

SEDITION (REPEAL) ACT 2021

(No. 30 of 2021)

ARRANGEMENT OF SECTIONS

Section

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An Act to repeal the Sedition Act and to make consequential amendments to certain other Acts.

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

Short title and commencement

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

Repeal of Sedition Act

2.—(1) The Sedition Act (called in this section the repealed Act) is repealed.

(2) Despite subsection (1) —

- (a) sections 5, 6 and 7 of the repealed Act as in force immediately before the date of commencement of this Act (called in this section the appointed date) continue to apply in relation to a proceeding for an act committed before that date;
- (b) section 8 of the repealed Act as in force immediately before the appointed date continues to apply in relation to a seditious publication reasonably suspected as having been printed, published, sold, offered for sale, distributed, reproduced or imported before that date;
- (c) section 9 of the repealed Act as in force immediately before the appointed date continues to apply to a person convicted of an offence committed before that date;
- (d) section 10 of the repealed Act as in force immediately before the appointed date continues to apply in relation to any publication the issue or circulation of which commenced before that date; and
- (e) section 11 of the repealed Act as in force immediately before the appointed date continues to apply in relation to an act reasonably suspected as having been committed before that date.

Consequential amendments to Criminal Procedure Code

3. The Criminal Procedure Code is amended —

(a) by deleting sub-paragraph (i) of section 44(1)(c) and substituting the following sub-paragraph:

“(i) any material which forms the subject matter of a charge under section 267C, 298A or 505 of the Penal Code; or”;

(b) by deleting the item relating to section 267C in the First Schedule and substituting the following item:

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267C	Uttering words, making document, etc., containing incitement to violence, etc.	May arrest without warrant	Warrant	Not bailable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
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”;

(c) by deleting the words “Shall not arrest without warrant” under the third column in the item relating to section 298 in the First Schedule and substituting the words “May arrest without warrant”;

(d) by deleting the item relating to section 298A in the First Schedule and substituting the following item:

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298A	Promoting enmity between different groups on grounds of religion or race, and doing acts prejudicial to maintenance of harmony	May arrest without warrant	Summons	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
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”; and

(e) by deleting the item relating to section 505 in the First Schedule and substituting the following item:

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505	False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace	May arrest without warrant	Warrant	Not bailable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
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Consequential amendment to Penal Code

4. Section 267C of the Penal Code is repealed and the following section substituted therefor:

“Uttering words, making document, etc., containing incitement to violence, etc.

267C.—(1) This section applies where a person —

- (a) utters any words, or makes any sign or visible representation;
- (b) places before a person any object;
- (c) posts, publishes, distributes, sells or offers for sale any document; or
- (d) communicates any electronic record,

containing any incitement to violence, counselling disobedience to the law or to a lawful order of a public servant, or likely to lead to any breach of the peace, and the person does so —

- (e) intending for violence, disobedience to the law or such lawful order, or breach of the peace to occur; or
- (f) knowing or having reason to believe that violence, disobedience to the law or such lawful order, or breach of the peace, is likely to occur as a result.

(2) This section also applies where a person —

- (a) makes, prints or otherwise reproduces, imports, possesses or has under the person’s control any document mentioned in subsection (1), for the purpose of posting, publishing, distributing, selling or offering for sale that document; or
- (b) makes any electronic record mentioned in subsection (1) for the purpose of communicating that electronic record,

and the person does so —

- (c) intending for violence, disobedience to the law or such lawful order, or breach of the peace to occur by

the carrying out of the purpose mentioned in paragraph (a) or (b), as the case may be; or

(d) knowing or having reason to believe that violence, disobedience to the law or such lawful order, or breach of the peace, is likely to occur by the carrying out of that purpose.

(3) The person in subsection (1) or (2) shall be guilty of an offence and shall be punished on conviction with imprisonment for a term which may extend to 5 years, or with fine, or with both.

(4) In subsection (1), “counselling disobedience to the law or to a lawful order of a public servant” includes (but is not limited to) providing instruction, advice or information that promotes disobedience to the law or such order.”.

Consequential amendment to Postal Services Act

5. Section 37 of the Postal Services Act is amended by deleting the word “seditious,” in paragraph (a).

Consequential amendments to Public Order and Safety (Special Powers) Act 2018

6. Section 2 of the Public Order and Safety (Special Powers) Act 2018 is amended —

(a) by deleting paragraph (a) of the definition of “subversive document” in subsection (1) and substituting the following paragraphs:

“(a) that has a tendency to excite persons in Singapore to attempt to procure in Singapore, the alteration (otherwise than by lawful means) of any matter established by law;

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- (aa) that has a tendency to bring into hatred or contempt or to excite disaffection against the administration of justice in Singapore;” and
- (b) by inserting, immediately after subsection (4), the following subsection:

“(5) A document is not considered as having the tendency mentioned in paragraph (a) or (aa) of the definition of “subversive document” in subsection (1) by reason only that it has a tendency —

- (a) to show that the Government has been misled or mistaken in any of its measures;
- (b) to point out errors or defects in the Government, in any written law or in the administration of justice with a view to the remedying of such error or defect;
- (c) to persuade citizens of Singapore or residents in Singapore to attempt to procure by lawful means the alteration of any matter in Singapore; or
- (d) to point out, with a view to their removal, any matters producing or having a tendency to produce feelings of ill-will and enmity between different races or classes of the population of Singapore,

if the document does not otherwise have the tendency mentioned in paragraph (a) or (aa) of that definition.”.

Consequential amendments to Singapore Armed Forces Act

7. Section 2(1) of the Singapore Armed Forces Act is amended —
- (a) by deleting the definitions of “publication” and “words” and substituting the following definition:

““publication” includes all written or printed matter and everything whether of a nature similar to written or printed matter or not containing any visible representation or by its form, shape or in any other manner capable of suggesting words or ideas, and every copy and reproduction or substantial reproduction of any publication;”; and

(b) by deleting the full-stop at the end of the definition of “warrant officer” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““words” includes any phrase, sentence or other consecutive number or combination of words, oral or written.”.

Consequential amendments to Trade Disputes Act

8. Section 15 of the Trade Disputes Act is amended —

(a) by deleting the words “, or sedition,” in subsection (4); and

(b) by inserting, immediately after subsection (4), the following subsection:

“(4A) Nothing in this section —

(a) affects the power of a court to punish for contempt of court within the meaning of section 3 of the Administration of Justice (Protection) Act 2016; or

(b) applies to an act that is an offence under section 267C, 298, 298A or 505 of the Penal Code, or section 17E or 17F of the Maintenance of Religious Harmony Act.”.
