

SMOKING (PROHIBITION IN CERTAIN PLACES) ACT (CHAPTER 310)

An Act to prohibit smoking in specified places and vehicles, and to provide for matters connected therewith.

Short title

1. This Act may be cited as the Smoking (Prohibition in Certain Places) Act.

Interpretation

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

"Agency" means the National Environment Agency established under the National Environment Agency Act 2002 (Act 4 of 2002);

"authorised officer" means any person appointed by the Director-General of Public Health under section 3 (2) of the Environmental Public Health Act (Cap. 95);

"Director-General" means the Director-General of Public Health appointed under section 3 (1) of the Environmental Public Health Act;

"manager" , in relation to a specified building, includes any owner, occupier, lessee or person who is responsible for the management of the 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, 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 service vehicle" has the same meaning as in the Road Traffic Act (Cap. 276);

"residential premises or building" means any premises or building which is permitted to be used under the Planning Act (Cap. 232) or any other written law as a dwelling-house or which is lawfully so used;

"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.

[13/94; 4/2002]

Prohibition of smoking in specified places and vehicles.

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

(a) any premises or building or such part thereof or any class of premises or buildings or such parts thereof —

(i) being used for commercial, industrial or recreational purposes; or

(ii) 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;

(b) any common property or limited common property of any residential premises or building; or

(c) any public service vehicle or part thereof or any 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 Agency may, with the approval of the Minister, prescribe.

[4/2002]

(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.

[13/94]

Powers of police and authorised 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 authorised officer and produced before a District Court or a Magistrate's Court.

[4/2002]

(2) Notwithstanding any other written law, any police officer or authorised 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 may, instead of producing such person before a District Court or a Magistrate's 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.

[4/2002]

(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.

[4/2002]

(4) A duplicate of the notice served under subsection (2) shall be prepared by the police officer or authorised officer and produced by him to the District Court or the Magistrate's Court if so required by the Court.

[4/2002]

(5) Where an accused person appears before a District Court or a Magistrate's 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 under subsection (1).

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

(7) Where a person arrested under a warrant issued under subsection (6) is produced before a District Court or a Magistrate's Court, the Court shall —

(a) proceed as though he were produced before it under subsection (1); and

(b) 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 shall —

(a) cause to be displayed suitable and sufficient number of notices of an adequate size or sizes in conspicuous positions in the specified place or specified vehicle, as the case may be, stating to the effect that smoking is prohibited by law; and

(b) if so directed by the Director-General, display such notices in such places, phrase them in such manner or cause them to be of such size, as the Director-General may consider fit.

[4/2002]

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

[4/2002]

(3) A manager of any specified place or an operator of any specified vehicle who contravenes any of the provisions of subsection (1) or fails to comply with any directions given by the Director-General under that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[4/2002]

Duties of managers or operators of specified places and vehicles

6. —(1) The manager of any specified place or the operator of any specified vehicle shall inform any person who smokes in the specified place or specified vehicle in contravention of any notification made under section 3 (1) —

- (a) to cease smoking immediately, indicating the penalty provided under section 3 (2); and
- (b) if the person refuses, neglects or fails to cease smoking, he shall request the person to leave the specified place or specified vehicle immediately.

(2) If any such person refuses to leave the specified place or specified vehicle or to cease smoking, the manager or operator referred to in subsection (1) shall —

- (a) seek the assistance of any police officer or authorised officer; and
- (b) render such assistance as is reasonable to such officer to deal with that person in the manner provided in section 4.

[4/2002]

(3) Where any person smokes in a specified place in contravention of any notification made under section 3 (1), any other person who is aggrieved by the smoking of that person may lodge a complaint to the manager of the specified place and it shall be the duty of the manager of the specified place —

- (a) to take all reasonable steps to investigate into the complaint; and
- (b) if the complaint is found to be true, to take action in accordance with subsection (1) or (2) against the person smoking in the specified place.

[13/94]

(4) If the manager of any specified place or the operator of any specified vehicle, as the case may be, fails or neglects to comply with the provisions of —

- (a) subsection (1) or (2) in relation to any person whom he knows or ought reasonably to know is smoking in the specified place or specified vehicle; or
- (b) subsection (3) in relation to any complaint received by him that a person is smoking in the specified place,

in contravention of any notification made under section 3 (1), that manager or operator shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000.

[13/94]

(5) For the purposes of subsection (4), a manager of a specified place shall be presumed, until the contrary is proved, to have the knowledge referred to in that subsection where a person who is under his charge or supervision and who is employed at the specified place knows that a person is smoking in that place in contravention of a notification made under section 3 (1).

(6) Any person who hinders, obstructs, threatens, abuses, molests or assaults any manager or operator in the performance of his duties under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(7) No manager of a specified place or operator of a specified vehicle shall be liable to repay or refund any fee or other consideration paid by a person for the purpose of gaining admission into a specified place or of transportation where that person has been informed to leave the specified place or specified vehicle in accordance with subsection (1).

(8) Nothing in this section shall affect the liability of any person for an offence under section 3 (2).

Composition of offences

7. —(1) The Director-General may, in his discretion, compound such offence under this Act as may be prescribed as being an offence which may be compounded by collecting from the person reasonably suspected of having committed the offence, a sum not exceeding \$500.

[4/2002]

(2) On payment of such sum, no further proceedings shall be taken against the person in respect of that offence.

(3) The Agency may, with the approval of the Minister, make regulations prescribing the offences which may be compounded and the method and procedure by which such offences may be compounded under this section.

[4/2002]

Fees, etc., payable to Agency

8. All fees, charges, composition fines and moneys collected under this Act shall be paid to the Agency.

[7A
[4/2002]

Forms

9. The Director-General may design and utilise such forms as he may think fit for any of the purposes of this Act, and may require any person to complete any of the forms for any such purpose.

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[4/2002]

Exemption

10. The Agency may, subject to the general or special directions of the Minister, either permanently or for such period as the Agency thinks fit, exempt any specified place or specified vehicle from all or any of the provisions of this Act.

[9
[4/2002]

Regulations

11. —(1) The Agency may, with the approval of the Minister, make such regulations as seem to the Agency necessary or expedient for the purpose of carrying out the provisions of this Act.

[4/2002]

(2) All such regulations shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[10

Transitional provision

12. Any licence, permit, document, application, approval, permission, order, direction, ruling or notice issued, made, given or approved by the Commissioner of Public Health under any provision of this Act immediately before 1st July 2002* shall be deemed to have been issued, made, given or approved under the same provision by the Director-General.

* Date of commencement of the National Environment Agency Act 2002 (Act 4 of 2002)

[11

[4/2002]