



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

BILLS SUPPLEMENT

Published by Authority

NO. 11]

MONDAY, APRIL 1

[2019

First published in the *Government Gazette*, Electronic Edition, on 1 April 2019 at 10 pm.

Notification No. B 11 — The Protection from Harassment (Amendment) Bill is published for general information. It was introduced in Parliament on 1 April 2019.

Protection from Harassment (Amendment) Bill

Bill No. 11/2019.

Read the first time on 1 April 2019.

A BILL

intituled

An Act to amend the Protection from Harassment Act (Chapter 256A of the 2015 Revised Edition) and to make related 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 Protection from Harassment (Amendment) Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of long title

2. The long title to the Protection from Harassment Act (called in this Act the principal Act) is amended by deleting the words “to create offences, and provide civil remedies related thereto or in relation to false statements of fact” and substituting the words “false statements of fact, and to provide for the establishment of the Protection from Harassment Court”.

Amendment of section 2

3.—(1) Section 2 of the principal Act is amended —

(a) by deleting the definition of “communication” and substituting the following definitions:

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

“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;

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

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

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

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

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

“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;

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

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

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

“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

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(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,

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

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

(e) a computing resource service;

Examples

Examples of internet intermediary services are —

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(a) social networking services;

(b) search engine services;

(c) content aggregation services;

(d) internet-based messaging services; and

(e) video-sharing services.”;

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(b) by inserting, immediately after the definition of “offending communication”, the following definitions:

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““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;

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

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

(c) by deleting the words “any section” in the definition of “publish” and substituting the words “a member”;

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(d) by deleting the definition of “respondent” and substituting the following definitions:

““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;

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

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“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;

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“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;

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

“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

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Singapore or any member of the public in Singapore.”; and

- (e) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(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.”.

(2) Section 2(1) of the principal Act, as amended by subsection (1), is amended —

- (a) by deleting the definition of “court” and substituting the following definitions:

““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;

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

- (b) by inserting, immediately after the definition of “entity”, the following definition:

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

- (c) by inserting, immediately after the definition of “identity information”, the following definition:

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

- (d) by inserting, immediately after the examples to the definition of “internet intermediary service”, the following definition and examples:

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

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Examples

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

- (e) by inserting, immediately after the definition of “Part 3 proceedings”, the following definitions:

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““Protection from Harassment Court” means a District Court designated under section 16E(1)(a) as a Protection from Harassment Court;

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“Protection from Harassment Court Judge” means a District Judge designated under section 16E(1)(b) as a Protection from Harassment Court Judge.”;

- (f) by inserting, immediately after the definition of “publish”, the following definition:

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““Registrar” means the registrar of the State Courts, and includes a deputy registrar of the State Courts;”; and

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

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

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

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Amendment of section 3

4. Section 3 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

5 “(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 —

10 (a) use any threatening, abusive or insulting words or behaviour;

(b) make any threatening, abusive or insulting communication; or

15 (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.”;

20 (b) by deleting the words “person who” in subsection (2) and substituting the words “individual or entity that”;

(c) by deleting the words “accused person” in subsection (3) and substituting the words “accused individual or accused entity (called in this section the accused)”;

25 (d) by deleting the word “his” in subsection (3) and substituting the words “the accused’s”; and

(e) by inserting, immediately after *Illustration (b)*, the following illustrations:

30 “(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.”.

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Amendment of section 4

5. Section 4 of the principal Act is amended —

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(a) by deleting the words “No person shall” in subsection (1) and substituting the words “An individual or entity must not”;

(b) by deleting the words “person who” in subsection (2) and substituting the words “individual or entity that”;

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(c) by deleting the words “accused person” in subsection (3) and substituting the words “accused individual or accused entity (called in this section the accused)”;

(d) by deleting the word “he” in subsection (3)(a) and substituting the words “the accused”;

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(e) by deleting the word “him” in subsection (3)(a) and substituting the words “the accused”;

(f) by deleting the word “his” in subsection (3)(b) and substituting the words “the accused’s”; and

(g) by deleting the *Illustration* and substituting the following *Illustrations*:

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“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.

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(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.”.

Amendment of section 5

6. Section 5 of the principal Act is amended —

(a) by deleting the words “No person shall” in subsection (1) and substituting the words “An individual or entity must not”;

(b) by deleting the words “referred to for the purposes of this section as” in subsection (1) and substituting the words “called in this section, except subsection (1A),”;

(c) by deleting the words “referred to also for the purposes of this section as” in subsection (1) and substituting the words “also called in this section, except subsection (1A),”;

(d) by inserting, immediately after subsection (1), the following subsection:

“(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.”; 5
- (e) by deleting the words “person who contravenes subsection (1)” in subsection (2) and substituting the words “individual or entity that contravenes subsection (1) or (1A)”;
- (f) by deleting the words “accused person” in subsection (3) and substituting the words “accused individual or accused entity (called in this section the accused)”;
- (g) by deleting the word “he” in subsection (3)(a) and substituting the words “the accused”;
- (h) by deleting the word “him” in subsection (3)(a) and substituting the words “the accused”;
- (i) by deleting the word “his” in subsection (3)(b) and substituting the words “the accused’s”;
- (j) by inserting, immediately after subsection (3), the following *Illustrations*: 20

“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. 25

(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 30
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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.”; and

(k) by deleting the words “or provocation” in the section heading and substituting the words “, provocation or facilitation”.

Amendment of section 6

7. Section 6 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

“(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.

(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.”;

- (b) by deleting the word “person” in subsection (2) and substituting the words “accused individual or accused entity (called in this section the accused)”;
- (c) by deleting the words “Any person who contravenes subsection (1) shall be guilty of an offence and, subject to section 8, shall be liable on conviction” in subsection (3) and substituting the words “Subject to section 8, an individual or entity shall be liable, on conviction for an offence under subsection (1) or (1A),”;
- (d) by deleting the words “In any proceedings for an offence under subsection (3), it is a defence for the accused person” in subsection (4) and substituting the words “It is a defence for the accused”;
- (e) by deleting the words “that he” in subsection (4)(a) and substituting the words “in any proceedings for an offence under subsection (1), that the accused”;
- (f) by deleting the word “him” in subsection (4)(a) and substituting the words “the accused”;
- (g) by deleting the words “that his” in subsection (4)(b) and substituting the words “in any proceedings for an offence under subsection (1) or (1A), that the accused’s”;
- (h) by inserting, immediately after subsection (7), the following *Illustration*:

“*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.”; and

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- (i) by deleting the words “Threatening, abusing or insulting” in the section heading and substituting the words “Offences in relation to”.

Amendment of section 7

5 **8.** Section 7 of the principal Act is amended —

- (a) by deleting the words “No person shall” in subsection (1) and substituting the words “An individual or entity must not”;
- 10 (b) by deleting the words “a person (referred to in this section as the accused person)” in subsection (2) and substituting the words “an individual or entity (called in this section the accused)”;
- (c) by deleting the words “if the accused person” in subsection (2) and substituting the words “if the accused”;
- 15 (d) by deleting the words “accused person” in subsections (2)(c), (3)(d), (4) and (7) and paragraph (a)(ii) of the definition of “course of conduct” in subsection (10) and substituting in each case the word “accused”;
- 20 (e) by deleting the word “his” in subsection (4) and substituting the words “the accused’s”;
- (f) by deleting the words “person who” in subsection (6) and substituting the words “individual or entity that”;
- (g) by deleting the words “specified person” in subsection (8) and substituting the words “specified individual or
- 25 specified entity”; and
- (h) by deleting the definition of “related person” in subsection (10).

Amendment of section 8

30 **9.** Section 8 of the principal Act is amended —

- (a) by deleting the words “A person who” and substituting the words “An individual or entity that”; and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(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.”.

Amendment of section 8A

10. Section 8A of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(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.”;

(b) by deleting the words “one and a half times” in subsection (2) and substituting the word “twice”;

(c) by deleting the words “vulnerable adult” in subsection (2) and substituting the words “vulnerable person”;

5 (d) by inserting, immediately after subsection (2), the following subsection:

“(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.”;

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(e) by deleting subsection (3) and substituting the following subsection:

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“(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 —

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(a) any physical harm;

(b) harassment, alarm or distress; or

(c) being caused to believe that unlawful violence will be used against the victim;

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“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;

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“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.”; and

- (f) by deleting the words “vulnerable adult” in the section heading and substituting the words “vulnerable person”.

New sections 8B and 8C

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11. The principal Act is amended by inserting, immediately after section 8A, the following sections:

“Enhanced penalty for offence against victim in intimate relationship with offender

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

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- (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

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- (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*,

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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*.

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(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;
- 5 (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*;
- 10 (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;
- 15 (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.

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(5) In subsection (4), "harm" means —

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

Application of sections 8A and 8B

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

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- (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.”.

Amendment of section 9

12. Section 9 of the principal Act is amended by deleting the words “or 7” and substituting the words “, 7 or 10”.

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Amendment of section 10

13. Section 10 of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

“(1) An individual or entity that, without reasonable excuse, fails to comply with an order made under —

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(a) section 12(2) or (2E); or

(b) section 13(1) or (1B),

(except any provision mentioned in section 12(2B)(c), or any requirement mentioned in section 12(3) relating to that provision) 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.

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(1A) In proceedings for an offence under subsection (1), an accused is presumed, until the contrary is proved, to have knowledge of the terms of an order made under this Act at and after the time when the order takes effect.”.

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Deletion and substitution of heading to Part 3

14. Part 3 of the principal Act is amended by deleting the Part heading and substituting the following Part heading and Division heading:

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“CIVIL ACTIONS AND ORDERS

Division 1 — Actions and orders relating to contraventions of Part 2”.

Amendment of section 11

15 **15.** Section 11(1) of the principal Act is amended by deleting the words “the respondent” and substituting the words “any individual or entity alleged to have contravened that section in relation to the victim (called in this section the respondent)”.

Amendment of section 12

16.—(1) Section 12 of the principal Act is amended —

(a) by deleting subsections (1), (2) and (3) and substituting the following subsections:

10 “(1) Subject to subsection (9), the victim of an alleged contravention of section 3, 4, 5, 6 or 7 may make an application to a court for a protection order.

15 (2) A court may, if it is just and equitable in the circumstances to do so, make a protection order against any individual or entity alleged to have contravened section 3, 4, 5, 6 or 7 in respect of the victim (called in this section the respondent) if it is satisfied on the balance of probabilities that —

20 (a) the respondent has contravened section 3, 4, 5, 6 or 7 in respect of the victim; and

(b) the respondent is likely to continue that contravention or to commit another contravention of section 3, 4, 5, 6 or 7 in respect of the victim.

25 (2A) For the purposes of subsection (2)(a), a court is deemed to be satisfied on the balance of probabilities that the respondent has contravened section 3, 4, 5, 6 or 7 in respect of the victim if —

30 (a) the respondent has been convicted of that offence, or any offence specified in the Schedule, in respect of the victim; or

(b) the court is satisfied on the balance of probabilities that the respondent has

voluntarily caused hurt (within the meaning given by section 321 of the Penal Code (Cap. 224)) to the victim.

(2B) A protection order under subsection (2) may provide for all or any of the following:

(a) prohibit the respondent from doing any thing in relation to the victim, as may be specified in the order;

(b) if the likely contravention or likely continuing contravention of section 3, 4, 5, 6 or 7 mentioned in subsection (2)(b) involves an offending communication, require the respondent to stop publishing (before a specified time) the offending communication or to not publish any communication that is substantially similar to the offending communication;

(c) refer the respondent or the victim or both to attend counselling or mediation provided by such body as the court may direct.

(2C) To avoid doubt, a protection order may, under subsection (2B)(a), grant the right of exclusive occupation to the victim of the shared residence or a specified part of the shared residence by excluding the respondent from that shared residence or a specified part of the shared residence, whether or not the shared residence is solely owned or leased by the respondent or jointly owned or leased by the respondent and the victim.

(2D) Except so far as the exercise by the respondent of a right to the shared residence is suspended or restricted, or prohibited or restrained, by virtue of an order made under subsection (2C), the order does not affect any title or interest that the respondent or any other person might have in the residence.

(2E) In addition, where a court is satisfied on the balance of probabilities that —

(a) the respondent’s contravention involves an offending communication; and

(b) any other individual or entity (called in this section a third party) is likely to publish, or continue to publish, the offending communication or any communication that is substantially similar to the offending communication,

the court may, if it is just and equitable in the circumstances to do so, make a protection order requiring any third party to stop publishing, by a specified time, or to not publish the offending communication or any communication that is substantially similar to the offending communication.

(3) A protection order under subsection (2) or (2E) may also include any requirement necessary for or incidental to the proper carrying into effect of the order.”;

(b) by deleting subsection (5) and substituting the following subsection:

“(5) An order under this section 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 the court dispenses with the service of the order, when the service of the order on the relevant party is dispensed with by the court; or

(c) at such later time as the court may specify.”;

(c) by deleting the words “District Court” in subsection (6) and substituting the word “court”;

(d) by deleting the words “District Court may, on the application of the victim or any person to whom the protection order applies” in subsection (7) and substituting the words “court may, on the application of the victim or a relevant party”;

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(e) by deleting subsection (8); and

(f) by inserting, immediately after subsection (9), the following subsection and *Illustration*:

“(10) In this section and section 13, “third party” excludes any individual or entity that is likely to publish, or continue to publish, a communication mentioned in subsection (2E) merely by the provision of —

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(a) an internet intermediary service;

(b) a telecommunication service;

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

(d) a computing resource service.

Illustration

Following from *Illustration (b)* under section 4, Y’s mother may apply for a protection order prohibiting X from gathering with others outside her home and from threatening Y at any location.”.

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(2) Section 12 of the principal Act, as amended by subsection (1), is amended —

(a) by inserting, immediately after the word “victim” in subsection (2B)(a), the words “or any related person of the victim”;

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(b) by deleting the words “or the victim or both” in subsection (2B)(c) and substituting the words “, the victim or a related person of the victim (or 2 or more of them)”;

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(c) by inserting, immediately after subsection (2E), the following subsection:

“(2F) Where a court is satisfied on the balance of probabilities that —

(a) the respondent’s contravention involves an offending communication; and

(b) the respondent or a third party has published, or is likely to publish or continue to publish, the offending communication by means of an internet intermediary service provided by an internet intermediary,

the court may also, if it is just and equitable in the circumstances to do so, make a protection order requiring the internet intermediary to disable access by end-users of the service in Singapore, within a specified time, to —

(c) the offending communication; or

(d) in the case of a prescribed internet intermediary —

(i) the offending communication; or

(ii) any identical copy of the offending communication.”; and

(d) by deleting the words “or (2E)” in subsection (3) and substituting the words “, (2E) or (2F)”.

Amendment of section 13

17.—(1) Section 13 of the principal Act is amended —

(a) by deleting the words “section 12, the District Court” in subsection (1) and substituting the words “section 12(2), the court”;

(b) by deleting the words “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” in subsection (1) and substituting the words “the court may, subject to section 21(1), make an expedited protection order providing any thing that may be provided in an order under section 12(2)”;

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(c) by deleting subsection (2) and substituting the following subsections:

“(1A) For the purposes of subsection (1)(a)(i), the court is deemed to be satisfied that there is prima facie evidence that the respondent has contravened section 3, 4, 5, 6 or 7 in respect of a victim if —

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(a) the respondent has been convicted of an offence under section 3, 4, 5, 6 or 7, or an offence specified in the Schedule, in respect of the victim; or

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(b) the court is satisfied that there is prima facie evidence that the respondent has voluntarily caused hurt (within the meaning given by section 321 of the Penal Code) to the victim.

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(1B) A court may, on an application for a protection order under section 12(2E), make an expedited protection order against a third party providing any thing that may be provided in a protection order under section 12(2E), if the court is satisfied that —

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(a) there is prima facie evidence that —

(i) the respondent’s alleged contravention involves an offending communication; and

(ii) the publication of the offending communication or any communication that is substantially similar to the offending communication by any third party mentioned in that subsection is —

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35

(A) imminent or likely to continue;
and

(B) 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 the circumstances
to make the protection order on an
expedited basis.

(2) Subsections (1) and (1B) apply even if the notice
of the application has not been served on the relevant
party or has not been served on the relevant party
within a reasonable time before the hearing of the
application.

(2A) An expedited protection order takes effect in
respect of the relevant party —

(a) when the order is served on the relevant
party 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 relevant party is dispensed with by
the court; or

(c) at such later time as the court may
specify.”; and

(d) by deleting subsection (4) and substituting the following
subsections:

“(3A) A court may vary, suspend or cancel the
expedited protection order or extend the duration of
the expedited protection order, on the application
of —

(a) the victim;

(b) the relevant party; or

(c) if the order requires an internet intermediary to disable access to a third party's communication, that third party.

(3B) The respondent must not make an application under subsection (3A) (to vary, suspend or cancel an expedited protection order) more than 28 days after the date the expedited protection order takes effect under subsection (2A), unless the court grants the respondent leave to do so.

(4) Section 12(4) applies, with the necessary modifications, to an expedited protection order.”

(2) Section 13 of the principal Act, as amended by subsection (1), is amended —

(a) by inserting, immediately after subsection (1B), the following subsection:

“(1C) A court may, on an application for a protection order under section 12(2F), make an expedited protection order against an internet intermediary providing any thing that may be provided in a protection order under section 12(2F), if the court is satisfied that —

(a) there is prima facie evidence that —

(i) the respondent's alleged contravention involves an offending communication; and

(ii) the publication of the offending communication by the respondent or the third party mentioned in section 12(2F) is —

(A) imminent or is likely to continue; and

(B) 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 the circumstances to make the protection order on an expedited basis.”;

(b) by deleting the words “and (1B)” in subsection (2) and substituting the words “, (1B) and (1C)”;

(c) by deleting subsection (3) and substituting the following subsection:

“(3) An expedited protection order ceases to have effect at the earlier of the following times:

(a) when the application for a protection order mentioned in subsection (1) is determined or discontinued;

(b) when the expedited protection order is suspended or cancelled.”.

New section 13A

18. The principal Act is amended by inserting, immediately after section 13, the following section:

“Referral for investigation by police when expedited protection order made

13A.—(1) When a court makes, on or after the date of commencement of section 18 of the Protection from Harassment (Amendment) Act 2019, an expedited protection order under section 13 against the respondent, the court must —

(a) consider if a criminal investigation into whether the respondent has committed an offence under section 3, 4, 5, 6 or 7 is warranted; and

(b) if it is satisfied that such a criminal investigation is warranted, refer the matter to a police officer for investigation.

(2) Where a court refers a matter for investigation under subsection (1), the court may stay any Part 3 proceedings (except civil proceedings under section 13) that involve the same victim and the same respondent, until —

(a) the end of that investigation; or 5

(b) if criminal proceedings are instituted as a result of that investigation, the end of those criminal proceedings.

(3) This section and any decision of the court under this section does not prejudice any ability of the court to do the following at any stage of proceedings: 10

(a) consider if a criminal investigation into whether the respondent has committed an offence under section 3, 4, 5, 6 or 7 is warranted;

(b) refer any matter to a police officer for investigation.

(4) Without affecting the court's discretion to consider any other factors, the Minister may, by order in the *Gazette*, prescribe factors that a court must take into account in considering, under subsection (1)(a) if a criminal investigation is warranted. 15

(5) There is no appeal against the decision of a court under this section.”. 20

New section 13B

19. The principal Act is amended by inserting, immediately before section 14, the following section:

“Mandatory treatment order where protection order made 25

13B.—(1) Where a court makes a protection order under section 12(2), the court may, on the application of the victim or on its own initiative, make a mandatory treatment order requiring the respondent to undergo psychiatric treatment for a period not exceeding 36 months. 30

(2) A mandatory treatment order may also require the respondent to reside in a psychiatric institution during the whole or a specified part of the period that the respondent is required to undergo psychiatric treatment.

5 (3) Before making a mandatory treatment order against a respondent, the court must —

(a) have reasonable grounds to believe that —

(i) the respondent is likely to be suffering from a psychiatric condition; and

10 (ii) that psychiatric condition is likely to be a contributing factor for the respondent's contravention that formed the basis for making the protection order against the respondent; and

15 (b) call for a formal assessment report in respect of the respondent by an appointed psychiatrist.

(4) In making a determination under subsection (3)(a), the court —

20 (a) may call for a preliminary assessment report by a specified psychiatrist; and

(b) must consider any matter prescribed by regulations made under section 20.

25 (5) There is no appeal against any decision of the court under this section to call for or not to call for a preliminary assessment report.

30 (6) For the purpose of obtaining a preliminary assessment report from a specified psychiatrist in respect of a respondent, the court may order the respondent to attend before the specified psychiatrist at such times and places as the specified psychiatrist may require.

(7) For the purpose of obtaining a formal assessment report from an appointed psychiatrist in respect of a respondent, the court may order the respondent to —

(a) reside in a psychiatric institution for observation for one or more periods (each not exceeding 3 weeks) as the court thinks fit; or

(b) attend before the appointed psychiatrist at a psychiatric institution at such times as the appointed psychiatrist may require.

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(8) A court must not make a mandatory treatment order in respect of a respondent unless the formal assessment report in respect of the respondent certifies that —

(a) the respondent is suffering from a psychiatric condition that is susceptible to treatment;

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(b) the respondent is suitable for the treatment; and

(c) the psychiatric condition is a contributing factor for the respondent's contravention that formed the basis for making the protection order against the respondent.

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(9) A court must not make a mandatory treatment order in respect of a respondent if the formal assessment report in respect of the respondent certifies that the appointed psychiatrist is not satisfied as to any of the matters mentioned in subsection (8)(a), (b) or (c).

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(10) In assessing whether a respondent is a person suitable for treatment for the respondent's psychiatric condition, the appointed psychiatrist may take into account the following factors:

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(a) whether the respondent is likely to attend the treatment sessions at such time and place as the appointed psychiatrist may require;

(b) the physical and mental state of the respondent;

(c) the respondent's financial standing and ability to pay all or any part of the costs of the treatment that it is reasonable for the respondent to pay.

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(11) Where a court calls for a formal assessment report in respect of a respondent, the respondent may submit any report

by another psychiatrist, engaged by the respondent, to the approved psychiatrist not later than —

(a) the end of a period of 3 weeks after the date the court calls for the formal assessment report; or

5 (b) such later time as the court may allow.

(12) Before making a formal assessment report, the appointed psychiatrist must take into consideration any report submitted by the respondent under subsection (11).

10 (13) Any report by the appointed psychiatrist is to be taken to be final and conclusive as to the matters mentioned in subsection (8)(a), (b) and (c).

15 (14) The court must extend to the respondent or the respondent's advocate a copy of every preliminary assessment report and formal assessment report made in respect of the respondent.

(15) A court may include the requirement in subsection (2) in a mandatory treatment order only on the recommendation of the appointed psychiatrist.

20 (16) A court may impose such conditions as the court thinks fit when making a mandatory treatment order.

(17) Before making a mandatory treatment order, the court must explain to the respondent in ordinary language —

25 (a) the purpose and effect of the order, and in particular the obligations of the respondent as specified in subsection (21);

(b) the consequences which may follow if the respondent fails to comply with any of those obligations, or any conditions of the order; and

30 (c) that the court has the power, under subsection (18), to vary or revoke the order on the application of the appointed psychiatrist.

(18) The court may, on the application of the appointed psychiatrist and whether or not the respondent has failed to comply with subsection (21) —

- (a) vary a mandatory treatment order (including reducing or extending the period that the respondent has to undergo psychiatric treatment) or the conditions of the order in such manner as the court thinks just and expedient in the circumstances; or 5
- (b) after taking into account the extent to which the respondent has complied with the order, revoke the order. 10

(19) The court may vary or revoke a mandatory treatment order under subsection (18) if such variation or revocation is justified in view of —

- (a) any change of the circumstances after the order was made; or 15
- (b) the progress the respondent has made in the treatment.

(20) Where, under subsection (18)(a), a court extends the period that the respondent has to undergo psychiatric treatment under a mandatory treatment order, the period of psychiatric treatment must not exceed 36 months from the date the order is first in force. 20

(21) A respondent in respect of whom a mandatory treatment order is in force must —

- (a) attend the treatment sessions on such day and at such time and place as the appointed psychiatrist may require; 25
- (b) comply with all other conditions in connection with the respondent's treatment as the appointed psychiatrist may require; and 30
- (c) comply with all other conditions or requirements of the order.

(22) The Minister charged with the responsibility for health may make regulations in relation to the treatment of a person subject to a mandatory treatment order.

(23) To avoid doubt, failure to comply with subsection (21) or disobedience with or breach of an order under subsection (6) or (7), if intentional, is a contempt of court.

(24) In this section —

“appointed psychiatrist” means a psychiatrist appointed by the Director of Medical Services for the purposes of this section;

“specified psychiatrist” means a psychiatrist specified by the court calling for a preliminary assessment report under subsection (4)(a).

(25) To avoid doubt, this section does not apply to any criminal proceedings or affect the application of section 339 of the Criminal Procedure Code (Cap. 68) in criminal proceedings.”.

Repeal of sections 15 and 16 and new Divisions 2 and 3 of Part 3

20.—(1) Sections 15 and 16 of the principal Act are repealed and the following Divisions substituted therefor:

*“Division 2 — Orders relating to
false statements*

General provisions applicable to orders under sections 15A and 15B

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

(a) a stop publication order;

(b) a 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. 5

(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 10

(b) require a relevant party to do or refrain from doing an act in or outside Singapore. 15

(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. 20

(6) An order mentioned in subsection (1) ceases to have effect —

(a) during any period when the order is suspended under subsection (5); and 25

(b) when the order expires, or is cancelled under subsection (5).

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 — 30

(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.

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 5

(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. 10

(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 — 15

(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. 20

(4) A correction notice must contain all or any of the following as may be specified in the correction order: 25

(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. 30

(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.

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
and 16B a relevant statement) for an order mentioned in
paragraph (a) or (b) 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.

(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

(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 — 10

(a) the subject or author of the relevant statement;

(b) the respondent; or

(c) an individual or entity that published the relevant statement. 15

(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.

Interim stop publication order 20

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 — 25

(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 30

(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.

5 **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 —

10 (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

15 (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.

20 (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 —

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

30 (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.

Division 3 — General

Service of orders

16C. An order made under this Part 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.

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).

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

(2) Section 15 of the principal Act, as amended by subsection (1), is amended —

10 (a) by deleting the full-stop at the end of paragraph (b) of subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(c) a disabling order;

(d) a targeted correction order;

15 (e) a general correction order.”; and

(b) by deleting the words “and 15B” in the section heading and substituting the words “to 15E”.

(3) The principal Act, as amended by subsection (1), is amended by inserting, immediately after section 15B, the following sections:

20 **“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 —

25 (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

30 (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.

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.

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. 5

(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; 10

(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; 15

(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; 20

(d) where the respondent is a prescribed internet intermediary —

(i) by a specified internet intermediary service provided by the respondent; or 25

(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. 30

(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;

5 (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.

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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.

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(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.”.

(4) Section 16 of the principal Act, as amended by subsection (1), is amended —

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(a) by deleting the words “and 16B” in subsection (1) and substituting the words “, 16AA, 16B and 16BA”;

(b) by deleting the words “or (b)” in subsection (1) and substituting the words “, (b), (c) or (d)”;

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(c) by deleting the full-stop at the end of paragraph (b) of subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

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

(d) a targeted correction order — a targeted interim notification order.”.

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(5) The principal Act, as amended by subsection (1), is amended by inserting, immediately after section 16A, the following section:

“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; 10
 - (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 15
- (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.”. 20

(6) The principal Act, as amended by subsection (1), is amended by inserting, immediately after section 16B, the following sections:

“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 — 25

- (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 30

intermediary service provided by the respondent;

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

5 (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.

10 (2) A targeted interim notification order may require the respondent to publish a targeted interim notice —

15 (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

20 (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 —

25 (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.

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

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.

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(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;

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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.

15

- (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.

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(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.

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- (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

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- (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.”.

(7) Section 16C of the principal Act, as inserted by subsection (1), is repealed and the following sections substituted therefor:

“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.

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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:

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- (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.

15

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.”.

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(8) The principal Act, as amended by subsection (1), is amended by inserting, immediately after section 16D, the following Part:

“PART 3A

25

PROTECTION FROM HARASSMENT COURT

Protection from Harassment Court

16E.—(1) The Presiding Judge of the State Courts may —

- (a) designate one or more District Courts as Protection from Harassment Courts; and

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(b) designate so many District Judges, as may be necessary, as Protection from Harassment Court Judges.

(2) A Protection from Harassment Court is to be presided over by a Protection from Harassment Court Judge designated under subsection (1)(b).

Jurisdiction, powers and duties of Registrar

16F. Subject to this Act and any other written law, the Registrar has such jurisdiction, powers and duties as may be prescribed by Rules of Court.

Jurisdiction of Protection from Harassment Court

16G. A Protection from Harassment Court has all the civil jurisdiction and criminal jurisdiction of a District Court.

Application of other written laws to Protection from Harassment Court

16H. Subject to this Act, and except as otherwise provided in any regulations made under section 20 —

(a) the provisions of the State Courts Act (Cap. 321) apply to the Protection from Harassment Courts;

(b) unless the context otherwise requires, any reference in any written law to a District Court or a State Court includes a reference to a Protection from Harassment Court; and

(c) unless the context otherwise requires, any reference in any written law to a District Judge or a judicial officer includes a reference to a Protection from Harassment Court Judge.

Commencement of Part 3 proceedings

16I.—(1) Subject to subsection (2), any Part 3 proceedings that may be heard and determined by a Protection from Harassment Court must in the first instance be commenced in a Protection from Harassment Court.

(2) Despite subsection (1) —

(a) a claim under section 11 may be commenced in the first instance in a Magistrate’s Court or the High Court;

(b) Part 3 proceedings may be commenced in the first instance in a District Court (other than the Protection from Harassment Court); and 5

(c) Part 3 proceedings (except any Part 3 proceedings involving any claim under section 11) may be commenced in the first instance in a Family Court, 10

in which any related proceeding is pending, with the leave of that court.

(3) A court may grant leave under subsection (2) only if it is just, expeditious and economical for the disposal of the Part 3 proceedings, for the Part 3 proceedings to be commenced in that court. 15

(4) Civil proceedings (other than Part 3 proceedings) may be commenced in the first instance in a Protection from Harassment Court only if those civil proceedings are —

(a) related to any Part 3 proceedings that have been or will be commenced in the Protection from Harassment Court; and 20

(b) commenced in the Protection from Harassment Court on or after the commencement of the related Part 3 proceedings. 25

(5) Civil proceedings may, under this section, be commenced in a court only if the civil proceedings are within the civil jurisdiction of that court.

Transfer of Part 3 proceedings

16J.—(1) A District Court (other than the Protection from Harassment Court) may, on the application of any party or on the District Court’s own initiative, order that any Part 3 proceedings or related civil proceedings (or both) pending in the District 30

Court or a Magistrate's Court be transferred to the Protection from Harassment Court, if there is sufficient reason to do so.

5 (2) A Family Court may, on the application of any party or on the Family Court's own initiative, order that any Part 3 proceedings pending in the Family Court be transferred to the Protection from Harassment Court, if there is sufficient reason to do so.

10 (3) A Protection from Harassment Court may, on the application of any party or on the Court's initiative, if it is just, expeditious and economical for the disposal of the Part 3 proceedings, transfer —

15 (a) any claim under section 11 that is pending in the Protection from Harassment Court to a Magistrate's Court in which any related civil proceeding is pending;

(b) any Part 3 proceedings that are pending in the Protection from Harassment Court to a District Court in which any related civil proceeding is pending; or

20 (c) any Part 3 proceedings (except any claim under section 11) that are pending in the Protection from Harassment Court to a Family Court in which any related family proceeding is pending.

25 (4) A Protection from Harassment Court may, on the application of any party or on the Court's initiative, transfer any civil proceedings (other than Part 3 proceedings) that are pending in the Protection from Harassment Court to a Magistrate's Court or a District Court, if there is sufficient reason to do so.

30 (5) Civil proceedings may, under this section, be commenced in or transferred to a court only if the civil proceedings are within the civil jurisdiction of that court.

(6) In this section —

(a) “family proceedings” has the meaning given by section 2(1) of the Family Justice Act 2014 (Act 27 of 2014); and

(b) proceedings are related to Part 3 proceedings if — 5

(i) both of those proceedings involve any common issue of law or fact; or

(ii) the rights to relief claimed in both of those proceedings are in respect of the same conduct or course of conduct. 10

(7) Sections 54A and 54D of the State Courts Act do not apply to the transfer of any Part 3 proceedings.

(8) This section does not affect any power of the High Court to transfer proceedings to itself or to any other court under section 54B or 54C of the State Courts Act or any other law.”. 15

Amendment of section 17

21. Section 17 of the principal Act is amended —

(a) by deleting the words “accused person” wherever they appear in subsections (2) to (6) and substituting in each case the word “accused”; 20

(b) by deleting the words “or made the communication” in subsection (2) and substituting the words “made the communication or published the identity information,”;

(c) by deleting the word “he” in subsections (2), (3) and (4) and substituting in each case the words “that accused or respondent”; 25

(d) by deleting the words “or made that communication” in subsection (2) and substituting the words “, made that communication or published that identity information”;

(e) by deleting the words “or made the communication” in subsection (3) and substituting the words “made the communication or published the identity information”; 30

- (f) by deleting the words “or the making of that communication” in subsection (3)(a) and substituting the words “, the making of that communication or that publication of identity information”;
- 5 (g) by deleting the words “or made the communication” in subsection (4) and substituting the words “made the communication or published the identity information”;
- (h) by deleting the words “or that communication” in subsection (4)(a) and substituting the words “, that communication or that identity information”;
- 10 (i) by deleting the words “(in the case of a contravention of section 7)” wherever they appear in subsections (8) and (9); and
- (j) by deleting the word “he” in subsections (8) and (9)(a), (b) and (c) and substituting in each case the words “that respondent”.
- 15

Amendment of section 18

22. The principal Act is amended by renumbering section 18 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

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“(2) Any police officer may also arrest without warrant any person reasonably suspected of having committed an offence under section 10(1) in the circumstances prescribed in regulations made under section 20, and take that person before a Magistrate’s Court to be dealt with according to law.”.

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New section 18A

23. The principal Act is amended by inserting, immediately after section 18, the following section:

“Amendment of Schedule

30 **18A.** The Minister may, by order in the *Gazette*, amend the Schedule.”.

Amendment of section 19

24. Section 19 of the principal Act is amended —

- (a) by inserting, immediately after the words “this Act” in subsection (1), the words “and in the Protection from Harassment Court”; 5
- (b) by deleting the words “Without prejudice to the generality of subsection (1), the Rules Committee may make Rules of Court” in subsection (2) and substituting the words “Without affecting subsection (1), Rules of Court may be made”; 10
- (c) by deleting the words “section 12, 13 or 15” in subsection (2)(d) and substituting the words “section 12 or 13 or Division 2 of Part 3”;
- (d) by deleting paragraph (e) of subsection (2) and substituting the following paragraph: 15
 - “(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 20
 - (ii) any subject mentioned in Division 2 of Part 3;”;
- (e) by deleting the words “costs and fees of such proceedings” in subsection (2)(f) and substituting the words “the costs (including disbursements) and fees of any civil proceedings under this Act”; 25
- (f) by deleting the comma at the end of paragraph (f) of subsection (2) and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:
 - “(g) to prescribe anything that this Act requires or permits to be prescribed by Rules of Court.”; 30

(g) by deleting the words “and section 80 of the Supreme Court of Judicature Act shall apply to the making of these Rules of Court.” in subsection (2); and

5 (h) by inserting, immediately after subsection (2), the following subsection:

“(2A) Without affecting subsections (1) and (2), Rules of Court may be made, in relation to a Protection from Harassment Court, for the following purposes:

10 (a) to provide for any civil proceedings in that Court to be conducted in an informal manner;

15 (b) to provide for the adoption of a judge-led approach in any civil proceedings in that Court;

(c) to provide that that Court is not bound by the rules of evidence in the conduct of any civil proceedings, and may inform itself on any matter in such manner as it thinks fit;

20 (d) to prescribe the persons who may act for a party to any civil proceedings in that Court;

25 (e) to expressly empower that Court to do any of the following things in any civil proceedings in that Court, where that Court thinks it fit to do so in the interest of justice, safety or propriety:

30 (i) to order the redaction of any information (including the name of a party) contained in any document filed in those civil proceedings;

(ii) to order that those civil proceedings be heard in private;

(iii) to order any person to do any act or refrain from any conduct, so as to

prevent the identification of any witness or party in those civil proceedings;

- (f) to expressly empower that Court to decide any matter in the absence of any party to any civil proceedings in that Court, if that party fails without reasonable excuse to attend any civil proceedings in that Court, even if the interests of that party are prejudicially affected by that decision; 5 10
- (g) to provide for the costs (including disbursements) and fees of any civil proceedings in that Court, and for any such costs or fees not to apply except in certain specified circumstances.”. 15

New section 19A

25. The principal Act is amended by inserting, immediately after section 19, the following section:

“Family Justice Rules

19A.—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules to regulate and prescribe the procedure and practice to be followed in the Family Justice Courts in respect of civil proceedings under this Act that are within the jurisdiction of the Family Justice Courts. 20 25

(2) The Family Justice Rules 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 Family Justice Courts.”.

Repeal and re-enactment of section 20

26. Section 20 of the principal Act is repealed and the following section substituted therefor: 30

“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.”.

New section 20A

27. The principal Act is amended by inserting, immediately after section 20, the following section:

“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*.”.

Amendment of section 21

28.—(1) Section 21 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following subsections:

“(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.

(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.”.

(2) Section 21(1), as amended by subsection (1), is amended by inserting, immediately after paragraph (b), the following paragraph: 5

“(ba) a protection order made under section 12(2F), or an expedited protection order made under section 13(1C);”.

New Schedule

29. The principal Act is amended by inserting, immediately after section 21, the following Schedule: 10

“THE SCHEDULE

Sections 12(2A)(a), 13(1A)(a) and 18A

SPECIFIED OFFENCES

Offences under section 323, 324, 325, 326, 327, 329, 330, 331, 332 or 333 of the Penal Code.”. 15

Related amendment to Criminal Procedure Code

30. Section 240 of the Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended by inserting, immediately after subsection (5), the following subsection: 20

“(6) If, in any trial before a Magistrate’s Court or District Court —

(a) the accused is charged with an offence under the Protection from Harassment Act (Cap. 256A);

(b) the accused, when charged, has refused to plead or has not pleaded or has claimed to be tried; and 25

(c) no further step has been taken in the proceedings relating to the offence under the Protection from Harassment Act,

the Magistrate’s Court or District Court (as the case may be) must stay the proceedings and transfer the case, relating to that offence, to a Protection from Harassment Court (unless there is 30

sufficient reason not to do so), and must record its order on the proceedings.

Explanation.—In determining whether there is sufficient reason not to stay the proceedings and transfer the case under section 240(6), the Magistrate’s Court or District Court may consider the following:

- (a) whether the accused is also charged with any offence under section 6 of the Protection from Harassment Act or any offence that is not an offence under that Act;
- (b) where the accused is charged with one or more other offences mentioned in paragraph (a), whether the maximum penalty for any of those offences is higher than the maximum penalty for any offence under the Protection from Harassment Act (other than under section 6 of that Act) that the accused is charged with;
- (c) whether any step has been taken against the accused, or a co-accused, in any proceedings pending before a Magistrate’s Court or a District Court;
- (d) whether the pending proceedings mentioned in paragraph (c) relate to offences that arise from a series of acts that are so connected to the offence under the Protection from Harassment Act that the accused is charged with, as to form a single transaction;
- (e) whether the pending proceedings mentioned in paragraph (c) relate to offences that are of the same or a similar character as the offence under the Protection from Harassment Act that the accused is charged with;
- (f) whether no civil proceedings under the Protection from Harassment Act, for a contravention involving the same underlying conduct have been, or are likely to be, brought before the Protection from Harassment Court.”.

Related amendment to Family Justice Act 2014

31. The Family Justice Act 2014 (Act 27 of 2014) is amended —

- (a) by inserting, immediately after subsection (2A) of section 23, the following subsection:

“(2B) An appeal shall lie to the High Court from a decision of a Family Court in proceedings under Part 3 of the Protection from Harassment Act, only with leave of that Family Court or the High Court.”;

(b) by inserting, immediately after subsection (6) of section 26, the following subsection:

“(6A) The Family Court has the jurisdiction and powers of a District Court to hear civil proceedings in relation to any claim or order under the Protection from Harassment Act, except any claim under section 11 of that Act.”; and

(c) by inserting, immediately after the words “the provisions of the Criminal Procedure Code (Cap. 68)” in section 35(2)(b), the words “(except section 240(6) of the Criminal Procedure Code)”.

Saving and transitional provisions

32.—(1) Despite section 9, section 8 of the principal Act as in force immediately before the date of commencement of section 9 continues to apply in relation to any individual or entity convicted of an offence committed before that date.

(2) Despite section 10, section 8A of the principal Act as in force immediately before the date of commencement of section 10 continues to apply in relation to any individual or entity convicted of an offence committed before that date.

(3) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Protection from Harassment Act (Cap. 256A) for the following main purposes:

(a) to extend the offences under sections 3, 5 and 6 to the publication of identity information of another person, which may not, by itself, be a threatening, abusive or insulting behaviour or communication;

- (b) to enhance the powers of the court to make orders in respect of false statements of fact by replacing the existing section 15 with powers to make a stop publication order, a correction order, a disabling order, a targeted correction order, a general correction order and various interim orders;
- (c) to clarify that both individuals and entities may be liable for contraventions and offences under sections 3 to 7 and 10;
- (d) to establish the Protection from Harassment Courts and to streamline the procedure for civil proceedings and criminal proceedings under the Act.

The Bill also makes related amendments to the Criminal Procedure Code (Cap. 68) and the Family Justice Act 2014 (Act 27 of 2014).

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to the Act as a consequence of the establishment of the Protection from Harassment Court (inserted by clause 20(8)).

Clause 3(1) amends section 2 to define certain terms.

The definition of “author” re-enacts the definition of “author” from the existing section 15(7) (which is repealed by clause 20). The term “entity” excludes a “public agency”, which has the same meaning given by section 128A(6) of the Evidence Act (Cap. 97). The terms “identity information”, “related person” (which was formerly defined in section 7(10)), and “relevant party” are also defined. The existing definition of “publish” is amended for consistency with the meaning of that term in section 2(1) of the Administration of Justice (Protection) Act 2016 (Act 19 of 2016). The definition of “shared residence” is the same as that in section 64 of the Women’s Charter (Cap. 353).

The following terms mirror the meanings of similar terms used in the Protection from Online Falsehoods and Manipulation Bill 2019 — “computing resource service”, “electronic”, “internet intermediary”, “internet intermediary service”, “online location”, “statement” and “stop publishing”. The existing definition of “communication” is updated to align it with the meaning of “statement”. The new section 2(2) explains what a statement of fact is and the conditions in which a statement is false.

The new orders, namely “stop publication order”, “correction order”, “interim stop publication order” and “interim notification order”, are defined with reference to the sections under which they may be made. The term “Part 3 proceedings” means all civil proceedings for claims or orders under Part 3.

Clause 3(2) will come into force after the amendments in clause 3(1) take effect. Clause 3(2) defines other terms.

The term “court” is defined, for the purposes of sections 12 and 13 and the new Division 2 of Part 3, as a District Court (including the Protection from Harassment Court) or a Family Court. The terms “Protection from Harassment Court” and “Protection from Harassment Court Judge” are defined with reference to the new section 16E (inserted by clause 20(8)). “Registrar” is defined as the registrar of the State Courts, and includes a deputy registrar of the State Courts.

Clause 4 amends section 3 to make it an offence for a person, with intent to cause harassment, alarm or distress to another person (called the target person), to publish any identity information of the target person or a related person of the target person, thereby causing any person harassment, alarm or distress. New illustrations are also added. Section 3 is also amended to clarify that both individuals and entities may be liable for offences under that section.

Clause 5 amends section 4 to provide illustrations for the offences in that section and to clarify that both individuals and entities may be prosecuted for offences under that section.

Clause 6 amends section 5 —

- (a) by inserting a new subsection (1A) to make it an offence for an individual or an entity to publish identity information of another person, with certain intent relating to unlawful violence;
- (b) to provide illustrations for the offences in that section; and
- (c) to clarify that both individuals and entities may be prosecuted for offences under that section and to make consequential changes.

Clause 7 amends section 6 —

- (a) to insert a new subsection (1A) to make it an offence for a person to contravene section 3(1)(c) in relation to the identity information of a public servant or public service worker, with certain intent or results relating to the duty of that public servant or public service worker;
- (b) to clarify that both individuals and entities may be prosecuted for offences under section 6 and to make various consequential amendments; and
- (c) to insert a new illustration of the new offence.

Clause 8 amends section 7 to clarify that both individuals and entities may be prosecuted for offences under that section and to delete the definition of “related person” as “related person” is now defined in section 2.

Clause 9 amends section 8 by inserting a new subsection (2) to provide for an enhanced penalty for a subsequent offence under section 10.

Clause 10 amends section 8A to align the enhanced penalty for offences against a vulnerable person with section 74A of the Penal Code (Cap. 224), amended by

the Criminal Law Reform Bill 2019 (Bill No. 6 of 2019), and to apply the enhanced penalty to an offence under section 10.

Clause 11 inserts new sections 8B and 8C. The new section 8B provides for an enhanced penalty for offences against a victim in an intimate relationship with the offender, similar to section 74C of the Penal Code, inserted by the Criminal Law Reform Bill 2019. The new section 8C clarifies the application of sections 8A and 8B.

Clause 12 amends section 9 so that offenders under section 10 can be sentenced to community orders.

Clause 13 amends section 10 to extend the offence under that section to the failure to comply with the new orders under section 12(2E) and section 13(1B) (inserted by clauses 16(1) and 17(1) respectively). The clause also inserts a new section 10(1A) which re-enacts the former section 16 (repealed by clause 20) on the presumption that an accused has knowledge of the terms of an order made under the Act at and after the time the order takes effect, until the contrary is proved.

Clause 14 deletes and substitutes the heading to Part 3. The heading to Part 3 will be changed to “CIVIL ACTIONS AND ORDERS” and Part 3 will be subdivided into 3 Divisions covering the following:

- (a) actions and orders relating to contraventions of Part 2;
- (b) orders relating to false statements;
- (c) general matters.

Clause 15 amends section 11(1) to replace the words “the respondent” with the words “any individual or entity alleged to have contravened that section in relation to the victim (called in this section the respondent)”. The amendment is consequential to the deletion of the definition of “respondent” in section 2 (by clause 3(1)(d)).

Clause 16 amends section 12 (Protection order) by re-enacting the existing subsections (1), (2) and (3) with modifications.

The new subsection (2A) provides that a court is deemed to be satisfied, for the purposes of section 12(2)(a), that the respondent has contravened section 3, 4, 5, 6 or 7 if the respondent has been convicted of that offence or an offence specified in the Schedule, or if the court is satisfied on the balance of probabilities that the respondent has voluntarily caused hurt to the victim. The Schedule specifies certain sections of the Penal Code.

The new subsection (2B) clarifies the former subsection (2)(a) relating to contraventions involving an offending communication and allows the court to refer the respondent or victim or both to attend counselling or mediation.

The new subsection (2C) clarifies that the court may grant the right of exclusive occupation to the victim of the shared residence of the victim and the respondent. The new subsection (2D) clarifies that such a grant does not affect any title or interest that any person may have in the shared residence. The term “shared residence” is defined in section 2.

The new subsection (2E) allows the court to order any third party, whom the court is satisfied on the balance of probabilities is likely to publish or continue to publish an offending communication or any communication that is substantially similar to the offending communication, to stop publishing or to not publish such communication. The new subsection (10) provides that “third party” excludes an individual or entity that publishes merely by the provision of an internet intermediary service, a telecommunication service, a service of giving public access to the internet or a computing resource service.

Clause 16(1) also provides a new illustration and makes consequential amendments to section 12.

Clause 16(2) will come into force after the amendments in clause 16(1) take effect. Clause 16(2) further amends section 12 —

- (a) to insert a new subsection (2F) to allow the court to order an internet intermediary to disable access by end-users of the service in Singapore to an offending communication or an identical copy of the offending communication;
- (b) to allow the court to make a protection order under section 12(2) prohibiting the respondent from doing any thing in relation to a related person of the victim; and
- (c) to make consequential amendments.

Clause 17(1) amends section 13 (Expedited protection order) to insert new subsections —

- (a) to provide that a court is deemed to be satisfied, for the purposes of section 13(1)(a)(i), that there is prima facie evidence that the respondent has contravened section 3, 4, 5, 6 or 7 in respect of the victim, if the respondent has been convicted of an offence under that section or any offence specified in the Schedule, or if the court is satisfied that there is prima facie evidence that the respondent has voluntarily caused hurt to the victim. The Schedule specifies certain sections of the Penal Code (subsection (1A));
- (b) to allow the court to order any third party, whom the court is satisfied that there is prima facie evidence is likely to publish or continue to publish the offending communication or any communication that is substantially similar to the offending communication, to stop publishing or not to publish those communications (subsection (1B));

- (c) to require the leave of the court for a respondent to apply to vary, suspend or cancel an expedited protection order more than 28 days after the date the expedited order takes effect; and
- (d) to make consequential amendments.

Clause 17(2) will come into force after the amendments in clause 17(1) take effect. Clause 17(2) further amends section 13 —

- (a) to allow the court to make an expedited protection order against an internet intermediary to disable access by end-users of the service in Singapore to an offending communication or an identical copy of the offending communication (subsection (1C)); and
- (b) to provide that an expedited protection order only expires at the earlier of the following: when the application for the related protection order is determined or discontinued, or when the expedited protection order is suspended or cancelled.

Clause 18 inserts the new section 13A to require a court, when an expedited protection order has been made against a respondent for a contravention under the Protection from Harassment Act, to consider if a criminal investigation as to whether the respondent has committed the offence is warranted, and to refer the matter to a police officer for investigation if the court is satisfied that it is warranted. The court may stay any Part 3 proceedings (except civil proceedings for an expedited protection order) that involve the same victim and respondent until the end of the investigation or the end of resulting criminal proceedings instituted, if any. The Minister may, by order in the *Gazette*, prescribe non-exhaustively any factors that a court must take into account in considering whether a criminal investigation is warranted.

Clause 19 inserts the new section 13B to allow a court to make a mandatory treatment order against the respondent where the court makes a protection order against the respondent in certain circumstances. In particular, the court must not make a mandatory treatment order unless a formal assessment report certifies that the respondent is suffering from a psychiatric condition that is susceptible to treatment and is suitable for treatment, and that the psychiatric condition is a contributing factor for the respondent's contravention that formed the basis for the protection order against the respondent. The court may also call for a preliminary assessment report in making such a determination. The respondent may be ordered to attend before a specified psychiatrist or the appointed psychiatrist for the purpose of obtaining a preliminary assessment report or a formal assessment report, respectively. The respondent may also be ordered to reside in a psychiatric institution for observation for one or more periods (each not exceeding 3 weeks) for the purpose of obtaining a formal assessment report. The period that a respondent may be required to undergo psychiatric treatment under a mandatory treatment order must not exceed 36 months in total.

Intentional failure to comply with orders for the purpose of obtaining a preliminary assessment report or a formal assessment report or a mandatory treatment order is a contempt of court punishable under the Administration of Justice (Protection) Act 2016.

Clause 20(1) repeals sections 15 and 16 and inserts the new Divisions 2 and 3 of Part 3, containing the new sections 15, 15A, 15B, 16, 16A, 16B, 16C and 16D.

The new section 15 relates to general provisions applicable to stop publication orders (under the new section 15A) and correction orders (under the new section 15B). A court may make these orders on the application of the subject of an alleged false statement of fact if the court is satisfied on the balance of probabilities that the respondent has published the statement and the statement is false, and if it is just and equitable in the circumstances to do so. An order may be made against a respondent whether or not the respondent is in or outside Singapore, is incorporated or established outside Singapore, or has its management or control in or outside Singapore. It may require a respondent to do or refrain from doing an act in Singapore or outside of Singapore. A correction order may require the respondent to publish a correction notice to a specified person or description of persons and in a specified form and manner. A correction notice must contain all or any of the following statements specified in the correction order:

- (a) a statement that the court has determined that that statement is false, or that such material as may be specified contains a false statement of fact;
- (b) a statement correcting the false statement of fact, or a reference to a specified location where such a statement may be found.

The new section 16 relates to general provisions applicable to interim orders. A court may make an interim stop publication order under the new section 16A against a respondent, in relation to whom a stop publication order is pending, if the court is satisfied that there is prima facie evidence that the respondent has published the alleged false statement of fact and the statement is false, and it is just and equitable in the circumstances to make a stop publication order on an expedited basis. A court may also make an interim notification order under the new section 16B against a respondent, in relation to whom a correction order is pending, if the same requirements are met. An interim notification order may require the respondent to publish an interim notice to a specified person or description of persons and in a specified form and manner. An interim notice must 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 that statement.

The new section 16C provides for orders to be served by such means as may be prescribed by Rules of Court made under section 19 or, where applicable, by Family Justice Rules made under the new section 19A (inserted by clause 25).

The new section 16D(1) requires a relevant party to comply with an order within the specified time despite 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 any costs of complying with the order being owed to the relevant party. The new section 16D(2) gives immunity from civil or criminal liability incurred by a relevant party (or any officer, employee or agent of the relevant party) for doing or omitting to do any act, if done with reasonable care and in good faith, for the purpose of complying with or giving effect to an order made under Division 1 or 2 of Part 3. This does not confer immunity on a respondent of a protection order under section 12(2), or of an expedited protection order under section 13(1) in relation to such an order. The new section 16D(4) clarifies that disobedience or breach of an order made under Part 3, if intentional, is a contempt of court.

Clause 20(2) will come into force after the amendments in clause 20(1) take effect. Clause 20(2) amends section 15 to include references to a disabling order, a targeted correction order and a general correction order.

Clause 20(3) will come into force after the amendments in clause 20(1) take effect. Clause 20(3) inserts the new sections 15C, 15D and 15E.

The new section 15C allows a court to make a disabling order against an internet intermediary, on the application of the subject of an alleged false statement of fact, if the court is satisfied on the balance of probabilities that any material consisting of or containing the alleged false statement has been or is being published by means of an internet intermediary service provided by the internet intermediary and the statement is a false statement of fact, if it is just and equitable in the circumstances to do so.

The new section 15D allows a court to make a targeted correction order against an internet intermediary, on the application of the subject of an alleged false statement of fact, if the same requirements (as set out in relation to section 15C in the previous paragraph) are met.

The new section 15E allows a court to make a general correction order against prescribed persons to publish a general correction notice by certain means specified in that section. The court may make the order if the court is satisfied on the balance of probabilities that the alleged false statement is false and that its publication has caused or is likely to cause serious harm to the reputation of the subject, and if it is just and equitable in the circumstances to do so.

Clause 20(4) will come into force after the amendments in clause 20(1) take effect. Clause 20(4) amends section 16 to include references to an interim disabling order and a targeted interim notification order.

Clause 20(5) will come into force after the amendments in clause 20(1) take effect. Clause 20(5) inserts the new section 16AA relating to an interim disabling order. The section allows a court to make an interim disabling order against an

internet intermediary, in relation to whom a disabling order is pending, if the court is satisfied that there is prima facie evidence that any material consisting of or containing the alleged false statement has been or is being published by means of an internet intermediary service provided by the internet intermediary, the statement is a false statement of fact and publication of the specified material has caused or is likely to cause the subject harm, and it is just and equitable in the circumstances to make a disabling order on an expedited basis.

Clause 20(6) will come into force after the amendments in clause 20(1) take effect. Clause 20(6) inserts the new sections 16BA and 16BB.

The new section 16BA allows the court to make a targeted interim notification order against an internet intermediary, on the application of the subject of an alleged false statement of fact, if the court is satisfied that there is prima facie evidence that any material consisting of or containing the alleged false statement has been or is being published by means of an internet intermediary service provided by the internet intermediary, the statement is a false statement of fact and publication of the specified material has caused or is likely to cause the subject harm, and it is just and equitable in the circumstances to make a targeted interim notification order.

The new section 16BB requires a person who is required to publish a targeted correction notice, a general correction notice or a targeted interim notice to ensure that it is easily perceived. A notice is easily perceived if the notice satisfies certain criteria, some of which have related illustrations.

Clause 20(7) repeals section 16C (inserted by clause 20(1)) and substitutes the new sections 16C, 16CA and 16CB.

The new section 16C sets out the persons who may appeal against a decision of a court in relation to orders made under the Act.

The new section 16CA allows a court to order the author of a false statement of fact (if the author authorised or caused the false statement to be published), or any person or entity that intentionally published the false statement or material consisting of or containing the false statement, to pay the reasonable costs incurred by a prescribed person or a prescribed internet intermediary in complying with an order.

The new section 16CB is identical to the repealed section 16C.

Clause 20(8) will come into force after the amendments in clause 20(1) take effect. Clause 20(8) inserts a new Part 3A relating to the Protection from Harassment Court.

The new section 16E provides for the Presiding Judge of the State Courts to designate one or more District Courts as Protection from Harassment Courts, and so many District Judges, as may be necessary, as Protection from Harassment Court Judges.

The new section 16F relates to the jurisdiction, powers and duties of the Registrar.

The new section 16G provides that the Protection from Harassment Court has all the civil jurisdiction and criminal jurisdiction of a District Court.

The new section 16H relates to the application of other written laws to the Protection from Harassment Court. In general, the State Courts Act and other written laws apply to the Protection from Harassment Court in the same manner as to a District Court, and references to a District Judge or a judicial officer include references to a Protection from Harassment Court Judge.

The new section 16I provides that Part 3 proceedings that may be heard and determined by a Protection from Harassment Court must ordinarily be commenced in that Court in the first instance. Part 3 proceedings may be commenced in the first instance in a District Court (other than the Protection from Harassment Court) in which any related proceeding is pending, with the leave of that court. The same applies to a Family Court, except that a claim under section 11 may not be commenced in the first instance in that court. A claim under section 11 (and no other Part 3 proceedings) may be commenced in the first instance in a Magistrate's Court or the High Court in which any related proceeding is pending, with leave of that court. Leave may be granted only if it is just, expeditious and economical for the disposal of the Part 3 proceedings, for the Part 3 proceedings to be commenced in that court. Civil proceedings other than Part 3 proceedings may be commenced in the first instance in the Protection from Harassment Court only if those civil proceedings are related to Part 3 proceedings that have been or will be commenced in that Court and are commenced in that Court on or after the commencement of the Part 3 proceedings. Civil proceedings may be commenced in a court, under the new section 16I, only if the civil proceedings are within the jurisdiction of that court.

The new section 16J provides for the transfer of Part 3 proceedings between the Protection from Harassment Court and other courts. In general, Part 3 proceedings pending in a District Court, a Magistrate's Court or a Family Court may be transferred to a Protection from Harassment Court if there is sufficient reason to do so. A District Court may also transfer other related civil proceedings to a Protection from Harassment Court if there is sufficient reason to do so. A Protection from Harassment Court may transfer Part 3 proceedings pending in that Court to other courts in which related civil proceedings or related family proceedings (as the case may be) are pending, if it is just, expeditious and economical for the disposal of the Part 3 proceedings. A Protection from Harassment Court may also transfer civil proceedings (other than Part 3 proceedings) to a Magistrate's Court or a District Court if there is sufficient reason to do so. Civil proceedings may be transferred to a court, under the new section 16J, only if the civil proceedings are within the jurisdiction of that court.

The new section 16J also defines “family proceedings” and states the circumstances in which proceedings are related to Part 3 proceedings, and clarifies the application of sections 54A, 54B, 54C and 54D of the State Courts Act in this context.

Clause 21 amends section 17 to clarify that the accused or the respondent may be an entity, and to make consequential amendments arising from the new offences relating to the publication of identity information.

Clause 22 amends section 18 by inserting a new subsection (2) to provide that a police officer may arrest without warrant any person reasonably suspected of having committed an offence under section 10(1), and take that person before a Magistrate’s Court to be dealt with according to law.

Clause 23 inserts a new section 18A to empower the Minister to amend the Schedule (inserted by clause 29) by order in the *Gazette*.

Clause 24 amends section 19 to provide for the making of Rules of Court in relation to civil proceedings under the Act and in the Protection from Harassment Court, and consequential amendments.

Clause 25 inserts a new section 19A to provide for Family Justice Rules to regulate and prescribe the procedure and practice to be followed by the Family Justice Courts in respect of civil proceedings under the Act.

Clause 26 repeals and re-enacts section 20 to provide for the Minister charged with the responsibility for health to make regulations relating to the treatment of a person under a mandatory treatment order made under section 13B.

Clause 27 inserts a new section 20A to require 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 to be presented to Parliament as soon as possible after publication in the *Gazette*.

Clause 28 amends section 21 to make consequential amendments.

Clause 29 inserts a new Schedule to specify the offences for the purposes of sections 12(2A)(a) and 13(1A)(a).

Clause 30 makes a related amendment to section 240 of the Criminal Procedure Code by inserting —

- (a) a new subsection (6) to require a Magistrate’s Court or District Court to stay proceedings and transfer a case involving an offence under the Protection from Harassment Act to a Protection from Harassment Court, in specified circumstances; and
- (b) an *Explanation* of section 240(6).

Clause 31 makes related amendments to the Family Justice Act 2014 —

- (a) to insert a new section 26(6A) to confer on the Family Court the jurisdiction and powers of a District Court to hear civil proceedings in relation to any claim or order under the Protection from Harassment Act, except any claim under section 11; and
- (b) to amend section 35(2)(b) of the Family Justice Act 2014 by excluding section 240(6) of the Criminal Procedure Code from the application of that section so that the Youth Court will not be required to transfer any criminal matters to the Protection from Harassment Court.

Clause 32 —

- (a) makes saving provisions to provide that sections 8 and 8A, as in force immediately before the date of commencement of the amendments made to those sections by this Act, continue to apply in relation to an individual or entity convicted of an offence committed before that date; and
- (b) empowers the Minister to make regulations of a saving and transitional nature.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
