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MISUSE OF DRUGS (AMENDMENT) ACT 2012
(ACT 30 OF 2012)

MISUSE OF DRUGS (AMENDMENT) ACT 2012
(TRANSITIONAL PROVISIONS) REGULATIONS 2014

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
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3. Application
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In exercise of the powers conferred by section 27(8) of the Misuse of Drugs (Amendment) Act 2012, the Minister for Home Affairs hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs (Amendment) Act 2012 (Transitional Provisions) Regulations 2014 and shall come into operation on 31 December 2014.

Definitions

2. In these Regulations —

“eligible prisoner” means an individual to whom these Regulations apply under regulation 3(1);

“principal Act” means the Misuse of Drugs Act (Cap. 185) as in force on 1 January 2013;

“relevant offence” means —

- (a) an offence under section 5(1) or 7 of the principal Act that is punishable by death under the sixth column of the Second Schedule to the principal Act; or
- (b) an attempt to commit an offence referred to in paragraph (a).

Application

3.—(1) These Regulations apply to any individual —

(a) who is convicted, before 1 January 2013, of a relevant offence and —

(i) whose appeal to the Court of Appeal has been dismissed before that date in respect of that relevant offence; or

(ii) who has, before that date, withdrawn an appeal lodged before that date in relation to that conviction; and

(b) who does not, before 1 March 2015, apply to the High Court to be re-sentenced in accordance with section 33B of the principal Act.

(2) These Regulations do not apply if the individual referred to in paragraph (1) elects, before 1 March 2015, not to be re-sentenced in accordance with section 33B of the principal Act.

Transitional arrangements

4.—(1) On or after 1 March 2015 —

(a) the Public Prosecutor may apply to the High Court for a determination as to whether the requirements referred to in section 33B of the principal Act are satisfied in relation to any eligible prisoner;

(b) the High Court shall determine whether the requirements referred to in section 33B of the principal Act are satisfied after hearing any further arguments or admitting any further evidence, and shall —

(i) if the requirements referred to in section 33B of the principal Act are not satisfied, affirm the sentence of death imposed on the eligible prisoner; or

(ii) if the requirements referred to in section 33B of the principal Act are satisfied, re-sentence the eligible prisoner in accordance with that section;

(c) the decision of the High Court in sub-paragraph (b) shall be deemed to be made in its original jurisdiction and an appeal may lie from such decision;

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- (d) the provisions of Division 1 of Part XX of the Criminal Procedure Code (Cap. 68) relating to appeals shall apply to any appeal against the decision of the High Court under sub-paragraph (b) with the modification that any appeal must be lodged by the eligible prisoner with the Registrar of the Supreme Court within 14 days after the date of the affirmation of the sentence or the re-sentencing by the High Court;
- (e) if the High Court affirms the sentence of death or re-sentences the eligible prisoner to death, the execution of the sentence of death must not be carried out until after the sentence is confirmed by the Court of Appeal pursuant to an appeal by the eligible prisoner or a petition for confirmation lodged by the Public Prosecutor; and
- (f) section 313 of the Criminal Procedure Code shall apply in relation to any affirmation of the sentence of death or re-sentencing of an eligible prisoner to death as if the affirmation or re-sentencing were a sentence pronounced by the trial Judge.

(2) If any Judge of the High Court, having heard the trial relating to a relevant offence, is unable for any reason to affirm the sentence or re-sentence an eligible prisoner under paragraph (1), any other Judge of the High Court may do so.

Made on 24 December 2014.

LEO YIP
*Permanent Secretary,
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