

Penal Code (Amendment) Bill

Bill No. 38/2007.

Read the first time on 17th September 2007.

A BILL

intituled

An Act to amend the Penal Code (Chapter 224 of the 1985 Revised Edition) and to make related and consequential amendments to certain other written laws.

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 Penal Code (Amendment) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 New section 4

2. The Penal Code is amended by inserting, immediately after section 3, the following section:

“Jurisdiction over public servants for offences committed outside Singapore

10 4. Every public servant who, being a citizen or a permanent resident of Singapore, when acting or purporting to act in the course of his employment, commits an act or omission outside Singapore that if committed in Singapore would constitute an offence under the law in force in Singapore, is deemed to have committed that act or omission
15 in Singapore.”.

Amendment of section 21

3. Section 21 of the Penal Code is amended by deleting paragraphs (i) and (j) and substituting the following paragraph:

20 “(i) a member of the Public Service Commission or the Legal Service Commission constituted under Part IX of the Constitution.”.

Amendment of section 27

4. Section 27 of the Penal Code is amended —

25 (a) by deleting the word “wife” and substituting the word “spouse”;
and

(b) by deleting the marginal note and inserting the following section heading:

“Property in possession of spouse, clerk or servant”.

Repeal and re-enactment of section 29 and new sections 29A and 29B

5. Section 29 of the Penal Code is repealed and the following sections substituted therefor:

“Document

5 **29.** The word “document” includes, in addition to a document in writing —

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- 10 (c) any label, marking or other writing which identifies or describes anything of which it forms a part, or to which it is attached by any means whatsoever;
- 15 (d) any disc, tape, sound-track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- 20 (e) any film (including microfilm), negative, tape, disc or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (f) any paper or other material on which there are marks, impressions, figures, letters, symbols or perforations having a meaning for persons qualified to interpret them.

Writing

25 **29A.** The word “writing” includes any mode of representing or reproducing words, figures, drawings or symbols in a visible form.

Electronic record

29B. The expression “electronic record” has the same meaning as in the Electronic Transactions Act (Cap. 88).”.

Amendment of section 30

6. The Penal Code is amended by renumbering section 30 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

- 5 “(2) Notwithstanding the generality of subsection (1), “valuable security” includes credit cards, charge cards, stored value cards, automated teller machine cards and such other cards which have money or money’s worth or other financial rights attached.”.

New section 31A

10 7. The Penal Code is amended by inserting, immediately after section 31, the following section:

“ “Die” and “instrument”

31A. For the purposes of Chapters XII and XVIII —

15 “die” includes any plate, type, tool, chop or implement and also any part of any die, plate, type, tool, chop or implement, and any stamp or impression thereof or any part of such stamp or impression;

20 “instrument” includes any document whether of a formal or an informal nature, any postage stamp or revenue stamp, any seal or die, and any disc, card, tape, microchip, sound-track or other device on or in which information is recorded or stored by mechanical, electronic, optical or other means.”.

Amendment of section 38

25 8. Section 38 of the Penal Code is amended by deleting the words “by names” and substituting the words “by means”.

Amendment of section 40

9. Section 40(2) of the Penal Code is amended —

- 30 (a) by deleting the words “and VA, and in sections 71, 109, 110, 112, 114, 115, 116, 117,” and substituting the words “, V and VA, and in sections 4, 71,”; and
- (b) by inserting “204B,” immediately after “203,”.

New sections 41 and 42

10. The Penal Code is amended by inserting, immediately after section 40, the following sections:

“Offence with specified term of imprisonment

5 **41.** An offence described in this Code or in any written law for the time being in force as being punishable with imprisonment for a specified term or upwards includes an offence for which the specified term is the maximum term of imprisonment.

Obscene

10 **42.** The word “obscene”, in relation to any thing or matter, means any thing or matter the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.”.

15 Amendment of section 43

11. Section 43 of the Penal Code is amended —

- (a) by inserting, immediately after the word ““illegal” ” in the 1st line, the words “or “unlawful” ”;
- (b) by inserting, immediately after the word “illegal” in the last line, 20 the words “or unlawful”; and
- (c) by deleting the marginal note and inserting the following section heading:

“ “Illegal”, “unlawful” and “legally bound to do” ”.

New section 54

25 **12.** The Penal Code is amended by inserting, immediately after section 53, the following section:

“Imprisonment for life

30 **54.** “Imprisonment for life”, in relation to any prescribed punishment under this Code or any other written law, means imprisonment for the duration of a person’s natural life.”.

Repeal of section 57

13. Section 57 of the Penal Code is repealed.

Amendment of section 71

14. Section 71(1) of the Penal Code is amended by deleting the word
5 “his”.

New section 74

15. The Penal Code is amended by inserting, immediately after section 73, the following section:

“Enhanced penalties for racially or religiously aggravated offences

10 74.—(1) Where a person is convicted of an offence specified in subsection (2) which is racially or religiously aggravated, the court may sentence the person to one and a half times the amount of punishment to which he would otherwise have been liable for that
15 offence.

(2) The offence referred to in subsection (1) is as follows:

- (a) an offence under section 143, 144, 145, 147, 148, 151, 153, 158, 267B, 267C, 323, 324, 325, 341, 342, 343, 344, 346, 352, 354, 355, 357, 363A, 504, 505, 506, 507 or 509; or
20 (b) an offence of attempting to commit, abetting the commission of, or being a party to a criminal conspiracy to commit, any offence under paragraph (a).

(3) Notwithstanding anything to the contrary in the Criminal Procedure Code (Cap. 68) —

- 25 (a) a Magistrate’s Court shall have jurisdiction to hear and determine all proceedings for the offences punishable under sections 143, 151, 153, 323, 343, 344, 346, 354(1), 355, 504, 505 and 507 and shall have power to award the full punishment provided under subsection (1) in respect of
30 those offences; and
(b) a District Court shall have jurisdiction to hear and determine all proceedings for the offences punishable under sections

144, 145, 147, 148, 158, 267C, 324, 325, 354(2), 363A and 506 and shall have power to award the full punishment provided under subsection (1) in respect of those offences.

5 (4) For the purposes of this section, an offence is racially or religiously aggravated if —

10 (a) at the time of committing the offence, or immediately before or after committing such offence, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or

(b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.

15 (5) It is immaterial for the purposes of paragraph (a) or (b) of subsection (4) whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.

(6) In this section —

“membership”, in relation to a racial or religious group, includes association with members of that group;

20 “presumed” means presumed by the offender.”.

Amendment of section 75

16. Section 75 of the Penal Code is amended —

25 (a) by deleting the words “or having been convicted in any part of Malaysia or in Brunei Darussalam of an offence of a nature similar to any of those offences,” in the 3rd to 6th lines;

(b) by deleting the colon at the end of the 11th line and substituting the words “; but if he is not sentenced to imprisonment for life, he shall not in any case be liable to imprisonment for a term exceeding 15 years.”; and

30 (c) by deleting the proviso.

Amendment of section 79

17. Section 79 of the Penal Code is amended —

- (a) by deleting the word “*Illustration*” and substituting the word “*Illustrations*”; and
- (b) by re-lettering the existing *illustration* as *illustration (a)* and by inserting immediately thereafter the following *illustrations*:

5 “(b) *A*, a police officer, is deployed to perform the duty of screening passengers boarding a flight at the airport. *A* sees *Z*, a passenger queuing up to be screened, acting suspiciously. As *A* approaches *Z*, *Z* suddenly shouts aloud that he is carrying a bomb and warns *A* not to approach further. As *A* draws his revolver, *Z* suddenly starts to run away. *A*, after assessing the circumstances of the case, and to the best of his judgment exerted in good faith, believes that *Z* has a bomb and will set it off. *A* shoots *Z* and *Z* dies as a result. *A* has committed no offence, even though it may turn out that *Z* was not carrying a bomb.

15 (c) *A*, a police officer, is deployed to perform patrol duty at an underground train station. *A* receives information from police headquarters that someone is attempting to plant a bomb in the public transport system. The profile of the suspect is also provided. While patrolling the underground train station, *A* sees *Z*, who fits the profile. *Z* is seen carrying a backpack and behaving suspiciously. *A* approaches *Z* and orders him to stop. *Z* suddenly starts running towards a crowd in the station. *A*, after assessing the circumstances of the case, and to the best of his judgment exerted in good faith, believes that *Z* has a bomb and will set it off. *A* shoots *Z* and *Z* dies as a result. *A* has committed no offence, even though it may turn out that *Z* was not carrying a bomb.

25 (d) *X*, the commander of a naval vessel, is patrolling Singapore territorial waters. *X* receives information that someone may hijack a vessel in order to commit a terrorist act. *X* spots vessel *A* which is proceeding at high speed towards a cruise liner. *X* orders vessel *A* to stop her manoeuvre immediately and fires a warning signal. Vessel *A* instead starts accelerating towards the cruise liner. *X*, after assessing the circumstances of the case, and to the best of his judgment exerted in good faith, believes that vessel *A* is going to ram into the cruise liner. *X* gives an order to fire at vessel *A*. The persons on board vessel *A* die as a result. *X* has committed no offence, even though it may turn out that vessel *A* was not hijacked nor were there any terrorist on board.”

Amendment of section 81

18. Section 81 of the Penal Code is amended by inserting, immediately after *illustration (b)*, the following *illustration*:

40 “(c) *X*, the commander of a naval vessel, is deployed in response to a threat of a terrorist attack against a ferry terminal in Singapore. *X* receives

information that vessel *A*, with a crew of 6, has been hijacked by terrorists and is approaching the ferry terminal at great speed and is likely to collide into the terminal. There is insufficient time to evacuate the persons at the terminal, which is estimated to be about 100. *X* orders vessel *A* to stop her manoeuvre immediately and fires a warning signal. However, vessel *A* continues her advance towards the terminal. Here, if *X* gives an order to fire at vessel *A* to disable it, without any intention to cause harm to the crew members of vessel *A*, and in good faith for the purpose of avoiding the danger to the persons at the terminal, he is not guilty of an offence. This is so even though he knows that he is likely to cause harm to the crew members of vessel *A*, if it be found as a matter of fact that the danger which *X* intends to avoid is such as to excuse him in incurring the risk of firing at vessel *A*.”.

Repeal and re-enactment of section 90

19. Section 90 of the Penal Code is repealed and the following section substituted therefor:

“Consent given under fear or misconception, by person of unsound mind, etc., and by child

90. A consent is not such a consent as is intended by any section of this Code —

- (a) if the consent is given by a person —
 - (i) under fear of injury or wrongful restraint to the person or to some other person; or
 - (ii) under a misconception of fact,

and the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception;
- (b) if the consent is given by a person who, from unsoundness of mind, mental incapacity, intoxication, or the influence of any drug or other substance, is unable to understand the nature and consequence of that to which he gives his consent; or
- (c) unless the contrary appears from the context, if the consent is given by a person who is under 12 years of age.”.

Amendment of section 94

20. Section 94 of the Penal Code is amended by inserting, immediately after the words “that person” in the 5th line, the words “or any other person”.

5 **Amendment of section 100**

21. Section 100 of the Penal Code is amended by deleting paragraph (d) and substituting the following paragraph:

“(d) an assault with the intention of committing non-consensual penile penetration of the anus;”.

10 **New section 108B**

22. The Penal Code is amended by inserting, immediately after section 108A, the following section:

“Abetment outside Singapore of an offence in Singapore

15 **108B.** A person abets an offence within the meaning of this Code who abets an offence committed in Singapore notwithstanding that any or all of the acts constituting the abetment were done outside Singapore.”.

Amendment of section 117

20 23. Section 117 of the Penal Code is amended by deleting the *illustration* and substituting the following *illustration*:

“Illustration

25 *A, an employee at a worksite, affixes a placard at the worksite where more than 10 persons are employed. A instigates the workers to damage property at the worksite if their demand for a pay rise is not met. A has committed an offence under this section.”.*

Amendment of section 120A

24. The Penal Code is amended by renumbering section 120A as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

30 “(2) A person may be a party to a criminal conspiracy notwithstanding the existence of facts of which he is unaware which

make the commission of the illegal act, or the act, which is not illegal, by illegal means, impossible.”.

Repeal and re-enactment of section 120B

5 **25.** Section 120B of the Penal Code is repealed and the following section substituted therefor:

“Punishment of criminal conspiracy

10 **120B.** Whoever is a party to a criminal conspiracy to commit an offence shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.”.

Amendment of section 121B

26. Section 121B of the Penal Code is amended by deleting the word “invests” and substituting the word “invents”.

Amendment of section 130C

15 **27.** Section 130C of the Penal Code is amended by deleting the marginal note and inserting the following section heading:

“Piratical acts”.

New Chapter VIB

20 **28.** The Penal Code is amended by inserting, immediately after section 130C, the following Chapter:

“CHAPTER VIB

GENOCIDE

Genocide

25 **130D.** A person commits genocide who, with intent to destroy, in whole or in part, a national, an ethnical, a racial or a religious group, commits any of the following acts:

(a) killing members of the group;

- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group; or
- (e) forcibly transferring children of the group to another group.

Punishment for genocide

130E. Whoever commits genocide shall —

- (a) if the offence consists of the killing of any person, be punished with death; or
- (b) in any other case, be punished with imprisonment for life or with imprisonment for a term which may extend to 20 years.”.

Deletion and substitution of heading to Chapter VIII

29. Chapter VIII of the Penal Code is amended by deleting the chapter heading and substituting the following chapter heading:

“OFFENCES RELATING TO UNLAWFUL ASSEMBLY”.

Amendment of section 141

30. Section 141 of the Penal Code is amended by deleting paragraph (c) and substituting the following paragraph:

“(c) to commit any offence;”.

Repeal of section 151A

31. Section 151A of the Penal Code is repealed.

Repeal of sections 159 and 160

32. Sections 159 and 160 of the Penal Code are repealed.

Amendment of section 167

33. Section 167 of the Penal Code is amended —

- (a) by inserting, immediately after the word “document” wherever it appears, the words “or electronic record”; and
- 5 (b) by deleting the marginal note and inserting the following section heading:

“Public servant framing an incorrect document or electronic record with intent to cause injury”.

Amendment of section 172

- 10 34. Section 172 of the Penal Code is amended by inserting, immediately after the words “a document” in the 9th line, the words “or an electronic record”.

Amendment of section 173

- 15 35. Section 173 of the Penal Code is amended by inserting, immediately after the words “a document” in the 16th line, the words “or an electronic record”.

Amendment of section 175

36. Section 175 of the Penal Code is amended —

- (a) by inserting, immediately after the word “document” wherever it appears, the words “or electronic record”; and
- 20 (b) by deleting the marginal note and inserting the following section heading:

25 **“Omission to produce a document or an electronic record to a public servant by a person legally bound to produce such document or electronic record”.**

Amendment of section 182

37. Section 182 of the Penal Code is amended —

- (a) by deleting the words “orally or in writing” in the 2nd line; and

(b) by deleting *illustration* (c) and substituting the following *illustration*:

“(c) *A* falsely informs a policeman that he has been assaulted and robbed by a person whose identity he does not know. *A* also mentions that he often sees that person going in and out of a block of flats, knowing it to be likely that in consequence of this information, the police will make inquiries and institute searches in the block of flats to the annoyance of the flat dwellers or some of them. *A* has committed an offence under this section.”.

10 **Amendment of section 192**

38. Section 192 of the Penal Code is amended —

(a) by inserting, immediately after the words “book or record” in the 2nd line, the words “or electronic record”; and

15 (b) by inserting, immediately after the word “document” in the 3rd line, the words “or electronic record”.

Amendment of section 204

39. Section 204 of the Penal Code is amended —

(a) by inserting, immediately after the word “document” in the 1st and 5th lines, the words “or electronic record”; and

20 (b) by deleting the marginal note and inserting the following section heading:

“Destruction of document or electronic record to prevent its production as evidence”.

New sections 204A and 204B

25 **40.** The Penal Code is amended by inserting, immediately after section 204, the following sections:

“Obstructing, preventing, perverting or defeating course of justice

30 **204A.** Whoever intentionally obstructs, prevents, perverts or defeats the course of justice shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

Explanation.—A mere warning to a witness that he may be prosecuted for perjury if he gives false evidence is insufficient to constitute an offence.

Bribery of witnesses

204B.—(1) Whoever —

- 5 (a) gives, confers, or procures, promises or offers to give, confer, or procure or attempts to procure, any gratification to, upon, or for any person, upon any agreement or understanding that any person who is aware of any offence (being an offence which any person is legally bound to give information respecting that offence) will abstain from reporting that offence to the police or any agency charged by law with the duty of investigating offences;
- 10
- (b) gives, confers, or procures, promises or offers to give, confer, or procure or attempts to procure, any gratification to, upon, or for any person, upon any agreement or understanding that any person called or to be called as a witness in any judicial proceeding will give false testimony or withhold true testimony, or will abstain from giving evidence;
- 15
- (c) attempts by any means to induce a person called or to be called as a witness in any judicial proceeding to give false testimony, or to withhold true testimony or to abstain from giving evidence; or
- 20
- (d) asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself, or any other person, upon any agreement or understanding that any person shall as a witness in any judicial proceeding give false testimony or withhold true testimony or will abstain from giving evidence,
- 25

30 shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

(2) In this section, “judicial proceeding” means any proceeding in the course of which evidence is or may be legally taken.”.

Amendment of section 211

41. Section 211 of the Penal Code is amended by deleting the words “shall be punishable” in the 10th line and substituting the words “shall be punished”.

5 **Amendment of section 230**

42. Section 230 of the Penal Code is amended —

(a) by deleting the words “or of any other part of the Commonwealth” in the definition of “Coin”; and

10 (b) by deleting the definition of “Current coin” and substituting the following definition:

““Current coin” means coin which is legal tender in Singapore or in any foreign country.”.

Amendment of section 236

43. Section 236 of the Penal Code is amended —

15 (a) by inserting, immediately after the word “coin” wherever it appears, the words “or current coin”; and

(b) by deleting the marginal note and inserting the following section heading:

20 **“Abetting in Singapore the counterfeiting out of Singapore of coin or current coin”.**

New section 241A

44. The Penal Code is amended by inserting, immediately after section 241, the following section:

25 **“Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be counterfeit**

30 **241A.** Whoever delivers to any other person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin which is a counterfeit of current coin which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with

imprisonment for a term which may extend to 5 years, or with fine, or with both.”.

Repeal of section 243A

45. Section 243A of the Penal Code is repealed.

5 **Amendment of section 254**

46. Section 254 of the Penal Code is amended by deleting the words “, 247, 248 or 249,” in the 6th line and substituting the words “or 248”.

New section 254A

10 47. The Penal Code is amended by inserting, immediately after section 254, the following section:

“Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be altered

15 254A. Whoever delivers to any other person as genuine or as a coin of a different description from what it is, or attempts to induce any person to receive as genuine or as a different coin from what it is, any coin in respect of which he knows that any such operation as that mentioned in section 247 or 249 has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed, shall be punished with
20 imprisonment for a term which may extend to 5 years, or with fine, or with both.”.

Deletion and substitution of heading to Chapter XIV

48. Chapter XIV of the Penal Code is amended by deleting the chapter heading and substituting the following chapter heading:

25 “OFFENCES AFFECTING THE PUBLIC TRANQUILITY,
PUBLIC HEALTH, SAFETY, CONVENIENCE,
DECENCY AND MORALS”.

New sections 267A, 267B and 267C

30 49. The Penal Code is amended by inserting, immediately before section 268, the following sections:

“Affray

267A. Where 2 or more persons disturb the public peace by fighting in a public place, they are said to “commit an affray”.

Punishment for committing affray

5 **267B.** Whoever commits an affray shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both.

Making, printing, etc., document containing incitement to violence, etc.

10 **267C.** Whoever —

- (a) makes, prints, possesses, posts, distributes or has under his control any document; or
- (b) makes or communicates any electronic record,

15 containing any incitement to violence or counselling disobedience to the law or to any lawful order of a public servant or likely to lead to any breach of the peace shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.”.

Amendment of section 292

50. Section 292 of the Penal Code is amended —

- 20 (a) by deleting paragraph (a) and substituting the following paragraph:
- 25 “(a) sells, lets to hire, distributes, transmits by electronic means, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, transmission, public exhibition or circulation, makes, produces, or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure, or any other obscene object whatsoever;”;
 - 30 (b) by inserting, immediately after the word “exports” in paragraph (b), the words “, transmits by electronic means”;

- (c) by inserting, immediately after the word “produced,” in paragraph (c), the words “transmitted by electronic means,”; and
- (d) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

5 “(2) For the purposes of this section, “object” includes data stored in a computer disc, or by other electronic means, that is capable of conversion to images, writing or any other form of representation.

10 (3) For the purposes of this section and section 293, an object shall be deemed not to be obscene if the sale, letting to hire, distribution, exhibition, circulation, import, export or conveyance of, or any other dealing in, the object is authorised by or under any written law.”.

Amendment of section 293

15 **51.** Section 293 of the Penal Code is amended by deleting the words “20 years” and substituting the words “21 years”.

Deletion and substitution of heading to Chapter XV

52. Chapter XV of the Penal Code is amended by deleting the chapter heading and substituting the following chapter heading:

20 “OFFENCES RELATING TO RELIGION OR RACE”.

Amendment of section 298

53. Section 298 of the Penal Code is amended —

- (a) by inserting, immediately after the word “religious”, the words “or racial”;
- 25 (b) by inserting, immediately after the word “person,” in the 5th line, the words “or causes any matter however represented to be seen or heard by that person,”; and
- (c) by deleting the marginal note and inserting the following section heading:

30 “**Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person**”.

New section 298A

54. The Penal Code is amended by inserting, immediately after section 298, the following section:

5 **“Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony**

298A. Whoever —

10 (a) by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of religion or race, disharmony or feelings of enmity, hatred or ill-will between different religious or racial groups; or

15 (b) commits any act which he knows is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquility,

shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.”.

Amendment of section 304A

20 55. Section 304A of the Penal Code is amended by deleting the words “shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.” and substituting the following words:

“shall be punished —

25 (a) in the case of a rash act, with imprisonment for a term which may extend to 5 years, or with fine, or with both; or

(b) in the case of a negligent act, with imprisonment for a term which may extend to 2 years, or with fine, or with both.”.

Amendment of section 307

30 56. Section 307(1) of the Penal Code is amended by deleting *illustration (b)* and substituting the following *illustration*:

“(b) *A*, with intention of causing the death of a child of tender years, throws the child into a river. *A* has committed the offence defined by this section, although the death of the child does not ensue.”.

Amendment of section 319

5 **57.** Section 319 of the Penal Code is amended by inserting, immediately below that section, the following *Explanation*:

“*Explanation.*—A person is said to cause hurt if he causes another person to be unconscious.”.

Amendment of section 320

10 **58.** Section 320 of the Penal Code is amended —

(a) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) death;”; and

15 (b) by deleting the full-stop at the end of paragraph (h) and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:

“(i) penetration of the vagina or anus, as the case may be, of a person without that person’s consent, which causes severe bodily pain.”.

Amendment of section 336

20 **59.** Section 336 of the Penal Code is amended by deleting the words “shall be punished with imprisonment for a term which may extend to 3 months, or with fine which may extend to \$250, or with both.” and substituting the following words:

25 “shall be punished —

(a) in the case of a rash act, with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$2,500, or with both; or

30 (b) in the case of a negligent act, with imprisonment for a term which may extend to 3 months, or with fine which may extend to \$1,500, or with both.”.

Amendment of section 337

5 **60.** Section 337 of the Penal Code is amended by deleting the words “shall be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$500, or with both.” and substituting the following words:

“shall be punished —

- (a) in the case of a rash act, with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both; or
- 10 (b) in the case of a negligent act, with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$2,500, or with both.”.

Amendment of section 338

15 **61.** Section 338 of the Penal Code is amended by deleting the words “shall be punished with imprisonment for a term which may extend to 2 years, or with fine which may extend to \$1,000, or with both.” and substituting the following words:

“shall be punished —

- 20 (a) in the case of a rash act, with imprisonment for a term which may extend to 4 years, or with fine which may extend to \$10,000, or with both; or
- (b) in the case of a negligent act, with imprisonment for a term which may extend to 2 years, or with fine which may extend to \$5,000, or with both.”.

25 Amendment of section 350

62. Section 350 of the Penal Code is amended —

- (a) by deleting *illustrations* (b) and (c) and substituting the following *illustrations*:

30 “(b) *Z* is riding a horse. *A* lashes *Z*’s horse, and thereby causes it to quicken its pace. Here *A* has caused change of motion to *Z* by inducing the horse to change its motion. *A* has therefore used force to *Z*; and if *A*

has done this without *Z*'s consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy *Z*, *A* has used criminal force to *Z*.

(c) *Z* is riding a horse. *A*, intending to cause hurt to *Z*, seizes the horse and stops it. Here *A* has caused cessation of motion to *Z*, and he has done this by his own bodily power. *A* has therefore used force to *Z*; and as *A* has acted thus intentionally without *Z*'s consent, in order to cause the commission of an offence, *A* has used criminal force to *Z*.”; and

(b) by deleting *illustration (i)*.

Repeal and re-enactment of section 354

63. Section 354 of the Penal Code is repealed and the following section substituted therefor:

“Assault or use of criminal force to a person with intent to outrage modesty

354.—(1) Whoever assaults or uses criminal force to any person, intending to outrage or knowing it to be likely that he will thereby outrage the modesty of that person, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with caning, or with any combination of such punishments.

(2) Whoever commits an offence under subsection (1) against any person under 14 years of age shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with caning, or with any combination of such punishments.”.

New section 363A

64. The Penal Code is amended by inserting, immediately after section 363, the following section:

“Punishment for abduction

363A. Whoever abducts any person shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with caning, or with any combination of such punishments.”.

New section 364A

65. The Penal Code is amended by inserting, immediately after section 364, the following section:

“Kidnapping or abducting in order to compel the Government, etc.

364A. Whoever —

- 5 (a) kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction; and
- (b) threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person,

10 in order to compel —

- (i) the Government to do or abstain from doing any act, shall be punished with death or imprisonment for life, and shall, if he is not sentenced to death, also be liable to fine or to caning; or
- 15 (ii) any other person to do or abstain from doing any act shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine or to caning.”.

Amendment of section 367

20 **66.** Section 367 of the Penal Code is amended by deleting the words “or to the unnatural lust of any person” and substituting the words “or to non-consensual penile penetration of the anus”.

Deletion and substitution of sub-heading to Chapter XVI

25 **67.** Chapter XVI of the Penal Code is amended by deleting the sub-heading “*Rape*” immediately above section 375 and substituting the following sub-heading:

“Sexual offences”.

Repeal and re-enactment of sections 375 to 376D and new sections 376E, 376F and 376G

30 **68.** Sections 375 to 376D of the Penal Code are repealed and the following sections substituted therefor:

“Rape

375.—(1) Any man who penetrates the vagina of a woman with his penis —

(a) without her consent; or

(b) with or without her consent, when she is under 14 years of age,

shall be guilty of an offence.

(2) Subject to subsection (3), a man who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

(3) Whoever —

(a) in order to commit or to facilitate the commission of an offence under subsection (1) —

(i) voluntarily causes hurt to the woman or to any other person; or

(ii) puts her in fear of death or hurt to herself or any other person; or

(b) commits an offence under subsection (1) with a woman under 14 years of age without her consent,

shall be punished with imprisonment for a term of not less than 8 years and not more than 20 years and shall also be punished with caning with not less than 12 strokes.

(4) No man shall be guilty of an offence under subsection (1) against his wife, who is not under 13 years of age, except where at the time of the offence —

(a) his wife was living apart from him —

(i) under an interim judgment of divorce not made final or a decree nisi for divorce not made absolute;

(ii) under an interim judgment of nullity not made final or a decree nisi for nullity not made absolute;

(iii) under a judgment or decree of judicial separation; or

(iv) under a written separation agreement;

(b) his wife was living apart from him and proceedings have been commenced for divorce, nullity or judicial separation, and such proceedings have not been terminated or concluded;

(c) there was in force a court injunction to the effect of restraining him from having sexual intercourse with his wife;

(d) there was in force a protection order under section 65 or an expedited order under section 66 of the Women's Charter (Cap. 353) made against him for the benefit of his wife; or

(e) his wife was living apart from him and proceedings have been commenced for the protection order or expedited order referred to in paragraph (d), and such proceedings have not been terminated or concluded.

(5) Notwithstanding subsection (4), no man shall be guilty of an offence under subsection (1)(b) for an act of penetration against his wife with her consent.

Sexual assault by penetration

376.—(1) Any man (A) who —

(a) penetrates, with A's penis, the anus or mouth of another person (B); or

(b) causes another man (B) to penetrate, with B's penis, the anus or mouth of A,

shall be guilty of an offence if B did not consent to the penetration.

(2) Any person (A) who —

(a) sexually penetrates, with a part of A's body (other than A's penis) or anything else, the vagina or anus, as the case may be, of another person (B);

(b) causes a man (B) to penetrate, with B's penis, the vagina, anus or mouth, as the case may be, of another person (C); or

- (c) causes another person (B), to sexually penetrate, with a part of B's body (other than B's penis) or anything else, the vagina or anus, as the case may be, of any person including A or B,

5 shall be guilty of an offence if B did not consent to the penetration.

(3) Subject to subsection (4), a person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

10 (4) Whoever —

- (a) in order to commit or to facilitate the commission of an offence under subsection (1) or (2) —

(i) voluntarily causes hurt to any person; or

(ii) puts any person in fear of death or hurt to himself or any other person; or

- (b) commits an offence under subsection (1) or (2) against a person (B) who is under 14 years of age,

15 shall be punished with imprisonment for a term of not less than 8 years and not more than 20 years and shall also be punished with caning with not less than 12 strokes.

Sexual penetration of minor under 16

376A.—(1) Any person (A) who —

- (a) penetrates, with A's penis, the vagina, anus or mouth, as the case may be, of a person under 16 years of age (B);

25 (b) sexually penetrates, with a part of A's body (other than A's penis) or anything else, the vagina or anus, as the case may be, of a person under 16 years of age (B);

(c) causes a man under 16 years of age (B) to penetrate, with B's penis, the vagina, anus or mouth, as the case may be, of another person including A; or

30 (d) causes a person under 16 years of age (B) to sexually penetrate, with a part of B's body (other than B's penis) or

anything else, the vagina or anus, as the case may be, of any person including A or B,

with or without B's consent, shall be guilty of an offence.

(2) Subject to subsection (3), a person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

(3) Whoever commits an offence under this section against a person (B) who is under 14 years of age shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

(4) No person shall be guilty of an offence under this section for an act of penetration against his or her spouse with the consent of that spouse.

(5) No man shall be guilty of an offence under subsection (1)(a) for penetrating with his penis the vagina of his wife without her consent, if his wife is not under 13 years of age, except where at the time of the offence —

(a) his wife was living apart from him —

(i) under an interim judgment of divorce not made final or a decree nisi for divorce not made absolute;

(ii) under an interim judgment of nullity not made final or a decree nisi for nullity not made absolute;

(iii) under a judgment or decree of judicial separation; or

(iv) under a written separation agreement;

(b) his wife was living apart from him and proceedings have been commenced for divorce, nullity or judicial separation, and such proceedings have not been terminated or concluded;

(c) there was in force a court injunction to the effect of restraining him from having sexual intercourse with his wife;

(d) there was in force a protection order under section 65 or an expedited order under section 66 of the Women's Charter (Cap. 353) made against him for the benefit of his wife; or

- (e) his wife was living apart from him and proceedings have been commenced for the protection order or expedited order referred to in paragraph (d), and such proceedings have not been terminated or concluded.

5 **Commercial sex with minor under 18**

376B.—(1) Any person who obtains for consideration the sexual services of a person, who is under 18 years of age, shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

10 (2) Any person who communicates with another person for the purpose of obtaining for consideration, the sexual services of a person who is under 18 years of age, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

15 (3) No person shall be guilty of an offence under this section for any sexual services obtained from that person’s spouse.

(4) In this section, “sexual services” means any sexual services involving —

- 20 (a) sexual penetration of the vagina or anus, as the case may be, of a person by a part of another person’s body (other than the penis) or by anything else; or
- (b) penetration of the vagina, anus or mouth, as the case may be, of a person by a man’s penis.

Commercial sex with minor under 18 outside Singapore

25 **376C.**—(1) Any person, being a citizen or a permanent resident of Singapore, who does, outside Singapore, any act that would, if done in Singapore, constitute an offence under section 376B, shall be guilty of an offence.

30 (2) A person who is guilty of an offence under this section shall be liable to the same punishment to which he would have been liable had he been convicted of an offence under section 376B.

Tour outside Singapore for commercial sex with minor under 18

376D.—(1) Any person who —

- 5 (a) makes or organises any travel arrangements for or on behalf of any other person with the intention of facilitating the commission by that other person of an offence under section 376C, whether or not such an offence is actually committed by that other person;
- 10 (b) transports any other person to a place outside Singapore with the intention of facilitating the commission by that other person of an offence under section 376C, whether or not such an offence is actually committed by that other person; or
- (c) prints, publishes or distributes any information that is intended to promote conduct that would constitute an offence under section 376C, or to assist any other person to engage in such conduct,

15 shall be guilty of an offence.

(2) For the purposes of subsection (1)(c), the publication of information means publication of information by any means, whether by written, electronic, or other form of communication.

20 (3) A person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

Sexual grooming of minor under 16

25 **376E.**—(1) Any person of or above the age of 21 years (A) shall be guilty of an offence if having met or communicated with another person (B) on 2 or more previous occasions —

- (a) A intentionally meets B or travels with the intention of meeting B; and
- (b) at the time of the acts referred to in paragraph (a) —
- 30 (i) A intends to do anything to or in respect of B, during or after the meeting, which if done will involve the commission by A of a relevant offence;
- (ii) B is under 16 years of age; and

(iii) A does not reasonably believe that B is of or above the age of 16 years.

(2) In subsection (1), “relevant offence” means an offence under —

(a) section 354, 354A, 375, 376, 376A, 376B, 376F, 376G or 377A;

(b) section 7 of the Children and Young Persons Act (Cap. 38); or

(c) section 140(1) of the Women’s Charter (Cap. 353).

(3) For the purposes of this section, it is immaterial whether the 2 or more previous occasions of A having met or communicated with B referred to in subsection (1) took place in or outside Singapore.

(4) A person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

Procurement of sexual activity with person with mental disability

376F.—(1) Any person (A) shall be guilty of an offence if —

(a) A intentionally touches another person (B) who has a mental disability;

(b) the touching is sexual and B consents to the touching;

(c) A obtains B’s consent by means of an inducement offered or given, a threat made or a deception practised by A for that purpose; and

(d) A knows or could reasonably be expected to know that B has a mental disability.

(2) Subject to subsection (3), a person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

(3) If the touching involved —

(a) penetration of the vagina or anus, as the case may be, with a part of the body or anything else; or

(b) penetration of the mouth with the penis,

a person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

(4) No person shall be guilty of an offence under this section for any act with that person's spouse.

(5) For the purposes of this section —

“mental disability” means an impairment of or a disturbance in the functioning of the mind or brain resulting from any disability or disorder of the mind or brain which impairs the ability to make a proper judgement in the giving of consent to sexual touching;

“touching” includes touching —

(a) with any part of the body;

(b) with anything else; or

(c) through anything,

and includes penetration.

Incest

376G.—(1) Any man of or above the age of 16 years (A) who —

(a) sexually penetrates the vagina or anus of a woman (B) with a part of A's body (other than A's penis) or anything else; or

(b) penetrates the vagina, anus or mouth of a woman (B) with his penis,

with or without B's consent where B is to A's knowledge A's granddaughter, daughter, sister, half-sister, mother or grandmother (whether such relationship is or is not traced through lawful wedlock), shall be guilty of an offence.

(2) Any woman of or above the age of 16 years who, with consent, permits her grandfather, father, brother, half-brother, son or grandson (whether such relationship is or is not traced through lawful wedlock) to penetrate her in the manner described in subsection (1)(a) or (b), knowing him to be her grandfather, father, brother, half-brother, son or grandson, as the case may be, shall be guilty of an offence.

(3) Subject to subsection (4), a man who is guilty of an offence under subsection (1) shall be punished with imprisonment for a term which may extend to 5 years.

5 (4) If a man commits an offence under subsection (1) against a woman under 14 years of age, he shall be punished with imprisonment for a term which may extend to 14 years.

(5) A woman who is guilty of an offence under subsection (2) shall be punished with imprisonment for a term which may extend to 5 years.”.

10 **Deletion of sub-heading to Chapter XVI**

69. Chapter XVI of the Penal Code is amended by deleting the sub-heading “*Unnatural offences*” immediately above section 377.

Repeal and re-enactment of section 377

15 **70.** Section 377 of the Penal Code is repealed and the following section substituted therefor:

“Sexual penetration of a corpse

377.—(1) Any man who penetrates, with his penis, the vagina, anus or mouth, as the case may be, of a human corpse, shall be guilty of an offence.

20 (2) A man who is guilty of an offence under subsection (1) shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

25 (3) Any person (A) who causes any man (B) to penetrate with B’s penis, the vagina, anus or mouth, as the case may be, of a human corpse, shall be guilty of an offence if B did not consent to the penetration.

(4) A person who is guilty of an offence under subsection (3) shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.”.

30 **New sections 377B, 377C and 377D**

71. The Penal Code is amended by inserting, immediately after section 377A, the following sections:

“Sexual penetration with living animal

377B.—(1) Any person (A) who —

(a) penetrates, with A’s penis, the vagina, anus or any orifice of an animal; or

5 (b) causes or permits A’s vagina, anus or mouth, as the case may be, to be penetrated by the penis of an animal,

shall be guilty of an offence.

(2) A person who is guilty of an offence under subsection (1) shall be punished with imprisonment for a term which may extend to 10 2 years, or with fine, or with both.

(3) Any person (A) who —

(a) causes any man (B) to penetrate, with B’s penis, the vagina, anus or any orifice of an animal; or

15 (b) causes the vagina, anus or mouth, as the case may be, of another person (B) to be penetrated with the penis of an animal,

shall be guilty of an offence if B did not consent to the penetration.

(4) A person who is guilty of an offence under subsection (3) shall be punished with imprisonment for a term which may extend to 20 20 years, and shall also be liable to fine or to caning.

Interpretation of sections 375 to 377B (sexual offences)

377C. In sections 375 to 377B —

(a) penetration is a continuing act from entry to withdrawal;

25 (b) references to a part of the body include references to a part which is surgically constructed (in particular, through a sex reassignment procedure);

(c) for the purposes of identifying the sex of a person —

30 (i) the sex of a person as stated in that person’s identity card issued under the National Registration Act (Cap. 201) at the time the sexual activity took place

shall be prima facie evidence of the sex of that person;
and

(ii) a person who has undergone a sex reassignment procedure shall be identified as being of the sex to which that person has been reassigned;

(d) penetration, touching or other activity is “sexual” if —

(i) because of its nature it is sexual, whatever its circumstances or any person’s purpose in relation to it may be; or

(ii) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual;

(e) “vagina” includes vulva.

Mistake as to age

377D.—(1) Subject to subsections (2) and (3) and notwithstanding anything in section 79, a reasonable mistake as to the age of a person shall not be a defence to any charge of an offence under section 376A(2), 376B or 376C.

(2) In the case of a person who at the time of the alleged offence was under 21 years of age, the presence of a reasonable mistaken belief that the minor, who is of the opposite sex, was of or above —

(a) the age of 16 years, shall be a valid defence to a charge of an offence under section 376A(2); or

(b) the age of 18 years, shall be a valid defence to a charge of an offence under section 376B or 376C.

(3) For the purposes of subsection (2), the defence under that subsection shall no longer be available if at the time of the offence, the person charged with that offence has previously been charged in court for an offence under section 376A, 376B, 376C or 376E, or section 7 of the Children and Young Persons Act (Cap. 38) or section 140(1)(i) of the Women’s Charter (Cap. 353).”.

Amendment of section 379A

72. Section 379A of the Penal Code is amended —

- (a) by deleting the words “of not less than one year and not more than” in subsection (1) and substituting the words “which may extend to”;
- 5 (b) by deleting the words “and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of not less than 3 years” in subsection (2) and substituting the words “, be disqualified for such period as the court may order”; and
- 10 (c) by deleting the definition of “component part” in subsection (3) and substituting the following definition:
- “ “component part”, in relation to a motor vehicle, means any component part attached to the motor vehicle, and includes any tyre, accessory or equipment attached to the motor vehicle.”.

15 **Amendment of section 383**

73. Section 383 of the Penal Code is amended —

- (a) by deleting the words “injury to that person or to any other” and substituting the words “harm to that person or to any other person, in body, mind, reputation or property, whether such harm is to be caused legally or illegally”; and
- 20 (b) by deleting *illustration* (c) and substituting the following *illustration*:

25 “(c) *A*, an enforcement officer, sees *Z* committing an offence, and threatens to report the offence unless *Z* gives him money. *Z* fears that the report may result in his being prosecuted for the offence and delivers money to *A*. *A* has committed extortion.”.

Repeal and re-enactment of section 385

74. Section 385 of the Penal Code is repealed and the following section substituted therefor:

30 **“Putting person in fear of harm in order to commit extortion**

385. Whoever, in order to commit extortion, puts or attempts to put any person in fear of any harm to that person or to any other person,

in body, mind, reputation or property, whether such harm is to be caused legally or illegally, shall be punished with imprisonment for a term of not less than 2 years and not more than 5 years, and with caning.”.

5 **Amendment of section 397**

75. Section 397 of the Penal Code is amended by inserting, immediately after the word “offender” in the 4th line, the words “, and any other person jointly concerned in committing or attempting to commit such robbery,”.

Repeal and re-enactment of section 411

10 76. Section 411 of the Penal Code is repealed and the following section substituted therefor:

“Dishonestly receiving stolen property

15 411.—(1) Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the property to be stolen property, shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

(2) If the stolen property is a motor vehicle or any component part of a motor vehicle as defined in section 379A(3), a person convicted of an offence under this section —

- 20 (a) shall be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine; and
- (b) may be disqualified for such period as the court may order from the date of his release from imprisonment from holding or obtaining a driving licence under the Road Traffic Act (Cap. 276).”.
- 25

Repeal and re-enactment of section 414

77. Section 414 of the Penal Code is repealed and the following section substituted therefor:

“Assisting in concealment or disposal of stolen property

30 414.—(1) Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to

believe to be stolen property shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

(2) If the stolen property is a motor vehicle or any component part of a motor vehicle as defined in section 379A(3), a person convicted of an offence under this section —

- (a) shall be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine; and
- (b) may be disqualified for such period as the court may order from the date of his release from imprisonment from holding or obtaining a driving licence under the Road Traffic Act (Cap. 276).”.

Amendment of section 415

78. Section 415 of the Penal Code is amended —

- (a) by inserting, immediately after the word “person,” in the 1st line, the words “whether or not such deception was the sole or main inducement,”;
- (b) by inserting, immediately after the word “omit” in the 6th line, the words “to do”;
- (c) by deleting the words “that person” and substituting the words “any person”; and
- (d) by inserting, immediately after “*Explanation 2*”, the following *Explanation*:

“*Explanation 3.*—Whoever makes a representation through any agent is to be treated as having made the representation himself.”.

Amendment of section 427

79. Section 427 of the Penal Code is amended —

- (a) by deleting “\$25” and substituting “\$500”; and
- (b) by deleting the marginal note and inserting the following section heading:

“Committing mischief and thereby causing damage to the amount of \$500”.

Repeal and re-enactment of section 428

80. Section 428 of the Penal Code is repealed and the following section substituted therefor:

“Mischief by killing or maiming any animal

5 **428.** Whoever commits mischief by killing, poisoning, maiming or rendering useless, any animal shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.”.

Repeal of section 429

81. Section 429 of the Penal Code is repealed.

10 **Amendment of section 430**

82. Section 430 of the Penal Code is amended —

(a) by inserting, immediately after the word “agricultural”, the words “or industrial”; and

(b) by deleting the words “or for carrying on any manufacture,”.

15 **Amendment of section 435**

83. Section 435 of the Penal Code is amended —

(a) by deleting the words “to the amount of \$50 or upwards”; and

(b) by deleting the marginal note and inserting the following section heading:

20 **“Mischief by fire or explosive substance with intent to cause damage”.**

Amendment of section 454

25 **84.** Section 454 of the Penal Code is amended by deleting the words “the imprisonment shall be for a term of not less than 18 months and not more than 10 years” and substituting the words “shall be punished with imprisonment for a term which may extend to 10 years”.

Deletion and substitution of heading to Chapter XVIII

85. Chapter XVIII of the Penal Code is amended by deleting the chapter heading and substituting the following chapter heading:

5 “OFFENCES RELATING TO DOCUMENTS OR
ELECTRONIC RECORDS, FALSE INSTRUMENTS,
AND TO CURRENCY NOTES AND BANK NOTES”.

Amendment of section 463

86. Section 463 of the Penal Code is amended —

- 10 (a) by inserting, immediately after the word “document” in the
1st line, the words “or electronic record”; and
- (b) by inserting, immediately after the words “a document” in the
1st and 2nd lines, the words “or an electronic record”.

Repeal and re-enactment of section 464

15 **87.** Section 464 of the Penal Code is repealed (excluding the
illustrations and *Explanations*) and the following section substituted
therefor:

“Making a false document or false electronic record

464.—(1) A person is said to make a false document or false
electronic record —

- 20 (a) who dishonestly or fraudulently —
- (i) makes, signs, seals or executes a document or part of a
document;
- (ii) makes any electronic record or part of any electronic
record;
- 25 (iii) affixes any electronic signature on any electronic
record; or
- (iv) makes any mark denoting the execution of a document
or the authenticity of the electronic signature,
- 30 with the intention of causing it to be believed that such
document or electronic record or part of a document or

electronic record or electronic signature was made, signed, sealed, executed or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed, or at a time at which he knows that it was not made, signed, sealed, executed or affixed;

(b) who without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with an electronic signature, either by himself or by any other person, whether that person is living or dead at the time of the alteration; or

(c) who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his electronic signature on an electronic record, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him he does not, know the contents of the document or electronic record or the nature of the alteration.

(2) In this section, “electronic signature” has the same meaning as in the Electronic Transactions Act (Cap. 88).”.

Amendment of section 466

88. Section 466 of the Penal Code is amended —

(a) by inserting, immediately after the words “a document” in the 1st line, the words “or an electronic record”; and

(b) by inserting, immediately after the word “document” in the 4th and 5th lines, the words “or electronic record”.

Amendment of section 467

89. Section 467 of the Penal Code is amended by deleting the word “son” in the 2nd line and substituting the word “child”.

Amendment of section 468

90. Section 468 of the Penal Code is amended by inserting, immediately after the word “document”, the words “or electronic record”.

Amendment of section 469

91. Section 469 of the Penal Code is amended by inserting, immediately after the word “document”, the words “or electronic record”.

Repeal and re-enactment of section 470

5 **92.** Section 470 of the Penal Code is repealed and the following section substituted therefor:

“A forged document or forged electronic record”

10 **470.** A false document or false electronic record, made wholly or in part by forgery, is designated “a forged document” or “a forged electronic record”, respectively.”.

Amendment of section 471

93. Section 471 of the Penal Code is amended —

- 15 (a) by inserting, immediately after the word “document” in the 2nd and last lines, the words “or electronic record”;
- (b) by inserting, immediately after the words “forged document”, the words “or forged electronic record”; and
- (c) by deleting the marginal note and inserting the following section heading:

20 **“Using as genuine a forged document or forged electronic record”.**

New sections 473A, 473B and 473C

94. The Penal Code is amended by inserting, immediately after section 473, the following sections:

“Making or possessing equipment for making a false instrument

25 **473A.** Whoever makes or has in his custody or under his control a machine or implement, or paper or other material, which to his knowledge is or has been specifically designed or adapted for the making of any false instrument shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.

Making or possessing equipment for making a false instrument with intent to induce prejudice

473B. Any person (A) who —

(a) makes or has in his custody or under his control a machine or implement, or paper or other material, which is or has been specifically designed or adapted for the making of any instrument; and

(b) intends that —

(i) he or another person makes a false instrument using the machine or implement, or paper or other material in order to induce another person (B) to accept it as genuine; and

(ii) by reason of so accepting it, B does or does not do some act to B's or any other person's prejudice,

shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or with both.

Meaning of “prejudice” and “induce”

473C.—(1) For the purposes of section 473B and subject to subsections (2) and (4), an act or omission intended to be induced is to a person's prejudice if, and only if, it is one which, if it occurs, will —

(a) result in his permanent or temporary loss of property;

(b) result in his being deprived of an opportunity to earn remuneration or greater remuneration;

(c) result in his being deprived of an opportunity to gain a financial advantage otherwise than by way of remuneration;

(d) result in somebody being given an opportunity to earn remuneration or greater remuneration from him;

(e) result in somebody being given an opportunity to gain a financial advantage from him otherwise than by way of remuneration; or

(f) be the result of his having accepted a false instrument as genuine in connection with his performance of any duty.

(2) For the purpose of this section, an act which a person has an enforceable duty to do and an omission to do an act which a person is not entitled to do shall be disregarded.

(3) The reference in section 473B to inducing a person (B) to accept a false instrument as genuine includes a reference to inducing a machine to respond to an instrument as if it were a genuine instrument.

(4) Where subsection (3) applies, the act or omission intended to be induced by the machine responding to the instrument shall be treated as an act or omission to a person's prejudice.

(5) In subsection (1)(a), "loss" includes a loss by not getting what one might get, as well as a loss by parting with what one has."

Amendment of section 474

95. Section 474 of the Penal Code is amended —

(a) by inserting, immediately after the word "document" in the 1st and 4th lines, the words "or electronic record"; and

(b) by deleting the marginal note and inserting the following section heading:

"Having possession of certain document or electronic record known to be forged, with intent to use it as genuine".

Amendment of section 476

96. Section 476 of the Penal Code is amended —

(a) by inserting, immediately after the word "document" in the 3rd and 6th lines, the words "or electronic record"; and

(b) by deleting the marginal note and inserting the following section heading:

“Counterfeiting a device or mark used for authenticating documents or electronic records other than those described in section 467, or possessing counterfeit marked material”.

Amendment of section 477

- 5 **97.** Section 477 of the Penal Code is amended by deleting the word “son” and substituting the word “child”.

Amendment of section 477A

98. Section 477A of the Penal Code is amended —

- 10 (a) by inserting, immediately after the word “alters,” in the 3rd line, the word “conceals,”; and
- (b) by inserting, immediately after the word “book,” in the 4th and 10th lines, the words “electronic record,”.

Amendment of section 489A

- 15 **99.** Section 489A(2) of the Penal Code is amended by deleting the words “, 489D and 489E” and substituting the words “and 489D”.

Repeal of section 489E

100. Section 489E of the Penal Code is repealed.

Repeal of section 498

101. Section 498 of the Penal Code is repealed.

20 **Amendment of section 499**

102. Section 499 of the Penal Code is amended by inserting, immediately after “*Explanation 4*”, the following *Explanation*:

“*Explanation 5.*—An imputation may be made or published in written, electronic or other media.”.

25 **Amendment of section 505**

103. Section 505 of the Penal Code is amended —

- (a) by inserting, immediately after the word “report” in the 2nd line, the words “in written, electronic or other media”; and

- (b) by inserting, immediately after the word “report” in the 3rd line of the *Exception*, the words “in written, electronic or other media”.

Amendment of section 511

5 **104.** Section 511 of the Penal Code is amended —

- (a) by deleting the word “Whoever” in the 1st line and substituting the words “Subject to subsection (2), whoever”;
- (b) by deleting the colon at the end of the 9th line and substituting a full-stop;
- 10 (c) by deleting the proviso; and
- (d) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) The longest term of imprisonment that may be imposed under subsection (1) shall not exceed —

- 15 (a) 15 years where such attempt is in relation to an offence punishable with imprisonment for life; or
- (b) one-half of the longest term provided for the offence in any other case.”.

Miscellaneous amendments to penalties

20 **105.** The provisions of the Penal Code specified in the first column of the First Schedule are amended in the manner set out in the second column thereof.

Miscellaneous amendments to illustrations

25 **106.** The provisions of the Penal Code specified in the first column of the Second Schedule are amended in the manner set out in the second column thereof.

Related and consequential amendments to other written laws

30 **107.** The provisions of the Acts specified in the first column of the Third Schedule are amended in the manner set out in the second column thereof.

Related and consequential amendments to Criminal Procedure Code

108.—(1) Section 11(1) of the Criminal Procedure Code (Cap. 68) is amended by deleting the words “provided that in no case shall the 3 punishments of imprisonment, fine and caning be inflicted on any person for the same offence”.

(2) Section 22(1) of the Criminal Procedure Code is amended by deleting the words “section 160” in the 4th line of paragraph (a) and substituting the words “section 267B”.

(3) The Criminal Procedure Code is amended by inserting, immediately after section 68, the following section:

“Forfeiture of counterfeit coin or counterfeit currency note or bank note, etc.

68A.—(1) Any police officer, not below the rank of sergeant, upon being satisfied that any person has in his possession —

(a) counterfeit coin or current coin or any die, instrument or material for the purpose of counterfeiting any coin or current coin; or

(b) forged or counterfeit currency note or bank note or any machinery, instrument or material used for the forging or counterfeiting of any currency note or bank note,

may without warrant and with or without assistance enter and search any place where any such coin, currency note or bank note or any such die, machinery, instrument or material is kept and seize all such coins, notes, die, machinery, instrument or material.

(2) Anything seized under subsection (1) shall, by order of the court before which any person is tried relating to such possession, or where there is no trial, by order of a Magistrate, be forfeited and shall be destroyed or otherwise disposed of in such manner as the Minister may direct.

(3) In this section, “coin”, “current coin”, “die” and “instrument” have the same meanings as in the Penal Code (Cap. 224).”.

(4) Section 129(1) of the Criminal Procedure Code is amended by deleting the words “or 228” in paragraph (b) and substituting the words “, 228, 376C or 376G”.

(5) Section 132 of the Criminal Procedure Code is repealed.

5 (6) Section 175(3) of the Criminal Procedure Code is amended by deleting the words “any offence referred to in section 131 or 132” and substituting the words “an offence referred to in section 131”.

(7) Section 364A(2) of the Criminal Procedure Code is amended by deleting “377” in paragraph (c) and substituting “377B”.

10 (8) Schedule A to the Criminal Procedure Code is repealed and the following Schedule substituted therefor:

“SCHEDULE A

Sections 2, 9, 136(1) and 199(1)

TABULAR STATEMENT OF OFFENCES UNDER THE PENAL CODE

Explanatory Notes. (1) The entries in the second and seventh columns of this Schedule, headed respectively “Offence” and “Maximum punishment under the Penal Code” are not intended as definitions of the offences and punishments described in the several corresponding sections of the Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column. In the case of many offences punishable by fine the maximum fine is limited by the Penal Code: such offences are, in the seventh column marked.*

(2) The entries in the third column of this Schedule are not intended in any way to restrict the powers of arrest without warrant which may be lawfully exercised by police officers.

1	2	3	4	5	6	7	8
Penal Code Section	Offence	Whether the police may ordinarily arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable of right or not	Whether compoundable or not	Maximum punishment under the Penal Code	By what court triable besides the High Court

CHAPTER V — ABETMENT

109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment	May arrest without warrant, if arrest for the offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence abetted is bailable or not	According as to whether the offence abetted is compoundable or not	The same punishment as for the offence abetted	The court by which the offence abetted is triable
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso	Ditto	Ditto	Ditto	Ditto	The same punishment as for the offence intended to be abetted	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor	Ditto	Ditto	Ditto	Ditto	The same punishment as for the offence committed	Ditto
114	Abetment of any offence, if the abettor is present when offence is committed	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
115	Abetment of an offence punishable with death or imprisonment for life, if the offence is not committed in consequence of the abetment	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
115	If an act which causes harm is done in consequence of the abetment	Ditto	Ditto	Ditto	Ditto	Imprisonment for 14 years, and fine	Ditto
116	Abetment of an offence punishable with imprisonment, if the offence is not committed in consequence of the abetment	Ditto	Ditto	According as to whether the offence abetted is bailable or not	Ditto	Imprisonment extending to a quarter of the longest term provided for the offence, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
116	If the abettor or the person abetted is a public servant whose duty it is to prevent the offence	Ditto	Ditto	Ditto	Ditto	Imprisonment extending to half of the longest term provided for the offence, or fine, or both	Ditto
117	Abetting the commission of an offence by the public, or by more than 10 persons	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
118	Concealing a design to commit an offence punishable with death or imprisonment for life, if the offence is committed	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
118	If the offence is not committed	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence is committed	Ditto	Ditto	According as to whether the offence abetted is bailable or not	Ditto	Imprisonment extending to half of the longest term provided for the offence, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
119	If the offence is punishable with death or imprisonment for life	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 15 years, and fine	Ditto
119	If the offence is not committed	Ditto	Ditto	According as to whether the offence abetted is bailable or not	Ditto	Imprisonment extending to a quarter of the longest term provided for the offence, or fine, or both	Ditto
119	If the offence is punishable with death or imprisonment for life but is not committed	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
120	Concealing a design to commit an offence punishable with imprisonment, if the offence is committed	Ditto	Ditto	According as to whether the offence is bailable or not	Ditto	Imprisonment extending to a quarter of the longest term provided for the offence, or fine, or both	Ditto
120	If the offence is not committed	Ditto	Ditto	Ditto	Ditto	Imprisonment extending to one-eighth of the longest term provided for the offence, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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CHAPTER VA — CRIMINAL CONSPIRACY

120B	Criminal conspiracy	May arrest without warrant if arrest for the offence the object of the conspiracy may be made without warrant, but not otherwise	According as to whether warrant or summons may issue for the offence the object of the conspiracy	According as to whether the offence the object of the conspiracy is bailable or not	Not compoundable	The same punishment as if the offence the object of the conspiracy was abetted	The court by which the offence the object of the conspiracy is triable
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CHAPTER VI — OFFENCES AGAINST THE STATE

121	Waging or attempting to wage war, or abetting the waging of war, against the Government	May arrest without warrant	Warrant	Not bailable	Not compoundable	Death, or imprisonment for life, and fine	
121A	Offences against the President's person	Ditto	Ditto	Ditto	Ditto	Ditto	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
121B	Offences against authority	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, and fine	
121C	Abetting offences under section 121A or 121B	Ditto	Ditto	Ditto	Ditto	Punishment provided for offences under section 121A or 121B	
121D	Intentional omission to give information of offences against section 121, 121A, 121B or 121C	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court
122	Collecting arms, etc., with the intention of waging war against the Government	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	
123	Concealing with intent to facilitate a design to wage war	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	
124	Assaulting the President, etc., with intent to compel or restrain the exercise of any lawful power	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
125	Waging war against any power in alliance or at peace with the Government or abetting the waging of such war	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine, or fine	
126	Committing depredation on the territories of any power in alliance or at peace with the Government	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, and forfeiture of certain property	District Court
127	Receiving property taken by war or depredation mentioned in sections 125 and 126	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine, and forfeiture of property so received	Ditto
128	Public servant voluntarily allowing prisoner of State or war in his custody to escape	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine	
129	Public servant negligently suffering prisoner of State or war in his custody to escape	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
130	Aiding escape of, rescuing, or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine	

CHAPTER VIA — PIRACY

130B	Piracy by law of nations	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for life, and caning	
130B	While committing or attempting to commit piracy, the person commits murder or attempts to commit murder, or does any act which is likely to endanger the life of another person	Ditto	Ditto	Ditto	Ditto	Death	
130C	Piratical acts	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and caning	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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CHAPTER VIB — GENOCIDE

130E	Genocide where offence consists of the killing of any person	May arrest without warrant	Warrant	Not bailable	Not compoundable	Death	
130E	Genocide in any other case	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years	

CHAPTER VII — OFFENCES RELATING TO THE ARMED FORCES

131	Abetting mutiny, or attempting to seduce an officer, a sailor, a soldier or an airman from his allegiance or duty	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for life, or imprisonment for 10 years, and fine	
132	Abetment of mutiny, if mutiny is committed in consequence thereof	Ditto	Ditto	Ditto	Ditto	Death, or imprisonment for life, or imprisonment for 10 years, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
133	Abetment of an assault by an officer, a sailor, a soldier or an airman on his superior officer, when in the execution of his office	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
134	Abetment of such assault, if the assault is committed	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
135	Abetment of the desertion of an officer, a sailor, a soldier or an airman	Ditto	Ditto	Bailable	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
136	Harbouring such an officer, a sailor, a soldier or an airman who has deserted	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof	Shall not arrest without warrant	Summons	Ditto	Ditto	Fine*	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
138	Abetment of act of insubordination by an officer, a sailor, a soldier or an airman, if the offence is committed in consequence	May arrest without warrant	Warrant	Ditto	Ditto	Imprisonment for 6 months, or fine, or both	Ditto
140	Wearing garb or carrying any token used by a sailor, a soldier or an airman with intent that it may be believed that he is such	Ditto	Summons	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

CHAPTER VIII — OFFENCES RELATING TO UNLAWFUL ASSEMBLY

143	Being member of an unlawful assembly	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
144	Joining an unlawful assembly armed with any deadly weapon	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or caning, or any combination of such punishments	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
147	Rioting	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	Ditto
148	Rioting, armed with a deadly weapon	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	Ditto
149	Offence committed by member of an unlawful assembly, other members guilty	According as to whether arrest may be made without warrant for the offence or not	According as to whether a warrant or summons may issue for the offence	According as to whether the offence is bailable or not	Ditto	The same as for the offence	The court by which offence is triable

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
150	Hiring, engaging or employing persons to take part in an unlawful assembly	May arrest without warrant	According to the offence committed by the person hired, engaged or employed	Ditto	Ditto	The same as for a member of such assembly, and for any offence committed by any member of such assembly	Ditto
151	Knowingly joining or continuing in any assembly of 5 or more persons after it has been commanded to disperse	Ditto	Warrant	Not bailable	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
152	Assaulting or obstructing public servant when suppressing riot, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 8 years, or fine, or both	Ditto
153	Wantonly giving provocation with intent to cause riot, if rioting is committed	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
153	If not committed	Ditto	Ditto	Bailable	Ditto	Imprisonment for one year, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
154	Owner or occupier of land not giving information of riot, etc.	Shall not arrest without warrant	Summons	Ditto	Ditto	Fine*	Ditto
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it	Ditto	Ditto	Ditto	Ditto	Fine	Ditto
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
157	Harbouring persons hired for an unlawful assembly	May arrest without warrant	Warrant	Not bailable	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
158	Being hired to take part in an unlawful assembly or riot	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
158	Or to go armed	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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CHAPTER IX — OFFENCES BY OR RELATING TO PUBLIC SERVANTS

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act	May arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
162	Taking a gratification in order by corrupt or illegal means to influence a public servant	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
163	Taking a gratification for the exercise of personal influence with a public servant	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
164	Abetment by public servant of the offences defined in sections 162 and 163 with reference to himself	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by the public servant	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
166	Public servant disobeying a direction of the law with intent to cause injury to any person	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
167	Public servant framing an incorrect document or electronic record with intent to cause injury	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
168	Public servant unlawfully engaging in trade	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
169	Public servant unlawfully buying or bidding for property	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
170	Personating a public servant	May arrest without warrant	Warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
171	Wearing garb or carrying token used by public servant with fraudulent intent	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

CHAPTER X — CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

172	Absconding to avoid service of summons or other proceeding from a public servant	May arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
172	If summons or notice requires attendance in person, etc., in a court of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation	Ditto	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
173	If summons, etc., requires attendance in person, etc., in a court of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority	Ditto	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto
174	If the order requires personal attendance, etc., in a court of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
175	Intentionally omitting to produce a document or an electronic record to a public servant by a person legally bound to produce or deliver such document or electronic record	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for one month, or fine*, or both	The court in which the offence is committed subject to the provisions of Chapter XXXII, or if not committed in a court, a District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
175	If the document or electronic record is required to be produced in or delivered to a court of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give the notice or information	Ditto	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
176	If the notice or information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
177	Knowingly furnishing false information to a public servant	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
177	If the information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
178	Refusing oath when duly required to take an oath by a public servant	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	The court in which the offence is committed, subject to the provisions of Chapter XXXII, or if not committed in a court, a District Court
179	Being legally bound to state truth, and refusing to answer questions to a public servant	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
180	Refusing to sign a statement made to a public servant when legally required to do so	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine*, or both	Ditto
181	Knowingly stating to a public servant on oath as true that which is false	Ditto	Warrant	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person	Ditto	Summons	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
183	Resistance to the taking of property by the lawful authority of a public servant	May arrest without warrant	Warrant	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
184	Obstructing sale of property offered for sale by authority of a public servant	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorised sale, or bidding without intending to perform the obligations incurred thereby	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
186	Obstructing public servant in discharge of his public functions	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine*, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
187	Omission to assist public servant when bound by law to give such assistance	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto
187	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed	Shall not arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto
188	If such disobedience causes danger to human life, health or safety, etc.	Ditto	Warrant	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
190	Threatening any person to induce him to refrain from making a legal application for protection from injury	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto

CHAPTER XI — FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

193	Giving or fabricating false evidence in a judicial proceeding	Shall not arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 7 years, and fine	District Court
193	Giving or fabricating false evidence in any other case	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence	May arrest without warrant	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	
194	If innocent person is thereby convicted and executed	Ditto	Ditto	Ditto	Ditto	Death, or as above	
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for life or imprisonment for 7 years or upwards	According as to whether arrest may be made without warrant for the offence or not	Ditto	Ditto	Ditto	The same as for the offence	
196	Corruptly using or attempting to use evidence known to be false or fabricated	Shall not arrest without warrant	Ditto	Bailable	Ditto	The same as for giving or fabricating false evidence	District Court
197	Knowingly issuing or signing a false certificate relating to any fact of which that certificate is by law admissible in evidence	Ditto	Ditto	Ditto	Ditto	The same as for giving false evidence	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
198	Using as a true certificate one known to be false in a material point	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
199	False statement made in any declaration which is by law receivable as evidence	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
200	Using as true any such declaration known to be false	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
201	Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender, if the offence is capital	According as to whether arrest may be made without warrant for the offence or not	Ditto	Not bailable	Ditto	Imprisonment for 10 years, and fine	Ditto
201	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
201	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Bailable	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
202	Intentional omission to give information of an offence by a person legally bound to inform	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 6 months, or fine, or both	Ditto
203	Giving false information respecting an offence committed	Ditto	Warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
204	Secreting or destroying any document or electronic record to prevent its production as evidence	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
204A	Obstructing, preventing, perverting or defeating course of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
204B	Bribery of witnesses	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
206	Fraudulent removal or concealment, etc., of property to prevent its seizure as a forfeiture or in satisfaction of a fine under sentence, or in execution of a decree	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
209	False claim in a court of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, and fine	Ditto
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
211	False charge of offence made with intent to injure	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
211	If offence charged is punishable with death, or imprisonment for a term of 7 years or upwards	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
212	Harbouring an offender, if the offence is capital	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
212	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
212	If punishable with imprisonment for one year and not for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
213	Taking gift, etc., to screen an offender from punishment, if the offence is capital	According as to whether arrest may be made without warrant for the offence or not	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
213	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
213	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
214	Offering gift or restoration of property in consideration of the screening offender, if the offence is capital	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
214	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
214	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
215	Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender	Shall not arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence is capital	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
216	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
216	If punishable with imprisonment for one year and not for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
216A	Harbouring robbers or gang-robbers	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture	Ditto	Warrant	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
219	Public servant in a judicial proceeding corruptly making or pronouncing an order, a report, a verdict or a decision which he knows to be contrary to law	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence is capital	According as to whether arrest may be made without warrant for the offence or not	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
221	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
221	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a court of justice, if under sentence of death	Ditto	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	
222	If under sentence of imprisonment for 20 years or upwards	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
222	If under sentence of imprisonment for less than 20 years, or lawfully committed to custody	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
223	Escape from confinement negligently suffered by a public servant	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
224	Resistance or obstruction by a person to his lawful apprehension	May arrest without warrant	Warrant	Ditto	Ditto	Ditto	Ditto
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
225	If charged with an offence punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
225	If charged with a capital offence	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
225	If the person is sentenced to imprisonment for 10 years or upwards	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
225	If under sentence of death	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
225A	Intentional omission to apprehend on the part of a public servant bound by law to apprehend any person in a case not provided for by section 221, 222 or 223	Ditto	Ditto	Bailable	Ditto	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
225A	Negligent omission to do same	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
225B	Resistance or obstruction by a person to the lawful apprehension of himself or any other person in a case not otherwise provided for	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
225C	Illegal act or omission for which punishment is not provided	Shall not arrest without warrant	Summons	Ditto	Ditto	Fine*	Ditto
226	Unlawful return from banishment	May arrest without warrant	Warrant	Not bailable	Ditto	Imprisonment for the original term of banishment or expulsion, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
227	Violation of condition of remission of punishment	Shall not arrest without warrant	Ditto	Ditto	Ditto	Punishment of original sentence, or, if part of the punishment has been undergone, the residue	The court in which the offence is committed, subject to the provisions of Chapter XXXII
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding	Ditto	Summons	Bailable	Ditto	Imprisonment for one year, or fine*, or both	
229	Personation of an assessor	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	

CHAPTER XII — OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS

231	Counterfeiting, or performing any part of the process of counterfeiting coin	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 7 years, and fine	District Court
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1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
232	Counterfeiting, or performing any part of the process of counterfeiting current coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
233	Making, buying or selling instrument for the purpose of counterfeiting coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
234	Making, buying or selling instrument for the purpose of counterfeiting current coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
235	If current coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
236	Abetting in Singapore the counterfeiting out of Singapore of coin or current coin	Ditto	Ditto	Ditto	Ditto	The punishment provided for abetting the counterfeiting of such coin or current coin within Singapore	Ditto
237	Import or export of counterfeit coin, knowing the same to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
238	Import or export of counterfeits of current coin, knowing the same to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
239	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto
240	The same with respect to current coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine*, or both	Magistrate's Court or District Court
241A	Delivery to another of current coin as genuine which, when first possessed, the deliverer did not know to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	District Court
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
243	Possession of current coin by a person who knew it to be counterfeit when he became possessed thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	District Court
246	Fraudulently diminishing the weight or altering the composition of any coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
247	Fraudulently diminishing the weight or altering the composition of current coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
249	Altering appearance of current coin with intent that it shall pass as a coin of a different description	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
250	Delivery to another of coin possessed with the knowledge that it is altered	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Magistrate's Court or District Court
251	Delivery of current coin possessed with the knowledge that it is altered	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
253	Possession of current coin by a person who knew it to be altered when he became possessed thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine*	Ditto
254A	Delivery to another of current coin as genuine which, when first possessed, the deliverer did not know to be altered	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	District Court
255	Counterfeiting a Government stamp	Ditto	Ditto	Bailable	Ditto	Imprisonment for 10 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
258	Sale of counterfeit Government stamp	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
259	Having possession of a counterfeit Government stamp	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
260	Using as genuine a Government stamp known to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
262	Using a Government stamp known to have been before used	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
263	Erasure of mark denoting that stamp has been used	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

CHAPTER XIII — OFFENCES RELATING TO WEIGHTS AND MEASURES

264	Fraudulent use of false instrument for weighing	Shall not arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
265	Fraudulent use of false weight or measure	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
266	Being in possession of false weights or measures for fraudulent use	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
267	Making or selling false weights or measures for fraudulent use	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

**CHAPTER XIV — OFFENCES AFFECTING THE PUBLIC TRANQUILITY, PUBLIC HEALTH, SAFETY,
CONVENIENCE, DECENCY AND MORALS**

267B	Committing affray	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
267C	Making, printing, etc., document containing incitement to violence, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life	Ditto	Summons	Bailable	Ditto	Imprisonment for one year, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
270	Malignantly doing any act known to be or likely to spread infection of any disease dangerous to life	Ditto	Warrant	Ditto	Ditto	Imprisonment for 4 years, or fine, or both	Ditto
271	Knowingly disobeying any quarantine rule	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
272	Adulterating food or drink intended for sale, so as to make the same noxious	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
273	Selling any food or drink as food and drink knowing the same to be noxious	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
277	Fouling the water of a public spring or reservoir	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
278	Making atmosphere noxious to health	Shall not arrest without warrant	Ditto	Ditto	Ditto	Ditto	Ditto
279	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	May arrest without warrant	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
280	Navigating any vessel so rashly or negligently as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
281	Exhibition of a false light, mark or buoy	Ditto	Warrant	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life	Ditto	Summons	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
283	Causing danger, obstruction or injury in any public way or line of navigation	Ditto	Ditto	Ditto	Ditto	Fine*	Ditto
284	Dealing with any poisonous substance so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
285	Dealing with fire or any combustible matter so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
286	Dealing with any explosive substance so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
287	Dealing with any machinery so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
288	Omitting to take order to guard against probable danger to human life by the fall of any building being pulled down or repaired	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
289	Omitting to take order with any animal in person's possession, so as to guard against danger to human life, or to grievous hurt, from that animal	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
290	Committing a public nuisance	Ditto	Ditto	Ditto	Ditto	Fine*	Ditto
291	Continuance of nuisance after injunction to discontinue	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
292	Sale, etc., of obscene books, etc.	Ditto	Warrant	Ditto	Ditto	Imprisonment for 3 months, or fine, or both	Ditto
293	Sale, etc., of obscene objects to persons under the age of 21 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
294	Doing obscene act or reciting obscene song in a public place	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine, or both	Ditto

CHAPTER XV — OFFENCES RELATING TO RELIGION OR RACE

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons	May arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
296	Causing a disturbance to an assembly engaged in religious worship	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
297	Trespassing in place of worship or sepulture, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person or causes any matter however represented to be seen or heard by that person, with intention to wound his religious or racial feeling	Shall not arrest without warrant	Ditto	Ditto	Compoundable by the person whose religious or racial feeling is intended to be wounded	Ditto	Ditto
298A	Promoting enmity between different groups on grounds of religion or race, and doing acts prejudicial to maintenance of harmony	Ditto	Ditto	Ditto	Not compoundable	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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CHAPTER XVI — OFFENCES AFFECTING THE HUMAN BODY

Offences affecting life

302	Murder	May arrest without warrant	Warrant	Not bailable	Not compoundable	Death	
304(a)	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine, or caning	
304(b)	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or caning, or any combination of such punishments	
304A(a)	Causing death by rash act	Ditto	Ditto	Bailable	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
304A(b)	Causing death by negligent act	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
305	Abetment of suicide committed by a child, or insane or delirious person or, an idiot, or a person intoxicated	Ditto	Ditto	Not bailable	Ditto	Death, or imprisonment for life, or imprisonment for 10 years, and fine	
306	Abetting the commission of suicide	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
307(1)	Attempt to murder	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	
307(1)	If hurt is caused to any person by such act	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and caning, or fine, or both	
307(2)	Attempt by life-convict to murder, if hurt is caused	Ditto	Ditto	Ditto	Ditto	Death	
308	Attempt to commit culpable homicide not amounting to murder	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
308	If hurt is caused to any person by such act	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, or fine, or caning, or any combination of such punishments	Magistrate's Court or District Court
309	Attempt to commit suicide	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	
311	Infanticide	Ditto	Ditto	Bailable	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
<i>Causing miscarriage; injuries to unborn children; exposure of infants; and concealment of births</i>							
312	Causing miscarriage	Shall not arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
312	If the woman is quick with child	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
313	Causing miscarriage without woman's consent	May arrest without warrant	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
314	Death caused by an act done with intent to cause miscarriage	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
314	If act done without woman's consent	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
315	Act done with intent to prevent a child being born alive, or to cause the child to die after his birth	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	
316	Causing death of a quick unborn child by an act amounting to culpable homicide	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
317	Exposure of a child under 12 years of age by parent or person having care of such child, with intention of wholly abandoning the child	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, or fine, or both	District Court
318	Concealment of birth by secret disposal of dead body	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

Hurt

323	Voluntarily causing hurt	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person hurt	Imprisonment for 2 years, or fine*, or both	Magistrate's Court or District Court
324	Voluntarily causing hurt by dangerous weapons or means	May arrest without warrant	Ditto	Ditto	Not compoundable	Imprisonment for 7 years, or fine, or caning, or any combination of such punishments	Ditto
325	Voluntarily causing grievous hurt	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
326	Voluntarily causing grievous hurt by dangerous weapons or means	Ditto	Warrant	Not bailable	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine, or caning	District Court
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto
328	Administering stupefying drug with intent to cause hurt, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine, or caning	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc.	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, and fine, or caning	Ditto
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto
332	Voluntarily causing hurt to deter public servant from his duty	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, or fine, or caning, or any combination of such punishments	Magistrate's Court or District Court
333	Voluntarily causing grievous hurt to deter public servant from his duty	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 15 years, and fine, or caning	District Court
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person hurt	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 6 years, or fine*, or both	Ditto
336(a)	Doing any rash act which endangers human life or the personal safety of others	Ditto	Ditto	Ditto	Not compoundable	Imprisonment for 6 months, or fine*, or both	Ditto
336(b)	Doing any negligent act which endangers human life or the personal safety of others	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine*, or both	Ditto
337(a)	Causing hurt by a rash act which endangers human life, etc.	Ditto	Ditto	Ditto	Compoundable by the person hurt	Imprisonment for one year, or fine*, or both	Ditto
337(b)	Causing hurt by a negligent act which endangers human life, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
338(a)	Causing grievous hurt by a rash act which endangers human life, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 4 years, or fine*, or both	Ditto
338(b)	Causing grievous hurt by a negligent act which endangers human life, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine*, or both	Ditto

Wrongful restraint and wrongful confinement

341	Wrongfully restraining any person	May arrest without warrant	Summons	Bailable	Compoundable by the person hurt	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
342	Wrongfully confining any person	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
343	Wrongfully confining any person for 3 or more days	Ditto	Ditto	Ditto	Not compoundable	Imprisonment for 2 years, or fine, or both	Ditto
344	Wrongfully confining any person for 10 or more days	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, in addition to imprisonment under any other section	Ditto
346	Wrongful confinement in secret	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
<i>Criminal force and assault</i>							
352	Assault or use of criminal force otherwise than on grave and sudden provocation	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person assaulted or to whom force was used	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court
353	Assault or use of criminal force to deter a public servant from discharge of his duty	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 4 years, or fine, or both	Ditto
354(1)	Assault or use of criminal force to a person with intent to outrage modesty	Ditto	Ditto	Bailable	Compoundable by the person assaulted or to whom force was used	Imprisonment for 2 years, or fine, or caning, or any combination of such punishments	Ditto
354(2)	If committed against any person under 14 years of age	Ditto	Ditto	Ditto	Not compoundable	Imprisonment for 5 years, or fine, or caning, or any combination of such punishments	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
354A(1)	Voluntarily causing or attempting to cause death, hurt, etc., in committing the offence of outraging modesty	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 10 years, and caning	District Court
354A(2)	If committed in a lift in any building or against any person under 14 years of age	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
355	Assault or use of criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person assaulted or to whom force was used	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
356	Assault or use of criminal force in committing or attempting to commit theft of property worn or carried by a person	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 7 years, and caning	District Court
357	Assault or use of criminal force in attempting wrongfully to confine a person	Ditto	Ditto	Bailable	Ditto	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
358	Assault or use of criminal force on grave and sudden provocation	Shall not arrest without warrant	Summons	Ditto	Compoundable by the person assaulted or to whom force was used	Imprisonment for one month, or fine*, or both	Ditto
<i>Kidnapping, abduction, slavery and forced labour</i>							
363	Kidnapping	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 10 years, and fine, or caning	District Court
363A	Abduction	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or caning, or any combination of such punishments	Ditto
364	Kidnapping or abducting in order to murder	Ditto	Ditto	Ditto	Ditto	Death, or imprisonment for life, and caning	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
364A	Kidnapping or abducting in order to compel the Government to do or abstain from doing any act	Ditto	Ditto	Ditto	Ditto	Death, or imprisonment for life, and fine, or caning	
364A	Kidnapping or abducting in order to compel any person to do or abstain from doing any act	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine, or caning	
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	District Court
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
368	Concealing or keeping in confinement a kidnapped person	Ditto	Ditto	Ditto	Ditto	Punishment for kidnapping or abduction	District Court
369	Kidnapping or abducting a child with intent to take property from the person of such child	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto
370	Buying or disposing of any person as a slave	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
371	Habitual dealing in slaves	Ditto	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
372	Selling or letting to hire a minor for purposes of prostitution, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
373	Buying or obtaining possession of a minor for the same purposes	Ditto	Ditto	Ditto	Ditto	Ditto	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
373A	Importing woman by fraud with intent, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	
374	Unlawful compulsory labour	Ditto	Ditto	Bailable	Compoundable by the person compelled to labour	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court

Sexual offences

375(2)	Rape	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 20 years, and fine, or caning	
375(3)(a)	If in order to commit or to facilitate the commission of an offence of rape, voluntarily causes hurt or puts a person in fear of death or hurt	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	
375(3)(b)	Rape of woman under 14 years of age without her consent	Ditto	Ditto	Ditto	Ditto	Ditto	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
376(3)	Sexual assault by penetration	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine, or caning	
376(4)(a)	If in order to commit or to facilitate the commission of sexual assault by penetration, voluntarily causes hurt or puts a person in fear of death or hurt	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	
376(4)(b)	Sexual assault by penetration of person under 14 years of age without his or her consent	Ditto	Ditto	Ditto	Ditto	Ditto	
376A(2)	Sexual penetration of minor under 16 years of age	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court
376A(3)	Sexual penetration of minor under 14 years of age	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine, or caning	
376B(1)	Commercial sex with minor under 18 years of age	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, or fine, or both	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
376B(2)	Communicating with a person for purpose of commercial sex with minor under 18 years of age	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
376C(2)	Commercial sex with minor under 18 years of age outside Singapore	May arrest without warrant	Warrant	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
376C(2)	Communicating with a person for purpose of commercial sex with minor under 18 years of age outside Singapore	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
376D(3)	Tour outside Singapore for commercial sex with minor under 18 years of age	May arrest without warrant	Warrant	Not bailable	Ditto	Imprisonment for 10 years, or fine, or both	District Court
376E(4)	Sexual grooming of minor under 16 years of age	Ditto	Summons	Bailable	Ditto	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
376F(2)	Procurement of sexual activity with a person with mental disability	Shall not arrest without warrant	Warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
376F(3)	If penetration is involved	May arrest without warrant	Ditto	Not bailable	Ditto	Imprisonment for 10 years, or fine, or both	District Court
376G(3)	Incest by a man	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years	Ditto
376G(4)	Incest by a man with a woman under 14 years of age	Ditto	Ditto	Ditto	Ditto	Imprisonment for 14 years	Ditto
376G(5)	Incest by a woman	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years	District Court
377(2)	Sexual penetration of a corpse	Ditto	Ditto	Bailable	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
377(4)	Causing another person to sexually penetrate a corpse	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 20 years, and fine, or caning	
377A	Outrages on decency	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years	Magistrate's Court or District Court
377B(2)	Sexual penetration with living animal	Ditto	Summons	Bailable	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
377B(4)	Causing another person to sexually penetrate a living animal	Ditto	Warrant	Not bailable	Ditto	Imprisonment for 20 years, and fine, or caning	
377B(4)	Causing another person to be sexually penetrated by a living animal	Ditto	Ditto	Ditto	Ditto	Ditto	

CHAPTER XVII — OFFENCES AGAINST PROPERTY

Theft

379	Theft	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
379A	Theft of motor vehicle or any component part thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine, and disqualification for such period as the court may order from holding or obtaining a driving licence	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
380	Theft in a building, tent or vessel	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto
381	Theft by clerk or servant of property in possession of master or employer	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
382	Theft after preparation made for causing death or hurt in order to commit theft	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	

Extortion

384	Extortion	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 7 years, and caning	Magistrate's Court or District Court
385	Putting or attempting to put in fear of harm, in order to commit extortion	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and caning	Ditto
386	Extortion by putting a person in fear of death or grievous hurt	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	Ditto
388	Extortion by threat of accusation of an offence punishable with death, or imprisonment for life, or imprisonment for 10 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto
389	Putting a person in fear of accusation of offence punishable with death, or imprisonment for life, or imprisonment for 10 years, in order to commit extortion	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
<i>Robbery and gang-robbery</i>							
392	Robbery	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 10 years, and caning	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
392	If committed after 7 p.m. and before 7 a.m.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 14 years, and caning	Ditto
393	Attempt to commit robbery	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	Ditto
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	Ditto
395	Gang-robbery	Ditto	Ditto	Ditto	Ditto	Ditto	
396	Gang-robbery with murder	Ditto	Ditto	Ditto	Ditto	Death, or imprisonment for life, and caning	
397	Robbery when armed or with attempt to cause death or grievous hurt	Ditto	Ditto	Ditto	Ditto	Caning in addition to the punishment under any other section	
399	Making preparation to commit gang-robbery	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
400	Belonging to a gang of persons associated for the purpose of habitually committing gang-robbery	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and caning	
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing theft	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	District Court
402	Being one of 5 or more persons assembled for the purpose of committing gang-robbery	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
<i>Criminal misappropriation of property</i>							
403	Dishonest misappropriation of movable property, or converting it to one's own use	Shall not arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
404	If by clerk or person employed by deceased	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court

Criminal breach of trust

406	Criminal breach of trust	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
407	Criminal breach of trust by a carrier, wharfinger, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	District Court
408	Criminal breach of trust by a clerk or servant	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
409	Criminal breach of trust by public servant, or by banker, merchant or agent, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	Ditto

Receiving stolen property

411(1)	Dishonestly receiving or retaining stolen property, knowing it to be stolen	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
411(2)	If the stolen property is a motor vehicle or any component part thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine, and disqualification for such period as the court may order from holding or obtaining a driving licence	Ditto
412	Dishonestly receiving or retaining stolen property, knowing that it was obtained by gang-robbery	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
413	Habitually dealing in stolen property	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine	
414(1)	Assisting in concealment or disposal of stolen property, knowing it to be stolen	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
414(2)	If the stolen property is a motor vehicle or any component part thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine, and disqualification for such period as the court may order from holding or obtaining a driving licence	Ditto
<i>Cheating</i>							
417	Cheating	May arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
419	Cheating by personation	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
<i>Fraudulent deeds and dispositions of property</i>							
421	Fraudulent removal or concealment of property, etc., to prevent distribution among creditors	Shall not arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
423	Fraudulent execution of deed of transfer containing a false statement of consideration	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing, thereof, or dishonestly releasing any demand or claim to which he is entitled	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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Mischief

426	Mischief	Shall not arrest without warrant	Summons	Bailable	Compoundable when the only loss or damage caused is loss or damage to a private person by that private person	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
427	Mischief, and thereby causing damage to the amount of \$500 or upwards	Ditto	Warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
428	Mischief by killing, poisoning, maiming or rendering useless, any animal	May arrest without warrant	Ditto	Ditto	Not compoundable	Imprisonment for 5 years, or fine, or both	Ditto
430	Mischief by causing diminution of supply of water for agricultural or industrial purposes, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
430A	Mischief affecting railway engine, train, etc.	Ditto	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
431	Mischief by injury to public road, bridge, navigable river or channel, and rendering it impassable or less safe for travelling or conveying property	Ditto	Ditto	Bailable	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
431A	Mischief by injury to telegraph cable, wire, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
432	Mischief by causing inundation or obstruction to public drainage, attended with damage	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
433	Mischief by destroying or moving, or rendering less useful a lighthouse or sea-mark	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
434	Mischief by destroying or moving, etc., a landmark fixed by public authority	Shall not arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
435	Mischief by fire or explosive substance	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
436	Mischief by fire or explosive substance with intent to destroy a house, etc.	Ditto	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
438	The mischief described in section 437 when committed by fire or any explosive substance	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
439	Running vessel ashore with intent to commit theft, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
440	Mischief committed after preparation made for causing death or hurt, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto

Criminal trespass

447	Criminal trespass	May arrest without warrant	Summons	Bailable	Compoundable by the person in possession of the property trespassed upon	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court
448	House-trespass	Ditto	Warrant	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
449	House-trespass in order to commit an offence punishable with death	Ditto	Ditto	Not bailable	Not compoundable	Imprisonment for life, or imprisonment for 10 years, and fine	
450	House-trespass in order to commit an offence punishable with imprisonment for life	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
451	House-trespass in order to commit an offence punishable with imprisonment	Ditto	Ditto	Bailable	Ditto	Imprisonment for 2 years, and fine	Magistrate's Court or District Court
451	If the offence is theft	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
452	House-trespass, after preparation made for causing hurt, assault, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
453	Lurking house-trespass or house-breaking	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, and fine	Ditto
454	Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
454	If the offence is theft	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	Ditto
456	Lurking house-trespass or house-breaking by night	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
457	Lurking house-trespass or house-breaking by night in order to commit an offence punishable with imprisonment	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto
457	If the offence is theft	Ditto	Ditto	Ditto	Ditto	Imprisonment for 14 years, and fine	District Court
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 14 years, and caning	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
458A	Committing an offence under section 454 or 457 subsequent to having been convicted of an offence under section 454, 455, 457 or 458	Ditto	Ditto	Ditto	Ditto	Caning in addition to the punishment prescribed for the offence	Ditto
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years	
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property	Ditto	Ditto	Bailable	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

**CHAPTER XVIII — OFFENCES RELATING TO DOCUMENTS OR ELECTRONIC RECORDS, FALSE INSTRUMENTS,
AND TO CURRENCY NOTES AND BANK NOTES**

465	Forgery	May arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 4 years, or fine, or both	Magistrate's Court or District Court
466	Forgery of a record of a court of justice or of a register of births, etc., kept by a public servant	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 10 years, and fine	District Court
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
468	Forgery for the purpose of cheating	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose	Ditto	Ditto	Bailable	Ditto	Imprisonment for 5 years, and fine	Magistrate's Court or District Court
471	Using as genuine a forged document or forged electronic record which is known to be forged	Ditto	Ditto	Ditto	Ditto	Punishment for forgery	The court by which the forgery of the document is triable
472	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable under section 467, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 15 years, and fine	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
473	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable otherwise than under section 467, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
473A	Making or possessing equipment for making false instrument	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
473B	Making or possessing equipment for making false instrument with intent to induce prejudice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
474	Having possession of a document or an electronic record knowing it to be forged, with intent to use it as genuine, if the document or electronic record is one of the description mentioned in section 466	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
474	If the document is one of the description mentioned in section 467	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto
475	Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
476	Counterfeiting a device or mark used for authenticating documents or electronic records other than those described in section 467, or possessing counterfeit marked material	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto
477A	Falsification of accounts by clerk or servant	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	Ditto
<i>Currency notes and bank notes</i>							
489A	Forging or counterfeiting currency notes or bank notes	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 20 years, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
489B	Using as genuine forged or counterfeit currency notes or bank notes	Ditto	Ditto	Ditto	Ditto	Ditto	
489C	Possession of forged or counterfeit currency notes or bank notes, with intent	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years	
489D	Making or possessing instruments or materials for forging or counterfeiting currency notes or bank notes	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine	

CHAPTER XX — OFFENCES RELATING TO MARRIAGE

493	A man by deceit causing a woman not lawfully married to him, to believe that she is lawfully married to him, and to cohabit with him in that belief	Shall not arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 10 years, and fine	District Court
494	Marrying again during the lifetime of a husband or wife	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 10 years, and fine	Ditto
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto

CHAPTER XXI — DEFAMATION

500	Defamation	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person defamed	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
501	Printing or engraving matter knowing it to be defamatory	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

CHAPTER XXII — CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

504	Insult intended to provoke a breach of the peace	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person insulted	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
505	False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace	Ditto	Warrant	Not bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Ditto
506	Criminal intimidation	May arrest without warrant	Ditto	Bailable	Compoundable by the person intimidated	Imprisonment for 2 years, or fine, or both	Ditto
506	If threat is to cause death or grievous hurt, etc.	Ditto	Ditto	Ditto	Not compoundable	Imprisonment for 10 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
507	Criminal intimidation by anonymous communication or having taken precaution to conceal from where the threat comes	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 2 years, in addition to the punishment under section 506	Ditto
508	Act caused by inducing a person to believe that he will be rendered an object of divine displeasure	Shall not arrest without warrant	Ditto	Bailable	Ditto	Imprisonment for one year, or fine, or both	Ditto
509	Uttering any word or making any gesture intended to insult the modesty of a woman, etc.	Ditto	Summons	Ditto	Compoundable by the woman insulted	Ditto	Ditto
510	Appearing in a public place, etc., in a state of intoxication, and causing annoyance to any person	May arrest without warrant	Ditto	Ditto	Not compoundable	Imprisonment for 6 months, or fine*, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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CHAPTER XXIII — ATTEMPTS TO COMMIT OFFENCES

511	Attempting (where no express provision is made by the Penal Code or by other written law) to commit offences punishable with imprisonment or fine or with a combination of such punishments (other than imprisonment for life), and in such attempt doing any act towards the commission of the offence	According as to whether the offence is one in respect of which the police may arrest without warrant or not	According as to whether the offence is one in respect of which a summons or warrant shall ordinarily issue	According as to whether the offence contemplated by the offender is bailable or not	Compoundable when the offence attempted is compoundable	The punishment provided for the offence, provided that any term of imprisonment shall not exceed one-half of the longest term provided for the offence	The court by which the offence attempted is triable
511	If the attempted offence is punishable with imprisonment for life	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years	Ditto

OFFENCES AGAINST LAWS OTHER THAN THE PENAL CODE

	If punishable with death, imprisonment for 7 years or upwards	May arrest without warrant	Warrant	Not bailable	Not compoundable	According to sections 9 and 12 of this Code	
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1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
	If punishable with imprisonment for 3 years or upwards but less than 7 years If punishable with imprisonment for less than 3 years If punishable with fine only	Ditto Shall not arrest without warrant unless specifically empowered to do so by the law offended against Ditto	Ditto Summons Ditto	Ditto Bailable Ditto	Ditto Ditto Ditto	According to sections 9 and 12 of this Code According to sections 9 and 12 of this Code According to sections 9 and 12 of this Code”.	

FIRST SCHEDULE

Section 105

MISCELLANEOUS AMENDMENTS TO PENALTIES

*First column**Second column*

- | | |
|------------------|---|
| (1) Section 119 | <p>(a) Delete the words “with imprisonment for a term which may extend to 10 years” in the 13th line and substitute the words “be punished with imprisonment for a term which may extend to 15 years, and also be liable to fine”.</p> <p>(b) Insert, immediately after the word “both” in the last line, the words “; or, if the offence not committed is punishable with death or imprisonment for life, be punished with imprisonment for a term which may extend to 7 years, and also be liable to fine”.</p> |
| (2) Section 121 | Delete the words “, and shall also be liable to fine” and substitute the words “and shall, if he is not sentenced to death, also be liable to fine”. |
| (3) Section 121A | Delete the words “and shall also be liable to fine” and substitute the words “or with imprisonment for life and shall, if he is not sentenced to death, also be liable to fine”. |
| (4) Section 124 | Delete words “for a term which may extend to 7 years” in the penultimate line and substitute the words “for life or for a term which may extend to 20 years”. |

<i>First column</i>	<i>Second column</i>
(5) Section 126	Delete the words “7 years, and shall also be liable to fine and to forfeiture of any property used, or intended to be used, in committing such depredation, or acquired by such depredation” and substitute the words “10 years, and shall also be liable to fine, and any property used, or intended to be used, in committing such depredation, or acquired by such depredation, shall be forfeited”.
(6) Section 127	Delete the words “and to forfeiture of the property so received” and substitute the words “, and the property so received shall be forfeited”.
(7) Section 144	Delete the words “2 years, or with fine, or with both” and substitute the words “5 years, or with fine, or with caning, or with any combination of such punishments”.
(8) Section 201	<p>(a) Delete the words “7 years” in the 9th line and substitute the words “10 years”.</p> <p>(b) Delete the words “10 years” in the 11th and 15th lines and in the marginal note and substitute in each case the words “20 years”.</p> <p>(c) Delete the words “3 years” in the 13th line and substitute the words “7 years”.</p> <p>(d) Delete the words “7 years” in the <i>illustration</i> and substitute the words “10 years”.</p>
(9) Section 212	<p>(a) Delete the words “5 years” in the 6th line and substitute the words “10 years”.</p> <p>(b) Delete the words “10 years” in the 8th and 12th lines and substitute in each case the words “20 years”.</p> <p>(c) Delete the words “3 years” in the 10th line and substitute the words “7 years”.</p>

*First column**Second column*

- (10) Section 213
- (d) Delete the words “3 years” in the *illustration* and substitute the words “7 years”.
- (a) Delete the words “7 years” in the 9th line and substitute the words “10 years”.
- (b) Delete the words “10 years” in the 12th and 15th lines and substitute in each case the words “20 years”.
- (c) Delete the words “3 years” in the 13th line and substitute the words “7 years”.
- (11) Section 214
- (a) Delete the words “7 years” in the 9th line and substitute the words “10 years”.
- (b) Delete the words “10 years” in the 12th and 15th lines and substitute in each case the words “20 years”.
- (c) Delete the words “3 years” in the 13th line and substitute the words “7 years”.
- (12) Section 216
- (a) Delete the words “7 years” in the 13th line and substitute the words “10 years”.
- (b) Delete the words “for 10 years” in the 14th and 15th lines and substitute the words “which may extend to 20 years”.
- (c) Delete the words “10 years” in the 18th line and substitute the words “20 years”.
- (d) Delete the words “3 years” in the 16th line and substitute the words “7 years”.
- (e) Delete the words “with or without fine” in the 16th line and substitute the words “and shall also be liable to fine”.

First column

(13) Section 221

Second column

Delete paragraphs (a), (b) and (c) and substitute the following paragraphs:

- “(a) with imprisonment for a term which may extend to 10 years, and shall also be liable to fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with death;
- (b) with imprisonment for a term which may extend to 7 years, and shall also be liable to fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with imprisonment for life, or imprisonment for a term which may extend to 20 years; or
- (c) with imprisonment for a term which may extend to 5 years, or with fine, or with both, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with imprisonment for a term less than 20 years.”.

(14) Section 222

Delete paragraphs (a), (b) and (c) and substitute the following paragraphs:

- “(a) with imprisonment for life or with imprisonment for a term which may extend to 20 years, and shall also be liable to fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death;

*First column**Second column*

- (b) with imprisonment for a term which may extend to 10 years, and shall also be liable to fine, if the person in confinement, or who ought to have been apprehended, is subject, by a sentence of a court of justice, or by virtue of a commutation of such sentence, to imprisonment for a term of 20 years or upwards; or
- (c) with imprisonment for a term which may extend to 7 years, or with fine or with both, if the person in confinement, or who ought to have been apprehended, is subject, by a sentence of a court of justice, to imprisonment for a term less than 20 years, or if the person was lawfully committed to custody.”.
- (15) Section 225
- (a) Delete the words “2 years” in paragraph (a) and substitute the words “5 years”.
- (b) Delete the words “10 years” in paragraph (b) and substitute the words “20 years”.
- (c) Delete the words “3 years” in paragraph (b) and substitute the words “7 years”.
- (d) Delete the words “7 years” in paragraphs (c) and (d) and substitute in each case the words “10 years”.
- (e) Delete the words “10 years” in paragraph (e) and substitute the words “15 years”.
- (16) Section 225C
- Delete “\$200” and substitute “\$2,000”.
- (17) Section 275
- Delete “\$1,000” in the last line and substitute the words “\$3,000, or with both”.

<i>First column</i>	<i>Second column</i>
(18) Section 278	Delete the words “fine which may extend to \$500” and substitute the words “imprisonment for a term which may extend to one year, or with fine which may extend to \$2,500, or with both”.
(19) Section 293	Delete the words “6 months” and substitute the words “one year”.
(20) Section 298	Delete the words “one year” and substitute the words “3 years”.
(21) Section 304	<p>(a) Delete the words “10 years” in paragraph (a) and substitute the words “20 years”.</p> <p>(b) Delete the words “or with both” in paragraph (b) and substitute the words “or with caning, or with any combination of such punishments”.</p>
(22) Section 307	<p>(a) Delete the words “10 years” and substitute the words “15 years”.</p> <p>(b) Delete the words “such punishment as is hereinbefore mentioned and shall also be liable to caning” and substitute the words “imprisonment for a term which may extend to 20 years, and shall also be liable to caning or fine or both”.</p>
(23) Section 308	<p>(a) Delete the words “3 years” and substitute the words “7 years”.</p> <p>(b) Delete the words “7 years, or with fine, or with both” and substitute the words “15 years, or with fine, or with caning, or with any combination of such punishments”.</p>
(24) Section 315(1)	Delete the words “to a fine not exceeding \$5,000 or to both” and substitute the words “with fine, or with both”.

*First column**Second column*

- (25) Section 323 Delete the words “one year, or with fine which may extend to \$1,000, or with both” and substitute the words “2 years, or with fine which may extend to \$5,000, or with both”.
- (26) Section 324 Delete the words “5 years, or with fine, or with caning, or with any two of such punishments” in the penultimate and last lines and substitute the words “7 years, or with fine, or with caning, or with any combination of such punishments”.
- (27) Section 328 Insert, immediately after the words “liable to fine”, the words “or to caning”.
- (28) Section 330 Insert, immediately after the words “liable to fine” in the last line, the words “or to caning”.
- (29) Section 332 Delete the words “5 years, or with fine, or with caning, or with any two of such punishments” and substitute the words “7 years, or with fine, or with caning, or with any combination of such punishments”.
- (30) Section 334 Delete the words “one month, or with fine which may extend to \$500, or with both” and substitute the words “3 months, or with fine which may extend to \$2,500, or with both”.
- (31) Section 335 Delete the words “4 years, or with fine which may extend to \$2,000, or with both” and substitute the words “6 years, or with fine which may extend to \$10,000, or with both”.
- (32) Section 388 Delete the words “; and if the offence is one punishable under section 377, may be punished with imprisonment for life” in the 9th, penultimate and last lines.

<i>First column</i>	<i>Second column</i>
(33) Section 389	Delete the words “; and if the offence is punishable under section 377, may be punished with imprisonment for life” in the 8th, penultimate and last lines.
(34) Section 409	Delete the words “10 years” and substitute “20 years”.
(35) Section 413	Delete the words “life, or with imprisonment for a term which may extend to 10 years” and substitute the words “a term which may extend to 20 years”.
(36) Section 467	Delete the words “life, or with imprisonment for a term which may extend to 10 years” in the 10th and penultimate lines and substitute the words “a term which may extend to 15 years”.
(37) Section 477	Delete the words “life, or with imprisonment for a term which may extend to 7 years” and substitute the words “a term which may extend to 15 years”.
(38) Section 477A	Delete the words “7 years” in the penultimate line and substitute the words “10 years”.
(39) Section 505	Delete the words “2 years” in the penultimate and last lines and substitute the words “3 years”.
(40) Section 510	(a) Delete the words “10 days” and substitute the words “6 months”. (b) Delete “\$10” and substitute “\$1,000”.
(41) Sections 171, 185, 187 (5th line), 188 (10th line), 283, 290 and 358	Delete “\$200” and substitute in each case “\$1,000”.

<i>First column</i>	<i>Second column</i>
(42) Sections 137, 172 (7th line), 173 (14th line), 174 (10th line), 175, 176 (7th line), 184, 272, 341, 352 and 447	Delete “\$500” and substitute in each case “\$1,500”.
(43) Sections 140, 180, 186, 187 (last line) and 277	Delete “\$500” and substitute in each case “\$2,500”.
(44) Sections 172 (last line), 173 (penultimate line), 174 (last line), 175, 176 (last line), 178, 179, 183, 188 (last line), 273, 274, 276, 282, 342, 357 and 448	Delete “\$1,000” and substitute in each case “\$3,000”.
(45) Sections 154 (5th line), 177 (6th line), 182 (last line), 279, 280, 284, 285 (penultimate line), 286, 287, 288 and 289	Delete “\$1,000” and substitute in each case “\$5,000”.
(46) Section 228	Delete “\$1,000” and substitute “\$5,000”.
(47) Sections 140 and 171	Delete the words “3 months” and substitute in each case the words “6 months”.
(48) Sections 277 and 426	Delete the words “3 months” and substitute in each case the words “one year”.
(49) Sections 153 (penultimate line), 182 (penultimate line), 225B (penultimate line), 228, 269, 279, 280, 282, 284, 285 (8th and penultimate lines), 286, 287, 288 and 289	Delete the words “6 months” and substitute in each case the words “one year”.
(50) Sections 143, 151, 157, 158 (4th line) and 271	Delete the words “6 months” and substitute in each case the words “2 years”.

*First column**Second column*

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| (51) Sections 153 (7th line), 296, 297 (last line) and 417 | Delete the words “one year” and substitute in each case the words “3 years”. |
| (52) Sections 177 (penultimate line), 421, 422, 423 and 424 | Delete the words “2 years” and substitute in each case the words “3 years”. |
| (53) Sections 270, 353 and 465 | Delete the words “2 years” and substitute in each case the words “4 years”. |
| (54) Sections 145, 158 (last line) and 295 | Delete the words “2 years” and substitute in each case the words “5 years”. |
| (55) Sections 117, 418, 419 and 469 | Delete the words “3 years” and substitute in each case the words “5 years”. |
| (56) Sections 129 and 406 | Delete the words “3 years” and substitute in each case the words “7 years”. |
| (57) Section 252 | Delete the words “5 years” and substitute the words “3 years”. |
| (58) Section 147 | Delete the words “5 years” and substitute the words “7 years”. |
| (59) Section 152 | Delete the words “6 years” and substitute the words “8 years”. |
| (60) Section 243 | Delete the words “7 years” and substitute the words “5 years”. |
| (61) Sections 121D, 148, 325, 420, 466 (penultimate line), 468, 473, 474 (6th line), 476 (last line) and 506 (last line) | Delete the words “7 years” and substitute in each case the words “10 years”. |

<i>First column</i>	<i>Second column</i>
(62) Sections 125, 407 and 408	Delete the words “7 years” and substitute in each case the words “15 years”.
(63) Sections 235 and 240	Delete the words “10 years” and substitute in each case the words “7 years”.
(64) Sections 123, 128, 130, 130C (last line), 326 (last line), 333 and 489C	Delete the words “10 years” and substitute in each case the words “15 years”.
(65) Sections 122 and 194 (7th line)	Delete the words “10 years” and substitute in each case the words “20 years”.
(66) Sections 232, 238 and 255	Delete the words “with imprisonment for life, or”.
(67) Sections 472, 474 (8th and penultimate lines) and 475 (penultimate and last lines)	Delete the words “life, or with imprisonment for a term which may extend to 7 years” and substitute in each case the words “a term which may extend to 15 years”.
(68) Section 489A(1)	Delete the words “life or with imprisonment for a term which may extend to 10 years” and substitute the words “a term which may extend to 20 years”.
(69) Sections 489B and 489D	Delete the words “life, or with imprisonment for a term which may extend to 10 years” and substitute in each case the words “a term which may extend to 20 years”.

SECOND SCHEDULE

Section 106

MISCELLANEOUS AMENDMENTS TO *ILLUSTRATIONS*

<i>First column</i>	<i>Second column</i>
(1) Section 21	Delete the <i>illustration</i> (excluding <i>Explanations</i> 1 and 2).
(2) Section 71	Delete the words “50 years, one” in <i>illustration</i> (a) and substitute the words “100 years, two”.
(3) Section 92	Delete <i>illustration</i> (b).
(4) Section 108	Delete the word “lunatic” in <i>illustration</i> (a) of <i>Explanation</i> 3 and substitute the words “person of unsound mind”.
(5) Section 161	Delete the words “the Director-General of Public Works” in <i>illustration</i> (b) and substitute the words “another public servant”.
(6) Section 177	Delete <i>illustration</i> (b).
(7) Section 195	Delete the words “life, or imprisonment for a term which may extend to 10 years, with or without fine. A, therefore, is liable to such imprisonment, with or without fine” in the <i>illustration</i> and substitute the words “a term of not less than 5 years and not more than 20 years and also caning with not less than 12 strokes. A, therefore, is liable to such imprisonment, with caning”.
(8) Section 212	Delete the words “for life” in the <i>illustration</i> and substitute the words “for a term of not less than 5 years and not more than 20 years”.
(9) Section 230	Delete <i>illustrations</i> (a), (b) and (c).
(10) Section 299	Delete <i>illustration</i> (c).

*First column**Second column*

- (11) Section 300
- (a) Delete the word “sword-cut” in *illustration (c)* and substitute the word “knife-cut”.
 - (b) Delete the word “bailiff” in *illustration (c)* to *Exception 1* and substitute the words “police officer”.
 - (c) Delete the *illustration* to *Exception 2*.
- (12) Section 378
- Delete *illustration (c)*.
- (13) Section 405
- Delete the words “Oriental Bank” wherever they appear in *illustration (d)* and substitute in each case the words “Bank X”.
- (14) Section 425
- Delete *illustrations (b)* and *(h)*.
- (15) Section 499
- Delete the words “in respect of his caste or of his calling” in *Explanation 4* and substitute the words “in respect of his calling”.

THIRD SCHEDULE

Section 107

RELATED AND CONSEQUENTIAL AMENDMENTS
TO OTHER WRITTEN LAWS*First column**Second column*

- (1) Children and Young Persons
Act
(Chapter 38, 2001 Ed.)
Section 7

Repeal and substitute the following section:

“Sexual exploitation of child or young person

7. Any person who, in public or private —

- (a) commits or abets the commission of or procures or attempts to procure the commission by any person of any obscene or indecent act with any child or young person; or
- (b) procures or attempts to procure the commission of any obscene or indecent act by any child or young person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 4 years or to both.”.

- (2) Criminal Law (Temporary Provisions) Act
(Chapter 67, 2000 Ed.)
Third Schedule, item 6

Delete “364,” and substitute “363A, 364, 364A.”.

<i>First column</i>	<i>Second column</i>
<p>(3) Evidence Act (Chapter 97, 1997 Ed.) Section 52(2)</p>	<p>Delete the words “, 495 or 498” and substitute the words “or 495”.</p>
<p>(4) Public Order (Preservation) Act (Chapter 258, 1985 Ed.) Third Schedule</p>	<p>Delete “160” and substitute “267B”.</p>
<p>(5) Road Traffic Act (Chapter 276, 2004 Ed.) Section 42(2)</p>	<p>Delete “160” and substitute “267B”.</p>
<p>(6) Road Vehicles (Special Powers) Act (Chapter 277, 2007 Ed.) The Schedule, item 1</p>	<p>Delete “364,” in paragraph (i) and substitute “363A, 364, 364A,”.</p>
<p>(7) Singapore Armed Forces Act (Chapter 295, 2000 Ed.) Section 112(1)</p>	<p>(i) Insert, immediately after paragraph (d), the following paragraph: “(da) sexual assault by penetration;”.</p> <p>(ii) Insert, immediately after the word “rape” in paragraph (v), the words “or sexual assault by penetration”.</p>
<p>(8) Women’s Charter (Chapter 353, 1997 Ed.) (a) Section 2</p>	<p>(i) Delete the words “promiscuous sexual intercourse” in the definition of “prostitution” and substitute the words “sexual penetration”.</p>

*First column**Second column*

- (ii) Insert, immediately after the definition of “Registrar”, the following definition:
- ““sexual penetration” means the penetration of the vagina, anus or mouth of a woman or girl by a man’s penis, or the sexual penetration of the vagina or anus of a woman or girl by a part of another person’s body (other than the penis) or by anything else;”.
- (b) Section 140 Delete subsections (4) and (5) and substitute the following subsections:
- “(4) Subject to subsection (5) and notwithstanding anything in section 79 of the Penal Code (Cap. 224), a reasonable mistake as to the age of a girl shall not be a defence to a charge of an offence under subsection (1)(i).
- (5) In the case of a man who at the time of the alleged offence was below the age of 21 years, the presence of a reasonable mistaken belief that the girl was of or above the age of 16 years shall be a valid defence to a charge of an offence under subsection (1)(i), provided that at the time of the offence, he has not previously been charged in court for an offence under subsection (1)(i), or section 376A, 376B, 376C or 376E of the Penal Code, or section 7 of the Children and Young Persons Act (Cap. 38).”.
- (c) Section 143
- (i) Delete the words “having sexual intercourse” and substitute the words “engaging in sexual penetration”.
- (ii) Delete the word “intercourse” in the section heading and substitute the words “sexual penetration”.
- (d) Section 144(1)
- (i) Delete the words “having sexual intercourse” and substitute the words “engaging in sexual penetration”.
- (ii) Delete the word “intercourse” in the section heading and substitute the words “sexual penetration”.

<i>First column</i>	<i>Second column</i>
(e) Section 145(1) and (2)	<ul style="list-style-type: none"> (i) Delete the words “sexual intercourse” and substitute in each case the words “sexual penetration”. (ii) Delete the word “intercourse” in the section heading and substitute the words “sexual penetration”.
(f) Section 153	<ul style="list-style-type: none"> (i) Delete subsection (1) and substitute the following subsection: <ul style="list-style-type: none"> “(1) When any person is charged with or convicted of having committed any offence under this Part, or of having committed or attempted to commit or attempted to cause the commission of any offence under section 354, 354A, 375, 376, 376A, 376B, 376C, 376D, 376E, 376F, 376G or 377B of the Penal Code (Cap. 224) in respect of any woman or girl, the court conducting a preliminary inquiry into, or trying the offence, or hearing any appeal or special case or any point reserved by a Judge of the High Court in relation to the offence, may order that all proceedings before it shall be dealt with in camera.”. (ii) Delete subsection (3) and substitute the following subsection: <ul style="list-style-type: none"> “(3) The court shall order proceedings before it to be dealt with in camera in any case where the girl in respect of whom an offence referred to in subsection (1) is alleged to have been committed has not attained the age of 16 years.”.
(g) Section 155(1)	Delete the words “376, 376B, 377 or 498” and substitute the words “375, 376, 376A, 376B, 376C, 376D, 376E, 376F, 376G or 377B”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Penal Code (Cap. 224) for the following main purposes:

- (a) to provide that the sentence of life imprisonment means imprisonment for the duration of the offender's life;
- (b) to provide caning as a punishment for certain offences;
- (c) to increase existing penalties for various offences as some of the penalties (especially the fines) are too low and to give flexibility to the judiciary in sentencing;
- (d) to create new offences relating to —
 - (i) genocide;
 - (ii) obstructing, preventing, perverting or defeating the course of justice;
 - (iii) bribery of witnesses;
 - (iv) making or possessing equipment for making a false instrument;
 - (v) making or possessing equipment for making a false instrument with intent to induce prejudice;
 - (vi) promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony;
 - (vii) kidnapping or abducting in order to compel the Government, etc.;
 - (viii) sexual assault by penetration;
 - (ix) sexual penetration of a minor under 16;
 - (x) commercial sex with a minor under 18;
 - (xi) commercial sex with a minor under 18 outside Singapore;
 - (xii) tours outside Singapore for commercial sex with minors under 18;
 - (xiii) sexual grooming of a minor under 16;
 - (xiv) procurement of sexual activity with person with certain mental disability; and
 - (xv) sexual penetration of a corpse;
- (e) to provide for enhanced penalties for racially or religiously aggravated offences;
- (f) to provide for an enhanced penalty for outrage of modesty committed against a child under 14 year of age;
- (g) to modify the offence of rape and provide for exceptions to the husband's marital immunity from rape;

- (h) to modify the offence of sexual penetration with a living animal (which offence is currently contained in the existing section 377);
- (i) to modify the offence of incest;
- (j) to expand the scope of the offences of unlawful assembly, extortion and cheating;
- (k) to expand the scope of the defence in section 94;
- (l) to provide for extra-territorial jurisdiction over public servants who, being citizens of Singapore or permanent residents of Singapore, commit crimes outside Singapore when acting or purporting to act in the course of their employment;
- (m) to clarify the scope of abetment of offences, criminal conspiracy and attempts to commit offences;
- (n) to update certain offences to make clear that the offences can be committed using electronic means;
- (o) to expand the scope of certain offences to cover electronic records;
- (p) to expand the circumstances under which a consent is not a consent within the meaning of the Code;
- (q) to delete the reference to Malaysia and Brunei Darussalam in section 75;
- (r) to provide new *illustrations* to sections 79 and 81;
- (s) to increase the age of the person to whom an obscene object is sold, distributed, etc., from 20 years to 21 years in section 293; and
- (t) to update certain definitions and *illustrations*.

The Bill also seeks to make related and consequential amendments to certain other written laws.

Clause 1 relates to the short title and commencement.

Clause 2 inserts a new section 4 to allow for the prosecution of public servants who commit offences abroad in the course of their duties. The provision is necessary because in some cases where a public servant commits an offence abroad, the foreign country in which the offence is committed may not wish to prosecute because it has no interest in the prosecution of that public servant. The new section will enable the prosecution in Singapore of such a public servant. The new section is restricted to offences committed by public servants who are citizens or permanent residents of Singapore only if they commit offences in the course of, or if they purport to act in the course of, their employment. Public servants acting in the course of their employment are seen as representatives of the Government and the Government has an interest that they do not commit offences in the course of their duties, wherever they may be.

Vide an amendment to section 40, the word “offence” in the new section 4 refers to a thing punishable under the Code or under any other law for the time being in force. Therefore, if a public servant commits an offence under some written law other than the

Code, provided that he is acting in the course of his employment, the new section will allow for his prosecution.

Clause 3 amends section 21 to redefine “public servant” to include a member of the Public Service Commission or the Legal Service Commission constituted under Part IX of the Constitution and to delete an obsolete reference.

Clause 4 amends section 27 to substitute the reference to “wife” with the gender neutral term “spouse”.

Clause 5 repeals and re-enacts section 29 to redefine “document” and to insert new definitions of “writing” and “electronic record”. The new definition of “document” includes any document in writing and certain specified types of material which are to be treated as documents. The new definition expands the existing definition by including discs, tapes, sound-tracks and other devices in which sounds or other data (not being visual images) are embodied so as to be capable of being reproduced therefrom. The new definition also includes films, negatives, tapes, discs and other devices in which one or more visual images are embodied so as to be capable of being reproduced therefrom. The labels or markings on containers or packages, describing or having reference to the contents of the containers or packages are documents. The new definition also makes clear that any material on which there are marks recognisable only by certain persons are documents (for example, Braille). Included in the definition of “document” are photographs.

Clause 6 amends section 30 by expanding on the meaning of the term “valuable security”. A valuable security would now include a credit card, a charge card, a stored value card, an automated teller machine card and such other cards which have money or money’s worth or other financial rights attached. Reward cards and discount cards do not, however, fall within the ambit of the expanded definition.

Clause 7 inserts a new section 31A to define the words “die” and “instrument” for the purposes of Chapters XII and XVIII.

Clause 8 makes a technical amendment to section 38.

Clause 9 amends section 40(2) to provide that the word “offence”, wherever it appears in certain provisions (including new sections 4 and 204B), denotes a thing punishable under the Code or any other law for the time being in force.

Clause 10 inserts new sections 41 and 42.

The new section 41 is a reflection of the current case law. It provides that an offence described as being punishable with imprisonment for a specified term or upwards includes all offences for which the maximum term of imprisonment is the specified term. As an example, under section 40(3) of the Code, reference is made to a “law with imprisonment for a term of 6 months or upwards”. A law where the maximum term of imprisonment provided is 6 months would fall within the scope of section 40(3).

The new section 42 relates to the new definition of the word “obscene”.

Clause 11 amends section 43 to provide that the words “unlawful” and “illegal” are used in the Code synonymously.

Clause 12 inserts a new section 54 which provides that the punishment of imprisonment for life under the Code or under any other written law means imprisonment for the duration of a person's natural life.

Clause 13 repeals section 57 because it has become obsolete.

Clause 14 makes a technical amendment to section 71(1).

Clause 15 inserts a new section 74 to provide for enhanced penalties for racially or religiously aggravated offences. If a person is convicted of a specified offence which is racially or religiously aggravated, the court can sentence him to one and a half times the amount of punishment he would otherwise have been liable for that offence. A Magistrate's Court and a District Court can also hear certain offences notwithstanding that the maximum term of punishment provided under the new section exceeds the jurisdictional limits of the court under the Criminal Procedure Code (Cap. 68). The new section also defines what is "racially or religiously aggravated".

Clause 16 amends section 75 to provide that if a person has previously been convicted of an offence punishable under Chapter XII or XVII with imprisonment for 3 years or more, and he is again convicted of a similar offence, the maximum term of imprisonment a court can impose is 15 years, if he is not sentenced to imprisonment for life. The clause also deletes the reference to a person having previously been convicted of a similar offence in any part of Malaysia or Brunei Darussalam.

Clauses 17 and 18 insert new *illustrations* to sections 79 and 81, respectively. The *illustrations* are not meant to be exhaustive nor are they intended to restrict the power of the court to determine whether the general defence under section 79 or 81 is made out. Much would depend on the assessment by the court as to whether, based on the facts of any given case, any of the defences is made out.

Clause 19 repeals and re-enacts section 90 to expand the circumstances under which a consent given does not constitute a consent for the purposes of the provisions of the Code.

Clause 20 amends section 94 by expanding the scope of the defence contained in the section to include threats of instant death to any person.

Clause 21 amends section 100 to substitute the reference to "unnatural lust" in paragraph (d) with a reference to "non-consensual penile penetration of the anus", as a consequence of the repeal of section 377 on unnatural carnal intercourse.

Clause 22 inserts a new section 108B to provide that a person abets an offence within the meaning of the Code if he abets an offence committed in Singapore notwithstanding that any or all of the acts constituting the abetment were committed outside Singapore.

Clause 23 amends section 117 by updating the *illustration*.

Clause 24 amends section 120A to provide that a person may be a party to a criminal conspiracy notwithstanding the existence of facts of which he is unaware which make the commission of the illegal act, or the act, which is not legal, by illegal means, impossible.

Clause 25 repeals and re-enacts section 120B to provide that a person who is a party to a criminal conspiracy to commit any offence will, where no express provision is made for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

Clause 26 makes a technical amendment to section 121B.

Clause 27 makes a technical amendment to section 130C.

Clause 28 inserts a new Chapter VIB on “Genocide”. The new Chapter gives greater effect to the Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on 9th December 1948 by making the commission of genocide an offence punishable with death where genocide consists of the killing of any person, or in any other case, with mandatory imprisonment which may be for life, or for a term which may extend to 20 years.

Clause 29 amends the heading of Chapter VIII to now cover offences relating to unlawful assembly.

Clause 30 amends section 141 to provide that an unlawful assembly is constituted if the common object of the assembly is to commit any offence, whether or not it relates to public tranquility. The amendment is a reflection of the current case law.

Clause 31 repeals section 151A, which is reproduced, with amendments, in new section 267C.

Clause 32 repeals sections 159 and 160. They are reproduced, with amendments, in new sections 267A and 267B, respectively.

Clauses 33, 34, 35 and 36 amend sections 167, 172, 173 and 175, respectively, to expand the scope of those sections such that they apply not only in relation to documents (as defined under the Code), but also to electronic records.

Clause 37 amends section 182 to provide that it is not a condition in order to constitute the offence of giving false information under the section that the information be given orally or in writing. That is, it may be non-verbal means. The clause also updates *illustration (c)*.

Clause 38 amends section 192 to expand the scope of the section such that it applies not only in relation to books, records and documents (as defined under the Code), but also to electronic records.

Clause 39 amends section 204 to expand the scope of the section such that it applies not only in relation to documents (as defined under the Code), but also to electronic records.

Clause 40 inserts new sections 204A and 204B.

The new section 204A makes it an offence to intentionally obstruct, prevent, pervert or defeat the course of justice. It embodies the common law offence of perverting the course of justice. Examples of when an offence is constituted under the new section are as follows:

- (a) deliberately assisting a person to evade lawful arrest;

- (b) destroying, falsifying or concealing potential evidence, whether or not legal proceedings have already been instituted;
- (c) confessing or pleading guilty to an offence committed by another person, in order to shield the other person; and
- (d) knowingly acting outside the scope of one's duty as a police officer, so as to shield or excuse another person (e.g. a friend) from criminal charges.

The new section does not in any way curtail the legal professional privilege embodied in section 128 of the Evidence Act (Cap. 97).

The new section 204B creates several offences in relation to bribery of, and other means of influencing, witnesses. The penalty for both offences under new sections 204A and 204B is a maximum term of imprisonment of 7 years, or fine, or both.

Clause 41 amends section 211 to make clear that if a person institutes criminal proceedings against another person on a false charge of an offence punishable with death, or imprisonment for 7 years or upwards, he is to be punished with mandatory imprisonment for a term of up to 7 years and is also liable to fine.

Clause 42 amends section 230 to update the definitions of "coin" and "current coin" in the section.

Clause 43 amends section 236 to make clear that the abetment in Singapore of counterfeiting current coin outside Singapore is an offence.

Clause 44 inserts a new section 241A which provides that the offence of delivery of a current coin to another as genuine, which when first possessed the deliverer did not know to be counterfeit is an offence punishable with imprisonment for a term which may extend to 5 years, or with fine, or with both.

Clause 45 repeals section 243A, which deals with criminal procedure that is more appropriately dealt with in the Criminal Procedure Code (Cap. 68).

Clause 46 makes an amendment to section 254, to maintain the distinction between offences involving coin and current coin which occurs throughout Chapter XII.

Clause 47 inserts a new section 254A, similar to existing section 254, to make it an offence for a person to deliver a current coin to another as genuine knowing that certain operations have been performed on the coin, and which the person did not know was altered when he first possessed it. The offence is punishable with imprisonment for a term which may extend to 5 years, or with fine, or with both.

Clause 48 amends the heading to Chapter XIV to include offences affecting the public tranquility.

Clause 49 inserts new sections 267A, 267B and 267C.

The new sections 267A and 267B provide for the definition of affray and the punishment for affray, respectively. They are adapted from sections 159 and 160, which have been repealed by the Bill.

The new section 267C is adapted from section 151A which has been repealed by the Bill. The new section 267C makes it an offence for a person to —

- (a) make, print, possess, post, distribute or have under his control any document; or
- (b) make or communicate any electronic record,

containing any incitement to violence or counselling disobedience to the law or to any lawful order of a public servant or likely to lead to any breach of the peace. The offence is punishable with imprisonment for a term which may extend to 5 years, or with fine, or with both.

Clause 50 amends section 292 —

- (a) to widen the provision (prohibiting the sale, distribution, etc., of obscene objects) to cover the electronic transmission of obscene objects;
- (b) to define object to include data stored electronically that can be converted to images, writing or other forms of representation; and
- (c) to deem an object not to be obscene if the sale, letting to hire, distribution, exhibition, circulation, import, export or conveyance of, or any other dealing in, the object is authorised by or under any written law.

Clause 51 amends section 293 to increase the age of the person to whom an obscene object is sold, distributed, etc., from 20 years to 21 years. The First Schedule also increases the penalty for sale, distribution, etc., of obscene objects to young persons from a maximum term of imprisonment of 6 months to one year.

Clause 52 amends the heading to Chapter XV to include offences relating to race.

Clause 53 amends section 298 to widen the scope of the offence to include the deliberate wounding of the racial feelings of any person. The amendment also covers the deliberate wounding of the religious or racial feelings of any person by causing any matter however represented, to be seen or heard by the person.

Clause 54 inserts a new section 298A. It is an offence for a person who —

- (a) by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of religion or race, disharmony or feelings of enmity, hatred or ill-will between different religious or racial groups; or
- (b) commits any act which he knows is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquility.

The punishment provided is imprisonment for a term which may extend to 3 years, or fine, or both.

Clause 55 amends section 304A to provide that the penalty for causing death by the doing of any rash or negligent act not amounting to culpable homicide is —

- (a) in the case of a rash act, imprisonment for a term which may extend to 5 years, or fine, or both; and
- (b) in the case of a negligent act, imprisonment for a term which may extend to 2 years, or fine, or both.

Clause 56 amends section 307(1) by updating *illustration (b)*.

Clause 57 inserts an *explanation* to section 319 which provides that a person is said to cause hurt if he causes another person to be unconscious.

Clause 58 amends section 320 to expand the meaning of “grievous hurt”. It provides that “death” and “penetration of the vagina or anus, as the case may be, of a person without that person’s consent, which causes severe bodily pain” are also deemed to be “grievous hurt”. If the penetration of the vagina or anus is not sexual in nature, but is carried out with the intent of causing hurt to the victim without the victim’s consent (e.g. with an object), it would not constitute an offence of sexual assault by penetration under the new section 376. The clause has the effect of making such a penetration of the vagina or anus punishable as an act of causing grievous hurt. As the defence of consent under section 87 does not apply to acts intended or likely to cause grievous hurt, the clause provides that only a non-consensual penetration of the vagina or anus will constitute grievous hurt, in order to exclude consensual sexual acts which may cause severe bodily pain in some cases.

Clause 59 amends section 336 to provide that the penalty for doing any act so rashly or negligently as to endanger human life or the personal safety of others is —

- (a) in the case of a rash act, imprisonment for a term which may extend to 6 months, or fine which may extend to \$2,500, or both; and
- (b) in the case of a negligent act, imprisonment for a term which may extend to 3 months, or fine which may extend to \$1,500, or both.

Clause 60 amends section 337 to provide that the penalty for causing hurt by doing any act so rashly or negligently as to endanger human life or the personal safety of others is —

- (a) in the case of a rash act, imprisonment for a term which may extend to one year, or fine which may extend to \$5,000, or both; and
- (b) in the case of a negligent act, imprisonment for a term which may extend to 6 months, or fine which may extend to \$2,500, or both.

Clause 61 amends section 338 to provide that the penalty for causing grievous hurt by doing any act so rashly or negligently as to endanger human life or the personal safety of others is —

- (a) in the case of a rash act, imprisonment for a term which may extend to 4 years, or fine which may extend to \$10,000, or both; and
- (b) in the case of a negligent act, imprisonment for a term which may extend to 2 years, or fine which may extend to \$5,000, or both.

Clause 62 amends section 350 by updating *illustrations (b) and (c)* and deleting *illustration (i)*.

Clause 63 repeals and re-enacts section 354 to provide that outrage of modesty is punishable with any combination of the prescribed punishments, and to provide an enhanced penalty where outrage of modesty is committed against a child under 14 years of age. The enhanced penalty is imprisonment for a term which may extend to 5 years, or fine, or caning, or any combination of such punishments.

Clause 64 inserts a new section 363A on punishment for abduction. Currently, there is no prescribed penalty for the offence of abduction. The penalty provided under the new section 363A is imprisonment for a term which may extend to 7 years, or fine, or caning, or any combination of such punishments.

Clause 65 inserts a new section 364A on kidnapping or abducting in order to compel the Government, etc. If the kidnapping or abduction is to compel the Government to do or abstain from doing any act, the penalty is death or imprisonment for life, or if the offender is not sentenced to death, he is also liable to fine or caning. If the kidnapping or abduction is to compel any other person to do or abstain from doing any act, the penalty is mandatory term of imprisonment which may extend to 15 years, and the offender is also liable to fine or caning.

Clause 66 amends section 367 to substitute the reference to “unnatural lust” with a reference to “non-consensual penile penetration of the anus”, as a consequence of the repeal of section 377 on unnatural carnal intercourse.

Clause 67 deletes the sub-heading “Rape” immediately above section 375 and substitutes it with the sub-heading “Sexual offences”. “Sexual offences” will be the new sub-heading for new sections 375 to 377D.

Clause 68 repeals sections 375 to 376D and inserts new sections 375, 376 and 376A to 376G.

The new section 375 re-enacts the offence of rape with some modifications, and introduces exceptions to the husband’s marital immunity from rape. These exceptions are applicable to spouses in both Muslim and non-Muslim marriages. The reference to matrimonial proceedings in the exceptions refers to both local and foreign matrimonial proceedings. The section provides that consensual penile-vaginal penetration between a married couple is not an offence, regardless of the age of the spouse.

The new section 376 provides for a new offence of sexual assault by penetration, which makes punishable non-consensual penetration of the anus and mouth of the victim (B) by the penis of the offender (section 376(1)(a)), and non-consensual sexual penetration of the vagina or anus of the victim (B) by a body part of the offender or an object (section 376(2)(a)). The section also makes punishable the act of causing another person (B) to commit sexual penetration without B’s consent (section 376(1)(b) and (2)(b) and (c)). The penalty is a mandatory term of imprisonment which may extend to 20 years, and fine or caning. In this latter category of offences (section 376(1)(b) and 2(b) and (c)), the person (B) is the victim as B is caused by A to commit sexual penetration without B’s consent. In cases where the third party (C) also does not consent to the sexual penetration by B (section 376(2)(b) and (c)), the offender can also

be prosecuted for abetting B in the commission of one or more offences under new sections 375 and 376(1)(a) and (2)(a) against the third party (C). The section also provides for an enhanced penalty for aggravated forms of sexual assault by penetration which is analogous to aggravated forms of rape. The enhanced penalty is a mandatory term of imprisonment of not less than 8 years and not more than 20 years, and mandatory caning of not less than 12 strokes. The enhanced penalty is the same as the enhanced penalty for aggravated rape.

The new section 376A provides for a new offence of sexual penetration of a minor under 16 years of age, which makes punishable sexual penetration of the vagina or anus of a minor under 16 years of age by the penis or body part of the offender or by an object (section 376A(1)(a) and (b)). The section also makes punishable penetration of the mouth of a minor under 16 years of age by the penis of the offender (section 376A(1)(a)). The section makes punishable the act of causing a minor under 16 years of age to penetrate with his penis, the vagina, anus or mouth of another person including the offender (section 376A(1)(c)), and the act of causing a minor under 16 years of age to sexually penetrate with a body part or an object, the vagina or anus of any person including the offender and the minor himself or herself (section 376A(1)(d)). In this latter category of offences (section 376A(1)(c) and (d)), the minor (B) is the victim as B is caused by A to commit sexual penetration. In cases where the third party is also under 16 years of age, the offender can also be prosecuted for abetting B in the commission of one or more offences under the new section 376A(1)(a) and (b) against the third party. The penalty is a maximum term of imprisonment of 10 years, or fine or both, and if the offence is committed against a minor under 14 years of age, the enhanced penalty is a mandatory term of imprisonment which may extend to 20 years, and fine or caning. The section provides that consensual penetration between a married couple is not an offence. With respect to non-consensual penile-vaginal penetration, the section provides for the husband's marital immunity similar to the marital immunity from rape, and provides for similar exceptions to the marital immunity.

The new section 376B provides for a new offence of commercial sex with a minor under 18 years of age. It is an offence for a person to obtain for consideration penetrative sexual services of a minor under 18 years of age. The offence is made out when a person has obtained the sexual services of a minor (i.e. sexual services have been provided by the minor) for consideration. The penalty for this offence is a maximum term of imprisonment of 7 years, or fine or both. The section also makes it an offence for any person to communicate with another person (including the minor) for the purpose of obtaining for consideration such sexual services. The penalty for this offence is a maximum term of imprisonment of 2 years, or fine or both. The section provides that it is not an offence to obtain sexual services from a person's own spouse.

The new section 376C makes it an offence for a citizen or permanent resident of Singapore to do any act outside Singapore which would constitute an offence under section 376B if done in Singapore. The section has extra-territorial effect, and clause 108 amends section 129(1)(b) of the Criminal Procedure Code (Cap. 68) to require the previous sanction of the Public Prosecutor for a prosecution under the new section 376C. The penalty is the same punishment as that imposed under section 376B.

The new section 376D makes it an offence to organise or promote tours outside Singapore for commercial sex with any minor under 18 years of age. The penalty is a maximum term of imprisonment of 10 years, or fine or both.

The new section 376E provides for a new offence of sexual grooming of a minor under 16 years of age. An adult (of or above the age of 21 years) who meets or travels to meet a minor under 16 years of age within Singapore with the intention of committing a relevant offence, will be guilty of an offence if the person had met or communicated with the minor on 2 or more previous occasions. It is immaterial whether those prior meetings or communications had taken place in or outside Singapore. The offence is made out if the meeting or travelling described in the new section 376E(1)(a) is in Singapore, even if the offender had travelled partly outside Singapore prior to the meeting or travelling. For example, if an offender travels from a foreign country to Singapore, and travels within Singapore to meet a minor, the offence is made out. The penalty is a maximum term of imprisonment of 3 years, or fine or both.

The new section 376F makes it an offence for a person to intentionally touch a mentally disabled person sexually where the mentally disabled person's consent had been obtained by means of an inducement, threat or deception and the person knew or could reasonably be expected to know of the mental disability. A mental disability means an impairment of or a disturbance in the functioning of the mind or brain resulting from any disability or disorder of the mind or brain which impairs the ability to make a proper judgment in the giving of consent to sexual touching. The section punishes the exploitation of the mentally disabled person's vulnerability. It is not an offence to sexually touch or engage in consensual sexual activity *per se* with a mentally disabled person within the meaning of this section, if there was no inducement, threat or deception involved, or if the person did not know and could not reasonably be expected to know of the mental disability. It is not an offence under this section for a person to engage in consensual sexual activity with his or her spouse who is mentally disabled. Sexual touching includes sexual penetration. The penalty is a maximum term of imprisonment of 2 years, or fine or both, and where penetration is involved, the enhanced penalty is a maximum term of imprisonment of 10 years, or fine or both.

The new section 376G re-enacts the offence of incest under existing sections 376A, 376B and 376C, with an expanded scope of acts defined as incest. The scope of incest is expanded to include various forms of sexual penetration of the vagina, anus and mouth of a woman, apart from penile-vaginal penetration. The degree of kinship for the proscribed conduct has been expanded to include a grandmother and grandson, for consistency with the existing inclusion of a grandfather and grand-daughter in the offence of incest. The section has been further refined so that it is not an offence for a young man under 16 years of age to commit incest, for consistency with the existing minimum age of 16 years for a female offender. The penalty for both a male and female offender is a maximum term of imprisonment of 5 years, and where a man commits the offence against a woman under 14 years of age, the enhanced penalty is a maximum term of imprisonment of 14 years. Clause 108 amends section 129(1)(b) of the Criminal Procedure Code (Cap. 68) to require the previous sanction of the Public Prosecutor for a prosecution under the new section 376G.

Clause 69 deletes the sub-heading “Unnatural offences” immediately above section 377. Together with the deletion of the sub-heading “Rape” immediately above section 375 and its substitution with the sub-heading “Sexual offences”, new sections 375 to 377D will fall under the new sub-heading “Sexual offences”.

Clause 70 repeals section 377 on unnatural carnal intercourse and introduces a new section 377 which makes it an offence for a man to penetrate with his penis the vagina, anus or mouth, as the case may be, of a human corpse. The penalty is a maximum term of imprisonment of 5 years, or fine or both. The new section 377 also makes it an offence to cause a man to commit such a penetration without his consent, which carries an enhanced penalty of a mandatory term of imprisonment which may extend to 20 years, and fine or caning. The scope of the new section 377 falls beyond the scope of the existing section 377. Some of the acts that were previously within the scope of the existing section 377 are now included within new sections 376, 376A, 376B, 376F, 376G and 377B. With the repeal of the existing section 377, consensual sexual penetration of the vagina, anus or mouth between a man and a woman, both of whom are of or above the age of 16 years, which does not fall within new section 376B, 376F or 376G, will no longer be an offence. However, such acts committed in public may still amount to an offence under section 294 of the Code or provisions under other written law.

Clause 71 inserts new sections 377B, 377C and 377D.

The new section 377B makes it an offence to penetrate with a person’s penis, the vagina, anus or any orifice of a living animal or to cause that person’s own vagina, anus or mouth to be penetrated by a living animal’s penis. The penalty is a maximum term of imprisonment of 2 years, or fine or both. The new section 377B also makes it an offence to cause any man to penetrate with his penis, without his consent, the vagina, anus or any orifice of a living animal, or to cause the vagina, anus or mouth of any person to be penetrated with a living animal’s penis without that person’s consent. The enhanced penalty for such an offence is a mandatory term of imprisonment which may extend to 20 years, and fine or caning.

The new section 377C contains interpretative provisions that apply to new sections 375 to 377B. Section 377C covers the interpretation of the words “penetration”, “sexual” and “vagina”, and sets out provisions for interpreting references to a part of the body and identifying the sex of a person. The effect of providing that penetration is a continuing act from entry to withdrawal, is that although a penetration may be consensual at the point of entry, the continuing penetration will subsequently become non-consensual from the time of the withdrawal of the consent by the penetrated party, and the penetrative party may be required to withdraw the penetration upon the withdrawal of consent. A person may be guilty of an offence involving non-consensual penetration if the person does not withdraw the penetrative body part (including penis) or object upon the victim’s withdrawal of consent after penetration had taken place.

The effect of the application of new section 377C(b) and (c) for interpreting references to a part of the body and identifying the sex of a person, is that a man who has undergone sex reassignment surgery to become a female will be regarded as a woman for the purposes of sections 375 to 377B, and a reference to penetration of the vagina in new sections 375, 376, 376A, 376B, 376F, 376G, 377 and 377B will be read

to include a reference to penetration of the surgically constructed vagina. The new section 377C(e) provides that a reference to “vagina” includes a reference to the “vulva”, so that the slightest degree of penetration is sufficient to constitute vaginal penetration.

Section 377C(d) prescribes an objective test for the meaning of “sexual”. The provision requires penetration, or touching or other activity to satisfy one of 2 tests in order to be sexual. The first limb (section 377C(d)(i)) focuses on the nature of the act. An act is sexual within the meaning of this first limb if, without considering the circumstances or any person’s purpose with which the act is done, a reasonable person would consider that the act is sexual because of its nature. Examples of conduct which because of their nature would always satisfy the first limb are sexual intercourse, anal sex and oral sex. In these cases, because of the nature of the activity, a reasonable person would consider that the activity is sexual. The first limb is not satisfied if objectively the nature of the act is simply capable of being (i.e. may or may not be) sexual.

The second limb (section 377C(d)(ii)) deals with the case where objectively the nature of an activity is simply capable of being (i.e. may or may not be) sexual. Examples of such a case would be inserting a finger into a woman’s vagina or a person’s anus or where someone removes another person’s clothes, or where someone touches the genital organs of himself or another person, or kisses another person, or strokes another person’s thigh (whether clad or not). The second limb states that the question is whether a reasonable person would consider that because of its nature the act may be sexual and because of the circumstances of the activity or any person’s purpose in relation to it (not just the person who does the act, but also, for example, someone who encourages the act to be done), or both, the activity is sexual.

For example, a reasonable person would consider that touching of a woman’s genitals may, because of its nature, be sexual, and would consider that such touching for sexual gratification is sexual in the light of the purpose with which the touching is done. On the other hand, a reasonable person would not consider that touching a woman’s genitals is sexual if it is performed by a gynaecologist who is conducting a bona fide medical examination.

Another example is where a mother tells her young child to strip in her presence before the child takes a bath; a reasonable person would consider that the child’s act of stripping by its nature may be sexual, but no reasonable person would conclude from its circumstances or purpose of anyone (including the mother) that it is sexual. On the other hand, suppose a man bribed a young child into stripping in front of him in his room for purposes of sexual gratification. A reasonable man would think that the act because of its nature may be sexual, but would also consider (by reference to its circumstances and the man’s purpose) that it is sexual. This is an example of the type of case where it is the purpose of a person other than the one who does the act which is a relevant factor.

The new section 377D provides that the defence of reasonable mistake as to the age of the victim under section 79 will not be available to a person charged with an offence under section 376A(2), 376B or 376C, but the defence will be available to a person so charged who was under 21 years of age at the time of the alleged offence unless that

person had been charged for one of the listed offences prior to the time of the offence. Clause 107 amends section 140(4) and (5) of the Women's Charter (Cap. 353) to align the equivalent defence with new section 377D. Under the existing section 140(4) and (5) of the Women's Charter, the defence of "reasonable cause to believe that a girl was above the age of 16 years" is available only on the first occasion a person is charged with the offence of carnal connection under section 140(1)(i) of the Women's Charter. This creates a problem where a person is charged with more than one offence under section 140(1)(i) of the Women's Charter and the charges are tried separately. The defence under the existing section 140(5) of the Women's Charter will not be available to that person during his second trial for the second charge, even though that second offence is alleged to have been committed prior to the first trial for the first charge, as that second trial would not be the first occasion on which he is charged for an offence under section 140(1)(i) of the Women's Charter. The new section 377D has been drafted to avoid this unintended effect, and clause 107 amends section 140(4) and (5) of the Women's Charter to align the defence with the new section 377D.

Clause 72 amends section 379A to remove the mandatory minimum imprisonment term of one year. The minimum disqualification period of 3 years before an offender can hold or obtain a driving licence under the Road Traffic Act (Cap. 276) upon his release from imprisonment is also removed. The clause also makes clear that the term "component part" only applies to a component part which is attached to a motor vehicle and would include any tyre, accessory or equipment attached to the motor vehicle.

Clause 73 amends section 383 to provide that extortion may be committed by putting a person in fear of any harm to that person or any other person in body, mind, reputation or property even if the harm is to be caused legally.

Clause 74 repeals and re-enacts section 385 as a consequence of the amendment to section 383 (whereby the concept of extortion is widened).

Clause 75 amends section 397 to provide that if at the time of committing or attempting to commit robbery, the offender is armed with or uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, then any other person jointly concerned in committing or attempting to commit such robbery is liable to caning.

Clause 76 repeals and re-enacts section 411 to provide that —

- (a) the punishment for any person who dishonestly receives or retains any stolen property, knowing or having reason to believe that it is stolen, is imprisonment for a term which may extend to 5 years, or fine, or both; and
- (b) if the property stolen is a motor vehicle or any component part of a motor vehicle as defined in section 379A(3), the punishment is imprisonment for a term which may extend to 5 years and the offender is also liable to fine in addition to being disqualified from holding or obtaining a driving licence under the Road Traffic Act from the date of his release from imprisonment.

Clause 77 repeals and re-enacts section 414 to provide that —

- (a) the punishment for any person who voluntarily assists in the concealing or disposing of or making away with property which he knows or has reason to

believe to be stolen property, is imprisonment for a term which may extend to 5 years, or fine, or both; and

- (b) if the property stolen is a motor vehicle or any component part of a motor vehicle as defined in section 379A(3), the punishment is imprisonment for a term which may extend to 5 years and the offender is also liable to fine in addition to being disqualified from holding or obtaining a driving licence under the Road Traffic Act from the date of his release from imprisonment.

Clause 78 amends section 415 to provide that —

- (a) the deception may or may not be the sole or main inducement that induces a person to act or to omit to act for the purposes of cheating;
- (b) it is sufficient to make out the offence of cheating that the act or omission that the deception induces causes or is likely to cause damage or harm to any person; and
- (c) whoever makes a representation through an agent is to be treated as having made the representation himself.

Clause 79 amends section 427 by increasing the monetary value of the loss or damage caused by the mischief from \$25 to \$500, and by deleting the marginal note and inserting a new section heading.

Clause 80 repeals and re-enacts section 428 to consolidate the section with the repealed section 429 and to remove the reference to the monetary value of the animal that is the subject of the mischief. The punishment provided is imprisonment for a term which may extend to 5 years, or fine, or both.

Clause 81 repeals section 429 as it is consolidated into the new section 428.

Clause 82 makes a technical amendment to section 430.

Clause 83 amends section 435 by deleting the monetary value of the loss or damage to property caused by the mischief by fire or any explosive substance, and by deleting the marginal note and inserting a new section heading.

Clause 84 amends section 454 by removing the mandatory minimum imprisonment term for the offence of lurking house-trespass or house-breaking in order to commit theft.

Clause 85 deletes and substitutes the heading to Chapter XVIII to include a reference to electronic records.

Clause 86 amends section 463 to expand the scope of the section such that it applies not only in relation to documents (as defined under the Code), but also to electronic records.

Clause 87 repeals and re-enacts section 464 (excluding the *illustrations* and *Explanations* therein) to expand the scope of the section such that it applies not only in relation to documents (as defined under the Code), but also to electronic records and the affixing of electronic signatures.

Clause 88 amends section 466 to expand the scope of the section such that it applies not only in relation to documents (as defined under the Code), but also to electronic records.

Clause 89 amends section 467 to replace the word “son” with gender neutral terminology.

Clauses 90 and 91 amend sections 468 and 469, respectively, to expand the scope of those sections such that they apply not only in relation to documents (as defined under the Code), but also to electronic records.

Clause 92 repeals and re-enacts section 470 to provide that a false document or false electronic record, made wholly or in part by forgery, is designated as “forged document” and “forged electronic record”, respectively.

Clause 93 amends section 471 to expand the scope of the section such that it applies not only in relation to documents (as defined under the Code), but also to electronic records.

Clause 94 inserts new sections 473A, 473B and 473C to provide for 2 new offences. Under the offence of making or possessing equipment for making a false instrument, an offender may be punished with imprisonment for a term which may extend to 5 years or with fine or with both. Under the offence of making or possessing equipment for making a false instrument with the intention of inducing prejudice, an offender may be punished with imprisonment for a term which may extend to 10 years or with fine or with both. These new sections may be used to deal more effectively with credit card fraud.

Clauses 95 and 96 amend sections 474 and 476, respectively, to expand the scope of those sections such that they apply not only in relation to documents (as defined under the Code), but also to electronic records. Clause 95 also deletes the marginal note to section 474 and inserts a new section heading.

Clause 97 amends section 477 to replace the term “son” with gender neutral terminology.

Clause 98 amends section 477A to make clear that it is an offence for a clerk, an officer, etc., to wilfully and with intent to defraud, conceal any book, paper, etc., which belongs to his employer, etc. The clause further expands on the scope of the section such that it applies not only in relation to documents (as defined under the Code), but also to electronic records.

Clause 99 makes a technical amendment to section 489A(2).

Clause 100 repeals section 489E as it concerns a matter of criminal procedure more appropriately dealt with in the Criminal Procedure Code (Cap. 68).

Clause 101 repeals section 498 on the archaic offence of enticing or taking away or detaining with criminal intent a married woman.

Clause 102 amends section 499 to make clear that in the offence of defamation an imputation may be made or published in any medium including an electronic medium.

Clause 103 amends section 505 to make clear that the offence of making, publishing or circulating any statement, rumour or report conducing to public mischief as set out in the section can be made, published or circulated in written, electronic, or other media.

Clause 104 amends section 511 to provide that where a person attempts to commit an offence punishable with imprisonment or fine or with a combination of such punishments, or attempts to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, the person is to be punished with such punishment as is provided for the offence, in the absence of any express provision. However, the longest term of imprisonment that may be imposed in the case where the attempt relates to an offence punishable with imprisonment for life, is 15 years. The longest term of imprisonment that may be imposed in any other case is one-half of the longest term provided for the offence.

Clause 105 makes miscellaneous amendments to the Code in relation to the penalties of various offences in the Code.

Clause 106 makes miscellaneous amendments to the *illustrations* in the Code by updating the *illustrations* and removing archaic *illustrations*.

Clause 107 makes related and consequential amendments to other written laws.

In particular, the clause amends the Women’s Charter (Cap. 353) —

- (a) to insert a definition for “sexual penetration” which is aligned with the scope of sexual penetration in sections 376A(1)(a) and (b), 376B(4) and 376F(3) of the Penal Code;
- (b) to align the meaning and scope of “prostitution” with section 376B of the Penal Code, by substituting the words “promiscuous sexual intercourse” in the definition of “prostitution” with “sexual penetration”;
- (c) to delete and substitute subsections (4) and (5) of section 140, to align the provisions with section 377D of the Penal Code;
- (d) to expand the scope of conduct covered in sections 143, 144(1) and 145 to include oral and anal intercourse and other penetrative sexual activity;
- (e) to provide in section 153(1) and (3) for the court to order proceedings to be dealt with *in camera* for offences in respect of any woman or girl under the new sections 375, 376, 376A, 376B, 376C, 376D, 376E, 376F, 376G and 377B of the Penal Code, or offences of attempting to commit the same or attempting to cause the commission of the same; and
- (f) to provide in section 155(1) for the power of the court to order any woman or girl in respect of whom an offence under the new section 375, 376, 376A, 376B, 376C, 376D, 376E, 376F, 376G or 377B of the Penal Code is alleged to have been committed to be detained temporarily in a place of safety.

The clause amends section 7 of the Children and Young Persons Act (Cap. 38) to also make it an offence to procure or attempt to procure the commission of any obscene or indecent act by any child or young person. For example, if a person by threats or inducement makes a child strip and perform an indecent act on himself or herself, such

an act would not fall within the existing section 7 which covers “any obscene or indecent act *with* any child”, but would fall within the amended section 7(b) which covers “any obscene or indecent act *by* any child”.

The clause amends section 112(1) of the Singapore Armed Forces Act (Cap. 295) to include a reference to “sexual assault by penetration” in a new paragraph (da) and in paragraph (v). The effect of the amendments is that the Subordinate Military Court has no power to impose caning for the offence of sexual assault by penetration, similar to the position for the offence of rape.

Clause 108 makes related and consequential amendments to the Criminal Procedure Code (Cap. 68) —

- (a) by making an amendment to section 11(1) to allow the High Court to impose all 3 punishments of imprisonment, fine and caning;
- (b) by making an amendment to section 22;
- (c) by inserting a new section 68A relating to powers of search and seize; the new section contains the substance of existing sections 243A and 489E of the Penal Code (repealed by clauses 45 and 100, respectively);
- (d) by amending section 129(1) to require the Public Prosecutor’s sanction for a prosecution for offences under sections 376C and 376G of the Penal Code. The amendment contains the substance of existing section 376D of the Penal Code (repealed by clause 68);
- (e) by repealing section 132;
- (f) by amending section 364A(2)(c) to delete the reference to section 377 of the Penal Code and to permit the giving of evidence through live video or live television links, with leave of the court, in the case of offences under sections 375 to 377B of the Penal Code; and
- (g) by repealing and substituting Schedule A to the Criminal Procedure Code to incorporate the new offences and the changes in the penalties to existing offences made by the Bill, as well as to make certain other amendments to the existing Schedule.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
