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The following Act was passed by Parliament on 13th April 2009 and assented to by the President on 28th April 2009:—

PUBLIC ORDER ACT 2009

(No. 15 of 2009)

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REPUBLIC OF SINGAPORE

No. 15 of 2009.

I assent.



S R NATHAN,
President.
28th April 2009.

An Act to regulate assemblies and processions in public places, to provide powers necessary for preserving public order and the safety of individuals at special event areas, to supplement other laws relating to the preservation and maintenance of public order in public places, and to make consequential and related amendments to certain other written laws.

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

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Public Order Act 2009 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“act of terrorism” means any of the following:

- (a) a terrorist bombing offence within the meaning of the Terrorism (Suppression of Bombings) Act (Cap. 324A);
- (b) a terrorist act within the meaning of the Terrorism (Suppression of Financing) Act (Cap. 325);

“assembly” means a gathering or meeting (whether or not comprising any lecture, talk, address, debate or discussion) of persons the purpose (or one of the purposes) of which is —

- (a) to demonstrate support for or opposition to the views or actions of any person, group of persons or any government;
- (b) to publicise a cause or campaign; or
- (c) to mark or commemorate any event,

and includes a demonstration by a person alone for any such purpose referred to in paragraph (a), (b) or (c);

“authorised officer”, in relation to any provision in this Act or the regulations, means any police officer authorised in that behalf by the Commissioner for the purposes of that provision;

“Commissioner” means the Commissioner of Police appointed under the Police Force Act (Cap. 235);

“copy”, in relation to a film, means any article or thing in which the visual images or sounds comprising the film are embodied;

“declaration” means a declaration made under section 21;

“event” includes any rehearsal, sound and light testing and other ancillary activities necessary and incidental to an event;

“permit” means a permit granted under section 7 in respect of a public assembly or public procession;

“place” includes any motor vehicle, train, vessel, aircraft or other conveyance;

“procession” means a march, parade or other procession (whether or not involving the use of vehicles or other conveyances) —

(a) comprising 2 or more persons gathered at a place of assembly to move from that place substantially as a body of persons in succession proceeding by a common route or routes; and

(b) the purpose (or one of the purposes) of which is —

(i) to demonstrate support for or opposition to the views or actions of any person, group of persons or any government;

(ii) to publicise a cause or campaign; or

(iii) to mark or commemorate any event,

and includes any assembly held in conjunction with such procession, and a march by a person alone for any such purpose referred to in paragraph (b)(i), (ii) or (iii);

“prohibited area” means any area that is specified in an order made under section 12;

“public assembly” means an assembly held or to be held in a public place or to which members of the public in general are invited, induced or permitted to attend;

“public place” means —

- (a) any place (open to the air or otherwise) to which members of the public have access as of right or by virtue of express or implied permission, whether or not on payment of a fee, whether or not access to the place may be restricted at particular times or for particular purposes, and whether or not it is an “approved place” within the meaning of the Public Entertainments and Meetings Act (Cap. 257); or
- (b) a part of a place that the occupier of the place allows members of the public to enter, but only while the place is ordinarily open to members of the public;

“public procession” means a procession in, to or from a public place;

“regulated place” means any place to which Part IV applies;

“security officer” means an individual who is a licensed security officer within the meaning of the Private Security Industry Act (Cap. 250A);

“special event” means an event declared under section 21 to be a special event;

“special event area”, in relation to a special event, means, for the period the declaration under section 21 of the event is in force —

- (a) the place or places stated in the declaration as the location or locations at which the event is or is to be; and
- (b) any place reasonably incidental to the holding of the event;

“unrestricted area” means a public place specified in an order made under section 14.

(2) Any reference in this Act to an assembly or a procession that is unlawful under Part II shall be a reference to an assembly or a procession —

- (a) in respect of which no permit has been granted under section 7 or no such permit is in force;
- (b) which is held —
 - (i) on a date or at a time which differs from the date or time specified in relation to the assembly or procession in the notice given under section 6; or
 - (ii) in the case of a procession, along a route which differs from the route specified in relation to the procession in the notice given under section 6;
- (c) which is not in compliance with any requirement imposed by section 8(1) or any condition imposed under section 8(2) on organisers or persons taking part in that assembly or procession;
- (d) which is held within a prohibited area and the holding thereof is prohibited by an order under section 12(1);
- (e) the holding of which is prohibited by an order or a notification under section 13(1) or (2); or
- (f) which is held within an unrestricted area and the holding thereof is not in accordance with any condition that applies by virtue of section 14 to the organising or taking part in the assembly or procession.

Meanings of “organising” and “taking part in”

3.—(1) In this Act, a reference to a person organising an assembly or a procession shall be a reference to a person who is responsible for holding, convening, forming or collecting the assembly or procession, and includes —

- (a) any person who assists or promotes the holding, convening, forming or collecting of any assembly or procession; and
- (b) where any person will receive revenue from the sale (if any) of tickets to the assembly or procession, that person,

but does not include a person carrying on a demonstration by himself or marching alone.

(2) A reference to a person or persons taking part in an assembly or a procession shall include, as the case may be, a person carrying on a demonstration by himself, or a march by a person alone, for any such purpose referred to in the definitions of an assembly and a procession, respectively, in section 2(1).

Commissioner and authorised officers

4.—(1) The Commissioner shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act and may perform such duties as are imposed and may exercise such powers as are conferred upon him by this Act.

(2) The Minister may from time to time give the Commissioner directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretions conferred on the Commissioner by, and the duties required to be discharged by the Commissioner under, this Act; and the Commissioner shall give effect to all such directions given.

(3) The Commissioner may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to such conditions or limitations as set out in this Act or as the Commissioner may specify by directions; and any reference in this Act to the Commissioner shall include a reference to such an authorised officer.

(4) In exercising any powers or functions under a delegation under subsection (3), an authorised officer must comply with any direction of the Commissioner.

PART II

ASSEMBLIES AND PROCESSIONS

Regulation of public assemblies and public processions

5.—(1) Subject to the provisions of this Act, a public assembly and a public procession shall not take place unless —

- (a) the Commissioner is notified under section 6 of the intention to hold the public assembly or public procession, and a permit is granted under section 7 in respect of that public assembly or public procession, as the case may be; and
 - (b) the holding of that public assembly or public procession is not prohibited under section 12 or 13.
- (2) This section shall not apply to —
- (a) an assembly or a procession exempted from this section under section 46; and
 - (b) an assembly or a procession within any part of an unrestricted area not falling within a special event area.

Advance notice of public assembly or public procession

6.—(1) Notice of intention to organise a public assembly or public procession shall be given in accordance with subsections (2) and (3) to the Commissioner in the prescribed manner accompanied by an application for a permit in respect of that assembly or procession, as the case may be.

(2) Notice under this section shall be given not less than the prescribed period before the date on which the assembly or procession, as the case may be, is to be held.

(3) Notice under this section shall —

- (a) be given in writing in such form as may be prescribed;
- (b) be given —
 - (i) if it is a demonstration carried on by a person by himself or a march by a person alone, by that person; and
 - (ii) in any other case, by any of the organisers of the assembly or procession; and
- (c) contain all the following particulars:
 - (i) the location, date and time where and when the assembly or procession, as the case may be, is to be held and the estimated time at which it will disband;

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- (ii) in the case of a procession, the location, time of commencement and duration of any assembly to be held in conjunction with the procession and the route, the places (if any) at which the procession will halt and time for which it will remain stationary in each such place;
 - (iii) the number of persons likely to take part in it;
 - (iv) the purpose of the assembly or procession;
 - (v) the name, address and telephone number of the organiser of the assembly or procession, and of a person able to act, if necessary, in place of the organiser for the purposes of section 8(1)(a);
 - (vi) the arrangements for its control being made by the person proposing to organise it;
 - (vii) such other particulars and information relating to the assembly or procession as may be prescribed;
 - (viii) such other particulars and information relating to that particular assembly or procession, as the case may be, as the Commissioner may require.

(4) Notwithstanding subsection (2), the Commissioner may, and shall in any case where he is reasonably satisfied that earlier notice could not have been given, accept shorter notice than is as mentioned in that subsection.

(5) In cases where the Commissioner has decided not to accept shorter notice than is as mentioned in subsection (2), he shall as soon as practicable inform in writing the person purporting to give such notice of his decision.

Permit for public assembly or public procession

7.—(1) The Commissioner shall, upon receipt of any notice and application under section 6 for a permit in respect of a proposed public assembly or public procession, have regard to the information furnished in the notice and any other information available to him in relation to the proposed public assembly or public procession, as the case may be, and may thereafter either —

- (a) grant a permit (with or without conditions) in respect of the proposed public assembly or public procession, as the case may be; or
- (b) refuse to grant a permit in respect of the proposed public assembly or public procession.

(2) The Commissioner may refuse to grant a permit for a public assembly or public procession in respect of which notice under section 6 has been given if he has reasonable ground for apprehending that the proposed assembly or procession may —

- (a) occasion public disorder, or damage to public or private property;
- (b) create a public nuisance;
- (c) give rise to an obstruction in any public road;
- (d) place the safety of any person in jeopardy;
- (e) cause feelings of enmity, hatred, ill-will or hostility between different groups in Singapore;
- (f) glorify the commission or preparation (whether in the past, in the future or generally) of acts of terrorism or any offence or otherwise have the effect of directly or indirectly encouraging or otherwise inducing members of the public to commit, prepare or instigate acts of terrorism or such an offence; or
- (g) be held within or enter a prohibited area, or an area to which an order or a notification under section 13 applies.

Conditions applying to public assembly or public procession

8.—(1) At every public assembly or public procession —

- (a) there shall be present throughout the assembly or procession either the person who organised the assembly or procession or, if he is not present, a person nominated by him, in writing, to act in his place; and
- (b) good order and public safety shall be maintained throughout the assembly or procession, as the case may be.

(2) In granting a permit for a public assembly or public procession, the Commissioner may impose on the organisers of, and the persons taking part in, the assembly or procession such conditions specified in the permit and relating to the assembly or procession as in the Commissioner's opinion are necessary to prevent the assembly or procession, as the case may be, being carried out to result in anything referred to in section 7(2)(a) to (g).

(3) Without prejudice to the generality of subsection (2), the conditions may, in particular, impose requirements as to —

- (a) the number of persons who may take part in the public assembly or public procession;
- (b) the number and size of banners, placards, displays or other paraphernalia used;
- (c) the engagement of such number of marshals and security officers as may be necessary to ensure that good order and public safety shall be maintained throughout the assembly or procession, as the case may be; and
- (d) the place or places where the public assembly or public procession may, or may not, be carried on.

(4) The Commissioner may, if he reasonably believes that it is necessary in order to prevent anything referred to in section 7(2)(a) to (g) from happening —

- (a) impose additional conditions on those organising or taking part in an assembly or a procession authorised by a permit; or
- (b) amend any condition previously imposed under subsection (2) or paragraph (a),

and the senior police officer may give directions to those organising or taking part in the assembly or procession to ensure the due observance of any condition imposed under subsection (2).

(5) Any reference in this Act to a condition imposed under subsection (2) shall, except where the context otherwise requires, include reference to an additional condition or amendment to such a condition imposed under subsection (4).

(6) In this section —

“assembly” and “procession” include the period of first assembly of the assembly and procession, respectively, to the time it disbands;

“senior police officer” means the most senior in rank of the police officers present at the scene of the assembly or procession, or any one of them if there are more than one of the same rank.

Form and validity of permit

9. A permit granted under section 7 shall —

- (a) be in such form as the Commissioner may determine;
- (b) contain the conditions subject to which it is granted; and
- (c) unless earlier cancelled by or under this Act, be valid —
 - (i) in respect of the holding of such particular public assembly or public procession specified in the permit;
or
 - (ii) for such period (not exceeding one year) as may be specified therein.

When permit may be cancelled

10.—(1) The Commissioner may, by notice in writing to the person to whom the permit is granted, cancel the permit that has been granted thereto.

(2) Without prejudice to subsection (1), the Commissioner may, by notice in writing, cancel a permit that has been granted to any person if —

- (a) the permit has been reported lost or stolen;
- (b) there is reasonable cause to believe that the permit has been obtained by means of any false statement or any statement that is false in a material particular;
- (c) the Commissioner becomes aware of a circumstance that would have required or permitted him to refuse the permit to

the person had he been aware of the circumstance immediately before the grant thereof; or

(d) there is reasonable cause to believe that any condition of the permit has been contravened.

(3) Every permit that is cancelled under subsection (1) shall thereupon be invalid and cease to be in force.

Appeal to Minister

11.—(1) If a person is aggrieved by the Commissioner's decision under this Part —

(a) to refuse to grant a permit;

(b) to cancel a permit; or

(c) to impose any particular condition on a permit,

the person may, within 7 days after being notified of the decision (or such longer period as the Minister allows in exceptional circumstances, whether before or after the end of the 7 days), appeal to the Minister whose decision shall be final.

(2) An appeal must be in writing, and specify the grounds on which it is made.

(3) After receiving an appeal under subsection (1), the Minister shall consider the appeal and —

(a) reject the appeal and confirm the Commissioner's decision;

(b) allow the appeal in whole or in part and vary the Commissioner's decision;

(c) set aside the Commissioner's decision and make a decision in substitution for it; or

(d) direct the Commissioner to reconsider his decision,

and the appellant shall be notified in writing of the Minister's decision in respect of his appeal accordingly.

(4) In this section, any reference to the Minister shall include a reference to any Minister of State designated by the Minister to hear any appeal under this section in place of the Minister.

Prohibited areas

12.—(1) If, in relation to any public place, the Minister is of the opinion that, having regard to the extent of powers exercisable under section 13, it is necessary in the public interest to do so, the Minister may, by order published in the *Gazette*, prohibit the holding of all public assemblies or public processions or both in the public place (referred to in this Act as a prohibited area).

(2) An order made under subsection (1) may exclude any assembly or procession, or any assembly or procession of any class or description, specified in the order from the prohibition therein.

(3) An order made under subsection (1) shall have the effect of cancelling any previous permit granted under section 7 in relation to any public assembly or public procession, the holding of which is prohibited by the order.

(4) All orders made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Power to prohibit assembly or procession in public interest

13.—(1) If, in the case of any proposed public assembly or public procession, the Minister is of the opinion that it is necessary in the public interest to do so, the Minister may, by order published in the *Gazette*, prohibit the holding of that public assembly or public procession.

(2) If, in relation to any public place and any period of time not exceeding 28 days, the Commissioner is of the opinion that, having regard to —

- (a) any serious public disorder or serious damage to public or private property which may result from public assemblies or public processions of a particular class or description in that public place during that period;
- (b) any serious public nuisance or obstruction in any public road, or threat to the safety of persons in that public place, that may result from such public assemblies or public processions;

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- (c) any serious impact which such public assemblies or public processions may have on relations between different groups in Singapore;
 - (d) any undue demands which such public assemblies or public processions may cause to be made on the police or military forces; and
 - (e) the extent of powers exercisable under subsection (1),

it is necessary in the public interest to do so, he may, with the concurrence of the Minister, by notification published in the *Gazette*, prohibit the holding of all public assemblies or public processions or both, or of that class or description, in that public place during that period.

(3) An order made under subsection (1) in relation to an assembly or a procession shall have the effect of cancelling any previous permit granted under section 7 in relation to that assembly or procession.

(4) A notification made under subsection (2) shall have the effect of cancelling any previous permit granted under section 7 in relation to any assembly or procession, the holding of which is prohibited by the notification.

Unrestricted areas

14.—(1) If the Minister is of the opinion that, having regard to the natural environment of any public place and the likelihood of any serious disruption to the life of the community (such as but not limited to the rights of members of the public to enjoy the natural environment and the rights of persons to carry on business), it is appropriate to allow citizens and other persons to exercise the right to participate in assemblies and processions in that public place, the Minister may, by order published in the *Gazette*, designate that public place (referred to in this Act as an unrestricted area) to be an area whereby no notice under section 6, and no permit under section 7, shall be required for the holding of all assemblies or processions or both therein.

(2) An order made under subsection (1) shall —

- (a) describe the unrestricted area, whether by means of a description, map or other document;

- (b) state any period for which the order is in force; and
- (c) state the conditions (if any) that apply to the organising of, or taking part in, any assembly or procession within that unrestricted area.

(3) An order made under subsection (1) may —

- (a) provide that any contravention of any condition therein that is applicable to the organising of or taking part in any assembly or procession within the unrestricted area subject to the order shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 6 months or with both; and
- (b) provide for such transitional, savings and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.

(4) All orders made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

(5) This section shall have effect subject to section 33.

Offences in prohibited areas, etc.

15.—(1) A person who organises an assembly or a procession the holding of which he knows or ought reasonably to know is prohibited by an order under section 12(1) or 13(1) or a notification under section 13(2), as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) A person who takes part in an assembly or a procession the holding of which he knows or ought reasonably to know is prohibited by an order under section 12(1) or 13(1) or a notification under section 13(2), as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Other offences in relation to assemblies or processions

16.—(1) Each person who organises a public assembly or public procession —

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- (a) in respect of which no permit has been granted under section 7 or no such permit is in force, where such permit is required by this Act;
 - (b) which is held —
 - (i) on a date or at a time which differs from the date or time specified in relation to the assembly or procession in the notice given under section 6; or
 - (ii) in the case of a procession, along a route which differs from the route specified in relation to the procession in the notice given under section 6; or
 - (c) which is not in compliance with any condition imposed under section 8(2) on persons taking part in that assembly or procession,

shall be guilty of an offence and shall, subject to subsection (3), be liable on conviction to a fine not exceeding \$5,000.

(2) Each person who takes part in a public assembly or public procession —

- (a) in respect of which no permit has been granted under section 7 or no such permit is in force, where such permit is required by this Act;
- (b) which is held —
 - (i) on a date or at a time which differs from the date or time specified in relation to the assembly or procession in the notice given under section 6; or
 - (ii) in the case of a procession, along a route which differs from the route specified in relation to the procession in the notice given under section 6; or
- (c) which is not in compliance with any requirement imposed by section 8(1)(b) or any condition imposed under section 8(2) on persons taking part in that assembly or procession,

shall be guilty of an offence and shall, subject to subsection (3), be liable on conviction to a fine not exceeding \$3,000.

(3) Where a person who is convicted or found guilty of an offence under subsection (1) or (2) is a repeat offender, the person shall be liable on conviction —

- (a) if the person is one who organises an assembly or a procession — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (b) if the person is one who takes part in an assembly or a procession — to a fine not exceeding \$5,000.

(4) A person organising or taking part in an assembly or a procession who knowingly fails to comply with any direction of the senior police officer given under section 8(4) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of a person organising an assembly or a procession — to a fine not exceeding \$10,000; and
- (b) in the case of a person taking part in an assembly or a procession — to a fine not exceeding \$5,000.

(5) For the purposes of subsection (3), a person is a repeat offender in relation to an offence under subsection (1) or (2) if the person who is convicted, or found guilty, of an offence under subsection (1) or (2) (referred to as the current offence) has been convicted or found guilty of —

- (a) an offence under subsection (1) or (2);
- (b) an offence under section 5(4) of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) as in force immediately before the commencement of this section; or
- (c) an offence under any rules made under section 5(1) of the Miscellaneous Offences (Public Order and Nuisance) Act as in force immediately before the commencement of this section, in relation to any assembly or procession in any public road, public place or place of public resort held without a permit under those rules or in contravention of any term or condition of such a permit,

on at least one other occasion within the period of 5 years immediately before the date on which he is convicted or found guilty of the current offence.

(6) This section shall not apply to —

- (a) an assembly or a procession exempted from this section under section 46; and
- (b) an assembly or a procession within an unrestricted area not falling within a special event area.

Defences

17.—(1) In any proceedings for an offence under section 16(1)(a) or (2)(a), it shall be a defence for the person charged to prove that he did not know, and neither suspected nor had reason to suspect, that no permit had been granted under section 7 in respect of the assembly or procession or that no such permit is in force, as the case may be.

(2) In any proceedings for an offence under section 16(1)(b) or (2)(b), it shall be a defence for the person charged to prove that —

- (a) he did not know, and neither suspected nor had reason to suspect, the difference in date, time or route; or
- (b) the difference arose from —
 - (i) circumstances beyond his control;
 - (ii) something done in compliance with conditions imposed under section 8(2); or
 - (iii) something done with the agreement of a police officer not below the rank of sergeant or by the senior police officer's direction under section 8(4).

(3) In any proceedings for an offence under section 16(1)(c) or (2)(c), it shall be a defence for the person charged to prove that he did not know, and neither suspected nor had reason to suspect, that the assembly or procession was not in compliance with any of the conditions of the permit for the assembly or procession.

(4) In any proceedings for an offence under section 16(4), it shall be a defence for the person charged to prove that his failure to comply

with a direction of the senior police officer given under section 8(4) arose from circumstances beyond his control.

Obstructing free passage of any ambulance, etc.

18. Where a person at, or in relation to, an assembly or a procession conducted pursuant to a permit —

- (a) acts in a disorderly manner for the purpose of preventing the transaction of the business for which the assembly or procession assembled;
- (b) obstructs the free passage of any ambulance, fire engine or vehicle belonging to the Singapore Police Force or the Singapore Civil Defence Force or, otherwise than in the manner and to the extent authorised by the permit relating to that assembly or procession, impedes or disrupts the use by members of the public in general of any road; or
- (c) incites other persons to do so,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Legal immunity for participant in lawful assembly or procession

19. If an assembly or a procession —

- (a) is the subject of a permit;
- (b) is peaceful; and
- (c) is held in accordance with the conditions imposed on the permit,

a person who takes part in the assembly or procession, does not, merely because of his taking part, incur any civil or criminal liability because of the obstruction of a public place.

PART III
SPECIAL EVENTS SECURITY

Interpretation of this Part

20. In this Part, unless the context otherwise requires —

“approved person”, in relation to any power under section 22, 24, 27, 28 or 29, means any of the following persons approved by the Commissioner in writing to exercise such power under that provision at or in relation to a special event area specified in that approval:

- (a) any member of an auxiliary police force; or
- (b) any security officer who is employed by, or whose services are supplied to, the occupier of the special event area;

“entrant”, in relation to a special event area, means a person who is about to enter or is in the area;

“event organiser”, in relation to an event, means a person who is responsible (whether fully or substantially) for the organisation and holding of the event and the receipt of revenue from the event (if any);

“garment” includes a cloak, coat or shirt;

“hand-held scanner” means a device that may be passed over or around a person or a person’s personal property to detect metal, objects or other substances;

“occupier”, in relation to a special event area, includes the event organiser of the special event at that special event area;

“personal property”, in relation to a person, means things carried by the person or things apparently in the immediate control of the person, but does not include clothing being worn by the person;

“place” includes an area;

“prohibited item”, in relation to a special event, means such thing or animal that is stated to be a prohibited item in the notification in respect of the event under section 22;

“search” includes —

- (a) a search of a person conducted by quickly running the hands over the person’s outer garments; and
- (b) an examination of anything worn or carried by the person;

“statutory condition of entry”, in relation to a special event, means a condition that is stated in the notification concerning the event under section 22 to be a statutory condition of entry to the special event area;

“vehicle” includes an aircraft and a boat;

“X-ray machine” means a device through which a person’s belongings are passed and X-rayed.

Declaration of special event

21.—(1) Subject to subsections (2) and (3), the Minister may declare an event to be a special event for the purposes of this Part.

(2) In deciding whether to make a declaration, the Minister shall have regard to —

- (a) the nature of the event;
- (b) the number and kind of people expected to attend the event;
- (c) Singapore’s obligations for holding the event; and
- (d) any other relevant matter.

(3) The Minister may make a declaration only if he is satisfied —

- (a) that the declaration is necessary for preserving public order and the safety of individuals involved in the event and other individuals and for the avoidance of disruptions to the event; and

(b) that either —

- (i) there is a reasonable likelihood that the event may be disrupted if the powers in sections 24 to 30 are not exercised;
- (ii) the exercise of the powers is necessary because of the need to protect persons involved in or at the event;
- (iii) the exercise of the powers is required as a condition of holding the event in Singapore; or
- (iv) there is a reasonable likelihood that the event because of its nature might be at risk of an act of terrorism.

(4) A declaration under subsection (1) must —

- (a) contain a brief description of the event to which it applies, whether by means of a description, map or other document;
- (b) state the proposed time and date of the event or the proposed period in which the event is to take place, and the location of the special event area for the event;
- (c) state the period (not exceeding 3 years) for which the declaration is in force; and
- (d) be published in the *Gazette*.

(5) Once such a declaration is made, the Minister shall, within 7 days thereafter and before the date the declaration comes into force, cause to be published a notice of the making of the declaration, describing briefly the event and the special event area in such manner as will secure adequate publicity for the declaration.

(6) Failure to comply with subsection (5) in respect of any declaration shall not invalidate the declaration.

(7) Unless sooner revoked, a declaration shall expire on the date, and at the time (if any) stated in, or worked out in accordance with the declaration.

(8) At any time before a declaration comes into force, the Minister may amend the description of the location of the special event area to which the declaration applies by publishing the amendment in the *Gazette*; and notice of the amendment describing briefly the changes

therein shall be published as soon as practicable in such manner as will secure adequate publicity for the amended declaration.

Statutory conditions of entry

22.—(1) At any time after a declaration is made in respect of a special event and the special event area for that event, the Commissioner may, with the approval of the Minister, determine that any or all of the following conditions apply to the special event area:

- (a) that a person seeking to enter or in the special event area must, if asked by a police officer or an approved person, permit an inspection to be made of his personal property;
- (b) that a person seeking to enter or in the special event area must, if asked by a police officer, permit a search to be made of the person;
- (c) that a person must not take into or possess in the special event area a prohibited item;
- (d) that a person seeking to enter or in the special event area must comply with any lawful order of a police officer or an approved person regarding the entrant's entry into and remaining in that area.

(2) Once any such determination is made in respect of a special event and its special event area, the Commissioner shall, by notification published in the *Gazette*, specify —

- (a) the places, if any, at which a police officer or an approved person may exercise specified powers under sections 24 to 29;
- (b) if the determination includes the statutory condition of entry that a person shall not take into or possess in the special event area a prohibited item, the thing or animal a person is prohibited from bringing into the special event area; and
- (c) any other conditions that apply to entry to the special event area or any part of it.

(3) Any notification under subsection (2) in respect of a special event and its special event area shall be made and published at least 7 days before the proposed date of the special event or, in the case where the special event is to take place during a proposed period, the beginning of that proposed period.

(4) Once such a notification under subsection (2) is published, the Commissioner shall, within 7 days thereafter and before the proposed date of the special event or, in the case where the special event is to take place during a proposed period, the beginning of that proposed period, cause to be published a copy of the notification in such manner as will secure adequate publicity for it.

(5) The Commissioner may at any time amend the notification under subsection (2) relating to a special event and special event area; and notice of the amendment describing briefly the changes therein shall be published as soon as practicable in such manner as will secure adequate publicity for the amended declaration.

Tickets sellers to inform of statutory conditions of entry

23.—(1) If any person who sells tickets to an event has reasonable grounds for believing that the event may be declared a special event, the person shall take reasonable steps to tell a person, before the person buys tickets to the event, that statutory conditions of entry may apply to the event.

(2) If an event has been declared a special event under section 21, the person who sells tickets to the event must take reasonable steps to tell a person, before the person buys tickets to the event, the statutory conditions of entry that apply to the event.

Inspection of personal property, etc., as condition of entry

24.—(1) This section shall apply only if the notification under section 22(2) relating to the special event to be held at a special event area states that it is a condition of entry to the special event area that an entrant to the area must, if asked by a police officer or an approved person, permit an inspection to be made of the entrant's personal property.

(2) Subject to subsection (3), a police officer or an approved person may ask the entrant to do one or more of the following:

- (a) allow the police officer or approved person to inspect the entrant's personal property;
- (b) remove one or more garments worn by the entrant as specified by the police officer or approved person and allow the police officer or approved person to inspect the garments;
- (c) remove all articles from the entrant's clothing and allow the police officer or approved person to inspect them;
- (d) open an article for inspection and allow the police officer or approved person to inspect it;
- (e) open a vehicle or a part of it for inspection and allow the police officer or approved person to inspect it;
- (f) remove an article from the vehicle as specified by the police officer or approved person and allow the police officer or approved person, as the case may be, to inspect it.

(3) A police officer or an approved person may make a request under subsection (2) if the police officer or approved person reasonably considers it necessary to make a request under subsection (2) in relation to an entrant or the entrant's personal property, whether or not the entrant or his personal property have been subjected to screening.

(4) Any person who fails to comply with the request of a police officer or an approved person under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) In this section, inspecting an article includes handling the article, opening it and examining its contents.

Search of person

25.—(1) This section shall apply only if the notification under section 22(2) relating to the special event to be held at a special event area states that it is a condition of entry to the special event area that an

entrant to the area must, if asked by a police officer, permit a search to be made of the person.

(2) A police officer may ask a person to permit a search of the person where —

- (a) the person is entering or about to enter a special event area; or
- (b) the person is in a special event area.

(3) Any person who fails to comply with the request of a police officer under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Prohibited items

26.—(1) This section shall apply only if the notification under section 22(2) relating to the special event to be held at a special event area states that it is a condition of entry to the special event area that an entrant must not take into or possess in the special event area a prohibited item.

(2) A person shall not take a prohibited item into, or possess a prohibited item in, a special event area, unless the person has the express permission of a police officer to do so.

(3) Any person who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) It shall not be an offence under this section if the person disposes of the prohibited item before entering the special event area.

Security screening at special event area

27.—(1) This section shall apply if the security system for a special event area involves the use of screening devices, such as (but not limited to) the following:

- (a) a walk-through detector;
- (b) an X-ray machine;
- (c) a hand-held scanner.

(2) A police officer or an approved person may ask an entrant to a special event area to undergo any form of security screening, including doing one or more of the following:

- (a) to walk through a walk-through detector;
- (b) to pass the entrant's personal property through an X-ray machine;
- (c) to allow the police officer or approved person to pass a hand-held scanner in close proximity to the entrant;
- (d) to allow the police officer or approved person to pass a hand-held scanner in close proximity to the entrant's personal property.

(3) Any person who fails to comply with the request of a police officer or an approved person under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Power to require reasons for entry to special event area

28.—(1) A police officer or an approved person may ask an entrant to a special event area to state the person's name and residence and his reason for being in, or about to enter, the area.

(2) If the person fails to comply with the request of a police officer or an approved person under subsection (1), the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(3) In this section, "residence", in relation to a person, means the address of the place where the person usually lives in Singapore.

Refusal of entry and removal from special event area

29.—(1) This section shall apply if —

- (a) the entrant fails to comply with a request of a police officer or an approved person made under this Part;

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- (b) the entrant fails to satisfy a police officer or an approved person that the entrant has a good and lawful reason to be at the special event area or a particular part of it; or
 - (c) a police officer or an approved person reasonably suspects that the entrant is about to commit, has committed or is committing an offence under section 26(3), 31 or 32.
- (2) Unless the entrant is arrested —
- (a) if the entrant has entered the special event area — a police officer or an approved person may direct the entrant to leave and not re-enter the special event area; and
 - (b) if the entrant is about to enter the special event area — a police officer or an approved person may by direction refuse him entry to the special event area.
- (3) If a person contravenes any direction given by a police officer or an approved person under subsection (2)(a) or (b) to leave a special event area, or attempts to enter or re-enter the special event area contrary to such a direction, a police officer may use such force as is reasonable and necessary to arrest and detain the person for the purpose of removing the person from or preventing his entry or re-entry to the special event area, or to remove the person from the area, as the case may be.

Directions to event organiser

30.—(1) The Commissioner may, if he reasonably believes that it is necessary for preserving public order and the safety of individuals involved in the special event and other individuals and for the avoidance of disruptions to the special event, at any time during the period the declaration relating to that special event is in force, give written directions to the event organiser of the special event requiring the event organiser concerned (according to the circumstances of the case) to do, or not to do, such things as are specified in the direction or are of a description as specified therein as are necessary for preserving public order and the safety of individuals involved in the special event and other individuals and for the avoidance of disruptions to the special event.

(2) Without prejudice to the generality of subsection (1), a written direction under that subsection may require the event organiser concerned —

- (a) to alter, demolish or remove any gate, door, fence, platform, staging, hoarding or other structure which is wholly within the special event area;
- (b) to keep unblocked any stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare wholly or partly within the special event area;
- (c) to arrange for the removal of a vehicle from, or the movement of a vehicle within, the special event area;
- (d) to give access or priority of access to the public to specified kinds of facilities, amenities or services provided by the event organiser; or
- (e) to cease, either wholly or to the extent specified in the direction, any activity on the special event area or part thereof.

(3) The manner in which that access, or priority of access, is to be given shall be set out in the direction under subsection (1).

(4) The terms and conditions on which that access, or priority of access, is to be given shall be set out in the direction under subsection (1).

(5) An event organiser who, without reasonable excuse, fails to comply with any written direction given under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(6) Notwithstanding subsection (5), no event organiser shall, by virtue of this section, be guilty of an offence of failing to comply with a written direction containing requirements mentioned in subsection (2)(a) or (b) if the event organiser —

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- (a) is not the owner of the gate, door, fence, platform, staging, hoarding or other structure, or the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, mentioned in the direction at the relevant time relating to the offence concerned; and
 - (b) within 7 days after service on him of a notice alleging that he has been guilty of the offence, furnishes by declaration to the Commissioner, the name and address of the person who is the owner of the gate, door, fence, platform, staging, hoarding or other structure, or the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, as the case may be.

(7) Upon receipt of a declaration under subsection (6), the Commissioner may, with the approval of the Minister, during the period a declaration relating to that special event is in force, give another written direction in writing requiring the person named in the declaration under subsection (6) as the owner of —

- (a) the gate, door, fence, platform, staging, hoarding or other structure; or
- (b) the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare,

specified in the written direction to the event organiser (referred to as the original direction) requiring that owner to do, or not to do, such things as are specified in the original direction or are of a description as specified therein as necessary for preserving public order and the safety of individuals involved in the special event and other individuals and for the avoidance of disruptions to the special event.

(8) If, after the expiration of 7 days from the date of the written direction under subsection (7), the owner to whom the written direction is given fails, without reasonable excuse, to comply with the written direction, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(9) In subsections (6), (7) and (8), “owner”, in relation to any gate, door, fence, platform, staging, hoarding or other structure, or stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, in any premises means —

- (a) except as otherwise provided in paragraph (b) or (c) — the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the premises were let to a tenant and includes a mortgagee in possession;
- (b) where the gate, door fence, platform, staging, hoarding or structure, or the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, is part of any common property or limited common property within the meaning of the Building Maintenance and Strata Management Act (Cap. 30C) —
 - (i) the management corporation established under that Act having control of the common property if comprised in a strata title plan, or the person receiving any rent or charge for the maintenance of that common property;
 - (ii) the subsidiary management corporation established under that Act having control of the limited common property if comprised in a strata title plan, or the person receiving any rent or charge for the maintenance of that limited common property; or
 - (iii) the person receiving any rent or charge for the maintenance and management of the common property not comprised in a strata title plan; and
- (c) where the gate, door fence, platform, staging, hoarding or structure, or the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, is part of the common property of any housing estate of the Housing and Development Board — that Board or the Town Council established under the Town Councils Act (Cap. 329A) for that housing estate.

Unauthorised entry to special event area, etc.

31.—(1) A person shall not enter or remain in a special event area unless the person —

- (a) has the consent of the event organiser; and
- (b) is otherwise authorised to enter or remain at the area under this Act.

(2) A person who —

- (a) contravenes subsection (1); or
- (b) contravenes any direction given by a police officer or an approved person under section 29(2) to leave a special event area, or attempts to enter or re-enter the special event area contrary to such a direction,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Interference with special event, etc.

32. If a person in a special event area —

- (a) engages in violent behaviour;
- (b) disrupts, interferes with, delays or obstructs the conduct of a special event, or any activity associated with the special event, by throwing anything or in any other way; or
- (c) in any other way interferes with the reasonable enjoyment of a special event, or an activity associated with the special event, by someone else,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Saving of operation of Part II

33. Notwithstanding anything in Part II, no public assembly and no public procession of any class or description (whether or not exempted from section 5 under section 46, and whether or not

excluded from any prohibition under section 12(2)) shall take place within any special event area for such period as the declaration relating to the special event area is in force unless the Commissioner is notified under section 6 of the intention to hold the public assembly or public procession, and a permit is granted under section 7 in respect of that public assembly or public procession, as the case may be; and the provisions of Part II shall apply to such a public assembly and public procession.

PART IV

POWERS TO PRESERVE AND MAINTAIN PUBLIC ORDER

Application of this Part

34.—(1) This Part shall apply in relation to the following places (referred to in this Act as regulated places):

- (a) all public places; and
- (b) such other places that are prescribed,

and in this section, “place” includes an area.

(2) This Part shall not apply to any assembly or procession that is not unlawful under Part II.

When power applies to behaviour

35.—(1) Subject to this section, a police officer may exercise a power under section 36 in relation to any person at or near a regulated place if a police officer reasonably suspects the person’s behaviour —

- (a) is or has been interfering with trade or business at the place by obstructing, hindering or impeding someone entering, at or leaving the place;
- (b) is or has been disorderly, indecent, offensive, or threatening to someone entering, at or leaving the place;
- (c) is or has been disrupting the peaceable and orderly conduct of any event, entertainment or gathering at the place; or
- (d) shows that he is just about to commit an offence or has just committed or is committing an offence.

(2) If the regulated place is a public place, subsection (1) shall apply in relation to a person at or near the public place only if the person's behaviour has or had the effect mentioned in subsection (1)(a), (b), (c) or (d) in the part of the public place at or near where the person then is.

(3) Subsection (1)(a) shall apply to premises used for trade or business only if the occupier of the premises complains about the person's behaviour.

(4) For the avoidance of doubt, subsections (1)(a) and (3) do not limit subsection (1)(b), (c) and (d).

Direction to move on

36.—(1) Subject to this section, a police officer of or above the rank of sergeant may give to a person or group of persons whose behaviour is of a kind mentioned in section 35 any direction in writing that is reasonable in the circumstances.

(2) A police officer shall not give a direction under subsection (1) that interferes with a person's right of peaceful assembly unless it is reasonably necessary in the interests of —

- (a) public safety;
- (b) public order; or
- (c) the protection of the rights and freedoms of other persons.

(3) The rights and freedoms referred to in subsection (2)(c) includes a reference to the rights and freedoms of the public to enjoy the place and the rights of persons to carry on lawful business in or in association with the place.

(4) Without prejudice to the generality of subsection (1), a direction may require a person to do one of the following:

- (a) leave the regulated place and not return or be within the regulated place within a stated reasonable time of not more than 24 hours;
- (b) leave a stated part of the regulated place and not return or be within the stated part of the regulated place within a stated reasonable time of not more than 24 hours;

- (c) move from a particular location at or near the regulated place for a stated reasonable distance, in a stated direction, and not return or be within the stated distance from the place within a stated reasonable time of not more than 24 hours.

Contravening direction to move on

37. Any person who, without reasonable excuse, contravenes any direction under section 36 to him shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Seizure of films of law enforcement activities

38.—(1) Any police officer of or above the rank of sergeant, or any CPIB officer, narcotics officer, intelligence officer or immigration officer, if satisfied upon information and after such further inquiry as he thinks necessary, that any person —

- (a) is making, has made or is about to make;
- (b) is exhibiting or communicating or is about to exhibit or communicate; or
- (c) has in his possession,

any film or picture containing a record of any law enforcement activities, and he reasonably believes that the film or picture, if exhibited or communicated (whether to the public or any section thereof or otherwise) —

- (i) prejudices the effective conduct of an ongoing law enforcement operation or investigation, or any intelligence operation; or
- (ii) endangers or will endanger the safety of any law enforcement officer in an ongoing law enforcement operation or investigation, or any intelligence operation,

he may exercise any of the powers specified in subsection (2).

(2) A police officer of or above the rank of sergeant, a CPIB officer, a narcotics officer, an intelligence officer or an immigration officer may —

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- (a) direct the person reasonably believed to be making, exhibiting or communicating a film or picture or about to do so to immediately cease making, exhibiting or communicating the film, and either to immediately delete, erase or otherwise destroy the film or picture or to surrender the film or picture to the police officer, CPIB officer, narcotics officer, intelligence officer or immigration officer, as the case may be;
 - (b) without warrant, search any person whom he has reason to believe is in possession of a film or picture referred to in subsection (1);
 - (c) without warrant, and with such assistance and by such force as is necessary, by night or by day, enter and search any place where he has reason to believe any film or picture referred to in subsection (1) is kept; or
 - (d) without warrant, and with such assistance and by such force as is necessary, seize any film or picture referred to in subsection (1) and any copy thereof, and any equipment (including a handphone) used or about to be used in the making, exhibition or communication of the film or picture, and take into custody any person reasonably believed to be in possession thereof.

(3) Any film, picture and any equipment (including a handphone) used in the making, exhibition or communication of the film or picture may be forfeited and shall be destroyed or otherwise disposed of in such manner as the Commissioner may direct.

(4) Where a person to whom a direction under subsection (2)(a) is given fails to comply with the direction, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) In this section —

“cinematograph film” means the aggregate of visual images embodied in an article or a thing so as to be capable by the use of that article or thing —

- (a) of being shown as a moving picture; or
- (b) of being embodied in another article or thing by the use of which it can be so shown,

and includes the aggregate of the sounds embodied in a sound-track associated with such visual images;

“communicate” means to transmit by electronic means (whether over a path, or a combination of paths, provided by a material substance or by wireless means or otherwise) a film or picture, whether or not it is sent in response to a request, and includes —

- (a) the broadcasting of the film or picture;
- (b) the inclusion of the film or picture in a cable programme; and
- (c) the making available of a film or picture on a network or otherwise in such a way that the film or picture may be accessed by any person from a place and at a time chosen by him,

and “communicating” and “communication” shall be construed accordingly;

“CPIB officer” has the same meaning as in the Prevention of Corruption Act (Cap. 241);

“film” means —

- (a) any cinematograph film;
- (b) any video recording, or any disc or solid state recording device containing information by the use of which one or more series of visual images may be produced electronically and shown as a moving picture; or
- (c) any other material, record or thing on which is recorded or stored for immediate or future retrieval any information that, by the use of any computer or electronic device, is capable of being reproduced or displayed as wholly or partly visual moving pictures,

and includes any part of a film, and any copy or part of a copy of the whole or any part of a film;

“immigration officer” means an immigration officer appointed under section 3 of the Immigration Act (Cap. 133);

“intelligence officer” means a public officer appointed to such Scheme of Service as the Minister designates;

“law enforcement” means —

- (a) activities carried on by any police officer, CPIB officer, narcotics officer, intelligence officer or immigration officer in the exercise of any function, power or duty of such an officer in accordance with law;
- (b) activities carried on by any police officer, CPIB officer, narcotics officer, intelligence officer or immigration officer for the purpose of dealing with terrorism, civil unrest or public disorder; or
- (c) activities carried on by any police officer, CPIB officer, narcotics officer, intelligence officer or immigration officer, as the case may be, in preparation for or directly in support of any activity referred to in paragraph (a) or (b);

“narcotics officer” means a public officer appointed to the Narcotics Service;

“picture” includes —

- (a) any drawing, whether made by computer-graphics or otherwise; and
- (b) any photograph, photographic negative, photographic plate or photographic slide,

and includes any part of a picture;

“photograph” means a product of photography or of a process similar to photography, other than an article or thing in which visual images forming part of a cinematograph film have been embodied, and includes a product of xerography, photocopy, and record an image, whether digitally or in another way.

Obstruction of police officers under section 29 or 38

39. Any person who wilfully obstructs any police officer in the exercise of any power conferred by or under section 29(3) or 38(2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

PART V**MISCELLANEOUS****Power of arrest**

40. 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.

Composition of offences

41.—(1) The Commissioner or any police officer authorised in writing by the Commissioner may, in his discretion, compound any offence under this Act which is prescribed as an offence which may be compounded by the Commissioner or such police officer by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of either of the following amounts:

- (a) one half of the amount of the maximum fine that is prescribed for the offence; or
- (b) \$5,000.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

Owner or occupier of premises where unlawful assembly, etc., takes place

42. Where the owner or occupier of any premises upon which an assembly or a procession is about to take place is given notice by any police officer that the assembly or procession is unlawful under Part II, and such assembly or procession does take place on those premises, the owner or occupier of those premises shall be guilty of an

offence and shall be liable on conviction to a fine not exceeding \$5,000, unless he took all reasonable measures and exercised all due diligence to prevent the assembly or procession from taking place.

Onus of proof

43. In any proceedings under this Act, the onus of proving that the public or any class of the public did not have access to any public place shall lie on the person alleging the fact.

Offences by bodies corporate, etc.

44.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any act or default on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

[Act 2 of 2012]

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any act or default on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership shall be guilty

of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any act or default on the part of such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

- (a) in relation to a body corporate, means any director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; and
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(7) The regulations may provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

Service of documents, etc.

45.—(1) Any document required or authorised to be given or served under this Act may be served —

(a) in the case of an individual —

- (i) by delivering it to the individual personally;
- (ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;
- (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;
- (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of residence or business of the individual;
- (v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to the Commissioner or an authorised officer by the individual as the facsimile transmission number for the service of documents on the individual; or
- (vi) by electronic communication, by sending an electronic communication of the document to the last email address given to the Commissioner or an authorised officer by the individual as the email address for the service of documents on the individual;

(b) in the case of a partnership other than a limited liability partnership —

- (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;

- (ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore;
 - (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; or
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Commissioner or an authorised officer by the partnership as the email address for the service of documents on the partnership; and
- (c) in the case of any limited liability partnership or any other body corporate —
 - (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;
 - (ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore;
 - (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore; or
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Commissioner or an authorised officer by the limited liability partnership or body corporate as the email address for the service of documents on the limited liability partnership or body corporate.

(2) In addition to the modes of service prescribed in subsection (1), any document required or authorised to be given or served under Part II in connection with an advance notice of or an application for a

permit in respect of a public assembly or public procession, the grant or cancellation of such a permit, or an appeal under section 11, may, subject to subsection (4), be served by electronic communication, by sending an electronic communication of the document —

- (a) in the case of an individual — to the last email address given to the Commissioner or an authorised officer by the individual as the email address for the service of documents on the individual;
 - (b) in the case of a partnership other than a limited liability partnership — to the last email address given to the Commissioner or an authorised officer by the partnership as the email address for the service of documents on the partnership; and
 - (c) in the case of any limited liability partnership or any other body corporate — to the last email address given to the Commissioner or an authorised officer by the limited liability partnership or body corporate as the email address for the service of documents on the limited liability partnership or body corporate.
- (3) Where any notice or other document to be served by the Commissioner or the Minister is —
- (a) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be;
 - (b) sent by electronic communication to an email address in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address; and

(c) sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

(4) Service of any document under subsection (2) on a person by electronic communication may be effected only if the person gives as part of his or its address for service an email address.

(5) This section shall not apply to notices and documents to be served in proceedings in court.

Power to exempt

46. The Minister may, by order published in the *Gazette*, with or without conditions, exempt any person or class of persons, or any assembly or procession or class of assemblies or processions, from any of the provisions of this Act.

Regulations

47.—(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- (a) the form or particulars of application for the issue of a permit;
- (b) the conditions subject to which such a permit may be issued;
- (c) the procedure as regards the lodging of an appeal under section 11 and the practice and procedure upon the hearing of such an appeal;
- (d) the fees to be paid in respect of any matter or anything done, or any services rendered, by the Commissioner under or by virtue of this Act;
- (e) the waiver or refund, in whole or in part, by authorised officers of any such fees in the circumstances of any particular case;

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- (f) the offences which may be compounded under section 41 and the manner in which such offences may be compounded;
 - (g) the prescribing of anything that is required or permitted to be prescribed under this Act.
- (3) The regulations may —
- (a) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$5,000 or with imprisonment for a term not exceeding 6 months or with both;
 - (b) prescribe different fees for different classes of permits; and
 - (c) provide for such transitional, savings and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.
- (4) All regulations made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Application of other laws

48.—(1) This Act shall have effect notwithstanding any other law relating to the movement of traffic or pedestrians on roads or the use or obstruction of a public place, to public entertainment or to undesirable publications.

(2) Notwithstanding subsection (1), nothing in this Act shall affect the common law of trespass and, in particular, the right of a person in, or entitled to, possession of land to request a trespasser to leave the land, and if the trespasser refuses to leave on being requested, to remove the trespasser from the land.

Consequential and related amendments to other written laws

49.—(1) Section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) is repealed.

(2) Section 18(1) of the Police Force Act (Cap. 235) is amended by deleting the words “licences under the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184)” in paragraph (a) and substituting the words “permits under the Public Order Act 2009”.

(3) The Schedule to the Public Entertainments and Meetings Act (Cap. 257) is amended —

- (a) by deleting sub-paragraph (*m*) of paragraph 2;
- (b) by deleting the word “and” at the end of paragraph 3(*d*); and
- (c) by deleting the full-stop at the end of sub-paragraph (*e*) of paragraph 3 and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:
 - “(f) any lecture, talk, address, debate or discussion in any place to which the public or any class of the public has access whether gratuitously or otherwise.”.

Saving and transitional provisions

50.—(1) Any —

- (a) permit granted before the commencement of section 49(1) under any rules made under section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) in respect of any assembly or procession; or
- (b) licence granted before the commencement of section 49(3) for a licence under the Public Entertainments and Meetings Act (Cap. 257) in respect of any lecture, talk, address, debate or discussion,

shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to be a permit granted under Part II of this Act.

(2) Any notice, order or other document prepared, issued or made under —

- (a) any rules made under section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) in respect of any assembly or procession; or
- (b) the Public Entertainments and Meetings Act (Cap. 257) in respect of any lecture, talk, address, debate or discussion by the Licensing Officer under that Act,

shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, issued or made by the Commissioner under the corresponding provisions of Part II of this Act.

(3) Any —

- (a) application before the commencement of section 49(1) for a permit under any rules made under section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act in respect of any assembly or procession; or
- (b) application before the commencement of section 49(3) for a licence under the Public Entertainments and Meetings Act in respect of any lecture, talk, address, debate or discussion,

whose application was not granted before that commencement shall, where applicable, be deemed to be an application for a permit under Part II of this Act.

(4) Where —

- (a) an appeal has been made to the Minister under section 10(5), 11(6), 13(3) or 14(5) of the Public Entertainments and Meetings Act as in force immediately before the commencement of section 49(3); and
- (b) the appeal has not been dealt with or disposed of immediately before that commencement,

the appeal may continue to be dealt with in accordance with that Act as if section 49(3) had not been enacted.

(5) Except as otherwise expressly provided in an order made under subsection (7) or in this section, where any period of time specified in —

- (a) any rules made under section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act as in force immediately before the commencement of section 49(1); or
- (b) the Public Entertainments and Meetings Act (Cap. 257) as in force immediately before the commencement of section 49(3) in relation to any lecture, talk, address, debate or discussion,

is current immediately before the relevant commencement, this Act shall have effect as if the corresponding provision in this Act had been in force when the period began to run; and (without prejudice to the foregoing) any period of time so specified and current shall be deemed for the purposes of this Act —

- (i) to run from the date or event from which it was running immediately before that day; and
- (ii) to expire (subject to any provision of this Act for its extension) whenever it would have expired if this Act had not been enacted,

and any rights, priorities, liabilities, reliefs, obligations, requirements, powers, duties or exemptions dependent on the beginning, duration or end of such a period as above mentioned shall be under this Act as they were or would have been under that former provision.

(6) Except as otherwise expressly provided, nothing in this section shall affect any saving provided by the Interpretation Act (Cap. 1).

(7) For a period of 2 years after the commencement of section 49(1), (2) or (3), as the case may be, the Minister may, by order published in the *Gazette*, prescribe such provisions of a savings or transitional nature consequent on the enactment of section 49(1), (2) or (3) as he may consider necessary or expedient.
