

**Undesirable Publications Act
(CHAPTER 338)**

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UNDESIRABLE PUBLICATIONS ACT

(CHAPTER 338)

(Original Enactment: Act 3 of 1967)

REVISED EDITION 1998

(15th December 1998)

An Act to prevent the importation, distribution or reproduction of undesirable publications and for purposes connected therewith.

[1st April 1967]

Short title

- 1.** This Act may be cited as the Undesirable Publications Act.

Interpretation

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

“authorised officer” means a public officer appointed under section 18(3) by the Minister to be an authorised officer for the purposes of this Act;

- “broadcast” has the same meaning as in the Copyright Act (Cap. 63) and “broadcasting” shall have a corresponding meaning;
- “Chief Controller” means the Chief Controller appointed under section 18(2);
- “circulation”, in relation to any publication, includes the exhibition or supply thereof;
- “controller” means a public officer appointed under section 18(1) by the Minister to be a controller;
- “electronic transmission” includes facsimile transmission, electronic mail or other similar means of communication but excludes broadcasting;
- “exhibit”, in relation to a sound recording, means to play that sound recording but does not include the broadcasting of the sound recording;
- “film” has the same meaning as in the Films Act (Cap. 107);
- “importer”, in relation to any article, includes any person who, whether as owner, consignee, agent or broker, is in possession of, or is in any way entitled to the custody or control of, the article;
- “objectionable” and “obscene” have the meanings given to them by sections 4 and 3, respectively;
- “periodical publication” includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;
- “place” includes any vehicle, vessel, train or aircraft, whether in a public place or not;
- “prohibited publication” means any publication the importation, sale or circulation of which has been prohibited under section 5;
- “publication” means any of the following other than a film:
- (a) any book, magazine or periodical, whether in manuscript or final form;
 - (b) any sound recording;
 - (c) any picture or drawing, whether made by computer-graphics or otherwise howsoever;
 - (d) any photograph, photographic negative, photographic plate or photographic slide; or
 - (e) any paper, model, sculpture, tape, disc, article or thing —

- (i) that has printed or impressed upon it any word, statement, sign or representation; or
- (ii) on which is recorded or stored for immediate or future retrieval any information that, by the use of any computer or other electronic device, is capable of being reproduced or shown as any picture, photograph, word, statement, sign or representation,

and includes a copy of any publication;

“sound recording” means any tape, disc or other recording of sounds from which the sounds may be reproduced but does not include any sound-track of a film;

“supply”, in relation to a publication, includes —

- (a) supply not only in its physical form but also by means of the electronic transmission of the contents of the publication;
- (b) supply by way of hire, exchange or loan; or
- (c) in the case of a publication comprising a tape, disc, article or thing on which is recorded or stored any information for immediate or future retrieval by the use of any computer or other electronic device, transferring or reproducing or enabling another to transfer or reproduce by electronic transmission the whole or part of the contents of the publication onto another such tape, disc, article or thing for immediate or future retrieval.

[9/98]

Meaning of obscene

3. For the purposes of this Act, a publication is obscene if its effect or (where the publication comprises 2 or more distinct parts or items) the effect of any one of its parts or items is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

[2A
[9/98]

Meaning of objectionable

4.—(1) For the purposes of this Act, a publication is objectionable if, in the opinion of any controller, it or (where the publication comprises 2 or more distinct parts or items) any one of its parts or items describes, depicts, expresses or otherwise deals with —

- (a) matters such as sex, horror, crime, cruelty, violence or the consumption of drugs or other intoxicating substances in such a manner that the availability of the publication is likely to be injurious to the public good; or
- (b) matters of race or religion in such a manner that the availability of the publication is likely to cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups.

[2B
[9/98]

(2) In determining for the purposes of this Act whether or not any publication is objectionable, the following matters shall be considered:

- (a) the extent and degree to which, and the manner in which, the publication —
 - (i) describes, depicts or otherwise deals with acts of torture, the infliction of serious physical harm, sexual conduct or violence or coercion in association with sexual conduct;
 - (ii) exploits the nudity of persons or children or both;
 - (iii) promotes or encourages criminal acts or acts of terrorism;
 - (iv) represents, directly or indirectly, that members of any particular community or group are inherently inferior to other members of the public or of any other community or group;
- (b) the impact of the medium in which the publication is presented;
- (c) the character of the publication, including any merit, value or importance that the publication has in relation to literary, artistic, social, cultural, educational, scientific or other matters;
- (d) the standards of morality, decency and propriety that are generally accepted by reasonable members of the community; and
- (e) the persons, classes of persons or age groups of the persons to whom the publication is intended or is likely to be made available.

[9/98]

(3) The question whether or not a publication is objectionable is a matter for the expert judgment of any person authorised or required by or pursuant to this Act to determine it, and evidence as to or proof of any of the matters or particulars that the person is required to consider in determining that question is not essential to its determination except that if such evidence or proof of such matters or particulars is available, that person shall take that evidence or proof into consideration.