

LAWS AND REGULATIONS

COMMUNICATED IN COMPLIANCE WITH THE TERMS OF THE

CONVENTION FOR LIMITING THE MANUFACTURE
AND REGULATING THE DISTRIBUTION
OF NARCOTIC DRUGS OF 13 JULY 1931

AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946



FEDERATION OF MALAYA

E/NL.1948/81
15 March 1949

Note by the Secretary-General

In accordance with Article 21 of the Convention of 1931 for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to forward to the Members of the United Nations and to the other parties to the Convention the following text communicated by the Government of the United Kingdom.

Original: English

No. 201. PROCLAMATION No. 43.
OPIUM AND CHANDU PROCLAMATION.
A PROCLAMATION TO PROVIDE FOR THE
SUPPRESSION OF OPIUM SMOKING.

I, Deputy Chief Civil Affairs Officer, Singapore in exercise of the powers conferred upon me by Warrant under the Military Administration (Delegation of Powers) Proclamation do hereby Proclaim and Order:

- Short Title. 1. This Proclamation may be cited as the Opium and Chandu Proclamation.
- Chief Chandu Officer and Comptroller. 2. (1) The Comptroller shall be the Chief Chandu Officer under this Proclamation and shall have the superintendence of all matters relating to opium and chandu.
(2) The Comptroller may delegate to any officer of the Civil Affairs Service such of his powers as he thinks fit.
- Appointments and powers. 3. (1) Every person who has in his possession or under his control any opium or chandu or any opium pipe, lamp or opium cooking utensil shall within fourteen days from the commencement of this Proclamation surrender the same to a Chandu Officer, at any Customs Office or at any police station of the Civil Affairs Police.
(2) Compensation at such rates as may be fixed by the Comptroller will be paid in respect of any opium, chandu or opium pipe surrendered in accordance with the provisions of subsection (1) of this section.
- Surrender of opium, etc., by persons in possession. (3) Subject to the provisions of section 20 of this Proclamation any person who after the expiration of fourteen days from the commencement of this Proclamation has in his possession any opium or chandu shall be liable to imprisonment for a term not exceeding five years.
- Compensation. 4. (1) No person shall consume chandu.
(2) No person shall induce another to consume chandu.
(3) No person having the control or management of any land or building shall permit the consumption of chandu on such land or in such building.
(4) If any person shall consume chandu in any place in contravention of this section, the person having the control or management of such place shall, in the absence of proof to the contrary, be deemed to have permitted the consumption of chandu therein.
- Penalty. (5) Any person contravening the provisions of subsection (1) of this section shall be liable to imprisonment for such term, in any case where the Court is of opinion that the accused is an opium addict, as in the opinion of the Court will be of sufficient duration to enable the accused to overcome such addiction, and in any event not exceeding one year and any person contravening the provisions of subsections (2) or (3) shall be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.
(6) In this section and in section 5 "consume" means eat, chew, smoke, swallow or drink.
- Smoking etc. of chandu prohibited. 5. (1) Any person who
(a) Keeps or manages or acts or assists in the management of any premises wherein facilities are provided for the consumption of chandu in return for any remuneration, whether in money or otherwise; or
(b) being a tenant, lessee, occupier or the person in charge of any premises, knowingly permits such premises or any part thereof to be used as a place wherein facilities are provided for the consumption of chandu in return for any
- Penalties.
- Keeping premises for consumption of chandu for reward, an offence.

remuneration whether in money or otherwise; or
(c) being the owner of any premises, or the agent of such owner, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a place wherein facilities are provided for the consumption of any chandu in return for any remuneration, whether in money or otherwise, or is wilfully a party to the continued use of such premises or any part thereof as a place where facilities as aforesaid are provided;

shall be liable, for a first offence, to a fine not exceeding two thousand dollars, and for a second and subsequent offence, to a fine not exceeding five thousand dollars or to imprisonment of either description for a term not exceeding twelve months or to both such fine and imprisonment.

(2) For the purposes of this section "premises" include any house, shop, room, shed, vessel, vehicle or place.

(3) Notwithstanding anything contained in any contract or lease it shall be lawful for the owner of any premises or the agent of such owner to terminate forthwith the tenancy of any tenant, lessee or occupier of such premises who commits an offence against this section.

Prohibition of sale or purchase of opium and chandu.

6. (1) Subject to the exception specified in section 20 of this Proclamation no person shall

- (a) sell or offer for sale any opium or chandu; or
- (b) purchase or agree to purchase any opium or chandu; or
- (c) barter or exchange or agree or offer to barter or exchange any opium or chandu for any other goods.

Penalty.

(2) Any person offending against the provisions of this section shall be liable to imprisonment for a term not exceeding three years.

Prohibition of importation, exportation or possession of opium or chandu.

7. (1) Subject to the exceptions specified in sections 10 and 20, no person shall import into or export from Singapore or have in his possession for any purpose relating to any such importation or exportation, any opium or chandu.

(2) Any person who

- (a) imports, exports or has in his possession for any purpose relating to its importation or exportation, opium or chandu; or
- (b) aids, abets, procures or is interested or concerned in, or knowingly derives any profit from the importation or exportation of any opium or chandu;

shall be liable, for a first offence, to imprisonment of either description for a term not exceeding three years and may also in addition to such imprisonment be punished with a fine not exceeding ten thousand dollars or not exceeding ten times the value of the opium or chandu, if any, in respect of which the offence was committed, whichever is the greater, and for a second or subsequent offence, shall be liable to imprisonment for a term not exceeding five years and may also in addition to such imprisonment be punished with a fine not exceeding ten thousand dollars or twenty times the value of the opium or chandu, if any, in respect of which the offence was committed, whichever is the greater.

Penalty for concealing or being cognizant of concealing opium or chandu.

8. Any person who conceals any opium or chandu in any part of any vessel, or who, being cognizant of opium or chandu being concealed in any vessel, does not take the earliest opportunity of reporting the same to the master of such vessel, shall be liable to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Penalty if ship used for unlawful importation or exportation.

9. (1) If any ship is used for the importation or exportation of any opium or chandu contrary to this Proclamation or for the receipt or storage of any opium or chandu imported contrary

thereto the owner and master thereof shall each be liable to a fine not exceeding ten thousand dollars or six times the value of the opium or chandu whichever is the greater, unless it is proved to the satisfaction of the Court that the owner or master was not implicated in the placing or keeping of such opium or chandu on board the ship and that the offence in question was committed without his knowledge, consent or connivance, and the ship may be detained by order of the Court until security has been given for such sum as the Court orders, not exceeding ten thousand dollars.

(2) Except as provided by section 11 the finding of any opium or chandu on board any ship shall be *prima facie* evidence that the ship has been used for the importation or exportation of opium and chandu contrary to this Proclamation or for the receipt or storage of such opium or chandu imported contrary thereto.

(3) For the purposes of this section the expression "master" shall include every person, except a pilot, having command or charge of the ship.

Presumption as to importation.

10. (1) Opium and chandu found on board any vessel within the waters of Singapore shall be deemed to have been imported: provided that

(a) opium in original unbroken chests brought to a port in a steam vessel of more than one hundred tons burden shall not be deemed to have been imported if the master of such vessel has immediately upon the arrival of such vessel produced to the proper Chandu Officer the import certificate together with a duly authenticated copy of the export authorisation or of the diversion certificate, if any, issued in respect of such opium, and if such opium is not removed from such vessel;

(b) opium or chandu brought to a port in a steam vessel of more than one hundred tons burden and claimed by the master of such vessel as part of the sea stores of such vessel shall not be deemed to have been imported if the following conditions have been complied with

(i) the amount of such opium or chandu shall not be more than is reasonably required for use as sea stores of the vessel to the next port of call outside Singapore;

(ii) such opium or chandu shall during the whole period of the vessel's presence in port be kept in a place of safety under the sole custody and control of the master;

(iii) immediately upon the arrival of the vessel in port correct particulars of such opium or chandu shall be given by the master to the proper Chandu Officer;

(iv) the Comptroller, the Officer Commanding the Civil Affairs Police or any person authorised in writing either generally or in any particular instance by them or any of them shall be permitted to inspect such opium or chandu at any time and to place seals thereon;

(v) no portion of such opium or chandu shall be made use of within the waters of Singapore.

Presumption as to exportation.

(2) Opium or chandu shall not be deemed to be or to have been exported

(a) when such opium having been brought to a port in a steam vessel of more than one hundred tons burden and being accompanied by the import certificate together with a duly authenticated copy of the export authorisation or of the diversion certificate, if any, issued in respect thereof is

not landed or trans-shipped and is taken from such port under the said documents in the same vessel in which it was brought;

(b) when such opium or chandu has been lawfully brought in as sea stores as provided in subsection (1).

Powers of arrest.

11. (1) Any Chandu Officer may arrest without warrant
(a) any person found committing or attempting to commit or employing or aiding any person to commit an offence against this Proclamation;

(b) any person against whom a reasonable suspicion exists that he has been guilty of an offence against this Proclamation;

(c) any person who obstructs a Chandu Officer while in the execution of his duty; and may search any person so arrested, provided that no female shall be searched except by a female.

(2) Every person so arrested shall, together with any article as to which an offence may have been committed or attempted to be committed, be taken to a police station.

(3) If any person liable to arrest under this Proclamation is not arrested at the time of committing the offence for which he is so liable, or after arrest makes his escape, he may at any time afterwards be arrested and be dealt with as if he had been arrested at the time of committing such offence.

Obstruction,
refusal to give
information, and giving
of false
information.

12. (1) Any person who
(a) refuses any Chandu Officer access to any place or vessel;

(b) otherwise obstructs or hinders any officer in effecting any entrance which he is entitled to effect under this Proclamation or any rule made thereunder, or in making any inspection or search authorised by this Proclamation or by any such rule, or in the execution of any duty imposed or power conferred by this Proclamation or by any such rule; or
(c) refuses or neglects to give information which is reasonably required of him and which he has it in his power to give;

shall be liable to a fine not exceeding two thousand dollars.

(2) Any person who furnishes to a Chandu Officer as true information which he knows or has reason to believe to be false shall be guilty of an offence against this Proclamation.

Penalty for
offering or
receiving bribes, etc.

13. If any Chandu Officer shall make any collusive seizure or deliver up or make any agreement to deliver up and not to seize any vessel or conveyance or any opium or chandu liable to seizure, or shall accept, agree to accept or attempt to obtain any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, every such officer shall be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment, and every person who shall give or offer or promise to give or procure to be given any bribe, gratuity, recompense or reward to, or shall make any collusive agreement with any such officer to induce him in any way to neglect his duty or to do or conceal or connive at any act whereby any of the provisions of this Proclamation may be evaded shall be guilty as an abettor and punishable as hereinafter provided.

General
penalty.

14. Every omission or neglect to comply with, and every act done or attempted to be done contrary to the provisions of this Proclamation or of any rule made thereunder, and every act done in Singapore to aid, abet, counsel or procure the commission in any place outside Singapore of any offence punishable under the provisions of any corresponding law in force in that place, and every act preparatory to, or in furtherance of, any act (wherever to be committed) which if committed in Singapore would

constitute an offence against this Proclamation and every abetment of any such omission, neglect, act or attempt shall be deemed to be an offence against this Proclamation, and for every such offence not otherwise specially provided for the offender shall, in addition to any forfeiture of the articles seized as hereinafter provided, be liable, for a first offence, to a fine not exceeding two thousand dollars, and for a second or subsequent offence, to a fine not exceeding two thousand dollars or to imprisonment for twelve months, or to both such fine and imprisonment.

Attempts and
abetment.

15. Whoever attempts to commit any offence punishable under this Proclamation or abets the commission of such offence shall be liable to the punishment provided for such offence.

Powers of District
Court.

16. A District Court shall notwithstanding anything in the Military Courts Proclamation contained have power to try any offence against this Proclamation or any rule made thereunder committed within the District in which such District Court has jurisdiction and shall have power to impose any penalty provided by this Proclamation or by such rule.

Forfeitures.

17. (1) All opium and chandu in respect of which any offence under this Proclamation or any breach of any rule made thereunder has been or is being committed, together with the utensils, vessels, packages, vehicles and conveyances in which the same may be found or which may have been used in connection with such offence or breach, may be seized by any Chandu Officer and, if seized, may be forfeited by order of the District Court having jurisdiction in the District in which the same was seized, provided that no order of forfeiture of any vessel shall be made if such vessel exceeds one hundred tons burden.

(2) All opium and chandu, together with the utensils, vessels, packages, vehicles and conveyances containing the same, which may be found without an apparent owner and for which no owner may appear after such notice given as may seem fit to the District Court having jurisdiction in the District in which the same was found shall be forfeited.

(3) The forfeiture of any vessel under this Proclamation includes the forfeiture of her tackle, apparel and furniture, and the forfeiture of any conveyance includes the forfeiture of any animals by which the same may be drawn.

Possession.

18. When in this Proclamation possession of anything constitutes an offence such possession shall include any custody or control of such thing and it shall not be necessary to prove that the person in possession of such thing was the owner of such thing or was aware of the nature, quality or contents of such thing:

Provided that:

- (i) no person shall be convicted of an offence under this Proclamation solely because he was in possession of any thing if that person proves to the satisfaction of the Court that he was not aware of the nature, quality or contents of such thing and that he came into possession and continued in possession of such thing in such circumstances as to have no reasonable cause to know or to suspect the nature, quality or contents of such thing;
- (ii) If the possession alleged against the person charged is possession by a servant or agent of the person charged particulars of such possession must be included in the charge;
- (iii) no person in possession of any thing as the result of exercising any powers conferred or executing any duty imposed upon him by this Proclamation shall be guilty of any offence by reason only of such possession.

Power to Senior Civil Affairs Officer (Medical) to authorise possession of opium or chandu in certain cases.

Importation, exportation and possession of opium or chandu not an offence in certain cases.

Actions of officer no offence.

Rules.

19. The Senior Civil Affairs Officer (Medical) or any Medical Officer of the Civil Affairs Service appointed by him for the purpose, if he considers that it is necessary on medical grounds for any person to possess and use opium or chandu, may authorise in writing, subject to such conditions as he may see fit to impose, the possession of opium or chandu to a specified amount by such person.

20. Nothing in this Proclamation shall be deemed to prevent (a) any medical officer of His Majesty's Forces who is on duty in Singapore from importing or exporting opium or chandu or from possessing or using the same in the course of his duty;

(b) the surgeon of any ship, or, in the case of a ship which carries no surgeon, the master of such ship from importing or exporting opium or chandu in quantities not in excess of the reasonable medical requirements of the ship, or from possessing or using the same in the course of his duty;

(c) any person appointed to perform any duty under the control or supervision of a medical officer of His Majesty's Forces, from possessing or using any opium or chandu under the directions of such medical officer and in the course of such duty;

(d) any person to whom any opium or chandu has been issued for medical reasons by or under the directions of any medical officer of His Majesty's Forces, from possessing or using the same for the purposes and in the manner directed by such medical officer.

(e) any officer or member of the crew of any ship to whom any opium or chandu has been issued for medical reasons by the surgeon of such ship, or in the case of a ship which carries no surgeon, by the master of such ship, from possessing or using such opium or chandu in reasonable quantity for the purposes and in the manner directed by such surgeon or master;

(f) any person authorised under section 19 of this Proclamation to possess and use any opium or chandu, from possessing or using the same subject to the conditions, if any, under which he shall have been so authorised;

(g) any qualified medical practitioner, veterinary surgeon or chemist from possessing or using opium in the exercise of his profession;

(h) any chemist from selling opium prepared by him in accordance with a prescription signed by a registered medical practitioner or by a veterinary surgeon in the exercise of his profession.

21. Nothing done by any officer of the Civil Affairs Service in the course of his duties shall be deemed to be an offence against this Proclamation.

22. (1) The Comptroller may from time to time with the approval of the Deputy Chief Civil Affairs Officer make rules generally to give effect to the provisions of this Proclamation.

(2) Without prejudice to the generality of the foregoing the Comptroller may

(i) prescribe powers to be exercisable by Chandu Officers for any of the following purposes

the arrest and search of persons;

the search of premises;

the examination and detention of goods and baggage;

the examination of vehicles; and

the boarding of vessels and taking possession of opium and chandu found therein; and

- (ii) provide for the disposal of forfeited articles, the taking of photographs and finger impressions of arrested persons, the admissibility of certificates in evidence, the protection of informers from discovery, and for imprisonment in default of payment of fines.

Interpretation.

23. In this Proclamation and in any rule or order made thereunder unless the context otherwise requires

"chandu" means the product of opium or any preparation in which opium forms an ingredient obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation designed to transform it into an extract suitable for consumption and includes chandu dross and re-prepared chandu dross but does not include

(a) any of the alkaloids or salts of the alkaloids of opium, or

(b) opium or any preparation in which opium forms a part which is used or intended to be used by a chemist only in the preparation of a prescription signed by a duly qualified medical practitioner or veterinary surgeon in the exercise of his profession;

"chandu dross" means the refuse of chandu which has been used for smoking;

"Chandu Officer" means

(a) the Comptroller of Customs, any Deputy Comptroller of Customs, any Assistant Comptroller of Customs, any Senior Customs Officer or Customs Officers acting as such under the authority of the British Military Administration;

(b) the Officer Commanding Civil Affairs Police and any Officer of the Civil Affairs Police not below the rank of Inspector; or

(c) any Out-door Officer;

"Chief Chandu Officer" means the officer appointed as such under the provisions of section 2;

"chemist" means a chemist and druggist holding a certificate of competent skill and knowledge granted by the Council of King Edward VII College of Medicine, Singapore, or by such legally constituted pharmaceutical authorities of any country as the Senior Civil Affairs Officer (Medical) may approve:

Provided that no certificate shall be deemed sufficient which has been granted to the holder without examination, or which he has obtained without first having received a systematic training as a chemist and druggist;

"Comptroller" means the Staff Officer of the British Military Administration appointed to be or authorised to exercise the powers of Comptroller of Customs and Excise, and Deputy Comptroller of Customs and Assistant Comptroller of Customs have corresponding meanings;

"corresponding law" means any law stated in a certificate purporting to be issued by or on behalf of the Government of any place outside Singapore to be a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of opium in accordance with the provisions of the International Opium Convention signed at the Hague on the 23rd day of January, 1912, or of the International Opium Convention signed at Geneva on the 19th day of February, 1925; and any statement in any such certificate as to the effect of the law mentioned in the certificate or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive, and any such certificate shall be admitted in evidence upon production by or on behalf of the Comptroller

in any Proceeding;

"Customs Officer" and "Senior Customs Officer" mean persons acting as such under the authority of the British Military Administration;

"diversion certificate" means a certificate issued by the Government of any country to which opium originally exported under an export authorisation is brought in course of transit to another country authorising such opium to be diverted to a destination other than that named in the export authorisation and containing all the particulars which are required to be included in an export authorisation together with the name of the country from which such opium was originally exported;

"export authorisation" means a document issued by the Government of any country authorising the exportation of a specific quantity of opium from such country and containing the following particulars:

- (i) the quantity of opium authorised to be exported;
- (ii) the name and address of the exporter;
- (iii) the period within which the exportation must be effected;
- (iv) the number and date of an import certificate issued by the Government of the country into which the opium is to be imported authorising the importation;
- (v) the proper description of the authority by whom the import certificate was issued; and
- (vi) the name and address of the importer;

"import certificate" means a certificate issued by the Government of any country authorising a named person to import into such country a specific quantity of opium;

"opium" means the spontaneously coagulated juice obtained from the capsules of the papaver somniferum which has only been submitted to the necessary manipulations for packing and transport, and includes the leaves or wrappings in which opium balls have been wrapped;

"Out-door Officer" includes any Officer of Customs below the rank of Customs Officer and any police officer of the Civil Affairs Police below the rank of Inspector and any police constable of the Civil Affairs Police;

"re-prepared chandu dross" means chandu dross which has been subjected to any process or mixed with water or any other substance in order to render it suitable for smoking or eating;

"steam vessel" includes any vessel propelled by steam, electricity or other mechanical power;

"vessel" includes any ship or boat or any other description of vessel used in navigation or for the carriage or storage of goods;

"veterinary surgeon" means a person who holds the diploma of membership of the Royal College of Veterinary Surgeons of England, and includes a person holding any such diploma granted by a school of veterinary science as the Senior Civil Affairs Officer (Medical) may approve.

24. The provisions of this Proclamation supersede the Chandu Revenue Ordinance and all rules made thereunder.

Dated this 30th day of January, 1946.

Brigadier,
Deputy Chief Civil Affairs Officer,
Singapore.

[No. B.M.A. 305/45].

Certain laws
superseded.

PART II

No. 205. THE OPIUM AND CHANDU PROCLAMATION OPIUM AND CHANDU RULES.

S. O. I. (Customs) by virtue of section 3 of the Interpretation Proclamation and in exercise of the powers conferred upon the Comptroller of Customs by section 22 of the Opium and Chandu Proclamation, and with the approval of the Deputy Chief Civil Affairs Officer, hereby makes the following Rules:

PART I. PRELIMINARY

Short title.
Interpretation.

1. These Rules may be cited as the Opium and Chandu Rules.
2. In these Rules the expression "the Proclamation" means the Opium and Chandu Proclamation.

PART II. SEARCH

Search of persons
landing and leaving.

3. (1) Any person landing or being about to land or having recently landed from any vessel or leaving any vessel in the waters of Singapore, whether for the purpose of landing or otherwise, or entering or having recently entered Singapore by land, sea or air, or being about to leave Singapore by land, sea or air, shall

(a) on demand by any Out-door Officer, either permit his person, goods and baggage to be searched by such officer or together with such goods and baggage accompany such officer to a police station or Customs Office and there permit his person, goods and baggage to be searched by any Out-door Officer in the presence and under the supervision of an officer of Customs not below the rank of Customs Officer or an officer of Police not below the rank of Inspector;

(b) on demand by any officer of Customs not below the rank of Customs Officer or any officer of Police not below the rank of Inspector, permit his person, goods and baggage to be searched by such officer or by some other Out-door Officer in the presence and under the supervision of such Officers:

Provided always that

- (i) any person who claims that his person be searched in the presence of a European officer shall not be searched except in the presence and under the supervision of such officer, but may be detained until the arrival of such officer or taken to any police station or other place where such officer may be found;
- (ii) the goods and baggage of any person who claims to be present when they are searched shall not be searched except in his presence;
- (iii) no female shall be searched except by a female.

(2) Any person who refuses to comply with any lawful demand under this Rule may be arrested without warrant by the officer making the demand.

Examination of
articles landed
from vessels.

4. Any box, chest, package or other article which is being landed or has been recently landed from any vessel, or which is in or upon any vessel (not being or having the status of a ship of war), islet, landing-place or wharf, or which is being removed from any such vessel, islet, landing-place or wharf, or which is being brought into or has recently been brought into Singapore by land, sea or air, or is about to be taken out of Singapore by land, sea or air

(a) may be examined and searched by any Out-door Officer, and may be detained until any person in charge or possession

thereof has opened the same to admit of such examination and search, and in default of such opening may be removed by such officer to a police station or to an examination station;

(b) may be broken open by the orders of the Comptroller to facilitate such examination and search:

Provided that any person in charge or possession of such box, chest, package or other article shall be afforded every reasonable facility for being present at such breaking open, examination and search.

Ingress to buildings
etc.

5. (1) If any Chandu Officer, other than an Out-door Officer, acting under section 11 of the Proclamation has reason to believe that any person to be arrested has entered into or is within any building or place, the person residing in or in charge of such building or place shall, on demand by such Chandu Officer, allow him free ingress thereto and afford all reasonable facilities for search therein.

(2) If ingress to such place cannot be obtained under paragraph 1, it shall be lawful for such Chandu Officer to enter such building or place and search therein, and in order to effect an entrance into such building or place to break open any outer or inner door or window thereof, if after notification of his authority and purpose and demand for admittance he cannot otherwise obtain admittance.

Power to stop
conveyances.

6. Any Chandu Officer may upon reasonable suspicion stop and examine any conveyance for the purpose of ascertaining whether any opium or chandu is contained therein, and all persons owning or being in charge of such conveyances who refuse to stop or allow such examination when required so to do, shall be guilty of an offence against the Proclamation.

Search Warrants.

7. (1) Whenever it appears to the Presiding Officer of a District Court that there is probable cause to believe that in any dwelling house, shop or other building or place, or on board any vessel (not being or having the status of a ship of war) within the waters of Singapore, is concealed or deposited any opium, chandu or other article subject to forfeiture under the Proclamation or as to which an offence under the Proclamation has been committed, or any book or document directly or indirectly relating to or connected with any transaction or dealing which constitutes, or any intended transaction or dealing which would if carried out constitute, an offence against the Proclamation or, in the case of a transaction or dealing carried out or intended to be carried out in any place outside Singapore, an offence against the provisions of any corresponding law in force in that place, such Presiding Officer may, by his warrant directed to any Chandu Officer, empower such officer by day or by night

(a) to enter such dwelling house, shop or other building or place, or to go on board such vessel, and there to search for and take possession of any such opium, chandu or other article, and

(b) to arrest any person or persons in such dwelling house, shop or other building or place or vessel, in whose possession such opium, chandu or other article is found, or whom such officer reasonably suspects to have concealed or deposited such opium, chandu or other articles, and

(c) to search for, seize and detain any such book or document found in such dwelling house, shop or other building or place or vessel.

(2) The officer so empowered may, if it is necessary so to do,

(a) break open any outer or inner door of such dwelling house, shop or other building or place and enter thereinto;

(b) forcibly enter such dwelling house, shop or other

Officers
may break
doors,
forcibly
enter and detain persons.

building or place and every part thereof;

(c) remove by force any obstruction to such entry, search, seizure and removal as he is empowered to effect;

(d) detain every person found in such dwelling house, shop or other building or place or on board such vessel until the search has been completed.

Search by
Comptroller or
Officer-in-Charge
Civil Affairs Police
Force.

8. Whenever it appears to the Comptroller or to the Officer Commanding Civil Affairs Police Force that there is reasonable cause to believe that in any dwelling house, shop or other building or place or on board any vessel (not having the status of a ship of war) within the waters of Singapore there is concealed or deposited any opium or chandu or other article subject to forfeiture under the Proclamation or as to which an offence under the Proclamation has been committed, or any book or document directly or indirectly relating to or connected with any transaction or dealing which constitutes, or any intended transaction or dealing which would if carried out constitute an offence against the Proclamation, or in the case of a transaction or dealing carried out or intended to be carried out in any place outside Singapore, an offence against the provisions of any corresponding law in force in that place, and he has good grounds for believing that by reason of the delay in obtaining a search warrant the opium, chandu or other article or book or document is likely to be removed, he may exercise in, upon and in respect of such dwelling house, shop or other building or place or vessel all the powers in Rule 7 mentioned in as full and ample a manner as if he were empowered to do so by warrant issued under the said Rule.

Boarding vessels.

9. Any Chandu Officer may board any vessel not being or having the status of a ship of war, and remain on board as long as such vessel remains within the waters of Singapore.

Comptroller and
Officer Commanding
Civil Affairs Police
Force to exercise
powers given by Rule 7.

10. The Comptroller or the Officer Commanding Civil Affairs Police Force may exercise in, upon and in respect of any vessel, landing-place, wharf or railway, all the powers in Rule 7 mentioned in as full and ample a manner as if he was empowered to do so by warrant issued under the said Rule, and may take possession of opium or chandu claimed by the master of any vessel to be the sea stores of any vessel or of any person thereon which appear to him to be in excess of the amount reasonably required as such sea stores and may remove the same to a police station.

PART III. FORFEITURES

Disposal of forfeited
opium, chandu, etc.

11. (1) All opium, chandu or other thing whatsoever forfeited under the Proclamation shall be delivered to the Comptroller or to some person authorised by him to receive the same, who shall thereupon cause it to be destroyed, provided that the Comptroller may, where it seems to him equitable so to do, sell or dispose of to any person subject to such conditions as to payment or otherwise as he may direct, or restore to the owner the whole or any part of any thing forfeited under the Proclamation other than opium or chandu and provided further that the Comptroller may deliver the whole or part of any opium or chandu so forfeited to the Senior Civil Affairs Officer (Medical) or to any person authorised by such officer to receive the same.

(2) The proceeds of any sale under this Rule shall be paid to the treasury of the British Military Administration.

PART IV. MISCELLANEOUS

Photographs and
finger impressions.

12. (1) The Comptroller or the Officer Commanding the Civil Affairs Police may take or cause to be taken photographs and finger impressions of any person lawfully arrested under the Proclamation, but if such person is subsequently discharged or

acquitted all negatives and prints of photographs and finger impressions relating to such person shall be destroyed or handed to him.

(2) Any Court by which a person is convicted of an offence against the Proclamation and sentenced to pay a fine may order that a photograph of such person be taken by a police officer, and that the finger impressions of such person be taken by a police officer in the presence of such officer of the Court as is specified in the order.

(3) A statement in any certificate purporting to be signed by the officer having the custody of the records of any Court and sealed with the seal of such Court that a person named therein has been convicted by such Court of an offence against the Proclamation or against any written law relating to opium or chandu, and that the finger impressions which appear on such certificate are those of the persons so convicted, shall be evidence of the facts so stated.

Imprisonment on non-payment of fines.

13. Notwithstanding anything contained in Rule 15 (5) of the Military Courts Procedure Rules the period of imprisonment imposed by any Court in respect of the non-payment of any fine under the Proclamation, or in respect of the default of a sufficient distress to satisfy any such fine, shall be such period of such description, simple or rigorous, as in the opinion of the Court will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the following scale:

<i>Where the fine:</i>	<i>The period may extend to:</i>
Does not exceed twenty-five dollars ...	two months
Exceeds twenty-five dollars, but does not exceed fifty dollars	four months
Exceeds fifty dollars, but does not exceed one hundred dollars	six months

with an additional four months for every hundred dollars after the first one hundred dollars of the fine until a maximum period of two years is reached:

Provided that

(a) if before the expiration of such period of imprisonment such a proportion of the fine is paid or levied as is not less than proportional to the unexpired portion of such period, the imprisonment shall terminate;

(b) where a person is sentenced to both fine and imprisonment and the fine not being paid is commuted into imprisonment, such imprisonment shall be in addition to the imprisonment ordered by the original sentence.

Protection of informers from discovery.

14. (1) Except as hereinafter mentioned, no witness in any proceedings shall be obliged or permitted to disclose the name or address of any informer or the substance of the information received from him or to state any matter which might lead to his discovery.

(2) If any books, documents or papers which are in evidence or liable to inspection in any proceeding whatsoever contain any entry in which any informer is named or described or which might lead to his discovery, the Court shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery but no further.

(3) If on the trial for any offence against the Proclamation or any rule made thereunder the Court after full enquiry into the case believes that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceeding the Court is of opinion that justice cannot be fully done

between the parties thereto without the discovery of the informer it shall be lawful for the Court to require the production of the original complaint if in writing, and permit enquiry and require full disclosure concerning the informer.

Certificate of
chemist.

15. In any proceedings under the Proclamation or any rule made thereunder a certificate signed by a chemist that any substance has been analysed by him or by his directions and is or is not opium or chandu may be given in evidence and shall be conclusive evidence of the facts so certified and neither such chemist nor any other person who shall have made the analysis shall be cross-examined with regard to the contents of such certificate.

Proportional analysis
to be accepted by Court.

16. When any substance suspected to be opium or chandu has been seized and such substance is contained in a number of receptacles it shall be sufficient to analyse samples of the contents of a number not less than ten per centum of such receptacles, and when this has been done the Court shall in any proceedings presume, unless the contrary is proved, that the contents of all receptacles were of the same nature and description as the samples so taken, and if such analysis establishes that such samples consisted of opium or chandu the Court shall presume that the contents of all the receptacles consisted of opium or chandu.

[No. B.M.A. 305/45]