

Control of Essential Supplies Act

(Chapter 55)

An Act to provide for the control and rationing of essential supplies.

(14th December 1973)

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Control of Essential Supplies Act.

Interpretation.

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

"animal" includes birds, reptiles, fish and every kind of vertebrate animal and the young thereof, and the eggs of birds, reptiles and fish;

"article" includes every kind or description of thing or commodity whatsoever;

"controlled article" means any article or food, or any kind or type of article or food, which has been declared to be a controlled article by an order under section 5, and includes a rationed article;

"Controller" means the officer appointed to be Controller of Supplies under section 3 and includes a Deputy Controller of Supplies, an Assistant Controller of Supplies and any person to whom the Controller has delegated any of his powers, duties or functions in accordance with section 13, to the extent of that delegation;

"food" includes any animal, whether alive or dead, and any substance or commodity which is used as food by man, or which is used for feeding any animal which serves some purpose for the use of man, whether as food or otherwise, or which ordinarily enters into the composition or preparation of human food or of the food of any such animal;

"licensed premises" means any premises in respect of which a licence issued under section 7 is in force;

"offence under this Act" includes any contravention of or failure to comply with any order or regulation made under this Act and any contravention of or failure to comply with the terms and conditions of any licence or permit issued or authority granted under this Act or the regulations made thereunder and any failure to comply with any request or direction lawfully made or given thereunder;

"officer of customs" has the same meaning as in the Customs Act;

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"rationed article" means any article or food, or any kind or type of article or food, which has been declared to be a rationed article by an order made under section 5;

"retail dealing" includes every sale of any article or food other than wholesale dealings;

"sell" includes barter or exchange;

"senior officer of customs" has the same meaning as in the Customs Act;

"supplies" includes every kind and type of article or food whatsoever;

"supplies officer" means any officer appointed under section 3;

"wholesale dealing" means any sale of any article or food in whatever quantity for resale in the same form or state or as part of a manufactured product.

Appointment of officers.

3. The Minister may appoint by name or office a Controller of Supplies, Deputy Controllers

of Supplies, Assistant Controllers of Supplies and such other officers as he may consider necessary or expedient for the purposes of this Act.

Responsibilities of officers.

4. —(1) The Controller shall, subject to the general direction and control of the Minister, perform the duties and exercise the rights and powers imposed and conferred upon him by this Act.

(2) The Deputy Controllers of Supplies, Assistant Controllers of Supplies and all other officers appointed under section 3 shall be under the direction and control of the Controller.

(3) All officers appointed under section 3 shall be deemed to be public servants for the purposes of the Penal Code.

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Declaration of controlled and rationed articles.

5. The President may, by order published in the *Gazette*, declare any article or food to be a controlled article or to be a rationed article or both.

Regulations.

6. —(1) The Minister may make regulations generally for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), any regulations made under this section may provide for —

- (a) prohibiting, either absolutely or subject to such conditions as may be prescribed, the purchase or sale of any controlled article without the written permission of the Controller;
- (b) prohibiting, regulating or controlling the import or export of any controlled article;
- (c) prohibiting, regulating or controlling the movement of any controlled article;
- (d) limiting wholesale or retail dealing in any controlled article to such persons as shall hold such licences or permits therefor as the regulations may prescribe;
- (e) restricting the sale of any controlled article either by any individual or generally by all persons dealing in the article in any manner as the Minister may consider fit;
- (f) prohibiting, restricting or otherwise regulating or controlling the manufacture or production of any controlled article either generally or as regards form, shape, quantity, quality, constituents or otherwise;
- (g) regulating and controlling the rationing of any rationed article and, without prejudice to such general power, providing for the registration of all or any persons, or any class or classes of persons, for the purposes of the rationing and for the issue of registration cards, ration cards and other ration documents;
- (h) appointing enumerators to enumerate the public for the purposes of registration and rationing;
- (i) regulating the distribution or use of any controlled article;
- (j) requiring controlled articles to be kept only at such places as the Controller may direct and prescribing the manner in which controlled articles are to be stored;
- (k) limiting the quantity of any controlled article which may be acquired or held by any person;
- (l) providing for the keeping of books of account and other records relating to any trade or business in the course of which controlled articles are sold, and prescribing the manner in which the books or records shall be disposed of or preserved;
- (m) prescribing the period and fees to be paid in respect of the issue or renewal of any licence to sell controlled articles;
- (n) providing for exemption from all or any of the provisions of this Act or any regulations made thereunder; and
- (o) prescribing such forms as he may think necessary for use in connection with any of the matters referred to in paragraphs (a) to (n).

(3) * All regulations made under this section shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of one month from the date when the regulations are so presented annulling the regulations or any part thereof from a specified date, the regulations or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to anything previously done thereunder or to the making of new regulations.

* Former section 31.

PART II

POWERS OF CONTROLLER

Licences and permits to sell controlled articles.

7. —(1) The Controller may, subject to this Act and to such conditions as he may think fit, by written licence or permit authorise any person to sell by wholesale or retail any controlled article in any premises or at a place or places specified in the licence.

(2) The Controller may in his discretion issue or renew licences or permits to deal in controlled articles.

(3) Every licence or permit issued under this section shall be valid for such period as may be expressed therein and may, subject to any order made by any court under section 22 (3), be renewed for such further period as the Controller thinks fit.

(4) Whenever, under this Act, any person is required to obtain a written licence or permit, the person shall, on demand, produce the licence or permit to the Controller or to any officer of customs or to any person acting under the authority of the Controller and authorised to examine any person or supplies, or to any person designated by the Controller to demand its production, and any person who fails to do so shall be guilty of an offence under this Act.

(5) The Controller may at any time, without assigning any reason therefor, vary the conditions of or suspend or revoke or refuse to renew any licence or permit which he has granted under this Act.

(6) Any person aggrieved by the refusal of the Controller to issue or renew a licence under this section or by any action of the Controller under subsection (5) may appeal against the refusal or action to the Minister whose decision shall be final.

Power of Controller to obtain information.

8. —(1) The Controller or any person authorised by him in writing in that behalf may by writing under his hand or by notification in the *Gazette* require any person or class or description of persons or all persons —

(a) to furnish him or such authorised person as may be specified in the requisition with full and accurate periodical or other returns or information in respect of any supplies specified therein, showing all or any of the following particulars:

(i) the quantity thereof in his or their possession or under his or their control;

(ii) the cost thereof or expense incurred in respect thereof;

(iii) the price charged or received by him or them therefor; and

(iv) any other information which the Controller may consider necessary to request in respect thereof;

(b) to produce for inspection all or any books or documents relating to any supplies in his or their possession or under his or their control;

(c) to register his or their names and addresses and such other particulars and in such manner as the Controller may specify; and

(d) to maintain such records or to make such returns containing such particulars relating to the acquisition, disposal, deposit, withdrawal, production, treatment, keeping, storage, movement, transport, distribution, use and consumption of any supplies as the Controller may specify.

(2) Any person to whom a requisition has been made under subsection (1) shall comply therewith within such time as may be specified in the requisition or, if no time is specified, without unnecessary delay.

(3) The Controller or any person authorised by him under subsection (1) may impound and detain any book or document produced in compliance with any requisition made under subsection (1) if in his opinion it contains evidence of the commission of an offence under this Act.

(4) Any person who —

(a) contravenes or fails to comply with subsection (2) or obstructs or impedes the Controller or any person authorised by him in the lawful exercise of any of his powers under this section; or

(b) refuses to answer or knowingly gives a false answer to any question or refuses to produce any book or document required for obtaining any information to be furnished in pursuance of this section,

shall be guilty of an offence under this Act.

Power of Controller to enter premises.

9. —(1) For the purposes of testing the accuracy of any record kept or return made or information given to the Controller under section 8 or of obtaining information or in any case where the Controller or any person authorised by him has reasonable grounds for believing that an offence under this Act has been committed, the Controller, or any person authorised in that behalf in writing by the Controller, after producing to the occupier the written authority, may enter any premises belonging to, or in the occupation of, any person keeping or making or who has failed to keep or to make, any such record or return or has failed to give any such information or in which the Controller or the authorised person has reason to believe that any supplies, with respect to which a requisition under section 8 has been made, are kept, stored, manufactured or produced or in which he has reasonable grounds for believing that an offence under this Act is being or has been committed and may carry out such inspections and examination (including the inspection and examination of books) as he may consider necessary and may seize and detain any books, documents or other things or supplies found in those premises which may furnish evidence of the commission of an offence under this Act.

(2) Where, as a result of any inspection and examination made under subsection (1), there is any discrepancy between the quantity or quality of any supplies found and any record or return required to be kept or made or any information given in respect of those supplies, the person required to keep the record or to make the return or to give the information shall be guilty of an offence under this Act.

(3) Any person who obstructs or impedes the Controller or any person authorised by him in the lawful exercise of any of his powers under this section shall be guilty of an offence under this Act.

Power of arrest, seizure, investigation and prosecution.

10. —(1) The Controller, or any supplies officer or officer of customs authorised in that behalf by the Controller in writing, may —

(a) arrest without warrant any person whom he has reason to believe to have committed an offence under this Act, if the person refuses to furnish his name and address or furnishes an address outside Singapore or there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond:

Provided that when any person has been so arrested he shall thereafter be dealt with as provided by the Criminal Procedure Code; and

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(b) seize any supplies which he considers it necessary to seize in relation to the evidence necessary to establish the commission of any such offence.

(2) The Controller or any supplies officer authorised in writing by the Controller in that behalf, and any police officer not below the rank of sergeant, may in relation to any investigation in respect of any offence under this Act without the order of the Public Prosecutor exercise the special powers in relation to police investigations given by the Criminal Procedure Code in any seizable case.

(3) Any prosecution in respect of an offence under this Act may be conducted by the Controller or other supplies officer.

Powers of Controller to take possession of controlled articles and to give orders and directions.

11. —(1) If the Controller has reason to believe that any person is committing an offence under this Act, he may —

(a) take possession in such manner as he shall consider fit of any controlled article in respect of which he has reason to believe such an offence has been committed or of any vehicle, vessel or other article by means of which any such offence has been committed or which he has reason to believe is intended to be used for the commission of that offence; or

(b) give such orders and directions and take such measures in relation to supplies of that controlled article as may appear to him necessary or expedient in order that any such controlled article may be placed on the market.

(2) Where, under this section, possession has been taken of any controlled article, vehicle, vessel or other article by or on behalf of the Controller, then the Controller —

(a) if in his opinion the owner of the controlled article has been guilty of an offence under this Act and criminal proceedings have been instituted against the owner in respect of the offence, may retain the controlled article until the conclusion of those criminal proceedings and, unless the court orders confiscation thereof, shall dispose of the controlled article in such manner as the court may order and, in default of any order of the court, shall dispose of the controlled article under paragraph (b); or

(b) in any case, may restore possession to the owner, or, where a maximum price has been fixed by any written law in respect of the controlled article, may pay to the owner of the controlled article the price so fixed less an amount not exceeding 25% thereof being the expenses certified by the Controller to have been incurred by the Controller in taking possession, storing and restoring possession of that controlled article.

(3) Any person who contravenes or fails to comply with any order or direction given by the Controller under subsection (1) (b) or who obstructs or impedes the Controller or any person authorised by him to take possession of any controlled article under subsection (1) (a) shall be guilty of an offence under this Act.

Power of Controller to sell animals or perishable, deleterious or hazardous articles.

12. If possession has been taken of any controlled article in circumstances in which the Controller has reason to believe that an offence under this Act has been committed and criminal proceedings have been instituted against any person in respect of the offence, then if the controlled article is a live animal or if the Controller is satisfied that the controlled article, by reason of its perishable nature or otherwise, is liable to deteriorate or is injurious to health or is hazardous, he may order that the controlled article shall be sold in such manner as may be specified by him, and the proceeds of the sale shall be kept until the conclusion of the criminal proceedings and, except where the court orders confiscation of the proceeds under section 26, shall be disposed of in such manner as the court may order.

Delegation of powers.

13. —(1) The Controller may in writing delegate all or any of his powers, duties or functions under this Act to any supplies officer, and may at any time revoke any such delegation.

- (2) No delegation under subsection (1) shall be deemed to divest the Controller of any of his powers, duties or functions and he may, if he thinks fit, exercise those powers, duties and functions notwithstanding any such delegation.

PART III**OFFENCES AND PENALTIES****Prohibition against selling greater quantity of controlled articles than required for ordinary use.**

14. Any person who sells any controlled article to any other person in excess of the quantity which may be lawfully acquired by such other person in accordance with any regulations made under section 6 shall be guilty of an offence under this Act.

Prohibition of concealment or destruction of controlled articles.

15. Any person who conceals or destroys any controlled article in order to withhold the article from the market or refuses, without reasonable cause, to supply any controlled article shall be guilty of an offence under this Act.

Offence to sell controlled articles without a licence or permit.

16. Any person, not being the holder of a valid licence or permit issued in accordance with section 7, who, either on his own behalf or on behalf of any body corporate of which he is a director or officer or on behalf of any firm of which he is a partner, sells by wholesale or retail any controlled article or any person, being the holder of any such licence or permit, who so sells any controlled article in any premises or at a place other than the premises or place specified in the licence or permit, or who so sells any controlled article contrary to any conditions expressed in the licence or permit, shall be guilty of an offence under this Act.

Retailers to display licence and list of controlled and rationed articles.

17. —(1) Any person carrying on retail business in any premises or at any place in respect of which a licence has been issued in accordance with section 7 shall display in a conspicuous position —

- (a) the original of the licence; and
- (b) a list in the English language and in any other language as the Controller may direct of the controlled articles or rationed articles sold in that premises or at that place, so that they may be easily read by any person purchasing controlled or rationed articles in that premises or at that place.

(2) Any person who fails or refuses to comply with subsection (1) shall be guilty of an offence under this Act.

Supply of rationed articles.

18. —(1) Except under the authority of the Controller or under and in accordance with this Act or of any direction, licence, permit or coupon issued thereunder, no person shall obtain or attempt to obtain, and a retailer shall not supply or offer or attempt to supply, any rationed article.

(2) Any person who contravenes subsection (1) shall be guilty of an offence under this Act.

Illegal conditions.

19. Any person who, in selling any controlled article, imposes, except with the permission of the Controller, any condition of sale other than a condition of sale —

- (a) requiring immediate payment therefor;

- (b) prescribing the time within which payment must be made or delivery taken; or
 - (c) requiring a deposit in respect of sale of any such goods,
- shall be guilty of an offence under this Act.

Removal of controlled articles from business premises and storage of controlled articles in premises other than licensed business premises, and dealing in controlled articles otherwise than in normal course of business.

20. —(1) Any person who removes any controlled article or causes or permits any controlled article to be removed from any licensed premises or stores any controlled article or causes or permits any controlled article to be stored in any premises, other than licensed premises or premises approved by the Controller for such storage, shall be guilty of an offence under this Act.

(2) The Controller, any senior officer of customs or any police officer not below the rank of sergeant, if he suspects that any controlled article is being stored or dealt in in any premises in contravention of this section, may, notwithstanding any written law to the contrary for the time being in force, without a search warrant enter upon the premises for the purpose of ascertaining whether or not any such controlled article is in those premises.

(3) In any prosecution for an offence under this section, it shall be sufficient for the prosecution to prove that any controlled article, to the ownership or possession of which the defendant was entitled, was found in premises other than licensed premises or premises approved by the Controller, and the burden of proving that the defendant is not guilty of an offence under this section shall then lie upon the defendant.

(4) Any controlled article found in the course of a search under subsection (2) upon premises other than licensed premises or premises approved by the Controller, in regard to which an offence under this section is reasonably suspected to have been committed, may be removed by the Controller or other person authorised by that subsection to carry out the search and, if not claimed within two weeks of the removal, may be sold by order of the Controller, and the proceeds of any such sale shall be paid into the Consolidated Fund.

Unlawful possession of controlled articles.

21. Any person in possession or control of any controlled article in such circumstances as to raise a reasonable suspicion that an offence under this Act has been or is intended to be committed by him in relation to the controlled article shall be guilty of an offence under this Act unless he satisfies the court that the offence has not been and was not intended to be committed by him.

Penalties.

22. —(1) Any person, other than a body corporate, but including a director or officer of a body corporate, who commits an offence under this Act shall be liable on conviction to a fine not exceeding \$10,000 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 \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) Any body corporate which commits an offence under this Act shall be liable on conviction to a fine not exceeding \$20,000.

(3) Where any person is convicted of an offence under this Act, the court by which he is so convicted may, whether or not it imposes any other penalty, make an order cancelling any licence issued under section 7 to him, or to any firm of which he is a partner, or to any corporation of which he is a director or officer, and debarring him or the firm or corporation from obtaining a new licence either absolutely or for such period as the court may determine, or may suspend the licence for such period as the court may determine.

(4) Where a person charged with an offence under this Act is a body corporate every person who, at the time of the commission of the offence, is a director or officer of that body corporate may be charged jointly in the same proceedings with the body corporate, and where

the body corporate is convicted of the offence charged, every such director or officer shall be deemed to be guilty of the offence unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

(5) Any person who would have been liable for an offence under this Act to any penalty for anything done or omitted to be done if the thing had been done or omitted to be done by him personally shall be liable to the same penalty if the thing has been done or omitted to be done by his partner, agent or employee, unless he proves that he took reasonable precautions to prevent the doing or omission of that thing.

Saving.

23. No proceedings shall be instituted under this Act against any person duly authorised in that behalf by the Controller who has knowingly done or omitted to do any act which would, but for this section, have been an offence, provided that he has done or omitted to do the act with the intention of procuring evidence for the purpose of prosecuting the seller for an offence under this Act.

PART IV

MISCELLANEOUS

Minister may appoint boards and committees.

24. —(1) The Minister may appoint such boards or committees as he may think fit for the purpose of assisting him in carrying into effect this Act and may delegate to them such of his powers (other than those conferred by section 6) and may require them to perform such of his duties as he may think necessary.

(2) No delegation under subsection (1) shall be deemed to divest the Minister of any of his powers or duties and he may, if he thinks fit, exercise those powers and perform those duties notwithstanding any such delegation.

Burden of proof.

25. In any prosecution in respect of an offence under this Act upon a charge of doing any act which is unlawful unless the person doing the act is entitled to do so by reason of his being the holder of a licence, permit or written permission, consent, authorisation or exemption entitling him to do that act, it shall be sufficient for the prosecution to allege and prove his doing that act and the onus shall then be upon the accused to show that he was entitled to do the act.

Power of court to confiscate.

26. —(1) Where any person is convicted of an offence under this Act, the court may order the confiscation in whole or in part of —

(a) any controlled article in respect of which the offence has been committed which has been seized by, or has otherwise come into the possession of the Controller or any person acting under his authority or any vehicle, vessel or other article, the property of the accused, by means of which the offence has been committed or which is intended to be used for the commission of an offence under this Act; or

(b) the proceeds of the sale of any such controlled article if it has been sold under section 12.

(2) Where confiscation is ordered under subsection (1), the court shall deliver the controlled article or the proceeds of the sale thereof (if not already in possession of the Controller) to the Controller or to any person designated by him, and shall give directions as to their disposal.

Jurisdiction of courts.

27. Notwithstanding anything in any other written law to the contrary, a District Court and a

Magistrate's Court shall have jurisdiction to pass any sentence provided in this Act for any offence under this Act.

Joinder of offences.

28. Notwithstanding any written law to the contrary for the time being in force, when a person is accused of more than one offence under this Act he may be charged with and tried at one time for any number of those offences.

Composition of offences.

29. —(1) The Controller may compound any such offence under this Act as may be prescribed as being an offence which may be compounded by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding \$2,000. (2) The Minister may make regulations to prescribe the offences under this Act which may be compounded and the method and procedure by which such offences may be compounded under this section.

Protection of informers.

30. —(1) Subject to this section, no evidence as to any written or oral information in respect of any offence alleged to have been committed under this Act shall be admitted in evidence in any civil or criminal proceedings whatsoever, and no witness shall be obliged or permitted to disclose the name or address of any informer or to state any matter which might lead to the discovery of the identity of the informer.

(2) If any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceedings whatsoever contained any entry in which any informer is named or described or which might lead to the discovery of his identity, the court shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to prevent the discovery of the identity of the informer, but no further.

(3) If in any civil or criminal proceedings whatsoever the court, after full enquiry into the case, is of the opinion that the informer has wilfully made in any information furnished by him a material statement which he knew or believed to be false or did not believe to be true, or the court is of the opinion that justice cannot be fully done without the discovery of the identity of the informer, it shall be lawful for the court to require the production of the original information, if in writing, and to permit enquiry and require full disclosure concerning the informer.

(4) For the purpose of this section, "informer" includes every person who is not called as a witness for the prosecution in a criminal case and who has made any complaint or report or furnished any information, oral or documentary, in respect of any offence under this Act alleged to have been committed by any person.