



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

SINGAPORE

Communicated by the Government of the United Kingdom of Great Britain and Northern Ireland

NOTE BY THE SECRETARY-GENERAL -- In accordance with Article 21 of the Convention of 13 July 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 communicate the following legislative text.

COLONY OF SINGAPORE.

No. 29 of 1954.

I assent,

J. F. NICOLL,

Governor and Commander-in-Chief.
29th November, 1954.

LS

An Ordinance to establish Opium Treatment Centres and to make temporary amendments to the Dangerous Drugs Ordinance, 1951 (No. 7 of 1951).

It is hereby enacted by the Governor of the Colony of Singapore with the advice and consent of the Legislative Council thereof as follows:—

1.—(1) This Ordinance may be cited as the Dangerous Drugs (Temporary Provisions) Ordinance, 1954, and shall come into force on such date as the Governor may by notification in the Gazette appoint.

(2) This Ordinance shall continue in force for a period of one year from the date of commencement:

Provided that the Governor may by notification in the Gazette extend such period from time to time as he shall think fit.

(3) During the continuance in force of this Ordinance the Dangerous Drugs Ordinance, 1951 (hereinafter in this Ordinance called the principal Ordinance) shall have effect with the modifications and alterations hereinafter contained in this Ordinance.

2. The principal Ordinance is hereby amended by inserting after the definition of "offence under this Ordinance" in section 2 the following new definition:—

" 'Opium Treatment Centre' means an institution established by the Governor for the purpose of providing

treatment for persons who have smoked or otherwise consumed prepared opium and who either have been ordered to be detained or have voluntarily submitted to treatment at such institution in accordance with the provisions of section 10 of this Ordinance;".

3. Section 9 of the principal Ordinance is amended by adding the following new subsection (3) after subsection (2) thereof:—

"(3) Nothing in this section shall render any person liable to be punished under this section where he is proved to the satisfaction of the Court to have been in possession of prepared opium solely for the purpose of his own immediate personal consumption and in any such case it shall be lawful on conviction for the Court to deal with the offender under subsection (3) of section 10 of this Ordinance as if he had been convicted of an offence under subsection (2) of that section."

4. Section 10 of the principal Ordinance is hereby amended:—

(i) by deleting from subsection (2) all the words following the word "Ordinance" occurring in the eleventh line thereof;

(ii) by adding after subsection (2) the following new subsections (3), (4), (5), (6), (7), (8) and (9):—

(3) The Court by which any person is first convicted after the appointed day of an offence under subsection (2) of this section shall make an order for such person to be remanded for such period as the Court deems fit for the purposes of an examination and report by the Opium Treatment Centres Advisory Committee constituted under section 10B of this Ordinance (hereinafter referred to as "the Committee") as to the

Amendment of section 9.

Amendment of section 10.

"Remand for examination and report.

Short title and commencement.

Proviso.

Modification of Dangerous Drugs Ordinance, 1951.

Amendment of section 2.

state of his health, character and environment with particular reference to the extent of his addiction to opium and the prospect of his overcoming or being assisted to overcome such addiction and whether in the Committee's opinion a period of treatment at an Opium Treatment Centre (hereinafter in this Ordinance referred to as a "Centre") will be likely to contribute to his moral and physical reformation and rehabilitation. After considering the report upon such person and such other representations as may be made to it by or on behalf of the Committee the Court shall either order him to be detained at a Centre for a period of not less than three months nor more than one year from the date of such order or sentence him to imprisonment for a term of three months. Upon a second or subsequent conviction for such offence he shall be sentenced to imprisonment for a term of one year and shall in addition be liable to a fine not exceeding two thousand dollars.

(4) For the purposes of the immediately preceding subsection any conviction for an offence under this Ordinance prior to the appointed day shall be disregarded.

(5) The expression "appointed day" in this Ordinance means such date as shall be notified by the Governor in the Gazette.

(6) Nothing in this section shall render liable to prosecution for an offence under subsection (2) of this section any person who volunteers to undergo a course of treatment at a Centre and no statement made by any person shall be admissible in evidence against him in any subsequent prosecution where such statement has been made by him for the purpose of undergoing such treatment as aforesaid:

Provided that this subsection shall not apply to any person who has been brought before a Court in consequence of an entry or search made under this Ordinance by any police or revenue officer.

(7) Any person who has smoked or otherwise consumed prepared opium may volunteer to undergo a course of treatment for a minimum period of three months at a Centre by reporting such willingness at a Police Station or a Public Hospital or to the Superintendent of a Centre or to the Secretary for Social Welfare.

(8) The Superintendent of a Centre may, on the recommendation of

the Committee, admit any person who volunteers to undergo treatment at such Centre and require him to make a deposit or enter into a bond with or without sureties for the payment of such contributions as may be authorised by the Governor under section 10B of this Ordinance and the amount payable under such bond shall be recoverable as a debt due to the Crown under the Crown Suits Ordinance notwithstanding the failure of such person to remain at the Centre for the minimum period of three months from the date of his admission:

Provided that nothing in this section shall prevent such person from leaving the Centre if he so desires at any time during the said period of three months.

(9) A first conviction after the appointed day of a person for an offence under subsection (2) hereof shall be deemed not to be a conviction for any purpose other than the purposes of proceedings under this Ordinance and shall without prejudice to the foregoing provisions be disregarded for the purposes of any written law which imposes any disqualification or disability upon convicted persons:

Provided that this sub-section shall not apply in the case of persons who have been sentenced to imprisonment on a first conviction for an offence under subsection (2) in lieu of detention at a Centre as provided in subsection (3) hereof."

5. The principal Ordinance is amended by adding the following new sections 10A, 10B, 10C and 10D immediately after section 10 thereof:—

10A. The Court may either on its own motion or upon application either by the prosecution or the defence make an order requiring any person accused of an offence under subsection (2) of section 9 or under subsection (2) of section 10 of this Ordinance to be examined by a Medical Officer of an Opium Treatment Centre. Any certificate purporting to be made under the hand of such Medical Officer relating to such examination may be admitted as prima facie evidence of the facts stated therein.

10B.—(1) The Governor may establish Opium Treatment Centres at such places in the Colony as he thinks proper.

(2) The Governor may appoint Superintendents, medical, rehabilitation and other officers for the management of such Opium Treatment Centres.

Cap. 43.

Effect of first conviction after appointed day.

New sections 10A, 10B, 10C and 10D.

Establishment of Opium Treatment Centres.

Officers.

Statements made by volunteers for treatment.

Admission of volunteers to Opium Treatment Centre.

Payment of contributions.

(3) The Governor shall appoint a Committee (to be known as the "Opium Treatment Centres Advisory Committee") consisting of the Superintendent, a Medical Officer and a Rehabilitation Officer of an Opium Treatment Centre. It shall be the duty of the Committee to make such examinations and submit such reports as may be required under this Ordinance.

To be deemed
public servants.

(4) Every such Superintendent or officer shall be deemed to be a public servant within the meaning of the Penal Code.

Regulations.

(5) Without prejudice to the generality of the powers conferred upon the Governor in Council by section 46 of this Ordinance, it shall be lawful for the Governor to make regulations for the management and control of Opium Treatment Centres and for the reception, rehabilitation, and discharge of inmates therein. Such regulations may provide for the collection of contributions towards maintenance from voluntary patients.

Transfer of
prisoners
to Centre.

10c. The Colonial Secretary may, on the recommendation of the Committee, authorise the Commissioner of Prisons to transfer any person undergoing imprisonment for an offence involving the smoking or consumption of prepared opium under this Ordinance in consequence of a

sentence passed either before or after the appointed day from prison to a Centre there to undergo treatment during the whole or any part of the unexpired residue of his sentence in lieu of such imprisonment.

10D. The Colonial Secretary may, on the recommendation of the Committee, at any time after the expiration of three months from the commencement of a term of detention at a Centre ordered under subsection (3) of section 10 by licence permit the offender to be discharged from such Centre on condition that he be placed under the supervision of a rehabilitation officer or under the authority of any person, public hospital, or society named in the licence and such licence shall be in force until the term for which the offender was sentenced to detention has expired. At any time during the period of such licence it shall be lawful for the Colonial Secretary to cancel such licence and to require his return to such Centre there to serve the unexpired residue of the period of his detention."

Discharge of
detainees
from Centre.

Passed this 16th day of November, 1954.

A.G.B. COLTON,
Clerk of the Legislative Council.

[No. 1554/54/78].