



THE STATUTES OF THE REPUBLIC OF SINGAPORE

SMOKING (PROHIBITION IN CERTAIN PLACES) ACT 1992

2020 REVISED EDITION

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Smoking (Prohibition in Certain Places) Act 1992

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An Act to prohibit smoking in specified places and vehicles, and to provide for matters connected therewith.

[6 April 1992]

Short title

1. This Act is the Smoking (Prohibition in Certain Places) Act 1992.

Interpretation

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

“Agency” means the National Environment Agency established under the National Environment Agency Act 2002;

“authorised officer” means any person appointed by the Director-General of Public Health under section 3(2) of the Environmental Public Health Act 1987;

“common property” has the meaning given by section 2(1) of the Building Maintenance and Strata Management Act 2004 and includes limited common property (within the meaning given by that Act), if any;

“Director-General” means the Director-General of Public Health appointed under section 3(1) of the Environmental Public Health Act 1987;

“manager”, in relation to a specified place, means the occupier of the specified place, and where there is no occupier, the owner of the specified place;

“occupier” means —

(a) in relation to a specified place — the person in occupation of the specified place or having the charge, management or control of the specified place; and

(b) in relation to any part of any specified place, different parts of which are occupied by different persons — the person in occupation, or having the charge, management or control, of that part,

but does not include a lodger;

“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;

“owner”, in relation to any place, has the meaning given by section 2 of the Environmental Public Health Act 1987;

- “place” means any premises, structure or building, or any unenclosed area (including a road, pavement, wetland and any body of water), but not a vehicle, and includes part of a place;
- “public service vehicle” has the meaning given by the Road Traffic Act 1961;
- “publicly accessible place” means any place to which the public or a section of the public has access as of right, or by virtue of express or implied permission with or without payment of a fee;
- “residential premises or building” means any premises or building which is permitted to be used under the Planning Act 1998 or any other written law as a dwelling house or which is lawfully so used;
- “smoking” 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;
- “smoking facility” means an area or a room in a specified place that is designated under section 3C(3) by the manager of the specified place or the Director-General as an area or a room within which smoking is permitted;
- “specified place” has the meaning given by section 3A(3) and includes every place prescribed as a specified place under section 3A(1);
- “specified vehicle” means a public service vehicle prescribed as a specified vehicle under section 3A(4), and includes any part of a specified vehicle;
- “statutory body” means a body corporate established by or under a public Act for a public purpose.

[39/2018]

No smoking in specified places and specified vehicles

3.—(1) Subject to section 3B, a person must not smoke in a specified place or specified vehicle.

[39/2018]

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[39/2018]

Specified places, specified vehicles and no-smoking zones

3A.—(1) The Agency may, with the approval of the Minister, prescribe any of the following as a specified place:

- (a) any publicly accessible place;
- (b) any of the following that is not a publicly accessible place:
 - (i) any place owned, managed or occupied by the Government or a statutory body;
 - (ii) any common property of any residential premises or building;
 - (iii) any place used, or intended to be used, for a commercial or an industrial purpose, or for mixed purposes the predominant purpose of which is either a commercial or an industrial purpose, or any common property of such a place;
 - (iv) any recreational facility;
- (c) any ship, boat, air-cushioned vehicle or other similar craft used in navigation by water, however propelled or moved, for the carriage of passengers.

[39/2018]

(2) The Agency may, with the approval of the Minister, prescribe an area in Singapore as a no-smoking zone.

[39/2018]

(3) Every publicly accessible place —

- (a) within an area prescribed under subsection (2) as a no-smoking zone; and

(b) not prescribed as a specified place under subsection (1), is a specified place from the date the area is prescribed as a no-smoking zone.

[39/2018]

(4) The Agency may, with the approval of the Minister, prescribe any particular public service vehicle or any class of public service vehicles as a specified vehicle or specified vehicles.

[39/2018]

Exceptions to smoking prohibition

3B.—(1) A person is permitted to smoke in a specified place only —

- (a) when within a smoking facility in the specified place; or
- (b) in such other circumstances, or under such conditions, as may be prescribed.

[39/2018]

(2) A person is permitted to smoke in a specified vehicle only in such circumstances, or under such conditions, as may be prescribed.

[39/2018]

Requirements for smoking facilities

3C.—(1) The Agency may, with the approval of the Minister, prescribe the specified places in which a smoking facility may be located and the requirements for a smoking facility in those specified places.

[39/2018]

(2) For the purposes of subsection (1), different requirements may be prescribed —

- (a) in relation to different specified places;
- (b) in relation to different classes of specified places; or
- (c) in relation to specified places within and outside a no-smoking zone.

[39/2018]

(3) Where a specified place is prescribed as a specified place in which a smoking facility may be located, the manager of the specified place, or the Director-General (in accordance with subsection (4)), may designate an area or a room in the specified place as a smoking facility.

[39/2018]

(4) Before designating a smoking facility in a specified place, the Director-General must —

- (a) give written notice to the manager of the specified place of the Director-General's intention to designate a smoking facility in the specified place and when the designation is to take effect; and
- (b) give the manager of the specified place an opportunity to submit reasons, within the period specified in the notice, why the Director-General should not designate a smoking facility in the specified place.

[39/2018]

(5) The manager of a specified place must ensure that every smoking facility within the specified place complies with the requirements prescribed for a smoking facility in such a specified place.

[39/2018]

(6) A manager of a specified place who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

[39/2018]

(7) In proceedings for an offence under subsection (6), it is a defence for the manager of the specified place to prove that —

- (a) it was not reasonably practicable to do more than what was in fact done to comply with subsection (5); or
- (b) there was no better practicable means than what was in fact used to comply with subsection (5).

[39/2018]

Appeal to Minister

3D.—(1) The manager of a specified place who is aggrieved by any designation by the Director-General under section 3C(3) may appeal to the Minister against the designation.

[39/2018]

(2) Every appeal under this section must —

- (a) be in writing;
- (b) specify the grounds on which it is made; and
- (c) be made within a prescribed period after the date of receipt of the written notice mentioned in section 3C(4).

[39/2018]

(3) The Minister may reject the appeal of an appellant who fails to comply with subsection (2).

[39/2018]

(4) After considering an appeal under this section, the Minister may —

- (a) reject the appeal and confirm the Director-General's designation; or
- (b) allow the appeal.

[39/2018]

(5) The Minister's decision on appeal is final.

[39/2018]

(6) Every appellant must be notified of the Minister's decision under subsection (4).

[39/2018]

(7) A designation by the Director-General that is appealed against does not take effect until the appeal is determined or earlier withdrawn.

[39/2018]

(8) The Minister may designate any of the following persons to hear and determine, in the Minister's place, any appeal under subsection (1):

- (a) the Second Minister (if any) for his or her Ministry;
- (b) any Minister of State, or Senior Minister of State, for his or her Ministry;
- (c) any Parliamentary Secretary, or Senior Parliamentary Secretary, for his or her Ministry;
- (d) any public officer in his or her Ministry not subordinate to the Director-General whose designation is appealed against.

[39/2018]

(9) Any reference to the Minister in subsections (1) to (7) includes a reference to a person designated under subsection (8).

[39/2018]

Powers of police and authorised 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 authorised officer and produced before a District Court or a Magistrate's Court.

(2) Despite any other written law, any police officer or authorised 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 may, instead of producing that person before a District Court or a Magistrate's Court or to a police station, serve upon that person a notice, in such form as may be determined under section 9, requiring the person to attend at the Court, at such time and on such date as may be specified in the notice.

(3) For the purpose of satisfying himself or herself as to the identity of the person arrested, the police officer or authorised officer may

require that person to provide any evidence of identity that the officer considers necessary.

(4) A duplicate of the notice served under subsection (2) must be prepared by the police officer or authorised officer and produced by him or her to the District Court or the Magistrate's Court if so required by the Court.

(5) Where an accused person appears before a District Court or a Magistrate's Court in accordance with a notice served under subsection (2), the Court is to take cognizance of the offence alleged and is to proceed as though the person were produced before it under subsection (1).

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

(7) Where a person arrested under a warrant issued under subsection (6) is produced before a District Court or a Magistrate's Court, the Court is to —

- (a) proceed as though the person were produced before it under subsection (1); and
- (b) at the conclusion of the proceedings, call upon the person to show cause as to why the person 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 the person to pay a penalty not exceeding \$1,000 or may commit the person to prison for a term not exceeding one month.

Powers of entry, etc.

4A.—(1) The Director-General or an authorised officer may, for the purpose of ascertaining whether there is or has been any contravention of this Act, do all or any of the following in relation to a specified place or specified vehicle without a warrant:

- (a) subject to subsection (2), enter, inspect and search the specified place or specified vehicle;

- (b) inspect and make copies of, or take extracts from, any document or material kept at the specified place or in the specified vehicle;
- (c) take possession of anything found at the specified place or in the specified vehicle that is reasonably believed to be connected to any contravention of this Act;
- (d) require any person whom the Director-General or authorised officer reasonably believes is in possession of any document or information relevant to any contravention of this Act to take reasonable steps to produce the document or provide the information;
- (e) require any person whom the Director-General or authorised officer reasonably believes is acquainted with any facts or circumstances relevant to any contravention of this Act —
 - (i) to answer any question to the best of the person's knowledge, information and belief, immediately or at a place and time specified in writing; or
 - (ii) to take reasonable steps to provide information or produce a document, immediately or at a place and time specified in writing;
- (f) photograph or film, or make audio recordings or make sketches, of any part of the specified place or specified vehicle or anything at the specified place or in the specified vehicle or of any person whom the Director-General or authorised officer reasonably believes is acquainted with any facts or circumstances relevant to any contravention of this Act.

[39/2018]

(2) The Director-General or an authorised officer may exercise the power of entry under subsection (1)(a) —

- (a) in relation to a specified place that is common property of any residential premises or building which is not a publicly accessible place — only if the condition mentioned in subsection (3) is satisfied; and

- (b) in relation to any other specified place or any specified vehicle —
- (i) at all reasonable times; or
 - (ii) at any time if the condition mentioned in subsection (3) is satisfied.

[39/2018]

(3) For the purposes of subsection (2), the condition is that the Director-General or authorised officer reasonably believes that —

- (a) an offence under this Act has been or is being committed in that specified place or specified vehicle; or
- (b) evidence of the commission of an offence under this Act can be found in that specified place or specified vehicle.

[39/2018]

(4) A statement made by a person examined under subsection (1)(e) must —

- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) after correction (if necessary), be signed by the person.

[39/2018]

Offence of obstructing, etc., Director-General or authorised officer in exercise of powers, etc.

4B.—(1) A person who, without reasonable excuse —

- (a) obstructs, hinders or delays the Director-General or an authorised officer in the exercise of any power under section 4 or 4A;
- (b) neglects or refuses to produce any document, material or thing or to provide any information as required under section 4A;
- (c) produces any document, material or thing, or provides any information, as required under section 4A, that is false or misleading in any material particular; or

- (d) neglects or refuses to attend before the Director-General or authorised officer as required under section 4A,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and, in the case of a second or subsequent offence, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

[39/2018]

(2) To avoid doubt, for the purposes of subsection (1)(a) or (b), it is a reasonable excuse for a person to refuse or fail to provide any information, produce any document or answer any question if doing so might tend to incriminate that person.

[39/2018]

Notices

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

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

(2) In addition to the notices, the manager or operator may, subject to any direction that the Director-General may give under subsection (1)(b), adopt any means, method or device that the manager or operator thinks fit for bringing the smoking prohibition to the attention of members of the public in any specified place or passengers in any specified vehicle.

(3) A manager of any specified place or an operator of any specified vehicle who contravenes any of the provisions of subsection (1) or fails to comply with any direction given by the Director-General 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 or specified vehicles

6.—(1) The manager of any specified place or the operator of any specified vehicle must —

- (a) inform any person who smokes in the specified place or specified vehicle in contravention of section 3(1) to cease smoking immediately, indicating the penalty provided under section 3(2); and
- (b) if the person refuses, neglects or fails to cease smoking, request the person to leave the specified place or specified vehicle immediately.

[39/2018]

(2) If the person refuses to leave the specified place or specified vehicle or to cease smoking, the manager or operator mentioned in subsection (1) must —

- (a) seek the assistance of any police officer or authorised officer; and
- (b) render any assistance that is reasonable to the officer to deal with that person in the manner provided in section 4.

(3) Where any person contravenes section 3(1), any other person may lodge a complaint to the manager of the specified place and it is the duty of the manager of the specified place —

- (a) to take all reasonable steps to investigate into the complaint; and
- (b) if the complaint is found to be true, to take action in accordance with subsection (1) or (2) against the person smoking in the specified place.

[39/2018]

(4) If the manager of any specified place or the operator of any specified vehicle (as the case may be) fails or neglects to comply with —

- (a) subsection (1) or (2) in relation to any person whom the manager or operator knows or ought reasonably to know is

smoking in the specified place or specified vehicle in contravention of section 3(1); or

- (b) subsection (3) in relation to any complaint received by the manager that a person is smoking in the specified place in contravention of 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.

[39/2018]

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

[39/2018]

(6) Any person who hinders, obstructs, threatens, abuses, molests or assaults any manager or operator in the performance of the manager's or operator's 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.

(7) 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).

(8) Nothing in this section affects the liability of any person for an offence under section 3(2).

Composition of offences

7.—(1) The Director-General may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500.

(2) On payment of the sum, no further proceedings are to be taken against the person in respect of the offence.

(3) The Agency may, with the approval of the Minister, make regulations prescribing the offences which may be compounded and the method and procedure by which those offences may be compounded under this section.

Fees, etc., payable to Agency, etc.

8.—(1) All fees, charges and moneys collected under this Act, other than composition sums, must be paid to the Agency.

[39/2018]

(2) All composition sums collected under this Act must be paid into the Consolidated Fund.

[39/2018]

Forms

9. The Director-General may design and utilise such forms as the Director-General thinks fit for any of the purposes of this Act, and may require any person to complete any of the forms for any of those purposes.

Exemption

10. The Agency may, with the approval of the Minister and by order in the *Gazette*, exempt any person or place from all or any of the provisions of this Act either generally or in a particular case and subject to any conditions that the Agency may impose in the order.

[39/2018]

Regulations

11.—(1) The Agency may, with the approval of the Minister, make any regulations that seem to the Agency necessary or expedient for the purpose of carrying out the provisions of this Act and for prescribing anything that is to be prescribed.

[39/2018]

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

Transitional provision

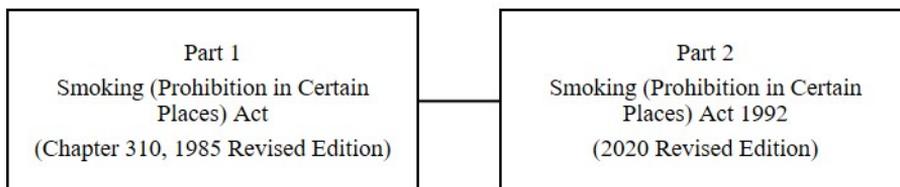
12. Any licence, permit, document, application, approval, permission, order, direction, ruling or notice issued, made, given or approved by the Commissioner of Public Health under any provision of this Act immediately before 1 July 2002 is deemed to have been issued, made, given or approved under the same provision by the Director-General.

LEGISLATIVE HISTORY

SMOKING (PROHIBITION IN CERTAIN PLACES) ACT 1992

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1

SMOKING (PROHIBITION IN CERTAIN PLACES) ACT (CHAPTER 310, 1985 REVISED EDITION)

1. Act 26 of 1970 — Prohibition on Smoking in Certain Places Act, 1970

Bill	:	19/1970
First Reading	:	7 May 1970
Second and Third Readings	:	21 May 1970
Commencement	:	1 October 1970

2. 1970 Revised Edition — Prohibition on Smoking in Certain Places Act (Chapter 165)

Operation	:	31 May 1971
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3. Act 57 of 1973 — Prohibition on Smoking in Certain Places (Amendment) Act, 1973

Bill	:	49/1973
First Reading	:	28 August 1973
Second and Third Readings	:	30 November 1973
Commencement	:	1 March 1974

4. 1985 Revised Edition — Smoking (Prohibition in Certain Places) Act (Chapter 310)

Operation	:	30 March 1987
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Note: The Prohibition on Smoking in Certain Places Act was renamed as the Smoking (Prohibition in Certain Places) Act in the 1985 Revised Edition.

PART 2
SMOKING (PROHIBITION IN CERTAIN PLACES)
ACT 1992
(2020 REVISED EDITION)

5. Act 6 of 1992 — Smoking (Prohibition in Certain Places) Act 1992

Bill	:	8/1992
First Reading	:	15 January 1992
Second and Third Readings	:	27 February 1992
Commencement	:	6 April 1992

6. 1993 Revised Edition — Smoking (Prohibition in Certain Places) Act (Chapter 310)

Operation	:	15 March 1993
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7. Act 13 of 1994 — Smoking (Prohibition in Certain Places) (Amendment) Act 1994

Bill	:	23/1994
First Reading	:	25 July 1994
Second and Third Readings	:	26 August 1994
Commencement	:	1 October 1994

8. 1998 Revised Edition — Smoking (Prohibition in Certain Places) Act (Chapter 310)

Operation	:	15 December 1998
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9. Act 4 of 2002 — National Environment Agency Act 2002

(Amendments made by section 50 read with item (6) of the Second Schedule to the above Act)

Bill	:	13/2002
First Reading	:	3 May 2002
Second and Third Readings	:	24 May 2002
Commencement	:	1 July 2002 (section 50 read with item (6) of the Second Schedule)

**10. 2002 Revised Edition — Smoking (Prohibition in Certain Places) Act
(Chapter 310)**

Operation : 31 December 2002

**11. Act 47 of 2004 — Building Maintenance and Strata Management Act
2004**

(Amendments made by section 140 read with item (14) of the Fifth Schedule to the above Act)

Bill : 6/2004
First Reading : 6 February 2004
Second Reading : 19 April 2004
Select Committee Report : Parl. 5 of 2004
Third Reading : 19 October 2004
Commencement : 1 April 2005 (section 140 read with item (14) of the Fifth Schedule)

**12. Act 39 of 2018 — Smoking (Prohibition in Certain Places) (Amendment)
Act 2018**

Bill : 31/2018
First Reading : 6 August 2018
Second and Third Readings : 10 September 2018
Commencement : 1 January 2019

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number