

# **Smoking (Prohibition in Certain Places) Bill**

## **Table of Contents**

**Bill No: 8/1992**

***Read the first time: 15th January 1992***

**Long Title**

**Enacting Formula**

**1 Short title and commencement**

**2 Interpretation**

**3 Minister may prohibit smoking in specified places and vehicles**

**4 Powers of police and public health officers**

**5 Notices**

**6 Duties of managers or operators of specified places and vehicles**

**7 Composition of offences**

**8 Regulations**

**9 Forms**

**10 Exemption**

**11 Repeal and transitional**

**Explanatory Statement**

**Expenditure of Public Money**

## **Smoking (Prohibition in Certain Places) Bill**

### **Bill No. 8/1992**

*Read the first time on 15th January 1992.*

An Act to repeal and re-enact with amendments the Smoking (Prohibition In Certain Places) Act (Chapter 310 of the 1985 Revised Edition) and to prohibit smoking in specified places and vehicles, and to provide for matters connected therewith.

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 Smoking (Prohibition in Certain Places) Act 1992 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### **Interpretation**

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

“Commissioner” means the Commissioner of Public Health appointed under section 3 of the Environmental Public Health Act (Cap. 95), and includes a Deputy Commissioner of Public Health and an Assistant Commissioner of Public Health appointed under that section;

“manager” includes any owner, occupier, lessee or person who is responsible for the management of a specified building or is in charge or control thereof, and includes an assistant manager or supervisor or any person holding an appointment analogous to that of manager or assistant manager or supervisor;

“operator”, in relation to a specified vehicle, means any owner, ticket or tour conductor, driver, ticket inspector or person who is in charge or control of the specified vehicle;

“public health officer” has the same meaning as in the Environmental Public Health Act;

“public officer” includes any officer of any statutory body who is authorised in writing in that behalf by the Commissioner to carry out all or any of the powers conferred on a public officer by any of the provisions of this Act;

“public service vehicle” has the same meaning as in the Road Traffic Act (Cap.

276);

“smoking”, with its grammatical variations, means inhaling and expelling the smoke of tobacco or any other substance and includes the holding of any cigar, cigarette, pipe or any other form of tobacco product which is alight or emitting smoke;

“specified place” means any premises or building or part thereof specified in a notification made under section 3;

“specified vehicle” means any public service vehicle or part thereof specified in a notification made under section 3.

### **Minister may prohibit smoking in specified places and vehicles**

3.—(1) The Minister may, by notification in the *Gazette* and subject to such conditions as he may think fit, specify —

- (a) any premises or building or part thereof or class of premises or buildings or parts thereof to which members of the public or a section of the public have or ordinarily would have access whether on payment of a fee or otherwise; or
- (b) any public service vehicle or part thereof or a class of public service vehicles or parts thereof,

as being a place or places or a vehicle or vehicles in which smoking shall not be permitted either permanently or during such time or for such period or periods or under such circumstances as the Minister may prescribe.

(2) Any person who smokes in any specified place or specified vehicle in contravention of any notification made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

### **Powers of police and public health officers**

4.—(1) Any person reasonably suspected of having committed an offence under this Act may be arrested without warrant by any police officer or public health officer or by any public officer authorised in writing in that behalf by the Commissioner (referred to in this section as the authorised public officer) and produced before a Magistrate’s Court or a District Court.

(2) Notwithstanding any other written law, any police officer, public health officer or authorised public officer who, having effected an arrest in accordance with subsection (1), is satisfied as to the identity, name and place of residence of the person arrested, the officer may, instead of producing such person before a Court or to a police

station, serve upon such person a notice in such form as may be determined under section 9 requiring the person to attend at such Court, at such time and on such date as may be specified in the notice.

(3) For the purpose of satisfying himself as to the identity of the person arrested, the police officer, public health officer or authorised public officer may require such evidence of identity as he may consider necessary to be furnished by that person.

(4) A duplicate of the notice served under subsection (2) shall be prepared by the police officer, public health officer or authorised public officer, as the case may be, and produced by him to the Court if so required by the Court.

(5) Where an accused person appears before a Court in accordance with a notice served under subsection (2), the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (1).

(6) If a person upon whom a notice has been served under subsection (2) fails to appear before a Court in accordance with the notice, the Court may issue a warrant for the arrest of that person.

(7) Where a person arrested in pursuance of a warrant issued under subsection (6) is produced before a Court, the Court shall proceed as though he were produced before it under subsection (1) and shall, at the conclusion of such proceedings, call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served under subsection (2) and, if due cause is not shown, the Court may order him to pay a penalty not exceeding \$1,000 or may commit him to prison for a term not exceeding one month.

## Notices

**5.—**(1) The manager of every specified place and the operator of every specified vehicle —

- (a) shall cause to be displayed suitable and sufficient number of notices of an adequate size or sizes in conspicuous positions therein, stating to the effect that smoking is prohibited by law; and
- (b) shall, if so directed by the Commissioner, display such notices in such places, phrase them in such manner or cause them to be of such size, as the Commissioner may consider fit.

(2) The manager or operator may, subject to any direction that may be given by the Commissioner under subsection (1)(b), in addition to such notices, adopt any means, method or device as he may think fit for bringing such prohibition to the attention of members of the public in the specified place or passengers in a specified vehicle.