

MISUSE OF DRUGS ACT
(CHAPTER 185, SECTIONS 10B AND 44(1)(u) AND (v))

MISUSE OF DRUGS (CONTROLLED EQUIPMENT,
MATERIAL AND SUBSTANCES) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
 2. Definitions
 3. Prohibition of import or export of controlled equipment, etc., without permit
 4. Application for permit
 5. Permits
 6. Cancellation or suspension of permit
 7. Storage of controlled substances
 8. Records of documentation
 9. Use of premises for purposes of manufacture or trade of controlled substances
 10. Record of controlled substances
 11. Powers of search and inspection
 12. Offences and penalties
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[8th June 1999]

Citation

1. These Regulations may be cited as the Misuse of Drugs (Controlled Equipment, Material and Substances) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “commercial documents” includes shipping invoices, cargo manifests, administrative documents, and transport and other shipping documents;

“container” means —

- (a) any receptacle or thing whatsoever containing or enclosing any quantity of controlled substance;
- (b) any receptacle or thing whatsoever containing or enclosing any container or containers referred to in paragraph (a); and
- (c) any receptacle or thing whatsoever containing or enclosing for keeping or storing or for transporting by sea, air, land, in whatever number or size, any containers referred to in paragraph (a) or (b);

“Director” means the Director of the Central Narcotics Bureau appointed under section 3(1) of the Act and includes an Assistant Director or a Deputy Director duly authorised by the Director under section 3(3) of the Act;

“permit” means a permit issued by the Director under these Regulations;

“placing on the market”, in relation to any controlled substance, means supplying such controlled substance to any person whether within or without Singapore, and whether for payment or free of charge.

Prohibition of import or export of controlled equipment, etc., without permit

3.—(1) No person shall, on his own or on behalf of any person —

- (a) import into or cause to be imported into Singapore; or
- (b) export from or cause to be exported from Singapore,

any controlled equipment, controlled material or controlled substance, except under and in accordance with the conditions of a permit issued under these Regulations.

[S 439/2014 wef 01/07/2014]

(2) Paragraph (1) does not apply to the import into, or export from, Singapore by any person of any controlled substance referred to in paragraph 3 of Part I of the Third Schedule to the Act if, and only if —

- (a) the controlled substance contains not more than 21.6 grams of ephedrine or pseudoephedrine; and
- (b) the controlled substance is imported or exported solely for either or both of the following purposes:
 - (i) the administration to, or consumption by, the person of that controlled substance;
 - (ii) the administration to, or consumption by, any other person of that controlled substance.

[S 439/2014 wef 01/07/2014]

Application for permit

4.—(1) Any person who intends to import or export any controlled equipment, controlled material or controlled substance shall apply to the Director for a permit.

(2) An application for a permit shall —

- (a) be in writing in such form; and
- (b) contain such particulars,

as the Director may require.

(3) Within 14 days of the receipt of an application for a permit, the Director may —

- (a) issue the permit; or
- (b) give notice in writing to the applicant of his refusal to issue the permit.

Permits

5.—(1) A permit shall —

- (a) be subject to such conditions; and
- (b) be in such form,

as the Director may specify.

(2) A permit shall be valid for the period stated therein unless it is sooner cancelled under regulation 6.

(3) The Director may at any time alter the particulars of a permit or cancel or vary any conditions or specify new conditions.

(4) Where the Director —

- (a) alters any of the particulars of a permit; or
- (b) cancels or varies the conditions of a permit or imposes new conditions,

he shall notify the holder of the permit who shall forthwith surrender his permit to the Director.

(5) Where the holder of a permit surrenders his permit to the Director under paragraph (4), the Director shall issue him with a new permit.

Cancellation or suspension of permit

6.—(1) The Director may at any time cancel or suspend a permit —

- (a) at the request of the holder of the permit;
- (b) if any of the conditions of the permit is contravened;
- (c) if the holder of the permit or a person employed by him commits an offence under the Act or any regulations made thereunder;
- (d) if the Director is satisfied that the permit was issued by him as a result of —
 - (i) a misrepresentation of any fact; or
 - (ii) any other unlawful act of the applicant; or
- (e) if the Director is of the opinion that it is in the public interest to cancel or suspend the permit and the holder of the permit, having been required to do so in writing by the Director, has failed within one month to show good cause why the permit should not be cancelled or suspended.

(2) The Director may cancel a permit on the death of the holder thereof.

(3) Where the Director cancels or suspends a permit under paragraph (1), the Director shall forthwith notify the holder of the permit and shall state the reason therefor.

(4) Where the Director has notified the holder of a permit under paragraph (3) of the cancellation or suspension of his permit, the holder of the permit and in the case of the death of the holder of the permit, the person having custody of the permit, shall forthwith surrender the permit to the Director.

(5) Where a permit which has been suspended is surrendered, the Director shall on the termination of the period of suspension re-issue the permit to the holder of the permit.

Storage of controlled substances

7.—(1) Any person who has imported or who intends to export any controlled substance, not being a controlled substance in transit, shall keep or store the controlled substance —

- (a) in a place approved in writing by the Director; and
- (b) in accordance with such conditions as the Director may impose.

(2) Any person who has imported or who intends to export any controlled substance shall keep or store the controlled substance in a container approved in writing by the Director.

(2A) Paragraphs (1) and (2) do not apply to any person in relation only to any controlled substance referred to in paragraph 3 of Part I of the Third Schedule to the Act which the person has imported or intends to export if, and only if —

- (a) the controlled substance contains not more than 21.6 grams of ephedrine or pseudoephedrine; and
- (b) the controlled substance is imported or intended to be exported solely for either or both of the following purposes:
 - (i) the administration to, or consumption by, the person of that controlled substance;

- (ii) the administration to, or consumption by, any other person of that controlled substance.

[S 439/2014 wef 01/07/2014]

(3) The container in which any controlled substance is kept or stored —

- (a) shall be clearly marked on the outside thereof with the name of the controlled substance as specified in the Third Schedule to the Act; and
- (b) shall not contain any substance other than the substance so marked thereon.

(4) For the purpose of this regulation, a controlled substance is in transit if —

- (a) it has been brought into Singapore for the sole purpose of being taken out of Singapore; and
- (b) at all times whilst it is in Singapore it remains —
 - (i) in or on the vessel or aircraft in or on which it arrived in Singapore; and
 - (ii) in the container in which it arrived in Singapore.

Records of documentation

8. Any person who is concerned in a transaction leading to the placing on the market of a controlled substance shall ensure that he has the commercial documents pertaining to the transaction which, taken together, contain sufficient information positively to identify the following matters —

- (a) the name of the controlled substance as given in the Third Schedule to the Act;
- (b) the quantity and weight of the controlled substance and, where it consists of a mixture, the quantity and weight of the mixture and the quantity and weight or percentage of any controlled substance contained in the mixture; and
- (c) the names and addresses of the supplier, distributor and of the consignee.

Use of premises for purposes of manufacture or trade of controlled substances

9. Any person involved in the manufacture or placing on the market of any controlled substance who —

- (a) has been using any premises for the manufacture or trade of the controlled substance before 8th June 1999; or
- (b) uses any premises for the manufacture or trade of the controlled substance after 8th June 1999,

shall register with the Director the address of the premises from which he manufactures or trades in such controlled substance and shall in the event of a change of address notify the Director in writing within 14 days of any such change.

Record of controlled substances

10.—(1) The holder of a permit shall keep, in respect of each permit being held by him, a register in a form approved by the Director in which he shall enter in chronological order in respect of the controlled substance named in the permit —

- (a) each receipt or, as the case may be, manufacture of a quantity of the controlled substance, including —
 - (i) the date of receipt or manufacture;
 - (ii) the quantity received or manufactured;
 - (iii) the purpose for which the controlled substance was received or manufactured; and
 - (iv) in the case of a receipt, the full name and address of the person from whom the controlled substance was received;
- (b) in respect of each such receipt or manufacture, each dealing in, use or other disposal of, that quantity or any part thereof, including —
 - (i) the date and manner of the dealing, use or disposal;
 - (ii) the quantity dealt in, used or disposed of; and

- (iii) the full name and address of the person, if any, to whom the controlled substance was transferred; and
 - (c) in respect of each such receipt or manufacture, the amount of the controlled substance remaining in his possession therefrom at any time.
- (2) The holder of a permit shall at all times keep in the register referred to in paragraph (1), a record of the total amount of the controlled substance in his possession to which the permit relates.
- (3) Every entry under paragraph (1)(a) or (b) shall be made immediately on the receipt or manufacture of or dealing in, use or disposal of, the controlled substance in respect of which that entry is required.
- (4) A copy of every entry in the record kept under paragraph (1)(a) shall, whenever required by the Director, be sent to the Director within 24 hours of the receipt of the request from the Director.
- (5) The record referred to in paragraph (1) shall be kept for 2 years beginning on the date it was made.
- (6) The holder of a permit shall keep the documentation record referred to in regulation 8 and this regulation readily for inspection by the Director upon request by him, for a period of not less than 2 years from the end of the year in which the transaction referred to in regulation 8 or this regulation, as the case may be, took place.

Powers of search and inspection

11. For the purposes of these Regulations, an officer of the Bureau, a police officer or an officer of customs may —

- (a) enter, inspect and search any place or premises occupied by a person to whom a permit has been issued;
- (b) require the production of any register, record, book or other document relating to dealings in a controlled substance;
- (c) inspect any such register, record, book or other document; and
- (d) inspect any stocks of any controlled substance in the possession of such person.

Offences and penalties

12.—(1) Any person who contravenes any of the provisions of these Regulations 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 3 years or to both.

(2) Any person who —

- (a) fails to comply with a requirement of the Director, an officer of the Bureau, a police officer or an officer of customs under these Regulations; or
- (b) impedes, obstructs or hinders the Director, an officer of the Bureau, a police officer or an officer of customs in the exercise of any of his powers under these Regulations,

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 3 years or to both.

(3) Any person who —

- (a) for the purpose of obtaining, whether for himself or for any other person, the issue or renewal of a permit, makes any declaration or statement which is false in a material particular; or
- (b) knowingly utters, produces or makes use of any such declaration or statement or a document containing any such declaration or statement,

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 3 years or to both.

(4) All offences under these Regulations shall be seizable offences for the purposes of the Criminal Procedure Code (Cap. 68).

[G.N. No. S 268/99]

LEGISLATIVE HISTORY
MISUSE OF DRUGS (CONTROLLED EQUIPMENT,
MATERIAL AND SUBSTANCES) REGULATIONS
(CHAPTER 185, RG 7)

This Legislative History is provided for the convenience of users of the Misuse of Drugs (Controlled Equipment, Material and Substances) Regulations. It is not part of these Regulations.

1. G. N. No. S 268/1999 — Misuse of Drugs (Controlled Equipment, Material and Substances) Regulations 1999

Date of commencement : 8 June 1999

2. 2001 Revised Edition — Misuse of Drugs (Controlled Equipment, Material and Substances) Regulations

Date of operation : 31 January 2001

3. G. N. No. S 439/2014 — Misuse of Drugs (Controlled Equipment, Material and Substances) (Amendment) Regulations 2014

Date of commencement : 1 July 2014