



THE STATUTES OF THE REPUBLIC OF SINGAPORE

ADMINISTRATION OF JUSTICE (PROTECTION) ACT 2016

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Administration of Justice (Protection) Act 2016

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[1 October 2017]

PART 1

PRELIMINARY

Short title

1. This Act is the Administration of Justice (Protection) Act 2016.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“court” means —

- (a) the Supreme Court;
- (b) any State Court;
- (c) any Family Court; or
- (d) any Youth Court;

“Employment Claims Tribunal” means an Employment Claims Tribunal constituted under section 4 of the State Courts Act 1970;

“judge” means —

- (a) in the case of the Supreme Court — a Judge and a Registrar as defined in the Supreme Court of Judicature Act 1969;

- (b) in the case of a State Court — a judicial officer as defined in the State Courts Act 1970 and a Coroner as defined in the Coroners Act 2010;
- (c) in the case of a Family Court or a Youth Court — a judicial officer as defined in the Family Justice Act 2014;
- (d) in the case of the Small Claims Tribunals — a tribunal magistrate or the Registrar as defined in section 2(1) of the Small Claims Tribunals Act 1984; or
- (e) in the case of an Employment Claims Tribunal — a tribunal magistrate as defined in the Employment Claims Act 2016;

“publish” means to disseminate, distribute, exhibit, provide or communicate by oral, visual, written, electronic or other means (for example, by way of newspaper, radio, television or through the use of the Internet, subscription TV or other online communications system) to the public at large or a member of the public, and includes cause to be published, and “publication” is to be construed accordingly;

“Small Claims Tribunal” means a Small Claims Tribunal constituted under section 4 of the State Courts Act 1970;

“State Court” means a State Court constituted under section 4 of the State Courts Act 1970.

[33/2018; 40/2019]

(2) In this Act —

- (a) a court proceeding is pending from the time that it commences to the time that it is finally decided, struck out or is discontinued or deemed to be discontinued;
- (b) a court proceeding commences —
 - (i) in the case of any proceeding against a person in respect of any offence (other than an appellate, revision or reference proceeding referred to in

sub-paragraphs (iii) and (iv)) — from the earliest of the following events:

- (A) the issue of a notice to attend court, summons to appear before a court to answer a charge of the offence, or any other process to compel the attendance of the person to answer a charge of the offence;
 - (B) the issue of a warrant for the arrest of the person for the offence;
 - (C) the arrest of the person for the offence;
- (ii) in the case of any proceeding other than a proceeding against a person in respect of any offence (but not an appellate or revision proceeding referred to in sub-paragraph (iii)) — from the time the originating process, application for permission or other application (including an application made before an originating process is filed) is filed in court;
- [Act 25 of 2021 wef 01/04/2022]*
- (iii) in the case of proceedings on appeal from or for revision of a decision of a court in any proceedings — from —
- (A) the time a notice of appeal is lodged or filed or an application for permission to appeal is made; or
- [Act 25 of 2021 wef 01/04/2022]*
- (B) the time an application for revision is made, as the case may be;
- (iv) in the case of a reference of a question of law of public interest under section 397 of the Criminal Procedure Code 2010 — from the time an application for permission or a reference by the Public Prosecutor is made; and

[Act 25 of 2021 wef 01/04/2022]

- (v) in the case of an inquiry under the Coroners Act 2010 — from the time a Coroner is informed of a death under section 11 of that Act;
- (c) a court proceeding is finally decided —
- (i) in a case where there is a pending appeal, reference or revision — when the appeal, reference or revision is heard and finally decided including issues relating to assessment of damages and costs of the proceeding;
 - (ii) in a case where no appeal or reference is pending — when the period of limitation prescribed for the appeal or reference has expired and all issues relating to assessment of damages and costs of the proceeding are heard and finally decided; or
 - (iii) in the case of an inquiry under the Coroners Act 2010 — when the Coroner decides not to hold an inquiry under section 25(2) of that Act or when the inquiry is concluded unless the Public Prosecutor requires the Coroner to hold an inquiry or reopen the inquiry under section 26(1) or (3) of that Act, as the case may be;
- (d) a court proceeding that has been heard and finally decided will not be deemed to be pending merely by reason of the fact that proceedings for the execution or enforcement of the decree, order or sentence passed in the proceedings are pending; and
- [Act 25 of 2021 wef 01/04/2022]*
- (e) a proceeding against a person in respect of any offence is deemed to include any criminal motion, case stated, or any other application made in or for the purposes of or in connection with the proceeding.

PART 2

TYPES OF CONTEMPT

**Contempt by scandalising court, interfering with
administration of justice, etc.**

3.—(1) Any person who —

- (a) scandalises the court by intentionally publishing any matter or doing any act that —
 - (i) imputes improper motives to or impugns the integrity, propriety or impartiality of any court; and
 - (ii) poses a risk that public confidence in the administration of justice would be undermined;
- (b) intentionally publishes any matter that —
 - (i) prejudices an issue in a court proceeding that is pending and such prejudgment prejudices, interferes with, or poses a real risk of prejudice to or interference with, the course of any court proceeding that is pending; or
 - (ii) otherwise prejudices, interferes with, or poses a real risk of prejudice to or interference with, the course of any court proceeding that is pending;
- (c) intentionally interferes with (by intimidation or otherwise) or hinders another person's access to or ability to appear in court, knowing that this person is a party, witness, advocate or judge in ongoing court proceedings;
- (d) intentionally offers any insult or causes any interruption or obstruction to any judge of any court, while the judge is sitting in any stage of a court proceeding;
[Act 45 of 2024 wef 28/01/2025]
- (da) conducts or commences a court proceeding (whether as a party or an advocate in the court proceeding), and knows or ought to know that his or her conduct or commencement of the court proceeding —

- (i) involves a deception on the court, or is fictitious or constitutes a mere sham; or
- (ii) is manifestly groundless or without foundation, and involves the process of the court being employed for some ulterior or improper purpose;

[Act 45 of 2024 wef 28/01/2025]

- (db) conducts or commences multiple or successive court proceedings (whether as a party or an advocate in those court proceedings), and knows or ought to know that his or her conduct or commencement of those court proceedings is manifestly groundless or without foundation; or

[Act 45 of 2024 wef 28/01/2025]

- (e) intentionally does any other act that interferes with, obstructs or poses a real risk of interference with or obstruction of the administration of justice in any other manner, if the person knows or ought to have known that the act would interfere with, obstruct or pose a real risk of interference with or obstruction of the administration of justice,

commits a contempt of court.

Explanation 1.—Fair criticism of a court is not contempt by scandalising the court within the meaning of subsection (1)(a).

Explanation 2.—A publication of any matter which falls within subsection (1)(b)(i) or (ii) is not incapable of prejudicing or interfering with or posing a real risk of prejudice to or interference with, the course of any pending court proceedings, by reason only that the court is presided by a judge with legal and professional experience.

Illustration 1

A is charged for rape of *B*. *Z* publishes in a newspaper an interview with *A*'s ex-girlfriend, *Y*. In the interview, *Y* claims that *A* had previously brutally raped her and that *A* had served a long prison sentence for raping and molesting other women. The prosecution is not permitted to disclose *A*'s previous convictions during *A*'s pending rape trial. *Z*'s publication of this interview poses a real risk of prejudice to or interference with the course of pending court proceedings against *A*.

Illustration 2

A is charged for inflicting serious bodily harm on *B* outside a pub. As it was dark, *B* had difficulty recognising *B*'s assailant. *Z* posts on an Internet news site, a photo of *A* with fists clenched outside the pub with the caption, "Vicious Pub Bully Caught". The identity of *B*'s assailant is an issue in *A*'s pending trial. *Z*'s publication of *A*'s photo and caption poses a real risk of prejudice to or interference with the course of the pending court proceedings against *A*.

Illustration 3

A commences a court proceeding against *B* seeking damages. The court finds that *A* knew or ought to have known that the commencement of the claim is manifestly groundless and that *A* had initiated the proceeding for the ulterior purpose of vexing or oppressing *B*. *A*'s commencement of the proceeding against *B* constitutes a contempt of court.

[Act 45 of 2024 wef 28/01/2025]

Illustration 4

A is convicted of rape and is sentenced to imprisonment and caning. The sentences are upheld by the appellate court. Before the sentence of caning is executed, *A*, acting on the advice of *A*'s advocate, commences an application to review the earlier decision of the appellate court. The court finds that both *A* and *A*'s advocate knew or ought to have known that the commencement of the review application is manifestly groundless and that the review application had been commenced for the improper purpose of delaying the execution of caning until after *A* turns 50 years of age, when *A* can no longer be punished with caning. The commencement of the review application by *A* and *A*'s advocate constitutes a contempt of court.

[Act 45 of 2024 wef 28/01/2025]

(2) Where any person publishes any matter or does any act referred to in subsection (1)(a), that person is guilty of contempt of court even if he or she did not intend to scandalise the court.

(3) Where any person publishes any matter referred to in subsection (1)(b), that person is guilty of contempt of court even if he or she did not intend to cause the consequences referred to in subsection (1)(b)(i) or (ii).

(4) A statement made by a person on behalf of the Government about the subject matter of or an issue in a court proceeding that is pending is not contempt of court under subsection (1)(b) if the Government believes that the statement is necessary in the public interest.

Illustration 1

A statement made by a person on behalf of the Government factually describing the events and circumstances relating to and leading up to the death of a person (such as the acts of public officials when a coroner's inquiry into that person's death is pending) which the Government believes is necessary to address inaccurate or incorrect public allegations, is not contempt of court by virtue of subsection (4).

Illustration 2

A statement made by a person on behalf of the Government factually describing the circumstances of a riot, when criminal proceedings against a person charged with participation in that riot are pending, which the Government believes is necessary in order to inform the public of the riot, is not contempt of court by virtue of subsection (4).

(5) For the purposes of subsection (4), “necessary in the public interest” includes but is not limited to matters that are necessary in the interests of the security of Singapore or any part of Singapore, public order, public health or public finances.

(6) Where contempt of court is committed by the doing of any act mentioned in subsection (1)(c) or (d), a person is guilty of contempt of court if that person knows or ought to have known that the act would prejudice or interfere with or obstruct or pose a real risk of prejudice to or interference with or obstruction of the course of the court proceeding.

(7) A person who is not a party or an advocate in any court proceeding commits contempt of court if he or she —

- (a) causes or abets any party or advocate to conduct or commence a court proceeding mentioned in subsection (1)(da)(i), and knows or ought to know that the conduct or commencement of the court proceeding would involve a deception on the court, or would be fictitious or constitute a mere sham;
- (b) causes or abets any party or advocate to conduct or commence a court proceeding mentioned in subsection (1)(da)(ii), and knows or ought to know that the conduct or commencement of the court proceeding would be manifestly groundless or without foundation, and

would involve the process of the court being employed for some ulterior or improper purpose; or

- (c) causes or abets any party or advocate to conduct or commence multiple or successive court proceedings mentioned in subsection (1)(db), and knows or ought to know that the conduct or commencement of those court proceedings is manifestly groundless or without foundation.

[Act 45 of 2024 wef 28/01/2025]

(8) In this section, “advocate” means any of the following persons who represents any party in any court proceedings:

- (a) an advocate and solicitor of the Supreme Court;
- (b) a person who is admitted to practise as an advocate and solicitor under section 15 of the Legal Profession Act 1966;
- (c) a lawyer (non-practitioner) who holds a provisional practising certificate issued under section 18 of that Act;
- (d) a foreign lawyer who is registered under section 36P of that Act.

[Act 45 of 2024 wef 28/01/2025]

Contempt by disobedience of court order or undertaking, etc.

4.—(1) Any person who —

- (a) intentionally disobeys or breaches any judgment, decree, direction, order, writ or other process of a court; or
- (b) intentionally breaches any undertaking given to a court,

commits a contempt of court.

(2) For the purposes of subsection (1), intentional disposal by a person against whom an enforcement order for attachment of a debt has been made, otherwise than in accordance with law or with permission of the court, of any property subject to the order in his or her hands or under his or her control, is contempt of court.

[Act 25 of 2021 wef 01/04/2022]

(3) Without limiting subsection (1), a person commits a contempt of court if the person —

- (a) being legally bound to produce or deliver any document to the court, intentionally omits to so produce or deliver up the document;
- (b) being legally bound to bind himself or herself by oath or affirmation to state the truth, refuses to so bind himself or herself;
- (c) being legally bound to state the truth on any subject to the court, refuses to answer any question demanded of him or her touching that subject by the court in the exercise of the lawful powers of the court; or
- (d) refuses to sign any statement made by him or her, when required to sign that statement by a court lawfully competent to require that he or she sign that statement.

(4) Subject to subsections (5), (6) and (7), any contempt of court referred to in subsection (1) or (2) may be waived by the aggrieved party and such waiver relieves from liability the person who commits the contempt.

(5) The court may, in its discretion, disallow the waiver of any contempt of court mentioned in subsection (1) or (2) in any of the following circumstances:

- (a) the Attorney-General has authorised investigations pursuant to section 22 for the contempt of court;
- (b) proceedings have been commenced in respect of the contempt of court;
- (c) the contempt of court is of such a nature that it interferes with, obstructs or poses a real risk of interference with or obstruction of the administration of justice;
- (d) it would be contrary to the public interest to allow the waiver.

(6) The court may, in granting any waiver of contempt of court under subsection (4), impose such conditions as it thinks fit.

(7) To avoid doubt, contempt of court referred to in subsection (3) may not be waived.

(8) A person who is not a party to an action commits contempt if he or she causes or abets the breach of any judgment, decree, direction, order, writ or other process of a court, with the intention of causing such breach or knowing that it would cause such breach.

(9) In this section —

“aggrieved party” means a party to the relevant proceedings for whose benefit any judgment, decree, direction, order, writ or other process of a court is given, made or issued, or any undertaking to a court is given, in proceedings other than a proceeding against a person in respect of any offence;

“undertaking given to a court” includes an implied undertaking given to a court.

Contempt by unauthorised audio or visual recordings

5.—(1) Subject to subsection (4), it is a contempt of court —

(a) to use in court any audio recorder, electronic device or other instrument for audio or visual recording or both, or to bring into court any such instrument for the purpose of audio or visual recording or both, without the permission of the court;

[Act 25 of 2021 wef 01/04/2022]

(aa) to make an audio or a visual recording or both of court proceedings, or any recording derived directly or indirectly from it, without the permission of the court;

[Act 25 of 2021 wef 01/04/2022]

(b) to publish or transmit an audio or a visual recording or both of court proceedings (being a recording mentioned in paragraph (aa) or made by means of any audio recorder, electronic device or other instrument mentioned in paragraph (a)), or any recording derived directly or indirectly from it; or

[Act 25 of 2021 wef 01/04/2022]

- (c) to use any such recording in contravention of any conditions of permission granted under paragraph (a) or (aa).

[Act 25 of 2021 wef 01/04/2022]

(2) Permission under subsection (1)(a) or (aa) may be granted or refused at the discretion of the court, and if granted may be granted subject to any conditions that the court thinks proper with respect to the use of any recording made pursuant to the permission; and where permission has been granted, the court may at its discretion withdraw or amend it either generally or in relation to any particular part of the proceedings.

[Act 25 of 2021 wef 01/04/2022]

(3) Without prejudice to any other power to deal with an act under subsection (1)(a) or (aa), the court may order the audio recorder, electronic device or other instrument mentioned in subsection (1)(a) or any recording made with it, or both, or the recording mentioned in subsection (1)(aa), to be forfeited; and any object so forfeited must (unless the court otherwise determines on application by a person appearing to be the owner) be sold or otherwise disposed of in the manner directed by the court.

[Act 25 of 2021 wef 01/04/2022]

(4) This section does not apply to the making or use of audio or visual recordings or both for purposes of official transcripts of proceedings or any other purpose authorised by the court.

(5) In this section —

- (a) “court proceedings” includes court proceedings, or any part of court proceedings, conducted through any electronic means of communication;
- (b) the reference to an audio or a visual recording of court proceedings includes an audio or a visual recording of —
- (i) a person participating in a court proceeding; or
 - (ii) a person viewing or listening to a court proceeding, including an audio or a visual recording of a court proceeding; and

- (c) “recording” includes any recording of a temporary nature, including (but not limited to) any such recording for the purposes of contemporaneous or instantaneous publication or transmission.

[Act 25 of 2021 wef 01/04/2022]

Contempt by corporations

6.—(1) Where, in a proceeding for contempt of court under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

(2) Where a corporation commits contempt of court under this Act, a person —

(a) who is —

- (i) an officer of the corporation, or a member of a corporation whose affairs are managed by its members; or
- (ii) an individual who is involved in the management of the corporation and is in a position to influence the conduct of the corporation in relation to the commission of the contempt of court; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the contempt of court;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the contempt of court by the corporation; or
- (iii) knew or ought reasonably to have known that the contempt of court by the corporation (or contempt of

court of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that contempt of court,

shall be guilty of the same contempt of court as is the corporation, and shall be liable on being found guilty of contempt of court to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the contempt of court with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters 5 and 5A of the Penal Code 1871; or

(b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for contempt of court under this Act, and applies whether or not the corporation is found guilty of contempt of court.

(6) This section applies to an offence under this Act as if it were contempt of court under this Act and to a conviction as if it were a finding of guilt of contempt of court.

(7) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

(a) any person purporting to act in any such capacity; and

(b) for a corporation whose affairs are managed by its members, any of those members as if the member was a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

Contempt by unincorporated associations or partnerships

7.—(1) Where, in a proceeding for contempt of court under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits contempt of court under this Act, a person —

- (a) who is —
 - (i) an officer of the unincorporated association or a member of its governing body;
 - (ii) a partner in the partnership; or
 - (iii) an individual who is involved in the management of the unincorporated association or partnership and who is in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and
- (b) who —
 - (i) consented or connived, or conspired with others, to effect the commission of the contempt of court;

- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the contempt of court by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the contempt of court by the unincorporated association or partnership (or contempt of court of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that contempt of court,

shall be guilty of the same contempt of court as is the unincorporated association or partnership (as the case may be), and shall be liable on being found guilty of contempt of court to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the contempt of court with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for contempt of court under this Act, and applies whether or not the unincorporated association or partnership is found guilty of the contempt of court.

(6) This section applies to an offence under this Act as if it were contempt of court under this Act and to a conviction as if it were a finding of guilt of contempt of court.

(7) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and
 - (b) any person purporting to act in any such capacity;
- “partner” includes a person purporting to act as a partner;
- “state of mind” of a person includes —
- (a) the knowledge, intention, opinion, belief or purpose of the person; and
 - (b) the person’s reasons for the intention, opinion, belief or purpose.

Common law rules on contempt

8.—(1) This Act prevails over any common law rule on contempt of court to the extent that the rule is inconsistent with any of the provisions of this Act.

(2) All defences at common law to contempt of court under this Act, not contained in this Act, are repealed.

(3) To avoid doubt, the common law rules on contempt of court continue in force except so far as they are inconsistent with the provisions of this Act.

(4) To avoid doubt, the common law rules in this section refer to both the substantive and procedural common law rules on contempt.

Inherent power of court

9. Nothing in this Act limits or affects the inherent powers of a court, including but not limited to —

- (a) the power of the General Division of the High Court, the Appellate Division of the High Court or the Court of Appeal to commence proceedings on its own motion for contempt of court;
- (b) the power of a court to cause a person to be removed from the court;

- (c) the coercive power of a court to detain a person in custody until that person complies with the court's order or direction for a period not exceeding the maximum term of imprisonment specified in section 12;
 - (d) the power of the General Division of the High Court, the Appellate Division of the High Court or the Court of Appeal to issue an injunction including but not limited to an interim injunction to restrain a contempt of court; and
 - (e) the power of a court to require a person to provide security for compliance with an order of court, the payment of any money or the performance or non-performance of any act.
- [40/2019]*

PART 3

JURISDICTION AND PUNISHMENT FOR CONTEMPT

Power to punish for contempt

10.—(1) The General Division of the High Court, the Appellate Division of the High Court and the Court of Appeal have jurisdiction to try and power to punish for contempt of court.

[40/2019]

(2) The General Division of the High Court has and exercises the same jurisdiction, powers and authority in accordance with the same procedure and practice in respect of contempt committed in connection with proceedings in the Court of Appeal, contempt committed in connection with proceedings in the Appellate Division of the High Court and contempt of courts subordinate to it as it has and exercises in respect of contempt of itself.

[40/2019]

(3) The State Court, Family Court and Youth Court have jurisdiction to try and power to punish for contempt of court where the contempt is committed —

- (a) in the face of that court other than a Small Claims Tribunal and an Employment Claims Tribunal; or
- (b) in connection with any proceedings in that court.

(4) Despite subsection (3), the General Division of the High Court in any particular case —

- (a) may, either on its own motion or on the application of the alleged contemnor, order that the case be transferred to and be tried before the General Division of the High Court; or
- (b) must, on the application of the Attorney-General, order that the case be transferred to and be tried before the General Division of the High Court.

[40/2019]

Jurisdiction over certain publications, acts and omissions outside Singapore

11.—(1) Without affecting the jurisdiction and power conferred under this Act or any other written law, a court has jurisdiction to try any contempt of court and to impose the full punishment under this Act in the circumstances specified in subsections (2) to (5).

(2) Where the publication in relation to contempt of court was published through the Internet or other electronic media (regardless of whether it was first published in Singapore or elsewhere), the publication is taken to be published in Singapore if it was accessed by members of the public in Singapore.

(3) Where the publication in relation to contempt of court was published otherwise than in subsection (2) (regardless of whether it was first published in Singapore or elsewhere), if the publication was published in Singapore.

(4) Where the person who commits contempt of court under section 4 is legally bound to obey or comply with the judgment, decree, direction, order, writ or other process of a court or an undertaking given to a court, regardless of whether the disobedience or failure to comply occurred in Singapore or elsewhere.

(5) Where the act in relation to contempt of court under section 3(1)(c), (d) and (e) (regardless of whether it occurred wholly or partly outside Singapore) directly interferes with, obstructs or poses a real risk of interference with or obstruction of the administration of justice in Singapore.

Illustration 1

A resides in a foreign country and has agreed to testify as a witness in a criminal trial in Singapore. *B* stops *A* from travelling to Singapore to testify in the trial by making in the foreign country a death threat against *A*. The Singapore court has jurisdiction under subsection (5) to try and punish *B* for contempt of court.

Illustration 2

A accepts a bribe from *B* in a foreign country as gratification for giving false evidence in *A*'s testimony as a witness in a civil trial in Singapore. *A* gives false evidence in the trial in Singapore. The Singapore court has jurisdiction under subsection (5) to try and punish *B* for contempt of court.

Punishment for contempt of court

12.—(1) Except as otherwise provided in any other written law, a person who commits contempt of court shall be liable to be punished —

- (a) subject to paragraph (b), where the power to punish for contempt is exercised by the General Division of the High Court, by the Appellate Division of the High Court or by the Court of Appeal, with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 3 years or with both;
- (b) where the power to punish for contempt is exercised by the General Division of the High Court in relation to contempt in the face of or in connection with any proceedings in a State Court, Family Court or Youth Court (as the case may be), with a fine not exceeding \$20,000 or with imprisonment for a term not exceeding 12 months or with both; or
- (c) where the power to punish for contempt is exercised by any other court, with a fine not exceeding \$20,000 or with imprisonment for a term not exceeding 12 months or with both.

[40/2019]

(2) In addition to any punishment imposed under subsection (1), where a person has committed contempt in relation to the proceedings before a court, the court may refuse to hear the person until the

contempt is purged or the person submits to the order or direction of the court or an apology is made to the satisfaction of the court.

(3) In addition to any punishment imposed under subsection (1), the court may, on its own motion or on application by the applicant in the contempt proceedings, make an order that the person who has committed contempt must publish such notice, and in such manner, as the court thinks necessary to apologise for the contemptuous publication.

(4) An order under subsection (3) may be made subject to such exceptions or conditions (including the duration for which the notification must be made accessible to members of the public) as may be specified in the order.

(5) Despite subsection (1), the court may discharge the person who has committed contempt or remit the punishment or any part of it on his or her purging of the contempt, submission to the order or direction of the court or on apology being made to the satisfaction of the court.

(6) To avoid doubt, the court may, if the interests of justice so require, find a person guilty of contempt of court and impose the punishment under this section even though the person is absent.

Power of Attorney-General to give non-publication direction

13.—(1) The Attorney-General may, if he or she is satisfied that it is in the public interest to do so and with the permission of the General Division of the High Court under subsection (7), direct the publisher of any matter to refrain from or cease publishing that matter.

[40/2019]

[Act 25 of 2021 wef 01/04/2022]

(2) A direction given under this section may be subject to such exceptions or conditions as may be specified in the direction.

(3) A direction under this section may be served by such means as prescribed in rules made by the Minister.

(4) A direction under this section takes effect in respect of the person to whom the direction applies —

(a) from the date when that direction is served or deemed served on that person; or

(b) from such later date as the Attorney-General may specify.

(5) Any person who fails, without reasonable excuse, to comply with a direction under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(6) The Attorney-General may at any time suspend or cancel the direction.

(7) Permission of the General Division of the High Court must be granted if the General Division of the High Court is satisfied —

(a) on the basis of a prima facie case that the person to whom the proposed direction will apply has published the matter specified in the proposed direction;

(b) on the basis of a prima facie case that the publication of such matter —

(i) imputes improper motives to or impugns the integrity, propriety or impartiality of any court; and poses a risk that public confidence in the administration of justice would be undermined;

(ii) prejudices an issue in a court proceeding that is pending and such prejudgment prejudices, interferes with, or poses a real risk of prejudice to or interference with, the course of any court proceeding that is pending; or

(iii) otherwise prejudices, interferes with, or poses a real risk of prejudice to or interference with, the course of any court proceeding that is pending; and

(c) that any exception or condition specified in the proposed direction is just and equitable.

[40/2019]

[Act 25 of 2021 wef 01/04/2022]

(8) An application for permission must be made in such manner as may be prescribed in Rules of Court or Family Justice Rules except that —

- (a) the application must be heard without the presence of the person to whom the proposed direction applies or the author of the matter specified in the proposed direction; and
- (b) the Attorney-General is not required to give the publisher notice of the application before the hearing of the application.

[Act 25 of 2021 wef 01/04/2022]

(9) The person to whom the direction applies, or the author of the matter specified in the direction, may apply to the General Division of the High Court to set aside or vary the direction, within such period and in such manner as may be prescribed in Rules of Court or Family Justice Rules.

[40/2019]

(10) On an application under subsection (9), the General Division of the High Court may set aside or vary the direction in whole or in part if it is satisfied, on the balance of probabilities, that —

- (a) the person to whom the direction applies did not publish the matter specified in the direction;
- (b) the publication of the matter did not —
 - (i) impute improper motives to or impugn the integrity, propriety or impartiality of any court; and pose a risk that public confidence in the administration of justice would be undermined;
 - (ii) prejudice an issue in a court proceeding that is pending and such prejudgment prejudices, interferes with, or poses a real risk of prejudice to or interference with, the course of any court proceeding that is pending; and
 - (iii) otherwise prejudice, interfere with, or pose a real risk of prejudice to or interference with, the course of any court proceeding that is pending; or

- (c) any exception or condition specified in the direction is not just and equitable.

[40/2019]

(11) An application made under subsection (9) does not operate as a stay of the direction.

(12) No criminal or civil liability is to be incurred for anything done or omitted to be done with reasonable care and in good faith in complying with a direction given under this section.

(13) To avoid doubt, nothing in this section prevents the institution or continuation of proceedings for contempt of court in respect of a matter which is the subject of a direction.

(14) Every offence under this section is an arrestable offence for the purposes of the Criminal Procedure Code 2010.

(15) The Minister may make rules for the purposes of this section and for prescribing anything that is required to be prescribed.

(16) All rules made under subsection (15) must be presented to Parliament as soon as possible after publication in the *Gazette*.

(17) In this section —

“author” means the originator of the matter published;

“publisher” means any person who publishes the matter and includes an Internet Content Provider as defined in any subsidiary legislation made under the Broadcasting Act 1994 but excludes any person or class of persons that the Minister may prescribe.

PART 4

DEFENCES TO CONTEMPT

Fair and accurate report of court proceeding not contempt

14.—(1) Subject to this section, a person is not guilty of contempt of court under section 3(1)(a) or (b) for publishing in good faith a fair and accurate report of a court proceeding or any stage of the proceeding held in public, that was published contemporaneously with, or within a reasonable time after, that proceeding.

(2) A person is not guilty of contempt of court under section 3(1)(a) or (b) for publishing in good faith a fair and accurate report of a proceeding before any court sitting in chambers or in private, that was published contemporaneously with, or within a reasonable time after, that proceeding, except —

- (a) where the publication is contrary to the provisions of any written law;
- (b) where the court, on grounds of public policy or in exercise of any power vested in it, expressly prohibits the publication of all information relating to the proceeding or of information of the description which is published;
- (c) where the court sits in chambers or in private for reasons connected with public order or the security of the State; or
[Act 25 of 2021 wef 01/04/2022]
- (d) where the information relates to a secret process, discovery or invention, or other confidential information which is an issue in the proceedings.
[Act 25 of 2021 wef 01/04/2022]

(3) A person is not guilty of contempt of court under section 3(1)(a) or (b) for publishing the text or a fair and accurate summary of the whole, or any part, of an order made by a court sitting in chambers or in private, unless the court has expressly prohibited such publication.
[Act 25 of 2021 wef 01/04/2022]

(4) In any court proceedings, the court may, where it appears to be necessary to the administration of justice in those proceedings, or in any other proceedings pending or imminent, order that the publication of any report of the proceedings, or any part of the proceedings, be postponed for such period as the court thinks necessary for that purpose.

Fair and accurate report of parliamentary proceedings not contempt

15.—(1) A person is not guilty of contempt of court under section 3(1)(a) or (b) for publishing in good faith a fair and accurate report of proceedings in Parliament or before a committee of

Parliament, that was published contemporaneously with, or within a reasonable time after, the proceedings.

(2) A person is not guilty of contempt of court under section 3(1)(a) or (b) for publishing in good faith a fair and accurate report of matter in a document presented to or laid before Parliament or a committee of Parliament, that was published contemporaneously with, or within a reasonable time after, the presentation or tabling of the document.

(3) To avoid doubt, nothing in this Act limits or affects the privileges, immunities and powers of Parliament.

Report in good faith made to Chief Justice, police, etc., not contempt

16.—(1) To avoid doubt, a person is not guilty of contempt of court under section 3(1)(a) by reason that he or she has made a report to the Chief Justice, the police, a law enforcement agency or any other public authority alleging misconduct or corruption on the part of a judge, being a report —

(a) which is made in good faith; and

(b) which discloses grounds which, if unrebutted, would provide a sufficient basis for the investigation of the allegation of misconduct or corruption.

(2) In this section, “law enforcement agency” has the meaning given by the Criminal Procedure Code 2010.

Filing of pleadings and application against judge not contempt

17.—(1) A person is not guilty of contempt of court under section 3(1)(a) for filing in good faith any action, pleading, application or affidavit in court.

(2) Without limiting subsection (1), a person is not guilty of contempt of court in respect of any application he or she may make to seek the disqualification of the judge, on any ground or statement made by him or her in good faith concerning the judge of any court to that court or to —

(a) any other court with equivalent jurisdiction; or

(b) a superior court.

(3) Without limiting subsection (1), a person is not guilty of contempt of court in respect of any appeal that the person may lodge against a judgment, decree, direction, order or other decision of a judge of any court, on any ground or statement made by him or her in good faith concerning the judge to that court or to —

(a) any other court with equivalent jurisdiction;

(b) a superior court; or

(c) a judge who has supervisory jurisdiction over the equivalent or superior court.

Innocent publication or distribution

18.—(1) A person (not being the author) exercising editorial responsibility or other control over a publication is not guilty of contempt of court under section 3(1)(a) or (b) for publishing any matter if the publication was done without the person’s authority, consent or knowledge, and without any want of due care or caution on that person’s part.

(2) A person (not being the author) is not guilty of contempt of court under section 3(1)(a) or (b) for distributing any matter if the distribution was done without the person’s authority, consent or knowledge, and without any want of due care or caution on that person’s part.

(3) In this section, “author” means the originator of the matter published or distributed.

Publication outside Singapore

19. A person is not guilty of contempt of court under section 3(1)(a) or (b) for publishing any matter outside Singapore if the person did not know and had no reason to believe that the publication would be seen or heard by members of the public in Singapore.

No knowledge proceedings were pending

20. A person is not guilty of contempt of court under section 3(1)(b) for publishing any matter that prejudices, interferes with, or poses a

real risk of prejudice to or interference with the course of any court proceeding that is pending if the person did not know and had no reason to believe that those proceedings were pending.

Honest and reasonable mistake

21. A person is not guilty of contempt of court under section 4(1), (2) or (3) if the person satisfies the court that the failure or refusal to comply with a judgment, order, decree, direction, writ or other process of court or any undertaking given to a court was wholly or substantially attributable to an honest and reasonable failure by that person, at the relevant time, to understand an obligation imposed on the person bound by the judgment, order, decree, direction, writ, process or undertaking and that that person ought fairly to be excused.

No knowledge of making, etc., of recording of court proceedings

21A. A person is not guilty of contempt of court under section 5(1)(aa), (b) or (c) in relation to the making, publication, transmission or use of a recording of a court proceeding, if —

- (a) the court proceeding was conducted through an electronic means of communication; and
- (b) the person did not know, and could not reasonably have known, that the person was making, publishing, transmitting or using a recording of a court proceeding.

[Act 25 of 2021 wef 01/04/2022]

PART 5

INVESTIGATIONS BY POLICE AND APPLICATION OF CRIMINAL PROCEDURE CODE

Investigations by police and application of this Part

22.—(1) Where the Attorney-General —

- (a) receives a complaint from a judge that contempt of court has been committed; or

- (b) has reasonable grounds to otherwise suspect that contempt of court has been committed and that it is in the public interest to do so,

the Attorney-General must, in the case of a complaint made under paragraph (a) in relation to contempt of court under section 3 or 4(8), and may, in any other case, by order in writing authorise a police officer to investigate the alleged contempt as if it were an arrestable offence in such manner or mode as may be specified in that order.

(2) This Part applies to the alleged contempt mentioned in subsection (1).

Application of Criminal Procedure Code 2010

23.—(1) The Attorney-General may by order in writing authorise a police officer to exercise, for the purposes of any investigation under section 22, all or any of the powers in relation to police investigations given by the Criminal Procedure Code 2010 as set out in Part 1 of the Schedule.

(2) For the purposes of any investigation under section 22, the provisions of the Criminal Procedure Code 2010 set out in Part 2 of the Schedule apply, with the necessary modifications, as if the alleged contempt were an arrestable offence.

Statements recorded admissible

24. The statements made to a police officer in the course of investigations conducted pursuant to an order made under section 22 are admissible as evidence in proceedings for contempt of court under this Act in accordance with section 258 or 259 of the Criminal Procedure Code 2010, as may be applicable.

PART 6

PROCEDURAL MATTERS

Summary procedure where contempt is in face of court

25.—(1) Where it appears to a court (other than a Small Claims Tribunal and an Employment Claims Tribunal), that a person has committed contempt in the face of the court, and that court is satisfied

that it is necessary for immediate steps to be taken for the protection of the due administration of justice, that court may cause such person to be detained in custody, and must as soon as practicable —

- (a) cause the person to be informed in writing of the contempt with which he or she is charged;
- (b) afford the person an opportunity to make his or her defence to the charge;
- (c) after taking such evidence as may be necessary or as may be offered by the person and after hearing the person, proceed, either immediately or after adjournment, to determine the matter of the charge; and
- (d) make such order for the punishment or discharge of the person as may be just.

(2) Despite subsection (3), the court may direct that a person charged with contempt in the face of the court be detained in such custody as the court may specify pending the determination of the charge or be released on bail or on his or her own bond.

(3) The provisions under Division 5 of Part 6 of the Criminal Procedure Code 2010 apply to any case where the court releases the person charged with a contempt of court on bail or on his or her own bond under this section and for the purposes of those provisions, the contempt of court is treated as a non-bailable offence.

(4) To avoid doubt and despite subsections (1) and (2), the proceedings being conducted in the court before the contempt in the face of the court was committed may continue as the court thinks fit.

Contempt proceedings

26.—(1) Proceedings for contempt of court and the power of the court to punish the contempt of court must be exercised in accordance with the procedure set out in Rules of Court or Family Justice Rules.

(2) To avoid doubt, this section applies to proceedings for contempt of court even though —

- (a) the Attorney-General has under section 22 authorised a police officer to investigate an alleged contempt as if it were an arrestable offence;
 - (b) the Attorney-General has under section 23 authorised a police officer to exercise all or any of the powers in relation to police investigations set out in Part 1 of the Schedule; or
 - (c) the Attorney-General's consent is required under section 30 for the institution of such proceedings for contempt of court.
- (3) The court in any proceedings for contempt of court may award costs to be paid by or to any party as it thinks fit.
- (4) The Rules Committee constituted under the Supreme Court of Judicature Act 1969 may make Rules of Court prescribing the procedure for proceedings for contempt of court, the procedure for the punishment of contempt of court and the procedure under section 13(8) and (9).
- (5) The Family Justice Rules Committee constituted under the Family Justice Act 2014 may make Family Justice Rules prescribing the procedure for proceedings for contempt of court, the procedure for the punishment of contempt of court and the procedure under section 13(8) and (9).
- (6) To avoid doubt and for the purposes of the Supreme Court of Judicature Act 1969 and the State Courts Act 1970, any originating process for contempt of court is an originating process for the purposes of service outside Singapore in the circumstances authorised by and in the manner prescribed by Rules of Court or Family Justice Rules.

Evidence through video or television links

26A.—(1) Despite any other written law, but subject to this section, in any proceedings brought against a person for contempt of court, a court may only grant permission for the person against whom those proceedings are brought to give evidence or to appear (other than to give evidence) by means of a live video or live television link, if —

- (a) the court is satisfied that —
- (i) it is in the interests of justice for that person to give evidence or to appear (other than to give evidence) by means of a live video or live television link; and
 - (ii) sufficient administrative and technical facilities and arrangements are made at the place from which that person is to give evidence or to appear; and
- (b) that person gives evidence or appears (other than to give evidence) by means of a live video or live television link from —
- (i) a place within a court or a prison in Singapore; or
 - (ii) any other place in Singapore, where all parties consent to that person giving evidence or appearing from that place.

(2) Despite any other written law, but subject to this section, in any proceedings mentioned in subsection (1), the court may grant permission for a witness (not being the person against whom the proceedings are brought) in Singapore to give evidence from a place in Singapore by means of a live video or live television link, if —

- (a) the court is satisfied that sufficient administrative and technical facilities and arrangements are made at the place from which the witness is to give evidence; and
- (b) any one of the following conditions is satisfied:
- (i) the witness is below the age of 18 years;
 - (ii) it is expressly agreed between the parties to the proceedings that evidence may be so given;
 - (iii) the court is satisfied that it is expedient in the interests of justice to do so.

(3) Despite any other written law, but subject to this section, in any proceedings mentioned in subsection (1), a court may only grant permission for a witness (not being the person against whom the proceedings are brought) who is not in Singapore to give evidence

from a place that is not in Singapore by means of a live video or live television link, if —

- (a) the court is satisfied that allowing the witness to give evidence from a place that is not in Singapore by means of a live video or live television link would be in the interests of justice;
- (b) the court is satisfied that sufficient administrative and technical facilities and arrangements are made at the place from which the witness is to give evidence; and
- (c) any one of the following conditions is satisfied:
 - (i) the witness is an expert witness;
 - (ii) the witness is a witness of fact and all parties consent to the witness giving evidence from outside Singapore;
 - (iii) the witness —
 - (A) is a witness of fact;
 - (B) is unable to give evidence from a place in Singapore; and
 - (C) has —
 - (CA) sworn an affidavit, in accordance with any Rules of Court or Family Justice Rules governing such affidavit, containing the evidence-in-chief which the witness proposes to give to the court; or
 - (CB) made a statutory declaration in the manner provided in section 11 or 12 of the Oaths and Declarations Act 2000* containing the evidence-in-chief which the witness proposes to give to the court.

*[*Updated to be consistent with the 2020 Revised Edition]*

(4) For the purposes of subsection (3)(c)(iii)(B), a witness is not unable to give evidence from a place in Singapore merely because —

- (a) the witness fears arrest in Singapore or in any other jurisdiction;
 - (b) the witness fears prosecution in Singapore or in any other jurisdiction; or
 - (c) a warrant of arrest has been issued against the witness in Singapore or in any other jurisdiction.
- (5) The court may, in granting permission under subsection (1), (2) or (3), make an order on all or any of the following matters:
- (a) the persons who may be present at the place where the witness is giving evidence;
 - (b) that a person be excluded from the place while the witness is giving evidence;
 - (c) the persons in the courtroom who must be able to be heard, or seen and heard, by the witness and by the persons with the witness;
 - (d) the persons in the courtroom who must not be able to be heard, or seen and heard, by the witness and by the persons with the witness;
 - (e) the persons in the courtroom who must be able to see and hear the witness and the persons with the witness;
 - (f) the stages in the proceedings during which a specified part of the order is to have effect;
 - (g) the method of operation of the live video or live television link system including compliance with such minimum technical standards as may be determined by the Chief Justice;
 - (h) any other order the court considers necessary in the interests of justice;
 - (i) any other matter prescribed by rules made under subsection (13) for the purposes of this subsection.
- (6) The court may revoke, suspend or vary an order made under this section if —

- (a) the live video or live television link system stops working and it would cause unreasonable delay to wait until a working system becomes available;
- (b) it is necessary for the court to do so to comply with its duty to ensure that the proceedings are conducted fairly to the parties to the proceedings;
- (c) it is necessary for the court to do so, so that the witness can identify a person or a thing or so that the witness can participate in or view a demonstration or an experiment;
- (d) it is necessary for the court to do so because part of the proceedings is being heard outside a courtroom;
- (e) there has been a material change in the circumstances after the court has made an order; or
- (f) any conditions prescribed by rules made under subsection (13) for the purposes of this subsection are met.

(7) A court may, if the court considers it necessary, either on the court's own motion or on the application of a person against whom proceedings for contempt of court are brought, require a person against whom proceedings for contempt of court are brought to be produced in person before the court in proceedings mentioned in subsection (1).

(8) The court must not make an order under this section, or include a particular provision in such an order, if to do so would be inconsistent with the court's duty to ensure that the proceedings are conducted fairly to the parties to the proceedings.

(9) In making any order under this section, or any particular provision in such an order, a court is to have regard to matters prescribed by rules made under subsection (13).

(10) An order made under subsection (2) does not cease to have effect merely because the person in respect of whom the order was made attains the age of 18 years before the proceedings in which the order was made are finally determined.

(11) Evidence given by a witness (whether in Singapore or elsewhere), or a person against whom proceedings are brought for

contempt of court, through a live video or live television link by virtue of this section is deemed for the purposes of sections 193, 194, 195, 196 and 205 of the Penal Code 1871* as having been given in the proceedings in which the evidence is given.

*[*Updated to be consistent with the 2020 Revised Edition]*

(12) Where a person gives evidence in accordance with this section, the person is, for the purposes of the Evidence Act 1893*, deemed to be giving evidence in the presence of the court.

*[*Updated to be consistent with the 2020 Revised Edition]*

(13) The Rules Committee constituted under the Supreme Court of Judicature Act 1969*, and the Family Justice Rules Committee constituted under the Family Justice Act 2014, may make such rules as appear to it to be necessary or expedient for the purpose of giving effect to this section and for prescribing anything which may be prescribed under this section.

*[*Updated to be consistent with the 2020 Revised Edition]*

(14) In this section, “live video or live television link” means a live video or live television link that is created using an electronic communication technology approved by the Chief Justice.

[Act 25 of 2021 wef 01/04/2022]

Bail in contempt proceedings

27.—(1) When any person appears before a court in proceedings for contempt of court, the person may be released on bail by that court.

(2) Instead of taking bail from the person, the court may release the person if he or she signs a personal bond without sureties.

(3) The provisions under Division 5 of Part 6 of the Criminal Procedure Code 2010 apply to any case where the court releases the person charged with a contempt of court on bail or on his or her own bond under this section and for the purposes of those provisions, the contempt of court is treated as a non-bailable offence.

(4) A court may grant bail to a person who has filed an appeal against any order or decision in accordance with section 32.

Standard of proof for contempt of court

28. The standard of proof for establishing contempt of court is that of beyond reasonable doubt.

Burden and standard of proof for defences

29. To avoid doubt, the burden of proof for proving the existence of circumstances bringing the case within any of the defences to contempt of court under Part 4 is upon the person relying on the defence and the standard of proof is on the balance of probabilities.

Consent of Attorney-General

30.—(1) No proceedings for contempt of court as defined in section 3 or 4(8) may be instituted except by or with the consent of the Attorney-General.

(2) To avoid doubt, proceedings for contempt in the face of the court under section 25 and any other proceedings commenced by the General Division of the High Court, the Appellate Division of the High Court or the Court of Appeal on its own motion do not require the consent of the Attorney-General.

[40/2019]

Attorney-General's power to take over conduct of proceedings, etc.

31. Where proceedings for contempt of court, that were not commenced by a court, are conducted by a person other than the Attorney-General, the Attorney-General may, if he or she thinks fit, take over the conduct of the proceedings at any stage of the proceedings and continue the proceedings or, with the consent of the court, discontinue the proceedings.

Appeals

32.—(1) An appeal lies from any order or decision of the General Division of the High Court, the Appellate Division of the High Court, a State Court, a Family Court or a Youth Court —

- (a) in the exercise of its jurisdiction to try and punish for contempt of court; or

(b) otherwise under this Act.

[40/2019]

(2) No appeal may be brought under subsection (1) against any order or decision of the General Division of the High Court in the exercise of its appellate jurisdiction or the Appellate Division of the High Court in the exercise of its appellate jurisdiction, except with the permission of —

- (a) (in the case of the General Division of the High Court) the court to which the appeal is to be made under section 29C of the Supreme Court of Judicature Act 1969; and
- (b) (in the case of the Appellate Division of the High Court) the Court of Appeal.

[40/2019]

[Act 25 of 2021 wef 01/04/2022]

(3) The appeal or application for permission to appeal must be filed in accordance with Rules of Court or Family Justice Rules (as the case may be) as if the appeal were an appeal in civil proceedings.

[Act 25 of 2021 wef 01/04/2022]

(4) An appeal does not operate as a stay of execution or enforcement unless the trial court or the appellate court so orders.

[Act 25 of 2021 wef 01/04/2022]

(5) The trial court or the appellate court may stay execution or enforcement on any judgment, order or punishment pending appeal on such terms as to security for the payment of any money or the performance or non-performance of any act or the suffering of any punishment ordered by or in such judgment or order as to the court may seem reasonable.

[Act 25 of 2021 wef 01/04/2022]

(6) At the hearing of the appeal, the appellate court has and may exercise any power which the trial court may have exercised.

Enforcement of fines

33. Payment of a fine for contempt of court imposed by any court may be enforced upon the order of the court in like manner as a fine imposed by a court in criminal proceedings under the Criminal Procedure Code 2010.

PART 7

MISCELLANEOUS

Amendment of Schedule

34.—(1) The Minister may, by order in the *Gazette*, amend, add to or vary the Schedule.

(2) The Minister may, in any order made under subsection (1), make such saving or transitional provisions as may be necessary or expedient.

(3) All orders made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

Saving and transitional provisions

35.—(1) This Act does not apply to any act of contempt of court committed before 1 October 2017.

(2) Any rules of court made under or in respect of the repealed section 7 of the Supreme Court of Judicature Act 1969 or the repealed section 8 of the State Courts Act 1970 and in force immediately before 1 October 2017 will, so far as they are not inconsistent with the provisions of this Act, continue in force as if made under this Act until they are revoked or repealed by Rules of Court made under this Act.

(3) Any Family Justice Rules made under or in respect of the repealed section 11 of the Family Justice Act 2014 and in force immediately before 1 October 2017 will, so far as they are not inconsistent with the provisions of this Act, continue in force as if made under this Act until they are revoked or repealed by Family Justice Rules made under this Act.

THE SCHEDULE

Sections 23, 26(2)(b) and 34(1)

APPLICABLE PROVISIONS OF CRIMINAL PROCEDURE CODE 2010 FOR
PURPOSES OF INVESTIGATIONS UNDER SECTION 23

PART 1

POWERS OF INVESTIGATION INTO ALLEGED CONTEMPT

1. Section 6
2. All powers under Part 4
3. Section 78(2)
4. Section 81
5. Section 83
6. Section 112
7. Section 113

PART 2

OTHER APPLICABLE PROVISIONS OF
CRIMINAL PROCEDURE CODE 2010

1. Part 4 (Information to police and powers of investigation).
2. Division 7 of Part 6 (Surrender of travel document and requirement to remain in Singapore).

LEGISLATIVE HISTORY
ADMINISTRATION OF JUSTICE
(PROTECTION) ACT 2016

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 19 of 2016 — Administration of Justice (Protection) Act 2016

Bill	:	23/2016
First Reading	:	11 July 2016
Second and Third Readings	:	15 August 2016
Commencement	:	1 October 2017

2. Act 33 of 2018 — Small Claims Tribunals (Amendment) Act 2018
(Amendments made by section 23(1) of the above Act)

Bill	:	23/2018
First Reading	:	17 May 2018
Second and Third Readings	:	9 July 2018
Commencement	:	1 November 2019 (section 23(1))

3. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 2 of the Schedule to the above Act)

Bill	:	32/2019
First Reading	:	7 October 2019
Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019
Commencement	:	2 January 2021 (section 28(1) read with item 2 of the Schedule)

**4. 2020 Revised Edition — Administration of Justice
(Protection) Act 2016**

Operation	:	31 December 2021
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5. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021
(Amendments made by)

Bill	:	18/2021
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First Reading	:	26 July 2021
Second and Third Readings	:	14 September 2021
Commencement	:	1 April 2022

6. Act 45 of 2024 — Administration of Justice (Protection) (Amendment) Act 2024

(Amendments made by the above Act)

Bill	:	34/2024
First Reading	:	14 October 2024
Second and Third Readings	:	13 November 2024
Commencement	:	28 January 2025

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE
ADMINISTRATION OF JUSTICE
(PROTECTION) ACT 2016

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	Act 19 of 2016
<i>[Omitted as having had effect]</i>	35—(4)
<i>[Omitted as having had effect]</i>	36
<i>[Omitted as having had effect]</i>	37
<i>[Omitted as having had effect]</i>	38
<i>[Omitted as having had effect]</i>	39
<i>[Omitted as having had effect]</i>	40
<i>[Omitted as having had effect]</i>	41
<i>[Omitted as having had effect]</i>	42
<i>[Omitted as having had effect]</i>	43
<i>[Omitted as having had effect]</i>	44
<i>[Omitted as having had effect]</i>	45
<i>[Omitted as having had effect]</i>	46