

# **FOREIGN INTERFERENCE (COUNTERMEASURES) ACT 2021**

**(No. 28 of 2021)**

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An Act to counteract foreign interference in the public interest, to repeal the Political Donations Act (Chapter 236 of the 2001 Revised Edition) and to make consequential and related amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART 1  
PRELIMINARY

**Short title and commencement**

1. This Act is the Foreign Interference (Countermeasures) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Purposes of Act**

2. The purposes of this Act are to protect the public interest by counteracting acts of foreign interference through —

- (a) countermeasures aimed at such acts by electronic communications activity; and
- (b) countermeasures aimed at pre-empting or preventing the occurrence of such acts involving persons identified as at-risk because they are politically significant.

**General interpretation**

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

“a point” includes a mobile or potentially mobile point, whether on land, underground, in the atmosphere, underwater or anywhere else;

“access”, in relation to communications activity, includes —

- (a) access that is subject to a precondition, such as the use of a password;
- (b) access by way of push technology;
- (c) access by way of a standing request;

“access blocking direction” means a direction described in section 33;

“account” includes —

- (a) a free account;
- (b) a prepaid account; and



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(c) anything that may reasonably be regarded as the equivalent of an account;

“account restriction direction” means a direction described in section 34;

“anonymous donation” means a donation which the recipient is (whether because the donation is offered anonymously or by reason of deception or concealment) unable to ascertain the identity of the person giving the donation;

“anonymous donations directive” means a directive given under section 68;

“app” includes a computer program;

“app removal direction” means a direction given under section 37;

“applicable cap on anonymous political donations” has the meaning given by section 58(2);

“arrangement” includes a contract, an agreement, understanding or other arrangement of any kind, whether written or unwritten;

“authorised officer” means an individual who is appointed under section 107 as an authorised officer;

“benefit” includes any advantage and is not limited to property;

“bequest” includes any form of testamentary disposition;

“broadcasting service” has the meaning given by the Broadcasting Act 1994;

“candidate”, for an election, means —

(a) an individual who is nominated as a candidate at the election until the end of the 31st day after the results of the election are published; or

(b) an individual (whether or not a member of a political party) who, on or after the date of the issue of a writ for the election, is declared, by himself or herself or by others, as seeking nomination as a candidate at

that election until the end of the 31st day after the results of the election are published;

“competent authority”, in relation to any provision of this Act or the Regulations, means the competent authority appointed under section 105 to exercise powers under that provision;

“constituency” means an electoral division within the meaning given by the Parliamentary Elections Act 1954;

“deception” means an intentional or a reckless deception, whether by words or other conduct, and whether as to fact or as to law, and includes —

- (a) a deception as to the present intentions of the person using the deception or any other person; and
- (b) conduct with the intention of causing a computer or an electronic device to make a response that the person is not authorised to cause the computer or electronic device to make;

“directed towards a political end in Singapore” has the meaning given by section 8;

“disabling direction” means a direction described in section 31;

“disgorgement direction” means a direction described in section 38;

“disposal”, in relation to any property, means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes —

- (a) the allotment of shares in a company;
- (b) the creation of a trust in property;
- (c) the grant or creation of any lease, mortgage, charge, servitude, licence, power, partnership or interest in property;
- (d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of any debt, contract or chose in action, or of any interest in property;

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- (e) the exercise by a person of a special or general power of appointment of property in favour of any other person (or a hybrid of both); or
  - (f) any transaction entered into by any person with intent to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of any other person;

“donation report” means a report required to be prepared under section 62;

“donor” means a person who makes a donation;

“donor activity” means disbursing money or property or benefit;

“election” means —

- (a) an election in a constituency under the Parliamentary Elections Act 1954 for the purpose of electing a Member of Parliament; or

- (b) a presidential election;

“election agent”, in relation to a candidate at an election, means the individual appointed or treated as appointed as his or her election agent under section 62(1) of the Parliamentary Elections Act 1954 or section 43(1) of the Presidential Elections Act 1991, as the case may be;

*[Act 8 of 2023 wef 29/12/2023]*

“elector”, for an election, means an individual who is entitled to vote at that election;

“electronic communications activity” and “online communications activity” have the respective meanings given by section 10;

“engage in conduct” means —

- (a) do an act or omit to do an act —

- (i) on a single occasion; or

- (ii) on a number of occasions over a period of time;
- or

- (b) both do an act and omit to do an act —
  - (i) on a single occasion; or
  - (ii) on a number of occasions over a period of time;

“entity” means —

- (a) a body corporate (including a limited liability partnership);
- (b) an unincorporated association;
- (c) a partnership;
- (d) a body politic;
- (e) a body of individuals who together form a body; or
- (f) a person other than an individual;

“executive committee”, for an unincorporated association or a group of individuals that is not a body corporate or a partnership, means a body of individuals (however described) that governs, manages or conducts the affairs of the unincorporated association or group;

“for the purposes of the candidate’s election” means with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at a parliamentary election or presidential election (as the case may be) and includes prejudicing the electoral prospects of another candidate at that parliamentary election or presidential election;

“foreign affiliations report” has the meaning given by section 76;

“foreign business” has the meaning given by section 4;

“foreign country” means a country or territory other than Singapore, and includes part of such a country or territory;

“foreign government” has the meaning given by section 4;

“foreign government-related individual” has the meaning given by section 4;

“foreign interference” has the meaning given by section 6;

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- “foreign legislature” has the meaning given by section 4;
- “foreign political organisation” has the meaning given by section 4;
- “foreign principal” has the meaning given by section 4;
- “foreign public enterprise” has the meaning given by section 4;
- “foreign volunteers report” has the meaning given by section 85(3);
- “foreigner” has the meaning given by section 4;
- “general election” means a general election of Members of Parliament after a dissolution of Parliament;
- “gift” means any of the following:
- (a) any disposal of property made by a person to another person (including by will), being a disposal made without consideration in money or money’s worth or with inadequate consideration;
  - (b) the provision of a service for no consideration or for inadequate consideration, other than the provision of voluntary labour or voluntary professional services to a political party by an officer or a member of the party;
- “Government” includes any part of the Government and an Organ of State (such as the Cabinet);
- “in the public interest” has the meaning given by section 7;
- “influence” includes affecting, directly or indirectly, in any way;
- “information or material” means information or material in any form, such as (but not limited to) —
- (a) oral, written, electronic or digital form; and
  - (b) visual, pictorial or graphic form (for example, an anthropomorphic or humanlike depiction),
- and includes information or material in any combination of forms;

“interest in property” means any estate, interest, right or power whatever, whether at law or in equity, in, under or over property;

“interference” includes influence;

“major political donor” means a person (not being a politically significant person) who is required by section 70 to make a donation report under that section;

“Member of Parliament” means —

(a) an individual who is declared under section 49(7)(a) or (7E)(a) or 49A(5) of the Parliamentary Elections Act 1954 elected as the Member of Parliament for an identified constituency, until he or she vacates his or her seat in Parliament under the provisions of the Constitution;

(b) an individual who —

(i) is declared elected as a non-constituency Member of Parliament under section 52 of the Parliamentary Elections Act 1954; or

(ii) is deemed under section 53 of that Act to be elected as a non-constituency Member in place of the non-constituency Member whose seat has been declared vacant,

and has subscribed before Parliament the Oath of Allegiance under Article 61 of the Constitution, until either he or she vacates his or her seat in Parliament under the provisions of the Constitution or the Parliament by resolution under section 53 of that Act declares that his or her seat has become vacant; or

(c) a nominated Member of Parliament who is appointed under the Fourth Schedule to the Constitution and has subscribed before Parliament the Oath of Allegiance under Article 61 of the Constitution, until he or she vacates his or her seat in Parliament under the provisions of the Constitution,

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and includes a Member in the capacity of the Leader of the Opposition;

“migration benefit” has the meaning given by section 78(4);

“must-carry direction” means a direction described in section 32;

“nomination day” means the day of nomination at an election;

“online location” means any website, webpage, chatroom or forum, or any other thing that can be seen, heard or otherwise perceived by means of the Internet;

“Part 3 direction” means any direction mentioned in section 29, pursuant to an authorisation under section 20(1), 21(1) or 22(1)(b) or 23(3)(b) or (c);

“Part 4 politically significant entity” and “Part 4 politically significant person” have the respective meanings given by section 14;

“partnership” includes a limited partnership but not a limited liability partnership;

“permissible donor” has the meaning given by section 55;

“police officer” includes —

(a) a member of the Special Constabulary established under the Police Force Act 2004; and

(b) an auxiliary police officer appointed as such under Part IX of the Police Force Act 2004;

“political donations fund directive” means a directive given under section 69;

“political office holder” means the holder of the office of —

(a) the Prime Minister;

(b) a Deputy Prime Minister;

(c) a Minister, Senior Minister or Co-ordinating Minister;

(d) a Minister of State or Senior Minister of State;

- (e) a Parliamentary Secretary or Senior Parliamentary Secretary;
- (f) the Speaker of Parliament or a Deputy Speaker of Parliament;
- (g) a Mayor;
- (h) a Political Secretary; or
- (i) the Leader of the House;

“political party” means a body of persons, corporate or unincorporated, whose object, or one of whose objects, is the promotion of the election to Parliament of a candidate or candidates endorsed by it or an organisation of which it forms part;

“politically significant person” has the meaning given by section 14;

“polling day”, for an election, means —

- (a) for a by-election or general election, the day specified —

- (i) under section 34 or 34A of the Parliamentary Elections Act 1954 in a notice of contested election as the date on which the poll for that by-election or general election (as the case may be) is to be taken in Singapore; or

- (ii) under section 50C(3)(b)(ii) of the Parliamentary Elections Act 1954 or under regulations made under section 102A of that Act as the other day that the polling day for an election is postponed to, if that section or those regulations apply; or

*[Act 8 of 2023 wef 14/06/2024]*

- (b) for a presidential election, the day specified —

- (i) under section 16 of the Presidential Elections Act 1991 in a notice of contested election as the date on which the poll for that election is to be taken in Singapore; or



- (ii) under section 33C(3)(b)(ii) of the Presidential Elections Act 1991 or under regulations made under section 81A of that Act as the other day that the polling day for an election is postponed to, if that section or those regulations apply;

*[Act 8 of 2023 wef 01/06/2023]*

“presidential election” means an election under the Presidential Elections Act 1991 for the purpose of electing the President;

“principal election agent” means —

- (a) an election agent of a candidate in a group who has been appointed or is treated as appointed under section 62(5) of the Parliamentary Elections Act 1954 as the principal election agent for that group; or

*[Act 8 of 2023 wef 29/12/2023]*

- (b) an election agent of a candidate at a presidential election who has been appointed or is treated as appointed under section 43(2A) of the Presidential Elections Act 1991 as the principal election agent;

*[Act 8 of 2023 wef 29/12/2023]*

“prohibited donor”, in relation to a politically significant person, has the meaning given by section 67;

“prohibited donor directive” means a directive given under section 67;

“property” includes money, and a reference to the provision of property accordingly includes the supply of goods;

“proprietor”, for an online location, means a person who —

- (a) develops and maintains the online location;
- (b) organises, manages or supervises the use of the online location;
- (c) manages or regulates membership of, or access to, the online location; or
- (d) has the authority to decide whether any information or material may be included or excluded on the online location, or where to place the information or

material on the online location or otherwise exercise editorial control over the online location;

“proscribed online location” means an online location declared under section 24 or 25 to be a proscribed online location;

“public” means the general public in Singapore and includes a section of the general public in Singapore;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function, but excludes a Town Council constituted under the Town Councils Act 1988;

“Regulations” means regulations made under section 122;

“relevant entity” means any of the following persons:

- (a) a partnership carrying on a business in Singapore and registered under the Business Names Registration Act 2014;
- (b) a body corporate that is registered under —
  - (i) the Companies Act 1967; or
  - (ii) the Limited Liability Partnerships Act 2005;
- (c) an association (whether incorporate or not) that is registered under —
  - (i) the Co-operative Societies Act 1979;
  - (ii) the Societies Act 1966; or
  - (iii) the Trade Unions Act 1940;

“relevant individual” means —

- (a) a citizen of Singapore whether or not resident in Singapore; or
- (b) an individual who is not a citizen of Singapore but is resident in Singapore;

“repealed Act” means the Political Donations Act 2000 repealed by this Act;

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“reportable arrangement to which a politically significant person is party” has the meaning given by section 78;

“reportable political donation” has the meaning given by section 53;

“reporting period” —

- (a) for reportable political donations, has the meaning given by section 62;
- (b) for reportable arrangements to which a politically significant person is party, has the meaning given by section 76; or
- (c) for a Part 4 politically significant person given a directive under section 85(2)(b), has the meaning given by that section;

“responsible officer”, for a politically significant person who is not an individual, means —

- (a) if a partnership — a partner of the partnership;
- (b) if a body corporate — the individual for the time being holding the office of chairperson, managing director or company secretary of the body corporate, or any position analogous to any of those offices in that body corporate; or
- (c) if an unincorporated body of persons other than a partnership —
  - (i) the individual for the time being holding the office of president, secretary or treasurer of the executive committee of the unincorporated body of persons, or any position analogous to any of those offices in that body; or
  - (ii) where there is no such executive committee, the individual for the time being notified by the unincorporated body of persons to a competent authority as a responsible officer of that body of persons,

and includes any person carrying out the duties of any such office mentioned in paragraph (a), (b) or (c)(i) if that office is vacant;

“Reviewing Tribunal” means a Reviewing Tribunal constituted by section 94;

“service restriction direction” means a direction described in section 35;

“Singapore aircraft” means an aircraft that is registered in Singapore under the Air Navigation Act 1966;

“Singapore vessel” means a vessel used in navigation by water (including an air-cushioned vehicle such as a hovercraft or a submersible craft) that is registered (provisionally or otherwise) under the Merchant Shipping Act 1995 and its registry is not closed or deemed to be closed or suspended under that Act;

“stop communication (end-user) direction” means a direction described in section 30;

“technical assistance direction” means a direction described in section 36;

“telecommunication service” has the meaning given by section 2 of the Telecommunications Act 1999;

“value”, in relation to any donation or benefit, has the meaning given by section 15;

“vehicle” means any means of transport, whether self-propelled or not, used on land such as a train, bicycle, motor car or personal mobility device;

“writ” means a writ of election issued under section 24 of the Parliamentary Elections Act 1954 or, in the case of a presidential election, under section 6 of the Presidential Elections Act 1991.

(2) A reference in this Act to the results of an election being published is a reference to —

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- (a) for a parliamentary election, the date that either of the following is published in the *Gazette*, whichever being applicable to that election:
- (i) the notice required by section 33(1)(b) of the Parliamentary Elections Act 1954, containing the name or names of the nominated candidate or the group of candidates declared elected;
  - (ii) the statement of the poll and the name or names of the person or persons elected as Member or Members of Parliament at that election required by section 51 of the Parliamentary Elections Act 1954 to be published; and
- (b) for a presidential election, the date that either of the following is published in the *Gazette*, whichever being applicable to that election:
- (i) the notice required by section 15(1)(b) of the Presidential Elections Act 1991, containing the name of the nominated candidate declared elected as President;
  - (ii) the statement of the poll and the name of the person elected to the office of President required by section 34 of the Presidential Elections Act 1991 to be published.
- (3) [*Deleted by Act 8 of 2023 wef 01/06/2023*]

### **Meaning of “foreign principal” and associated terms**

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

“foreign business” means an entity —

(a) that —

- (i) is constituted or organised under a law of a foreign country, even if registered under any written law; or

(ii) has its principal place of business in a foreign country, even if incorporated under any written law; and

(b) that is not a foreign government, a foreign public enterprise or a foreign political organisation;

“foreign government” means —

(a) the government of a foreign country;

(b) an authority of the government of a foreign country;  
or

(c) a foreign local government body or a foreign regional government body;

“foreign government-related individual” means an individual who is related to a foreign principal that is a foreign government, foreign political organisation or foreign public enterprise in either or both of the following ways:

(a) the individual is accustomed, or under an obligation (whether formal or informal), to engage in conduct in accordance with the directions, instructions or wishes of the foreign government, foreign political organisation or foreign public enterprise;

(b) the foreign government, foreign political organisation or foreign public enterprise (as the case may be) is in a position to exercise, in any other way, total or substantial control over the individual;

“foreign legislature” means a legislature of a foreign country;

“foreign political organisation” means —

(a) a foreign political party; or

(b) an entity that —

(i) is constituted or organised under a law of a foreign country; and

(ii) exists primarily to pursue political objectives;

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“foreign principal” means —

- (a) a foreigner;
- (b) a foreign government;
- (c) a foreign government-related individual;
- (d) a foreign legislature;
- (e) a foreign political organisation;
- (f) a foreign public enterprise; or
- (g) a foreign business;

“foreign public enterprise” means an entity that is related in one or more of the following ways, to a foreign principal which is a foreign government or a foreign political organisation:

- (a) if the entity is a body corporate — one or both of the following apply:
  - (i) the directors (however described) of the body corporate are accustomed, or under an obligation (whether formal or informal), to engage in conduct in accordance with the directions, instructions or wishes of the foreign principal;
  - (ii) the foreign principal is in a position to exercise, in any other way, total or substantial control over the body corporate;
- (b) if the entity is an unincorporated association, a partnership or body politic — either of the following applies:
  - (i) the members of the executive committee or governing board of the entity are accustomed, or under an obligation (whether formal or informal), to engage in conduct in accordance with the directions, instructions or wishes of the foreign principal;

- (ii) the foreign principal is in a position to exercise, in any other way, total or substantial control over the entity;
- (c) if the entity is a person other than a body politic and the foreign principal is a foreign political organisation —
  - (i) a director, an officer or an employee of the entity, or any part of the entity, who is required to be a member or part (however described) of that foreign political organisation; and
  - (ii) that requirement is contained in a law, or in the constitution, rules or other governing documents by which the entity is constituted or according to which the entity operates;

“foreigner” means an individual who is not a citizen of Singapore.

### **Engaging in conduct, etc., on behalf of foreign principal**

5.—(1) In this Act, unless the context otherwise requires, a person undertakes an activity or engages in conduct on behalf of a foreign principal if —

- (a) the person undertakes the activity or engages in that conduct —
  - (i) under an arrangement with the foreign principal;
  - (ii) in the service of the foreign principal;
  - (iii) on the order or at the request of the foreign principal;
  - (iv) under the control, direction or supervision of the foreign principal;
  - (v) with funding from the foreign principal; or
  - (vi) in collaboration with the foreign principal; and
- (b) at the time the arrangement or service is entered into, or the order, request or direction is made, or the funding, supervision or collaboration is carried out, both the



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person and the foreign principal knew or expected that the person would or might undertake the activity or engage in that conduct.

(2) For the purposes of subsection (1), it does not matter whether consideration is payable.

(3) Without limiting subsection (1), a person undertakes an activity or engages in conduct on behalf of a foreign principal if both the person and the foreign principal knew or expected that the person would or might undertake that activity or engage in that conduct.

### **Meaning of “foreign interference”**

6. In this Act, “foreign interference” —

- (a) means interference that is undertaken by or on behalf of —
  - (i) a foreign principal; or
  - (ii) another person acting on behalf of a foreign principal; and
- (b) includes any activity undertaken or conduct engaged in as part of preparing for, or planning, interference mentioned in paragraph (a).

### **Meaning of “in the public interest”**

7. For the purposes of this Act and without limiting the generality of the expression, it is in the public interest to do anything if the doing of that thing is necessary or expedient —

- (a) in the interest of the security of Singapore or any part of Singapore;
- (b) to protect public health or public finances, or to secure public safety or public tranquillity;
- (c) in the interest of friendly relations of Singapore with other countries;
- (d) to prevent incitement of feelings of enmity, hatred or ill-will between different groups of people in Singapore which may endanger the public peace and public order of Singapore;

- (e) to prevent a diminution of public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or a public authority; or
- (f) to prevent any foreign interference directed towards a political end in Singapore.

### **Meaning of “directed towards a political end in Singapore”**

8. For the purposes of this Act, an activity or a conduct is directed towards a political end in Singapore if a purpose of the activity or conduct (whether or not there are other purposes) is any of the following purposes or a combination of these purposes:

- (a) to promote the interests of a political party, or a Part 4 politically significant entity, in Singapore;
- (b) to influence, or seek to influence, the outcome of any election or national referendum under any written law;
- (c) to influence, or seek to influence, Singapore governmental decisions;
- (d) to influence, or seek to influence, any aspect (including the outcome) of any one or more of the following:
  - (i) proceedings in Parliament;
  - (ii) proceedings of the Presidential Council for Minority Rights;
  - (iii) proceedings of the Council of Presidential Advisers;
  - (iv) proceedings of the Malay Community Committee or Indian and Other Minority Communities Committee established under section 27C of the Parliamentary Elections Act 1954;
  - (v) proceedings of the Community Committee established under section 8E of the Presidential Elections Act 1991 or any Sub-Committee mentioned in that section;

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- (vi) proceedings of the Presidential Elections Committee established under Article 18 of the Constitution;
  - (e) to bring about, or seek to bring about, changes of the law in the whole or a part of Singapore, or to otherwise influence, or seek to influence, the legislative process in Singapore;
  - (f) to influence, or seek to influence, public opinion on a matter which, in Singapore, is a matter of public controversy;
  - (g) to influence, or seek to influence, any aspect or to promote or oppose political views, or public conduct relating to activities that have become the subject of a political debate, in Singapore.

**Meaning of “influencing Singapore governmental decisions”, etc.**

9.—(1) For the purposes of this Act, a person undertakes an activity or engages in conduct for the purpose of influencing or seeking to influence a Singapore governmental decision if any purpose of the activity or conduct is to influence one or more of the following:

- (a) a process in respect of a Singapore governmental decision;
- (b) the public in relation to any aspect of a process mentioned in paragraph (a).

(2) For the purposes of this Act, a Singapore governmental decision means an act or a policy of the Government or a public authority, such as a decision made by any of the following in the discharge of their respective functions:

- (a) the President;
- (b) the Cabinet or a committee of the Cabinet;
- (c) a Minister or Ministers;
- (d) any Ministry, department or Organ of State, but not the following:

- (i) the Supreme Court or any subordinate courts in the exercise of the judicial power of Singapore vested in them by the Constitution;
  - (ii) a quasi-judicial body constituted by or under any public Act in the discharge of its function of hearing and resolving disputes or conducting mediation or conciliation under that written law;
- (e) any public authority;
- (f) an individual in the course of performing his or her functions in relation to a person or an agency mentioned in paragraph (a), (b), (c), (d) or (e).

(3) A reference to a Singapore governmental decision in subsection (1) or (2) includes a decision of any kind in relation to any matter (including administrative and policy matters) whether or not the decision is formal, and whether or not the decision is final.

### **Undertaking “electronic communications activity” or “online communications activity”**

**10.—**(1) In this Act, a person undertakes electronic communications activity in relation to any information or material if the person communicates or distributes the information or material, or something that contains the information or material, whether or not in the course of business, on or by —

- (a) an SMS service;
  - (b) an MMS service;
  - (c) a social media service;
  - (d) a relevant electronic service; or
  - (e) an internet access service.
- (2) Without limiting subsection (1), a person is also to be treated, for the purposes of this Act, as undertaking electronic communications activity in relation to any information or material (whether or not also produced by the person) if the person does any of the following, in the course of business or otherwise:

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- (a) describe to the general public in Singapore how to obtain access to the information or material, or something that contains the information or material, that is provided or posted in a manner described in subsection (1);

*Illustration*

Setting out the name of a website, an IP address, a URL, a password or the name of a newsgroup.

- (b) give the information or material, or something that contains the information or material, to an intermediary to communicate or distribute to the public;
- (c) initiate or instigate the sending of information or material to end-users of a social media service, a relevant electronic service or an internet access service who do not voluntarily access the information or material, by means which do not need any individual to operate the systems that cause information or material to be provided on or sent using that service;
- (d) make known the information or material, or something containing the information or material, to the public by any other means online.

(3) In this Act, a person undertakes online communications activity in relation to any information or material if the person communicates or distributes the information or material, or something that contains the information or material, whether or not in the course of business, on or by —

- (a) a social media service;
- (b) a relevant electronic service; or
- (c) an internet access service.

(4) However, a person does not undertake an electronic communications activity or online communications activity in relation to any information or material by reason only that —

- (a) the person is a provider of —
- (i) a social media service;

- (ii) an internet access service;
  - (iii) a telecommunication service;
  - (iv) a relevant electronic service; or
  - (v) a hosting service; and
- (b) the person makes available, in the course of business of providing a service mentioned in paragraph (a), information or material produced entirely by another person —
- (i) without altering the information or material; or
  - (ii) only altering the information or material to the extent to fit time, space or format constraints.

### **When is information provided, posted or removed from social media service, etc.**

**11.**—(1) For the purposes of this Act, information or material is provided on a social media service or relevant electronic service, or provided using an internet access service, if the information or material is accessible to, or delivered to, one or more of the end-users using the service.

(2) For the purposes of this Act, information or material is posted on a social media service or relevant electronic service, or posted using an internet access service, by an end-user if the end-user causes the information or material to be accessible to, or delivered to, one or more other end-users using the service.

(3) For the purposes of this Part, information or material is removed from a social media service or relevant electronic service or an internet access service if the information or material is neither accessible to, nor delivered to, any of the end-users using the service.

### **Meaning of “publish in Singapore” and associated terms**

**12.**—(1) For the purposes of this Act, a person publishes in Singapore any information or material if the person —

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- (a) includes the information or material in a newspaper, magazine, leaflet, ticket or other document that is available, or distributed, to the public;
  - (b) includes the information or material, or something that contains the information or material, on an online location or in any way that renders the information or material accessible from the Internet;
  - (c) includes the information or material in a film, video, television programme or radio programme that is, or is intended to be, seen or heard by the public;
  - (d) displays, screens or plays the information or material, or something that contains the information or material, so that it can be seen or heard in or from a public place in Singapore, or any vehicle, vessel, train or aircraft in Singapore, or any workplace in Singapore;
  - (e) sells, hires or supplies the information or material, or something containing the information or material, to the public, or offers the information or material, or something containing the information or material, for sale or supply to, or hire by, the public; or
  - (f) makes known the information or material to the public in any other manner or by any other means.

(2) Without limiting subsection (1), where information or material is made available, distributed or communicated in electronic or digital form, the information or material is to be taken to be published in Singapore if —

- (a) any person physically present in Singapore accesses or is capable of having access to the information or material;
- (b) the information or material originates in Singapore, even if none of the persons capable of having access to the information or material is physically present in Singapore; or

(c) for information or material which did not originate in Singapore, or the origin of which cannot be determined, all of the following apply:

- (i) the information or material is made available, displayed, distributed or communicated or caused to be made available, displayed, distributed or communicated to the public by a Singapore-connected person or the Singapore-connected person takes part in that making available, display, distribution or communication of that information or material to the public;
- (ii) the information or material is accessible by persons physically present in Singapore.

(3) For the purposes of subsection (2), a “Singapore-connected person” means —

- (a) a citizen of Singapore;
- (b) a Singapore permanent resident;
- (c) a person physically present in Singapore;
- (d) an entity which is registered in Singapore (even if incorporated outside Singapore), or is incorporated, under any written law; or
- (e) a corporation sole or corporation aggregate established under a private Act.

### **Supplementary interpretive provisions for communications activity**

**13.—**(1) In this Act, unless the context otherwise requires —

“app distribution service” means a service that enables end-users physically present in Singapore —

- (a) to download an app that facilitates the posting of information or material on a social media service or a relevant electronic service; and



(b) where the download of the app is by means of an internet access service;

“covered information or material”, in relation to a Part 3 direction, means any information or material that —

(a) is or has been published in Singapore because of any online communications activity; and

(b) is —

(i) in the case of a Class 4 must-carry direction — about a proscribed online location covered by the Class 4 must-carry direction; or

(ii) in the case of any other Part 3 direction — identified in the direction, in accordance with Division 2 of Part 3, as the information or material covered by the direction;

“electronic service” means —

(a) a service that allows end-users to access information or material using a broadcasting service or a telecommunication service for carrying messages or other information or material (whether between persons and persons, things and things or persons and things); or

(b) a service that delivers information or material to persons having equipment appropriate for receiving that information or material, where the delivery of the service is by a broadcasting service or telecommunication service described in paragraph (a);

“functionality”, in relation to a social media service or relevant electronic service or an internet access service, includes —

(a) any feature that enables interactions of any description between end-users of the service;

(b) any feature that enables end-users to search online locations or databases, index search results or

otherwise retrieve information or material from the search results; and

- (c) any feature enabling an end-user to do anything as follows:
- (i) creating a user profile, including an anonymous or pseudonymous profile;
  - (ii) searching within the service for user-generated content or other users of the service;
  - (iii) forwarding content to, or sharing content with, other users of the service;
  - (iv) sharing content on any internet-based services;
  - (v) sending direct messages to or speaking to other users of the service, or interacting with them in another way (such as by playing a game);
  - (vi) expressing a view on content;

*Examples*

Applying a “like” or “dislike” button or other similar button.

Applying an emoji or symbol of any kind.

Engaging in yes/no voting.

Rating or scoring content in any way.

- (vii) sharing current or historic location information with other users of the service, recording a user’s movements, or identifying which other users of the service are nearby;
- (viii) following or subscribing to particular kinds of content or particular users of the service;
- (ix) creating lists, collections, archives or directories of content or users of the service;
- (x) tagging or labelling content present on the service;

- (xi) uploading content relating to goods or services;
- (xii) applying or changing settings on the service which affect the presentation of user-generated content on the service;
- (xiii) accessing other internet services through content present on the service (such as through hyperlinks);

“identified”, for any covered information or material under a Part 3 direction, means information or material that is identified specially, or described generally as to be identifiable, in the Part 3 direction as the covered information or material;

“internet access service” means a telecommunication service between a point in Singapore and another point in Singapore or between 2 points, one of which is in Singapore, that —

- (a) enables end-users to access information or material on the Internet using that service; or
- (b) delivers information or material to persons having equipment appropriate for receiving that information or material on the Internet, where the delivery of the service is by a telecommunication service described in paragraph (a),

but excludes a relevant electronic service, a social media service and any other telecommunication service excluded by the Regulations;

*Illustrations*

Internet Access Service Provider licensed under the Telecommunications Act 1999.

Internet reseller service, localised or non-localised.

“MMS” means an electronic service that enables the transmission of multimedia messages (such as visual or voice communication) from an end-user on a mobile

telephone to another mobile telephone through a telecommunication service;

“MMS message” means a message (whether or not accompanied by any sound or images) sent using an MMS;

“point-to-multipoint service” means an electronic service which allows a person to transmit material to more than one end-user simultaneously;

“proprietor”, for an online location, means a person who —

- (a) develops and maintains the online location;
- (b) organises, manages or supervises the use of the online location;
- (c) manages or regulates membership of, or access to, the online location; or
- (d) has the authority to decide whether any information or material may be included or excluded on the online location, or where to place the information or material on the online location or otherwise exercise editorial control over the online location;

“relevant activities”, for a provider of a social media service, a relevant electronic service or an internet access service, has the meaning given by subsection (3);

“relevant electronic service” means any of the following electronic services that is supplied to the public:

- (a) an electronic service that enables end-users to communicate, by means of email, with other end-users;
- (b) an online instant messaging service that enables end-users to communicate with other end-users;
- (c) a service that enables end-users to play online games with other end-users;
- (d) a service that specialises in providing links or facilitating access to, or information about, online

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locations, such as (but not limited to) a search engine, directory service or web browser;

(e) a point-to-multipoint service;

“SMS” means an electronic service that enables the transmission of short text messages from an end-user on a mobile telephone to another mobile telephone through a telecommunication service;

“SMS message” means a text message sent using an SMS;

“social media service” means —

(a) an electronic service that satisfies all the following characteristics:

(i) the sole or primary purpose of the service is to enable online interaction or linking between 2 or more end-users (including enabling end-users to share content for social purposes);

(ii) the service allows end-users to post information or material on the service;

(iii) such other characteristics as are prescribed by Regulations; or

(b) an electronic service prescribed by Regulations as a social media service,

but does not include a service which would otherwise be a social media service if none of the information or material on the service is accessible by, or delivered to, one or more end-users physically present in Singapore.

(2) For the purposes of this Act, if —

(a) a person (*H*) hosts stored information or stored material that has been posted —

(i) on a social media service;

(ii) on a relevant electronic service; or

(iii) using an internet access service; and

(b) *H* or another person provides —

- (i) a social media service;
- (ii) a relevant electronic service; or
- (iii) an internet access service,

by which the hosted information or material is provided, the hosting of the stored information or stored material by *H* must be treated as the provision by *H* of a hosting service in relation to the social media service, relevant electronic service or internet access service unless the hosting of stored information or stored material is integral to the provision of the social media service, relevant electronic service or internet access service.

(3) For the purposes of this Part, the relevant activities of a person who is the provider of a social media service, a relevant electronic service or an internet access service are —

- (a) for a provider of a social media service — the provision of the social media service to one or more end-users who are physically present in Singapore if the service has accounts for end-users;
- (b) for the provider of a relevant electronic service — the provision of the relevant electronic service to one or more end-users who are physically present in Singapore if the service has accounts for end-users; or
- (c) for the provider of an internet access service —
  - (i) the operation by the person of any telecommunication network (including installation or plant) or facility in Singapore in connection with the provision of the internet access service; and
  - (ii) the provision of the internet access service with a Singapore link.

(4) In determining whether an end-user is physically present in Singapore, it is to be assumed that the end-user will not falsify or conceal the end-user's identity or location.

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(5) For the purposes of this Act —

- (a) an online location has a Singapore link if any information or material included or otherwise on, or any service provided from the online location, is accessible by, or delivered to, one or more end-users physically present in Singapore; and
- (b) an internet access service has a Singapore link if any information or material included or otherwise provided using that service is accessible by, or delivered to, one or more end-users of the service who are physically present in Singapore.

**Meaning of “politically significant person”**

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

“Part 4 politically significant entity” means an entity who is designated under section 47(1) as a politically significant person;

“Part 4 politically significant person” means any of the following:

- (a) a Part 4 politically significant entity;
- (b) an individual who is designated under section 48(1) as a politically significant person;

“politically significant person” means any of the following:

- (a) a political party;
- (b) a candidate;
- (c) an election agent of a candidate;
- (d) a political office holder;
- (e) a Member of Parliament (whether or not a political office holder);
- (f) a member of the executive committee or similar governing body of a political party, whether or not he or she is also a responsible officer of that political

party (called in this Act a senior political party official);

(g) a Part 4 politically significant person.

### **Meaning of “value” in relation to donations and benefits**

**15.—**(1) For the purposes of this Act, the value of any donation or benefit which is a gift to a person is the market value of the property in question.

(2) For the purposes of this Act, where any donation or benefit, being money or property, is transferred to a person for a consideration which is less than the value of the money or market value of the property, the value of the donation or benefit is the difference between —

(a) the value of the money, or the market value of the property, in question; and

(b) the consideration provided by or on behalf of the person.

(3) For the purposes of this Act, the value of any donation or benefit which is either —

(a) any money lent to a person otherwise than on commercial terms; or

(b) the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person),

is the amount that is the difference between the actual cost (if any) to the person and the cost that would have been incurred by the person had the loan been made, or the property, services or facilities been provided, on commercial terms.

(4) The value of any donation, being the provision of any sponsorship in relation to a person is the value in monetary terms of the benefit conferred by the sponsorship in question on the person, and any such value conferred on the sponsor must be disregarded.

(5) In this section, “market value”, in relation to any property, means the price which that property might reasonably be expected to fetch on a sale in the open market.



(6) A reference in this Act to the giving or transfer of any donation or other property to a person includes a reference to its being so given or transferred either directly or indirectly through any third person.

(7) Subject to the provisions of this Act, a donation or other property is accepted by a person if it is received and retained by the person for the person's use or benefit.

### **Determining purpose of an activity**

**16.** In this Act, the purpose of an activity or a conduct may be determined by having regard to any one or more of the following:

- (a) the intention of any person on whose behalf the activity is undertaken or the conduct is engaged in, as the case may be;
- (b) the intention or belief of the person undertaking the activity or engaging in the conduct or that person's belief (if any) about the intention of any person in paragraph (a) on whose behalf the activity is undertaken or the conduct is engaged in;
- (c) all of the circumstances in which the activity is undertaken or the conduct is engaged in.

## PART 2

### FOREIGN INTERFERENCE BY ELECTRONIC COMMUNICATIONS ACTIVITY

#### **Clandestine foreign interference by electronic communications activity**

**17.—(1)** A person (*Y*) commits an offence if —

- (a) *Y* undertakes electronic communications activity that results in or involves publishing in Singapore any information or material;
- (b) *Y* undertakes the electronic communications activity on behalf of —
  - (i) a foreign principal; or

- (ii) another person acting on behalf of a foreign principal;
- (c) *Y* knows or has reason to believe that the electronic communications activity, or the information or material published in Singapore —
  - (i) is or is likely to be prejudicial to the security of Singapore or any part of Singapore;
  - (ii) is or is likely to be prejudicial to public health, public safety, public tranquillity or public finances;
  - (iii) is or is likely to be prejudicial to the friendly relations of Singapore with other countries;
  - (iv) incites or is likely to incite feelings of enmity, hatred or ill-will between different groups of people in Singapore which may endanger the public peace and public order of Singapore;
  - (v) diminishes or is likely to diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or public authority; or
  - (vi) is or is likely to be directed towards a political end in Singapore; and
- (d) any part of —
  - (i) *Y*'s undertaking on behalf of a person mentioned in paragraph (b); or
  - (ii) *Y*'s electronic communications activity,  
is covert or involves deception.
- (2) For the purposes of subsection (1) —
  - (a) *Y* does not need to have in mind a particular foreign country or foreign principal; and
  - (b) *Y* may have in mind more than one foreign country or foreign principal.

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(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) if the person is an individual, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 7 years or to both; or
- (b) in any other case, to a fine not exceeding \$500,000.

**Clandestine foreign interference of target using electronic communications activity**

**18.—**(1) A person (*Z*) commits an offence if —

- (a) *Z* undertakes electronic communications activity that results in or involves publishing in Singapore information or material;
- (b) *Z* undertakes the electronic communications activity on behalf of —
  - (i) a foreign principal; or
  - (ii) another person acting on behalf of a foreign principal;
- (c) *Z* intends that the electronic communications activity, or the information or material published in Singapore, will influence another person (called in this section the targeted person) to undertake activity, or engage in conduct, in Singapore that —
  - (i) is or is likely to be prejudicial to the security of Singapore or any part of Singapore;
  - (ii) is or is likely to be prejudicial to public health, public safety, public tranquillity or public finances;
  - (iii) is or is likely to be prejudicial to the friendly relations of Singapore with other countries;
  - (iv) incites or is likely to incite feelings of enmity, hatred or ill-will between different groups of people in Singapore which may endanger the public peace and public order of Singapore;

- (v) diminishes or is likely to diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or public authority; or
  - (vi) is or is likely to be directed towards a political end in Singapore; and
- (d) *Z* conceals from, or fails to disclose to, the targeted person the circumstance mentioned in paragraph (b).
- (2) For the purposes of subsection (1) —
- (a) *Z* does not need to have in mind a particular foreign country or foreign principal; and
  - (b) *Z* may have in mind more than one foreign country or foreign principal.
- (3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —
- (a) if the person is an individual, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 14 years or to both; or
  - (b) in any other case, to a fine not exceeding \$1 million.

### **Preparing for or planning an offence under section 17 or 18**

- 19.**—(1) A person commits an offence if —
- (a) the person engages in conduct; and
  - (b) the person does so with the intention of preparing for, or planning, the commission of an offence under section 17 or 18.
- (2) Subsection (1) applies —
- (a) whether or not an offence under section 17 or 18 is committed;
  - (b) whether or not the person engages in the conduct in preparation for, or planning, a specific offence under section 17 or 18; and

(c) whether or not the person engages in the conduct in preparation for, or planning, more than one such offence.

(3) Section 38 of the Interpretation Act 1965 and section 511 of the Penal Code 1871 do not apply in relation to an offence under section 17 or 18.

(4) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) where the offence involves an intention of preparing for, or planning, the commission of an offence under section 17 —

(i) if the person is an individual, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 5 years or to both; or

(ii) in any other case, to a fine not exceeding \$300,000; and

(b) where the offence involves an intention of preparing for, or planning, the commission of an offence under section 18 —

(i) if the person is an individual, to a fine not exceeding \$60,000 or to imprisonment for a term not exceeding 9 years or to both; or

(ii) in any other case, to a fine not exceeding \$600,000.

### PART 3

#### DIRECTIONS AGAINST HARMFUL FOREIGN ONLINE COMMUNICATIONS ACTIVITY

##### *Division 1 — Ministerial powers*

#### **Authorisation by Minister for direction to be given**

**20.—**(1) The Minister may authorise the competent authority to give one or more Part 3 directions as specified by the Minister in the authorisation where, in the opinion of the Minister —

- (a) there is undertaking of online communications activity, or online communications activity has been undertaken —
  - (i) wholly or partly in Singapore;
  - (ii) wholly or partly on a Singapore aircraft or Singapore vessel, whether the aircraft or vessel is in or outside Singapore at the time of the conduct; or
  - (iii) wholly outside Singapore;
- (b) the online communications activity is or has been undertaken, or is suspected of being or having been undertaken, by or on behalf of a foreign principal;
- (c) the online communications activity results in any information or material being published in Singapore; and
- (d) it is in the public interest to authorise the giving of that or those Part 3 direction or directions, after having regard to the circumstances of the case.

(2) When authorised by the Minister under subsection (1), the competent authority must immediately give the Part 3 direction or directions specified in the authorisation.

(3) However, if any information or material was published in Singapore before the date of commencement of this section, subsection (1) does not apply to the information or material unless the information or material remains published in Singapore on or after that date.

### **Authorisation by Minister for anticipatory direction**

**21.—**(1) The Minister may authorise the competent authority to give an anticipatory direction where the Minister —

- (a) suspects or has reason to believe that a person is engaging in conduct —
  - (i) wholly or partly in Singapore;
  - (ii) wholly or partly on a Singapore aircraft or Singapore vessel, whether the aircraft or vessel is in or outside Singapore at the time of the conduct; or

- (iii) wholly outside Singapore,  
with the intention of preparing for, or planning to undertake, online communications activity by or on behalf of a foreign principal;
- (b) has reason to believe that, as a result of that online communications activity, information or material is likely to be published in Singapore; and
- (c) is of the opinion that it is in the public interest to authorise the giving of the anticipatory direction, after having regard to the circumstances of the case.

(2) When authorised by the Minister under subsection (1), the competent authority must immediately give the anticipatory direction specified in the authorisation.

(3) However, if any information or material was published in Singapore before the date of commencement of this section, subsection (1) does not apply to the information or material unless the information or material remains published in Singapore on or after that date.

- (4) In this section, an anticipatory direction is any of the following:
- (a) a technical assistance direction;
  - (b) an account restriction direction.

### **Self-initiated cancellation or variation of authorisation**

**22.**—(1) The Minister may at any time, on his or her own initiative —

- (a) cancel any authorisation made under section 20(1), 21(1) or 23(3)(b) or (c); or
- (b) substitute any authorisation made under section 20(1), 21(1) or 23(3)(b) or (c) with another authorisation that the Minister might have made under section 20 or 21.

(2) Section 21(2) applies to a decision made under subsection (1)(b).

(3) Where the Minister makes a decision under subsection (1)(a), the competent authority must give written notice of the cancellation of the authorisation to every person who had been given a Part 3 direction pursuant to that cancelled authorisation.

### **Reconsideration by Minister of authorisation**

**23.**—(1) Where any Part 3 direction is given by the competent authority pursuant to an authorisation under section 20(1), 21(1) or 22(1)(b), the person to whom the direction is given may apply to the Minister for reconsideration of the authorisation and any of the Part 3 directions specified in that authorisation.

(2) An application under subsection (1) by a person to whom a Part 3 direction is given must be made —

- (a) in a prescribed manner; and
- (b) before the expiry of the time specified in the Part 3 direction, being a time not later than the 30th day after the direction was given.

(3) Upon receiving an application under subsection (1) for reconsideration, the Minister may —

- (a) wholly cancel the authorisation under section 20(1), 21(1) or 22(1)(b), and every Part 3 direction specified in the authorisation, if the Minister is of the opinion that it is not in the public interest that the authorisation and such direction continue;
- (b) substitute the authorisation under section 20(1), 21(1) or 22(1)(b), which is the subject of the application (called the initial authorisation), with another authorisation that the Minister might have made under section 20 or 21; or
- (c) affirm the initial authorisation and every Part 3 direction specified in the initial authorisation.

(4) Sections 20 and 21 apply in the making of a decision under subsection (3).

(5) When a substitute authorisation is made by the Minister under subsection (3)(b), the competent authority must immediately give the



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Part 3 direction or directions specified in the substitute authorisation in the same manner required under sections 20 and 21.

(6) When an initial authorisation is cancelled by the Minister under subsection (3)(a) or affirmed under subsection (3)(c), or a substitute authorisation is made under subsection (3)(b), the Minister must give notice (as the case may be) of —

- (a) the cancellation or affirmation (as the case may be) to every person given a Part 3 direction under the initial authorisation; or
- (b) the making of a substitute authorisation to the person who applied for reconsideration of the initial authorisation.

### **Proscribed online location — declaration**

**24.—**(1) The Minister may declare an online location with a Singapore link as a proscribed online location if a Part 3 direction (except a technical assistance direction or an app removal direction) is given in relation to any information or material included or otherwise on, or any service provided from, the online location.

(2) A declaration under this section ceases to have effect on a date specified, or worked out by a formula specified, in the declaration, which must not in any case be more than 2 years in total after the making of the declaration.

(3) Once a declaration is made and before the date it comes into effect, the competent authority must —

- (a) publish a notice of the making of the declaration in a manner as will secure adequate publicity for the fact of making of the declaration —
  - (i) stating that a declaration has been made under this section; and
  - (ii) setting out the URL, domain name, or any other unique identifier of the online location, to which the declaration relates; and
- (b) make reasonable efforts to give a copy of the declaration to the proprietor of the proscribed online location.

(4) However, failure to publish a notice under subsection (3) in respect of any declaration does not invalidate the declaration.

### **Self-initiated revocation or variation of declaration**

**25.**—(1) The Minister may at any time, on his or her own initiative —

- (a) revoke any declaration made under section 24(1); or
- (b) substitute any declaration made under section 24(1) or 26(3)(b) or (c) with another declaration that the Minister might have made under section 24.

(2) Section 24(3) and (4) applies to a decision made under this section.

*[Act 8 of 2023 wef 01/06/2023]*

### **Reconsideration by Minister of declaration of proscribed online location**

**26.**—(1) After an online location with a Singapore link is declared under section 24 or 25(1)(b) as a proscribed online location, any proprietor of that online location may apply to the Minister for a reconsideration of the declaration.

(2) An application under subsection (1) by a proprietor of an online location must be made —

- (a) in a prescribed manner; and
- (b) not later than the 30th day after the declaration takes effect.

(3) Upon receiving an application under subsection (1), the Minister may —

- (a) wholly revoke the declaration under section 24 or 25(1)(b);
- (b) substitute the declaration under section 24 or 25(1)(b) which is the subject of the application (called the initial declaration), with another declaration for a shorter period that the Minister might have made under section 24; or
- (c) affirm the initial declaration.

(4) Section 24 applies in the making of a decision under subsection (3).

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(5) When an initial declaration is revoked by the Minister under subsection (3)(a) or affirmed under subsection (3)(c), or a substitute declaration is made under subsection (3)(b), the Minister must give notice (as the case may be) of —

- (a) the revocation or affirmation (as the case may be) to every proprietor of the online location in question; or
- (b) the making of a substitute declaration to the person who applied for reconsideration of the initial declaration.

(6) When a declaration is revoked by the Minister under subsection (3)(a), the competent authority must cause the giving of notice of the revocation —

- (a) in the same manner in which the notice of the making of the declaration was first given; or
- (b) in a manner as will secure adequate publicity or notice to the proprietor (or both) for the fact of the revocation.

(7) When an initial declaration is affirmed under subsection (3)(c), the competent authority must cause the giving of notice of the affirmation —

- (a) in the same manner in which the notice of the making of the initial declaration was first given; or
- (b) in a manner as will secure adequate publicity or notice to the proprietor (or both) for the fact of the affirmation.

(8) However, failure to publish a notice under subsection (6) or (7) in respect of any declaration does not invalidate the revocation of the declaration or the initial declaration affirmed.

### **Public notice of revocation of declaration**

**27.—**(1) Where a declaration under section 24, 25(1)(b) or 26(3)(b) or (c) is revoked under this Act, the competent authority must give notice of the revocation —

- (a) in the same manner in which the notice of the making of the declaration was first given; or

(b) in a manner as will secure adequate publicity or notice to the proprietor (or both) for the fact of the revocation.

(2) However, failure to publish a notice under subsection (1) in respect of any declaration does not invalidate the revocation of the declaration.

### **Authorisation regardless of offence**

**28.** To avoid doubt, sections 20, 21, 22, 23, 24, 25 and 26 apply —

- (a) whether or not an offence under section 17, 18, 19, 39 or 40 is committed;
- (b) whether or not a person engages in the conduct in preparation for, or planning, a specific offence under section 17, 18, 19, 39 or 40; and
- (c) whether or not a person engages in the conduct in preparation for, or planning, more than one such offence.

### *Division 2 — Part 3 directions*

#### **Types of Part 3 directions**

**29.** The Part 3 directions and the persons to whom they may be given are in the table below:

<i>Item</i>	<i>Direction</i>	<i>Recipient may be</i>
1.	Stop communication (end-user) direction	A particular person, or particular end-user of a social media service or relevant electronic service or an internet access service.
2.	Disabling direction	A provider of a social media service. A provider of a relevant electronic service.
3.	Class 1 must-carry direction	A particular person, or particular end-user to whom a stop communication (end-user) direction is given.

<i>Item</i>	<i>Direction</i>	<i>Recipient may be</i>
		Any other particular person, or particular end-user of a social media service or relevant electronic service or an internet access service.
4.	Class 2 must-carry direction	A provider of a social media service.  A provider of a relevant electronic service.
5.	Class 3 must-carry direction	A provider of a social media service. A provider of a relevant electronic service.  A provider of a telecommunication service who holds a licence under section 5 of the Telecommunications Act 1999.  A person who is authorised by a permit under section 21 of the Newspaper and Printing Presses Act 1974 to publish (for sale or otherwise) a newspaper in Singapore.  A person who is authorised by a licence under section 8 of the Broadcasting Act 1994 to provide a licensable broadcasting service in or from Singapore.
6.	Class 4 must-carry direction	A provider of a prescribed service that is likely to bring the giving of a Class 3 must-carry direction to the attention of the public.  A proprietor of a proscribed online location.

<i>Item</i>	<i>Direction</i>	<i>Recipient may be</i>
7.	Remedial must-carry direction	A person to whom a Class 2 must-carry direction or a Class 3 must-carry direction is given and who has failed to comply with the direction in a rectifiable way.
8.	Class 1 access blocking direction	A provider of an internet access service.
9.	Class 2 access blocking direction	A provider of an internet access service by means of which information or material on the proscribed online location continues to be published in Singapore.  A provider of a social media service or a relevant electronic service by means of which one or more end-users in Singapore have used or are using the same to access information or material on the proscribed online location.
10.	Account restriction direction	A provider of a social media service.  A provider of a relevant electronic service.
11.	Service restriction direction	A provider of a social media service.  A provider of a relevant electronic service.  A provider of an internet access service with a Singapore link.
12.	Technical assistance direction	A provider of a social media service. A provider of a relevant electronic service.

<i>Item</i>	<i>Direction</i>	<i>Recipient may be</i>
		A provider of an internet access service with a Singapore link.
		A provider of a hosting service.
		A provider of an app distribution service.
		A proprietor of an online location.
13.	App removal direction	A provider of an app distribution service.
14.	Disgorgement direction	A citizen of Singapore, whether or not resident in Singapore and whether or not a Part 4 politically significant person.
		An individual who is not a citizen of Singapore but is resident in Singapore.
		A partnership carrying on a business in Singapore and registered under the Business Names Registration Act 2014.
		A body corporate that is registered under the Companies Act 1967 or the Limited Liability Partnerships Act 2005.
		An association (whether incorporate or not) that is registered under the Co-operative Societies Act 1979, the Societies Act 1966 or the Trade Unions Act 1940.

**Stop communication (end-user) direction — content**

**30.** A stop communication (end-user) direction may require the particular person or particular end-user to whom it is given to do one or more of the following within the time specified in the direction:

- (a) to take all reasonable steps to ensure the removal, from the social media service, relevant electronic service or internet access service (as the case may be) of covered information or material identified in the direction that —
  - (i) the person or end-user provided or posted on the social media service or relevant electronic service or using the internet access service; and
  - (ii) is published in Singapore;
- (b) to stop undertaking online communications activity to further publish in Singapore the following:
  - (i) the covered information or material identified in the direction;
  - (ii) any information or material that is similar to the information or material in sub-paragraph (i).

**Disabling direction — content**

**31.** A disabling direction may require a person who is the provider of a social media service, or a relevant electronic service, by means of which covered information or material identified in the direction is or has been published in Singapore, to take all reasonable steps, in relation to all or any of the person's relevant activities, to disable access by end-users in Singapore to all or any of the following:

- (a) that covered information or material provided on or by that social media service or relevant electronic service;
- (b) any other identical copies of that covered information or material provided on or by that social media service or relevant electronic service, where this requirement is expressed in the direction.



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**Must-carry directions — content**

**32.**—(1) A must-carry direction may be a Class 1, Class 2, Class 3 or Class 4 must-carry direction, or a remedial must-carry direction.

(2) A must-carry direction may require a person to whom it is given to take all reasonable steps, to do all or any of the following within and during the time specified in the direction, to publish, post, display or include a mandatory message —

- (a) about the covered information or material identified in the direction;
- (b) in the manner prescribed by Regulations; and
- (c) in a conspicuous manner as specified in the direction.

(3) In this section, “mandatory message” means a message or statement of the text set out, or effect described, in a must-carry direction.

(4) The covered information or material in a Class 1 must-carry direction is any of the following information or material which is identified in the direction:

- (a) if the Class 1 must-carry direction is given to a particular person or end-user to whom a stop communication (end-user) direction is given —
  - (i) any covered information or material identified in the stop communication (end-user) direction; and
  - (ii) any information or material similar to the information or material mentioned in sub-paragraph (i), which is or has been posted or provided by the end-user on a social media service or relevant electronic service or using an internet access service;
- (b) if the Class 1 must-carry direction is given to any other particular person — any information or material which is or has been posted or provided by the person on a social media service or relevant electronic service or using an internet access service.

(5) The covered information or material in a Class 2 must-carry direction is any of the following information or material which is identified in the direction:

- (a) any information or material which is or has been posted or provided on a social media service or relevant electronic service or using an internet access service provided by the person given the Class 2 must-carry direction;
- (b) an identical copy of any information or material mentioned in paragraph (a) which is or may be accessed by an end-user by means of a social media service or relevant electronic service or an internet access service provided by the person given the Class 2 must-carry direction.

(6) The covered information or material in —

- (a) a Class 3 must-carry direction is information or material which is identified in the direction and any other information or material which is similar thereto; or
- (b) a Class 4 must-carry direction is information or material about a proscribed online location.

(7) The covered information or material in a remedial must-carry direction is covered information or material identified in a Class 2 must-carry direction or Class 3 must-carry direction which has not been complied with, and any other information or material which is similar thereto.

(8) For the purposes of sections 17 and 18 of the Broadcasting Act 1994, every Class 3 must-carry direction given to a person who is authorised by a licence under section 8 of the Broadcasting Act 1994, to provide a licensable broadcasting service in or from Singapore —

- (a) is deemed to be a programme provided by the Government through the Info-communications Media Development Authority and required by that Authority to be broadcast under the person's licence; and
- (b) must be broadcast without charge to or subsidy from the Info-communications Media Development Authority or the Government.

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**Access blocking direction — content and preconditions**

**33.**—(1) An access blocking direction may be a Class 1 access blocking direction or a Class 2 access blocking direction.

(2) An access blocking direction may require a provider of a social media service or relevant electronic service or an internet access service to whom the direction is given to take all reasonable steps, within or during the time specified in the direction, to disable access by every end-user in Singapore to the covered information or material in the direction and provided on or by a social media service or relevant electronic service or on an online location, as the case may be.

*[Act 8 of 2023 wef 01/06/2023]*

(3) A Class 1 access blocking direction may be given to a provider of an internet access service by means of which covered information or material continues to be published in Singapore, but only where all the following special preconditions are met:

- (a) a person is given any Part 3 direction (except a technical assistance direction);
- (b) the Part 3 direction in paragraph (a) is not cancelled;
- (c) the covered information or material in that Part 3 direction in paragraph (a) continues to be published in Singapore after that non-compliance;
- (d) one or more end-users in Singapore have used or are using the internet access service of that provider to access the covered information or material.

(4) A Class 2 access blocking direction must relate to a proscribed online location only and may be given to —

- (a) a provider of an internet access service by means of which information or material on the proscribed online location continues to be published in Singapore; or
- (b) a provider of a social media service or a relevant electronic service by means of which one or more end-users in Singapore have used or are using the same to access information or material on the proscribed online location,

but only where the Minister is of the opinion that all the following special preconditions are met:

- (c) either —
  - (i) paid content included on the proscribed online location is published in Singapore after a prescribed period starting the date the declaration is made under section 24, 25 or 26 with respect to that online location; or
  - (ii) a Class 4 must-carry direction relating to the proscribed online location is not complied with;
- (d) the declaration under section 24, 25 or 26 is not revoked;
- (e) one or more end-users in Singapore have used or are using the social media service, relevant electronic service or internet access service (as the case may be) of that provider to access information or material on that proscribed online location.

#### **Account restriction direction — content**

**34.** An account restriction direction may require the provider of a social media service or relevant electronic service to take all reasonable steps, within the time specified in the direction, to terminate or suspend any functionality of the social media service or relevant electronic service (as the case may be) that —

- (a) enables interactions of any description between end-users of the service, or sending direct messages to or speaking to other end-users of the service, or interacting with them in another way, either —
  - (i) generally in relation to end-users physically present in Singapore; or
  - (ii) in relation to any other particular end-user physically present in Singapore; and
- (b) is provided to one or more particular accounts specified in the direction.

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**Service restriction direction — content**

**35.**—(1) A service restriction direction may require a provider of a social media service or relevant electronic service or an internet access service to whom it is given to take all reasonable steps to do one or more of the following within the time specified in the direction, in relation to all or any of the provider’s relevant activities:

- (a) to stop or delay delivery of or access to messages or information or material transmitted or accessible to end-users physically present in Singapore who use or may use the social media service, relevant electronic service or internet access service, as the case may be;
- (b) to restrict access to messages or information or material transmitted or accessible to end-users physically present in Singapore who use or may use the social media service, relevant electronic service or internet access service, as the case may be;
- (c) to alter any functionality of the social media service, relevant electronic service or internet access service (as the case may be) provided to end-users physically present in Singapore who use or may use the service;
- (d) to suspend or curtail the supply or provision of the service.

(2) A service restriction direction may require the doing of any thing in subsection (1)(a), (b), (c) or (d) with respect to the provision of a social media service or relevant electronic service or an internet access service —

- (a) to any area in Singapore; or
- (b) to one or more groups of end-users who use or may use the service,

but cannot be expressed to apply to the supply or provision of the service to a particular person.

**Technical assistance direction — content**

**36.** A technical assistance direction may require a person to whom the direction is given to do one or more of the following within the

time specified in the direction, in relation to all or any of the person's relevant activities:

- (a) to provide information about whether any account maintained by the person for a customer is that for a foreigner;
- (b) to provide technical information or other information about the person's relevant activity as specified in the direction;
- (c) to take any other step directed towards ensuring that the person is capable of giving help to the competent authority which the competent authority requires in the public interest.

### **App removal direction — content and preconditions**

**37.—**(1) An app removal direction may require a person to whom the direction is given to —

- (a) stop enabling end-users of the app distribution service and physically present in Singapore to download, using that service, a particular app that is specified in the direction; and
  - (b) notify the competent authority that the person has stopped enabling such end-users to download that app.
- (2) The special preconditions for an app removal direction are —
- (a) either —
    - (i) a Part 3 direction (except a technical assistance direction or another app removal direction) has been given at least once relating to particular covered information or material of the same or similar kind; or
    - (ii) any type of Part 3 direction (except a technical assistance direction or another app removal direction) has been given relating to covered information or material of the same or similar kind;
  - (b) none of the Part 3 directions in paragraph (a) has been cancelled; and

(c) one or more end-users in Singapore are using or may use the app to access the covered information or material.

(3) This Part does not authorise the giving of any app removal direction to a provider of an app distribution service if no end-user of the service who is physically present in Singapore could download an app using that service.

### **Disgorgement direction — content**

**38.**—(1) A disgorgement direction may require a person to whom the direction is given to do either of the following, within the time specified in the direction, with respect to covered information or material published in Singapore by or on behalf of that person by the undertaking of any online communications activity:

- (a) to take all reasonable steps to send back, or pay an equivalent amount of, every defined property accepted by the person —
  - (i) to the foreign principal who supplied or transferred the property; or
  - (ii) to any other person appearing to be acting on behalf of the foreign principal in sub-paragraph (i);
- (b) to take all reasonable steps to surrender to the competent authority the defined property mentioned in paragraph (a) or an equivalent amount of the value of the defined property.

(2) Any amount collected by the competent authority under subsection (1)(b) must be paid into the Consolidated Fund.

(3) In this section, a defined property supplied or transferred to a person includes any benefit, the whole or any part of which is made to or offered —

- (a) by or on behalf of a foreign principal; and
- (b) with a view to, or otherwise in connection with, the person undertaking any online communications activity to publish or enable the publishing in Singapore of any information or material.

(4) For the purposes of this section, any property is treated as accepted by a person to whom a disgorgement direction is given with respect to covered information or material published in Singapore by or on behalf of that person by the undertaking of any online communications activity if —

- (a) any part of the property has been received by the person; and
- (b) the whole or part of the property was used, or is intended to be used, by the person to meet any expenditure in connection with the person undertaking any online communications activity to publish or enable the publishing in Singapore of the information or material.

*Division 3 — Special provisions for  
proscribed online location*

**Operating proscribed online location**

**39.—**(1) A person commits an offence if —

- (a) the person is a proprietor of a proscribed online location, whether or not in the course of business; and
- (b) the person invites, solicits or otherwise procures the giving of any benefit —
  - (i) for, or purportedly for, meeting any expenditure to operate the proscribed online location; or
  - (ii) in exchange, or purportedly in exchange, for services provided on or from the proscribed online location.

*Illustrations*

Offering advertising space on the proscribed online location for a price.

Receiving any consideration for the sale of advertising space on the proscribed online location.

Collecting subscriptions for access to any part of the online location.

Inviting donations to support the online location.

(2) Subsection (1) extends to a person who engages in any conduct described in that subsection outside Singapore.



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(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) if the person is an individual, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 4 years or to both; or
- (b) in any other case, to a fine not exceeding \$500,000.

(4) However, where a court convicts any person of an offence under subsection (1), the court must, in addition to imposing on that person the punishment in subsection (3), order the person to pay as a penalty, within the time specified by the court, a sum equal to the amount of any benefit received in the commission of the offence or the amount that in the court's opinion is the value of that benefit; and any such penalty is recoverable as a fine.

(5) Where a person is charged with an offence under subsection (1), it is a defence for the person charged to prove, on a balance of probabilities, that the person did not know, and could not with reasonable diligence have ascertained, that the online location was a proscribed online location and had a Singapore link.

(6) For the purposes of subsection (5), a person could not, with reasonable diligence, have ascertained that an online location of which the person is proprietor has a Singapore link, if the person had —

- (a) required every end-user accessing the online location to provide his or her personal particulars and those particulars suggested that the end-user was not physically present in Singapore;
- (b) required end-users to enter into contracts that were subject to an express condition that the end-user was not to access the online location for any service if the end-user was physically present in Singapore;
- (c) informed prospective end-users that Singapore law prohibits the provision of access, or any service on or from, the online location to end-users who are physically present in Singapore; and

- (d) taken such other measures as far as reasonably practicable to ensure that the online location did not, or could not reasonably have, a Singapore link.

(7) However, it is not a defence to a charge for an offence under this section that the accused is subject to any duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents the person from complying with this section or restricts the person in such compliance.

(8) For the purposes of this Division, an online location has a Singapore link if any information or material included or otherwise on, or any service provided from the online location, is accessible by, or delivered to, one or more end-users physically present in Singapore.

### **Providing support to proscribed online location**

**40.**—(1) A person commits an offence if —

- (a) the person, whether in or outside Singapore, expends or applies any property knowing or having reason to believe that the expenditure or application supports, helps or promotes the publishing in Singapore of any information or material on an online location;
- (b) the person knows or ought reasonably to know that the online location is a proscribed online location; and
- (c) the person knows or has reason to believe that the information or material published in Singapore on that online location —
- (i) is or is likely to be prejudicial to the security of Singapore or any part of Singapore;
  - (ii) is or is likely to be prejudicial to public health, public safety, public tranquillity or public finances;
  - (iii) is or is likely to be prejudicial to the friendly relations of Singapore with other countries;
  - (iv) incites or is likely to incite feelings of enmity, hatred or ill-will between different groups of people in

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Singapore which may endanger the public peace and public order of Singapore;

- (v) diminishes or is likely to diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government or a public authority, or a part of the Government or public authority; or
- (vi) is or is likely to be directed towards a political end in Singapore.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) if the person is an individual, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 years or to both; or
- (b) in any other case, to a fine not exceeding \$500,000.

(3) However, subsection (1) does not apply to a service provider or a digital advertising intermediary which gives any consideration for the purpose of communicating any paid content in Singapore on the declared online location.

(4) In this section, “property” means money and all other property, movable or immovable, including things in action and other intangible or incorporeal property.

### **Advertising dealings concerning proscribed online location**

**41.—**(1) A person commits an offence if —

- (a) the person has an advertising dealing with a proprietor of an online location;
- (b) the online location becomes a proscribed online location with a Singapore link; and
- (c) the person does not take measures or enough measures to ensure that any information or material included or otherwise on, or any service provided from, the online location because of the advertising dealing, is —

- (i) not accessible by, or not delivered to, one or more end-users physically present in Singapore after the online location becomes a proscribed online location; and
  - (ii) not promoted or published in Singapore.
- (2) A person commits an offence if —
  - (a) the person has an advertising dealing with anyone —
    - (i) that facilitates the access by, or delivery to, one or more end-users physically present in Singapore; or
    - (ii) that promotes or gives publicity to, one or more end-users physically present in Singapore, any information or material included or otherwise on, or any service provided from, an online location; and
  - (b) the online location is a proscribed online location with a Singapore link.
- (3) Subsections (1) and (2) extend to a person who engages in any conduct described in that subsection outside Singapore.
- (4) A person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction —
  - (a) if the person is an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; or
  - (b) in any other case, to a fine not exceeding \$500,000.
- (5) Where a person is charged with an offence under subsection (1), it is a defence for the person charged to prove, on a balance of probabilities, that the person —
  - (a) did not know, and could not with reasonable diligence have ascertained, that the online location was a proscribed online location and had a Singapore link; and
  - (b) took the prescribed steps to ensure that any information or material included or otherwise on, or any service provided from, the online location because of the accused's

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advertising dealing, is not accessible by, or not delivered to, one or more end-users physically present in Singapore after the online location becomes a proscribed online location.

(6) However, in any proceeding for an offence under subsection (1) or (2), it is not a defence for the accused to show that —

- (a) the accused did the act in question at the direction of another person; or
- (b) the information or material was accessible by, or delivered to, one or more end-users physically present in Singapore through an automated process without the accused choosing where the information or material or service is communicated or delivered, except as an automatic response to the request of a person.

(7) It is also not a defence to a charge for an offence under this section that the accused is subject to any duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents the person from complying with this section or restricts the person in such compliance.

(8) In this section, an advertising dealing means an arrangement under which a party to the arrangement agrees to publish, in the course of business, information or material in exchange for valuable consideration.

*Division 4 — Supplementary provisions  
on Part 3 directions*

**Content and effect of directions — general**

**42.—**(1) A Part 3 direction may be given to the person or persons mentioned respectively for the direction individually or as a class.

(2) A Part 3 direction is binding on —

- (a) the person to whom it is addressed; and
- (b) if applicable, the personal representatives, successors, and assignees of the person to whom it is addressed to the same extent as it applies to that person.

(3) In authorising or giving a Part 3 direction, it is not necessary for the Minister or a competent authority to give any person who may be affected by the direction a chance to be heard before the direction is authorised to be given or given.

(4) A Part 3 direction must —

- (a) where it relates to information or material, so far as is reasonably practicable, identify the information or material in a way that is sufficient to enable the person given the direction to comply with the direction;
- (b) state whether the person to whom it is given must do all or any of the following, whichever being applicable:
  - (i) advise the competent authority within a time specified in the direction of the details of the manner in which the person proposes to comply with the direction;
  - (ii) keep information about the matters that are the subject of the direction for a time specified in the direction;
  - (iii) regularly notify within the times specified in the direction the competent authority about the steps being taken towards compliance with the direction;
  - (iv) give written notice to the competent authority when the person has complied with the direction; and
- (c) state that it is an offence under this Act to fail to comply with the direction.

(5) A Part 3 direction continues in force until the earlier of the following occurs:

- (a) the expiry date (if any) stated in the direction is reached;
- (b) the Minister cancels the authorisation containing the direction under section 22(1)(a) or 23(3)(a) or the direction under subsection (6);
- (c) the direction is cancelled on appeal under Part 8.

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- (6) If satisfied that a Part 3 direction has been complied with —
- (a) the Minister must cancel the Part 3 direction; and
  - (b) the competent authority must give written notice of the cancellation —
    - (i) in the same manner in which the Part 3 direction was first given; or
    - (ii) if sub-paragraph (i) is not practicable, in a manner as will secure adequate notice to the person given the direction (or both) for the fact of the cancellation.
- (7) Subsection (6) does not prevent a further Part 3 direction being authorised to be given in the same terms as a Part 3 direction that has expired.

### **Service of Part 3 directions**

- 43.**—(1) A Part 3 direction that is addressed to a person is sufficiently served if it is —
- (a) delivered personally to the person by a competent authority; or
  - (b) served in the manner prescribed in section 121 or in any other appropriate manner.
- (2) A Part 3 direction that is addressed to a class of persons is sufficiently served if it is —
- (a) served on each of the persons in the class in accordance with subsection (1); or
  - (b) published both —
    - (i) in a daily newspaper circulating in Singapore or in any other news media that, in the opinion of the competent authority, will be most likely to bring the direction to the attention of the persons who belong to the class; and
    - (ii) on the competent authority’s official website.

(3) A Part 3 direction that is addressed to a public authority is sufficiently served if it is served on the chief executive (however described) of the public authority in accordance with subsection (1).

(4) A Part 3 direction that is served —

- (a) in accordance with subsection (1) takes effect when it is served;
- (b) in accordance with subsection (2)(a) takes effect when it is served on all the persons in the class in question; and
- (c) in accordance with subsection (2)(b) takes effect at the beginning of the day after the date on which subsection (2)(b) has been complied with.

### **Publicity regarding non-compliance with directions**

**44.**—(1) If the Minister is satisfied that a provider of a social media service, a relevant electronic service or an internet access service does not comply with a Part 3 direction, the Minister may direct a competent authority —

- (a) to prepare a statement to that effect; and
- (b) to publish the statement on the official website of the competent authority.

(2) If —

- (a) a competent authority has prepared a statement under subsection (1) in relation to a provider of a social media service, a relevant electronic service or an internet access service;
- (b) the statement has been published on the official website of the competent authority; and
- (c) the Minister is satisfied that the provider of that service complies with that Part 3 direction,

the competent authority must remove the statement from that official website.

(3) Statements published under this section are protected by absolute privilege.



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**Offence of non-compliance with directions**

**45.—**(1) A person commits an offence if the person —

- (a) is given a Part 3 direction; and
- (b) without reasonable excuse, fails to comply with the direction whether in or outside Singapore.

(2) A person who is guilty of an offence under subsection (1) involving a stop communication (end-user) direction, a Class 1 must-carry direction, a disgorgement direction, or a technical assistance direction given to a proprietor of an online location, shall be liable on conviction —

- (a) if the person is an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both; or
- (b) in any other case, to a fine not exceeding \$500,000.

(3) A person who is guilty of an offence under subsection (1) involving a Class 2 or Class 3 must-carry direction, a remedial must-carry direction, an account restriction direction, a disabling direction, or a service restriction direction, or a technical assistance direction given to a person (except a proprietor of an online location), shall be liable on conviction —

- (a) if the person is an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction; or
- (b) in any other case, to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

*[Act 8 of 2023 wef 01/06/2023]*

(4) A person who is guilty of an offence under subsection (1) involving a Class 4 must-carry direction shall be liable on conviction —

- (a) if the person is an individual, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 4 years or to both; and
  - (b) in any other case, to a fine not exceeding \$500,000.
- (5) A person who is guilty of an offence under subsection (1) involving an access blocking direction or app removal direction shall be liable on conviction to a fine not exceeding \$20,000 for every day or part of a day the person, without reasonable excuse, fails to comply with the direction but not exceeding in total \$500,000.
- (6) It is not a defence to a charge under subsection (1) that —
  - (a) the person is subject to a duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents the person from complying with any part of a direction under this Part or restricts the person in such compliance; or
  - (b) the person has made an application under section 23 or 26, or an appeal under section 92, regarding the authorisation in which the giving of the direction is specified.
- (7) Without limiting the meaning of “reasonable excuse”, it is a defence to a charge under subsection (3) involving any Part 3 direction given to an accused that is one of the following:
  - (a) a provider of a social media service;
  - (b) a provider of a relevant electronic service;
  - (c) a provider of an internet access service with a Singapore link;
  - (d) a provider of a hosting service;
  - (e) a proprietor of an online location;
  - (f) a provider of an app distribution service,if the accused proves, on a balance of probabilities, that —
  - (g) it was not reasonably practicable to do more than what was in fact done to comply with the Part 3 direction; or

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- (h) there was no better practicable means than was in fact used to comply with the Part 3 direction.

**Non-disclosure of technical assistance directions**

**46.—**(1) A person commits an offence if —

- (a) the person discloses information without the prior approval of the competent authority;
- (b) the person is or was —
- (i) a person to whom a technical assistance direction under this Part is given; or
  - (ii) an employee or a contractor of a person to whom a technical assistance direction under this Part is given; and
- (c) the information is —
- (i) information contained in, derived or obtained in accordance with the technical assistance direction; or
  - (ii) information about acts done or omissions taking place in accordance with the direction.

(2) A person who is guilty of an offence under subsection (1) involving a technical assistance direction shall be liable on conviction —

- (a) where the person is a proprietor of an online location —
- (i) if an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both; or
  - (ii) in any other case, to a fine not exceeding \$500,000; or
- (b) in any other case —
- (i) if an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; or
  - (ii) in any other case, to a fine not exceeding \$1 million.

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PART 4

DESIGNATING POLITICALLY SIGNIFICANT PERSONS

**Designating non-individual**

47.—(1) The competent authority may designate a relevant entity to be a Part 4 politically significant entity if —

- (a) the activities of the relevant entity are directed in part towards a political end in Singapore within the meaning of section 8; and
- (b) in the competent authority's opinion it is in the public interest that countermeasures in Part 5 or 6 ought to be applied in relation to that relevant entity.

(2) In deciding whether a relevant entity should be designated (or continue to be designated) a Part 4 politically significant entity under subsection (1), or a relevant entity's designation as a Part 4 politically significant entity should be cancelled under subsection (3), the competent authority must have regard to, and give such weight as the competent authority considers appropriate to, such matters and evidence as may be relevant, including the giving of a disgorgement direction against the person or any associates of the person.

(3) A designation may be cancelled at any time by the competent authority in writing; and the competent authority must cause the giving of notice of the cancellation —

- (a) in the same manner in which the notice of the designation order was first given; or
- (b) if paragraph (a) is not practicable, in a manner as will secure adequate notice to the person designated of the fact of the cancellation.

(4) The competent authority may exercise the power under subsection (1) or (3) in relation to a relevant entity —

- (a) on the application of the relevant entity; or
- (b) on the competent authority's own volition.

(5) For the purposes of subsection (2), an individual or a person (A) is an associate of a relevant entity if —

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- (a) *A* is a related corporation of the relevant entity;
  - (b) *A* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of the directors of the relevant entity;
  - (c) the relevant entity is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;
  - (d) *A* is a person who is accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of the directors of the relevant entity;
  - (e) the relevant entity is a person who is accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*; or
  - (f) *A* is related to the relevant entity in such other manner as may be prescribed by Regulations.

### **Designating individual as politically significant person**

**48.**—(1) The competent authority may designate a relevant individual to be a politically significant person if —

- (a) any of the following circumstances exists:
  - (i) the relevant individual is a member of a foreign legislature or a foreign political organisation;
  - (ii) the activities of the relevant individual (whether alone or in collaboration or under any arrangement with another individual) are directed in part towards a political end in Singapore within the meaning of section 8; and

- (b) in the competent authority's opinion, it is in the public interest that countermeasures in Part 5 or 6 ought to be applied in relation to that relevant individual.
- (2) In deciding whether a relevant individual should be designated (or continue to be designated) a politically significant person under subsection (1), or a relevant individual's designation as a politically significant person should be cancelled under subsection (3), the competent authority must have regard to, and give such weight as the competent authority considers appropriate to, such matters and evidence as may be relevant, including the giving of a disgorgement direction against the individual or any associates of the individual.
- (3) A designation may be cancelled at any time by the competent authority in writing; and the competent authority must cause the giving of notice of the cancellation —
- (a) in the same manner in which the notice of the designation order was first given; or
  - (b) if paragraph (a) is not practicable, in a manner as will secure adequate notice to the individual designated of the fact of the cancellation.
- (4) The competent authority may exercise the power under subsection (1) or (3) in relation to a relevant individual —
- (a) on the application of the relevant individual; or
  - (b) on the competent authority's own volition.
- (5) For the purposes of subsection (2), an individual or a person (*A*) is an associate of a relevant individual if —
- (a) *A* is a related corporation of the relevant individual;
  - (b) *A* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of the relevant individual;
  - (c) the relevant person is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the

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directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;

- (*d*) *A* is a person who is accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of the relevant individual;
- (*e*) the relevant individual is a person who is accustomed or under an obligation, whether formal or informal, to engage in conduct in accordance with the directions, instructions or wishes of *A*; or
- (*f*) *A* is related to the relevant individual in such other manner as may be prescribed by Regulations.

**Opportunity to be heard before designation, etc.**

**49.**—(1) Before the competent authority, on its own volition, designates a relevant entity or relevant individual under section 47(1) or 48(1), the competent authority must, unless the competent authority considers it not practicable or desirable to do so in any particular case —

- (*a*) give notice of the competent authority’s intention to do so to the entity or individual concerned; and
- (*b*) give that entity or individual (as the case may be) 14 days after the date of the notice (or such longer time as the competent authority may specify in the notice) to make representations on the proposed designation.

(2) Once a designation is made under section 47(1) or 48(1), the competent authority must, without delay, give notice of the designation as follows:

- (*a*) to the relevant entity or relevant individual who is designated;
- (*b*) to any other person who, in the competent authority’s opinion, ought to have notice of the designation.

(3) A designation under section 47(1) or 48(1) of a relevant entity or relevant individual as a politically significant person has effect during the period —

- (a) starting when notice of the designation is given to the person concerned under subsection (2), or at any later time specified in the notice of designation where so specified; and
- (b) ending when the designation is cancelled under section 47(3) or 48(3).

## PART 5

### COUNTERMEASURES FOR DONOR ACTIVITIES

#### *Division 1 — General*

#### **Application according to capacity**

**50.**—(1) Without limiting section 2, this Part establishes a transparent system for donations for political purposes by creating certainty about who is making a political donation and by requiring the donor to be properly identified.

(2) To avoid doubt —

- (a) an individual may at any one time be 2 or more of the following:
  - (i) a candidate;
  - (ii) a Member of Parliament;
  - (iii) a political office holder,and this Part may impose duties or liabilities on the individual accordingly;
- (b) this Part may at any one time impose the same duty or liability on 2 or more individuals or persons, whether in the same capacity or in different capacities; and
- (c) a duty or liability imposed by this Part on any person is not diminished or affected by the fact that it is imposed on one



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or more other persons, whether in the same capacity or in different capacities.

**Meaning of “political donation”**

**51.—(1)** In this Act, “political donation”, in relation to a candidate at an election or the election agent of a candidate, means any of the following which is made to or for the benefit of a candidate (whether before or after he or she becomes a candidate) with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at the election, or prejudicing the electoral prospects of another candidate at that election:

- (a) any gift of money or other property to the candidate or the candidate’s election agent;
- (b) any money spent (otherwise than by the candidate as permitted by any other written law) in paying any expenses incurred, directly or indirectly, by the candidate or by his or her election agent or any person authorised by the candidate’s election agent;
- (c) any money lent to the candidate or the candidate’s election agent otherwise than on commercial terms;
- (d) the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person) to the candidate or the candidate’s election agent;
- (e) the provision of any sponsorship in relation to the candidate;
- (f) any voluntary labour or voluntary professional services carried out.

(2) In this Act, “political donation”, in relation to a political party, means any of the following made to or for the benefit of the political party:

- (a) any gift of money or other property to the political party;

- (b) any money spent (otherwise than by the political party or a person acting on its behalf) in paying any expenses incurred, directly or indirectly, by the political party;
- (c) any money lent to the political party otherwise than on commercial terms;
- (d) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the political party (including the services of any person);
- (e) the provision of any sponsorship in relation to the political party;
- (f) any subscription or other fee paid for affiliation to, or membership of, the political party;
- (g) any voluntary labour or voluntary professional services carried out.

(3) In this Act, “political donation”, in relation to a politically significant person who is a political office holder, means —

- (a) any gift of money or other property;
- (b) any money spent (otherwise than by the political office holder as permitted by any other written law) in paying any expenses incurred, directly or indirectly, by the political office holder;
- (c) any money lent to the political office holder otherwise than on commercial terms;
- (d) the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person) to the political office holder;
- (e) the provision of any sponsorship in relation to the political office holder; or
- (f) any voluntary labour or voluntary professional services,

made to or carried out for the benefit of the political office holder, the whole or part of which was lawfully used or is intended to be lawfully used by the political office holder solely or substantially for a purpose related to the duties of the political office holder.

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(4) In this Act, “political donation”, in relation to a politically significant person who is a Member of Parliament (whether or not also a political office holder), means —

- (a) any gift of money or other property;
- (b) any money spent in paying any expenses incurred, directly or indirectly, by the Member of Parliament;
- (c) any money lent to the Member of Parliament otherwise than on commercial terms;
- (d) the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person) to the Member of Parliament;
- (e) the provision of any sponsorship in relation to the Member of Parliament; or
- (f) any voluntary labour or voluntary professional services,

made to or carried out for the benefit of the Member of Parliament, the whole or part of which was lawfully used or is intended to be lawfully used by the Member of Parliament solely or substantially for a purpose related to his or her duties as a Member of Parliament.

(5) In this Act, “political donation”, in relation to a senior political party official or a Part 4 politically significant person, means —

- (a) any gift of money or other property;
- (b) any money lent to the senior political party official or the Part 4 politically significant person otherwise than on commercial terms; or
- (c) the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person),

made to or carried out for the benefit of the senior political party official or the Part 4 politically significant person, the whole or part of which was used or is intended to be used by the senior political party official or the Part 4 politically significant person —

- (d) to enable the person to make, directly or indirectly, a political donation to another politically significant person;

- (e) to incur or defray expenditure for undertaking the person's activities directed in whole or in part towards a political end in Singapore; or
- (f) to reimburse the person for making a political donation mentioned in paragraph (d) or incurring or defraying expenditure mentioned in paragraph (e).

(6) For the purposes of subsection (4), the duties of a Member of Parliament are his or her activities that relate —

- (a) to the promotion of or opposition to any Bill, resolution, matter or thing submitted or intended to be submitted for the consideration of Parliament or any committee of Parliament;
- (b) to supporting or serving individuals registered as an elector for, or resident in, the constituency that the Member of Parliament is elected in;
- (c) to his or her party political duties; or
- (d) directly to his or her role as a Member of Parliament,

but do not include the duties of a Member of Parliament as a member of a Town Council or as a political office holder.

(7) For the purposes of subsection (3), the duties of a political office holder are his or her activities that relate —

- (a) to the individual's role as a holder of that political office; or
- (b) where the political office holder is also a Member of Parliament, that relate predominantly to the individual's role as the holder of that political office.

*[Act 8 of 2023 wef 29/12/2023]*

### **What is not a political donation**

**52.—**(1) Despite section 51, the following are not political donations:

- (a) any lawful transmission by a licensed broadcaster, free of charge, of a party political broadcast required under a condition of its licence;

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- (b) any postage-free election communications provided to candidates pursuant to any written law;
  - (c) any grant or subsidy provided by the Government or a public authority to a politically significant person for the benefit of that person in his or her personal capacity;
  - (d) the provision by an individual who is a citizen of Singapore of —
    - (i) the individual's own services; or
    - (ii) the incidental or ancillary use of vehicles or equipment under the individual's control,  
which the individual provides voluntarily and free of charge (even if they fall within the course of his or her normal work);
  - (e) any interest accruing to a politically significant person in respect of any political donation which is dealt with by the politically significant person (as the case may be) in accordance with section 60(2).
- (2) In the case of a candidate, the following are also not donations:
- (a) any money or other property, or any services or facilities, provided out of public moneys for the personal security of the candidate;
  - (b) where the candidate is a political office holder, any remuneration or allowances paid to the candidate in his or her capacity as such.
- (3) In the case of a Member of Parliament or a political office holder, the following are also not donations:
- (a) any money or other property, or any services or facilities, provided out of public moneys for the personal security of the Member of Parliament or a political office holder;
  - (b) any remuneration or allowances paid to the Member of Parliament or a political office holder in his or her capacity as such;

- (c) any gift given to the Member of Parliament or a political office holder in his or her capacity as such, in the course of a visit or an event hosted by a foreign State and which is immediately surrendered to the Government.

(4) In subsection (1), a licensed broadcaster is a person who is licensed under the Broadcasting Act 1994 to provide broadcasting services.

### **Meaning of “reportable political donation”**

**53.—**(1) In this Act, a “reportable political donation” is —

- (a) in the case of disclosure under section 62 by a politically significant person — a political donation of or exceeding \$10,000 (or a higher amount prescribed by Regulations in substitution) made to or for the benefit of that politically significant person; or
- (b) in the case of disclosure under section 70 by a major political donor — a political donation of or exceeding \$10,000 (or a higher amount prescribed by Regulations in substitution) made to or for the benefit of a politically significant person.

(2) A political donation of less than an amount specified in subsection (1)(a) or (b) made by a person (called a donor) to a politically significant person must be treated as a reportable political donation of the politically significant person if —

- (a) that political donation made by the donor in a reporting period to the politically significant person; and
- (b) another earlier, separate political donation made by that donor to the same politically significant person within the same reporting period,

would, if aggregated, constitute a reportable political donation under subsection (1)(a) or (b), as the case may be.

### **When is political donation accepted**

**54.—**(1) Subject to subsections (2) and (3), a political donation is accepted —

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- (a) by a candidate if it is received and retained by the candidate, or his or her election agent, for the purposes of the candidate's election;
  - (b) by an election agent of a candidate if it is received and retained by the election agent for the purposes of the candidate's election; or
  - (c) by any other politically significant person if it is received and retained by the politically significant person for the use and benefit of the politically significant person.

(2) For the purposes of this Act, a political donation received by a politically significant person is treated as having been accepted by the person unless —

- (a) the steps referred to in section 60(2)(a) or (b), whichever is applicable, have been taken within the time limited by that section; and
- (b) a record can be produced of the receipt of the donation and —
  - (i) of the required steps being taken in relation to the donation as mentioned in section 60(2)(a); or
  - (ii) of the return of the donation, or the equivalent amount, as mentioned in section 60(2)(b).

(3) Without limiting section 15, for the purposes of this Act, anything given or transferred to —

- (a) any branch of a political party or Part 4 politically significant entity; or
- (b) any officer, member or agent of a political party or a Part 4 politically significant entity in his or her capacity as such (and not for his or her political activities or his or her own use or benefit),

must be regarded as given or transferred to that political party or Part 4 politically significant entity (as the case may be), and references to donations received by a political party or Part 4 politically significant entity accordingly include references to donations so given or transferred.

**Other definitions for Part 5**

**55.—(1)** In this Part, unless the context otherwise requires —

“early initial election” means the first election after the date this Part comes into force where the writ for the election is issued not more than 12 months after that date;

“permissible donor” means —

- (a) an individual who is a citizen of Singapore and is at least 21 years of age;
- (b) in relation to a donation in the form of a bequest, an individual who was, at death, a citizen of Singapore and at least 21 years of age;
- (c) a Singapore entity which carries on business wholly or mainly in Singapore and is not prohibited by written law or its own constitution from donating or contributing for a purpose that is directed towards a political end in Singapore;
- (d) in relation to a donation in the form of voluntary labour, an individual who is a citizen of Singapore when performing that labour;
- (e) in relation to a candidate, the political party the candidate is standing for at an election; or
- (f) in relation to a political party, a candidate at an election who stands or who stood for that party;

“post-election period”, for an election, means a period —

- (a) starting —
  - (i) the date the declaration is made by the candidate under section 65 before nomination day at that election; or
  - (ii) the date which is 2 clear days before nomination day at that election if no declaration mentioned in sub-paragraph (i) is earlier made; and



(b) ending on (and including) the 31st day after the results of the election are published;

“pre-election period”, for an election, means a period of 12 months preceding —

(a) the date a declaration is made by the candidate under section 65 before nomination day at that election; or

(b) a date which is 2 clear days before nomination day at that election if no declaration mentioned in paragraph (a) is earlier made;

“provision of sponsorship”, in relation to a candidate, political party, Member of Parliament or political office holder, means the transfer of any money or other property to the candidate, political party, Member of Parliament or political office holder —

(a) for the benefit of the candidate, political party, Member of Parliament or political office holder (as the case may be); and

(b) the purpose (or one of the purposes) of the transfer is, or must, having regard to all the circumstances, reasonably be assumed to be —

(i) to help the candidate, political party, Member of Parliament or political office holder (as the case may be) with meeting, or to meet, to any extent any prescribed expenses incurred or to be incurred by or on behalf of the candidate, political party, Member of Parliament or political office holder; or

(ii) to secure that to any extent the prescribed expenses in sub-paragraph (i) are not so incurred;

“Singapore entity” means —

(a) a Singapore-controlled corporation;

(b) a Singapore-controlled partnership; or

(c) a Singapore-controlled unincorporated association;

“Singapore-controlled corporation” means a company incorporated in Singapore, the majority of whose directors and members are citizens of Singapore or, in the case of any member being another company, where that other company is incorporated in Singapore and the majority of whose directors and members are citizens of Singapore, and where that other company has a member who is a company which in turn has a member who is a company and so on, where each of those member companies is incorporated in Singapore and the majority of whose directors and members are citizens of Singapore;

“Singapore-controlled partnership” means —

- (a) a firm registered under the Business Names Registration Act 2014 in Singapore, the majority of whose partners are citizens of Singapore or one or more Singapore entities; or
- (b) a limited partnership registered under the Limited Partnerships Act 2008 in Singapore;

“Singapore-controlled unincorporated association” means an unincorporated association that —

- (a) is formed in Singapore under any written law;
- (b) has an executive committee, the majority of whose members are citizens of Singapore; and
- (c) has a majority of members who are citizens of Singapore or Singapore entities.

(2) Where a political donation is made to any politically significant person by paying an amount into any account held by the politically significant person with a financial institution, then for the purposes of this Part, the political donation must be treated as having been received by the politically significant person at the time when the person is notified by the financial institution in the usual way of the payment into the account.

(3) Where a political donation confers an enduring benefit on any politically significant person during the whole or part of a relevant reporting period, the amount that must be recorded in any donation report required to be prepared under this Part is so much of the total value of the political donation (as determined in accordance with section 15) as accrues during the whole or part of that relevant reporting period to which the donation report relates.

*Division 2 — Restrictions on accepting political donations*

**Political donations from impermissible donors, etc.**

**56.** Subject to this Act, a politically significant person must not accept any political donation if it is offered by a person (called in this section the donor) who, at the time of its acceptance by the politically significant person, the politically significant person knows —

- (a) in the case of any politically significant person who is not a Part 4 politically significant person, is not a permissible donor; or
- (b) in the case of a Part 4 politically significant person, is a prohibited donor in relation to the Part 4 politically significant person because of a prohibited donor directive.

**Anonymous donations**

**57.** Subject to this Act, each of the following politically significant persons must not accept any political donation that is an anonymous donation:

- (a) a politically significant person excluding a Part 4 politically significant person;
- (b) a Part 4 politically significant person who is given an anonymous donations directive.

**Applicable cap on anonymous political donations**

**58.—(1)** Despite section 57, a politically significant person may accept —

- (a) during the initial relevant period for that politically significant person; and

(b) during each subsequent relevant period for that politically significant person,  
anonymous political donations which in total are less than the applicable cap on anonymous political donations for that politically significant person.

(2) The applicable cap on anonymous political donations is as follows:

- (a) in the case of a political party, candidate or an election agent — \$5,000 (or a higher amount prescribed by Regulations in substitution);
- (b) in the case of a political office holder — \$5,000 (or a higher amount prescribed by Regulations in substitution);
- (c) in the case of a Member of Parliament who is not a political office holder — \$5,000 (or a higher amount prescribed by Regulations in substitution);
- (d) in the case of a Part 4 politically significant person given an anonymous donations directive — \$5,000 (or a higher amount prescribed by Regulations in substitution).

(3) In this section —

“appointed day” means the date of commencement of this section;

“initial relevant period”, for a politically significant person, means —

- (a) for a candidate at an early initial election or such a candidate’s election agent, the period —
  - (i) starting on a date 12 months preceding —
    - (A) the date a declaration is made by the candidate under section 65 before nomination day at that early initial election; or
    - (B) a date which is 2 clear days before nomination day at that early initial

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- election if no declaration mentioned in sub-paragraph (A) is earlier made; and
- (ii) ending on (and including) the last day of the post-election period of the early initial election, even though this section may not have been in force during any part of the period;
- (b) for a candidate at the first election after the appointed day (other than an early initial election) or such a candidate's election agent, the period —
- (i) starting on a date 12 months preceding —
    - (A) the date a declaration is made by the candidate under section 65 before nomination day at that election; or
    - (B) a date which is 2 clear days before nomination day at that election if no declaration mentioned in sub-paragraph (A) is earlier made; and
  - (ii) ending on (and including) the last day of the post-election period of that election;
- (c) for a political party —
- (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or
  - (ii) the period starting on the day the political party is constituted on or after the appointed day, and ending on (and including) 31 December of the same year in which the period starts;
- (d) for a political office holder, a senior political party official or a Member of Parliament (whether or not a political office holder) —
- (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or

- (ii) the period starting on the day the person first becomes a political office holder, a senior political party official or a Member of Parliament (as the case may be) on or after the appointed day, and ending on (and including) 31 December of the same year in which the period starts;

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- (e) for a Part 4 politically significant entity —

- (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or
- (ii) the period starting on the day the entity first becomes a politically significant entity on or after the appointed day, and ending on (and including) 31 December of the same year in which the period starts; or

- (f) for an individual who is designated under section 48(1) as a politically significant person —

- (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or
- (ii) the period starting on the day the person is first designated a politically significant person on or after the appointed day, and ending on (and including) 31 December of the same year in which the period starts;

“relevant period” means —

- (a) for a candidate at an election or such a candidate’s election agent, the period —
  - (i) starting on the first day of the pre-election period of the election; and
  - (ii) ending on (and including) the last day of the post-election period of the election; or

- (b) for any other politically significant person, the period of 12 months starting 1 January and ending 31 December in any year,  
and includes an initial relevant period.

### **Return of anonymous political donations**

**59.**—(1) Subject to this Act, where an anonymous political donation is offered to a politically significant person, and sections 56 and 57 prohibit the politically significant person from accepting (whether wholly or in part) that donation, the following requirements must be complied with:

- (a) if the donation was transmitted by a person (other than the donor) and the identity of that person is apparent, the whole donation must be returned to that person;
- (b) if paragraph (a) does not apply but it is apparent that the donor has, in connection with the donation, used any facility provided by an identifiable financial institution, the whole donation must be returned to that financial institution;
- (c) in all other cases, the whole donation must be sent to the competent authority.

(2) Any amount collected by the competent authority under subsection (1)(c) must be paid into the Consolidated Fund.

### **Return of political donations**

**60.**—(1) Where a political donation is received by a politically significant person and it is not immediately decided that the politically significant person should (for whatever reason) refuse the political donation, all reasonable steps must be taken without delay by or on behalf of the politically significant person to verify or, so far as the following is not apparent, ascertain —

- (a) the identity of the donor;
- (b) whether the donor is —
  - (i) a permissible donor; or

- (ii) a prohibited donor in relation to the politically significant person; and
  - (c) if the donor is a permissible donor and not a prohibited donor, all such details in respect of the donor as are required by the Regulations to be given in respect of a donor of a reportable political donation.
- (2) If a politically significant person receives a donation which the politically significant person is prohibited from accepting by virtue of section 56, 57 or 58, or which the politically significant person has decided the politically significant person should for any reason refuse, then within the grace period —
- (a) in the case of an anonymous political donation, the requirements of section 59 must be complied with in respect of the whole donation; or
  - (b) in any other case, the political donation must be sent back, or a payment of an equivalent amount must be sent, to —
    - (i) the person who made the donation; or
    - (ii) any other person appearing to be acting on behalf of the person in sub-paragraph (i).
- (3) In subsection (2), the “grace period”, in relation to a politically significant person who or which has received a political donation, means a period of 30 days starting the date when the donation is so received by the politically significant person.
- (4) If —
- (a) a politically significant person receives a donation which the politically significant person is prohibited from accepting by virtue of section 56, 57 or 58;
  - (b) at the end of the grace period applicable to that donation, subsection (2)(a) and (b) is not complied with; and
  - (c) the politically significant person knows or is reckless as to whether the politically significant person is prohibited from accepting the donation by virtue of section 56, 57 or 58,



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then the following applies:

(d) in the case of a donation accepted by a political party or Part 4 politically significant entity —

- (i) the political party and the responsible officers of the political party in question; or
- (ii) the Part 4 politically significant entity and the responsible officers of the Part 4 politically significant entity,

(whichever is applicable) shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction;

(e) in the case of a donation accepted in respect of a candidate at an election —

- (i) the candidate and the candidate's election agent in question; or
- (ii) the candidate at a presidential election and the candidate's principal election agent in question,

(whichever is applicable) shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction;

(f) in any other case, the politically significant person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$200 for

every day or part of a day during which the offence continues after conviction.

(5) In determining whether a Member of Parliament (whether or not a political office holder) commits an offence under subsection (4), the donor's motive for offering the political donation is irrelevant.

(6) To avoid doubt, this section does not affect section 35(2) of the Parliament (Privileges, Immunities and Powers) Act 1962 and section 11(b) of the Prevention of Corruption Act 1960.

### **Forfeiture of prohibited political donations, etc.**

**61.**—(1) Where —

- (a) any donation is made to a politically significant person;
- (b) the donation is one which the politically significant person is prohibited from accepting by virtue of section 56, 57 or 58; and
- (c) the politically significant person has accepted the donation,

the Public Prosecutor may apply to a District Court for an order of forfeiture by the politically significant person of an amount equal to the value of the donation.

(2) Where, on an application by the Public Prosecutor under subsection (1), the District Court makes an order of forfeiture or refuses the application, the politically significant person concerned or the Public Prosecutor (as the case may be) may, before the end of the period of 30 days starting the date of the order or refusal to order, appeal to the Appellate Division of the High Court.

(3) An appeal under subsection (2) must be by way of a rehearing; and the Appellate Division of the High Court hearing the appeal may make such order as it considers appropriate.

(4) The standard of proof in proceedings under this section is that applicable to civil proceedings.

(5) An order may be made under this section whether or not proceedings are brought against any person for an offence connected with the donation.

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(6) Any amount forfeited by an order under this section must be paid into the Consolidated Fund.

(7) Where an appeal is made under subsection (2), subsection (6) does not apply before the appeal is determined or otherwise disposed of.

(8) Where any amount forfeited by an order of the District Court under subsection (1) or an order of the Appellate Division of the High Court under subsection (3) where there is an appeal, is not paid in compliance with the terms of the order, the District Court or Appellate Division of the High Court (as the case may be) may, on the application of the Public Prosecutor, issue a warrant for the levy of the amount forfeited against any property belonging to the politically significant person concerned.

(9) Such a warrant may be executed in the same manner as a warrant for the levy of the amount of a fine under section 319(1)(b)(iii) of the Criminal Procedure Code 2010.

(10) Where any amount recovered under any warrant issued under subsection (8) is in excess of the amount forfeited under this section, the balance must be returned to the politically significant person concerned.

(11) Without limiting the Supreme Court of Judicature Act 1969 and any other written law conferring power on the Rules Committee constituted under section 80(3) of that Act, the Rules Committee may make Rules of Court —

- (a) with respect to applications or appeals to any court under this section;
- (b) for the giving of notice of such applications or appeals to persons affected; and
- (c) generally with respect to the procedure of proceedings under this section before any court.

*Division 3 — Reporting and accounting  
of political donations*

**Disclosing reportable political donations**

**62.**—(1) Subject to this Act, every reportable political donation received and accepted during each reporting period by or on behalf of any politically significant person must be disclosed to a competent authority in accordance with this Division.

(2) Disclosure to a competent authority of reportable political donations received and accepted during a reporting period by or on behalf of a politically significant person must be in a donation report relating to the reporting period that —

- (a) is in the form required by the competent authority;
- (b) is given to the competent authority within the time delimited by section 63 and in the manner prescribed in Regulations or, subject to those Regulations, as approved by the competent authority;
- (c) contains the prescribed details of every reportable political donation received and accepted during the reporting period by or on behalf of the politically significant person, and the prescribed particulars of each donor;
- (d) is signed by the person who is required by section 64 to be responsible for the disclosure of reportable political donations received and accepted by or on behalf of the politically significant person; and
- (e) is accompanied by a declaration in section 65 made by the person who is required by section 64 to be responsible for the disclosure of reportable political donations received and accepted by or on behalf of the politically significant person.

(3) In this section —

“appointed day” means the date of commencement of this section;

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“initial pre-election period”, for a candidate at the first election after the appointed day or such a candidate’s election agent, means —

(a) in the case of an early initial election, the period of 12 months preceding —

(i) the date a declaration is made by the candidate under section 65 before nomination day at that early initial election; or

(ii) the day which is 2 clear days before nomination day at that early initial election if no declaration mentioned in sub-paragraph (i) is earlier made,

even though this section may not have been in force during any part of the period; or

(b) the period of 12 months preceding —

(i) the date a declaration is made by the candidate under section 65 before nomination day at that election; or

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(ii) the day which is 2 clear days before nomination day at that election if no declaration mentioned in sub-paragraph (i) is earlier made;

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“initial reporting period”, for a politically significant person, means —

(a) for a candidate at the first election after the appointed day or such a candidate’s election agent, the following:

(i) the initial pre-election period of the election;

(ii) the post-election period of that election;

(b) for a candidate at an election other than an election in paragraph (a) or such a candidate’s election agent, the following:

(i) the pre-election period of the election;

- (ii) the post-election period of that election;  
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- (c) for a political party —
  - (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or
  - (ii) the period starting on the day the political party is constituted on or after the appointed day, and ending on (and including) 31 December of the year in which the period starts;
- (d) for a political office holder, a senior political party official or a Member of Parliament (whether or not a political office holder) —
  - (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or
  - (ii) the period starting on the day the person first becomes a politically significant person on or after the appointed day, and ending on (and including) 31 December of the year in which the period starts;
- (e) for a Part 4 politically significant entity —
  - (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or
  - (ii) the period starting on the day the entity first becomes a politically significant entity on or after the appointed day, and ending on (and including) 31 December of the year in which the period starts; or
- (f) for an individual who is designated under section 48(1) as a politically significant person —

- (i) the period starting on the appointed day and ending on (and including) 31 December of the same year the appointed day falls; or
- (ii) the period starting on the day the person is first designated a politically significant person on or after the appointed day, and ending on (and including) 31 December of the same year in which the period starts;

“reporting period” means —

- (a) for a candidate at an election or such a candidate’s election agent, the following periods:
  - (i) the pre-election period of the election;
  - (ii) the post-election period of the election; or
- (b) for any other politically significant person, the period of 12 months starting 1 January and ending 31 December in any year,

and includes an initial reporting period.

### **When disclosure of reportable political donations to be made**

**63.**—(1) Subject to this Act, disclosure of reportable political donations received and accepted by or on behalf of a politically significant person must be given to a competent authority as follows:

- (a) for a disclosure of reportable political donations received and accepted during the pre-election period for that election, no later than 2 clear days before nomination day of that election;
- (b) for a disclosure of reportable political donations received and accepted during the post-election period for that election, no later than the 31st day after the results of the election are published;
- (c) for a disclosure of reportable political donations received and accepted by a politically significant person within a year, no later than 31 January in the following year;

(d) otherwise, no later than 31 January in the year following the year in which the political donation was received.

(2) Regulations may prescribe a longer period for the purposes of subsection (1)(c) or (d).

(3) Upon receiving a donation report and declaration in compliance with the requirements of subsection (1) from a candidate at an election in relation to a pre-election period for the election, the competent authority must issue to the candidate concerned, not later than the eve of the nomination day at the election, a political donation certificate stating that the candidate has complied with subsection (1).

(4) A political donation certificate issued under subsection (3) is, for the purposes of any written law, conclusive as to the facts it certifies.

### **Who is responsible for disclosing reportable political donations**

**64.** Subject to this Act, the person who is responsible for making a disclosure of reportable political donations as required by section 62 is —

- (a) for reportable political donations received and accepted by a political party — every responsible officer of the political party;
- (b) for reportable political donations received and accepted by or on behalf of a candidate at an election — an election agent of the candidate;
- (c) for reportable political donations received and accepted by or on behalf of an election agent of a candidate — the election agent;
- (d) for reportable political donations received and accepted by or on behalf of a political office holder who is not a Member of Parliament — the political office holder;
- (e) for reportable political donations received and accepted by or on behalf of a Member of Parliament (whether or not a political office holder) — the Member of Parliament;



- (f) for reportable political donations received and accepted by or on behalf of a Part 4 politically significant entity — every responsible officer of the Part 4 politically significant entity; or
- (g) for reportable political donations received and accepted by or on behalf of an individual who is a senior political party official or is designated under section 48(1) as a politically significant person — that individual.

### **Accompanying declaration to donation report**

**65.**—(1) Subject to this Act, every donation report required by section 62 in relation to a politically significant person must be accompanied by a declaration —

- (a) made by every person who is, under section 64, responsible for making disclosure of reportable political donations received and accepted by the politically significant person in the reporting period to which the donation report relates; and
- (b) containing the statements described in subsection (2) or (3).

(2) The declaration which must accompany a donation report for a Part 4 politically significant person must contain a statement stating, to the best of the knowledge and belief of every person who is, under section 64, responsible for making disclosure of reportable political donations for the Part 4 politically significant person —

- (a) if no prohibited donor directive, anonymous donations directive or political donations fund directive has been given under section 67, 68 or 69 for the reporting period to which the report relates, that during that reporting period no other reportable political donations have been accepted by the Part 4 politically significant person;
- (b) if a prohibited donor directive has been given for the reporting period to which the report relates, that during that reporting period —

- (i) no political donation from a prohibited donor in relation to the Part 4 politically significant entity has been so accepted by the Part 4 politically significant person; and
    - (ii) no other reportable political donations have been accepted by the Part 4 politically significant person;
  - (c) if an anonymous donations directive has been given for the reporting period to which the report relates, that during that reporting period —
    - (i) no anonymous political donation in excess of the applicable cap on anonymous political donations in section 58(2)(d) has been accepted by the Part 4 politically significant person; and
    - (ii) no other reportable political donations have been accepted by the Part 4 politically significant person;or
  - (d) if a political donations fund directive has been given for the reporting period to which the report relates, that during that reporting period —
    - (i) all political donations in cash which are accepted by the Part 4 politically significant person during the reporting period to which the donation report relates have been paid into a political donations fund; and
    - (ii) no other reportable political donations have been accepted by that Part 4 politically significant person.
- (3) The declaration which must accompany a donation report for any other politically significant person must contain a statement stating, to the best of the knowledge and belief of every person who is, under section 64, responsible for making disclosure of reportable political donations for the politically significant person, that —
- (a) all political donations recorded in the donation report as having been accepted by the politically significant person in the reporting period to which the donation report relates are from permissible donors;

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- (b) all political donations in cash which are accepted by the politically significant person during the reporting period to which the donation report relates have been paid into a political donations fund; and
- (c) during the reporting period to which the donation report relates —
- (i) no other reportable political donations have been accepted by the politically significant person;
  - (ii) no anonymous political donation in excess of the applicable cap on anonymous political donations has been accepted by the politically significant person; and
  - (iii) no political donation from a donor who is not a permissible donor has been so accepted by the politically significant person.

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**Separate accounts for political donations (political donations fund)**

**66.—**(1) Subject to this Act, a politically significant person who is —

- (a) a political party;
- (b) a candidate;
- (c) an election agent of a candidate;
- (d) a political office holder;
- (e) a Member of Parliament (whether or not a political office holder);
- (f) a senior political party official of a political party; or
- (g) a Part 4 politically significant person given a political donations fund directive,

must each establish and maintain, with an authorised deposit-taking institution in an account denominated in Singapore dollars, and in

accordance with the Regulations, a political donations fund, until any terminal event mentioned in subsection (4) first happens.

(2) If a politically significant person mentioned in subsection (1) holds more than one capacity at the same time, a separate political donations fund need not be established and maintained for each capacity.

(3) A politically significant person mentioned in subsection (1) must pay the following moneys into its political donations fund, and no other moneys:

- (a) all moneys received by it as political donations on or after the date of commencement of this section;
- (b) the proceeds of the investment or disposal of any political donation of property that is acquired (whether before, on or after that date) as an asset of the account of the politically significant person.

(4) For the purposes of subsection (1), a terminal event —

- (a) means the date the person ceases to be a politically significant person; and
- (b) in the case of a Part 4 politically significant person, includes the date where the political donations fund directive given to the Part 4 politically significant person ceases to have effect in relation to that politically significant person.

(5) Upon the happening of a terminal event, the politically significant person's political donation fund or funds may be closed without further approval from the competent authority.

(6) A politically significant person commits an offence if the person, without reasonable excuse, contravenes subsection (1) or (3).

(7) A politically significant person who is guilty of an offence for contravening subsection (1) or (3) shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

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*Division 4 — Stepped up countermeasures  
for Part 4 politically significant persons*

**Prohibited donor directive**

**67.**—(1) A competent authority may give a directive to a Part 4 politically significant person requiring the Part 4 politically significant person to do all or any of the following:

- (a) to not accept any political donation from a citizen of Singapore who is below 21 years of age;
- (b) to not accept any political donation from a foreign individual, foreign business, foreign political organisation or foreign public enterprise specified in the directive;
- (c) to return any political donation received, on or after a date specified in the directive from a foreign individual, foreign business, foreign political organisation or foreign public enterprise specified in the directive.

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(2) A foreign individual, foreign business, foreign political organisation or foreign public enterprise which is specified in a directive given under this section to a Part 4 politically significant person is, for the purposes of this Act, a prohibited donor in relation to that Part 4 politically significant person.

(3) A directive under this section may specify the manner in which, and must specify the period within which, the political donations concerned must be returned.

**Anonymous donations directive**

**68.** A competent authority may give a directive to a Part 4 politically significant person to require the Part 4 politically significant person to not accept any anonymous donation in excess of the applicable cap for anonymous donations mentioned in section 58(2)(d).

**Political donations fund directive**

**69.**—(1) A competent authority may give a directive to a Part 4 politically significant person to require the Part 4 politically significant person to establish and maintain, in accordance with section 66, a political donations fund for all political donations the Part 4 politically significant person receives or accepts or both, on or after a date specified in the directive.

(2) A directive under this section may specify the manner in which, and must specify the period within which, the political donations fund concerned must be established and maintained.

*Division 5 — Donor obligations***Major political donor reporting**

**70.**—(1) Subject to this Act, a person (not being a politically significant person) who in any single year makes one or more political donations —

- (a) all of which are accepted by or on behalf of any one of the following:
  - (i) a political party;
  - (ii) a Part 4 politically significant person given a prohibited donor directive; and
- (b) the total value of which is not less than the threshold reporting value,

must disclose the donations to a competent authority in accordance with this section.

(2) Disclosure to a competent authority of political donations made in a single year and accepted by or on behalf of a politically significant person mentioned in subsection (1) must be in a major political donor's donation report relating to the year that —

- (a) is in the form required by the competent authority;
- (b) is given to the competent authority —
  - (i) no later than 31 January of the year following that in which the donations were made; and

- (ii) in the manner prescribed in Regulations or, subject to those Regulations, as approved by the competent authority;
- (c) contains the following particulars:
  - (i) the total value of the political donations, the year in which and date when they were made;
  - (ii) the name of the politically significant person to which they were made;
  - (iii) the full name and address of the donor and such other details in respect of the donor as are required by the Regulations to be given in respect of a major political donor;
- (d) is signed by the donor; and
- (e) is accompanied by a declaration in subsection (3).

(3) Subject to this Act, every major political donor's donation report required by subsection (1) must be accompanied by a declaration —

- (a) made by the major political donor concerned or, in the case of a major political donor that is not an individual, on behalf of the major political donor by —
  - (i) the individuals for the time being holding the offices of chairperson, managing director and company secretary, respectively, of the body corporate, or any positions analogous to those offices; or
  - (ii) the individuals for the time being holding the offices of president, secretary and treasurer, respectively, of the committee of an unincorporated association, or any positions analogous to those offices; and
- (b) containing a statement that, to the best of the knowledge and belief of the major political donor or every person in paragraph (a)(i) or (ii) (as the case may be) —
  - (i) political donations whose total value was that specified in the report were made by the major

political donor to the specified politically significant person during the specified year; and

- (ii) no other political donations were made by the major political donor to that politically significant person during that same year.

(4) The threshold reporting value for the purposes of subsection (1)(b) is \$10,000, or a higher amount prescribed by Regulations in substitution.

(5) A major political donor who —

- (a) gives the competent authority a major political donor's donation report required by subsection (1) which does not comply with subsection (2)(a), (c), (d) or (e);
- (b) fails to give the competent authority such donation report in accordance with subsection (2)(b); or
- (c) knowingly or recklessly makes a false declaration under subsection (3),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

### **Directive affecting major donors**

71.—(1) A competent authority may give a directive to a Part 4 politically significant entity declaring that section 70 applies to donors making political donations to that Part 4 politically significant entity.

(2) In addition to sections 89 and 116, once a directive is made under this section and before the date it comes into effect, the competent authority must publish a notice of the making of the declaration in the *Gazette* and in such other manner as will secure adequate publicity for the fact of making of the declaration, stating —

- (a) that a directive has been made under this section; and
- (b) the name of the Part 4 politically significant entity to which the directive relates, and when the directive takes effect.



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**Duty when donating on behalf of others**

**72.**—(1) For the purposes of this Act, where any person (called in this section the principal donor) causes an amount (called in this section the principal donation) to be received by a politically significant person by way of a political donation —

(a) on behalf of the principal donor and one or more other persons; or

(b) on behalf of one or more other persons,

then each individual contribution by each person mentioned in paragraph (a) or (b) is taken to be a separate donation by that person.

(2) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the politically significant person, the politically significant person is given all such details in respect of the person treated by subsection (1) as giving the donation as is required by the Regulations to be given in respect of a donor of a reportable political donation.

(3) Where a person (called in this subsection the agent) causes an amount to be received by a politically significant person by way of a donation on behalf of another person (called in this subsection the donor), the agent must ensure that, at the time the amount is received by the politically significant person, the politically significant person is given all such details in respect of the donor as are required by the Regulations to be given in respect of a donor of a reportable political donation.

(4) A person who, without reasonable excuse, fails to comply with subsection (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

*Division 6 — Offences*

**Late donation reports, etc.**

**73.**—(1) Where any donation report or declaration which is required by section 62 or 65 to be given to the competent authority is not given within the time delimited under section 63, then the

following persons shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction:

- (a) where the donation report or declaration is required in respect of a political party or a Part 4 politically significant entity — the responsible officers of the political party or Part 4 politically significant entity in question;
- (b) where the donation report or declaration is required in respect of a candidate at an election or the candidate's election agent — the candidate and the candidate's election agent in question or (as the case may be) the candidate at a presidential election and the candidate's principal election agent in question;
- (c) where the donation report or declaration is required in respect of any other politically significant person who is not mentioned in paragraphs (a) and (b) — that person.

(2) If a donation report which is required by section 62 to be given to the competent authority is given to the competent authority, but the donation report does not comply with the requirements of section 62(2)(c) as regards the recording of reportable political donations in the report, then the following persons shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction:

- (a) where the donation report is required in respect of a political party or Part 4 politically significant entity — the responsible officers of the political party or Part 4 politically significant entity in question;
- (b) where the donation report is required in respect of a candidate at an election or the candidate's election agent — the candidate and the candidate's election agent in question or (as the case may be) the candidate at a presidential

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election and the candidate's principal election agent in question;

- (c) where the donation report is required in respect of a politically significant person not mentioned in paragraphs (a) and (b) — that politically significant person.

(3) In proceedings for an offence under subsection (1) or (2), it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence to ensure that any requirements —

- (a) as regards preparation or sending of a donation report or declaration; or
- (b) as regards the information to be given in any donation report or declaration,

as the case may be, have been complied with in relation to the donation report or declaration.

(4) Where the court is satisfied, on an application made by the Public Prosecutor, that any failure to comply with any such requirements in relation to any political donation received by a politically significant person was attributable to an intention on the part of any person to conceal the existence or true amount of the political donation, the court may order the forfeiture of an amount equal to the value of the political donation.

### **False or misleading donation reports and declarations**

74.—(1) Where in any donation report or declaration which is required by section 62 or 65 to be given to the competent authority in relation to a politically significant person, there is —

- (a) any information or a statement that is false or misleading in a material particular; or
- (b) an omission of any matter or thing without which the donation report or declaration is misleading in a material particular,

every person who is, under section 64, responsible for making disclosure of reportable political donations for the politically significant person commits an offence.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

(b) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) A person is a repeat offender in relation to an offence under subsection (1) relating to a donation report or declaration if the person has been convicted or found guilty (whether before, on or after the date of commencement of this section) on at least one other earlier occasion of —

(a) an offence under subsection (1); or

(b) an offence under section 22(6) of the repealed Act.

(4) In proceedings for an offence under subsection (1) in relation to a donation report or a declaration relating to any such report, it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that —

(a) the information or statement in the donation report or declaration (as the case may be) was not false or misleading in a material particular; or

(b) the donation report or declaration did not contain any omission which would have made the donation report or declaration misleading in a material particular.

### **Evasion and intentional acceptance of impermissible donations, etc.**

**75.—**(1) Where a person enters into, or knowingly does any act in furtherance of, any arrangement which facilitates or is likely to facilitate, whether by means of any concealment or disguise or

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otherwise, the making of donations to a politically significant person by a donor —

- (a) who is not a permissible donor; or
- (b) who is a prohibited donor in relation to the politically significant person,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Where a person —

- (a) knowingly gives a politically significant person any information relating to the identity of a donor of a political donation, or the amount of any political donation, made to the politically significant person or to the person or body making such a donation, which is false in a material particular; or
- (b) with intent to deceive, withholds from a politically significant person any material information relating to the identity of the donor of a political donation, or the amount of any political donation, made to the politically significant person,

the person shall be guilty of an offence.

(3) A person who is guilty of an offence under subsection (2) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but
- (b) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) A person is a repeat offender in relation to an offence under subsection (2) if the person has been convicted or found guilty (whether before, on or after the date of commencement of this section) on at least one other earlier occasion of —

- (a) an offence under subsection (2); or

(b) an offence under section 23(2) of the repealed Act.

(5) Where —

(a) a politically significant person accepts any political donation from a person (called a donor) who, at the time of its acceptance by the politically significant person —

(i) is not a permissible donor; or

(ii) is a prohibited donor in relation to the politically significant person; and

(b) the politically significant person knew or ought reasonably to have known that the donor —

(i) is not a permissible donor; or

(ii) is a prohibited donor in relation to the politically significant person,

the politically significant person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

## PART 6

### COUNTERMEASURES FOR OTHER ACTIVITIES

#### *Division 1 — Foreign affiliations*

#### **Disclosure of foreign affiliation**

**76.**—(1) Subject to this Act, a politically significant person must disclose to a competent authority in accordance with this Division every reportable arrangement to which the politically significant person is party at any time during a reporting period.

(2) Disclosure to a competent authority of every reportable arrangement to which a politically significant person is party during a reporting period must be in a foreign affiliations report relating to the reporting period that —

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- (a) is in the form required by the competent authority;
  - (b) is given to the competent authority within the time delimited by section 77 and in the manner prescribed in Regulations or, subject to those Regulations, as approved by the competent authority;
  - (c) contains the prescribed details or description of every such arrangement with a foreign principal during the reporting period, and the identity and other prescribed particulars of the foreign principal;
  - (d) is signed by —
    - (i) the politically significant person who is an individual; or
    - (ii) in any other case, the person who is required by section 64 to be responsible for the disclosure of reportable political donations received and accepted by or on behalf of that politically significant person; and
  - (e) is accompanied by a declaration in subsection (3) made by every person referred to in paragraph (d).

(3) The declaration required by subsection (2)(e) to accompany a foreign affiliations report of a politically significant person must contain a statement that, to the knowledge and belief of every person referred to in subsection (2)(d), there is no other reportable arrangement to which the politically significant person is party during the reporting period to which the foreign affiliations report relates.

(4) In this section and section 77 —

“appointed day” means the date of commencement of this section;

“initial reporting period” means —

- (a) for a candidate at the first election after the appointed day —

- (i) in the case of an early initial election (as defined in section 55), the period of 12 months preceding —
  - (A) the date a declaration is made by the candidate under subsection (2) before nomination day at that early initial election; or
  - (B) the day which is 2 clear days before nomination day at that early initial election if no declaration mentioned in sub-paragraph (A) is earlier made,  
even though this section may not have been in force during any part of the period; or  
*[Act 8 of 2023 wef 29/12/2023]*
- (ii) the period of 12 months preceding —
  - (A) the date a declaration is made by the candidate under subsection (2) before nomination day at that election; or  
*[Act 8 of 2023 wef 29/12/2023]*
  - (B) the day which is 2 clear days before nomination day at that election if no declaration mentioned in sub-paragraph (A) is earlier made;  
*[Act 8 of 2023 wef 29/12/2023]*
- (b) for a candidate at an election other than an election in paragraph (a), the pre-election period of the election;
- (c) for an election agent of a candidate at an election, the period starting on the day the person becomes an election agent of the candidate (being after the appointed day), and ending on (and including) the 31st day after the results of that election are published; or
- (d) for any other politically significant person —
  - (i) the period starting on the appointed day and ending on (and including) 31 December of the



same year that appointed day falls, unless paragraph (b) applies; or

- (ii) the period starting on the day the person becomes a politically significant person (being after the appointed day), and ending on (and including) 31 December of the same year that day the person becomes a politically significant person falls;

“politically significant person”, in relation to a foreign affiliations report for any pre-election period, does not include an election agent;

“pre-election period”, for an election, means a period of 12 months preceding —

- (a) the date a declaration is made by the candidate under subsection (2) before nomination day at that election; or
- (b) a date which is 2 clear days before nomination day at that election if no declaration mentioned in paragraph (a) is earlier made;

*[Act 8 of 2023 wef 29/12/2023]*

“reporting period” means —

- (a) for a candidate at an election, the pre-election period of the election;
- (b) for an election agent of a candidate at an election, the period starting on the day the person becomes an election agent of the candidate (being after the appointed day), and ending on (and including) the 31st day after the results of that election are published; and
- (c) for any other politically significant person, the period of 12 months starting 1 January and ending 31 December in any year,

and includes an initial reporting period.

### **When to make foreign affiliations report**

77.—(1) Subject to subsection (2), disclosure of every reportable arrangement to which a politically significant person is party during a reporting period must be given to a competent authority —

(a) in relation to a disclosure of arrangements or agreements to which a candidate is during the pre-election period (as defined in section 76) for that election a party — no later than 2 clear days before nomination day of that election;

*[Act 8 of 2023 wef 29/12/2023]*

(b) in relation to a disclosure of arrangements or agreements to which an election agent of a candidate is party — no later than the 31st day after the results of that election are published; and

(c) in any other case — no later than 31 January of the year following the year in which the reporting period ends.

(2) Regulations may prescribe a longer period for the purposes of subsection (1).

### **What is reportable arrangement**

78.—(1) A reportable arrangement to which a politically significant person is party is an arrangement —

(a) the politically significant person enters into or has with a foreign principal; and

(b) under which the politically significant person —

(i) undertakes an activity on behalf of the foreign principal, even if the activity is not directed towards a political end in Singapore;

(ii) is accustomed, or under an obligation (whether formal or informal), to engage in conduct in accordance with the directions, instructions or wishes of the foreign principal or, where the foreign principal is an entity, of the governing body of the foreign principal, even if the act is not directed towards a political end in Singapore;

- (iii) is a member of the foreign principal, even if the membership is not directed towards a political end in Singapore; or
- (iv) has a direct association or an immediate affiliation with the foreign principal, even if the association or affiliation is not directed towards a political end in Singapore.

(2) To avoid doubt, a politically significant person is party to a reportable arrangement under subsection (1) even if the person undertakes an activity mentioned in subsection (1)(b)(i) only once, and even if no such activity is undertaken under an arrangement mentioned in subsection (1)(a).

(3) In addition, any of the following politically significant persons who are not entities:

- (a) an individual who is designated under section 48(1) as a politically significant person;
- (b) a candidate;
- (c) an election agent of a candidate;
- (d) a political office holder;
- (e) a Member of Parliament (whether or not a political office holder),

has a reportable arrangement to which such a politically significant person is party if he or she is granted a migration benefit by or on behalf of a foreign government, even if he or she did not voluntarily claim or apply for it.

(4) In subsection (3), a migration benefit means any of the following that is or may be granted by or on behalf of a foreign government to an individual who is not a citizen of the foreign country of that foreign government:

- (a) an honorary citizenship in that foreign country;
- (b) a document of identity issued for travel purposes (whether or not also issued for another purpose), including a passport;

- (c) an entitlement or a privilege or status in order to work or reside (otherwise than temporarily) in that foreign country, which is such an entitlement or a privilege or status prescribed in the Regulations.

(5) To avoid doubt, a politically significant person is party to a reportable arrangement under subsection (3) even if the person does not exercise any right or otherwise use any migration benefit mentioned in subsection (3).

(6) However, none of the following is a reportable arrangement within the meaning of this section:

- (a) a marriage between a politically significant person mentioned in subsection (3) and a foreigner or foreign government-related individual;
- (b) an arrangement under which the politically significant person mentioned in subsection (3) undertakes an activity on behalf of a foreigner or foreign government-related individual where —
  - (i) the politically significant person and the foreigner or foreign government-related individual —
    - (A) are members of the same family; or
    - (B) know each other personally;
  - (ii) the politically significant person undertaking the activity does so because of the relationship in sub-paragraph (i) and solely in that person's personal capacity; and
  - (iii) the activity is, or relates primarily to, representing in good faith the interests of the foreigner or foreign government-related individual in relation to matters affecting the personal welfare of the foreigner or foreign government-related individual, as the case may be;
- (c) an arrangement under which the politically significant person has a direct association or collaboration or an immediate affiliation with the foreign principal solely

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because of a common membership in an association or a corporation that is not a foreign principal.

**Reporting involvement in foreign political organisation, etc.**

79.—(1) An individual who is a citizen of Singapore (and whether or not resident in Singapore) must, within the prescribed time, give the competent authority a written declaration if the individual —

- (a) is, on the appointed day, a member of a foreign legislature or a foreign political organisation; or
- (b) becomes, after the appointed day, a member of a foreign legislature or a foreign political organisation.

(2) The written declaration required by subsection (1) to be made by an individual must contain —

- (a) the individual’s name and place of residence;
- (b) a description of the foreign legislature or the foreign political organisation of which the individual is a member and the nature of that membership; and
- (c) other particulars relating to the individual concerned prescribed in the Regulations.

(3) In subsection (1), the prescribed time means a period prescribed in Regulations —

- (a) starting the appointed day in the case of an individual who, on that day, is a member of a legislature of a foreign country or a foreign political organisation; or
- (b) starting the date the individual concerned first becomes a member of a legislature of a foreign country or a foreign political organisation.

(4) In this section —

“appointed day” means the date of commencement of this section;

“member”, in relation to a foreign legislature or a foreign political organisation, includes an individual who is an

honorary member but does not include any person by reason only of being —

- (a) an employee of the foreign legislature or foreign political organisation;
- (b) a person who regularly conducts, or takes part in, any activities (in or outside Singapore) organised or sponsored by the foreign legislature or foreign political organisation;
- (c) a person who regularly donates to the foreign legislature or foreign political organisation; or
- (d) a person who lobbies on behalf of the foreign legislature or foreign political organisation.

*Division 2 — Published-by requirement for  
foreign-linked political matters*

**Application and interpretation**

**80.**—(1) This Division applies only to the following persons:

- (a) a politically significant person;
- (b) a person who is not a politically significant person but is —
  - (i) authorised by a permit under section 21 of the Newspaper and Printing Presses Act 1974 to publish (for sale or otherwise) a newspaper in Singapore; or
  - (ii) authorised by a licence or class licence under the Broadcasting Act 1994 to provide a licensable broadcasting service in or from Singapore, and the broadcasting service contains at least one Singapore news programme that is likely to be published for a purpose that is directed towards a political end in Singapore.

(2) In this Division —

“author”, for any political matter, means an individual who authored, edited, translated, illustrated, choreographed, directed the production of, or otherwise contributed to, the

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contents of the political matter, but for a programme which is broadcast or a performance, does not include an individual who is solely a presenter of the content of the programme or a performer of content provided by another;

“Singapore news programme” means any programme containing any news, intelligence, report of occurrence, or any matter of public interest, about any social, economic, political, cultural, artistic, sporting, scientific or other aspect of Singapore in any language —

- (a) whether or not it is presenter-based;
- (b) whether or not provided by a third party;
- (c) whether paid or free; and
- (d) whether or not provided at regular intervals,

but does not include a programme produced by or on behalf of the Government;

“newspaper” means a publication printed in any language and published for sale or free distribution at regular intervals or otherwise, and containing any of the following or a combination of the following:

- (a) news, intelligence or reports of occurrences or any matter of public interest, about any social, economic, political, cultural, artistic, sporting, scientific or any other aspect of Singapore in any language;
- (b) any remarks, observations or comments, in relation to such news, intelligence or reports of occurrences or to any other matter of public interest, or any matter of public interest, about any social, economic, political, cultural, artistic, sporting, scientific or any other aspect of Singapore in any language,

but does not include a publication produced by or on behalf of the Government;

“political matter” means an article or essay, a commentary, talk, performance or programme (or part of an article or essay, a

commentary, talk, performance or programme) that can reasonably be regarded as intended —

- (a) to promote the interests of a politically significant person in Singapore;
- (b) to influence, or seek to influence, the outcome of any election or national referendum under any written law;
- (c) to bring about, or seek to bring about, changes of the law in the whole or a part of Singapore, or to otherwise influence, or seek to influence, the legislative process in Singapore;
- (d) to influence Singapore governmental decisions; or
- (e) to influence any aspect or to promote or oppose political views, or public conduct relating to activities that have become the subject of a political debate, in Singapore,

even though it can reasonably be regarded as intended to achieve any other purpose as well.

### **Transparency directive for publishing political matters with foreign link**

**81.**—(1) A transparency directive under this section may be given by a competent authority only to a person to whom this Division applies.

(2) A transparency directive may require the person to whom it is given to take, so far as is reasonably practicable, all necessary measures to ensure that, for each instance of political matter with a foreign link and published in Singapore —

- (a) by a politically significant person in section 80(1)(a);
- (b) in a newspaper that is —
  - (i) published (for sale or otherwise) in Singapore;
  - (ii) published by the person in section 80(1)(b)(i); and
  - (iii) specified in the directive; or



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- (c) in a Singapore news programme included in a licensable broadcasting service that is —
- (i) provided by the person in section 80(1)(b)(ii) in or from Singapore; and
  - (ii) specified in the directive,

a disclosure about the political matter (whose content is prescribed by subsection (3)) is included or embedded in, or linked to, the political matter conspicuously and in the manner prescribed.

(3) For the purposes of subsection (2), the content of the disclosure about the political matter must —

- (a) identify the author of the political matter by name or pseudonym and by nationality;
- (b) identify the foreign principal for whom or at whose direction the political matter is placed (for consideration) for publication;
- (c) include a statement that the political matter has a foreign link; and
- (d) include a statement that the disclosure is made under the Foreign Interference (Countermeasures) Act 2021.

### **What is political matter with foreign link**

**82.** For the purposes of section 81, a political matter has a foreign link if —

- (a) any author of the political matter is a foreigner; or
- (b) any person for whom or at whose direction the political matter is placed (for consideration) for publication in Singapore is a foreign principal.

### *Division 3 — Stepped up countermeasures*

#### **Directive prohibiting foreign membership, responsible officer, etc.**

**83.—**(1) A directive under this section may be given by a competent authority only to any Part 4 politically significant entity.

(2) A competent authority may give a directive to a Part 4 politically significant entity prohibiting the Part 4 politically significant entity —

- (a) from appointing or reappointing as a responsible officer of the Part 4 politically significant entity, an individual who is —
  - (i) a foreigner; or
  - (ii) a particular foreigner specified in the directive; or
- (b) from permitting to act as a responsible officer of the Part 4 politically significant entity, an individual who is —
  - (i) a foreigner; or
  - (ii) a particular foreigner specified in the directive.

(3) A competent authority may give a directive to a Part 4 politically significant entity prohibiting the Part 4 politically significant entity from accepting as a member of the Part 4 politically significant entity, an individual who is a foreigner, or a particular foreigner specified in the directive.

(4) A directive under subsection (2) or (3) may, in particular, direct the Part 4 politically significant entity —

- (a) to suspend for a period specified in the directive, a particular foreigner from the exercise of his or her office, employment or membership (as the case may be) pending consideration being given to the foreigner's removal (whether under this section or otherwise) from his or her office, employment or membership; or
- (b) to remove, within the period specified in the directive, a particular foreigner from his or her office, employment or membership.

(5) However, a period of suspension under subsection (4)(a) must not exceed 24 months.

(6) For the purposes of this section, “appointing” includes appointing on an acting or a temporary basis.

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**Directive to end affiliation, etc., with foreign principal**

**84.**—(1) A directive under this section may be given by a competent authority to any politically significant person.

(2) A directive under this section may require a politically significant person given the directive to end, within the period specified in the directive, any arrangement specified in the directive, being a reportable arrangement within the meaning of section 78.

**Directive prohibiting, etc., foreign volunteers**

**85.**—(1) A directive under this section may be given by a competent authority only to a Part 4 politically significant person.

(2) A competent authority may give a directive to a Part 4 politically significant person either —

- (a) prohibiting the person from accepting, or requiring that person to stop accepting, any voluntary labour, or voluntary professional services, provided or to be provided —
  - (i) generally by any individual who is not a citizen of Singapore; or
  - (ii) by a particular individual specified in the directive who is not a citizen of Singapore,to or for the benefit of the Part 4 politically significant person; or
- (b) requiring the Part 4 politically significant person to disclose, in accordance with subsection (3), all voluntary labour, or voluntary professional services, provided during each reporting period —
  - (i) by an individual who is not a citizen of Singapore; and
  - (ii) to or for the benefit of the Part 4 politically significant person.

(3) Disclosure to a competent authority required under subsection (2)(b) must be in a foreign volunteers report relating to a reporting period that —

- (a) is in the form required by the competent authority and in the manner prescribed in Regulations or, subject to those Regulations, as approved by the competent authority;
- (b) is given to the competent authority no later than 31 January in the year following the year in which the voluntary labour, or voluntary professional services, was provided;
- (c) contains the prescribed details of every voluntary labour, or voluntary professional services, provided during the reporting period to the Part 4 politically significant person by an individual who is not a citizen of Singapore, and the prescribed particulars of each such volunteer;
- (d) is signed by the person who is prescribed by Regulations to be responsible for making the foreign volunteers report relating to the Part 4 politically significant person; and
- (e) is accompanied by a declaration made by the person mentioned in paragraph (d) as responsible for making the foreign volunteers report relating to the Part 4 politically significant person.

(4) Regulations may prescribe a longer period for the purposes of subsection (3)(b).

(5) Nothing in this section prohibits the receipt by a Part 4 politically significant person of any voluntary labour or voluntary professional services as follows:

- (a) any voluntary labour or voluntary professional services of a prescribed type, being labour or services that are performed solely pursuant to a contract for service entered into or with a person providing any service to or for the benefit of a Part 4 politically significant person;
- (b) any voluntary labour or voluntary professional services provided to a Part 4 politically significant person by an

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officer or a member of the Part 4 politically significant person.

(6) In this section —

“reporting period” means the period of 12 months starting 1 January and ending 31 December in any year, and includes a special reporting period;

“special reporting period” means the period —

- (a) starting the date the directive under subsection (2) takes effect; and
- (b) ending on (and including) 31 December of the same year the date in paragraph (a) falls.

*Division 4 — Offences*

**Late Part 6 reports, etc.**

**86.—**(1) Where any foreign affiliations report or declaration which is required by section 76 to be given to the competent authority is not so given within the time delimited under section 77, then the following persons shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction:

- (a) where the foreign affiliations report or declaration is required in respect of a political party or a Part 4 politically significant entity — the responsible officers of the political party or politically significant entity in question;
- (b) where the foreign affiliations report or declaration is required in respect of a candidate at an election or the candidate’s election agent — the candidate and the candidate’s election agent in question or (as the case may be) the candidate at a presidential election and the candidate’s principal election agent in question;

- (c) where the foreign affiliations report or declaration is required in respect of any other politically significant person — that person.

(2) Where any declaration which is required by section 79 to be given to the competent authority is not so given within the time delimited under section 79, then the person required to give the declaration shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction.

(3) Where any foreign volunteers report or declaration which is required by section 85(2)(b) to be given to the competent authority is not so given by the Part 4 politically significant person given the directive under section 85(2)(b) within the time delimited under section 85(3)(b), then the following persons shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction:

- (a) where the foreign volunteers report or declaration is required in respect of a Part 4 politically significant entity — the responsible officers of the Part 4 politically significant entity in question;
- (b) where the foreign volunteers report or declaration is required in respect of an individual who is a Part 4 politically significant person — that individual.

(4) If a foreign affiliations report or foreign volunteers report which is required by section 76 or 85(2)(b) (as the case may be) to be given to the competent authority is given to the competent authority, but the report does not comply with the requirements of section 76(2)(c) or 85(3)(c) (whichever being applicable) as regards the recording of details or descriptions in the report, then the following persons shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day or part of a day during which the offence continues after conviction:

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- (a) where the foreign affiliations report or foreign volunteers report is required under section 76 or 85(2)(b) in respect of a political party or Part 4 politically significant entity — the responsible officers of the political party or Part 4 politically significant entity in question;
  - (b) where the foreign affiliations report or foreign volunteers report is required under section 76 or 85(2)(b) in respect of a candidate at an election or the candidate's election agent — the candidate and the candidate's election agent in question or (as the case may be) the candidate at a presidential election and the candidate's principal election agent in question;
  - (c) where the foreign affiliations report or foreign volunteers report is required under section 76 or 85(2)(b) in respect of any other politically significant person — that politically significant person.

(5) In proceedings for an offence under subsection (1), (2), (3) or (4), it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence to ensure that any requirements —

- (a) as regards preparation or sending of a foreign affiliations report, foreign volunteers report or declaration; or
- (b) as regards the information to be given in any foreign affiliations report, foreign volunteers report or declaration,

as the case may be, have been complied with in relation to the report or declaration.

### **False or misleading Part 6 reports and declarations**

**87.—**(1) Where, in any foreign affiliations report, foreign volunteers report or declaration which is required by this Part to be given to the competent authority in relation to a politically significant person, there is —

- (a) any information or a statement that is false or misleading in a material particular; or

- (b) an omission of any matter or thing without which the foreign affiliations report, foreign volunteers report or declaration is misleading in a material particular,

every person who is, under section 76(2)(d) or 85(3)(d) (as the case may be), responsible for making disclosure of foreign affiliations as required by section 76, or foreign volunteers as required by section 85(2)(b), for the politically significant person commits an offence.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but
- (b) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) A person is a repeat offender in relation to an offence under subsection (1) relating to a foreign affiliations report, foreign volunteers report or declaration if the person has been convicted or found guilty (whether before, on or after the date of commencement of this section) on at least one other earlier occasion of —

- (a) an offence under subsection (1); or
- (b) an offence under section 22(6) of the repealed Act.

(4) Where in any declaration which is required by section 79 to be given to the competent authority there is —

- (a) any information or a statement that is false or misleading in a material particular; or
- (b) an omission of any matter or thing without which the declaration is misleading in a material particular,

the person who made the declaration shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) In proceedings for an offence under subsection (1) in relation to a foreign affiliations report, foreign volunteers report or declaration



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relating to such a report, or under subsection (4) in relation to a declaration required under section 79, it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that —

- (a) any information or statement in the report or declaration (as the case may be) was not false or misleading in a material particular; and
- (b) the report or declaration did not contain any omission which would have made the report or declaration misleading in a material particular.

## PART 7

### CONDITIONS FOR STEPPED UP COUNTERMEASURES

#### **Circumstances where Part 5 or 6 directive may be given**

**88.** Unless expressly provided otherwise, a competent authority may give —

- (a) a prohibited donor directive to a Part 4 politically significant person;
- (b) an anonymous donations directive to a Part 4 politically significant person;
- (c) a political donations fund directive to a Part 4 politically significant person;
- (d) a directive under section 71 to a Part 4 politically significant entity affecting major donors to that entity;
- (e) a transparency directive under section 81 to a person mentioned in section 80 regarding political matters published in Singapore;
- (f) a directive under section 83 to a Part 4 politically significant entity;
- (g) a directive under section 84 to a politically significant person to end a reportable arrangement;

- (h) a directive under section 85(2)(a) to a Part 4 politically significant person prohibiting voluntary labour or voluntary professional services; or
- (i) a directive under section 85(2)(b) to a Part 4 politically significant person requiring a foreign volunteers report regarding voluntary labour or voluntary professional services,

only where the competent authority is satisfied —

- (j) that the person to whom the directive is to be given is undertaking, has undertaken or is likely to undertake (on or after the date of commencement of this Part) an activity on behalf of a foreign principal; and
- (k) that it is in the public interest that such a directive ought to be given, after having regard to the circumstances of the case.

### **Content and effect of directives: general**

**89.**—(1) A directive mentioned in section 88 (each called a directive under Part 5 or 6) is binding on the person to whom it is addressed.

(2) A directive under Part 5 or 6 must be in writing.

(3) A directive under Part 5 or 6 must state —

- (a) the things that the politically significant person is required by the competent authority to do, or to refrain from doing, as are specified in the directive or are of a description as specified in the directive;
- (b) whether the person to whom it is given must —
  - (i) advise the competent authority of the details of the manner in which the person proposes to comply with the directive;
  - (ii) keep information about the matters that are the subject of the directive;

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- (iii) regularly notify the competent authority about the steps being taken towards compliance with the directive; or
  - (iv) give written notice to the competent authority when the person has complied with the directive; and
- (c) that it is an offence under this Act to fail to comply with the directive.

(4) To avoid doubt, subsection (3) does not prevent any other relevant matter as is reasonably necessary to enable the directive to be effective being contained in a directive under Part 5 or 6.

(5) A directive under Part 5 or 6 that is given in accordance with this Part takes effect when it is given or on a later date specified in the directive.

(6) A directive under Part 5 or 6 continues in force until the competent authority revokes the directive or it is cancelled on review under Part 8.

(7) A directive under Part 5 or 6 may be amended or revoked at any time by the competent authority if the competent authority is satisfied that the circumstances warrant it.

(8) Subsection (6) does not prevent a further directive being made under Part 5 or 6 in the same terms as a directive that has been revoked.

(9) Any person to whom a directive is given under Part 5 or 6 must comply with the directive.

(10) Unless otherwise ordered by the Minister, a directive of the competent authority appealed against under Part 8 must be complied with until the determination of the appeal.

(11) A directive under Part 5 or 6 has effect despite the provisions of —

- (a) any other written law in force on the date of commencement of this Part; and

- (b) the constitution, memorandum or articles of association, trust deed or equivalent instrument of a politically significant person.

### **Process of giving directives: general**

**90.**—(1) A competent authority may give a politically significant person any one or more directives under Part 5 or 6.

(2) In making a directive under Part 5 or 6, it is not necessary for the competent authority to give any person who may be affected by the directive a chance to be heard before the directive is given.

(3) Subject to section 71(2), it is not necessary to publish any directive given under Part 5 or 6 in the *Gazette*.

### **Offences involving directives to politically significant persons**

**91.**—(1) Where a person to whom a directive under Part 5 or 6 is given, without reasonable excuse, contravenes the directive —

- (a) the responsible officers of a political party or Part 4 politically significant entity given the directive; or  
(b) in any other case, the person given the directive,

commits an offence.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) for a prohibited donor directive or an anonymous donations directive —
- (i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but
- (ii) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both;
- (b) for a political donations fund directive under section 69, to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction;

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- (c) [*Deleted by Act 8 of 2023 wef 29/12/2023*]
- (d) for a transparency directive under section 81, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both;
- (e) for a directive under section 83 or 84, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or
- (f) for a directive under section 85, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) A person is a repeat offender in relation to an offence under subsection (1) relating to a prohibited donor directive or an anonymous donations directive (called the current offence) if the person has been convicted or found guilty (whether before, on or after the date of commencement of this section) on at least one other earlier occasion of an offence under subsection (1) with respect to —

- (a) another prohibited donor directive if the current offence involves a prohibited donor directive; or
- (b) another anonymous donations directive if the current offence involves an anonymous donations directive.

## PART 8

### OVERSIGHT ARRANGEMENTS

#### *Division 1 — Rights of appeal*

#### **Right of appeal against authorisation for Part 3 directions, etc.**

**92.**—(1) Subject to subsection (2) and section 98(1), the following persons in the table below may, on payment of such fee as may be prescribed, appeal to a Reviewing Tribunal in accordance with this Part against the appealable decision specified opposite the person in the table below:

<i>Item</i>	<i>Appellant</i>	<i>Appealable decision</i>
1.	A person who is given a Part 3 direction	An authorisation by the Minister made under section 23(3)(b) or affirmed under section 23(3)(c) to the competent authority to give that Part 3 direction.
2.	A proprietor of a proscribed online location	A declaration by the Minister made under section 26(3)(b) or affirmed under section 26(3)(c) in relation to that online location.

(2) No appeal may be made under this Part to a Reviewing Tribunal by —

- (a) any person given a Part 3 direction pursuant to an authorisation by the Minister under section 20(1), 21(1) or 22(1)(b) unless the person has first applied under section 23(1) to the Minister to reconsider the authorisation; or
- (b) any proprietor of a proscribed online location declared under section 24(1) or 25(1)(b) unless the person has first applied under section 26(1) to the Minister to reconsider the declaration.

### **Right of appeal against competent authority's decisions**

**93.** A person —

- (a) who is designated a Part 4 politically significant entity or politically significant person under section 47(1) or 48(1);
- (b) whose application to cancel the person's designation as a Part 4 politically significant entity or politically significant person under section 47(4) or 48(4) is refused; or
- (c) who is given a directive under Part 5 or 6,

may appeal to the Minister in accordance with this Part against the decision in paragraph (a), (b) or (c), as the case may be.

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*Division 2 — Reviewing Tribunals  
for section 92 appeals*

**Reviewing Tribunals — composition**

**94.**—(1) One or more bodies each called a Reviewing Tribunal is established by this section.

(2) Every Reviewing Tribunal consists of 3 individuals, each of whom is appointed by the President on the advice of the Cabinet subject to subsections (3) and (4).

(3) An individual must not be, or be appointed, a member of any Reviewing Tribunal if he or she is not a citizen of Singapore.

(4) The chairperson of every Reviewing Tribunal must be a Supreme Court Judge.

(5) A member of a Reviewing Tribunal must vacate office at the end of a period of 3 years starting the day of his or her appointment, but is eligible for reappointment.

(6) A member of a Reviewing Tribunal may resign his or her office by giving notice in writing to the President.

(7) In the performance of his or her functions and duties under this Act, the members of a Reviewing Tribunal each have the same protection and immunity as a Judge of the High Court.

(8) The proceedings of a Reviewing Tribunal are deemed to be judicial proceedings and every member of the Reviewing Tribunal Board is deemed to be a public servant within the meaning of the Penal Code 1871.

**Reviewing Tribunal — remuneration and other terms**

**95.**—(1) The Minister may pay to the members of a Reviewing Tribunal out of moneys provided by Parliament such remuneration or allowances as the Minister may, with the approval of the President, fix.

(2) The remuneration and other terms of service of each member of a Reviewing Tribunal must not be altered to his or her disadvantage during his or her continuance in office as such.

**Reviewing Tribunal — resources**

**96.**—(1) All expenses of every Reviewing Tribunal are to be defrayed out of money provided by Parliament.

(2) The Minister must appoint a Secretary to the Reviewing Tribunals and such other public officers as are necessary for a Reviewing Tribunal to discharge its functions under this Act.

**Reviewing Tribunal — function**

**97.**—(1) It is the function and duty of every Reviewing Tribunal to consider and determine any appeal made under section 92 and served on the Secretary to the Reviewing Tribunals —

(a) by a person who is given a Part 3 direction and who may appeal against the authorisation by the Minister made under section 23(3)(b) or affirmed under section 23(3)(c) to the competent authority to give the direction; or

(b) by a proprietor of a proscribed online location and who may appeal against the Minister's declaration made under section 26(3)(b) or affirmed under section 26(3)(c) in relation to that online location.

(2) However, a Reviewing Tribunal may summarily dismiss any appeal which it determines to be frivolous or vexatious.

(3) A Reviewing Tribunal may determine an appeal made to the Reviewing Tribunal by —

(a) dismissing the appeal and confirming the decision appealed against; or

(b) revoking the decision appealed against.

(4) Every Reviewing Tribunal has to carry out its work expeditiously.

(5) In relation to a Reviewing Tribunal determining an appeal under this Part, Part 3 applies as if the reference in that Part to the Minister were a reference to the Reviewing Tribunal.

(6) A Reviewing Tribunal's decision under subsection (3) is final.



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### Procedure before Reviewing Tribunal

**98.**—(1) Except where a Reviewing Tribunal, having regard to all the circumstances, is satisfied that it is equitable to do so, the Reviewing Tribunal must not consider or determine any appeal against —

- (a) an authorisation by the Minister made under section 23(3)(b) or affirmed under section 23(3)(c) to the competent authority to give a Part 3 direction, if the appeal is made more than 30 days after the notice of that decision is given under section 23(6); or
- (b) a declaration made under section 26(3)(b) or affirmed under section 26(3)(c) in relation to a proscribed online location, if the appeal is made more than 30 days after the notice of that decision is given under section 26(5).

(2) A Reviewing Tribunal may at any stage in the appeal proceedings, and without calling for a defence from the Minister whose authorisation or declaration is appealed against, dismiss an appeal made to or before it if the Reviewing Tribunal is satisfied that —

- (a) the appellant is not a person entitled to appeal under that section;
- (b) the bringing of the appeal is or the proceedings of the appeal are frivolous or vexatious, which may include taking into account whether the appellant has habitually and persistently, and without any reasonable ground, made vexatious appeals to the Reviewing Tribunal; or
- (c) the appellant has, without reasonable excuse, failed to comply with the time delimited by any provision of Rules made under section 99 for the submission of any notice, document or other information in the appeal proceedings, or with any direction of the Reviewing Tribunal under those Rules.

(3) Subject to Rules made under section 99, every Reviewing Tribunal is entitled to determine its own procedure in relation to any appeal under section 92 made to or before the Reviewing Tribunal.

**Rules for Reviewing Tribunal proceedings**

**99.**—(1) Rules may be made by the Minister to prescribe the practice and procedure to be followed on, or in connection with, the hearing or consideration of any proceedings or appeal (including, where applicable, the mode and burden of proof and the admissibility of evidence) before a Reviewing Tribunal.

(2) In particular, the Rules made under subsection (1) may include —

- (a) requiring persons making an appeal to take such preliminary steps, and to make such disclosures, as may be specified in the Rules for the purpose of facilitating a determination whether the making of the appeal is frivolous or vexatious;
- (b) enabling or requiring a Reviewing Tribunal to hear or consider any proceedings or appeal without the person who brought the appeal having been given full particulars of the reasons for any conduct which is the subject of the proceedings or appeal;
- (c) the need to secure that matters which are the subject of proceedings or appeals brought before or made to a Reviewing Tribunal are properly heard and considered;
- (d) prescribing the circumstances and manner in which appeals in relation to the same decision, or involve the same or similar issues, may be consolidated or heard together;
- (e) enabling or requiring a Reviewing Tribunal to take any steps in exercise of their jurisdiction in the absence of any person (including the person bringing the proceedings or making the appeal and any legal representative of the person);
- (f) enabling or requiring a Reviewing Tribunal to give a summary of any evidence taken in its absence to the person by whom the proceedings were brought or (as the case may be) to the person who made the appeal;

- (g) securing that the information is not disclosed to an extent, or in a manner, that is contrary to Singapore's national security, the prevention or detection of serious crime, the economic wellbeing of Singapore or the continued discharge of the functions of any of the intelligence services of Singapore; and
- (h) providing for the manner in which the interests of a person who has made an appeal under section 92 are to be represented, such as for the appointment in accordance with the Rules, by such person as may be determined in accordance with the Rules, of a person to represent those interests.

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

### *Division 3 — Section 93 appeals*

#### **Appeals to Minister**

**100.**—(1) An appeal against an appealable decision described in section 93 may only be made to the Minister within one month after the appellant is notified of that decision (called the first appeal period) or such longer period as the Minister may allow in exceptional circumstances before the end of the first appeal period; and the Minister must not consider or determine any appeal made by virtue of section 93 if it is made later.

(2) Every appeal under section 93 must be made in the manner prescribed or, if not prescribed, in the manner required by the Minister.

#### **Minister's function on appeal**

**101.**—(1) It is the function and duty of the Minister to consider and determine an appeal made to the Minister against any appealable decision mentioned in section 93.

(2) However, the Minister is not under any duty to hear, consider or determine any appeal if it appears that the bringing of the appeal is or the proceedings of the appeal are frivolous or vexatious.

(3) The Minister may determine an appeal made to him or her by —

(a) dismissing the appeal and confirming the decision appealed against; or

(b) cancelling the designation of a person as a politically significant person, or revoking a directive under Part 5 or 6 (as the case may be) or otherwise revoking the decision appealed against.

(4) In relation to the Minister determining an appeal under section 93, Parts 4, 5 and 6 apply as if the reference in those Parts to the competent authority were a reference to the Minister.

(5) The Minister's decision under subsection (3) is final.

### **Advisory body for section 93 appeals**

**102.**—(1) The Minister may appoint an advisory committee comprising individuals with suitable experience to provide advice to the Minister with regard to the performance of any of his or her functions in relation to any appeal under section 93.

(2) Before making any decision under section 101 in relation to an appeal under section 93 and for the purpose of forming an opinion on which to base such decision, the Minister may consult with the advisory committee in respect of the appeal but, in making the decision, is not bound by such consultation.

### *Division 4 — General*

### **Effect of appeal on decision appealed against**

**103.** An appealable decision mentioned in section 92 or 93 takes effect despite any appeal against the decision and remains in effect until the decision is reversed on appeal.

### **Limited judicial review**

**104.**—(1) Every determination, order and other decision of a Reviewing Tribunal, the Minister, or the alternate authority mentioned in section 106, made or purportedly made under this Act —

- (a) is final; and
- (b) is not to be challenged, appealed against, reviewed, quashed or called in question in any court, except in regard to any question relating to compliance with any procedural requirement of this Act or the Regulations or Rules governing that determination, order and other decision.

(2) A determination, an order and other decision includes a determination, an order and other decision purportedly made, proposed to be made, or required to be made, under this Act or any Regulations or Rules if there were not an excess of jurisdiction or a failure to exercise jurisdiction, in the making of the determination, order or other decision.

## PART 9

### ADMINISTRATION AND ENFORCEMENT

#### **Competent authorities**

**105.**—(1) The Minister may appoint —

- (a) a public sector officer to be the competent authority for the administration of this Act and the Regulations generally; or
- (b) one or more public sector officers to be each a competent authority responsible for the administration of a particular Part or provision of this Act or the Regulations generally or for a particular period.

(2) A competent authority is, subject to any general or special directions of the Minister, responsible for the administration of this Act and may perform such duties as are imposed and may exercise such powers as are conferred upon the competent authority by this Act.

(3) The Minister may from time to time give a competent authority directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretions conferred on the competent authority by, and the duties required to be discharged by the competent authority, under Part 4, 5, 6 or 7 and any

Regulations made for the purposes of any of those Parts; and the competent authority must give effect to all these directions given.

(4) A competent authority must act in the discharge of its functions under this Act impartially, with integrity and professionalism and in a manner that facilitates effective democracy.

(5) A competent authority must not exercise any power under this Act for the purpose of furthering or harming the interests of any particular political party.

### **Alternate arrangements during election period, etc.**

**106.**—(1) The powers of the Minister under Part 3 cease to be exercisable by the Minister during any of the following periods:

- (a) an election period;
- (b) between the day a writ of election is issued under section 24 of the Parliamentary Elections Act 1954 for the purposes of a by-election and ending with the close of polling day at that by-election;
- (c) between the day a writ of election is issued under section 6 of the Presidential Elections Act 1991 for the purposes of a presidential election and ending with the close of polling day at that presidential election;
- (d) between the day an order requiring the conduct for a national referendum is issued under any written law and ending with the close of polling day at that national referendum.

(2) The powers of the Minister under Part 3 may, during the election period in subsection (1)(a) and the period in subsection (1)(b), (c) or (d), respectively, be exercised by an alternate authority appointed by the Minister before the start of that period.

(3) At the end of the election period in subsection (1)(a) and the period in subsection (1)(b), (c) or (d), respectively, the alternate authority appointed under subsection (2) by the Minister for that period ceases to have exercisable any powers of the Minister under Part 3.

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- (4) In this section, “election period” means the period —
- (a) starting the day a writ of election is issued under section 24 of the Parliamentary Elections Act 1954 for the purposes of a general election of Members of Parliament; and
  - (b) ending with the close of polling day at that general election.

### **Authorised officers**

**107.**—(1) A competent authority may, in relation to any provision of this Act or the Regulations that the competent authority is responsible to administer, appoint as authorised officers for the purposes of that provision —

- (a) from among public officers; or
- (b) from among employees of a public authority (except a Town Council) or individuals performing duties in such a public authority.

(2) A competent authority may, for any reason that appears to it to be sufficient, at any time revoke an individual’s appointment as an authorised officer.

(3) A competent authority may delegate the exercise of all or any of the powers conferred or duties imposed upon the competent authority by any provision of this Act or the Regulations (except the power of delegation conferred by this subsection) to an authorised officer; and any reference in the provision of this Act or the Regulations to the competent authority includes a reference to such an authorised officer.

(4) Any delegation under subsection (3) by a competent authority may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the competent authority may specify.

(5) A reference in subsection (1) to an individual performing duties in a public authority is a reference to —

- (a) an employee of the public authority; or

- (b) a public officer performing duties in the public authority under a secondment arrangement making available temporarily to the public authority the services of public officers.

### **Power to obtain information**

**108.**—(1) A competent authority may by written notice require any person (whether in or outside Singapore) to provide, within a period or at intervals specified in the notice, and in such form and manner as may be specified in the notice, all documents or all information or material (or both), for the purposes in subsection (2), such as documents or information or material about all or any of the following:

- (a) the membership of the person by individuals who are not citizens of Singapore;
- (b) relations with foreign principals;
- (c) the provision of voluntary labour, or voluntary professional services, to or for the benefit of the person by individuals who are not citizens of Singapore;
- (d) recurrent and capital expenditure for the administration and management of activities undertaken by the person which are directed towards a political end in Singapore.

(2) The power in subsection (1) may be exercised only in relation —

- (a) to any matter which the competent authority considers necessary for any of the following purposes:
  - (i) to determine whether any information or material provided to a competent authority under a provision of this Act or the Regulations is correct;
  - (ii) to determine whether there are grounds for any directive to be given under this Act against any person;



- (iii) to determine whether or not to exercise any power under Part 4, 5 or 6; and

*[Act 8 of 2023 wef 29/12/2023]*

- (b) to documents or information or material that is —
- (i) within the knowledge of the person; or
  - (ii) in the custody or under the control of that person.

(3) The power to require a person to provide any document or any information or material under subsection (1) includes the power —

- (a) to require the person, or any individual who is or was a responsible officer or an agent or a member of a politically significant person (as the case may be), to provide an explanation of the document or the information or material;
- (b) if the document or the information or material is not provided, to require that person or individual to state, to the best of the knowledge and belief of that person or individual (as the case may be), where it is; or
- (c) if the information or material is recorded otherwise than in legible form, to require the information to be made available to the competent authority in legible form.

(4) A competent authority is entitled without payment to keep any document or any information or material, or any copy or extract thereof, provided to the competent authority under subsection (1).

(5) Subject to subsection (7), a person commits an offence if —

- (a) the person is required by a notice given to the person under this section to provide documents or information or material to a competent authority; and
- (b) the person —
  - (i) fails to provide the document or the information or material to the competent authority; or
  - (ii) alters, suppresses or destroys any document or any information or material which the person has been required by the notice to provide.

(6) A person who is guilty of an offence under subsection (5) shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(7) In any proceedings for an offence under subsection (5), it is a defence for the accused to prove, on a balance of probabilities that —

- (a) the person does not possess the document or the information or material required; or
- (b) the person has taken all reasonable steps available to the person to obtain the document or the information or material required and has been unable to obtain it.

(8) To avoid doubt, for the purposes of subsection (5), it is not a defence for a person to refuse or fail to provide any document or any information or material if doing so might tend to incriminate that person.

(9) Where a person claims, before producing any document or giving any information or material that the person is required by this section to produce or give, that the production of the document or the giving of the information or material might tend to incriminate the person —

- (a) that document or information or material;
- (b) the production of the document or the provision of the information or material; or
- (c) any information, document or thing obtained as a direct or indirect consequence of the production of the document or giving of the information or material,

is not admissible in evidence against the person in any criminal proceedings other than proceedings for an offence under this Act or any written law in respect of the falsity of the document or the information or material.

(10) An offence under subsection (5) is a strict liability offence.

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**False or misleading information, etc.**

**109.**—(1) A person commits an offence if —

- (a) the person gives information or material or produces a document to a competent authority;
- (b) the person does so in response to a notice given to the person under section 108;
- (c) either —
  - (i) the information or material or the document is false or misleading in a material particular; or
  - (ii) the information or material omits any matter or thing without which the information or material is misleading in a material particular; and
- (d) the person knew that —
  - (i) the information or document is false or misleading in a material particular; or
  - (ii) the information omits any matter or thing without which the information is misleading in a material particular.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) A person commits an offence if —

- (a) the person gives information or material or produces a document to a competent authority;
- (b) the person does so in response to a notice given to the person under section 108; and
- (c) either —
  - (i) the information or material or the document is false or misleading in a material particular; or

- (ii) the information or material omits any matter or thing without which the information or material is misleading in a material particular.

(4) A person who is guilty of an offence under subsection (3) shall be liable on conviction to a fine not exceeding \$5,000.

(5) In proceedings for an offence under subsection (3) in relation to any information or material which is required by a notice under section 108 to be given, it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that —

- (a) the information or material was not false or misleading in a material particular; or
- (b) the information or material did not contain any omission which would have made the information or material misleading in a material particular.

(6) An offence under subsection (3) is a strict liability offence.

### **Offences by corporations**

**110.**—(1) Where, in a proceeding for an offence 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 an offence under this Act, a person —

- (a) who is —
  - (i) an officer of the corporation; or
  - (ii) an individual involved in the management of the corporation and in a position to influence the conduct

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of the corporation 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 offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence 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 offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction 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 offence 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 also does not affect the application of —

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

(5) To avoid doubt, subsection (2) does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership;

“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 were a director of the corporation;

“reasonable steps”, in relation to the commission of an offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:

- (a) action towards —
  - (i) assessing the corporation’s compliance with the provision creating the offence; and
  - (ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision;
- (b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the offence so far as the provision is relevant to them;
- (c) action towards ensuring that —
  - (i) the plant, equipment and other resources; and
  - (ii) the structures, work systems and other processes,  
relevant to compliance with the provision creating the offence are appropriate in all the circumstances;
- (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the offence;

“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.

(7) Subsections (2) and (3) do not apply to any offence in Division 3 or 4 of Part 3.

### **Offences by unincorporated associations or partnerships**

**111.**—(1) Where, in a proceeding for an offence 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 an offence under this Act, a person —

- (a) who is —
  - (i) an officer of the unincorporated association;
  - (ii) a partner in the partnership; or
  - (iii) an individual involved in the management of the unincorporated association or partnership and 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 offence;
  - (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence 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 offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction 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 offence 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 also does not affect the application of —

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

- (b) any other law or practice regarding the admissibility of evidence.

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

(6) 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 an executive 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;



“reasonable steps” has the meaning given by section 110;

“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.

(7) Subsections (2) and (3) do not apply to any offence in Division 3 or 4 of Part 3.

### **Arrestable and non-bailable offences**

**112.**—(1) Every offence as follows is arrestable and is non-bailable for the purposes of the Criminal Procedure Code 2010:

- (a) an offence in Part 2 or 3;
- (b) an abetment, or a conspiracy or an attempt to commit an offence mentioned in paragraph (a).

(2) Every offence as follows is arrestable for the purposes of the Criminal Procedure Code 2010:

- (a) an offence in Part 5, 6 or 7;
- (b) an abetment, or a conspiracy or an attempt to commit an offence mentioned in paragraph (a).

### **Jurisdiction of courts**

**113.** Despite the Criminal Procedure Code 2010, a District Court or a Magistrate’s Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

### **Composition of offences**

**114.**—(1) The competent authority may compound any offence under this Act or the Regulations prescribed as being a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000.

(2) On payment of the composition amount under subsection (1), no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

### **Extra-territorial application of offences**

**115.**—(1) Sections 17(1), 18(1), 19(1), 45, 108(5) and 109(1) and (3) each extend to a person who undertakes electronic communications activity or engages in any conduct that constitutes an offence described in the respective section —

(a) wholly or partly in Singapore;

(b) wholly or partly on a Singapore aircraft or Singapore vessel, whether the aircraft or vessel is in or outside Singapore at the time of the alleged offence; or

(c) wholly outside Singapore and a result of that electronic communications activity or conduct (as the case may be) occurs wholly or partly in Singapore or on board a Singapore aircraft or Singapore vessel.

(2) For the purpose of subsection (1), where a person sends a thing or causes a thing to be sent (whether or not electronically) —

(a) from a point outside Singapore to a point in Singapore; or

(b) from a point in Singapore to a point outside Singapore,

that conduct is taken to have occurred partly in Singapore.

### **Public notice of Part 5 or 6 directives, etc.**

**116.** Without limiting sections 49 and 71(2), the competent authority must prepare a notice informing about every Part 3 direction (except a technical assistance direction) given, every designation made under Part 4, or every directive given under Part 5 or 6, with respect to any person, and publish the notice —

- (a) on the official website of the competent authority; and
- (b) in such other manner as will secure adequate publicity for the fact of the giving of the Part 3 direction, the making of the designation or giving of the directive.

PART 10  
MISCELLANEOUS

**Interface with other laws**

**117.**—(1) To avoid doubt, nothing in this Act —

- (a) affects a police officer's powers or duties under any other provision of this Act, the Criminal Procedure Code 2010 or other written law; or
- (b) derogates from any of the following:
  - (i) the Broadcasting Act 1994;
  - (ii) the Foreign Recruiting Act 1875;
  - (iii) the Internal Security Act 1960;
  - (iv) the Foreign National Emblems (Control of Display) Act 1949;
  - [Act 29 of 2022 wef 01/08/2023]*
  - (v) the Newspaper and Printing Presses Act 1974;
  - (vi) the Parliamentary Elections Act 1954;
  - (vii) the Presidential Elections Act 1991;
  - (viii) the Protection from Online Falsehoods and Manipulation Act 2019;
  - (ix) the Penal Code 1871;
  - (x) the Public Order Act 2009;
  - (xi) the Public Order and Safety (Special Powers) Act 2018;
  - (xii) the Societies Act 1966;
  - (xiii) the Telecommunications Act 1999.

(2) To further avoid doubt, this Act does not affect the law relating to —

- (a) the powers, privileges and immunities of any of the following:
  - (i) the Parliament;
  - (ii) the Members of Parliament;
  - (iii) the committees of Parliament; or
- (b) legal professional privilege.

### **Other causes of action not affected**

**118.** The giving of a direction under Part 3 in relation to any information or material does not affect —

- (a) any power or right of any person to take any action under any other law in relation to the information or material; or
- (b) the power of the Public Prosecutor to initiate proceedings for an offence under this Act or any other law in relation to that information or material.

### **Liability for complying with directions and directives, etc.**

**119.—**(1) No civil or criminal liability is incurred by the person or an officer, employee or agent of the person, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of the person complying with or giving effect to —

- (a) a direction under Part 3 given to the person; or
- (b) a directive under Part 5 or 6 given to the person.

(2) No liability shall lie against any competent authority, authorised officer or the Secretary to the Reviewing Tribunals for anything done or intended to be done with reasonable care and in good faith in the execution or purported execution of this Act when assisting a police officer.

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**Exempt activities**

**120.**—(1) A person is exempt from this Act in relation to any activity undertaken by the person as follows:

- (a) a communication made in proceedings that are a matter of public record to a committee of the Parliament or committee of Parliament, or to any body or person having jurisdiction or powers conferred under an Act;
- (b) a communication made to a Member of Parliament by or on behalf of a constituent of the Member of Parliament with respect to any personal matter of the constituent;
- (c) a communication made to the Government or a public authority by or on behalf of a person in direct response to a written request from the Government or a public authority for advice or comment on any Singapore governmental decision;
- (d) a communication made to the Government or a public authority by or on behalf of a person concerning —
  - (i) the enforcement, interpretation or application of any Act or subsidiary legislation by the Government or a public authority with respect to the person; or
  - (ii) the implementation or administration of any programme, policy, directive or guideline by the Government or public authority with respect to the person;
- (e) an activity undertaken or a conduct engaged in that relates primarily to, or is incidental to, the provision of —
  - (i) legal advice;
  - (ii) legal representation in criminal or civil inquiries, investigations or proceedings; or
  - (iii) legal representation in relation to a regulatory action or an administrative process under any written law;
- (f) an activity undertaken, or a conduct engaged in, in the ordinary course of the person's practice of the vocation of a

tax agent or a liquidator or receiver, primarily or incidental to the provision of representation in relation to an administrative process involving a foreign principal, where both the following are apparent or disclosed to all other persons with whom that person is dealing with:

- (i) the identity of the foreign principal;
  - (ii) the fact that the person is undertaking the activity on behalf of a foreign principal;
- (g) an activity undertaken, or a conduct engaged in, in the individual's capacity as a public officer, or an employee of a public authority, in the discharge of his or her duties as such;
- (h) an activity undertaken, or a conduct engaged in, on behalf of a foreign principal in circumstances prescribed by Regulations.

(2) For the purposes of subsection (1), "personal matter" means a matter that relates only to a person's personal, family or household affairs and is not related to any business or commercial activity.

(3) However, a submission made to a Member of Parliament concerning the introduction in the Parliament or the passage or amendment of a private Bill for the special benefit of a constituent of the Member of Parliament is not considered to be a personal matter of the constituent.

(4) For the purpose of subsection (1)(a) to (g), it is irrelevant that the activity or conduct is undertaken for any commission, payment or other reward (whether pecuniary or otherwise).

(5) In this section, "constituent", in relation to a Member of Parliament, means a resident of the constituency that the Member of Parliament represents, whether or not the resident is a registered voter for that constituency.

### **Service of documents**

**121.**—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

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(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;
- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner, secretary or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
  - (b) by leaving it at, or by sending it by post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;
  - (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or
  - (d) by sending it by email to the last email address of the body corporate or unincorporated association.
- (5) In addition, a document (other than a summons) permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —
- (a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents;
  - (b) where by the exercise of reasonable diligence, the name of any individual or a body of persons to whom the document is to be served, or the business address, residential address or last email address of the individual or body, cannot be ascertained, by posting it on a website maintained by the competent authority and prescribed by the Minister by notification in the *Gazette* for this purpose; or
  - (c) by any other method authorised by the Regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way.



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(6) Service of a document takes effect —

- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
- (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent;
- (c) if the document is sent by post, 2 days after the day the document was posted (even if it is returned undelivered); and
- (d) if the document is posted on a website mentioned in subsection (5)(b), at the beginning of the day after the date on which subsection (5)(b) has been complied with.

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification may be effected only with the person's prior consent (express or implied) to service in that way.

(8) In this section —

“business address” means —

- (a) in the case of an individual, the individual's usual or last known place of business in or outside Singapore;
- or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in or outside Singapore;

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document's contents;

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by

which the addressee may be notified that such a document has been served on the addressee;

“document” includes a notice, direction, directive or an order permitted or required by this Act to be served, but excludes any document to be served in proceedings in court;

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

“residential address” means an individual’s usual or last known place of residence in or outside Singapore.

## **Regulations**

**122.**—(1) Subject to subsection (5), the Minister may make Regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting subsection (1), the Regulations may make provision for —

- (a) an electronic or internet-based system of lodgment of donation reports, foreign affiliations reports and declarations under Part 5 or 6 and the issuance of certificates under this Act;
- (b) requiring politically significant persons to obtain valuations from a valuer approved by a competent authority of political donations that are not gifts of money or enabling a competent authority to obtain any such valuations;
- (c) requiring the making, keeping and auditing of records of political donations made or received, and expenditure incurred, by politically significant persons and other persons, and requiring and otherwise providing for the production, examination and copying of those records; and
- (d) the purpose of providing practical guidance or certainty in respect of any one or more of the requirements of Part 3.

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- (3) Regulations made under this section may —
- (a) create offences which may be punishable with a fine not exceeding \$5,000; and
  - (b) provide for such saving, transitional and other consequential provisions as the Minister considers necessary or expedient consequent on persons becoming politically significant persons or ceasing to be politically significant persons, on amendments to the Regulations or other similar matters.
- (4) All Regulations made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.
- (5) However, where a writ is issued, no Regulations are to be made amending —
- (a) the applicable cap for anonymous donations; or
  - (b) the minimum amount of political donation that is a reportable political donation,

until after the last day prescribed by section 74(1) of the Parliamentary Elections Act 1954 or, in the case of a presidential election, by section 56(1) of the Presidential Elections Act 1991, for the transmission of returns respecting election expenses in connection with the election or (as the case may be) presidential election.

## Repeal

**123.** The Political Donations Act 2000 is repealed.

## PART 11

### AMENDMENTS TO OTHER ACTS AND FINAL PROVISIONS

#### **Amendment of Parliamentary Elections Act 1954**

**124.—**(1) Section 2(1) of the Parliamentary Elections Act 1954 is amended by inserting, immediately after the definition of “Parliament”, the following definition:

““political donation certificate” means a political donation certificate issued under section 63(3) of the Foreign Interference (Countermeasures) Act 2021 in respect of an election;”.

(2) Section 27 of the Parliamentary Elections Act 1954 is amended —

(a) by deleting subsection (3) and substituting the following subsection:

“(3) Every candidate must, at the time of his or her nomination for election, deliver to the Returning Officer a political donation certificate issued to the candidate in respect of the election.”; and

(b) by deleting the words “subsection (3)(b)” in subsection (3A) and substituting the words “subsection (3)”.

(3) Section 27B(3) of the Parliamentary Elections Act 1954 is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) a political donation certificate issued to him or her in respect of the election; and”.

(4) Section 29(1) of the Parliamentary Elections Act 1954 is amended by deleting the words “issued by the Registrar of Political Donations”.

(5) Section 31(2) of the Parliamentary Elections Act 1954 is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) the person is issued a political donation certificate in respect of that election;”.

(6) Section 61(1) of the Parliamentary Elections Act 1954 is amended —

(a) by deleting the word “or” at the end of paragraph (e), and by inserting immediately thereafter the following paragraph:

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“(ea) being a candidate, knowingly makes the declaration required by section 73A falsely; or”; and

(b) by deleting the words “paragraph (f)” in paragraph (v) and substituting the words “paragraph (ea) or (f)”.

(7) The Parliamentary Elections Act 1954 is amended by inserting, immediately after section 73, the following section:

**“Post-election declaration by candidates**

**73A.**—(1) Every candidate at an election must give to the Returning Officer a declaration that is in accordance with subsection (2), not later than the 7th day after the day that the result of the election is published under section 33(1)(b) or 51, as the case may be.

(2) The declaration required by subsection (1) to be given by a candidate must be made by the candidate, be in the prescribed form, and further state that, to the best of the knowledge and belief of the candidate —

- (a) no foreigner has been authorised by the candidate or his or her election agent under section 83(2) to conduct any election activity for the purpose of procuring the electoral success at that election of the candidate or the group of candidates of whom the candidate is part;
- (b) the conduct of any election activity by the candidate or his or her election agent for the purpose of procuring the electoral success at that election of the candidate, or the group of candidates of whom the candidate is part, was not undertaken by the candidate or election agent pursuant to any impermissible arrangement; and
- (c) the conduct of any election activity for the purpose of procuring the electoral success at that election of the candidate, or the group of candidates of whom the candidate is part, was not authorised by the candidate

or the candidate's election agent, pursuant to any impermissible arrangement.

(3) For the purposes of this section, any declaration that is required by subsection (1) to be given to the Returning Officer must not be regarded as so given unless the declaration is actually received by the Returning Officer.

(4) Where any declaration which is required by subsection (1) to be given to the Returning Officer is not so given within the time delimited under subsection (1), the candidate shall be guilty of an illegal practice; and the provisions of this subsection are in addition to and not in derogation of section 61.

(5) In addition, where any declaration which is required by subsection (1) to be given to the Returning Officer is not so given within the time delimited under subsection (1), the candidate must not, after the expiry of that time, sit or vote in Parliament as a Member until either —

(a) the declaration has been given; or

(b) the date of the allowance of an authorised excuse under section 87A for failing to give the declaration.

(6) A candidate who sits or votes in contravention of subsection (5) shall be guilty of an offence and shall be liable on conviction to a penalty of \$500 for every day on which he or she so sits or votes.

(7) In this section —

“arrangement” includes a contract, an agreement, understanding or other arrangement of any kind, whether written or unwritten;

“foreign principal” has the meaning given by section 4 of the Foreign Interference (Countermeasures) Act 2021;

“foreigner” means an individual who is not a citizen of Singapore;

“impermissible arrangement”, in relation to a candidate or his or her election agent, means an arrangement —

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- (a) to which the candidate or election agent is party; and
  - (b) under which the candidate or election agent (as the case may be) is accustomed or under an obligation (whether formal or informal) to engage in conduct in accordance with the directions, instructions or wishes of a foreign principal or, where the foreign principal is a corporation, of the directors of the foreign principal.”.

(8) Section 74 of the Parliamentary Elections Act 1954 is amended by deleting subsection (5) and substituting the following subsection:

“(5) For the purposes of this section, “donation” has the meaning given by the definition of “political donation” in section 51 of the Foreign Interference (Countermeasures) Act 2021, and a donation is accepted by a candidate or an election agent if it is accepted within the meaning of that Act.”.

(9) The Parliamentary Elections Act 1954 is amended by inserting, immediately after section 87, the following section:

**“Authorised excuse for non-compliance with section 73A**

**87A.—(1) Where —**

- (a) any declaration which is required by section 73A(1) to be given by a candidate at an election in an electoral division to the Returning Officer is not so given within the time delimited under that section, or being given contains a false statement; and
- (b) the candidate applies to an Election Judge or a Judge sitting in the General Division of the High Court and shows that the failure to give the declaration or the false statement in the declaration (as the case may be) has arisen by reason of the candidate’s illness, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the candidate,

the Judge may, after notice of the application, and on production of evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the Judge seems fit, and after giving the other candidates, the Returning Officer and any elector within the electoral division an opportunity of being heard, make such order for allowing an authorised excuse for the failure to give that declaration or for the false statement in that declaration (as the case may be) as the Judge considers just.

(2) The order under subsection (1) may make the allowance conditional upon the making of the declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the Election Judge or a Judge sitting in the General Division of the High Court (as the case may be) seems best calculated for carrying into effect the objects of this Act.

(3) An order under subsection (1) allowing an authorised excuse relieves the candidate applying for the order from any liability or consequences under this Act in respect of the matter excused by the order.

(4) Where it is proved by the candidate to the Election Judge or a Judge sitting in the General Division of the High Court (as the case may be) that —

- (a) any act or omission of the candidate's election agent in relation to the conduct of election activity for the purpose of procuring the electoral success of the candidate, or the group of candidates of whom the candidate is part, was without the sanction or connivance of the candidate; and
- (b) the candidate took all reasonable steps for preventing the act or omission,

the Judge must relieve the candidate from the consequences of the act or omission on the part of the candidate's election agent.

(5) The date of an order under subsection (1) or, if conditions and terms are to be complied with, the date at which the



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applicant fully complies with them is referred to in this Act as the date of the allowance of the excuse.”.

(10) Section 97 of the Parliamentary Elections Act 1954 is amended —

(a) by inserting, immediately after paragraph (a) of subsection (3), the following paragraph:

“(aa) at any time before the end of 21 days after the date of the publication of the result of the election in the *Gazette*, as to the declaration required by section 73A from the Member whose election is questioned;”;

(b) by inserting, immediately after the words “respecting election expenses” in subsection (5), the words “or make and give the declaration required by section 73A”; and

(c) by deleting the words “subsection (3)” in subsection (5) and substituting the words “subsection (3)(a) or the date of the publication of the results of the election in the *Gazette* mentioned in subsection (3)(aa), as the case may be”.

(11) Form 8 in the First Schedule to the Parliamentary Elections Act 1954 is amended by deleting sub-paragraph (d) and substituting the following sub-paragraph:

“(d) a political donation certificate issued to the nominee in respect of the election;”.

(12) Form 19 in the First Schedule to the Parliamentary Elections Act 1954 is amended —

(a) by deleting footnote 1 in Section C and substituting the following footnote:

“<sup>1</sup> *Donations that need not be recorded in a donation report under the Foreign Interference (Countermeasures) Act 2021 where a candidate is concerned.*”;

(b) by deleting footnote 5 in Section C and substituting the following footnote:

“<sup>5</sup> *The expression “donation” has the meaning given by the definition of “political donation” in section 51 of the Foreign Interference*

*(Countermeasures) Act 2021, and “value” in relation to a donation has the meaning given by sections 15 and 51 of that Act where a candidate is concerned.”;*

- (c) by deleting footnote 4 in subsections (1) and (2) of Section D and substituting in each case the following footnote:

*“<sup>4</sup> The expression “donation” has the meaning given by the definition of “political donation” in section 51 of the Foreign Interference (Countermeasures) Act 2021, and “value” in relation to a donation has the meaning given by sections 15 and 51 of that Act where a candidate is concerned.”; and*

- (d) by deleting the words “Political Donations Act 2000” wherever they appear in Section D (except footnotes 4) and substituting in each case the words “Foreign Interference (Countermeasures) Act 2021”.

### **Amendment of Presidential Elections Act 1991**

**125.**—(1) Section 2(1) of the Presidential Elections Act 1991 is amended by inserting, immediately after the definition of “overseas polling station”, the following definition:

““political donation certificate” means a political donation certificate issued under section 63(3) of the Foreign Interference (Countermeasures) Act 2021 in respect of an election;”.

(2) Section 9(4) of the Presidential Elections Act 1991 is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) a political donation certificate issued to him or her in respect of that election;”.

(3) Section 11(1) of the Presidential Elections Act 1991 is amended by deleting the words “issued by the Registrar of Political Donations”.

(4) Section 42(1) of the Presidential Elections Act 1991 is amended —

- (a) by deleting the word “or” at the end of paragraph (e), and by inserting immediately thereafter the following paragraph:

“(ea) being a candidate, knowingly makes the declaration required by section 55A falsely; or”; and

- (b) by deleting the words “paragraph (f)” in paragraph (v) and substituting the words “paragraph (ea) or (f)”.

(5) The Presidential Elections Act 1991 is amended by inserting, immediately after section 55, the following section:

**“Post-election declaration by candidates**

**55A.**—(1) Every candidate at an election must give to the Returning Officer a declaration that is in accordance with subsection (2), not later than the 7th day after the day that the result of the election is published under section 15(1)(b) or 34, as the case may be.

(2) The declaration required by subsection (1) to be given by a candidate must be made by the candidate, be in the prescribed form, and further state that, to the best of the knowledge and belief of the candidate —

- (a) no foreigner has been authorised by the candidate or his or her election agent under section 65(2) to conduct any election activity for the purpose of procuring the electoral success at that election of the candidate;
- (b) the conduct of any election activity by the candidate or his or her election agent for the purpose of procuring the electoral success at that election of the candidate, was not undertaken by the candidate or election agent pursuant to any impermissible arrangement; and
- (c) the conduct of any election activity for the purpose of procuring the electoral success at that election of the candidate, was not authorised by the candidate or his

or her election agent, pursuant to any impermissible arrangement.

(3) For the purposes of this section, any declaration that is required by subsection (1) to be given to the Returning Officer must not be regarded as so given unless the declaration is actually received by the Returning Officer.

(4) Where any declaration which is required by subsection (1) to be given to the Returning Officer is not so given within the time delimited under subsection (1), the candidate shall be guilty of an illegal practice; and the provisions of this subsection are in addition to and not in derogation of section 42.

(5) In this section —

“arrangement” includes a contract, an agreement, understanding or other arrangement of any kind, whether written or unwritten;

“foreign principal” has the meaning given by section 4 of the Foreign Interference (Countermeasures) Act 2021;

“foreigner” means an individual who is not a citizen of Singapore;

“impermissible arrangement”, in relation to a candidate or his or her election agent, means an arrangement —

(a) to which the candidate or election agent is party; and

(b) under which the candidate or election agent (as the case may be) is accustomed or under an obligation (whether formal or informal) to engage in conduct in accordance with the directions, instructions or wishes of a foreign principal or, where the foreign principal is a corporation, of the directors of the foreign principal.”

(6) Section 56 of the Presidential Elections Act 1991 is amended by deleting subsection (4) and substituting the following subsection:

“(4) For the purposes of this section, “donation” has the meaning given by the definition of “political donation” in section 51 of the Foreign Interference (Countermeasures) Act 2021, and a donation is accepted by a candidate or an election agent if it is accepted within the meaning of that Act.”.

(7) The Presidential Elections Act 1991 is amended by inserting, immediately after section 69, the following section:

**“Authorised excuse for non-compliance with section 55A**

**69A.—**(1) Where —

- (a) any declaration which is required by section 55A(1) to be given by a candidate at an election in an electoral division to the Returning Officer is not so given within the time delimited under that section, or being given contains a false statement; and
- (b) the candidate applies to an Election Judge or a Judge sitting in the General Division of the High Court and shows that the failure to give the declaration or the false statement in the declaration (as the case may be) has arisen by reason of the candidate’s illness, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the candidate,

the Judge may, after notice of the application, and on production of evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the Judge seems fit, and after giving the other candidates, the Returning Officer and any elector within the electoral division an opportunity of being heard, make such order for allowing an authorised excuse for the failure to give that declaration or for the false statement in that declaration (as the case may be) as the Judge considers just.

(2) The order under subsection (1) may make the allowance conditional upon the making of the declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the Election Judge or a Judge sitting in the

General Division of the High Court (as the case may be) seems best calculated for carrying into effect the objects of this Act.

(3) An order under subsection (1) allowing an authorised excuse relieves the candidate applying for the order from any liability or consequences under this Act in respect of the matter excused by the order.

(4) Where it is proved by the candidate to the Election Judge or a Judge sitting in the General Division of the High Court (as the case may be) that —

(a) any act or omission of the candidate’s election agent in relation to the conduct of election activity for the purpose of procuring the electoral success of the candidate, or the group of candidates of whom the candidate is part, was without the sanction or connivance of the candidate; and

(b) the candidate took all reasonable means for preventing the act or omission,

the Judge must relieve the candidate from the consequences of the act or omission on the part of the candidate’s election agent.

(5) The date of an order under subsection (1) or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them is referred to in this Act as the date of the allowance of the excuse.”.

(8) Section 77 of the Presidential Elections Act 1991 is amended —

(a) by inserting, immediately after paragraph (a) of subsection (3), the following paragraph:

“(aa) at any time before the end of 21 days after the date of the publication of the result of the election in the *Gazette*, as to the declaration required by section 55A from the candidate whose election is questioned;”;

- (b) by inserting, immediately after the words “respecting election expenses” in subsection (5), the words “or make and give the declaration required by section 55A”; and
- (c) by deleting the words “subsection (3)” in subsection (5) and substituting the words “subsection (3)(a) or the date of the publication of the results of the election in the *Gazette* mentioned in subsection (3)(aa), as the case may be”.

### **Amendment of Societies Act 1966**

**126.** The Societies Act 1966 is amended —

- (a) by inserting, immediately before the words “includes any” in the definition of “political association” in section 2, the words “means a political party and”;
- (b) by deleting the words “the national interest” in section 4(2)(d) and substituting the words “Singapore’s national security or interest”;
- (c) by inserting, immediately after the words “concerning the society” in section 10(1), the words “(such as but not limited to the patron of the society and every person managing or assisting in the management, of that society in Singapore)”;
- (d) by inserting, immediately after the words “in Singapore” in section 24(1)(a), the words “or against Singapore’s national security or interest”;
- (e) by deleting the words “the national interest” in section 24(1)(e) and substituting the words “Singapore’s national security or interest”; and
- (f) by inserting, immediately after subsection (1) of section 24, the following subsection:

“(1A) For the purpose of subsection (1)(a), a certificate issued by the Minister charged with the responsibility for internal security stating that the Minister is satisfied that the society referred to in the certificate is being used for purposes against Singapore’s national security or interest is

conclusive evidence that the society is being used for such purposes.”.

### **Saving and transitional provisions**

**127.**—(1) Despite section 123, every organisation that is, immediately before the appointed day, declared, by order in the *Gazette*, as a political association under the repealed Act is deemed —

- (a) as designated, with effect from the appointed day, by the competent authority under section 47(1) as a Part 4 politically significant entity under this Act; and
- (b) to be given, with effect from the appointed day, by the competent authority a directive each under sections 67, 68 and 69, respectively.

(2) Despite section 123, section 60(4) does not apply to any political donation received by a political association before the appointed day and where the grace period mentioned in section 60(3) in respect of that donation is still current immediately before that appointed day; and Part II of the repealed Act continues to apply with respect to that donation as if this Act were not enacted.

(3) Despite anything in Part 5, where —

- (a) the financial year of a political association is not a calendar year;
- (b) Part 5 applies to the political association because of subsection (1) only; and
- (c) Part 5 comes into force at any time before the end of the financial year of the political association,

sections 12 and 13 of the repealed Act continue to apply with respect to the donation report and declarations required by the repealed Act for that financial year as if this Act were not enacted.

(4) Despite section 123, sections 76 and 85 do not apply to or in relation to any political donation —



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(a) comprising the provision of voluntary labour by an individual who is not a citizen of Singapore or who is below 21 years of age; and

(b) that is received during any period before that day by a politically significant person subject to the repealed Act, and the repealed Act as in force immediately before the appointed day continues to apply as if it had not been repealed with respect to that political donation.

(5) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe other provisions of a saving or transitional nature consequent on the enactment of that provision as that Minister may consider necessary or expedient.

(6) In this section —

“appointed day” means the date of commencement of section 123;

“political association” means —

- (a) a political party or an organisation which has as one of its objects or activities the promotion or procuring of the election to Parliament or to the office of President of a candidate or candidates endorsed by the organisation; or
- (b) an organisation (not being a branch of any organisation) whose objects or activities relate wholly or mainly to politics in Singapore and which, immediately before the appointed day, was declared, by order in the *Gazette*, to be a political association for the purposes of the repealed Act.
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