



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 14th November 2012 and assented to by the President on 7th December 2012:—

### REPUBLIC OF SINGAPORE

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**No. 30 of 2012.**

I assent.

(LS)

TONY TAN KENG YAM,  
*President.*  
*7th December 2012.*

An Act to amend the Misuse of Drugs Act (Chapter 185 of the 2008 Revised Edition) and to make a related amendment to the Criminal Procedure Code (Chapter 68 of the 2012 Revised Edition).

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 Misuse of Drugs (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of section 2**

2. Section 2 of the Misuse of Drugs Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “committee of inquiry”, the following definition:

“ “community rehabilitation centre” means any place declared by the Minister as such under section 35;”;

(b) by inserting, immediately after the words “approved institution” in the definition of “inmate”, the words “or a community rehabilitation centre”;

(c) by deleting the words “an Assistant Director” in the definition of “officer of the Bureau” and substituting the words “a Divisional Director”;

(d) by inserting, immediately after the definition of “permanent resident of Singapore”, the following definition:

“ “place” includes —

(a) any building or structure, whether permanent or temporary;

(b) any land, whether or not built on;

(c) any place, whether or not enclosed, and whether or not situated underground or underwater;

(d) any vessel, aircraft, train, or vehicle (whether mechanically propelled or otherwise) or any other means of transport; and

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- (e) any part of any place referred to in paragraphs (a) to (d);” and
- (e) by deleting the full-stop at the end of the definition of “Vigilante Corps” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

“vulnerable person” means any person who suffers from an impairment of, or a disturbance in the functioning of, the mind or brain resulting from any disability or disorder of the mind or brain which impairs the ability to make a proper judgment in relation to the commission of any offence under this Act;

“young person” means any person who is below 21 years of age.”.

### **Amendment of section 3**

#### **3. Section 3 of the principal Act is amended —**

- (a) by deleting the words “Assistant Directors” in subsection (1) and substituting the words “Divisional Directors”; and
- (b) by deleting subsection (3) and substituting the following subsections:

“(3) Subject to the provisions of this Act, the powers and functions conferred upon the Director under this Act, and the duties required to be discharged by him may, subject to such limitations as the Director may impose, be exercised and discharged by any Deputy Director or Divisional Director of the Central Narcotics Bureau duly authorised by the Director to act on his behalf.

(4) The Director may issue such orders not inconsistent with the provisions of this Act and the regulations made thereunder, to be called General Orders, as he may think necessary and expedient for the control, direction and information of the officers of the Bureau.

(5) It shall not be necessary to publish any General Orders in the *Gazette*.”.

#### **New section 11A**

4. The principal Act is amended by inserting, immediately after section 11, the following section:

**“Arranging or planning gatherings where controlled drugs are to be consumed or trafficked**

**11A.**—(1) Where there is a gathering of 2 or more persons in any place, any person who arranges or plans the gathering with the knowledge that any controlled drug is, or is to be, consumed or trafficked at that gathering shall be guilty of an offence and shall on conviction —

- (a) be punished with imprisonment for a term of not less than 3 years and not more than 20 years; and
- (b) be liable to caning of not more than 10 strokes.

(2) A person may be guilty of an offence under subsection (1) notwithstanding that he does not supply any controlled drug to be consumed or trafficked at that gathering.”.

#### **New section 12A**

5. The principal Act is amended by inserting, immediately after section 12, the following section:

**“Causing or procuring young person or vulnerable person to commit certain offences**

**12A.** Any person of or above the age of 21 years who causes or procures any young person or vulnerable person to commit any offence under section 5(1) or 7 shall be guilty of an offence.”.

#### **Amendment of section 13**

6. Section 13 of the principal Act is amended —

- (a) by deleting the word “or” at the end of paragraph (a); and

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(b) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) to aid, abet, counsel or procure the commission of any offence under this Act within Singapore, notwithstanding that all or any of the acts constituting the aiding, abetment, counselling or procurement were done outside Singapore; or”.

#### **Amendment of section 24**

7. Section 24 of the principal Act is amended —

(a) by inserting, immediately after the words “controlled substance” in subsection (1)(a)(i), the words “, drug specified in the Fifth Schedule, substance containing any drug specified in the Fifth Schedule”;

(b) by deleting the words “or controlled substance” in subsection (1)(c) and substituting the words “, controlled substance, drug specified in the Fifth Schedule or substance containing any drug specified in the Fifth Schedule, which is”; and

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

“(3) Notwithstanding subsection (1), if the use of any drug specified in the Fifth Schedule or any substance containing such drug at any place or premises searched under that subsection is authorised by the Director, that drug or substance shall not be liable to seizure under that subsection.”.

#### **Amendment of section 26**

8. Section 26 of the principal Act is amended —

(a) by inserting, immediately after the words “controlled substance” in subsections (1)(a) and (2)(a), the words “, drug specified in the Fifth Schedule, substance containing any drug specified in the Fifth Schedule”; and