



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**PROTECTION FROM HARASSMENT ACT**

**(CHAPTER 256A)**

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# Protection from Harassment Act

## ARRANGEMENT OF SECTIONS

### PART 1

#### PRELIMINARY

#### Section

1. Short title
2. Interpretation

### PART 2

#### OFFENCES

3. Intentionally causing harassment, alarm or distress
4. Harassment, alarm or distress
5. Fear, provocation or facilitation of violence
6. Offences in relation to public servant or public service worker
7. Unlawful stalking
8. Enhanced penalty for subsequent offence
- 8A. Enhanced penalty for offence against vulnerable person
- 8B. Enhanced penalty for offence against victim in intimate relationship with offender
- 8C. Application of sections 8A and 8B
9. Community order
10. Contravention of certain orders

### PART 3

#### CIVIL ACTIONS AND ORDERS

##### *Division 1 — Actions and orders relating to contraventions of Part 2*

11. Action for statutory tort
12. Protection order
13. Expedited protection order
14. No civil action for common law tort of harassment

*Division 2 — Orders relating to  
false statements*

## Section

- 15. General provisions applicable to orders under sections 15A to 15E
- 15A. Stop publication order
- 15B. Correction order
- 15C. Disabling order
- 15D. Targeted correction order
- 15E. General correction order
- 16. General provisions applicable to interim orders
- 16A. Interim stop publication order
- 16AA. Interim disabling order
- 16B. Interim notification order
- 16BA. Targeted interim notification order
- 16BB. Publication of notices

*Division 3 — General*

- 16C. Person who may appeal
- 16CA. Costs
- 16CB. Service of orders
- 16D. Compliance with orders

## PART 4

## GENERAL

- 17. Application to person outside Singapore
- 18. Power of arrest
- 19. Rules of Court
- 20. Regulations
- 20A. Presentation to Parliament
- 21. Exemptions

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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.—(1) 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 and Division 2 of Part 3, means a District Court (including the Protection from Harassment Court) or a Family Court;

*[Act 17 of 2019 wef 01/04/2020]*

“disabling order” means an order made under section 15C;

*[Act 17 of 2019 wef 01/04/2020]*

“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]*

“general correction order” means an order made under section 15E;

*[Act 17 of 2019 wef 01/04/2020]*

“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 disabling order” means an order made under section 16AA;

*[Act 17 of 2019 wef 01/04/2020]*

“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]*

“material” means anything that consists of or contains a statement;

*Examples*

Examples of a material are a message, a post, an article, a speech, a picture, a video recording and a sound recording.

*[Act 17 of 2019 wef 01/04/2020]*

“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]*

*[Act 17 of 2019 wef 01/04/2020]*

“targeted correction order” means an order made under section 15D;

*[Act 17 of 2019 wef 01/04/2020]*

“targeted interim notification order” means an order made under section 16BA.

*[Act 17 of 2019 wef 01/04/2020]*

(2) In this Act —

- (a) a statement of fact is a statement which a reasonable person seeing, hearing or otherwise perceiving it would consider to be a representation of fact; and
- (b) a statement is false if it is false or misleading whether wholly or in part, and whether on its own or in the context in which it appears.

*[Act 17 of 2019 wef 01/04/2020]*

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

### CIVIL ACTIONS AND ORDERS

#### *Division 1 — Actions and orders relating to contraventions of Part 2*

*[Act 17 of 2019 wef 01/04/2020]*

### **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.

*Division 2 — Orders relating to  
false statements*

**General provisions applicable to orders under sections 15A to 15E**

**15.**—(1) This section applies to the following orders:

- (a) a stop publication order;
- (b) a correction order;
- (c) a disabling order;
- (d) a targeted correction order;
- (e) a general correction order.

(2) An order mentioned in subsection (1) takes effect in respect of a relevant party —

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

(3) An order mentioned in subsection (1) may be made in respect of a false statement of fact even if the false statement has been amended or has ceased to be published.

- (4) An order mentioned in subsection (1) may —
- (a) be made against a relevant party whether or not the relevant party is in or outside Singapore, is incorporated or established in or outside Singapore, or has its management or control in or outside Singapore; and
  - (b) require a relevant party to do or refrain from doing an act in or outside Singapore.
- (5) A court may vary, suspend or cancel an order mentioned in subsection (1), on the application of —
- (a) the subject or the author of the false statement;
  - (b) the relevant party; or
  - (c) an individual or entity that published the relevant statement to which the order relates.
- (6) An order mentioned in subsection (1) ceases to have effect —
- (a) during any period when the order is suspended under subsection (5); and
  - (b) when the order expires, or is cancelled under subsection (5).

*[Act 17 of 2019 wef 01/04/2020]*

### **Stop publication order**

**15A.**—(1) A court may, on an application by the subject of an alleged false statement of fact (called in this section the relevant statement), make a stop publication order against any individual or entity (called in this section the respondent), if —

- (a) the court is satisfied on the balance of probabilities that —
  - (i) the respondent has published the relevant statement; and
  - (ii) the relevant statement is a false statement of fact; and
- (b) it is just and equitable in the circumstances to make the stop publication order.

(2) A stop publication order may be made against a respondent even if the respondent does not know or have reason to believe that the relevant statement is false.

(3) A stop publication order may require the respondent or any other individual or entity to stop publishing the relevant statement, and not to publish any substantially similar statement, by a specified time.

(4) In this section —

(a) “specified” means specified in the stop publication order; and

(b) the respondent or any other individual or entity does not publish a statement merely by doing any act for the purpose of, or that is incidental to, the provision of —

(i) an internet intermediary service;

(ii) a telecommunication service;

(iii) a service of giving the public access to the internet; or

(iv) a computing resource service.

*[Act 17 of 2019 wef 01/04/2020]*

### **Correction order**

**15B.**—(1) A court may, on an application by the subject of an alleged false statement of fact (called in this section a relevant statement), make a correction order against an individual or entity (called in this section the respondent), if —

(a) the court is satisfied on the balance of probabilities that —

(i) the respondent has published the relevant statement; and

(ii) the relevant statement is a false statement of fact; and

(b) it is just and equitable in the circumstances to make the correction order.

(2) A correction order may be made against a respondent even if the respondent does not know or have reason to believe that the relevant statement is false.

(3) A correction order may require the respondent to publish in Singapore a correction notice, within a specified time —

(a) to any specified person or description of persons; and

(b) in a specified form and manner, which may include publication —

(i) at a specified online location or in a specified newspaper or other printed publication of Singapore; or

(ii) in specified proximity to every copy of the relevant statement, or of any substantially similar statement, that is published by the respondent.

(4) A correction notice must contain all or any of the following as may be specified in the correction order:

(a) a statement, in such terms as may be specified, that the court has determined the relevant statement is false, or that such material as may be specified contains a false statement of fact;

(b) a statement, in such terms as may be specified, correcting the false statement of fact, or a reference to a specified location where such a statement may be found.

(5) In this section —

(a) “specified” means specified in the correction order; and

(b) the respondent does not publish a statement merely by doing any act for the purpose of, or that is incidental to, the provision of —

(i) an internet intermediary service;

(ii) a telecommunication service;

(iii) a service of giving the public access to the internet;  
or

- (iv) a computing resource service.

*[Act 17 of 2019 wef 01/04/2020]*

### **Disabling order**

**15C.**—(1) A court may, on an application by the subject of an alleged false statement of fact (called in this section the relevant statement), make a disabling order against an internet intermediary (called in this section the respondent) if —

- (a) the court is satisfied on the balance of probabilities that —
- (i) any material consisting of or containing the relevant statement has been or is being published by means of an internet intermediary service provided by the respondent; and
  - (ii) the relevant statement is a false statement of fact; and
- (b) it is just and equitable in the circumstances to make the disabling order.

(2) A disabling order may require the respondent to disable access by end-users of the internet intermediary service provided by the respondent in Singapore, within a specified time, to —

- (a) any specified material provided on or through the service that consists of or contains the relevant statement; and
- (b) where the respondent is a prescribed internet intermediary — the specified material mentioned in paragraph (a) or any identical copies of the specified material.

(3) An end-user who accesses a part of any material is taken to access the material.

*[Act 17 of 2019 wef 01/04/2020]*

### **Targeted correction order**

**15D.**—(1) A court may, on an application by the subject of an alleged false statement of fact (called in this section the relevant statement), make a targeted correction order against an internet intermediary (called in this section the respondent) if —

- (a) the court is satisfied on the balance of probabilities that —
- (i) any material consisting of or containing the relevant statement has been or is being published by means of an internet intermediary service provided by the respondent; and
  - (ii) the relevant statement is a false statement of fact; and
- (b) it is just and equitable in the circumstances to make the targeted correction order.
- (2) A targeted correction order may require the respondent to publish a targeted correction notice —
- (a) by means of the internet intermediary service, to all end-users in Singapore who access any specified material provided on or through the service that consists of or contains the relevant statement from any specified time; and
  - (b) where the respondent is a prescribed internet intermediary — by any means and by a specified time, to all end-users in Singapore that the respondent knows had accessed the specified material mentioned in paragraph (a) or any identical copies of the specified material by means of the internet intermediary service.
- (3) A targeted correction notice must contain all or any of the following as may be specified in the targeted correction order:
- (a) a statement, in such terms as may be specified, that the court has determined the specified material consists of or contains a false statement of fact;
  - (b) a statement, in such terms as may be specified, correcting the false statement of fact, or a reference to a specified location where the statement may be found.
- (4) An end-user who accesses a part of any material is taken to access the material.

*[Act 17 of 2019 wef 01/04/2020]*

**General correction order**

**15E.**—(1) A court may, on an application by the subject of an alleged false statement of fact (called in this section the relevant statement), make a general correction order against a prescribed individual or entity (called in this section the respondent), if —

- (a) the court is satisfied on the balance of probabilities that —
  - (i) the relevant statement is a false statement of fact; and
  - (ii) the publication of the relevant statement has caused or is likely to cause serious harm to the reputation of the subject; and
- (b) it is just and equitable in the circumstances to make the general correction order.

(2) A general correction order may require the respondent to publish in Singapore a general correction notice within a specified time in a specified form and manner —

- (a) where the respondent is a prescribed holder of a permit under section 21 of the Newspaper and Printing Presses Act (Cap. 206) — in a specified newspaper or other printed publication, printed or published by the respondent;
- (b) where the respondent is a prescribed broadcasting licensee within the meaning of the Broadcasting Act (Cap. 28) — by a specified broadcasting service provided by the respondent;
- (c) where the respondent is a prescribed holder of a licence under section 5 of the Telecommunications Act (Cap. 323) — by a specified telecommunication system or service run by the respondent;
- (d) where the respondent is a prescribed internet intermediary —
  - (i) by a specified internet intermediary service provided by the respondent; or
  - (ii) to all end-users, or a specified class of end-users, in Singapore who use that internet intermediary service

at any time after the general correction order is served; and

(e) in any other case — by any specified means within the control of the respondent.

(3) A general correction notice must contain all or any of the following as may be specified in the general correction order:

(a) a statement, in such terms as may be specified, that the court has determined that the relevant statement is false;

(b) a statement, in such terms as may be specified, correcting the false statement of fact, or a reference to a specified location where the statement may be found.

(4) In this section, “specified” means specified in the general correction order.

#### *Illustrations*

(a) X publishes a false statement that Y, a lawyer, had misappropriated client moneys. As a result, Y’s clients terminate their contracts for Y’s services. Y has suffered serious harm to Y’s reputation.

(b) X makes a false statement that Y, a married female, had committed adultery with multiple men. The statement is widely published on social media. Y has suffered serious harm to Y’s reputation.

*[Act 17 of 2019 wef 01/04/2020]*

### **General provisions applicable to interim orders**

**16.—**(1) Where an application by the subject of an alleged false statement of fact (called in this section and sections 16A, 16AA, 16B and 16BA a relevant statement) for an order mentioned in paragraph (a), (b), (c) or (d) is pending against a respondent in relation to that application, the subject may also apply for the interim order mentioned in that paragraph to be made against that respondent:

(a) a stop publication order — an interim stop publication order or an interim notification order;

(b) a correction order — an interim notification order;

(c) a disabling order — an interim disabling order;

- (d) a targeted correction order — a targeted interim notification order.
- (2) Sections 16A and 16B apply despite any of the following:
- (a) that notice of the application has not been served on the respondent;
  - (b) that notice of the application has not been served, within a reasonable time before the hearing of the application, on the respondent.
- (3) An interim order takes effect in respect of the respondent —
- (a) when the order is served on the respondent in such manner as may be prescribed;
  - (b) where the court dispenses with the service of the order, when the service of the order on the respondent is dispensed with by the court; or
  - (c) at such later time as the court may specify.
- (4) An interim order under this section may be made in respect of a relevant statement even if the statement has been amended or has ceased to be published in Singapore.
- (5) There is no appeal against a decision of the court in relation to an interim order under this section.
- (6) The court may vary, suspend or cancel an interim order under this section, on the application of —
- (a) the subject or author of the relevant statement;
  - (b) the respondent; or
  - (c) an individual or entity that published the relevant statement.
- (7) An interim order made under this section remains in effect until it expires, or is cancelled under subsection (6).
- (8) An interim order under this section may be made subject to such exceptions or conditions as may be specified in the order.

*[Act 17 of 2019 wef 01/04/2020]*

**Interim stop publication order**

**16A.**—(1) A court may make an interim stop publication order against the respondent in relation to an application for a stop publication order if —

- (a) the court is satisfied that there is prima facie evidence that —
  - (i) the respondent published or continues to publish the relevant statement;
  - (ii) the relevant statement is a false statement of fact; and
  - (iii) the publication of the relevant statement by the respondent has caused or is likely to cause the subject harm; and
- (b) it is just and equitable in the circumstances to make the stop publication order on an expedited basis.

(2) Section 15A(2), (3) and (4) applies to an interim stop publication order as it applies to a stop publication order.

*[Act 17 of 2019 wef 01/04/2020]*

**Interim disabling order**

**16AA.**—(1) A court may make an interim disabling order against the respondent in relation to an application for a disabling order if —

- (a) the court is satisfied that there is prima facie evidence that —
  - (i) any material consisting of or containing the relevant statement (called in this section the specified material) has been or is being published by means of an internet intermediary service provided by the respondent;
  - (ii) the relevant statement is a false statement of fact; and
  - (iii) the publication of the specified material by means of the service has caused or is likely to cause the subject harm; and

(b) it is just and equitable in the circumstances to make the disabling order on an expedited basis.

(2) Section 15C(2) and (3) applies to an interim disabling order as it applies to a disabling order.

*[Act 17 of 2019 wef 01/04/2020]*

### **Interim notification order**

**16B.**—(1) A court may make an interim notification order against the respondent in relation to an application for a correction order or a stop publication order if —

(a) the court is satisfied that there is prima facie evidence that —

- (i) the respondent published or continues to publish the relevant statement;
- (ii) the relevant statement is a false statement of fact; and
- (iii) the publication of the relevant statement by the respondent has caused or is likely to cause the subject harm; and

(b) it is just and equitable in the circumstances to make the interim notification order.

(2) An interim notification order may require the respondent to publish an interim notice, within a specified time —

(a) to any specified person or description of persons; and

(b) in a specified form and manner, which may include publication —

- (i) at a specified online location or in a specified newspaper or other printed publication of Singapore; or
- (ii) in specified proximity to every copy of the relevant statement, or of any substantially similar statement, that is published by the respondent.

- (3) An interim notice must —
- (a) state that there is a pending application for a correction order or a stop publication order or both (as the case may be) in respect of the relevant statement; and
  - (b) be in such form and published in such manner as may be specified in the interim notification order.
- (4) Section 15B(2) and (5) applies to an interim notification order as it applies to a correction order.

*[Act 17 of 2019 wef 01/04/2020]*

### **Targeted interim notification order**

**16BA.**—(1) A court may make a targeted interim notification order against the respondent in relation to an application for a targeted correction order if —

- (a) the court is satisfied that there is prima facie evidence that —
    - (i) any material consisting of or containing the relevant statement (called in this section the specified material) has been or is being published by means of an internet intermediary service provided by the respondent;
    - (ii) the relevant statement is a false statement of fact; and
    - (iii) the publication of the specified material by means of the service has caused or is likely to cause the subject harm; and
  - (b) it is just and equitable in the circumstances to make the targeted interim notification order.
- (2) A targeted interim notification order may require the respondent to publish a targeted interim notice —
- (a) by means of the internet intermediary service to all end-users in Singapore who access any specified material provided on or through the service that consists of or contains the false statement from any specified time; and

- (b) where the respondent is a prescribed internet intermediary — by any means and by a specified time, to all end-users in Singapore that the respondent knows had accessed the specified material mentioned in paragraph (a) or any identical copies of the specified material by means of the internet intermediary service.
- (3) A targeted interim notice must —
  - (a) state that there is a pending application for a targeted correction order in respect of the specified material; and
  - (b) be in such form and published in such manner as may be specified in the targeted interim notification order.
- (4) An end-user who accesses a part of any material is taken to access the material.

*[Act 17 of 2019 wef 01/04/2020]*

### **Publication of notices**

**16BB.**—(1) A person who is required to publish any of the following notices must ensure that they are easily perceived:

- (a) a targeted correction notice;
  - (b) a general correction notice;
  - (c) a targeted interim notice.
- (2) Subject to subsection (3), a notice is easily perceived if —
  - (a) a notice (not being an audio recording) is conspicuous, regardless of the type of platform or device used by the end-user or viewer;

#### *Illustration*

A notice that is in a text form is conspicuous if it is sufficiently differentiated from the background and is of a reasonable type size compared to the rest of the text on the same page.

- (b) the notice is easy to read, view or listen to, and not easy to miss;

#### *Illustrations*

(a) Where the notice is an audio recording, it is easy to listen to it if it is in a volume and cadence sufficient for it to be heard and understood.

(b) Where the notice is a video recording or a dynamic display, it is easy to view if it appears for a duration sufficient for it to be viewed and understood.

(c) A notice that is in a text form or the form of a video recording or dynamic display is easy to miss if it is contained in a pop-up window, insofar as access to it may be easily disabled.

- (c) the notice (not being an audio recording) is placed near the subject statement (where relevant), and in a location where end-users or viewers are likely to look; or
- (d) the end-user is required to access another online location in order to comprehend the notice.

*Illustration*

An example of such requirement is the mere provision of a hyperlink to the notice or a part of it.

(3) For the purposes of this section, without limiting the manner of complying with subsection (1), a notice is taken to be easily perceived if the notice is published in accordance with such measures as may be prescribed by regulations made under section 20 (called in this section the prescribed measures).

(4) The measures required to be taken under a targeted correction order, general correction order or targeted interim notification order must not be inconsistent with the prescribed measures.

*[Act 17 of 2019 wef 01/04/2020]*

*Division 3 — General*

**Person who may appeal**

**16C.** The persons who may appeal against a decision made by any court in relation to the following orders are —

- (a) in the case of a protection order —
- (i) the applicant for the order;
  - (ii) the relevant party in relation to the order; or

- (iii) if the protection order requires an internet intermediary to disable access to a third party's communication, that third party;
- (b) in the case of a mandatory treatment order —
  - (i) the applicant for the order; or
  - (ii) the respondent; and
- (c) in the case of a stop publication order, a correction order, a disabling order, a targeted correction order or a general correction order —
  - (i) the applicant for the order;
  - (ii) the relevant party in relation to the order;
  - (iii) the author of the relevant statement to which the order relates; or
  - (iv) an individual or entity that published the relevant statement to which the order relates.

*[Act 17 of 2019 wef 01/04/2020]*

## **Costs**

**16CA.** When granting a general correction order in respect of a false statement of fact, the court may order that the whole or any part of the costs reasonably incurred by a prescribed person or prescribed internet intermediary in complying with the order be paid by any of the following:

- (a) the author of the false statement of fact, if the author authorised or caused that statement to be published;
- (b) any person or entity that intentionally published the false statement of fact or any material consisting of or containing the false statement of fact;
- (c) the subject who applied for the order.

*[Act 17 of 2019 wef 01/04/2020]*

**Service of orders**

**16CB.** An order made under this Act may be served by such means as may be prescribed by Rules of Court made under section 19 or, where applicable, the Family Justice Rules made under section 19A.

*[Act 17 of 2019 wef 01/04/2020]*

**Compliance with orders**

**16D.**—(1) A relevant party must comply with an order under this Part within the specified time despite —

- (a) any contrary duty or obligation under any written law or rule of law, any contract or any rule of professional conduct applicable to the relevant party; and
- (b) any costs of complying with the order being owed to the relevant party.

(2) No civil or criminal liability is incurred by a relevant party, or an officer, employee or agent of the relevant party, for doing or omitting to do any act, if the act or omission is done —

- (a) with reasonable care and in good faith; and
- (b) for the purpose of complying with or giving effect to an order made under Division 1 or 2 against that relevant party.

(3) Subsection (2) does not apply to the respondent of a protection order made under section 12(2), or of an expedited protection order under section 13(1) in relation to a protection order under section 12(2).

(4) Subject to section 10(3), disobedience or breach of an order made under this Part, if intentional, is a contempt of court.

*[Act 17 of 2019 wef 01/04/2020]*

## 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 affecting subsection (1), Rules of Court may be made 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 or 13 or Division 2 of Part 3, 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;  
*[Act 17 of 2019 wef 01/04/2020]*
- (e) to prescribe the persons who may bring civil proceedings under this Act on behalf of —
  - (i) any victim mentioned in section 3, 4, 5, 6 or 7; or
  - (ii) any subject mentioned in Division 2 of Part 3;  
*[Act 17 of 2019 wef 01/04/2020]*
- (f) to provide for the costs (including disbursements) and fees of any civil proceedings under this Act, and for regulating any matter relating to the costs of such proceedings;  
*[Act 17 of 2019 wef 01/04/2020]*
- (g) to prescribe anything that this Act requires or permits to be prescribed by Rules of Court.  
*[Act 17 of 2019 wef 01/04/2020]*

(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, except any matter —
- (a) for which Rules of Court may be made under section 19; or
  - (b) mentioned in subsection (2).

(2) For the purposes of section 13B, the Minister charged with the responsibility for health may make regulations relating to the treatment of a person under a mandatory treatment order.

*[Act 17 of 2019 wef 01/04/2020]*

### **Presentation to Parliament**

**20A.** All orders made under sections 13A and 18A, Rules of Court made under section 19, Family Justice Rules made under section 19A and regulations made under section 20 must be presented to Parliament as soon as possible after publication in the *Gazette*.

*[Act 17 of 2019 wef 01/04/2020]*

### **Exemptions**

**21.—(1)** The following orders must not be made in respect of any class of persons, as prescribed under subsection (2):

- (a) a protection order made under section 12(2) that provides any thing under section 12(2B)(b), or an expedited protection order made under section 13(1) that so provides;
- (b) a protection order made under section 12(2E), or an expedited protection order made under section 13(1B);
- (c) any order made under Division 2 of Part 3.

*[Act 17 of 2019 wef 01/04/2020]*

(2) The Minister may, by order in the *Gazette*, prescribe the classes of persons, and the orders in respect of each class of persons so prescribed, to which subsection (1) applies.

*[Act 17 of 2019 wef 01/04/2020]*

(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 1 April 2020