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**GOVERNMENT GAZETTE**  
**ACTS SUPPLEMENT**  
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The following Act was passed by Parliament on 13 September 2021 and assented to by the President on 28 September 2021:—

**REPUBLIC OF SINGAPORE**

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**No. 23 of 2021.**

I assent.

HALIMAH YACOB,  
*President.*  
*28 September 2021.*

(LS)

An Act to amend the Penal Code to update the criminal offences, enhance the punishment for sexual offences and clarify the application of certain provisions, and to make amendments to certain other Acts.

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 is the Criminal Law (Miscellaneous Amendments) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

## PART 1

## AMENDMENT OF PENAL CODE

**Amendment of section 73**

2. Section 73(4) of the Penal Code is amended by inserting, immediately after the words “section 304B” in paragraph (a) of the definition of “excluded offence”, “, 304C”.

**Amendment of section 74**

3. Section 74 of the Penal Code is amended by deleting subsection (3) and substituting the following subsection:

“(3) Despite anything to the contrary in the Criminal Procedure Code —

(a) a Magistrate’s Court —

(i) has jurisdiction to try any offence specified in subsection (2), where no imprisonment is prescribed or where twice the maximum term of imprisonment prescribed for the offence does not exceed 5 years; and

(ii) has power to impose the full punishment provided under subsection (1) in respect of the offence; and

(b) a District Court —

(i) has jurisdiction to try any offence specified in subsection (2); and

(ii) has power to impose the full punishment provided under subsection (1) in respect of the offence.”.

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**Amendment of section 74A**

4. Section 74A(1) of the Penal Code is amended by deleting the words “on or after the date of commencement of the Vulnerable Adults Act 2018”.

**Amendment of section 79**

5. Section 79 of the Penal Code is amended —

(a) by deleting subsection (2) and substituting the following subsection:

“(2) To avoid doubt, where a person alleges a mistake of fact or ignorance of a fact that may negate the fault element of the offence that the person is charged with, the prosecution must prove the fault element in order to establish liability under the offence.”;

(b) by renumbering the *Explanation* as *Explanation 1*, and by inserting immediately thereafter the following *Explanation*:

“*Explanation 2*.—Where an alleged mistake of fact or ignorance of a fact may negate the fault element of an offence, the accused person does not need to rely on the defence of mistake. The accused person may allege the mistake of fact or ignorance of the fact for the purpose of raising a reasonable doubt that the accused person had the requisite fault element as a result of labouring under the mistake of fact or ignorance of fact. The prosecution must prove the fault element in order to establish liability under the offence.”; and

(c) by deleting the words “as he did not intend to dishonestly take the watch out of *Z*’s possession” in *illustration (f)* and substituting the words “as *A* did not possess the requisite fault element of dishonesty when *A* took the watch out of *Z*’s possession. There is no need for *A* to rely on a defence under this section”.

**Amendment of section 79A**

6. Section 79A of the Penal Code is amended —

(a) by deleting subsection (2) and substituting the following subsection:

“(2) To avoid doubt, where a person alleges a mistake of law or ignorance of the law that may negate the fault element of the offence that the person is charged with, the prosecution must prove the fault element in order to establish liability under the offence.”; and

(b) by deleting the *Illustration*.

**Amendment of section 80**

7. Section 80 of the Penal Code is amended by deleting subsection (2) (excluding the *Explanation*) and substituting the following subsection:

“(2) To avoid doubt, where —

(a) a person alleges any act is done by accident or misfortune in the doing of a lawful act in a lawful manner, by lawful means, and with proper care and caution; and

(b) the doing of the act allegedly by accident or misfortune may negate the fault element of the offence that the person is charged with,

the prosecution must prove the fault element in order to establish liability under the offence.”.

**Amendment of section 84**

8. Section 84 of the Penal Code is amended —

(a) by deleting the words “(whether wrong by the ordinary standards of reasonable and honest persons or wrong as contrary to law)” in paragraph (b); and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection (before the *Illustration*):

“(2) Subsection (1)(b) applies only if the person is incapable of knowing that his act —

(a) is wrong by the ordinary standards of reasonable and honest persons; and

(b) is wrong as contrary to law.”.

### **Amendment of section 85**

9. Section 85 of the Penal Code is amended —

(a) by deleting the words “(whether wrong by the ordinary standards of reasonable and honest persons or wrong as contrary to law)” in subsection (2)(b); and

(b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Subsection (2)(b) only applies if the person charged, at the time of the act or omission complained of, did not know that the act or omission —

(a) was wrong by the ordinary standards of reasonable and honest persons; and

(b) was wrong as contrary to law.”.

### **Repeal and re-enactment of section 115**

10. Section 115 of the Penal Code is repealed and the following section and *Illustration* substituted therefor:

#### **“Abetment of offence punishable with death or imprisonment for life**

**115.** Whoever abets the commission of an offence punishable with death or imprisonment for life, shall, if that offence is not committed in consequence of the abetment, and no express provision is made by this Code or by any other written law for the punishment of such abetment, be punished with