



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 27th February 1992 and assented to by the President on 18th March 1992:—

### **SMOKING (PROHIBITION IN CERTAIN PLACES) ACT 1992**

**(No. 6 of 1992)**

#### ARRANGEMENT OF SECTIONS

##### Section

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**REPUBLIC OF SINGAPORE**

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**No. 6 of 1992.**

I assent.

WEE KIM WEE

A circular emblem containing the letters "LS".

*President.*

*18th March 1992.*

An Act to repeal and re-enact with amendments the Smoking (Prohibition in Certain Places) Act (Chapter 310 of the 1985 Revised Edition) and to prohibit smoking in specified places and vehicles, and to provide for matters connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## **Short title and commencement**

**1.** This Act may be cited as the Smoking (Prohibition in Certain Places) Act 1992 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

## **Interpretation**

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

“Commissioner” means the Commissioner of Public Health appointed under section 3 of the Environmental Public Health Act [Cap. 95], and includes a Deputy Commissioner of Public Health and an Assistant Commissioner of Public Health appointed under that section;

“manager” includes any owner, occupier, lessee or person who is responsible for the management of a specified building or is in charge or control thereof, and includes an assistant manager or supervisor or any person holding an appointment analogous to that of manager or assistant manager or supervisor;

“operator”, in relation to a specified vehicle, means any owner, ticket or tour conductor, driver, ticket inspector or person who is in charge or control of the specified vehicle;

“public health officer” has the same meaning as in the Environmental Public Health Act;

“public officer” includes any officer of any statutory body who is authorised in writing in that behalf by the Commissioner to carry out all or any of the powers conferred on a public officer by any of the provisions of this Act;

“public service vehicle” has the same meaning as in the Road Traffic Act [Cap. 276];

“smoking”, with its grammatical variations, means inhaling and expelling the smoke of tobacco or any other substance and includes the holding of any cigar, cigarette, pipe or any other form of tobacco product which is alight or emitting smoke;

“specified place” means any premises or building or part thereof specified in a notification made under section 3;

“specified vehicle” means any public service vehicle or part thereof specified in a notification made under section 3.

### **Minister may prohibit smoking in specified places and vehicles**

3.—(1) The Minister may, by notification in the *Gazette* and subject to such conditions as he may think fit, specify —

- (a) any premises or building or part thereof or class of premises or buildings or parts thereof to which members of the public or a section of the public have or ordinarily would have access whether on payment of a fee or otherwise; or
- (b) any public service vehicle or part thereof or a class of public service vehicles or parts thereof,

as being a place or places or a vehicle or vehicles in which smoking shall not be permitted either permanently or during such time or for such period or periods or under such circumstances as the Minister may prescribe.

(2) Any person who smokes in any specified place or specified vehicle in contravention of any notification made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

### **Powers of police and public health officers**

4.—(1) Any person reasonably suspected of having committed an offence under this Act may be arrested without warrant by any police officer or public health officer or by any public officer authorised in writing in that behalf by the Commissioner (referred to in this section as the authorised public officer) and produced before a Magistrate’s Court or a District Court.

(2) Notwithstanding any other written law, any police officer, public health officer or authorised public officer who, having effected an arrest in accordance with subsection (1), is satisfied as to the identity, name and place of residence of the person arrested, the officer may, instead of producing such person before a Court or to a police station, serve upon such person a notice in such form as may be determined under section 9 requiring the person to attend at such Court, at such time and on such date as may be specified in the notice.

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

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

(5) Where an accused person appears before a Court in accordance with a notice served under subsection (2), the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (1).

(6) If a person upon whom a notice has been served under subsection (2) fails to appear before a Court in accordance with the notice, the Court may issue a warrant for the arrest of that person.

(7) Where a person arrested in pursuance of a warrant issued under subsection (6) is produced before a Court, the Court shall proceed as though he were produced before it under subsection (1) and shall, at the conclusion of such proceedings, call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served under subsection (2) and, if due cause is not shown, the Court may order him to pay a penalty not exceeding \$1,000 or may commit him to prison for a term not exceeding one month.

## Notices

5.—(1) The manager of every specified place and the operator of every specified vehicle —

- (a) shall cause to be displayed suitable and sufficient number of notices of an adequate size or sizes in conspicuous positions therein, stating to the effect that smoking is prohibited by law; and
- (b) shall, if so directed by the Commissioner, display such notices in such places, phrase them in such manner or cause them to be of such size, as the Commissioner may consider fit.

(2) The manager or operator may, subject to any direction that may be given by the Commissioner under subsection (1)(b), in addition to such notices, adopt any means, method or device as he may think fit for bringing such prohibition to the attention of members of the public in the specified place or passengers in a specified vehicle.

(3) A manager of any specified place or any operator of any specified vehicle who contravenes any of the provisions of subsection (1) or fails to comply with any directions given by the Commissioner under that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

### **Duties of managers or operators of specified places and vehicles**

**6.**—(1) The manager of any specified place or the operator of any specified vehicle shall inform any person who smokes in any specified place or specified vehicle in contravention of any notification made under section 3(1) to cease smoking immediately, indicating the penalty provided under section 3(2), and if such person refuses, neglects or fails to cease smoking, he shall request such person to leave the specified place or specified vehicle immediately.

(2) If any such person refuses to leave the specified place or specified vehicle or to cease smoking, the manager or operator referred to in subsection (1) shall —

- (a) seek the assistance of any police officer, any public health officer or any public officer authorised in writing in that behalf by the Commissioner; and
- (b) render such assistance as is reasonable to such officer to deal with that person in the manner provided in section 4.

(3) If the manager of any specified place or the operator of any specified vehicle falls or neglects to comply with the provisions of subsection (1) or (2) in relation to any person whom he knows or ought reasonably to know is smoking in the specified place or specified vehicle in contravention of any notification made under section 3(1), that manager or operator shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000.

(4) For the purposes of subsection (3), a manager of a specified place shall be presumed, until the contrary is proved, to have the knowledge referred to in that subsection where a person who is under his charge or supervision and who is employed at the specified place knows that a person is smoking in that place in contravention of a notification made under section 3(1).

(5) Any person who hinders, obstructs, threatens, abuses, molests or assaults any manager or operator in the performance of his duties under this section 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 6 months or to both.

(6) No manager of a specified place or operator of a specified vehicle shall be liable to repay or refund any fee or other consideration paid by a person for the purpose of gaining admission into a specified place or of transportation where that person has been informed to leave the specified place or specified vehicle in accordance with subsection (1).

(7) Nothing in this section shall affect the liability of any person for an offence under section 3(2).

### **Composition of offences**

7.—(1) The Commissioner may, in his discretion, compound any offence under this Act or any regulations made thereunder as may be prescribed as being an offence which may be compounded by collecting from a person, reasonably suspected of having committed the same, a sum of money not exceeding \$500.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of such offence.

(3) The Minister may make regulations to prescribe the offences which may be compounded and the method and procedure by which such offences may be compounded under this section.

### **Regulations**

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

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

### **Forms**

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

### **Exemption**

**10.** The Minister may, subject to such conditions as he may in his discretion impose, exempt any specified place or any specified vehicle from all or any of the provisions of this Act, either permanently or for such period or periods as he may determine.

### **Repeal and transitional**

**11.—(1)** The Smoking (Prohibition In Certain Places) Act [Cap. 310] is repealed (referred to in this section as the repealed Act).

(2) Any form used for the purposes of the repealed Act which was in force or in effect immediately before the commencement of this Act shall continue in force and have effect as though designed under this Act until new forms are so designed or determined.

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