

**Human Organ Transplant (Amendment) Act 2008
(No. 2 of 2008)**

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The following Act was passed by Parliament on 21st January 2008 and assented to by the President on 6th February 2008:—

HUMAN ORGAN TRANSPLANT (AMENDMENT) ACT 2008

(No. 2 of 2008)

I assent.

S R NATHAN
President
6th February 2008.

Date of Commencement: 28th May 2008 (Section 4)

Date of Commencement: 1st August 2008 (Sections 2, 3, 5 to 8)

An Act to amend the Human Organ Transplant Act (Chapter 131A of the 2005 Revised Edition) and to make a related amendment to the Private Hospitals and Medical Clinics Act (Chapter 248 of the 1999 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 Human Organ Transplant (Amendment) Act 2008 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 5

2. Section 5(2) of the Human Organ Transplant Act (referred to in this Act as the principal Act) is amended —

- (a) by inserting, at the end of paragraph (d), the word “or”;
- (b) by deleting the word “; or” at the end of paragraph (e) and substituting a full-stop; and
- (c) by deleting paragraph (f).

Amendment of section 12

3. Section 12 of the principal Act is amended —

- (a) by deleting the words “Subject to subsection (2), in” in subsection (1) and substituting the word “In”; and
- (b) by deleting subsection (2).

New Part IVB

4. The principal Act is amended by inserting, immediately after section 15D, the following Part:

“PART IVB

ENFORCEMENT

Interpretation of this Part

15E. In this Part, “record” includes the medical record of any person.

Appointment of inspectors

15F.—(1) The Director may appoint one or more persons as inspectors to investigate the commission of any offence under this Act.

(2) Every inspector —

- (a) shall be furnished with such identification card as the Director may direct to be carried by inspectors; and
- (b) shall, when exercising any powers under this Part, on demand, declare his office and produce such identification card to the person affected by the exercise of those powers.

(3) Every inspector appointed under subsection (1) shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

Power of entry, inspection, search, seizure, etc.

15G.—(1) For the purposes of investigating any offence under this Act, an inspector may —

- (a) require any person to furnish any information that is within that person’s knowledge and that the inspector reasonably believes may be required as evidence for the purposes of any proceedings in

respect of an offence under this Act;

- (b) by order in writing require any person to produce any document, record or thing that the inspector reasonably believes may be required as evidence for the purposes of any proceedings in respect of an offence under this Act;
- (c) without warrant, enter, inspect and search any premises that the inspector has reason to suspect are being used for or in connection with any offence under this Act;
- (d) inspect and make copies of or take extracts from, or require the person having the management or control of the premises being inspected to provide copies of or extracts from, any document or record that the inspector reasonably believes may be required as evidence for the purposes of any proceedings in respect of an offence under this Act;
- (e) take such photographs or video recording as the inspector thinks necessary of the premises being inspected or any part thereof, including any person, document, record or thing found on the premises;
- (f) search or cause to be searched any person found on the premises being inspected whom the inspector reasonably believes has possession or control of any document, record or thing that the inspector reasonably believes may be required as evidence for the purposes of any proceedings in respect of an offence under this Act;
- (g) seize and remove from the premises being inspected any document, record or thing that the inspector reasonably believes may be required as evidence for the purposes of any proceedings in respect of an offence under this Act; and
- (h) require any person found on the premises being inspected to render all reasonable and necessary assistance and co-operation to the inspector as are necessary to facilitate the inspector's exercise of his powers under this section.

(2) Any person who is required by an inspector under subsection (1)(a) or (b) to furnish any information or produce any document, record or thing shall be deemed to have complied with the requisition if he causes the information to be furnished or causes the document, record or thing to be produced instead of attending personally to furnish or to produce the same.

(3) If entry to any premises cannot be obtained under subsection (1)(c), an inspector may —

- (a) break open any outer or inner door or window leading to the premises;
- (b) forcibly enter such premises and every part thereof; or
- (c) remove by force any obstruction to such entry.

(4) No woman or girl may be searched under subsection (1)(f) except by a woman.

Power to examine and secure attendance

15H.—(1) An inspector may —

- (a) examine orally any person supposed to be acquainted with the facts and circumstances concerning an offence under this Act; and
- (b) by order in writing require the attendance before him of any person, being within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with the facts and circumstances concerning an offence under this Act and the person shall attend as so required.

(2) The person referred to in subsection (1)(a) shall be bound to state truly the facts and circumstances with which he is acquainted concerning an offence under this Act, except that he may decline to make with regard to any fact or circumstance, a statement which would have a tendency to expose him to a criminal charge, penalty or forfeiture.

(3) A statement made by any person under subsection (1)(a) —

- (a) shall be reduced to writing and read over to him; and
- (b) shall, after correction, be signed by him.

(4) If any person fails to attend as required by an order under subsection (1)(b), the inspector may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the order.

Powers of arrest

15I.—(1) An inspector authorised by the Director in that behalf may —