

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PUBLIC ORDER (PRESERVATION) ACT

(CHAPTER 258)

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46 of 1958

Amended by

21 of 1973

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Public Order (Preservation) Act

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[16th September 1963]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Public Order (Preservation) Act.

Interpretation.

2. In this Act, except in so far as the context otherwise requires or it is otherwise expressly provided —

“Commissioner of Police” includes any police officer for the time being lawfully authorised to exercise the powers and perform the duties conferred or imposed upon the Commissioner of Police by this Act;

“corrosive substance” means any of the acids and substances specified in the First Schedule and shall be deemed to include all substances which are capable on application to the human body of causing hurt through corrosive action;

“document” includes any substance on which is recorded any matter, whether by letters, figures,

marks, pictorial or other representation, or by more than one of these means;

“explosive substance” shall be deemed to include any materials for making any explosive substance and any bomb, grenade, apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive substance and any part of such bomb, grenade, apparatus, machine or implement;

“hurt” means hurt as defined in the Penal Code; Cap. 224.

“Minister” means the Minister charged with responsibility for internal security;

“offensive weapon” includes any instrument which if used as a weapon of offence is likely to cause hurt;

“police officer” includes an auxiliary police officer and a special police officer appointed in accordance with any written law for the time being in force;

“proclaimed area” means an area in respect of which a proclamation made or renewed under section 3 is for the time being in force;

“subversive document” means any document which contains —

(a) any matter which is seditious within the meaning of the Sedition Act; Cap. 290.

(b) any matter likely to be prejudicial to the maintenance or restoration of public order;

(c) any matter counselling or likely to lead to disobedience to the law of Singapore or to any lawful order therein;

(d) any matter inciting or likely to lead to unlawful violence or the promotion of feeling of ill-will or hostility between different races or classes of the population in Singapore; or

(e) any matter likely to bring into hatred or contempt or to excite disaffection against any public servant in the execution of his duties or any class of public servants or against any armed force lawfully in Singapore or any member of such force in the execution of his duties.

PART II

PROCLAMATION OF DANGER TO PUBLIC ORDER

Proclamation
of state of
danger to
public order.

3.—(1) If, in the opinion of the Minister, public order in any area in Singapore is seriously disturbed or is seriously threatened the Minister may, if he considers it to be necessary for the purpose of maintaining or restoring public order in that area to do so, proclaim the existence in that area of a state of danger to public order.

(2) Every proclamation made under subsection (1) shall apply only to such area as is therein specified and shall remain in force until it is revoked by the Minister or ceases to have effect in accordance with subsection (3).

(3) Every proclamation made under subsection (1) shall, but without prejudice to anything previously done by virtue thereof, cease to have effect upon the expiration of one month from the date upon which it was made:

Provided that a proclamation in force may be renewed by declaration of the Minister from time to time for such period, not exceeding one month at a time, as may be specified in the declaration.

(4) A proclamation made under subsection (1) and a declaration of renewal made under subsection (3) shall be published in such manner as the Minister thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof and shall have effect as soon as such notice has been given, without publication in the *Gazette*.

(5) A copy of every proclamation made under subsection (1) and of every declaration of renewal made under subsection (3) shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after it has been made and if a resolution is passed by Parliament annulling the proclamation or declaration, it shall cease to have effect, notwithstanding subsections (2) and (3), but without prejudice to anything previously done by virtue thereof.

PART III

POWERS FOR MAINTENANCE OF PUBLIC ORDER

Closing of
roads, etc.

4.—(1) In any proclaimed area —

(a) the Commissioner of Police or the officer in charge of a division may by order or by giving directions

or in any other manner he thinks fit regulate, restrict, control or prohibit the use of any road, street, path or waterway or any public place or close any road, street, path, waterway or public place to the public or any class of the public or to any vehicle or vessel or class of vehicle or vessel;

- (b) if it appears to the senior police officer present in any part of such area that, in order to restore or maintain public order in that place, it is necessary to regulate, restrict, control or prohibit the use of any road, street, path or waterway or any public place in or giving access to that part or to close any such road, street, path, waterway or public place and that the situation is too urgent to communicate with an officer having authority under paragraph (a), that officer may exercise the powers conferred by that paragraph on the Commissioner of Police or the officer in charge of a division:

Provided that the powers conferred by paragraph (b) shall not be exercised by a police officer below the rank of sergeant.

(2) No order under subsection (1) (b) shall be valid after the expiration of a period of 24 hours from the time when it was made unless made or confirmed by the Commissioner of Police or the officer in charge of the division having authority under subsection (1) (a).

5.—(1) In any proclaimed area —

- (a) the officer in charge of a division may by order prohibit absolutely or subject to such conditions as he may think fit any procession, meeting or assembly of 5 or more persons in any public place in such area or in any specified place or building, whether public or private, in such area;

- (b) any procession, meeting or assembly of 5 or more persons in any place whatsoever may, whether or not any order has been made prohibiting the procession, meeting or assembly under paragraph (a), be ordered to disperse by any police officer of or above the rank of sergeant and it shall thereupon be the duty of the members of the procession, meeting or assembly to disperse accordingly.

Prohibition
and dispersal
of assem-
blies.

(2) Any police officer may, if it is necessary for the public security, use such force as may be necessary to disperse any procession, meeting or assembly ordered to be dispersed or prohibited under this section, which force may extend to the use of lethal weapons.

Barriers.

6.—(1) A police officer may, for the purpose of giving effect to an order or direction made under section 4, or whenever he considers it necessary to do so for the preservation of law and order or for the prevention or detection of crime, erect or place barriers in or across any road, street, path, waterway or public place in a proclaimed area in such manner as he may think fit.

(2) A police officer may take all reasonable steps to prevent any person, whether on foot or in a vehicle or vessel, from passing any such barrier and every person shall comply with any direction or signal of any such officer requiring that person to stop at or before reaching the barrier.

(3) A police officer may use such force as may be necessary to prevent any person from passing any such barrier, which force may extend to the use of lethal weapons.

Curfew.
21/73.

7.—(1) In any proclaimed area, the Minister, the Commissioner of Police or the officer in charge of a division may by order require every person within the area or any part thereof to remain within doors between such hours as may be specified in the order unless in possession of a written permit in that behalf issued by the Minister or by a police officer of or above the rank of sergeant or by any public officer authorised in writing by the Minister, the Commissioner of Police or the officer in charge of a division to issue such permits.

(2) No order under this section shall apply to —

- (a) the President;
- (b) any police officer or any member of any naval, military or air forces established or serving in Singapore when on duty; or
- (c) any person or class of persons exempted from the provisions of such order by the Commissioner of Police or the officer in charge of the division.

(3) The powers conferred by subsection (1) may be exercised by any police officer not below the rank of sergeant authorised in writing in that behalf by the Commissioner of Police: ^{21/73.}

Provided that no order made in pursuance of this subsection shall be valid after the expiration of a period of 24 hours from the time it was made unless confirmed by the Commissioner of Police.

(4) The Minister may vary or cancel any order made in exercise of the powers conferred by subsection (1) by a police officer.

8.—(1) In any proclaimed area the Commissioner of Police or an officer in charge of a division may by order exclude all persons or any class of persons from any area in the division or divisions under his charge or from any place or building therein and may require any person who is in such area or place or building to comply with such directions for regulating his movement and conduct as the Commissioner of Police or the officer in charge of a division may give. ^{Exclusion of persons. 21/73.}

(2) Any police officer may search any person entering, or seeking to enter, or being in, such area, place or building, in respect of which an order under subsection (1) is for the time being in force and may detain that person for the purpose of searching him:

Provided that no woman shall be searched under this subsection except by a woman.

(3) If any person while in an area, place or building in respect of which an order under subsection (1) is for the time being in force fails to comply with the order or with any direction given thereunder then, without prejudice to any proceedings which may be taken against him, he may be removed from that area, place or building by a police officer.

(4) The powers conferred by subsection (1) may be exercised by any police officer not below the rank of sergeant authorised in writing in that behalf by the Commissioner of Police or the officer in charge of a division. ^{21/73.}

(5) The Minister may make an order and may vary or cancel any order made by a police officer in exercise of the powers conferred by subsection (1).

Discontin-
uance of
telephone
services.

9. The Minister may by order in writing authorise the Telecommunication Authority of Singapore in any area within a proclaimed area specified in the order to withdraw either totally or partially the use of all or any telecommunication facilities or telecommunication plant from any person or class of persons or from the public at large except such persons or classes of persons as may be specified in the order and thereupon the Telecommunication Authority of Singapore shall withdraw such use, the provision of any agreement or of any written law to the contrary notwithstanding.

Seizure of
certain
articles.

10.—(1) Any police officer may in a proclaimed area seize and take possession of any article or material capable of being, and which in his opinion is likely to be, used for offensive purposes.

(2) Any article or material seized under this section shall be disposed of in such manner as the Minister may order.

Powers of
requisition.

11.—(1) The Commissioner of Police and any police officer authorised by the Commissioner in that behalf in writing may require any movable or immovable property situated within any proclaimed area or any space or accommodation in any land, building, vessel, vehicle or aircraft within that area to be placed at his disposal and may give such directions as appear to him to be necessary or expedient in connection with such requirement.

(2) The Commissioner of Police and any police officer authorised by the Commissioner in that behalf in writing may, during any period in which a proclamation under section 3 is in force in respect of any area in Singapore require any vessel, vehicle or aircraft in any place in Singapore to be placed at his disposal and may give such directions as appear to him to be necessary or expedient in connection with such requirement.

(3) The Minister may direct that any requisition made under this section shall cease to have effect to such extent and subject to such qualifications, exceptions and conditions as may be specified or imposed by that direction.

(4) No requisition shall be made under this section in respect of any vessel of more than 100 tons gross tonnage, any rolling stock of the Malayan Railway or any aircraft without the prior approval of the Minister.

12.—(1) Where, in the exercise of the powers conferred by section 11, possession is taken of any property or of any space or accommodation in any land, building, vessel, vehicle or aircraft, compensation in respect of such possession shall be assessed in accordance with the written law for the time being in force relating to compensation in respect of the requisitioning of property in an emergency. Compensation.

(2) No compensation shall be payable to any person in respect of any damage or injury to his person or property caused by or consequent upon any act authorised by this Act unless provision for such compensation is made by this Act.

(3) Where, in the exercise of the powers conferred by section 11, possession is taken of any property or of any space or accommodation in any land, building, vessel, vehicle or aircraft for the purpose of ensuring the maintenance of a public service, any compensation payable in respect of such possession shall be payable by the authority responsible for the provision of such service.

13.—(1) Where it appears to the Commissioner of Police — Control of persons.

(a) that any person has been recently concerned in acts involving or likely to cause or provoke a breach of the peace in a proclaimed area or likely to be prejudicial to the success of measures taken to maintain or restore public order in a proclaimed area or in the preparation or instigation of such acts or that by reason of his associations with any persons or organisations concerned in any such acts or by reason of his words or conduct he is likely to be concerned in such acts; and

(b) that by reason thereof it is necessary to exercise temporary control over such person,

the Commissioner may by order exercise in respect of that person any one or more of the following powers:

(i) exclude that person from the proclaimed area or any part thereof;

(ii) require that person to reside in such place or area whether in the proclaimed area or not as may be specified in the order and not to leave the area without such permission and subject to such conditions as may be so specified;

- (iii) require that person to remain within doors during such hours as may be specified in the order;
- (iv) require that person to notify to the police at such place or places and in such manner as may be specified in the order his place of residence and any change thereof and to report to the police at such times and dates and in such manner as may be so specified;
- (v) require that person to enter into a bond for such amount with such sureties as may be specified for his good behaviour or for due compliance with the terms and conditions of any order made under this subsection.

(2) Any order made under this section may be cancelled or varied by the Minister or by the Commissioner of Police.

(3) Subject to subsection (2), any order made under this section shall remain in force for such period as may be specified in the order, but every such order, unless previously cancelled, shall cease to have effect when the area in respect of which the order was made ceases to be a proclaimed area.

Appeal.

14.—(1) Any person in respect of whom an order under section 13 has been made may appeal to the Minister, who shall decide the appeal and make such order as to him seems appropriate.

(2) The decision of the Minister on an appeal under this section shall be final.

Powers of search.

15.—(1) In any proclaimed area any police officer may, without warrant and with or without assistance —

- (a) stop and search any person or vehicle found in any public road or place; and
- (b) if such police officer is of or above the rank of sergeant —
 - (i) stop and search any person or vehicle, whether in a public place or not;
 - (ii) enter and search any premises;

- (iii) board and search any vessel, vehicle or aircraft not being, or having the status of, a naval, military or air force vessel, vehicle or aircraft,

with a view to ascertaining whether that person, vehicle, vessel or aircraft is carrying, or those premises contain, any offensive weapon or subversive document or any article or material or accumulation thereof capable of being used for causing injury to the person or to property, or if he has reasonable grounds for believing that any evidence of the commission of an offence is likely to be found on that person or premises or in any such vessel, vehicle or aircraft and may seize any such weapon, document, article or material if he has reasonable grounds for believing that it is intended or likely to be so used and any such evidence so found and any vessel, vehicle or aircraft in which such weapon, document, article, material or evidence is found:

Provided that any police officer may exercise the powers conferred by paragraph (b) on a police officer of or above the rank of sergeant if he has reasonable grounds for believing that by reason of the delay which would be caused by referring the matter to an officer of or above the rank of sergeant any evidence liable to seizure under the provisions of that paragraph is likely to be removed from the person, premises, vessel, vehicle or aircraft in which the evidence is believed to be.

(2) No woman shall be searched under this section except by a woman.

16.—(1) Subject to subsection (2), the provisions of the Criminal Procedure Code relating to the disposal of property, the subject of an offence, shall apply to any article coming into the possession of a police officer under section 15.

Disposal of
property.
Cap. 68.

(2) Any offensive weapon, subversive document, corrosive substance or explosive substance coming into the possession of a police officer under section 15 may be disposed of in such manner as the Minister may order.

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from this section.

Arrest and
detention.

17.—(1) A police officer may without warrant arrest any person suspected of the commission of an offence under this Act or of the commission in a proclaimed area of any of the offences referred to in section 27.

(2) A police officer may in a proclaimed area without warrant arrest any person in respect of whom he has reason to believe that he is a person to whom section 13 (1) applies and any person so arrested may be detained for a period not exceeding 24 hours, pending a decision as to whether an order under that section should be made.

(3) A police officer may in a proclaimed area arrest any person ordered to be excluded from that area under section 13 and may detain the person for a period not exceeding 24 hours for the purpose of removing him from the area.

(4) Any person detained under the powers conferred by this Act shall be deemed to be in lawful custody and may be detained in any prison or in any police station or in any other similar place authorised generally or specially by the Commissioner of Police.

(5) Every offence against this Act or punishable under section 27 and every offence committed in a proclaimed area against the provisions of any written law for the time being specified in the Second Schedule, shall be seizable and non-bailable for the purposes of the Criminal Procedure Code.

Cap. 68.

Use of lethal
weapons in
effecting
arrests.

18.—(1) Notwithstanding anything to the contrary in any other written law, it shall be lawful for any police officer in order —

(a) to effect the arrest of any person who fails to comply with an order under section 7 or who he has reasonable grounds for suspecting to have committed in a proclaimed area an offence against section 22, 23, 24 or 28 or punishable under section 27 or against the provisions of any written law for the time being specified in the Second Schedule;

(b) to overcome forcible resistance offered by any person to such arrest; or

(c) to prevent the escape from arrest or the rescue of any person arrested as aforesaid,

to use such force as, in the circumstances of the case, may be reasonably necessary, which force may extend to the use of lethal weapons.

(2) Every person arrested in the circumstances mentioned in subsection (1) (a) shall as soon as possible after his arrest be clearly warned of the provisions of subsection (1) (c).

(3) Nothing in this section shall derogate from the right of private defence contained in sections 96 to 106 inclusive of the Penal Code.

Cap. 224.

(4) The Second Schedule may be added to, varied or amended by resolution passed by Parliament.

19. The Minister may, during any period in which a proclamation under section 3 is in force in respect of any area in Singapore, if he is satisfied that it is expedient in the public interest to do so, from time to time, notwithstanding that licences or permits may have been issued under any written law in respect of such arms, by order, prohibit the use, possession or custody of arms in any part of Singapore for such period as may be specified in the order; and may at the same time give directions —

Control of arms.

- (a) for the taking into custody of arms;
- (b) for the cancellation or suspension of licences or permits for arms for the period specified in the order;
- (c) for the giving of notice of the order to any person who in his opinion ought to have notice of it; and
- (d) generally for the carrying into effect of such order.

20.—(1) Any commander of any armed forces and any member of the armed forces under his command may when engaged on duty connected with the maintenance or restoration of public order, exercise any of the powers conferred upon a police officer by sections 4 (1) (b), 5 (1) (b) and (2), 6, 8 (2) and (3), 10 (1), 15 (1), 17 (1) and 18 in like manner as if references in those sections to a police officer were references to a member of the armed forces of equivalent rank.

Powers of members of armed forces of Singapore.

(2) The provisions of Chapter IV of the Criminal Procedure Code shall apply to a member of the armed forces exercising powers under subsection (1) in like manner as they apply to a police officer.

Cap. 68.

- (3) For the purposes of this section —
- (a) “armed forces” means the Singapore Armed Forces;
 - (b) “commander of any armed forces” means a commissioned officer for the time being in command of members of the armed forces in the proclaimed area;
 - (c) a commissioned officer of any armed forces shall be deemed to be of equivalent rank to a police officer above the rank of sergeant and a sergeant or petty officer of any armed forces shall be deemed to be of equivalent rank to a police officer of the rank of sergeant.

Promulgation
and cancella-
tion of
orders.

21.—(1) When any order or direction is given under the provisions of this Part the person making the order or giving the direction shall, unless it is otherwise provided, cause notice of the effect of it to be given in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of it and that order or direction shall have effect as soon as such notice has been given, without publication in the *Gazette*.

(2) Any order or direction made under any provisions of this Part may at any time during its continuance be cancelled by any person empowered to make that order but without prejudice to the previous validity of the order or to anything done thereunder or to the power of such person to make a fresh order under such provision. [22

PART IV

OFFENCES RELATING TO PUBLIC ORDER

Using offen-
sive weapons,
explosive,
corrosive or
inflammable
substances.

22. Any person who in any proclaimed area unlawfully and maliciously uses any offensive weapon or causes by any explosive substance an explosion of a nature likely to endanger life or cause serious injury to the person or to property or uses any corrosive or inflammable substance in a manner likely to endanger life or cause serious injury to the person or to property shall, whether any injury to person or property has actually been caused or not, be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 10 years and shall also be liable to caning. [23

23. If any person consorts with or is found in the company of another person who is committing or attempting to commit or is doing any act preparatory to the commission of an offence under section 22 or who has recently committed or attempted to commit that offence or done that act such person shall, if he so consorts or is so found in circumstances which raise a reasonable presumption that he intends or is about to act or has recently acted with such other person in any manner prejudicial to the maintenance or restoration of public order in any proclaimed area, be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 7 years and shall be liable to caning. [24

Consorting with person using offensive weapons, explosive, corrosive or inflammable substances.

24.—(1) Any person who in any public place in any proclaimed area carries or has in his possession or under his control any offensive weapon or any explosive, corrosive or inflammable substance shall, unless that person proves that he carried the weapon, article or substance or had it in his possession or under his control solely for some lawful purpose, be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years and shall be liable to caning.

Carrying, etc., offensive weapons, explosive, corrosive or inflammable substances in a proclaimed area.

(2) Any person who in any place in a proclaimed area, other than a public place, has in his possession or under his control any offensive weapon or any explosive, corrosive or inflammable substance in circumstances which raise a reasonable presumption that the weapon or substance is intended to be used for a purpose prejudicial to the maintenance or restoration of public order shall, unless he proves that he had that weapon or substance in his possession solely for a lawful purpose, be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years and to caning. [25

25.—(1) Where any offensive weapon or any explosive, corrosive or inflammable substance is found in or on any premises the occupier of the premises shall be deemed to be in possession of the weapon or substance unless he proves that some other person was in possession thereof or that he had no knowledge or reasonable means of knowledge that the weapon or substance was in or on the premises, and that he had taken all reasonable precautions against such weapon or substance being kept in or on the premises.

Presumption.

(2) In any prosecution under section 24 (2) it shall be presumed until the contrary is proved that any weapon or substance was intended to be used for a purpose prejudicial to the maintenance or restoration of public order if —

- (a) the number of weapons or the quantity of the substance found exceeded the quantity reasonably required to be kept by the accused for ordinary use and consumption in his household or establishment and (in the case of a person carrying on business) exceeded the quantity reasonably required to be kept in the ordinary course of such business;
- (b) the weapons or substance were kept concealed or in a place other than that in which they might reasonably be expected to be kept for domestic or, in the case of a person carrying on business, for business purposes; or
- (c) the substances were kept in containers other than containers of a kind in which such substances are ordinarily kept for domestic or, in the case of a person carrying on business, for business purposes. [26

Penalty for certain offences.

26. If any person contravenes or fails to comply with any provision of this Act or any order or direction made or given or requirement imposed under section 4, 5, 6, 7, 8 or 13, or abets such contravention or failure, he shall be guilty of an offence and, subject to any special provisions in this Act, shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both. [27

Enhanced penalty for certain offences committed in a proclaimed area.

27. Any person who in a proclaimed area commits, attempts to commit or in any place in Singapore abets the commission in a proclaimed area of any of the offences for the time being specified in the Third Schedule shall be liable on conviction to such fine as is provided for that offence, attempt or abetment, as the case may be, or to imprisonment for a term which may extend to twice the longest term provided therefor or to both. [28

Provoking a breach of the peace.

28. Any person who in any place in a proclaimed area uses any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or

whereby a breach of the peace is likely to be occasioned shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years. [29

29. If any person shall in any place in Singapore during any period in which a proclamation under section 3 is in force in respect of any area in Singapore do any act or utter any words or print, publish, sell, offer for sale, distribute or reproduce for distribution or import, or have in his possession any document containing any matter which —

Offences in relation to maintenance of public order in a proclaimed area.

- (a) is likely to be prejudicial to the maintenance or restoration of public order in the proclaimed area or in any other part of Singapore;
- (b) counsels or is likely to lead to disobedience to the law of Singapore or to any lawful order made thereunder or to the obstruction of public officers in the execution of their duty to restore or maintain public order;
- (c) incites or is likely to cause unlawful violence or to promote feelings of ill-will or hostility between different races or classes of the population of Singapore; or
- (d) is likely to bring into hatred or contempt or to excite disaffection against any public servant in the execution of his duty or against any class of public servants or against any armed force lawfully in Singapore or any member of such force in the execution of his duty,

he shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years. [30

30. Except as provided by section 27 nothing in this Part shall affect any other law relating to criminal offences provided that no person shall be punished twice for the same offence. [31

Saving.

Section 2.

FIRST SCHEDULE

CORROSIVE SUBSTANCES

Sulphuric Acid	Phenols
Nitric Acid	Ammonia
Hydrochloric Acid	Potassium Hydroxide
Formic Acid	Sodium Hydroxide
Acetic Acid	

Sections 17
(5) and 18 (1)
and (4).

SECOND SCHEDULE

SEIZABLE AND NON-BAILABLE OFFENCES

Cap. 224. Penal Code ... Sections 430, 430A, 431, 431A, 435 and 436.

Section 27.

THIRD SCHEDULE

OFFENCES WITH ENHANCED PENALTIES

Penal Code ... Sections 143, 144, 145, 147, 148, 151, 152, 153,
157, 158, 160, 379, 380, 381 and 382.