



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PROTECTION FROM HARASSMENT ACT

(CHAPTER 256A)

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Protection from Harassment Act

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An Act to protect persons against harassment and unlawful stalking and to create offences, and provide civil remedies related thereto or in relation to false statements of fact.

[15th November 2014]

PART 1
PRELIMINARY

Short title

1. This Act may be cited as the Protection from Harassment Act.

Interpretation

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

“author”, in relation to a statement of fact, means the originator of the statement;

[Act 17 of 2019 wef 01/01/2020]

“communication” means any words, image (moving or otherwise), message, expression, symbol or other representation that can be seen, heard or otherwise perceived by any person, or any combination of these;

[Act 17 of 2019 wef 01/01/2020]

“computing resource service” means a service that provides processing capability or storage capacity through the use of any computer hardware or software;

[Act 17 of 2019 wef 01/01/2020]

“correction order” means an order made under section 15B;

[Act 17 of 2019 wef 01/01/2020]

“court”, for the purposes of sections 12 and 13, means a District Court;

[Act 17 of 2019 wef 01/01/2020]

“electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities;

[Act 17 of 2019 wef 01/01/2020]

“entity” means any company or association or body of persons (whether corporate or unincorporate), but excludes any public agency;

[Act 17 of 2019 wef 01/01/2020]

“identity information” means any information that, whether on its own or with other information, identifies or purports to identify an individual, including (but not limited to) any of the following:

- (a) the individual’s name, residential address, email address, telephone number, date of birth, national registration identity card number, passport number, signature (whether handwritten or electronic) or password;
- (b) any photograph or video recording of the individual;
- (c) any information about the individual’s family, employment or education;

[Act 17 of 2019 wef 01/01/2020]

“interim notification order” means an order made under section 16B;

[Act 17 of 2019 wef 01/01/2020]

“interim stop publication order” means an order made under section 16A;

[Act 17 of 2019 wef 01/01/2020]

“internet intermediary” means a person who provides any internet intermediary service;

[Act 17 of 2019 wef 01/01/2020]

“internet intermediary service” means —

- (a) a service that allows end-users to access materials originating from third parties, using the internet;
- (b) a service of transmitting materials to end-users on or through the internet; or
- (c) a service of displaying, to an end-user who uses the service to make an online search, an index of search results, each of which links that end-user to content hosted or stored at a location which is separate from the location of the index of search results,

but excludes any act done for the purpose of or that is incidental to the provision of —

- (d) a service of giving the public access to the internet; or
- (e) a computing resource service;

Examples

Examples of internet intermediary services are —

- (a) social networking services;
- (b) search engine services;
- (c) content aggregation services;
- (d) internet-based messaging services; and
- (e) video-sharing services.

[Act 17 of 2019 wef 01/01/2020]

“offending communication”, in relation to any contravention of a provision under this Act, means any communication or statement made in contravention of that provision;

“online location” means any internet website, webpage, chatroom or forum, or any other thing that is hosted on a computer (within the meaning of the Computer Misuse Act

(Cap. 50A)) and can be seen, heard or otherwise perceived by means of the internet;

[Act 17 of 2019 wef 01/01/2020]

“Part 3 proceedings” means civil proceedings for claims and orders under Part 3;

[Act 17 of 2019 wef 01/01/2020]

“public agency” has the meaning given by section 128A(6) of the Evidence Act (Cap. 97);

[Act 17 of 2019 wef 01/01/2020]

“publish”, in relation to a communication or statement, means to make the communication or statement available in any form such that the communication or statement is or can be heard, seen or otherwise perceived by the public in Singapore or a member of the public in Singapore, and includes cause to be published;

[Act 17 of 2019 wef 01/01/2020]

[Deleted by Act 17 of 2019 wef 01/01/2020]

“related person”, in relation to a person, means another person about whose safety or well-being the firstmentioned person would reasonably be expected to be seriously concerned;

[Act 17 of 2019 wef 01/01/2020]

“relevant party”, in relation to an order, means an individual or entity against which the order is made;

[Act 17 of 2019 wef 01/01/2020]

“shared residence”, in relation to the victim and the respondent who are the subjects of a protection order, means the premises at which the victim and the respondent are, or have been, living together as members of the same household;

[Act 17 of 2019 wef 01/01/2020]

“statement” means any words (including abbreviations and initials), numbers, image (moving or otherwise), sounds,

symbols or other representation, or a combination of any of these;

[Act 17 of 2019 wef 01/01/2020]

“stop publication order” means an order made under section 15A;

[Act 17 of 2019 wef 01/01/2020]

“stop publishing”, in relation to a communication, means taking the reasonable steps to ensure that the communication is not made available in any form such that the communication is or can be seen, heard or otherwise perceived by the public in Singapore or any member of the public in Singapore.

[Act 17 of 2019 wef 01/01/2020]

PART 2

OFFENCES

Intentionally causing harassment, alarm or distress

3.—(1) An individual or entity must not, with intent to cause harassment, alarm or distress to another person (called in this section the target person), by any means —

- (a) use any threatening, abusive or insulting words or behaviour;
- (b) make any threatening, abusive or insulting communication; or
- (c) publish any identity information of the target person or a related person of the target person,

and as a result causing the target person or any other person (each called in this section the victim) harassment, alarm or distress.

[Act 17 of 2019 wef 01/01/2020]

(2) Any individual or entity that contravenes subsection (1) shall be guilty of an offence and, subject to section 8, shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[Act 17 of 2019 wef 01/01/2020]

(3) In any proceedings for an offence under subsection (2), it is a defence for the accused individual or accused entity (called in this section the accused) to prove that the accused's conduct was reasonable.

Illustrations

(a) X and Y are co-workers. At the workplace, X loudly and graphically describes to the other co-workers X's desire for a sexual relationship with Y in an insulting manner. X knows that Y is within earshot and intends to cause Y distress. Y is distressed. X is guilty of an offence under this section.

(b) X writes a letter containing threatening words towards Y intending to send the letter to Y to cause him alarm. X decides not to send the letter and throws it away. Y finds the letter and is alarmed. X is not guilty of an offence under this section as he had no reason to believe that the letter would be seen by Y.

(c) X and Y were formerly in a relationship which has since ended. X writes a post on a social media platform making abusive and insulting remarks about Y's alleged sexual promiscuity. In a subsequent post, X includes Y's photographs and personal mobile number, intending to cause Y harassment by facilitating the identification or contacting of Y by others. Y did not see the posts, but receives and is harassed by telephone calls and SMS messages from strangers (who have read the posts) propositioning Y for sex. X is guilty of an offence under section 3(2) in relation to each post.

(d) X records a video of Y driving recklessly in a car on the road. X posts the video on an online forum, where people share snippets of dangerous acts of driving on the road. X posts the video with the intent to warn people to drive defensively. X has not committed an offence under this section.

[Act 17 of 2019 wef 01/01/2020]

Harassment, alarm or distress

4.—(1) An individual or entity must not by any means —

- (a) use any threatening, abusive or insulting words or behaviour; or
- (b) make any threatening, abusive or insulting communication,

which is heard, seen or otherwise perceived by any person (referred to for the purposes of this section as the victim) likely to be caused harassment, alarm or distress.

[Act 17 of 2019 wef 01/01/2020]

(2) Any individual or entity that contravenes subsection (1) shall be guilty of an offence and, subject to section 8, shall be liable on conviction to a fine not exceeding \$5,000.

[Act 17 of 2019 wef 01/01/2020]

(3) In any proceedings for an offence under subsection (2), it is a defence for the accused individual or accused entity (called in this section the accused) to prove —

(a) that the accused had no reason to believe that the words or behaviour used, or the communication made, by the accused would be heard, seen or otherwise perceived by the victim; or

[Act 17 of 2019 wef 01/01/2020]

(b) that the accused's conduct was reasonable.

[Act 17 of 2019 wef 01/01/2020]

Illustrations

(a) X and Y are classmates. X posts a vulgar tirade against Y on a website accessible to all of their classmates. One of Y's classmates shows the message on the website to Y, and Y is distressed. X is guilty of an offence under this section.

(b) X and Y are classmates. X gathers with other classmates outside Y's family home, where Y lives with Y's parents, and shouts threats at Y. Y is not at home. Y's mother hears X's threats and is distressed, because she fears for Y's safety. X is guilty of an offence under this section.

(c) X enters a bus station and starts to brandish a sword. Several persons present are alarmed by X's behaviour. X is guilty of an offence under this section even though X's actions were not directed at anyone.

[Act 17 of 2019 wef 01/01/2020]

Fear, provocation or facilitation of violence

5.—(1) An individual or entity must not by any means use towards another person (called in this section, except subsection (1A), the victim) any threatening, abusive or insulting words or behaviour, or make any threatening, abusive or insulting communication to another person (also called in this section, except subsection (1A), the victim), either —

(a) with the intent —

- (i) to cause the victim to believe that unlawful violence will be used by any person against the victim or any other person; or
- (ii) to provoke the use of unlawful violence by the victim or another person against any other person; or

(b) whereby —

- (i) the victim is likely to believe that such violence referred to in paragraph (a)(i) will be used; or
- (ii) it is likely that such violence referred to in paragraph (a)(ii) will be provoked.

[Act 17 of 2019 wef 01/01/2020]

(1A) An individual or entity must not by any means publish any identity information of another person (called in this subsection the victim) or a related person of the victim, either —

(a) with the intent —

- (i) to cause the victim to believe that unlawful violence will be used against the victim or any other person; or
- (ii) to facilitate the use of unlawful violence against the victim or any other person; or

(b) knowing or having reasonable cause to believe that it is likely —

- (i) to cause the victim to believe that unlawful violence will be used against the victim or any other person; or
- (ii) to facilitate the use of unlawful violence against the victim or any other person.

[Act 17 of 2019 wef 01/01/2020]

(2) Any individual or entity that contravenes subsection (1) or (1A) shall be guilty of an offence and, subject to section 8, 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.

[Act 17 of 2019 wef 01/01/2020]

(3) In any proceedings for an offence under subsection (2), it is a defence for the accused individual or accused entity (called in this section the accused) to prove —

(a) in respect of a contravention of subsection (1)(b), that the accused had no reason to believe that the words or behaviour used, or the communication made, by the accused would be heard, seen or otherwise perceived by the victim; or

[Act 17 of 2019 wef 01/01/2020]

(b) that the accused's conduct was reasonable.

[Act 17 of 2019 wef 01/01/2020]

Illustrations

(a) X and Y are classmates. X writes a post with threatening and abusive remarks against Y on a website accessible to all their classmates. X writes a subsequent post on the same website, stating Y's identity information and stating "Everyone, let's beat Y up!". X is guilty of an offence under this section in respect of the subsequent post.

(b) X writes a public post on a social media platform containing threats against Y. X publishes a subsequent public post stating A's home address and a message "I know where you live". X is guilty of an offence under this section relating to conduct mentioned in section 5(1A)(a)(i) if X intends the subsequent post to cause Y to believe that violence will be used against A, or an offence under this section relating to conduct mentioned in section 5(1A)(b)(i) if X knows that it is likely that Y will believe that violence will be used against Y as a result of X's subsequent post.

(c) X writes a post (on a social media platform to which Y does not have access) containing threats of violence against Y and calling others to "hunt him down and teach him a lesson". B posts Y's home address in reply to X's post. B is guilty of an offence under this section.

[Act 17 of 2019 wef 01/01/2020]

Offences in relation to public servant or public service worker

6.—(1) An individual or entity that by any means —

(a) uses any indecent, threatening, abusive or insulting words or behaviour; or

(b) makes any indecent, threatening, abusive or insulting communication,

towards or to a public servant or public service worker (called in this section, except subsection (1A), the victim) in relation to the execution of the duty of the public servant or public service worker, shall be guilty of an offence.

[Act 17 of 2019 wef 01/01/2020]

(1A) An individual or entity that contravenes section 3(1)(c) (in relation to a target person under section 3(1)(c) who is a public servant or public service worker) —

- (a) with the intent to prevent or deter that public servant or public service worker from discharging the duty of that public servant or public service worker; or
- (b) in consequence of anything done or attempted to be done by that public servant or public service worker in the lawful discharge of the duty of that public servant or public service worker,

shall be guilty of an offence.

[Act 17 of 2019 wef 01/01/2020]

(2) No offence is committed under this section unless the accused individual or accused entity (called in this section the accused) knows or ought reasonably to know that the victim was acting in his capacity as a public servant or public service worker, as the case may be.

[Act 17 of 2019 wef 01/01/2020]

(3) Subject to section 8, an individual or entity shall be liable, on conviction for an offence under subsection (1) or (1A), to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

[Act 17 of 2019 wef 01/01/2020]

(4) It is a defence for the accused to prove —

- (a) in any proceedings for an offence under subsection (1), that the accused had no reason to believe that the words or behaviour used, or the communication made, by the accused would be heard, seen or otherwise perceived by the victim; or

[Act 17 of 2019 wef 01/01/2020]

- (b) in any proceedings for an offence under subsection (1) or (1A), that the accused's conduct was reasonable.

[Act 17 of 2019 wef 01/01/2020]

- (5) In this section —

“public servant” has the same meaning as in the Penal Code (Cap. 224), and includes any person who, by virtue of any other written law, is deemed to be a public servant for the purposes of the Penal Code;

“public service worker” means an individual who belongs to a prescribed class of employees or workers that provides any service which is essential to the well-being of the public or the proper functioning of Singapore, as prescribed under subsection (6).

(6) For the purposes of the definition of “public service worker” in subsection (5), the Minister may, by order published in the *Gazette*, prescribe the classes of employees or workers and the services provided by them.

(7) Every order made under subsection (6) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Illustration

X is unhappy that a public servant, Y, refused to waive a late payment charge. X writes several posts on an open social media platform with abusive comments about Y in relation to the incident. In a subsequent post, X posts Y's name, home address and photograph on the same open social media platform in order to cause Y distress. Y is distressed by the subsequent post. X is guilty of an offence under this section.

[Act 17 of 2019 wef 01/01/2020]

Unlawful stalking

7.—(1) An individual or entity must not unlawfully stalk another person.

[Act 17 of 2019 wef 01/01/2020]

(2) Subject to subsection (7), an individual or entity (called in this section the accused) unlawfully stalks another person (referred to for

the purposes of this section as the victim) if the accused engages in a course of conduct which —

- (a) involves acts or omissions associated with stalking;
- (b) causes harassment, alarm or distress to the victim; and
- (c) the accused —

[Act 17 of 2019 wef 01/01/2020]

- (i) intends to cause harassment, alarm or distress to the victim; or
 - (ii) knows or ought reasonably to know is likely to cause harassment, alarm or distress to the victim.

[Act 17 of 2019 wef 01/01/2020]

(3) The following are examples of acts or omissions which, in particular circumstances, are ones associated with stalking:

- (a) following the victim or a related person;
- (b) making any communication, or attempting to make any communication, by any means —
 - (i) to the victim or a related person;
 - (ii) relating or purporting to relate to the victim or a related person; or
 - (iii) purporting to originate from the victim or a related person;
- (c) entering or loitering in any place (whether public or private) outside or near the victim's or a related person's place of residence or place of business or any other place frequented by the victim or the related person;
- (d) interfering with property in the possession of the victim or a related person (whether or not the accused has an interest in the property);

[Act 17 of 2019 wef 01/01/2020]

- (e) giving or sending material to the victim or a related person, or leaving it where it will be found by, given to or brought to the attention of, the victim or a related person;
 - (f) keeping the victim or a related person under surveillance.

Illustrations

These acts are acts associated with stalking of X by Y:

(a) Y repeatedly sends emails to Y's subordinate (X) with suggestive comments about X's body.

(b) Y sends flowers to X daily even though X has asked Y to stop doing so.

(c) Y repeatedly circulates revealing photographs of a classmate (X) to other classmates.

(4) For the purposes of subsection (2)(c), the accused ought reasonably to know that the accused's course of conduct is likely to cause harassment, alarm or distress to the victim if a reasonable person in possession of the same information would think that the course of conduct is likely to have that effect.

[Act 17 of 2019 wef 01/01/2020]

(5) In considering whether a course of conduct is likely to cause harassment, alarm or distress, the court may have regard to the following factors:

- (a) the number of occasions on which the acts or omissions associated with stalking were carried out;
- (b) the frequency and the duration of the acts or omissions associated with stalking that were carried out;
- (c) the manner in which the acts or omissions associated with stalking were carried out;
- (d) the circumstances in which the acts or omissions associated with stalking were carried out;
- (e) the particular combination of acts or omissions associated with stalking comprised in the course of conduct;
- (f) the likely effects of the course of conduct on the victim's safety, health, reputation, economic position, or his freedom to do any act which he is legally entitled to do or not to do any act which he is not legally bound to do; and
- (g) the circumstances of the victim including his physical or mental health and personality.

(6) Any individual or entity that contravenes subsection (1) shall be guilty of an offence and, subject to section 8, 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.

[Act 17 of 2019 wef 01/01/2020]

(7) In any proceedings for an offence under subsection (6), it is a defence for the accused to prove —

- (a) that the course of conduct was reasonable in all the circumstances;
- (b) that the course of conduct was pursued under any written law or rule of law or to comply with any condition or requirement imposed by any person under any written law;
- (c) that the course of conduct was lawfully done under a duty or power under any written law for the purpose of preventing or detecting crime; or
- (d) that the course of conduct was done on behalf of the Government and was necessary for the purposes of national security, national defence or the conduct of international relations.

[Act 17 of 2019 wef 01/01/2020]

(8) If any dispute arises as to whether any act falls within paragraph (d) of subsection (7), a certificate issued under the hand of the Minister responsible for national security, or for national defence or for the conduct of international relations, as the case may be, stating that in his opinion any act done by a specified individual or specified entity on a specified occasion falls within that paragraph shall be conclusive evidence that the act falls within that paragraph.

[Act 17 of 2019 wef 01/01/2020]

(9) A document purporting to be a certificate issued pursuant to subsection (8) and to be issued under the hand of the Minister shall be received in evidence and, unless the contrary is proved, be treated as being such a certificate.

(10) In this section —

“course of conduct” means conduct —

- (a) on one occasion, if —
 - (i) the conduct is protracted; or

- (ii) the accused has a previous conviction under this section in respect of the same victim; or

[Act 17 of 2019 wef 01/01/2020]

- (b) on 2 or more occasions in any other case;

[Deleted by Act 17 of 2019 wef 01/01/2020]

Illustration

Y surreptitiously plants a camera in X's apartment. Unknown to X, the camera continuously transmits live videos of X in X's apartment and Y watches the videos continually over several days. Y's conduct is protracted.

Enhanced penalty for subsequent offence

8.—(1) An individual or entity that is convicted (whether before, on or after 15 November 2014) of any offence under the repealed section 13A, 13B, 13C or 13D of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) in force before that date or who is convicted of any offence under section 3, 4, 5, 6 or 7 shall, on a subsequent conviction —

- (a) for an offence under section 3, be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both;
- (b) for an offence under section 4, be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both;
- (c) for an offence under section 5, be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both;
- (d) for an offence under section 6, be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (e) for an offence under section 7, be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

[Act 17 of 2019 wef 01/01/2020]

(2) An individual or entity that is convicted (whether before, on or after the date of commencement of section 9 of the Protection from

Harassment (Amendment) Act 2019) of an offence under section 10 shall, on a subsequent conviction for an offence under section 10 that is committed on or after that date, be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[Act 17 of 2019 wef 01/01/2020]

Enhanced penalty for offence against vulnerable person

8A.—(1) This section applies where an individual or entity (called in this section the offender) is convicted of any of the following offences relating to a victim who is a vulnerable person and the enhanced penalty under section 8 does not apply to that conviction:

- (a) an offence under section 3, 4, 5 or 7 that is committed on or after the date of commencement of section 10 of the Protection from Harassment (Amendment) Act 2019 against such a victim; or
- (b) an offence under section 10 that is committed on or after the date of commencement of section 10 of the Protection from Harassment (Amendment) Act 2019 for failure to comply with an order given in respect of such a victim of a contravention of section 3, 4, 5 or 7.

[Act 17 of 2019 wef 01/01/2020]

(2) The court may sentence the offender to punishment not exceeding twice the maximum punishment that the court could, but for this section, impose for the offence, if at the time of committing the offence the offender knew or ought reasonably to have known that the victim was a vulnerable person.

[Act 17 of 2019 wef 01/01/2020]

(2A) This section does not apply where the offender proves that despite being a vulnerable person, the victim was capable of protecting himself from the offender in respect of the harm caused by the offence in the same manner as an ordinary person who is not a vulnerable person.

[Act 17 of 2019 wef 01/01/2020]

(3) In this section —

“abuse” has the meaning given by section 2(1) of the Vulnerable Adults Act 2018 (Act 27 of 2018);

“harm” means —

- (a) any physical harm;
- (b) harassment, alarm or distress; or
- (c) being caused to believe that unlawful violence will be used against the victim;

“neglect” has the meaning given by section 2(1) of the Vulnerable Adults Act 2018;

“self-neglect” has the meaning given by section 2(1) of the Vulnerable Adults Act 2018;

“vulnerable person” means an individual who is, by reason of mental or physical infirmity, disability or incapacity, substantially unable to protect himself from abuse, neglect or self-neglect.

[Act 17 of 2019 wef 01/01/2020]

Enhanced penalty for offence against victim in intimate relationship with offender

8B.—(1) This section applies where an offender (*A*) is convicted of —

- (a) an offence under section 3, 4, 5 or 7 that is committed on or after the date of commencement of section 11 of the Protection from Harassment (Amendment) Act 2019 against a victim who was or is in an intimate relationship with *A*; or
- (b) an offence under section 10 that is committed on or after the date of commencement of section 11 of the Protection from Harassment (Amendment) Act 2019 for failure to comply with an order given in respect of a victim of a contravention of section 3, 4, 5 or 7 who was or is in an intimate relationship with *A*,

and the enhanced penalty under section 8 does not apply to that conviction.

(2) The court may sentence *A* to punishment not exceeding twice the maximum punishment that the court could impose for the offence

under section 3, 4, 5, 7 or 10 (as the case may be), if at the time of committing the offence *A* knew or ought reasonably to have known that the victim (*B*) was or is in an intimate relationship with *A*.

(3) In this section, the court may determine whether *B* was or is in an intimate relationship with *A* having regard to all the circumstances of the case, including the following:

- (a) whether *A* and *B* are living in the same household, although it is not necessary that they live in the same household;
- (b) whether *A* and *B* share the tasks and duties of their daily lives;
- (c) whether *A* and *B* have made arrangements to share expenses or financial support and the degree of financial dependence or interdependence between *A* and *B*;
- (d) whether there is a sexual relationship between *A* and *B*, although it is not necessary that there be a sexual relationship between them;
- (e) whether *A* and *B* share the care and support of a specific person below 21 years of age;
- (f) whether *A* and *B* conduct themselves toward their friends, relatives or other persons as parties to an intimate relationship, and whether *A* and *B* are so treated by their friends, relatives or other persons.

(4) Subsection (2) does not apply where *A* proves that, despite *A* having been or being in an intimate relationship with *B*, the relationship between *A* and *B* did not adversely affect *B*'s ability to protect *B* from *A* in respect of the harm caused by the offence.

(5) In subsection (4), "harm" means —

- (a) any physical harm;
- (b) harassment, alarm or distress; or
- (c) being caused to believe that unlawful violence will be used against the victim.

[Act 17 of 2019 wef 01/01/2020]

Application of sections 8A and 8B

8C. Where sections 8A and 8B are both applicable to enhance the punishment for an offence —

- (a) the punishment for that offence shall not be enhanced by the application of more than one section; and
- (b) the court may determine which section should apply to enhance the punishment.

[Act 17 of 2019 wef 01/01/2020]

Community order

9. A court shall, upon the conviction of any person for any offence under section 3, 4, 5, 6, 7 or 10, have the power to make a community order under Part XVII of the Criminal Procedure Code (Cap. 68) despite any provision to the contrary in section 337(1)(h) of that Code.

[Act 17 of 2019 wef 01/01/2020]

Contravention of certain orders

10.—(1) Any person who, without reasonable excuse, fails to comply with an order made under section 12 (except section 12(3)(c) and any direction under section 12(3)(d) made with respect to an order made under section 12(3)(c)) or section 13 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 6 months or to both.

(2) Subject to subsection (3), subsection (1) shall not affect the powers of the court in relation to the punishment for contempt of court.

(3) Where a person is convicted of an offence under subsection (1) in respect of any non-compliance with an order, that non-compliance is not punishable as a contempt of court.

(4) A person cannot be convicted of an offence under subsection (1) in respect of any non-compliance with an order which has been punished as a contempt of court.

PART 3
REMEDIES

Action for statutory tort

11.—(1) The victim under section 3, 4, 5 or 7 may bring civil proceedings in a court against the respondent.

(2) In such proceedings, if the court is satisfied on the balance of probabilities that the respondent has contravened that section as alleged by the victim, the court may award such damages in respect of the contravention as the court may, having regard to all the circumstances of the case, think just and equitable.

Protection order

12.—(1) Subject to subsection (9), the victim under section 3, 4, 5, 6 or 7 may make an application to the District Court for a protection order.

(2) A District Court may make a protection order if it is satisfied on the balance of probabilities that —

- (a) the respondent has contravened section 3, 4, 5, 6 or 7 in respect of the victim;
- (b) the contravention referred to in paragraph (a) is likely to continue, or the respondent is likely to commit a contravention of section 3, 4, 5, 6 or 7 in respect of the victim; and
- (c) it is just and equitable in all the circumstances.

(3) Subject to section 21(1), a protection order may be made under subsection (2) for all or any of the following purposes:

- (a) in the case of a likely contravention or likely continuing contravention of section 3, 4, 5, 6 or 7, prohibiting the respondent from doing any thing in relation to the victim or (in the case of section 7) any related person, as may be specified in the order;
- (b) in the case of a likely contravention or likely continuing contravention of section 3, 4, 5, 6 or 7 involving an

offending communication, requiring that no person shall publish or continue to publish the offending communication;

- (c) referring the respondent or the victim or both to attend counselling or mediation provided by such body as the District Court may direct;
- (d) the giving of any direction as is necessary for and incidental to the proper carrying into effect of any order made under paragraph (a), (b) or (c).

(4) A protection order may be made subject to such exceptions or conditions as may be specified in the order.

(5) An order under subsection (3)(b) and any direction under subsection (3)(d) made with respect to that order shall take effect in respect of the person to whom such order or direction applies —

- (a) from the date when such order or direction, as the case may be, is served on him in such manner as may be prescribed;
- (b) where the District Court dispenses with the service of such order or direction, from the date when the service on him of such order or direction, as the case may be, is dispensed with by the District Court; or
- (c) such later date as the District Court may specify.

(6) Subject to subsection (7), a protection order shall cease to have effect after such period as the District Court may specify in the order.

(7) The District Court may, on the application of the victim or any person to whom the protection order applies, vary, suspend or cancel the protection order or extend the duration of the protection order.

(8) Any person (except the respondent) to whom an order under subsection (3)(b) applies shall not be subject to any civil liability under any rule of law or contract for any act done for the purpose of complying with any order under subsection (3)(b).

(9) For the purposes of this section and section 13, the victim of any contravention of section 3 shall include only the person to whom the respondent intended to cause harassment, alarm or distress, and not

any other person harassed, alarmed or distressed by that contravention.

Expedited protection order

13.—(1) Where, upon an application for a protection order under section 12, the District Court is satisfied that —

- (a) there is prima facie evidence that —
 - (i) the respondent has contravened section 3, 4, 5, 6 or 7 in respect of the victim;
 - (ii) the contravention referred to in sub-paragraph (i) is likely to continue, or the respondent is likely to commit a contravention of section 3, 4, 5, 6 or 7 in respect of the victim imminently; and
 - (iii) the contravention referred to in sub-paragraph (ii), if continued or committed, is likely to have a substantial adverse effect on the victim or the victim's day-to-day activities; and
- (b) it is just and equitable in all the circumstances for the protection order to be made on an expedited basis,

the District Court may make an expedited protection order for all or any of the purposes of section 12(3) (subject to section 21(1)), notwithstanding that notice of the application has not been served on the respondent or has not been served on the respondent within a reasonable time before the hearing of the application.

(2) An expedited protection order shall take effect in respect of the person to whom such order applies —

- (a) from the date when such order is served on him in such manner as may be prescribed;
- (b) where the District Court dispenses with the service of such order, from the date when the service on him of such order is dispensed with by the District Court; or
- (c) such later date as the District Court may specify.

(3) An expedited protection order shall cease to have effect on the earlier of the following dates:

- (a) on the 28th day after the date of the making of the expedited protection order;
- (b) on the first day of the hearing of the application for the protection order.

(4) Section 12(4), (7) and (8) shall, with the necessary modifications, apply to an expedited protection order.

(5) There shall be no appeal against a decision of the District Court made under this section.

No civil action for common law tort of harassment

14.—(1) The common law tort of harassment is, for the avoidance of doubt, hereby declared to be abolished and no civil proceedings shall be brought for the tort of harassment except under this Act.

(2) Nothing in subsection (1) shall prevent the commencement of proceedings for any act or conduct which occurred before 15 November 2014.

False statements of fact

15.—(1) Where any statement of fact about any person (referred to in this section as the subject) which is false in any particular about the subject has been published by any means, the subject may apply to the District Court for an order under subsection (2) in respect of the statement complained of.

(2) Subject to section 21(1), the District Court may, upon the application of the subject under subsection (1), order that no person shall publish or continue to publish the statement complained of unless that person publishes such notification as the District Court thinks necessary to bring attention to the falsehood and the true facts.

(3) The District Court shall not make an order under subsection (2) unless the District Court is satisfied on the balance of probabilities that —

- (a) the statement of fact complained of is false in any particular about the subject; and
 - (b) it is just and equitable to do so.
- (4) An order under subsection (2) may be made subject to such exceptions or conditions as may be specified in the order.
- (5) An order under subsection (2) shall take effect in respect of the person to whom such order applies —
- (a) from the date when such order is served on him in such manner as may be prescribed;
 - (b) where the District Court dispenses with the service of such order, from the date when the service on him of such order is dispensed with by the District Court; or
 - (c) such later date as the District Court may specify.
- (6) The District Court may, on the application of the subject, the author, or any person to whom the order applies, vary, suspend or cancel the order.
- (7) In this section, “author” means the originator of the statement complained of.

Knowledge of certain orders presumed

16. For the purposes of proceedings in relation to section 10 or 15, it shall be presumed, until the contrary is proved, that a person has knowledge of the terms of a protection order under section 12(2), an expedited protection order under section 13(1) or an order under section 15(2), as the case may be —

- (a) from the date when such order is served on him in such manner as may be prescribed;
- (b) where a court dispenses with the service of such order, from the date when the service on him of such order is dispensed with by the court; or
- (c) such later date as the court may specify.

PART 4

GENERAL

Application to person outside Singapore

17.—(1) Without prejudice to the jurisdiction and power conferred under this Act or any other written law, the court shall in the circumstances specified in subsections (2) to (6) —

- (a) have jurisdiction to try any offence under section 3, 4, 5, 6 or 7 and impose the full punishment under this Act; and
- (b) have jurisdiction to make any order under section 12 or 13 on the basis of a contravention of section 3, 4, 5, 6 or 7.

(2) Where the victim under section 3, 4, 5 or 6 was outside Singapore when the accused or respondent (as the case may be) used the words or behaviour, made the communication or published the identity information, in contravention of any such section, the court shall have jurisdiction if the accused or respondent (as the case may be) was in Singapore when that accused or respondent used those words or behaviour, made that communication or published that identity information, as the case may be.

[Act 17 of 2019 wef 01/01/2020]

(3) Where the accused or respondent (as the case may be) was outside Singapore when that accused or respondent used the words or behaviour, made the communication or published the identity information, in contravention of section 3, the court shall have jurisdiction if —

- (a) the victim of the contravention was in Singapore when the use of those words or behaviour, the making of that communication or that publication of identity information caused the victim harassment, alarm or distress; and

[Act 17 of 2019 wef 01/01/2020]

- (b) the accused or respondent (as the case may be) knew or had reason to believe that the victim of the contravention would be in Singapore at the time referred to in paragraph (a).

[Act 17 of 2019 wef 01/01/2020]

(4) Where the accused or respondent (as the case may be) was outside Singapore when that accused or respondent used the words or

behaviour, made the communication or published the identity information, in contravention of section 4, 5 or 6, the court shall have jurisdiction if —

- (a) the victim of the contravention was in Singapore when the victim heard, saw or otherwise perceived those words or behaviour, that communication or that identity information; and

[Act 17 of 2019 wef 01/01/2020]

- (b) the accused or respondent (as the case may be) knew or had reason to believe that the victim of the contravention would be in Singapore at the time referred to in paragraph (a).

[Act 17 of 2019 wef 01/01/2020]

(5) Where the victim under section 7 was outside Singapore when any of the acts or omissions associated with unlawful stalking occurred in contravention of that section, the court shall have jurisdiction if the accused or respondent (as the case may be) was in Singapore when any of those acts or omissions occurred.

[Act 17 of 2019 wef 01/01/2020]

(6) Where the accused or respondent (as the case may be) was outside Singapore when any of the acts or omissions associated with unlawful stalking occurred in contravention of section 7, the court shall have jurisdiction if —

- (a) the victim of the contravention was in Singapore when any of those acts or omissions occurred; and

- (b) the accused or respondent (as the case may be) knew or had reason to believe that the victim of the contravention was in Singapore at the time referred to in paragraph (a).

[Act 17 of 2019 wef 01/01/2020]

(7) Without prejudice to the jurisdiction and power conferred under this Act or any other written law, the court shall in the circumstances specified in subsections (8) and (9) have jurisdiction to try any offence under section 10 for failure to comply with an order and impose the full punishment under this Act.

(8) In the case of an order prohibiting the respondent from doing any thing in relation to the victim or to any related person specified in the order, where the victim or the related person was outside

Singapore when the respondent did any thing prohibited by the order, the court shall have jurisdiction if the respondent was in Singapore when that respondent did that thing.

[Act 17 of 2019 wef 01/01/2020]

(9) In the case of an order prohibiting the respondent from doing any thing in relation to the victim or to any related person specified in the order, the court shall have jurisdiction —

(a) where the respondent was outside Singapore when that respondent failed to comply with an order prohibiting him from doing any thing in relation to the victim, if —

[Act 17 of 2019 wef 01/01/2020]

(i) the victim was in Singapore when the thing done by the respondent in contravention of the order was heard, seen or otherwise perceived by the victim; and

(ii) the respondent knew or had reason to believe that the victim would be in Singapore at the time referred to in sub-paragraph (i);

(b) where the respondent was outside Singapore when that respondent failed to comply with an order prohibiting him from doing any thing in relation to any related person specified in the order, if —

[Act 17 of 2019 wef 01/01/2020]

(i) the related person was in Singapore when the thing done by the respondent in contravention of the order was heard, seen or otherwise perceived by the related person; and

(ii) the respondent knew or had reason to believe that the related person would be in Singapore at the time referred to in sub-paragraph (i); and

(c) where the respondent was outside Singapore when that respondent failed to comply with an order prohibiting him from publishing or continuing to publish any communication, if —

[Act 17 of 2019 wef 01/01/2020]

- (i) the communication was heard, seen or otherwise perceived by a section of the public in Singapore; and
- (ii) the respondent knew or had reason to believe that communication would be heard, seen or otherwise perceived by a section of the public in Singapore.

[Act 17 of 2019 wef 01/01/2020]

(10) In subsections (8) and (9) —

- (a) “victim”, in relation to an offence under section 10 for failure to comply with an order, means the victim under section 3, 4, 5, 6 or 7, as the case may be, in whose favour the order was made;
- (b) “respondent”, in relation to an offence under section 10 for failure to comply with an order, means the person who is alleged to have failed to comply with the order in contravention of section 10; and
- (c) a reference to any thing done by the respondent includes any words or behaviour used or communication made by the respondent.

Power of arrest

18. Any police officer may arrest without warrant any person offending in his view against any of the provisions of this Act, and take him before a Magistrate’s Court to be dealt with according to law.

Rules of Court

19.—(1) The Rules Committee constituted under section 80(3) of the Supreme Court of Judicature Act (Cap. 322) may make Rules of Court to regulate and prescribe the procedure and practice to be followed in respect of civil proceedings under this Act.

(2) Without prejudice to the generality of subsection (1), the Rules Committee may make Rules of Court for the following purposes:

- (a) to provide for expedited procedures;

- (b) to provide for any orders made under this Act to be published in a specified manner;
- (c) to empower the court to make any ancillary orders for the purposes of this Act;
- (d) in relation to proceedings for an order under section 12, 13 or 15, where the name of any party to whom the order is intended to apply is unknown, for that party to be identified by an Internet location address, a website, a username or account, an electronic mail address or any other unique identifier;
- (e) to prescribe the persons who may bring proceedings for an order under section 12, 13 or 15 and all other civil proceedings under this Act, on behalf of the victim under section 3, 4, 5, 6 or 7, as the case may be, or any other person making an application under this Act;
- (f) to provide for costs and fees of such proceedings, and for regulating any matter relating to the costs of such proceedings,

and section 80 of the Supreme Court of Judicature Act shall apply to the making of these Rules of Court.

(3) Rules of Court may, instead of providing for any matter, refer to any provision made or to be made about that matter by practice directions issued for the time being by the Registrar of the Supreme Court or the Registrar of the State Courts, as the case may be.

Regulations

20.—(1) The Minister may make regulations for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) The powers conferred by this section do not extend to any matter for which Rules of Court may be made under section 19.

Exemptions

21.—(1) A protection order under section 12(2) made for the purpose of section 12(3)(b), an expedited protection order under

section 13(1) made for the purpose of section 12(3)(b), and an order made under section 15(2), shall not be made in respect of any class of persons prescribed under subsection (2).

(2) The Minister may, by order published in the *Gazette*, prescribe the classes of persons referred to in subsection (1).

(3) Every order made under subsection (2) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

LEGISLATIVE HISTORY
PROTECTION FROM HARASSMENT ACT
(CHAPTER 256A)

This Legislative History is provided for the convenience of users of the Protection from Harassment Act. It is not part of the Act.

1. Act 17 of 2014 — Protection from Harassment Act 2014

Date of First Reading	: 3 March 2014 (Bill No. 12/2014)
Date of Second and Third Readings	: 13 March 2014
Date of commencement	: 15 November 2014

2. 2015 Revised Edition — Protection from Harassment Act (Chapter 256A)

Date of operation	: 31 May 2015
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3. Act 27 of 2018 — Vulnerable Adults Act 2018

Date of First Reading	: 20 March 2018 (Bill No. 20/2018 published on 20 March 2018)
Date of Second and Third Readings	: 18 May 2018
Date of commencement	: 19 December 2018

4. Act 17 of 2019 — Protection from Harassment (Amendment) Act 2019

Date of First Reading	: 1 April 2019 (Bill No. 11/2019 published on 1 April 2019)
Date of Second and Third Readings	: 7 May 2019
Date of commencement	: 1 January 2020