively;

“committee of inquiry” means a committee of inquiry convened under section 41;

“controlled drug” means any substance or product which is for the time being specified in Part I, II or III of the First Schedule or anything that contains any such substance or product;

“controlled equipment, controlled material or controlled substance” means any equipment, material or substance, respectively, specified in the Third Schedule;

“corresponding law” means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Singapore to be a law providing for the control and regulation in that country of —

(a) the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on 30th March 1961; or

(b) the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and the Government of Singapore are for the time being parties;

“Director” means the Director of the Central Narcotics Bureau appointed under section 3(1);

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

“drug addict” means a person who, through the use of any controlled drug, has developed —

(a) a desire or need to continue to take that controlled drug; or

(b) a psychological or physical dependence upon the effect of that controlled drug;

“Health Sciences Authority” means the Health Sciences Authority established under the Health Sciences Authority Act (Cap. 122C);

“immigration officer” has the same meaning as in the Immigration Act (Cap. 133);

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

“manufacture”, in relation to —

(a) a controlled drug, includes any process of producing the drug and the refining or transformation of one drug into another; or

(b) a controlled substance, includes any process of producing the substance and the refining or transformation of one substance into another;

“officer of customs” has the same meaning as in the Customs Act (Cap. 70);

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

[Act 30 of 2012 wef 01/01/2013]

“opium” means any substance containing in any quantity morphine and one or more of the following, namely, codeine, narcotine, papaverine and thebaine but does not include poppy-straw which is not mixed in any such substance;

“permanent resident of Singapore” includes the holder of a Singapore blue identity card and a person who holds an entry permit or a re-entry permit issued by the Controller of Immigration;

“place” includes —

(a) any building or structure, whether permanent or temporary;

(b) any land, whether or not built on;

(c) any place, whether or not enclosed, and whether or not situated underground or underwater;

(d) any vessel, aircraft, train, or vehicle (whether mechanically propelled or otherwise) or any other means of transport; and

(e) any part of any place referred to in paragraphs (a) to (d);

[Act 30 of 2012 wef 01/01/2013]

“police officer” has the same meaning as in the Police Force Act (Cap. 235);

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

“regulations” means any regulations made under this Act;

“Review Committee”, in relation to an approved institution, means the Review Committee appointed for the institution under section 37;

“senior officer of customs” has the same meaning as in the Customs Act;

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

“specified drug”, except for the purposes of the Second Schedule, means a drug specified in the Fourth Schedule;

“traffic” means —

(a) to sell, give, administer, transport, send, deliver or distribute; or

(b) to offer to do anything mentioned in paragraph (a), otherwise than under the authority of this Act, and “trafficking” has a corresponding meaning;

“Vigilante Corps” means the Vigilante Corps constituted under the Vigilante Corps Act (Cap. 343);

[49/75; 12/77; 40/93; 20/98; 8/2000; 4/2001; 2/2006]

[Act 30 of 2012 wef 01/01/2013]

“vulnerable person” means any person who suffers from 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 judgment in relation to the commission of any offence under this Act;

[Act 30 of 2012 wef 01/01/2013]

“young person” means any person who is below 21 years of age.

[Act 30 of 2012 wef 01/01/2013]

Appointment of Director and other officers of Central Narcotics Bureau

3.—(1) The Minister may appoint a Director of the Central Narcotics Bureau and such numbers of Deputy Directors, Divisional Directors and other officers as the Minister may think fit.

[2/2006]

[Act 30 of 2012 wef 01/01/2013]

(2) All officers of the Bureau appointed by the Minister before 12th December 1975 shall be deemed to have been appointed under subsection (1).

[49/75]

(3) Subject to the provisions of this Act, the powers and functions conferred upon the Director under this Act, and the duties required to be discharged by him may, subject to such limitations as the Director may impose, be exercised and discharged by any Deputy Director or Divisional Director of the Central Narcotics Bureau duly authorised by the Director to act on his behalf.

[Act 30 of 2012 wef 01/01/2013]

(4) The Director may issue such orders not inconsistent with the provisions of this Act and the regulations made thereunder, to be called General Orders, as he may think necessary and expedient for the control, direction and information of the officers of the Bureau.

[Act 30 of 2012 wef 01/01/2013]

(5) It shall not be necessary to publish any General Orders in the *Gazette*.

[Act 30 of 2012 wef 01/01/2013]

Advisory committees

4.—(1) For the purpose of assisting in the administration of this Act, the Minister may from time to time appoint such advisory committees as he thinks fit.

[12/77]

(2) Every such committee shall have such functions as the Minister may from time to time determine.

[12/77]

(3) Subject to the regulations, every such committee may regulate its own procedure.

[12/77]

PART II**OFFENCES INVOLVING CONTROLLED DRUGS AND
SUBSTANCES****Trafficking in controlled drugs**

5.—(1) Except as authorised by this Act, it shall be an offence for a person, on his own behalf or on behalf of any other person, whether or not that other person is in Singapore —

- (a) to traffic in a controlled drug;
- (b) to offer to traffic in a controlled drug; or
- (c) to do or offer to do any act preparatory to or for the purpose of trafficking in a controlled drug.

(2) For the purposes of this Act, a person commits the offence of trafficking in a controlled drug if he has in his possession that drug for the purpose of trafficking.

[40/93]

Manufacture of controlled drugs

6. Except as authorised by this Act, it shall be an offence for a person to manufacture a controlled drug.

Import and export of controlled drugs

7. Except as authorised by this Act, it shall be an offence for a person to import into or export from Singapore a controlled drug.

Possession and consumption of controlled drugs

8. Except as authorised by this Act, it shall be an offence for a person to —

- (a) have in his possession a controlled drug; or
- (b) smoke, administer to himself or otherwise consume —
 - (i) a controlled drug, other than a specified drug; or
 - (ii) a specified drug.

[20/98]

Consumption of drug outside Singapore by citizen or permanent resident

8A.—(1) Section 8(b) shall have effect in relation to a person who is a citizen or a permanent resident of Singapore outside as well as within Singapore where he is found as a result of urine tests conducted under section 31(4)(b) to have smoked, administered to himself or otherwise consumed a controlled drug or a specified drug.

[20/98; 2/2006]

(2) Where an offence under section 8(b) is committed by a person referred to in subsection (1) in any place outside Singapore, he may be dealt with as if that offence had been committed within Singapore.

[20/98]

Possession of pipes, utensils, etc.

9. Except as authorised by this Act, it shall be an offence for a person to have in his possession any pipe, syringe, utensil, apparatus or other article intended for the smoking, administration or consumption of a controlled drug.

Cultivation of cannabis, opium and coca plants

10. It shall be an offence for a person to cultivate any plant of the genus Cannabis, or any plant of the species papaver somniferum or

any plant of the genus erythroxyton from which cocaine can be extracted.

Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs

10A.—(1) Any person who —

- (a) manufactures any controlled equipment, controlled material or controlled substance;
- (b) supplies any controlled equipment, controlled material or controlled substance to another person;
- (c) has in his possession any controlled equipment, controlled material or controlled substance; or
- (d) imports or exports any controlled equipment, controlled material or controlled substance,

knowing or having reason to believe that the controlled equipment, controlled material or controlled substance is to be used in or for the manufacture of a controlled drug in contravention of section 6 shall be guilty of an offence.

[20/98]

(2) It shall not be a defence to a person who contravenes subsection (1)(d) in respect of any controlled equipment, controlled material or controlled substance to show that the equipment, material or substance is the subject of a licence, permit or any other form of authorisation issued or granted under any regulations made under section 10B.

[20/98]

Regulations on controlled equipment, material or substances

10B.—(1) The Minister may by regulations make provisions for —

- (a) the licensing, by such person or authority as may be prescribed, of persons who intend to import or export any controlled equipment, controlled material or controlled substance;

- (b) the regulation and control of the import or export of any controlled equipment, controlled material or controlled substance;
- (c) imposing requirements for the registration of premises used in connection with the import, export, manufacture, processing, storage, distribution or supply of any controlled equipment, controlled material or controlled substance;
- (d) imposing requirements as to the documentation of transactions involving any controlled equipment, controlled material or controlled substance;
- (e) requiring the keeping of records and the furnishing of information with respect to any controlled equipment, controlled material or controlled substance;
- (f) the inspection and production of records kept pursuant to the regulations; and
- (g) the labelling of consignments of any controlled equipment, controlled material or controlled substance.

[20/98]

(2) Regulations made under subsection (1) may, in particular, require —

- (a) the notification of the proposed exportation of any controlled equipment, controlled material or controlled substance to such countries as may be specified in the regulations; and
- (b) the production, in such circumstances as may be specified, of evidence that the required notification has been given,

and any such equipment, material or substance shall be deemed to be exported contrary to a restriction for the time being in force with respect to the equipment, material or substance under such regulations if it is exported without the requisite notice being given.

[20/98]

(3) Regulations made under this section may make different provisions in relation to different controlled equipment, controlled

material or controlled substance and in relation to different cases or circumstances.

[20/98]

(4) Regulations made under this section may provide that any person who contravenes any provision thereof shall be guilty of an offence and shall be liable on conviction to be punished with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 3 years or with both as may be specified in the regulations.

[20/98]

(5) No information obtained pursuant to any regulations made under this section shall be disclosed except for the purposes of criminal proceedings or of proceedings under or in relation to the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A).

[20/98]

Responsibilities of owners, tenants, etc.

11. It shall be an offence for a person being the owner, tenant, occupier or person in charge of any place or premises, to permit or suffer such place or premises or any part thereof to be opened, kept or used for —

- (a) the purpose of smoking, administration or consumption of any controlled drug; or
- (b) the unlawful trafficking in or the unlawful manufacturing of any controlled drug.

Abetments and attempts punishable as offences

12. Any person who abets the commission of or who attempts to commit or does any act preparatory to, or in furtherance of, the commission of any offence under this Act shall be guilty of that offence and shall be liable on conviction to the punishment provided for that offence.

Abetting or procuring commission of offences outside Singapore

13. It shall be an offence for a person —

(a) to aid, abet, counsel or procure the commission in any place outside Singapore of an offence punishable under a corresponding law in force in that place;

[Act 30 of 2012 wef 01/01/2013]

(aa) to aid, abet, counsel or procure the commission of any offence under this Act within Singapore, notwithstanding that all or any of the acts constituting the aiding, abetment, counselling or procurement were done outside Singapore; or

[Act 30 of 2012 wef 01/01/2013]

(b) to do an act preparatory to, or in furtherance of, an act outside Singapore which if committed in Singapore would constitute an offence under this Act.

Offences by body corporate

14. 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.

PART III

EVIDENCE, ENFORCEMENT AND PUNISHMENT

Certificate of corresponding law

15.—(1) A document purporting to be issued by or on behalf of the government of a country outside Singapore and purporting to state the terms of a corresponding law in force in that country shall be admitted in evidence, in any proceedings for an offence under this Act, on its production by the prosecution without further proof.

- (2) Such document shall be conclusive evidence that —
- (a) it is issued by or on behalf of the government of that country;
 - (b) the terms of that law are as stated in the document; and
 - (c) any fact stated in the document as constituting an offence under that law does constitute such offence.

Certificate of analyst, etc.**16.** 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 a controlled drug or controlled substance,

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.

[2/2006]

Presumption concerning trafficking

17. Any person who is proved to have had in his possession more than —

- (a) 100 grammes of opium;
- (b) 3 grammes of morphine;
- (c) 2 grammes of diamorphine;
- (d) 15 grammes of cannabis;
- (e) 30 grammes of cannabis mixture;
- (f) 10 grammes of cannabis resin;
- (g) 3 grammes of cocaine;
- (h) 25 grammes of methamphetamine;

- (*ha*) 113 grammes of ketamine; or
- (*i*) 10 grammes of any or any combination of the following:
- (*i*) N, α -dimethyl-3,4-(methylenedioxy)phenethylamine;
 - (*ii*) α -methyl-3,4-(methylenedioxy)phenethylamine; or
 - (*iii*) N-ethyl- α -methyl-3,4-(methylenedioxy)phenethylamine,

whether or not contained in any substance, extract, preparation or mixture, shall be presumed to have had that drug in possession for the purpose of trafficking unless it is proved that his possession of that drug was not for that purpose.

[38/89; 40/93; 20/98; 2/2006]

Presumption of possession and knowledge of controlled drugs

18.—(1) Any person who is proved to have had in his possession or custody or under his control —

- (*a*) anything containing a controlled drug;
- (*b*) the keys of anything containing a controlled drug;
- (*c*) the keys of any place or premises or any part thereof in which a controlled drug is found; or
- (*d*) a document of title relating to a controlled drug or any other document intended for the delivery of a controlled drug,

shall, until the contrary is proved, be presumed to have had that drug in his possession.

(2) Any person who is proved or presumed to have had a controlled drug in his possession shall, until the contrary is proved, be presumed to have known the nature of that drug.

(3) The presumptions provided for in this section shall not be rebutted by proof that the accused never had physical possession of the controlled drug.

(4) Where one of 2 or more persons with the knowledge and consent of the rest has any controlled drug in his possession, it shall be deemed to be in the possession of each and all of them.

Presumption concerning premises

19.—(1) Where a pipe, syringe, utensil, apparatus or other article intended for the smoking, administration or consumption of a controlled drug is found in any place or premises, it shall be presumed, until the contrary is proved, that the place or premises is used for the purpose of smoking, administering or consuming a controlled drug.

(2) Any person found in or escaping from any place or premises which is proved or presumed to be used for the purpose of smoking or administering a controlled drug shall, until the contrary is proved, be presumed to have been smoking or administering a controlled drug in that place or premises.

Presumption relating to ship or aircraft

20. If any controlled drug is found in any ship or aircraft, it shall be presumed, until the contrary is proved, that the drug has been imported in that ship or aircraft with the knowledge of the master or the captain thereof.

Presumption relating to vehicle

21. If any controlled drug is found in any vehicle, it shall be presumed, until the contrary is proved, to be in the possession of the owner of the vehicle and of the person in charge of the vehicle for the time being.

Presumption relating to urine test

22. If any controlled drug is found in the urine of a person as a result of both urine tests conducted under section 31(4)(b), he shall be presumed, until the contrary is proved, to have consumed that controlled drug in contravention of section 8(b).

[49/75; 38/89; 2/2006]

Protection of informers

23.—(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 contains 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 search and seizure

24.—(1) Any officer of the Bureau, police officer not below the rank of Assistant Superintendent of Police or any police officer authorised by him or any senior officer of customs 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 —
 - (i) any controlled drug, controlled substance or article liable to seizure; or
 - (ii) a person who has committed or is reasonably suspected to have committed any offence under this Act or any seizable offence under the regulations;
- (b) search any person found in that place or premises; and
- (c) seize and detain any controlled drug or controlled substance found in that place or premises, or any article liable to seizure.

[20/98]

(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.

Powers of arrest

25.—(1) Any officer of the Bureau, police officer, officer of customs, or special police officer or member of the Vigilante Corps authorised in writing by a police officer not below the rank of Assistant Superintendent of Police, may arrest and search without a warrant any person who has committed or whom he reasonably suspects to have committed an offence under this Act or a seizable offence under the regulations.

[12/77; 20/98]

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

[49/75; 20/98]

(3) No woman shall be searched under this Act except by another woman.

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

[20/98]

Power to search ship, hovercraft, aircraft, vehicle or train and person arriving in or departing from Singapore

26.—(1) Any officer of the Bureau, police officer or officer of customs may —

- (a) stop, board and search any ship, hovercraft, aircraft, vehicle or train if he has reason to suspect that there is therein any controlled drug in contravention of this Act, controlled substance or any article liable to seizure;
- (b) search any person in that ship, hovercraft, aircraft, vehicle or train; and
- (c) search any person arriving in Singapore or about to depart from Singapore.

[20/98]

(2) An officer may seize and detain —

- (a) any controlled drug, controlled substance or article liable to seizure as a result of any search under this section; and
- (b) any ship, hovercraft, aircraft, vehicle or train which has been used in the commission of or in connection with an offence under this Act.

[20/98]

Forfeiture of controlled drugs, controlled substances and articles seized

27.—(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 to him personally or by post at his place of residence, if known.

(2) The 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, or in the case of a ship or an aircraft, in the presence of the master or captain thereof.

(3) An order for the forfeiture of any controlled drug, controlled substance or article 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 drug, substance or 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.

[20/98]

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

[20/98]

Forfeiture of ship, hovercraft, aircraft or vehicle

28.—(1) Where a person has been convicted of an offence under this Act, the court may order to be forfeited to the Government any ship, hovercraft or aircraft which has been proved to have been used in any manner in connection with the offence.

[20/98]

(2) Where a person has been convicted of an offence under this Act, the court shall, upon the application of the Public Prosecutor, order to be forfeited to the Government any vehicle which has been proved to have been used in any manner in connection with the offence.

[20/98]

(3) This section shall not apply to any ship or hovercraft of more than 200 tons net or to any aircraft belonging to any person carrying on a regular passenger service to and from Singapore by means of that aircraft.

(4) No ship, hovercraft, aircraft or vehicle shall be forfeited under this section if it is established by the owner thereof that the ship, hovercraft, aircraft or vehicle was unlawfully in the possession of another person without the consent of the owner.

Disposal of things forfeited

29.—(1) All things which are forfeited to the Government under this Act shall be disposed of in such manner as the Minister thinks fit.

(2) The Minister may, in his discretion and after any proceedings under this Act are concluded, entertain and give effect to any claim to or in respect of anything which has been forfeited to the Government.

Obstruction of inspection or search

30.—(1) It shall be an offence for a person to —

- (a) obstruct any officer of the Bureau, police officer, officer of customs or other public officer in the exercise of any power under this Act;
- (b) fail to comply with any lawful requirement of any officer of the Bureau, police officer, officer of customs or other public officer in the execution of his duty under this Act;
- (c) fail, without reasonable excuse, to furnish such information in his possession as may be required by any officer of the Bureau, police officer, officer of customs or other public officer; or
- (d) furnish to any officer of the Bureau, police officer, officer of customs or other public officer any information which he knows or has reason to believe to be false.

[12/77]

(2) In subsection (1), “public officer” includes any special police officer or member of the Vigilante Corps exercising any power under section 25.

[12/77]

Urine tests

31.—(1) Any officer of the Bureau, immigration officer or police officer not below the rank of sergeant may, if he reasonably suspects any person to have committed an offence under section 8(b), require that person to provide a specimen of his urine for urine tests to be conducted under this section.

[12/77; 38/89]

(2) A person who fails, without reasonable excuse, to provide a specimen of his urine within such time as may be required by any of the officers referred to in subsection (1) shall be guilty of an offence.

[12/77]

(3) Any person (other than a citizen of Singapore or a permanent resident) arriving in Singapore by land, sea or air who —

(a) fails to comply with the requirement of an immigration officer under this section; or

(b) is found as a result of urine tests conducted under subsection (4)(a) or (b) to have consumed a controlled drug,

may be prohibited from entering or remaining in Singapore.

[38/89; 2/2006]

(4) A specimen of urine provided under this section shall be divided into 3 parts and dealt with, in such manner and in accordance with such procedure as may be prescribed, as follows:

(a) a preliminary urine test shall be conducted on one part of the urine specimen; and

(b) each of the remaining 2 parts of the urine specimen shall be marked and sealed and a urine test shall be conducted on each part by a different person, being either an analyst employed by the Health Sciences Authority or any person as the Minister may, by notification in the *Gazette*, appoint for such purpose.

[2/2006]

Power of investigation of officers of Bureau

32.—(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.

[49/75; 20/98]

(2) In any case relating to the commission of an offence under the regulations —

(a) where the offence is seizable, an officer of the Bureau shall have all the powers of a police officer under the Criminal

Procedure Code in relation to an investigation into a seizable offence; and

- (b) where the offence is non-seizable, an officer of the Bureau shall have all the powers of a police officer under the Criminal Procedure Code in relation to an investigation into a non-seizable offence.

[20/98]

(3) For the purposes of subsections (1) and (2)(a), 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.

[15/2010 wef 02/01/2011]

Officer of Bureau to be armed

32A. Every officer of the Bureau shall be provided with such staves, arms, ammunition and other accoutrements as may be necessary for the effective discharge of his duties.

[2/2006]

Punishment for offences

33.—(1) Except as provided in subsection (4) or under section 33A, the Second Schedule shall have effect, in accordance with subsections (2) and (3), with respect to the way in which offences under this Act are punishable on conviction.

[12/77; 20/98]

(2) In relation to an offence under any provision of this Act specified in the first column of the Second Schedule (the general nature of the offence being described in the second column thereof) —

- (a) the third, fourth and fifth columns show, respectively, the punishments to be imposed on a person convicted of the offence according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug, except as otherwise provided in paragraph (b);

- (b) the sixth column shows the punishments to be imposed on a person convicted of the offence where the offence was committed —
- (i) in the case of unauthorised manufacture, in relation to such specified controlled drug as is mentioned in the second column; and
 - (ii) in the case of unauthorised traffic or import or export, in relation to a specified quantity of such controlled drug or to a controlled drug (except opium) containing such quantity of morphine or diamorphine as is mentioned in the second column; and
- (c) the seventh column shows the punishments to be imposed on a person convicted of the offence whether or not the offence was committed in relation to a controlled drug and, if it was so committed, irrespective of the nature of the drug.

(3) In the third, fourth, fifth, sixth and seventh columns of the Second Schedule, a reference to a period gives the maximum or minimum term of imprisonment as is specified, a reference to a sum of money gives the maximum or minimum fine as is specified, and a reference to a number of strokes gives the number of strokes of caning with which the offender shall, subject to sections 325(1) and 330(1) of the Criminal Procedure Code 2010, be punished.

[15/2010 wef 02/01/2011]

[49/75]

(4) If any person convicted of an offence under section 8(b) or 31(2) is again convicted of an offence under section 8(b) or 31(2), he shall on conviction be punished with imprisonment for a term of not less than 3 years unless he is punished under section 33A for that same offence.

[20/98]

(5) In subsection (4), “convicted of an offence” includes a conviction by a subordinate military court or the Military Court of

Appeal constituted under the Singapore Armed Forces Act (Cap. 295).

[38/89]

Punishment for repeat consumption of specified drugs

33A.—(1) Where a person who has not less than —

- (a) 2 previous admissions;
- (b) 2 previous convictions for consumption of a specified drug under section 8(b);
- (c) 2 previous convictions for an offence of failure to provide a urine specimen under section 31(2);
- (d) one previous admission and one previous conviction for consumption of a specified drug under section 8(b);
- (e) one previous admission and one previous conviction for an offence of failure to provide a urine specimen under section 31(2); or
- (f) one previous conviction for consumption of a specified drug under section 8(b) and one previous conviction for an offence of failure to provide a urine specimen under section 31(2),

is convicted of an offence under section 8(b) for consumption of a specified drug or an offence of failure to provide a urine specimen under section 31(2), he shall on conviction be punished with —

- (i) imprisonment for a term of not less than 5 years and not more than 7 years; and
- (ii) not less than 3 strokes and not more than 6 strokes of the cane.

[20/98]

(2) Where a person who has been punished under subsection (1) is again convicted of an offence for consumption of a specified drug under section 8(b) or an offence of failure to provide a urine specimen under section 31(2), he shall on conviction be punished with —

- (a) imprisonment of not less than 7 years and not more than 13 years; and

- (b) not less than 6 strokes and not more than 12 strokes of the cane.

[20/98]

(3) A certificate purporting to be signed by an officer authorised in writing by the Director of Prisons and purporting to relate to a person's previous admission to an approved institution under this Act shall be admissible in evidence in any proceedings under this section, on its production by the prosecution without proof of signature; and, until the contrary is proved, that certificate shall be evidence of all matters contained therein.

[20/98]

(4) A certificate purporting to be signed by the Registrar for the subordinate military courts or for the Military Court of Appeal appointed under section 82(5) of the Singapore Armed Forces Act (Cap. 295) shall be admissible in evidence, in any proceedings under this section, on its production by the prosecution without proof of signature; and, until the contrary is proved, that certificate shall be evidence of a person's previous conviction by a subordinate military court or the Military Court of Appeal.

[20/98]

(5) For the purposes of this section —

(a) a conviction under section 8(b) by a court including a subordinate military court or the Military Court of Appeal constituted under the Singapore Armed Forces Act at —

- (i) any time on or after 1st October 1992 but before the relevant date for the consumption of a controlled drug which, on the date of any subsequent conviction, is specified in the Fourth Schedule; or
- (ii) any time on or after the relevant date for the consumption of a specified drug,

shall be deemed to be a previous conviction for consumption of a specified drug under section 8(b);

(b) a conviction under section 31(2) by a court including a subordinate military court or the Military Court of Appeal constituted under the Singapore Armed Forces Act at any time on or after 1st October 1992 shall be deemed to be a

previous conviction for an offence of failure to provide a urine specimen under section 31(2);

- (c) “admission” means an admission under section 34(2) to an approved institution at —
- (i) any time on or after 1st October 1992 but before the relevant date for the consumption of a controlled drug which, on the date of any subsequent conviction, is specified in the Fourth Schedule; or
 - (ii) any time on or after the relevant date for the consumption of a specified drug;
- (d) “relevant date” —
- (i) in relation to a conviction or admission for consumption of diamorphine, morphine or opium, means 20th July 1998; and
 - (ii) in relation to a conviction or admission for consumption of any drug added to the Fourth Schedule after 20th July 1998, means the date on which the amendment to that Schedule for the inclusion of such drug commences.

[2/2006]

Discretion of court not to impose sentence of death in certain circumstances

33B.—(1) Where a person commits or attempts to commit an offence under section 5(1) or 7, being an offence punishable with death under the sixth column of the Second Schedule, and he is convicted thereof, the court —

- (a) may, if the person satisfies the requirements of subsection (2), instead of imposing the death penalty, sentence the person to imprisonment for life and, if the person is sentenced to life imprisonment, he shall also be sentenced to caning of not less than 15 strokes; or
- (b) shall, if the person satisfies the requirements of subsection (3), instead of imposing the death penalty, sentence the person to imprisonment for life.

- (2) The requirements referred to in subsection (1)(a) are as follows:
- (a) the person convicted proves, on a balance of probabilities, that his involvement in the offence under section 5(1) or 7 was restricted —
 - (i) to transporting, sending or delivering a controlled drug;
 - (ii) to offering to transport, send or deliver a controlled drug;
 - (iii) to doing or offering to do any act preparatory to or for the purpose of his transporting, sending or delivering a controlled drug; or
 - (iv) to any combination of activities in sub-paragraphs (i), (ii) and (iii); and
 - (b) the Public Prosecutor certifies to any court that, in his determination, the person has substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities within or outside Singapore.
- (3) The requirements referred to in subsection (1)(b) are that the person convicted proves, on a balance of probabilities, that —
- (a) his involvement in the offence under section 5(1) or 7 was restricted —
 - (i) to transporting, sending or delivering a controlled drug;
 - (ii) to offering to transport, send or deliver a controlled drug;
 - (iii) to doing or offering to do any act preparatory to or for the purpose of his transporting, sending or delivering a controlled drug; or
 - (iv) to any combination of activities in sub-paragraphs (i), (ii) and (iii); and
 - (b) he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced

by disease or injury) as substantially impaired his mental responsibility for his acts and omissions in relation to the offence under section 5(1) or 7.

(4) The determination of whether or not any person has substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities shall be at the sole discretion of the Public Prosecutor and no action or proceeding shall lie against the Public Prosecutor in relation to any such determination unless it is proved to the court that the determination was done in bad faith or with malice.

[Act 30 of 2012 wef 01/01/2013]

PART IV

TREATMENT AND REHABILITATION

Supervision, treatment and rehabilitation of drug addicts

34.—(1) The Director may require any person whom he reasonably suspects to be a drug addict to be medically examined or observed by a Government medical officer or a medical practitioner.

[38/89]

(2) If, as a result of such medical examination or observation under subsection (1) or both the urine tests conducted under section 31(4)(b), it appears to the Director that it is necessary for any person examined or observed, or who supplied the urine specimen for the urine tests —

(a) 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 for a period not exceeding 2 years; or

(b) to undergo treatment or rehabilitation or both at an approved institution, the Director may make an order in writing requiring that person to be admitted for that purpose to an approved institution.

[38/89]

(3) Every person who is admitted to an approved institution under this section shall be detained in the institution for a period of 6 months

unless he is discharged earlier by the Director or the Review Committee of the institution.

[12/77]

(4) If the Review Committee of an approved institution is of the opinion that an inmate of that institution 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 institution for a further period or periods not exceeding 6 months at any one time.

[12/77]

(4A) The Director may, under such circumstances as may be prescribed, extend the period for which a person is subject to supervision under subsection (2)(a) for a period not exceeding 2 years.

[2/2006]

(5) No person in respect of whom an order has been made under subsection (2)(b) shall be detained in an approved institution or institutions for a period of more than 3 years after his admission to any approved institution pursuant to that order.

[12/77; 28/79; 2/2006]

Approved institutions

35. The Minister may from time to time, by notification in the *Gazette*, declare any institution or place to be an approved institution for the purpose of the treatment and rehabilitation of drug addicts and other persons under this Act and may at any time in like manner revoke or amend any such notification.

[12/77]

Administration of approved institutions

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

- (a) approved institutions, except those designated under paragraph (b), shall be under the Director of Prisons; and
- (b) such approved institutions 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 superintendent of an approved institution and such person shall be responsible for the supervision and administration of that approved institution.

[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 institution 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 institutions designated under his charge.

[20/98]

Review Committees for approved institutions

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

[12/77]

(2) Every Review Committee shall consist of a Chairman, who shall be a person registered under the Medical Registration Act (Cap. 174), and such other members, not being less than 3, as the Minister may determine.

[12/77; 38/89]

(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.

[12/77]

(4) At any meeting of the Review Committee, 3 members of the Committee shall constitute a quorum.

[12/77]

(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.

[12/77]

(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.

[12/77]

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

[12/77]

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

[12/77]

Review, discharge and transfer of inmates

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

[12/77]

(2) The Director or the Review Committee of an approved institution may at any time by order in writing —

(a) discharge any inmate; or

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

[12/77]

(3) The Superintendent of an approved institution may enter into an arrangement with the Superintendent of another approved institution for the transfer of any inmate to that other institution and may, subject to any direction given by the Director or the Review Committee, carry out any transfer in accordance with that arrangement.

[12/77]

(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 Superintendent may order that the inmate be taken to that place.

[28/79]

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

39.—(1) Where a complaint is made on oath to a Magistrate that any person is improperly detained in an approved institution 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.

[12/77]

(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.

[12/77]

(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.

[12/77]

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

[12/77]

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

[12/77]

(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 that evidence is charged with giving or fabricating false evidence.

[12/77]

Inmates deemed to be in legal custody

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

[28/79]

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

[28/79]

PART V

TAKING OF PHOTOGRAPHS, FINGER IMPRESSIONS, PARTICULARS AND BODY SAMPLES

Interpretation of this Part

40A.—(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).

[2/2006; 22/2007]

(2) Subject to subsection (3), the Minister may prescribe additional types of body samples that may be taken under section 40B.

[2/2006]

(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.

[2/2006]

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

40B.—(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 40C(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.

[2/2006]

(2) The powers referred to in subsection (1) may be exercised in respect of a person who on or after 1st March 2006 —

- (a) is subject to supervision pursuant to a supervision order made at any time (whether before, on or after that date) under section 34(2)(a);
 - (b) is in an approved institution pursuant to an order made at any time (whether before, on or after that date) under section 34(2)(b); or
 - (c) is subject to a supervision order made at any time (whether before, on or after that date) under any regulations providing for the supervision and aftercare of persons. *[2/2006]*
- (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 40C(1). *[2/2006]*
- (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. *[2/2006]*
- (5) No —
 - (a) sample of blood; or
 - (b) intimate sample prescribed under section 40A(2),

shall be taken from any person unless the appropriate consent is given for the taking of the sample.

[2/2006]

Further provisions for taking of body samples

40C.—(1) For the purposes of section 40B(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.

[2/2006]

(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.

[2/2006]

(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.

[2/2006]

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

[2/2006]

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

40D.—(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 40B; 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 40B.

[2/2006]

(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 26D of the Intoxicating Substances Act (Cap. 146A);
- (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.

[2/2006]

(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.

[2/2006]

PART VI

COMMITTEE OF INQUIRY

Committee of inquiry

41.—(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 42, 49 and 51, should be informed on any matter connected with the discipline, administration or functions of any approved institution 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 42, 49 and 51, “Minister” includes the person appointed by the Minister under subsection (1) to act on his behalf for the purposes of this section and sections 42, 49 and 51.

[8/2000]

Composition of committee of inquiry

42.—(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).

[8/2000]

Powers of committee of inquiry

43. 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.

[8/2000]

Disobedience to summons

44.—(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.

[8/2000]

Refusal to give evidence

45.—(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.

[8/2000]

Giving of false evidence

46. 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.

[8/2000]

Evidence and procedure

47. 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.

[8/2000]

Admissibility of evidence

48. 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.

[8/2000]

Proceedings not open to public

49.—(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.

[8/2000]

Persons who may be affected by findings

50.—(1) Where it appears to a committee of inquiry that any witness or person involved in the supervision or administration of an approved institution 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.

[8/2000]

Record of proceedings

51.—(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.

[8/2000]

Offence to influence or attempt to influence committee of inquiry

52. 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.

[8/2000]

PART VII GENERAL

Jurisdiction of court

53. A District Court or a Magistrate's Court shall have jurisdiction to hear and determine all proceedings under this Act and, notwithstanding anything to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have power to impose the full penalty or punishment in respect of any offence provided by this Act except the punishment of death.

[49/75]

Indemnity

54.—(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 same shall be summarily ascertained and determined by a District Court or a Magistrate's Court.

Protection of persons acting under authority of Act

55. 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.

Use of weapons

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

- (a) any inmate of any approved institution 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 institution; 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 institution or any other part of an approved institution; 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 institution 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 institution or any other part of an approved institution; 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 institution 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 institution, 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.

[8/2000]

Employment of auxiliary police officers as escorts and guards

57.—(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 institution and while the inmates are at any place outside an approved institution.

[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 40.

[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 56.

[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.

[8/2000; 3/2005]

Regulations

58.—(1) The Minister may make regulations —

- (a) providing for the issue of licences for the import, export, sale, manufacture, production or distribution of controlled drugs;
- (b) prescribing the form, duration and terms and conditions of any licence and the fees payable therefor, and providing for the cancellation and suspension thereof;
- (c) authorising the sale or possession or other dealing in controlled drugs and prescribing the circumstances and conditions under which the persons by whom controlled drugs may be sold, had in possession or otherwise dealt in;
- (d) requiring medical practitioners, dentists, pharmacists, veterinary surgeons and other persons who deal in controlled drugs as may be authorised by the regulations to keep records and make returns;
- (e) requiring any medical practitioner who attends to a person whom the medical practitioner considers or has reasonable

grounds to suspect is addicted to any controlled drug to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;

- (f) prohibiting any medical practitioner from administering, supplying and authorising the administration and supply to persons addicted to controlled drugs, and from prescribing for those persons, those drugs;
- (g) as to the packaging and labelling of controlled drugs;
- (h) regulating the transport of controlled drugs and the methods to be used for destroying or otherwise disposing of those drugs when no longer required;
- (i) requiring precautions to be taken for the safe custody of controlled drugs;
- (j) providing for the inspection of any precautions taken or records kept in pursuance of any regulations made under this section;
- (k) providing for the treatment and rehabilitation of persons affected by the misuse of controlled drugs;
- (l) prescribing the punishment by a fine not exceeding \$10,000 or imprisonment for a term not exceeding 4 years or both to be imposed on the conviction for a breach of the regulations;
- (m) providing for the management, maintenance and inspection of approved institutions;
- (n) prescribing the functions and procedure of Review Committees;
- (o) providing for the control, discipline (including the imposition of corporal punishment) and occupation of inmates and for the granting of leave to inmates for the purpose of their employment outside an approved institution and to return to their residences or other designated places;
- (p) prescribing the appointment and duties of officers of approved institutions;

- (q) providing for the supervision and aftercare of persons referred to in section 34(2)(a), or who have undergone treatment and rehabilitation at approved or other institutions or who have been convicted of an offence under section 8(b);
 - (qa) prescribing the circumstances under which the Director may extend the period for which a person is subject to supervision under this Act;
 - (r) prescribing anything that may be prescribed;
 - (s) prescribing the functions and procedure of advisory committees;
 - (t) requiring the fingerprinting of inmates and the dissemination of this information to the police;
 - (u) prescribing the type of offences in the regulations which may be seizable offences for the purposes of the Criminal Procedure Code (Cap. 68); and
 - (v) generally for carrying out the purposes and provisions of this Act.
- [12/77; 28/79; 38/89; 20/98; 2/2006]*
- (2) Regulations made by the Minister under this section may —
- (a) make different provisions in relation to different controlled drugs, different classes of persons or different cases or circumstances;
 - (b) make the opinion, consent or approval of any prescribed authority or authorised person material for the purposes of any provision; and
 - (c) provide for the constitution and procedure of a tribunal to advise the Minister in any case of contravention of this Act or the regulations by any medical practitioner, dentist, pharmacist, veterinary surgeon or other authorised person.

Power of Minister to amend First, Third and Fourth Schedules

59. The Minister may, by order published in the *Gazette*, amend the First, Third and Fourth Schedules.

[49/75; 20/98]

FIRST SCHEDULE

Section 2

CONTROLLED DRUGS

PART I

CLASS A DRUGS

1. The following substances and products:

Acetorphine.	4-Bromo-2,5-dimethoxyphenethylamine.
Acetylmethadol.	Bufotenine.
Allylprodine.	Buprenorphine.
Alphacetylmethadol.	Cannabinol.
Alphameprodine.	Cannabinol derivatives.
Alphamethadol.	Cannabis and cannabis resin.
Alphaprodine.	Cathinone.
2-amino-1-(2, 5-dimethoxy-4-methyl) phenylpropane.	Clonitazene.
Amphetamine.	Coca leaf.
Anileridine.	Cocaine.
Benzethidine.	Codoxime.
Benzylmorphine (3-benzylmorphine).	Desomorphine.
1-benzylpiperazine	Dextromoramide.
Betacetylmethadol.	Diamorphine.
Betameprodine.	Diampromide.
Betamethadol.	Diethylthiambutene.
Betaprodine.	Difenoxin.
Bezitramide.	Dihydroetorphine.

FIRST SCHEDULE — *continued*

4-Bromo-2,5-dimethoxy- α -methylphenethylamine (also known as Brolamfetamine)	Dihydromorphine.
2, 5-Dimethoxy- α -methylphenethylamine	Dimenoxadole.
N, α -dimethyl-3, 4-(methylenedioxy) phenethylamine	Dimepheptanol.
3-(1, 2-dimethylheptyl)-1-hydroxy-7, 8, 9, 10 tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran.	Lysergide and other N-alkyl derivatives of lysergamide.
Dimethylthiambutene.	Mescaline.
Dioxaphetyl butyrate.	Metazocine.
Diphenoxylate.	Methadone.
Dipipanone.	Methadyl acetate.
Drotebanol	Methcathinone.
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine.	3-Methoxy- α -methyl-4, 5-(methylenedioxy phenethylamine
4-Ethyl-2,5-dimethoxy- α -methylphenethylamine.	5-Methoxy-N, N-diisopropyltryptamine.
N-ethyl- α -methyl-3,4-(methylenedioxy) phenethylamine.	p-methoxy- α -methylphenethylamine.
Ethylmethylthiambutene.	4-methylaminorex.
Eticyclidine.	Methamphetamine (also known as Methylamphetamine).
Etonitazene.	Methyldesorphine.
Etorphine.	N-Methyl- α -ethyl-3,4-(methylenedioxy)phenethylamine.
Etoxadine.	Methyldihydromorphine (6-methyldihydromorphine).
Etryptamine.	4-methylmethcathinone
Furethidine.	4-methylthioamphetamine.
Gamma hydroxybutyric acid.	Metopon.

FIRST SCHEDULE — *continued*

Hydrocodone.	Monoacetylmorphine.
Hydromorphenol.	Morpheridine.
Hydromorphone.	Morphine.
N-[α -methyl-3, 4-(methylenedioxy) phenethyl] hydroxylamine.	Morphine methobromide, morphine <i>N</i> -oxide and other pentavalent nitrogen morphine derivatives.
Hydroxypethidine.	Myrophine.
Isomethadone.	Nicomorphine (3, 6-dinicotinoylmorphine).
Ketamine.	Noracymethadol.
Ketobemidone.	Norbuprenorphine.
Levomethorphan.	Norketamine and its dehydro derivatives.
Levomoramide.	Norlevorphanol.
Levophenacymorphan.	Normethadone.
Levorphanol.	Normorphine.
Lysergamide.	Norpipanone.
Oxymorphone.	Opium.
Parahexyl (3-hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl 6H-dibenzo [b, d] pyran).	Oxycodone.
Pethidine.	Tenocyclidine.
Phenadoxone.	Thebacon.
Phenamipromide.	Thebaine.
Phenazocine	Tilidine.
Phenomorphan	Trimeperidine.
Phenoperidine	1-(3-trifluoromethylphenyl)piperazine.
Piminodine.	3, 4, 5-trimethoxy- α -methyphenethylamine.
Piritramide.	4-Cyano-2-dimethylamino-4, 4-diphenylbutane.

FIRST SCHEDULE — *continued*

Poppy-straw and concentrate of poppy-straw.	4-Cyano-1-methyl-4-phenyl-piperidine.
Proheptazine.	<i>N, N</i> -Diethyltryptamine.
Propерidine (1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester).	<i>N, N</i> -Dimethyltryptamine.
Psilocin.	2,5-Dimethoxy-4, α -dimethyl-phenethylamine.
Psilocybine.	1-Hydroxy-3-pentyl-6a, 7, 10, 10a-tetrahydro-6, 6, 9-trimethyl-6-H-dibenzo [b, d] pyran.
Racemethorphan.	1-Methyl-4-phenylpiperidine-4-carboxylic acid.
Racemoramide.	2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid.
Racemorphan.	3-methylthiofentanyl.
Remifentanyl.	4-Phenylpiperidine-4-carboxylic acid ethyl ester.
Rolicyclidine.	
α -Methyl-3,4-(methylenedioxy)phenethylamine (also known as Tenamfetamine).	

[S 685/2010 wef 15/11/2010]

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 not being dextromethorphan or dextrorphan.

3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 not being a substance for the time being specified in Part II.

4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3.

5. Any preparation or other products containing a substance or product for the time being specified in any of paragraphs 1 to 4.

6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 3 of Part II.

FIRST SCHEDULE — *continued*

7. Fentanyl and any compounds structurally derived from N-(1-Methyl-4-piperidyl)-N-phenyl formamide by substitution of any of the hydrogen atoms, including the following; and any salt of any substance falling within this item:

Alfentanil.	Carfentanil.
Alpha-Methyl fentanyl.	Lofentanil.
Alpha-Methyl fentanyl Acetanilide.	3-Methyl fentanyl.
Alpha-Methylthiofentanyl.	para-fluorofentanyl.
Benzyl fentanyl.	Sufentanil.
Beta-hydroxy fentanyl.	Thiofentanyl.

PART II

CLASS B DRUGS

1. The following substances and products:

Acetyldihydrocodeine.	Nicodicodine.
Codeine.	Norcodeine.
Dextropropoxyphene.	Phencyclidine.
Dihydrocodeine.	Phenmetrazine.
Ethylmorphine (3-ethylmorphine).	Pholcodine.
Fenetylline.	Propiram.
Methylphenidate.	Zipeprol.
Nicocodine.	

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1.

3. Any salt of a substance for the time being specified in paragraph 1 or 2.

4. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 3, not being a preparation falling within paragraph 6 of Part I.

PART III

CLASS C DRUGS

1. The following substances:

FIRST SCHEDULE — *continued*

Benzphetamine.	Methaqualone.
Chlorphentermine.	Nimetazepam.
Flunitrazepam.	Phendimetrazine.
Mecloqualone.	Pipradrol.
Mephentermine.	Secobarbital.
	Triazolam.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1.

3. Any salt of a substance for the time being specified in paragraph 1 or 2.

4. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3.

PART IV

MEANING OF CERTAIN TERMS USED IN THIS SCHEDULE

For the purposes of this Schedule —

“cannabinol derivatives” means the following substances, namely tetrahydro derivatives of cannabinol and their carboxylic acid derivatives, and 3-alkyl homologues of cannabinol or its tetrahydro derivatives;

“coca leaf” means the leaf of any plant of the genus *Erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation;

“concentrate of poppy-straw” means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

“opium poppy” means any plant from which morphine may be produced;

“preparation” means a mixture, solid or liquid, containing a controlled drug;

“poppy-straw” means all parts, except the seeds, of the opium poppy, after mowing.

[40/93; 2/2006; S 88/79; S238/83; S 229/84; S 272/84; S 31/86; S50/90; S 564/91; S 66/92; S 262/95; S223/96; S 469/97; S 391/99; S 232/2000; S493/2001; S30/2004; S507/2005; S 491/2006]

SECOND SCHEDULE

Sections 2, 33 and 33B

OFFENCES PUNISHABLE ON CONVICTION

SECOND SCHEDULE — *continued*

Section creating offence	General nature of offence	Punishment				
		Class A drug involved	Class B drug involved	Class C drug involved	Specified drug or quantity thereof or drug with specified content involved	General
5	(1) Unauthorised traffic in controlled drug except as otherwise provided in this Schedule	Maximum 20 years and 15 strokes Minimum 5 years and 5 strokes	Maximum 20 years and 10 strokes Minimum 3 years and 3 strokes	Maximum 10 years and 5 strokes Minimum 2 years and 2 strokes	— —	— —
	(2) Unauthorised traffic in opium where the quantity is — (a) not less than 800 grammes and not more than 1,200 grammes and containing not less than 20 grammes of morphine	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes Minimum 20 years and 15 strokes	— —

SECOND SCHEDULE — continued

	(b) more than 1,200 grammes and containing more than 30 grammes of morphine	—	—	—	—	Death	—
	(3) Unauthorised traffic in controlled drug (except opium) containing such quantity of morphine being —						
	(a) not less than 20 grammes and not more than 30 grammes	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 30 grammes	—	—	—	—	Death	—
	(4) Unauthorised traffic in controlled drug containing such						

SECOND SCHEDULE — *continued*

	quantity of diamorphine being —							
	(a) not less than 10 grammes and not more than 15 grammes	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes Minimum 20 years and 15 strokes	—	—
	(b) more than 15 grammes	—	—	—	—	Death	—	—
	(5) Unauthorised traffic in controlled drug containing such quantity of cocaine being —							
	(a) not less than 20 grammes and not more than 30 grammes	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes Minimum 20 years and 15 strokes	—	—
	(b) more than 30 grammes	—	—	—	—	Death	—	—

SECOND SCHEDULE — *continued*

(6) Unauthorised traffic in cannabis where the quantity is —									
(a) not less than 330 grammes and not more than 500 grammes	—	—	—	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes	—
(b) more than 500 grammes	—	—	—	—	—	—	—	Minimum 20 years and 15 strokes	—
(7) Unauthorised traffic in cannabis mixture where the quantity is —								Death	
(a) not less than 660 grammes and not more than 1,000 grammes	—	—	—	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes	—
(b) more than 1,000 grammes	—	—	—	—	—	—	—	Minimum 20 years and 15 strokes	—
								Death	

SECOND SCHEDULE — continued

(8) Unauthorised traffic in cannabis resin where the quantity is —	—	—	—	—	—	—	—	—
(a) not less than 130 grammes and not more than 200 grammes							Maximum 30 years or imprisonment for life and 15 strokes	—
(b) more than 200 grammes							Minimum 20 years and 15 strokes	—
(9) Unauthorised traffic in controlled drug containing such quantity of methamphetamine being —							Death	—
(a) not less than 167 grammes and not more than 250 grammes							Maximum 30 years or imprisonment for life and 15 strokes	—
							Minimum 20 years and 15 strokes	—

SECOND SCHEDULE — *continued*

	(b) more than 250 grammes	—	—	—	Death	—
6	(1) Unauthorised manufacture of controlled drug except as otherwise provided in this Schedule	Maximum 30 years or imprisonment for life and 15 strokes	Maximum 30 years or imprisonment for life and 15 strokes	Maximum 20 years and 15 strokes	—	—
		Minimum 10 years and 5 strokes	Minimum 10 years and 5 strokes	Minimum 5 years and 5 strokes	—	—
	(2) Unauthorised manufacture of morphine, or any salt of morphine, ester of morphine or salt of ester of morphine	—	—	—	Death	—
	(3) Unauthorised manufacture of diamorphine or any salt of diamorphine	—	—	—	Death	—
	(4) Unauthorised manufacture of	—	—	—	Death	—

SECOND SCHEDULE — continued

	cocaine or any salt of cocaine	—	—	—	—	—	—	—
	(5) Unauthorised manufacture of methamphetamine or any salt of methamphetamine	—	—	—	—	—	Death	—
7	(1) Unauthorised import or export of controlled drug except as otherwise provided in this Schedule	Maximum 30 years or imprisonment for life and 15 strokes Minimum 5 years and 5 strokes	Maximum 30 years or imprisonment for life and 15 strokes Minimum 5 years and 5 strokes	Maximum 30 years or imprisonment for life and 15 strokes Minimum 5 years and 5 strokes	Maximum 20 years and 15 strokes Minimum 3 years and 5 strokes	—	—	—
	(2) Unauthorised import or export of opium where the quantity is —							
	(a) not less than 800 grammes and not more than 1,200 grammes and	—	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes	—

SECOND SCHEDULE — *continued*

	containing not less than 20 grammes of morphine					Minimum 20 years and 15 strokes	
	(b) more than 1,200 grammes and containing more than 30 grammes of morphine	—	—	—	—	Death	—
	(3) Unauthorised import or export of controlled drug (except opium) containing such quantity of morphine being —						
	(a) not less than 20 grammes and not more than 30 grammes	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes Minimum 20 years and 15 strokes	— —
	(b) more than 30 grammes	—	—	—	—	Death	—

SECOND SCHEDULE — *continued*

(4) Unauthorised import or export of controlled drug containing such quantity of diamorphine being							
(a) not less than 10 grammes and not more than 15 grammes	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes	—	—
(b) more than 15 grammes	—	—	—	—	Minimum 20 years and 15 strokes	—	—
(5) Unauthorised import or export of controlled drug containing such quantity of cocaine being —							
(a) not less than 20 grammes and not more than 30 grammes	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes	—	—

SECOND SCHEDULE — continued

	(b) more than 30 grammes	—	—	—	—	Death	—
	(6) Unauthorised import or export of cannabis where the quantity is —						
	(a) not less than 330 grammes and not more than 500 grammes	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 500 grammes	—	—	—	—	Death	—
	(7) Unauthorised import or export of cannabis mixture where the quantity is —						
	(a) not less than 660 grammes and not more than 1,000 grammes	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes Minimum 20 years and 15 strokes	—

SECOND SCHEDULE — *continued*

	(b) more than 1,000 grammes	—	—	—	—	Death	—
	(8) Unauthorised import or export of cannabis resin where the quantity is —						
	(a) not less than 130 grammes and not more than 200 grammes	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 200 grammes	—	—	—	—	Death	—
	(9) Unauthorised import or export of controlled drug containing such quantity of methamphetamine being —						
	(a) not less than 167 grammes and not more than 250 grammes	—	—	—	—	Maximum 30 years or imprisonment for life and 15 strokes	—

SECOND SCHEDULE — *continued*

						Minimum 20 years and 15 strokes	—
	(b) more than 250 grammes	—	—	—	—	Death	—
8 (a)	Unauthorised possession of a controlled drug	—	—	—	—	—	Maximum 10 years or \$20,000 or both
							Minimum for second or subsequent offence 2 years
8 (b)	Smoking, self-administering or consuming a controlled drug or a drug specified in the Fourth Schedule	—	—	—	—	—	Maximum 10 years or \$20,000 or both
9	Possession of pipes, utensils, etc., for smoking, administration or consumption of a controlled drug	—	—	—	—	—	Maximum 3 years or \$10,000 or both

SECOND SCHEDULE — continued

10	Cultivation of cannabis, opium, coca plant	—	—	—	—	Maximum 20 years or \$40,000 or both
10A	Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs	—	—	—	—	Minimum 3 years or \$5,000 or both
11	Being the owner, tenant, occupier or person concerned in the management of premises and permitting or suffering certain activities to take place there	Maximum 10 years or \$40,000 or both	Minimum 2 years or \$4,000 or both	Maximum 10 years or \$40,000 or both	Minimum 2 years or \$4,000 or both	Maximum 5 years or \$10,000 or both Minimum 12 months or \$2,000 or both

SECOND SCHEDULE — *continued*

13	Abetting or procuring the commission outside Singapore of an offence punishable under a corresponding law	—	—	—	—	Maximum 10 years or \$40,000 or both Minimum 2 years or \$4,000 or both
30(1)(a)	Obstructing exercise of powers	—	—	—	—	Maximum 3 years or \$5,000 or both Minimum 6 months or \$1,000 or both
30(1)(b)	Failure to comply with lawful requirements	—	—	—	—	Maximum 3 years or \$5,000 or both Minimum 6 months or

SECOND SCHEDULE — continued

30(1)(c)	Failure to furnish information	—	—	—	—	—	—	—	—	Maximum 3 years or \$5,000 or both Minimum 6 months or \$1,000 or both
30(1)(d)	Furnishing false information	—	—	—	—	—	—	—	—	Maximum 12 months or \$5,000 or both
31(2)	Failure to provide specimen of urine for urine test	—	—	—	—	—	—	—	—	Maximum 10 years or \$20,000 or both

SECOND SCHEDULE — *continued*

[20/98; 2/2006]

THIRD SCHEDULE

Section 2

CONTROLLED EQUIPMENT, MATERIALS OR SUBSTANCES USEFUL
FOR MANUFACTURING CONTROLLED DRUGS

PART I

1. The following substances:

N-acetylanthranilic acid also known as N-Acetyl-*o*-aminobenzoic acid

Ephedrine also known as β -Hydroxy-N-methylamphetamine

Ergometrine also known as Ergonovine or Ergobasine or [8 β (S)]-9,10-Didehydro-N-(2-hydroxy-1-methylethyl)-6-methyl-6-methylergoline-8-carboxamide

Ergotamine also known as 12'-Hydroxy-2'-methyl-5' α -(*phenymethyl*)ergotaman-3',6',18'-trione

Isosafrole also known as 1,2-(Methylenedioxy)-4-propenylbenzene

Lysergic acid also known as 9,10-Didehydro-6-methylergoline-8 β -carboxylic acid

3,4-methylenedioxyphenyl-2-propanone

Norephedrine

Norpseudoephedrine

1-Phenyl-2-propanone also known as Phenylacetone

Piperonal also known as 3,4-(Methylenedioxy)benzaldehyde or Piperonylaldehyde

Pseudoephedrine also known as β -Hydroxy-N-methylamphetamine

Safrole also known as 4-Allyl-1,2-methylenedioxybenzene.

2. The salts of the substances listed in paragraph 1 whenever the existence of such salts is possible.

[20/98; S404/2000]

PART II

1. The following substances:

Acetic anhydride also known as Acetic oxide

THIRD SCHEDULE — *continued*

Acetone also known as 2-Propanone or Dimethyl ketone

Anthranilic acid also known as o-Aminobenzoic acid

Ethyl ether also known as Ether or Diethyl ether or Ethyl oxide or Diethyl oxide or Ethoxyethane or 1,1'-Oxybisethane

Hydrochloric acid

Methyl ethyl ketone also known as 2-Butanone

Phenylacetic acid also known as Benzeneacetic acid or α -Toluic acid

Piperidine also known as Hexahydropyridine

Potassium permanganate

Sulphuric acid

Toluene also known as Methylbenzene or Phenylmethane.

2. The salts of the substances listed in paragraph 1 of Part II of the Third Schedule whenever the existence of such salts is possible.

[20/98]

FOURTH SCHEDULE

Sections 2 and 33A

SPECIFIED DRUGS

1. Amphetamine
2. N, α -dimethyl-3,4-(methylenedioxy)phenethylamine
- 2A. Buprenorphine
- 2B. Cannabinol
- 2C. Cannabinol derivatives as defined in Part IV of the First Schedule
- 2D. Cannabis
- 2E. Cocaine
3. Diamorphine
- 3A. Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine
4. N-ethyl- α -methyl-3,4-(methylenedioxy)phenethylamine
5. Ketamine
6. Methamphetamine (also known as Methylamphetamine)

FOURTH SCHEDULE — *continued*

7. α -Methyl-3,4-(methylenedioxy)phenethylamine (also known as Tenamfetamine)
8. Monoacetylmorphine
9. Morphine
10. Nimetazepam
- 10A. Norbuprenorphine
11. Norketamine and its dehydro derivatives
12. Opium.

[2/2006; S560/2006; S402/2007]

LEGISLATIVE HISTORY
MISUSE OF DRUGS ACT
(CHAPTER 185)

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

1. Act 5 of 1973 — Misuse of Drugs Act 1973

Date of First Reading : 22 November 1972
(Bill No. 46/72 published on
25 November 1972)

Date of Second and Third Readings : 16 February 1973

Date of commencement : 7 July 1973

2. G. N. No. S 46/1974 — Misuse of Drugs (Amendment to First Schedule) Order 1974

Date of commencement : 15 February 1974

3. G. N. No. S 59/1975 — Misuse of Drugs (Amendment to First Schedule) Order 1975

Date of commencement : 27 March 1975

4. Act 49 of 1975 — Misuse of Drugs (Amendment) Act 1975

Date of First Reading : 11 November 1975
(Bill No. 55/75 published on
11 November 1975)

Date of Second and Third Readings : 20 November 1975

Date of commencement : 12 December 1975

5. Act 12 of 1977 — Misuse of Drugs (Amendment) Act 1977

Date of First Reading : 2 September 1977
(Bill No. 14/77 published on
7 September 1977)

Date of Second and Third Readings : 9 November 1977

Date of commencement : 1 January 1978

6. G. N. No. S 14/1978 — Misuse of Drugs (Amendment to First Schedule) Order 1978

Date of commencement : 27 January 1978

7. Reprint 2 of 1978 — Misuse of Drugs Act 1973

Date of operation : 15 December 1978

8. G. N. No. S 88/1979 — Misuse of Drugs (Amendment of First Schedule) Order 1979

Date of commencement : 20 April 1979

9. Act 28 of 1979 — Misuse of Drugs (Amendment) Act 1979

Date of First Reading : 7 September 1979
(Bill No. 27/79 published on
11 September 1979)

Date of Second and Third Readings : 21 September 1979

Date of commencement : 1 October 1979

10. G. N. No. S 238/1983 — Misuse of Drugs (Amendment of First Schedule) Order 1983

Date of commencement : 4 October 1983

11. G. N. No. S 229/1984 — Misuse of Drugs (Amendment of First Schedule) Order 1984

Date of commencement : 31 August 1984

12. G. N. No. S 272/1984 — Misuse of Drugs (Amendment of First Schedule) (No. 2) Order 1984

Date of commencement : 2 November 1984

13. G. N. No. S 31/1986 — Misuse of Drugs (Amendment of First Schedule) Order 1986

Date of commencement : 7 February 1986

14. 1985 Revised Edition — Misuse of Drugs Act (Chapter 185)

Date of operation : 30 March 1987

15. Act 38 of 1989 — Misuse of Drugs (Amendment) Act 1989

Date of First Reading : 6 October 1989
(Bill No. 39/89 published on
7 October 1989)

Date of Second and Third Readings : 30 November 1989

Date of commencement : 15 February 1990

16. G. N. No. S 50/1990 — Misuse of Drugs Act (Amendment of First Schedule) Order 1990

Date of commencement : 15 February 1990

17. G. N. No. S 564/1991 — Misuse of Drugs Act (Amendment of First Schedule) Order 1991

Date of commencement : 2 January 1992

18. G. N. No. S 66/1992 — Misuse of Drugs Act (Amendment of First Schedule) Order 1992

Date of commencement : 1 March 1992

19. Act 40 of 1993 — Misuse of Drugs (Amendment) Act 1993

Date of First Reading : 12 October 1993
(Bill No. 33/93 published on
13 October 1993)

Date of Second and Third Readings : 10 November 1993

Date of commencement : 10 December 1993

20. G. N. No. S 262/1995 — Misuse of Drugs Act (Amendment of First Schedule) Order 1995

Date of commencement : 16 June 1995

21. G. N. No. S 223/1996 — Misuse of Drugs Act (Amendment of First Schedule) Order 1996

Date of commencement : 17 May 1996

22. 1997 Revised Edition — Misuse of Drugs Act (Chapter 185)

Date of operation : 30 May 1997

23. G. N. No. S 469/1997 — Misuse of Drugs Act (Amendment of First Schedule) Order 1997

Date of commencement : 17 October 1997

24. 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

- 25. 1998 Revised Edition — Misuse of Drugs Act (Chapter 185)**
Date of operation : 15 December 1998
- 26. G. N. No. S 391/1999 — Misuse of Drugs Act (Amendment of First Schedule) Order 1999**
Date of commencement : 9 September 1999
- 27. Act 8 of 2000 — Prisons (Amendment) Act 2000**
(Consequential amendments made to Act by)
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
- 28. G. N. No. S 232/2000 — Misuse of Drugs Act (Amendment of First Schedule) Order 2000**
Date of commencement : 15 May 2000
- 29. G. N. No. S 404/2000 — Misuse of Drugs Act (Amendment of Third Schedule) Order 2000**
Date of commencement : 11 September 2000
- 30. Act 4 of 2001 — Health Sciences Authority Act 2001**
(Consequential amendments made to Act by)
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
- 31. 2001 Revised Edition — Misuse of Drugs Act (Chapter 185)**
Date of operation : 31 July 2001
- 32. G. N. No. S 493/2001 — Misuse of Drugs Act (Amendment of First Schedule) Order 2001**
Date of commencement : 8 October 2001
- 33. G. N. No. S 30/2004 — Misuse of Drugs Act (Amendment of First and Fourth Schedules) Order 2004**
Date of commencement : 30 January 2004

34. Act 3 of 2005 — CISCO (Dissolution) Act 2005

(Consequential amendments made to Act by)

- 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
- Date of commencement : 10 June 2005

35. G. N. No. S 507/2005 — Misuse of Drugs Act (Amendment of First Schedule) Order 2005

- Date of commencement : 1 August 2005

36. Act 2 of 2006 — Misuse of Drugs (Amendment) Act 2006

- Date of First Reading : 21 November 2005
(Bill No. 40/2005 published on
22 November 2005)
- Date of Second and Third Readings : 16 January 2006
- Date of commencement : 1 March 2006

37. G. N. No. S 491/2006 — Misuse of Drugs Act (Amendment of First Schedule) Order 2006

- Date of commencement : 14 August 2006

38. G. N. No. S 560/2006 — Misuse of Drugs Act (Amendment of Fourth Schedule) Order 2006

- Date of commencement : 1 October 2006

39. G. N. No. S 402/2007 — Misuse of Drugs Act (Amendment of Fourth Schedule) Order 2007

- Date of commencement : 1 August 2007

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

(Consequential amendments made to Act by)

- 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

41. 2008 Revised Edition — Misuse of Drugs Act

- Date of operation : 31 March 2008

42. G. N. No. S 685/2010 — Misuse of Drugs (Amendment of First Schedule) Order 2010

Date of commencement : 15 November 2010

43. 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

44. Act 30 of 2012 — Misuse of Drugs (Amendment) Act 2012

Date of First Reading : 15 October 2012
(Bill No. 27/2012 published on
15 October 2012)

Date of Second and Third Readings : 14 November 2012

Date of commencement : 1 January 2013

COMPARATIVE TABLE
MISUSE OF DRUGS ACT
(CHAPTER 185)

The following provisions in the 2001 Revised Edition of the Misuse of Drugs Act have been renumbered by the Law Revision Commissioners in this 2008 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Misuse of Drugs Act.

2008 Ed.	2001 Ed.
—	31—(5) (<i>Deleted by Act 2/2006</i>)
PART V	PART IVA
PART VI	PART V
PART VII	PART VI
COMPARATIVE TABLE	

**COMPARATIVE TABLE
MISUSE OF DRUGS ACT
(CHAPTER 185)**

MISUSE OF DRUGS ACT (CHAPTER 185, 2001 EDITION)	
The following provisions in the 1998 Revised Edition of the Misuse of Drugs Act were renumbered by the Law Revision Commissioners in the 2001 Revised Edition.	
This Comparative Table is provided for the convenience of users. It is not part of the Misuse of Drugs Act.	
2001 Ed.	1998 Ed.
33(2) and (3)	33(2)
(4)	(3)
(5)	(4)
PART IV	PART IV
34	37
35	38(1) and (2)
36	39
37	40
38	41
39	42
40	43
PART V	PART IV
41	43C
42	43D
43	43E
44	43F
45	43G
46	43H

47	43I
48	43J
49	43K
50	43L
51	43M
52	43N
PART VI	PART IV
53	34
54	35
55	36
56	43A
57	43B
58	44
59	45