

# **Misuse of Drugs (Amendment) Bill**

## **Table of Contents**

**Bill No: 40/2005**

***Read the first time: 21st November 2005***

**Long Title**

**Enacting Formula**

- 1 Short title and commencement**
- 2 Amendment of section 2**
- 3 Amendment of section 3**
- 4 Repeal and re-enactment of section 16**
- 5 Amendment of section 17**
- 6 Amendment of section 31**
- 7 New section 32A**
- 8 Amendment of section 33A**
- 9 Amendment of section 34**
- 10 New Part IVA**
- 11 Amendment of section 58**
- 12 Amendment of First Schedule**
- 13 Amendment of Second Schedule**

## **14 Repeal and re-enactment of Fourth Schedule**

## **15 Miscellaneous amendments**

## **16 Consequential amendments to other written laws**

### **THE SCHEDULE Consequential amendments to other written laws**

#### **Explanatory Statement**

#### **Expenditure of Public Money**

### **Misuse of Drugs (Amendment) Bill**

#### **Bill No. 40/2005**

*Read the first time on 21st November 2005.*

An Act to amend the Misuse of Drugs Act (Chapter 185 of the 2001 Revised Edition) and to make consequential amendments to the Criminal Law (Temporary Provisions) Act (Chapter 67 of the 2000 Revised Edition) and the Registration of Criminals Act (Chapter 268 of the 1985 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 2005 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 by deleting the definition of “officer of the Bureau” and substituting the following definition:

““officer of the Bureau” means the Director or any person appointed under section 3 as a Deputy Director, an Assistant Director or an officer of the Central Narcotics Bureau;”.

### **Amendment of section 3**

3. Section 3 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) The Minister may appoint a Director of the Central Narcotics Bureau and such numbers of Deputy Directors, Assistant Directors and other officers as the Minister may think fit.”; and

(b) by deleting the words “the Deputy Director or an Assistant Director” in subsection (3) and substituting the words “any Deputy Director or Assistant Director”.

### **Repeal and re-enactment of section 16**

4. Section 16 of the principal Act is repealed and the following section substituted therefor:

#### **“Certificate of analyst, etc.**

**16.** A certificate purporting —

(a) to be signed by —

(i) an analyst employed by the Health Sciences Authority; or

(ii) such other person as the Minister may, by notification in the *Gazette*, appoint; and

(b) to relate to a controlled drug or controlled substance,

shall be admitted in evidence, in any proceedings for an offence under this Act, on its production by the prosecution without proof of signature and, until the contrary is proved, shall be proof of all matters contained therein.”.

### **Amendment of section 17**

5. Section 17 of the principal Act is amended —

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

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

“(ha) 113 grammes of ketamine; or”.

### **Amendment of section 31**

6. Section 31 of the principal Act is amended —

- (a) by deleting the words “this section” in subsection (3)(b) and substituting the words “subsection (4)(a) or (b)”; and
- (b) by deleting subsections (4) and (5) and substituting the following subsection:

“(4) A specimen of urine provided under this section shall be divided into 3 parts and dealt with, in such manner and in accordance with such procedure as may be prescribed, as follows:

- (a) a preliminary urine test shall be conducted on one part of the urine specimen; and
- (b) each of the remaining 2 parts of the urine specimen shall be marked and sealed and a urine test shall be conducted on each part by a different person, being either an analyst employed by the Health Sciences Authority or any person as the Minister may, by notification in the *Gazette*, appoint for such purpose.”.

### **New section 32A**

7. The principal Act is amended by inserting, immediately after section 32, the following section:

#### **“Officer of Bureau to be armed**

**32A.** Every officer of the Bureau shall be provided with such staves, arms, ammunition and other accoutrements as may be necessary for the effective discharge of his duties.”.

### **Amendment of section 33A**

8. Section 33A of the principal Act is amended by deleting subsection (5) and substituting the following subsection:

“(5) For the purposes of this section —

- (a) a conviction under section 8(b) by a court including a subordinate military court or the Military Court of Appeal constituted under the

Singapore Armed Forces Act at —

- (i) any time on or after 1st October 1992 but before the relevant date for the consumption of a controlled drug which, on the date of any subsequent conviction, is specified in the Fourth Schedule; or
- (ii) any time on or after the relevant date for the consumption of a specified drug,

shall be deemed to be a previous conviction for consumption of a specified drug under section 8(b);

- (b) a conviction under section 31(2) by a court including a subordinate military court or the Military Court of Appeal constituted under the Singapore Armed Forces Act at any time on or after 1st October 1992 shall be deemed to be a previous conviction for an offence of failure to provide a urine specimen under section 31(2);
- (c) “admission” means an admission under section 34(2) to an approved institution at —
  - (i) any time on or after 1st October 1992 but before the relevant date for the consumption of a controlled drug which, on the date of any subsequent conviction, is specified in the Fourth Schedule; or
  - (ii) any time on or after the relevant date for the consumption of a specified drug;
- (d) “relevant date” —
  - (i) in relation to a conviction or admission for consumption of diamorphine, morphine or opium, means 20th July 1998; and
  - (ii) in relation to a conviction or admission for consumption of any drug added to the Fourth Schedule after 20th July 1998, means the date on which the amendment to that Schedule for the inclusion of such drug commences.”.

### **Amendment of section 34**

**9.** Section 34 of the principal Act is amended —

- (a) by inserting, immediately after subsection (4), the following subsection: